

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

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

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.

AMENDED
MOTION OF RESPONDENT KDP II, LLC, TO CORRECT CAPTION
TO REPLACE KIAWAH DEVELOPMENT PARTNERS II
WITH KRA DEVELOPMENT, LP

Respondent KDP II, LLC, with the consent of all parties, hereby moves this Court to amend
the caption of this appeal. The grounds for this Motion are that:

- KDP II, LLC, was a respondent in the ALC case below and is properly named in the caption of this appeal;
- Kiawah Development Partners, II has been erroneously named in the appeal caption. Kiawah Development Partners, II was not a party to the proceeding below and should not be a respondent in this appeal;
- KRA Development, LP, is the recipient of one or more of the permits under appeal and was a party in the proceeding below but is not named in the caption;
- Kiawah Development Partners II was inadvertently named as a party in the caption instead of KRA Development, LP in some of the filings with this Court including the Notice of Appeal;

- KRA Development, LP, does not currently appear in the caption of this appeal and should be substituted for Kiawah Development Partners II, and,
- The correct caption appears on the Appellant's Initial Brief.

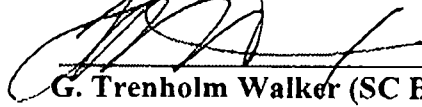
WHEREFORE, Respondent KDP II, LLC, with the consent of all parties, asks this Court to correct the caption of this appeal accordingly to remove Kiawah Development Partners, II as a named respondent and correct the caption to replace it with KRA Development, LP as a named respondent in its place.

The corrected caption for this Appeal would be *South Carolina Coastal Conservation League, Appellant, v. South Carolina Department of Health and Environmental Control and KDP, II, LLC, KRA Development, LP, Respondents*, Appellate Court Case 2019-000074.

FURTHER, in order for clerical errors in two of the Orders on Appeal to be corrected to properly identify the Respondent KRA Development, LP, KDP II, LLC seeks leave of this Court, pursuant to SCALC Rule 67, to petition the Administrative Law Court for the required corrections and asks this Court grant the Administrative Law Court limited jurisdiction for the purpose of correcting the errors in the ALC's Amended Final Order, dated December 14, 2018 and the ALC's Order Denying Motion for Reconsideration, dated December 14, 2018. The caption of both Orders and the text should be corrected to refer to KRA Development, LP instead of to Kiawah Development Partners II.

Counsel of record have been consulted regarding this Motion and have no objections to the Court granting the requested relief.

Respectfully submitted,



G. Trenholm Walker (SC Bar ID #5777)

Direct: (843)-727-2208

Email: Walker@WGFLAW.com

Thomas P. Gressette, Jr. (SC Bar ID #14065)

Direct: (843)-727-2249

Email: Gressette@WGFLAW.com

WALKER GRESSETTE FREEMAN & LINTON, LLC

Mail: PO Box 22167, Charleston, SC 29413

Office: 66 Hasell Street, Charleston, SC 29401

Phone: 843-727-2200

**ATTORNEYS FOR RESPONDENTS KDP II, LLC
and KRA DEVELOPMENT, LP**

October ____, 2019
Charleston, South Carolina

THE STATE OF SOUTH CAROLINA
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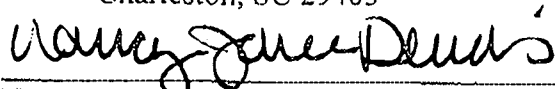
South Carolina Department of Health and Environmental Control,
KDP II, LLC, and Kiawah Development Partners, II, Respondents.

PROOF OF SERVICE

The undersigned hereby certifies that on this 21st day of October, 2019, a copy of Respondent **KDP II, LLC'S AMENDED CONSENT MOTION TO CORRECT CAPTION TO REPLACE KIAWAH DEVELOPMENT PARTNERS II WITH KRA DEVELOPMENT, LP** was served on counsel of record, by placing same in the United States Mail, first class postage prepaid to the following:

Amy E. Armstrong, Esq.
Jessie A. White, Esq.
S.C. Environmental Law Project
P.O. Box 1380
Pawleys Island, SC 29585

Bradley D. Churdar, Esq.
S.C. Department of Health and
Environmental Control
1362 McMillan Ave., Suite 400
Charleston, SC 29405



Nancy Jane Dennis
Paralegal

Charleston, South Carolina