

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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MAR 13 2020
SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Shirley C. Robinson, Administrative Law Judge

Appellate Case No. 2017-000066

Pickens County, Respondent,

v.

South Carolina Department of Health and Environmental Control and
MRR Pickens, LLC..... Petitioners.

**PETITIONERS' JOINT MOTION FOR EXTENSION OF TIME
TO FILE PETITION FOR WRIT OF CERTIORARI**

Pursuant to Rules 240, 242, and 263(b), of the South Carolina Appellate Court Rules, Petitioners South Carolina Department of Health and Environmental Control (DHEC) and MRR Pickens, LLC (MRR) (collectively, Petitioners) respectfully and jointly move this Court for an extension of time to file a Petition for Writ of Certiorari to the Court of Appeals of its decision in this matter, *Pickens County v. South Carolina Department of Health and Environmental Control and MRR Pickens, LLC*, Op. No. 5707 (S.C. Ct. App. filed Jan. 8, 2020) (Shearouse Ad. Sh. No. 2 at 25). In support of this motion, Respondents state as follows:

1. The Court of Appeals filed a published opinion in the above-captioned matter, Opinion No. 5707, on January 8, 2020, reversing and remanding the matter to the Administrative Law Court.

2. Respondents filed a timely Petition for Rehearing with the Court of Appeals on January 23, 2020, which was denied by Order dated February 14, 2020.

3. Under Rule 242(c), SCACR, a petition for writ of certiorari to the opinion of the Court of Appeals is due to be filed on or before March 16, 2020.

4. By separate filing, the undersigned is noticing an appearance in this matter on behalf of MRR for the first time. Accordingly, to have adequate time to review the record on appeal in this matter, and consistent with other work obligations conflicting with the current deadline, counsel for Petitioners MRR and DHEC jointly request an extension of an additional ten (10) days to file a Petition.

5. If the Court grants this request, Counsel for the Petitioners calculates that they will have until March 26, 2020, in which to file a Petition for Writ of Certiorari.

6. This is the first request for an extension by Petitioners to this Court, and the time period requested is consistent with Supreme Court Order 2014-07-16-01.

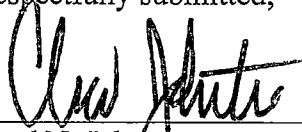
7. This request is made in good faith, not for purposes of delay, and Respondent Pickens County will not be prejudiced by this extension.

8. Counsel for the Petitioners have consulted with Counsel for the Respondent, and the undersigned is authorized to state that Respondent consents to the granting of this request.

Counsel for Petitioners DHEC and MRR therefore respectfully request that the Court grant this Motion and extend the time for filing a Petition for Writ of Certiorari to the Court of Appeals until March 26, 2020.

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,



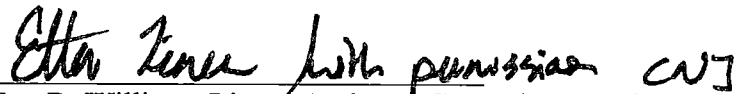
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Attorneys for Petitioner MRR Pickens, LLC



Etta R. Williams Linen, Assistant General Counsel
Karen C. Ratigan
**SOUTH CAROLINA DEPARTMENT OF
HEALTH AND ENVIRONMENTAL CONTROL**
2600 Bull Street
Columbia, South Carolina 29201

*Attorneys for Petitioner South Carolina Department of
Health and Environmental Control*

Columbia, South Carolina
March 12, 2020

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CERTIFICATE OF SERVICE


This is to certify that I, Elizabeth Kurtz, a paralegal with the law firm Willoughby & Hoefler, P.A., have caused to be served this day one (1) copy of Petitioner MRR Pickens, LLC's **Notice of Appearance** and the **Joint Motion for Extension of Time** for Petitioners MRR Pickens, LLC and South Carolina Department of Health and Environmental Control by placing same in the care and custody of the United States Postal Service with first class postage affixed thereto and addressed as follows::

Gary W. Poliakoff, Esquire
Poliakoff & Associates, P.A.
P.O. Box 1571
Spartanburg, SC 29304

Amy E. Armstrong, Esquire
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P.O. Box 1380
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Michael G. Corley, Esquire
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P.O. Box 5761
Greenville, SC 29606

Etta R. Williams Linen, Esquire
Karen C. Ratigan, Esquire
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201



Elizabeth Kurtz

Columbia, South Carolina
This 12th day of March, 2020

WILLOUGHBY & HOEFER, P.A.

