

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

Aug 20 2020

SC Court of Appeals

Appeal from the
ADMINISTRATIVE LAW COURT
The Honorable Shirley C. Robinson, Administrative Law Judge

Appellate Case No. 2020-00837
Docket No. 19-ALJ-17-0001-CC

Eighteen Ink, LLC, d/b/a Group Therapy.....Respondent,

v.

South Carolina Department of Revenue.....Respondent,

and

Thomas R. Gottshall, April C. Lucas, and Michael DrennanIntervenors, Appellants.

**INTERVENORS, APPELLANTS GOTTSHALL, LUCAS AND DRENNAN'S
(THIRD) MOTION TO EXTEND TIME TO FILE INITIAL BRIEF**

Intervenors, Appellants Thomas R. Gottshall, April C. Lucas, and Michael Drennan respectfully move the Court pursuant to Rule 263(b) of the appellate court rules to extend their time to file an initial brief by another 30 days.

While the undersigned is somewhat chagrin to seek this third briefing extension, it is necessary due to counsel's involvement in another matter taken yesterday in the original jurisdiction of the South Carolina Supreme Court styled Duggins v. Lucas, No. 20-001042, which requires counsel to immediately stop work on this appeal in order to meet the Supreme Court's briefing order (attached here as **Exhibit A**). The procedural history here is as follows.

On April 29, 2020, the Administrative Law Court (ALC) entered a final Order. This appeal was noticed on May 26, 2020. Appellants were already in receipt of the transcript, therefore their initial deadline to file a brief was June 25, 2020. See Rule 208(a)(1), SCACR. On June 23, 2020, Appellants moved the Court to extend that deadline by 30 days, and that motion was granted, setting the new deadline as July 27, 2020. On July 22, 2020, Appellants sought a second extension of 30 days, which was granted in an order filed on July 28, 2020, thus extending Appellants' deadline to on or before August 26, 2020.

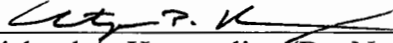
Meanwhile, on July 31, 2020, the undersigned petitioned the Supreme Court for original jurisdiction and emergency relief in the Duggins matter, which generally alleges that the legislature has failed to enact election procedures sufficient to conduct a free and open election secure from tumult, as required by the South Carolina Constitution. On August 19, 2020, the Supreme Court granted the petition for original jurisdiction and ordered the Duggins petitioners to file a brief by noon on August 25, 2020—one day before Appellants' deadline here. Accordingly, Appellants counsel has necessarily stopped work on this matter and cannot meet the current briefing deadline.

Accordingly, Appellants respectfully seek 30 additional days to file an initial brief and designation of matter. If granted, the new briefing deadline would be September 25, 2020. The undersigned will endeavor to submit a brief in this case prior to September 25; however, given the fluid and emergency nature of the Duggins matter and counsel's obligations in other representations, Appellants respectfully seek an additional 30 days here.

Prior to filing this motion, the undersigned consulted with counsel for Respondents Eighteen Ink, LLC, d/b/a Group Therapy and South Carolina Department of Revenue who indicated they do not object to the relief sought here.

For the foregoing reasons, this motion should be granted.

Respectfully submitted,


Richard A. Harpootlian (Bar No. 2725)
Christopher P. Kenney (Bar No. 100147)
RICHARD A. HARPOOTLIAN, P.A.
1410 Laurel Street (29201)
Post Office Box 1090
Columbia, South Carolina 29202
(803) 252-4848
(803) 252-4810 (facsimile)
rah@harpootlianlaw.com
cpk@harpootlianlaw.com

ATTORNEYS FOR INTERVENORS,
APPELLANTS GOTTSALL, LUCAS
AND DRENNAN

August 20, 2020
Columbia, South Carolina.

Exhibit A

(Order, Duggins v. Lucas,
No. 2020-001042 (S.C. Aug. 19, 2020))

The Supreme Court of South Carolina

Regina Duggins and Chaunta R. Hamilton, Petitioners,

v.

Jay Lucas, in his capacity as Speaker of the House of Representatives and Harvey Peeler, in his capacity as President of the Senate, Respondents,

and

South Carolina Election Commission,
Respondent/Nominal Defendant.

Appellate Case No. 2020-001042

ORDER


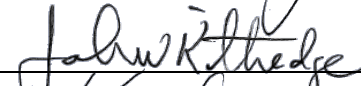



Petitioners ask this Court to hear this matter in our original jurisdiction. The petition is granted. We dispense with the filing of any answer or other responsive pleading, and direct the following:

- (1) Petitioners shall serve and file their brief by noon on August 25, 2020.
- (2) Respondents shall serve and file their brief(s) by noon on August 31, 2020.
- (3) Any reply brief by Petitioners shall be served and filed by noon on September 3, 2020.
- (4) This matter will be scheduled for oral argument on September 18, 2020.

