

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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SC Court of Appeals

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

Docket No. 15-ALJ-07-0369-CC
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.

**REPLY ON MOTION FOR EXTENSION OF TIME FOR FILING
INITIAL BRIEF AND DESIGNATION OF MATTER
AND FOR LEAVE TO FILE A BRIEF IN EXCESS OF
THE PAGE LIMITS OF SCACR RULE 208(B)(5)**

The Appellant South Carolina Coastal Conservation League (“League”) hereby submits this Reply on the Appellant’s Motion for Extension of Time, dated May 13, 2019, following the Return by Respondents KDP II, LLC and Kiawah Development Partners, II (“KDP”), dated May 23, 2019.

As an initial matter, a greater than 50% staff turnover and on-boarding of new employees is significant by any measure. This is particularly true, where, as here, counsel are a small, public interest law firm that maintains a heavy case load in addition to the duties and obligations associated with operating a public interest law firm under IRS 501(c)(3) guidelines. As outlined

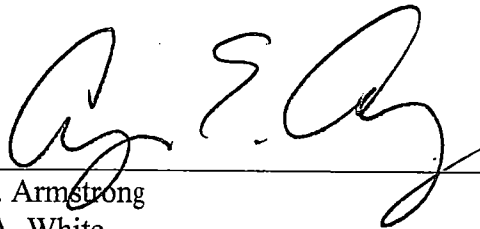
in the motion, two long-time employees have resigned and four new employees have been hired all within the past five months. The hiring process alone diverted substantial time and resources and constituted a major setback in accomplishing the level and amount of focused work necessary for an opening brief. And coupled together with competing deadlines in other matters, personal illnesses and the loss of loved ones, counsel's ability to dedicate the requisite time, energy and attention toward its brief has been severely impacted. Indeed, substantial progress is being made; however, the effects of the setbacks described in counsel's motions are long-lasting and interfered with counsel's ability to complete the brief despite her best efforts and intentions.

Even since the filing of the motion, counsel suffered another significant loss when her friend and regular walking and fishing partner, Marc Wrenn, died suddenly and unexpectedly of a massive heart attack yesterday, May 28. Counsel declined an invitation to go fishing with this friend over Memorial Day weekend so that she could work on the initial brief in this case, a decision which she now regrets. Counsel cannot overstate the ramifications that the deaths of three of her close friends, with whom she consistently and frequently spoke and spent time, within the last six months has had on her both personally and professionally. The spate of deaths is unusual and extraordinary from counsel's perspective, and they have taken a personal toll on her.

While the death of loved ones, illnesses and medical emergencies, in and of themselves, may be of relatively short duration (as counsel for KDP states), the personal toll of such experiences are not. Rather, when all of one's time is taken toward those human needs for even a week, it disrupts one's entire life and work flow, which inevitably causes backlogs and requires a shifting of responsibilities, both personally and organizationally. In fact, that counsel only recently filed the motion to transfer this matter to the Supreme Court (despite having sought

consent from the Respondents many months ago) further evidences the disturbance to existing obligations with which she has been working, contrary to KDP's assertion otherwise.

Counsel has been striving in good faith to meet its filing deadlines in this case and each request for additional time was submitted as such, and not requested casually. Indeed, as indicated in the motion, counsel has made significant progress in drafting the initial brief and designation to the point that she also recognized the need and moved for an allowance of fifteen (15) additional pages to fully brief the issues to the Court. Counsel is acutely aware of the Court's reluctance to grant extensions absent extraordinary circumstances and did not file the latest motion lightly but instead with painstaking honesty in order to fulfill her duties to this Court while also fully and fairly representing her client's best interests in this matter. Accordingly, counsel respectfully submits that she has demonstrated the existence of extraordinary circumstances to justify an additional extension of time to complete the Appellant's brief.



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May 29, 2019

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Ralph King Anderson, III, Administrative Law Judge

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Appellate 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.

CERTIFICATE OF SERVICE

I hereby certify that on this date I served the foregoing Reply on Motion for Extension of Time and to Exceed the Page Limits for Filing Appellant's Initial Brief and Designation on all parties by placing copies of same in the U.S. Mail addressed to:

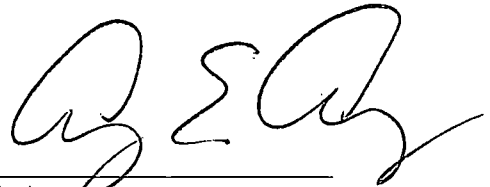
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SC Court of Appeals



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May 29, 2019



South Carolina Environmental Law Project

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a 501c3
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Re: S.C. Coastal Conservation League v. SCDHEC, et al.;
Appellate Case No. 2019-000074

Dear Ms. Kitchings:

I am enclosing for filing the original and seven (7) copies of South Carolina Coastal Conservation League's Reply on Motion for Extension, together with my certificate of service.

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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Yours very truly,


Amy E. Armstrong

cc: Brad Churdar Esquire
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