ATTORNEYS & COUNSELORS AT LAW

MITCHELL M. WILLOUGHBY
JOHN M.S. HOEFER
RANDOLPH R. LOWELL**
TRACEY C. GREEN
CHAD N. JOHNSTON
ELIZABETH ZECK*
ELIZABETHANN L. CARROLL
JOHN W. ROBERTS
R. WALKER HUMPHREY, II***
ANDREW R. HAND****
J. JOSEPH OWENS

ELIZABETH S. MABRY
J. PATRICK HUDSON
OF COUNSEL

JOSEPH H. FARRELL, III
SPECIAL COUNSEL

*ALSO ADMITTED IN TEXAS
**ALSO ADMITTED IN WASHINGTON, D.C.
***ALSO ADMITTED IN CALIFORNIA
****ALSO ADMITTED IN NORTH CAROLINA

March 12, 2020

VIA HAND DELIVERY

The Honorable Daniel E. Shearouse
Clerk of Court
South Carolina Supreme Court
1231 Gervais Street
Columbia, South Carolina 29201

RE: *Pickens County v. S.C. DHEC and MRR Pickens, LLC*;
Appellate Case No. 2017-000066

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Dear Mr. Shearouse:

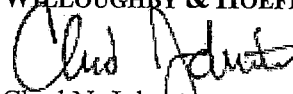
Enclosed for filing, please find the original and one (1) copy of the **Notice of Appearance** of Chad N. Johnston, Esquire and R. Walker Humphrey, Esquire, on behalf MRR Pickens, LLC, in the above-captioned matter. Please note that all existing counsel for MRR Pickens, LLC, remain additional counsel of record.

In addition, pursuant to Rules 240, 242, and 263(b), SCACR, enclosed for filing please find an original and seven (7) copies of the Joint Motion for Extension of Time for Petitioners MRR Pickens, LLC and South Carolina Department of Health and Environmental Control to file a Petition for Writ of Certiorari to the Court of Appeals of its decision in this matter, *Pickens County v. South Carolina Department of Health and Environmental Control and MRR Pickens, LLC*, Op. No. 5707 (S.C. Ct. App. filed Jan. 8, 2020) (Shearouse Ad. Sh. No. 2 at 25). Also enclosed is our filing fee check in the amount of fifty dollars (\$50). I would appreciate it if you would acknowledge receipt of these document by file stamping the enclosed extra copies and returning them to me via our courier.

If you have any questions or if you need any additional information, please do not hesitate to contact me. With best regards, I am,

Very truly yours,

WILLOUGHBY & HOEFER, P.A.


Chad N. Johnston

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The Honorable Daniel E. Shearouse

March 12, 2020

Page 2 of 2

cc: The Honorable Jenny Abbott Kitchings (via U.S. Mail with enclosure)
Gary W. Poliakoff, Esquire (via U.S. Mail with enclosure)
Amy E. Armstrong, Esquire (via U.S. Mail with enclosure)
Michael G. Corley, Esquire (via U.S. Mail with enclosure)
Etta R. Linen, Esquire (via U.S. Mail with enclosure)
Karen C. Ratigan, Esquire (via U.S. Mail with enclosure)
Jessica J.O. King, Esquire (via U.S. Mail with enclosure)
Robert F. Goings, Esquire (via U.S. Mail with enclosure)



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TO:
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Clerk of Court
South Carolina Court of Appeals
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