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Oct 23 2020

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

Docket No. 18-ALJ-07-0047-CC
Appellate Case No. 2020-001090

Ex Parte: South Carolina Conservation LeagueAppellant,

In Re:

KDP, II, LLC, Respondent,Respondent,

v.

South Carolina Department of Health and Environmental ControlRespondent.

**MOTION FOR EXTENSION OF TIME FOR FILING
INITIAL BRIEF AND DESIGNATION OF MATTER**

TO: ALL PARTIES AND THE COURT OF APPEALS:

PLEASE TAKE NOTICE that the Appellant hereby moves the Court of Appeals for an extension of time for filing its initial brief and designation of matter. The initial brief and designation are due on October 28, 2020, and the League seeks an extension of thirty days until November 30, 2020. This is the third extension request.

As raised in the second extension request, undersigned counsel underwent a surgical procedure on September 8, which was followed by complications that have prevented her from

being able to work normal hours for the past approximately 5 ½ weeks. Specifically, counsel has been ordered by her physician to remain out of her wheelchair, which she uses for mobility, as much as possible, which has significantly hindered her ability to research and draft the brief. Counsel has made marked improvements over the last 1 ½ weeks and was beginning to focus on preparing the brief when she learned on October 16 that the director of her firm's Upstate office, and the sole employee in that office, was resigning. Negotiating departure terms, as well as taking the necessary steps to fill the empty position, have stymied undersigned's ability to turn attention to the brief this past week.

Co-counsel on this case has experienced the same diminished efficiency as many other parents who have been forced to shift school and childcare arrangements on account of the health crisis. In addition, co-counsel is responsible for drafting a proposed order in an administrative appeal of an agency permit for which she was the lead attorney, which is due in the upcoming weeks. For these reasons, both counsel have been unable to commit the necessary time needed to adequately prepare the initial brief in this matter, and undersigned submits that the requested 30-day extension is appropriate.

Counsel for Appellant has consulted with counsel for Respondents, both of whom consent to the requested extension.

WHEREFORE, the Appellant requests that this Court issue an order extending the time to file its initial brief and designation of matter until November 30, 2020.

Amy E. Armstrong
Leslie S. Lenhardt
SOUTH CAROLINA ENVIRONMENTAL LAW
PROJECT

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Attorneys for the Appellants

Georgetown, South Carolina

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Ex Parte: South Carolina Conservation LeagueAppellant,

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KDP, II, LLC, Respondent,Respondent,

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South Carolina Department of Health and Environmental ControlRespondent.

CERTIFICATE OF SERVICE

I hereby certify that on this date I served Appellant’s motion for extension for filing Appellant’s initial brief and designation of matter on all parties by emailing a copy of same, on October 23, 2020, to the Attorney Information System provided email addresses below, via the attached E-mail:

Trenholm Walker
walker@wgflaw.com

s/ Amy E. Armstrong
Amy Armstrong

Tom Gressette
gressette@wgflaw.com

Georgetown, SC
October 23, 2020

Sallie Phelan
phelansp@dhec.sc.gov

Case No. 2020-001090; Motion for Extension

From: Amy Armstrong <amy@scelp.org>
To: Sallie Phelan <phelansp@dhec.sc.gov>, Tom Gressette <Gressette@WGFLAW.com>, Trenholm Walker <Walker@WGFLAW.com>
Cc: Leslie Lenhardt <leslie@scelp.org>
Subject: Case No. 2020-001090; Motion for Extension
Date: Friday, October 23, 2020 5:09 PM
Size: 533 KB

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Counsel,

As permitted by part (g)(3) of Supreme Court Order 2020-05-29-02, I am herewith serving via E-mail the Appellant's third motion for extension of time for serving the initial brief and designation of matter in the above-captioned appeal. Shortly, I will be filing these documents with the Court of Appeals electronically as permitted by part (c)(5) of the Order, and will attach this E-mail to the certificate of service of same.

Many thanks,
Amy

Amy E. Armstrong
South Carolina Environmental Law Project
P.O. Box 1380
Pawleys Island, SC 29585
Phone: (843) 527-0078
amy@scelp.org

transmittal third extension.pdf 349 KB

Case No. 2020-001090 motion for extension 3.pdf 38 KB



South Carolina Environmental Law Project

Lawyers for the Wild Side of South Carolina

a 501c3
non-profit organization

October 23, 2020

Amy E. Armstrong
Executive Director
Michael G. Corley
Upstate Director
Benjamin D. Cunningham
Staff Attorney
Leslie S. Lenhardt
Staff Attorney
Lauren Megill Milton
Lucey Law Fellow

Honorable Jenny Abbott Kitchings
Clerk, S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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SC Court of Appeals

MAIN OFFICE
407 Church Street
Unit E
Georgetown, SC 29440

RE: Ex Parte Coastal Conservation League;
Appellate Case No. 2020-001090

CONTACTS
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Dear Ms. Kitchings:

I am filing the Appellant's unopposed third Motion for Extension along with my certificate of service showing that I have served the parties by via email.

P.O. Box 5761
Greenville, SC 29606
(864) 412-7921
michael@scelp.org

Thank you for you kind consideration and assistance with this matter.

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Leon Rice, Esq.

Yours very truly,


Amy E. Armstrong

cc: G. Trenholm Walker, Esq.
Thomas P. Gressette, Jr., Esq.
Sallie P. Phelan, Esq.

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