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February 22, 2013

RECEIVED

FEB 22 2013

S.C. Supreme Court

VIA HAND DELIVERY

The Honorable Daniel E. Shearouse
Clerk of Court
South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

Re: Upstate Forever v. S.C. Dep't of Health & Env'tl. Control and Greenville Water,
Case No. 09-ALJ-07-0226-CC
Appellate Case No. 2012-213483

Dear Mr. Shearouse:

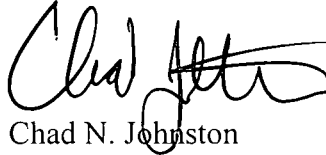
On behalf of the Respondents South Carolina Department of Health and Environmental Control and Greenville Water System (collectively Respondents) and pursuant to Rules 213 and 240 of the South Carolina Appellate Court Rules (SCACR), enclosed for filing please find an original and seven copies of the joint **Motion to Dismiss or Strike the Amicus Brief of Trout Unlimited**, by Respondents in the above-captioned appeal on the ground that the amicus brief attaches exhibits which are not a part of the record on appeal and attempts to interject issues beyond the scope of the Court's review. Also enclosed is a check in the amount of \$25.00 in payment of the motions filing fee. Please acknowledge receipt of this motion by file-stamping the additional copy of the motion and returning it to me via our courier.

Additionally, it is Respondents' interpretation of Rule 240(b), SCACR, that a Motion to Dismiss or Strike is one of two dispositive motions that stay the time limits for all pending matters pertaining to the motion, including the filing of Respondents' return to the brief, pending final resolution of the motion. Consequently, unless the Court directs Respondents otherwise, Respondents will proceed under the Court's previous interpretation of Rule 240(b). Respondents would request, however, that, should the pending Motion to Dismiss or Strike be denied, Respondents' time period for filings its Return to the Amicus would commence upon the date of service of the Court's order denying the motion to dismiss or strike.

By copy of this letter, I am serving amicus counsel, Frank S. Holleman, III, and David D. Armstrong, as well as Petitioners counsel of record Amy E. Armstrong and Michael G. Corley, and enclose a Proof of Service to that effect. If you have any questions or need additional information, please contact me at your convenience. With best regards, I am

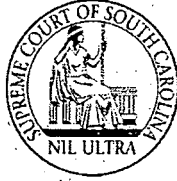
Respectfully,

WILLOUGHBY & HOEFER, P.A.



Chad N. Johnston

cc: Frank S. Holleman, III, Esquire (via first-class mail)
David D. Armstrong, Esquire (via first-class mail)
Amy E. Armstrong, Esquire (via first-class mail)
Michael G. Corley, Esquire (via first-class mail)
Stephen P. Hightower, Esquire (via first-class mail)
Gene C. McCall, Jr., Esquire (via first-class mail)



The Supreme Court of South Carolina

Willoughby & Hoefler

02/25/2013

RECEIPT #67361

Case No: 2012-213483
Case Short Title: Upstate Forever v. SCDHEC
Event:
Fee Type: Motion Fee
Amount: \$25.00
Payment Type: Check
Reference No: 21115
Check/Money Order Date: 02/22/2013
Comments: