

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Appeal from the Circuit Court of Charleston County, South Carolina

Mikell R. Scarborough, Circuit Court Judge

Case No. 2020-000937

City of Folly Beach, et al, Appellants,

v.

State of South Carolina, et al., Respondents.

RESPONDENTS' MOTION TO EXTEND TIME
TO FILE INITIAL BRIEF

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OCT 30 2020
SC Court of Appeals

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS

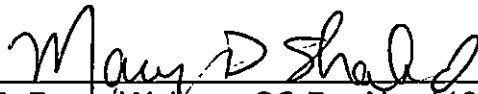
COMES NOW the Respondents, State of South Carolina, Jeffrey H. Morris, Stephen Rawe, Juan Enterprises, LLC, Juanita A. Wright, LLC and Vernon Staubes, jointly (together "Respondents"), pursuant to Rule 240 of the South Carolina Appellate Court Rules, and respectfully request this Court of Appeals to grant them a thirty-day (30) extension of time in which to file Respondents' Initial Joint Brief and Designation of Matter to be Included in the Record on Appeal (the "Initial Joint Brief") in this case. The basis for this motion is the Respondents want to file an Initial Joint Brief and Designation, which requires the Respondents to communicate, coordinate, and cooperate in drafting and finalizing a joint brief. Respondents also believe a joint brief will save the Court of Appeals time in reading

and understanding the arguments are involved and possibly expedite the adjudication of this appeal.

Based upon the current briefing schedule, Respondents' Initial Respondent's Brief and Designation of Matter are currently due on or before Friday, 20 November 2020, as the 30th day after service of the Appellants' Initial Joint Brief and Designation of Matter on Wednesday, 21 October 2020. Consequently, anticipating a favorable reception and subsequent grant of this extension motion, Respondents' Initial Joint Brief and Designation of Matter would then be due on or before Friday, 21 December 2020.

Appellants, by and through their counsel, have consented to this extension, as shown in the email attached as Exhibit "A" to this Motion.

Finally, Respondents respectfully request this Court of Appeals to hold the briefing time in abeyance until such time as this Court of Appeals has the opportunity to consider and rule upon this motion.



R. Bruce Wallace, SC Bar No. 11653

Mary D. Shahid, SC Bar No. 1794

NEXSEN PRUET, LLC

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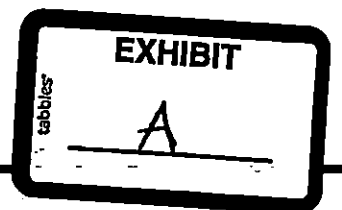
MShahid@nexsenpruet.com

Attorneys for Respondents

Stephen Rawe and Jeffrey H. Morris

the 27th day of October, 2020

Also submitted on behalf of and with permission of Counsel for the State of South Carolina, J. Emory Smith, Jr. Esq., Counsel for Juanita Wright and Juan Enterprises, LLC, Rita Bolt Barker, Esq., and Counsel for Vernon Staubs, Kerry Koon, Esq.



Shahid, Mary D.

From: Michael Corley <michael@scelp.org>
Sent: Monday, October 26, 2020 12:12 PM
To: Shahid, Mary D.; Leslie Lenhardt
Cc: Rita Bolt Barker; 'Kerry Koon'; Wallace, Bruce.
Subject: Re: 30 day extension to file brief [IWOV-NPCHAR1.FID1111656]

{EXTERNAL EMAIL}

Yes, we consent.

Michael Corley
Upstate Director
South Carolina Environmental Law Project
(864) 412-7921

On Mon, Oct 26, 2020, at 12:09 PM, Shahid, Mary D. wrote:

Michael and Leslie: Will you consent to a 30 day extension to file Respondents' Brief in City of Folly Beach et al. v. Rawe et al.? Rita, Kerry and Bruce and I are filing a Joint Brief. It is my understanding that Jeff Tibbals' and Evan Williams' client(s) are not participating in the appeal.

Please let us know your position and we will file our Respondents' Motion with the Court of Appeals. This extension would provide for a due date of Monday, Dec. 21, 2020.

Thank you!

Mary D. Shahid
Member
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THE STATE OF SOUTH CAROLINA
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Appeal from the Circuit Court of Charleston County, South Carolina

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Case No. 2020-000937

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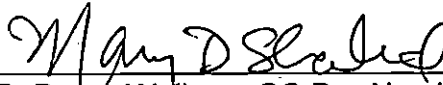
v.

State of South Carolina, et al., Respondents.

PROOF OF SERVICE

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I certify that I have served Respondents' Motion to Extend Time to File Initial Brief on Appellants the City of Folly Beach, Coastal Conservation League, Save Folly, Beach, Inc., John Collins, Matt Napier, Paula Stubblefield, Troy Bode, and Carol Cruer, on October 27, 2020, addressed to Appellants' counsels of record Michael Corely, Esq., and Leslie Lenhardt, Esq., by electronic mail. Respondents Amy Connelly and Debbie's Folly, LLC, were served by electronic mail addressed to Jeff Tibbals, Esq.



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Attorneys for Respondents

Stephen Rawe and Jeffrey H. Morris

October 27, 2020

Mary D. Shahid
Member
Admitted in SC

October 27, 2020

VIA E-MAIL: ctappfilings@sccourts.org & U.S. MAIL

The Honorable Jennie Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: City of Folly Beach et al. v. State of South Carolina, Amy Connelly, et al.
Appellate Case No. 2020-000937

Dear Ms. Kitchings:

Charleston
Charlotte
Columbia
Greensboro
Greenville
Hilton Head
Myrtle Beach
Raleigh

In accordance with SCACR 240, and the Supreme Court's Amended Emergency Order, please find attached a copy of a *Motion to Extend Time to file Respondents' Initial Brief* in the above-referenced matter along with a check made payable to the Court of Appeals for fifty dollars (\$50.00) for payment of the filing fee. Please note that the Appellants' counsel have consented to this Motion. This Motion was filed with the Court by way of e-mail on October 27, 2020.

Very truly yours,



Mary D. Shahid

cc: Michael Corley, Esq.
Leslie Lenhardt, Esq.
J. Emory Smith, Jr., Esq.
Kerry Koon, Esq.
Rita Bolt Barker, Esq.

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Attorneys and Counselors at Law

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FIRST-CLASS MAIL

10/27/2020

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ZIP 29401
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The Honorable Jennie Abbott Kitchings
Clerk, South Carolina Court of Appeals
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