While no initial briefs will be filed in this case, the content of the briefs shall, to the extent possible, comply with the requirements of Rule 208(b), SCACR.

Further, due to the short periods provided by this order, the briefs shall be served on opposing counsel by e-mail in the manner provided by section (g)(3) of this Court's Order dated March 29, 2020,¹ and the brief filed with this Court shall be filed using One-Drive or e-mail filing as provided in sections (c)(5) and (6) of the Order of March 29, 2020.

Finally, the motion to dismiss filed by Respondent Peeler is denied without prejudice to his ability to argue for dismissal in his brief.

	C.J.
	J.
	J.
	J.
	J.

Columbia, South Carolina
August 19, 2020

cc: Christopher Phillip Kenney, Esquire
Shaundra Young Scott, Esquire
Alan McCrory Wilson, Esquire
Harrison D. Brant, Esquire
Kenneth M. Moffitt, Esquire
Kevin A. Hall, Esquire
Matthew Todd Carroll, Esquire
Robert E. Tyson, Jr., Esquire
Robert E. Stepp, Esquire
Vordman Carlisle Traywick, III, Esquire
William Grayson Lambert, Esquire

¹ This order, which is entitled "Operation of the Appellate Courts During the Coronavirus Emergency," was last amended on May 29, 2020, is available at <https://www.sccourts.org/whatsnew/displaywhatsnew.cfm?indexID=2505>.

Mary Elizabeth Crum, Esquire
Jane W. Trinkley, Esquire

RECEIVED

Aug 20 2020

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

On appeal from
THE ADMINISTRATIVE LAW COURT
The Honorable Shirley C. Robinson, Administrative Law Judge

Appellate Case No. 2020-00837
Docket No. 19-ALJ-17-0001-CC

Eighteen Ink, LLC, d/b/a Group Therapy.....Respondent,

v.

South Carolina Department of Revenue.....Respondent,

and

Thomas R. Gottshall, April C. Lucas, and Michael DrennanIntervenors, Appellants.

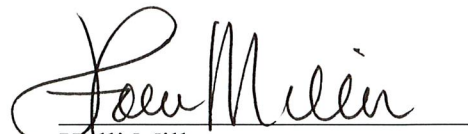
CERTIFICATE OF SERVICE

I, Holli Miller, Paralegal to the attorneys for Richard A. Harpootlian, P.A., representing Intervenors, Appellants Thomas R. Gottshall, April C. Lucas and Michael Drennan with offices at 1410 Laurel Street, Post Office Box 1090, Columbia, South Carolina 29202, certify that on August 20, 2020 served the following document to the below mentioned persons:

Document: Intervenors, Appellants Gottshall, Lucas and Drennan’s Third Motion to Extend Time to File Initial Brief

Served: Patrick McCabe
SC Department of Revenue
Post Office Box 12265
Columbia, South Carolina 29211

Bakari Sellers
John Alphin
The Strom Law Firm
2110 North Beltline Blvd.
Columbia, SC 29204


Holli Miller



HARPOOTLIAN
ATTORNEYS AT LAW

RICHARD A. HARPOOTLIAN
RAH@HARPOOTLIANLAW.COM

CHRISTOPHER P. KENNEY
CPK@HARPOOTLIANLAW.COM

PHILLIP D. BARBER
PDB@HARPOOTLIANLAW.COM

JAMIE L. HARPOOTLIAN*
OF COUNSEL

*ADMITTED ONLY IN LOUISIANA

OFFICE
1410 LAUREL STREET
COLUMBIA, SC
29201

MAILING ADDRESS
POST OFFICE BOX 1090
COLUMBIA, SC
29202

DIRECT CONTACT
TELEPHONE (803) 252-4848
FACSIMILE (803) 252-4810
TOLL FREE (866) 706-3997

ONLINE
HARPOOTLIANLAW.COM

August 20, 2020
VIA ONEDRIVE

RECEIVED

Aug 20 2020

SC Court of Appeals

The Hon. Jenny Abbott Kitchings
Clerk of Court
The South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

In re: Eighteen Inc., LLC d/b/a Group Therapy v. South Carolina Department of Revenue
Appellate Case No. 2020-00837

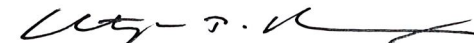
Dear Ms. Kitchings:

Enclosed please find Intervenor, Appellants Gottshall, Lucas and Drennan's Third Motion to Extend Time to File Initial Brief.

By copy of this letter, I am serving counsel of record with a copy of the same.

With warmest personal regards, I am

Sincerely,


Christopher P. Kenney

/hm

Enclosure

cc: (via email only)
Bakari Sellers, Esq.
John Alphin, Esq.
Patrick McCabe, Esq.