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STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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

APR 16 2019

Case No. 2019-000074

SC Court of Appeals

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 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 an extension of time for filing its initial brief and designation. The initial brief and designation are due on April 15, 2019 and the League seeks an extension of thirty days until May 15, 2019. This is the third extension request.

The basis of this motion is as follows:

Counsel for the Coastal Conservation League has experienced a confluence of events and circumstances since filing the notice of appeal in this case that have significantly interfered with and impaired her ability to commit the time and focus necessary to preparing her initial brief. Specific to this motion, counsel lost a close and dear friend to melanoma on April 6. Counsel

was part of a group that agreed to check in on the friend beginning in late March because her husband was traveling out-of-town. The friend took a turn for the worse in early April and on April 3, hospice was called in to provide end-of-life care. On April 6, my 45 year-old friend lost her battle to cancer and on April 11, we held a service celebrating her life. This loss has taken an emotion toll on counsel, as it is the third death of a close, and relatively young, friend within 14 weeks.

While this tragedy in and of itself has been quite difficult, counsel has had other unanticipated interferences. Counsel is the executive director of a 7-employee public interest environmental law firm, responsible for overseeing and managing all aspects of the organization, including the legal work, finances, fundraising, communications and human resources. On this last point, the firm has experienced major staff changes that have greatly contributed to diverting counsel's attention from this important brief. In particular, two long-time employees resigned since the start of 2019, requiring counsel to place job postings, review applications, conduct interviews and hire for those two positions. In addition, in the past two months counsel has sought to fill two new additional positions to meet the organization's demand for greater capacity. All new employees have been or will need on-boarding. At base, with a nearly 50% change in staffing, counsel's organizational management responsibilities have been extremely demanding.

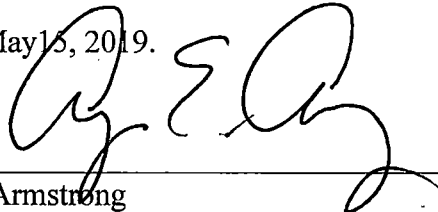
An illness that lasted well over a week in early March only compounded counsel's struggle to keep up with the combined demands of practicing law and running a nonprofit organization, both of which have been particularly grueling since the start of 2019. Counsel is particularly mindful of the South Carolina Bar's emphasis on the mental health of its members in light of the demands and stressors that often accompany the practice. Counsel has taken the

SAMH CLE's to heart and is attempting to regain a healthy balance, without jeopardizing her physical or mental health to the extent practicable. This motion is sought in furtherance of these efforts.

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.

Counsel for the Appellant Coastal Conservation League consulted with counsel for Respondent South Carolina Department of Health and Environmental Control who consents to this request. Counsel for the League sought to consult with counsel for Respondent KDP II, LLC and Kiawah Development Partners II, Inc., but had not received a response at the time of filing.

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 May 15, 2019.



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Conservation League

Georgetown, South Carolina  
April 12, 2019

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Kiawah Development Partners, II, ..... Respondents.

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**CERTIFICATE OF SERVICE**

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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:

Brad Churdar  
S.C. Dept. of Health and Env'tl. Control  
1362 McMillan Avenue, Suite 400  
Charleston, SC 29405

Trenholm Walker  
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Amy E. Armstrong

Georgetown, South Carolina

April 12, 2019



# South Carolina Environmental Law Project

Lawyers for the Wild Side of South Carolina

April 12, 2019

a 501c3  
non-profit organization

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

**Amy E. Armstrong**  
Executive Director  
**Michael G. Corley**  
Staff Attorney  
**Amelia A. Thompson**  
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Re: S.C. Coastal Conservation League v. SCDHEC, et al.;  
Appellate Case No. 2019-000074

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Josh Eagle, Esq.

Dear Ms. Kitchings:

I am enclosing for filing the South Carolina Coastal Conservation League's Motion 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.

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APR 16 2019

SC Court of Appeals

Yours very truly,

Amy E. Armstrong

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

S.C. Environmental Law Project  
Post Office Box 1380  
Pawleys Island, SC 29585



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