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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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MAR 20 2019
SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Ralph King Anderson, III, Administrative Law Judge

Case No. 2019-000074

South Carolina Coastal Conservation League Appellant,

v.

South Carolina Department of Health and Environmental Control, KDP II, LLC, and
Kiawah Development Partners, II, Respondents.

**MOTION FOR LEAVE TO FILE BRIEF OUT OF TIME AND
FOR EXTENSION OF TIME FOR FILING INITIAL BRIEF AND
DESIGNATION OF MATTER**

TO: ALL PARTIES AND THE COURT OF APPEALS:

PLEASE TAKE NOTICE that the Appellant South Carolina Coastal Conservation League (“League”) hereby moves the Court of Appeals for leave to file its initial brief and designation of matter out-of-time and to extend the time for filing its initial brief and designation. The initial brief and designation were due on March 15, 2019 and the League seeks an extension of thirty days until April 15, 2019. This is the second extension request. Respondents KDP II, LLC and Kiawah Development Partners, II, and the South Carolina Department of Health and Environmental Control consent to the relief requested in this motion. The basis of this motion is as follows:

Counsel for the Coastal Conservation League became ill on March 11, with symptoms

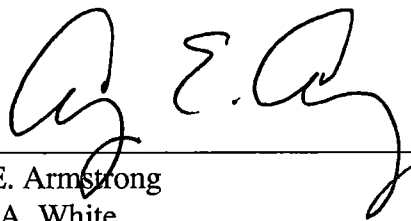
including a fever, chills, and extreme respiratory and sinus congestion. These symptoms caused counsel to seek medical attention, but despite medical intervention the illness lasted throughout the weekend, with some symptoms persisting through today. This illness significantly interfered with counsel's ability to work and, as a result, multiple deadlines and obligations were canceled, rescheduled or extended; however, counsel failed to take the necessary steps with respect to its initial brief and designation in this matter. Counsel is embarrassed that she missed a briefing deadline and failed to file a timely motion for extension of time for filing the initial brief and designation.

In addition to the illness, counsel has faced competing and unavoidable work demands. One of the small public interest firm's four attorneys left abruptly in early 2019, requiring counsel to hire and bring on-board new staff over the past six weeks. In addition, counsel has been in the process of seeking injunctive relief in a federal lawsuit, having filed a motion for preliminary injunction on February 28, and with a reply due on March 27. Due to the nature and imminence of the authorizations at issue in that matter – seismic blasting to explore for offshore oil and gas off our state's waters – counsel has had focus significant amounts of time and energy into seeking injunctive relief.

Moreover, preparation of the initial brief in this matter will be a major undertaking. The administrative law court hearing lasted a full seven days, resulting in a 4,181-page long transcript. Not only does this case entail a long and complicated factual framework, the regulatory framework under which the case arises is similarly complex. Because this appeal requires significant preparation, and due to other case demands, counsel has not been able to dedicate the time necessary to prepare their Initial Briefs and Designations of Matter and respectfully requests a thirty day extension.

Counsel for the Appellant Coastal Conservation League consulted with counsel for Respondent KDP II, LLC and Kiawah Development Partners II, Inc., and Respondent South Carolina Department of Health and Environmental Control, both of whom consent to the relief requested herein.

WHEREFORE, the Coastal Conservation League requests that this Court issue an order granting leave to file its initial brief and designation of matter out-of-time and extending the time to file its initial brief and designation of matter until April 15, 2019.



Amy E. Armstrong
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Georgetown, South Carolina

March 18, 2019

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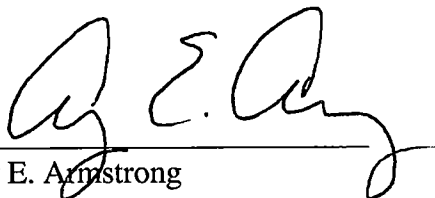
South Carolina Department of Health and Environmental Control, KDP II, LLC, and
Kiawah Development Partners, II, Respondents.

CERTIFICATE OF SERVICE

I hereby certify that on this date I served the foregoing Motion for Leave to File Brief Out of Time and For Extension of Time for Filing Initial Brief and Designation on all parties by placing copies of same in the U.S. Mail addressed to:

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Amy E. Armstrong

Georgetown, South Carolina

March 18, 2019



South Carolina Environmental Law Project

Lawyers for the Wild Side of South Carolina

a 501c3
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Honorable Jenny Abbott Kitchings
Clerk, S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: S.C. Coastal Conservation League v. SCDHEC, et al.;
Appellate Case No. 2019-000074

Dear Ms. Kitchings:

I am enclosing for filing the South Carolina Coastal Conservation League's Motion for Leave to File Brief Out of Time and for Extension for Filing Brief and Designation, together with my certificate of service and a check for the filing fee.

Please return a clocked-in copy of the motion in the enclosed envelope. Thank you for your kind consideration and assistance with this matter.

Yours very truly,


Amy E. Armstrong

cc: Brad Churdar Esquire
G. Trenholm Walker, Esquire
Thomas Gressette, Esquire

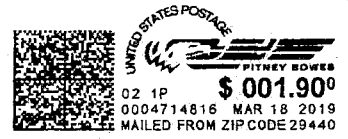
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