

RECEIVED

Mar 01 2021

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

Appellate Case No. 2020-001090

Ex Parte: Coastal Conservation League,.....Appellant,

In Re: KDP, II, LLC,Respondent,

v.

South Carolina Department of Health and Environmental Control,.....Respondent.

**RESPONDENT'S FINAL MOTION FOR EXTENSION OF TIME TO FILE
INITIAL BRIEF AND DESIGNATION OF MATTER**

Respondent, KDP, II, LLC, respectfully requests a 30-day extension of the deadline for filing and serving its Initial Brief and Designation of Matter in the above-captioned appeal. The current deadline is March 3, 2021. The requested deadline would be April 2, 2021.

Via motion dated January 21, 2021, counsel for Respondent, Mr. Gressette, requested an extension based upon his ongoing recovery from an illness and several deadlines pending in other matters. The Court granted the extension.

Counsel is now in the unique and extraordinary position of requesting a third and final extension due to unforeseen circumstances. Specifically, Mr. Gressette has a close family member who has been hospitalized for over three weeks battling COVID-19, with multiple transitions in and out of intensive care. These events have occupied nearly the entire period of extension and

have been a significant distraction. Mr. Walker, also counsel in this matter, is currently one week into a three-week arbitration being conducted exclusively online. The hearings are running from 9am until after 5pm each day. Counsel did not anticipate the arbitration and Mr. Walker's other case commitments would increase to practically preclude his participation in this matter until after the arbitration concludes on or about March 13, 2021.

Recognizing that this request for an additional extension is unusual, the undersigned counsel affirm the extension is necessary and that this Motion is made in good faith and not for the purpose of delay. Further, counsel affirms that the extension is justified by extraordinary circumstances and that this request is made only after thoughtful consideration regarding the same.

Counsel for Appellant Coastal Conservation League and counsel for Respondent South Carolina Department of Health and Environmental Control consent to this Motion.

WHEREFORE, the undersigned respectfully request a 30-day extension until April 2, 2021, for the filing and serving Respondent's Initial Brief and Designation of Matter in the above-captioned appeal.

Respectfully submitted,

/s/ Thomas P. Gressette, Jr.
Thomas P. Gressette, Jr. (S.C. Bar #14065)
Email: Gressette@WGFLAW.com
G. Trenholm Walker (S.C. Bar #5777)
Email: Walker@WGFLAW.com
Walker Gressette Freeman & Linton, LLC
P.O. Box 22167, Charleston, SC 29413
843-727-2200 Telephone
843-727-2238 Facsimile

ATTORNEYS FOR RESPONDENT, KDP, II, LLC

March 1, 2021
Charleston, South Carolina

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
Mar 01 2021
SC Court of Appeals

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

Appellate Case No. 2020-001090

Ex Parte: Coastal Conservation League,.....Appellant,

In Re: KDP, II, LLC,Respondent,

v.

South Carolina Department of Health and Environmental Control,.....Respondent.

PROOF OF SERVICE

I, Kim H. Weldin, a paralegal with Walker Gressette Freeman & Linton, LLC, hereby certify that I have served this 1st day of March 2021, Respondent's Motion for Final Extension of Time to File Initial Brief and Designation of Matter, on all counsel of record by email to the following:

Amy E. Armstrong, Esq. Leslie S. Lenhardt, Esq. SOUTH CAROLINA ENVIRONMENTAL LAW PROJECT P.O. Box 1380 Pawleys Island, SC 29585 <i>Attorneys for Appellant Coastal Conservation League</i>	Bradley D. Churdar, Esq. Sallie P. Phelan, Esq. Office of General Counsel SCDHEC-OCRM 1362 McMillan Avenue, Suite 400 Charleston, SC 29405 <i>Attorneys for Respondent South Carolina Department of Health and Environmental Control</i>
--	--

March 1, 2021
Charleston, South Carolina

Kim H. Weldin
Paralegal



G. Trenholm Walker
Thomas P. Gressette, Jr.
Ian W. Freeman
John P. Linton, Jr.
Charles P. Summerall, IV
Jennifer S. Ivey

THOMAS P. GRESSETTE, JR.
Direct: 843.727.2249
Email: Gressette@WGFLAW.com

RECEIVED

Mar 01 2021

SC Court of Appeals

March 1, 2021

VIA ELECTRONIC FILING

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29211
ctappfilings@sccourts.org

Re: Ex Parte: Coastal Conservation League v. KDP, II, LLC, et al.
Appellate Case No.: 2020-001090
WGFL File No.: 2338.042

Dear Ms. Kitchings:

Enclosed for filing, please find Respondent's Final Motion for Extension of Time seeking the Court's indulgence for an additional thirty (30) days for the service and filing of Respondent's Initial Brief and Designation of Matter. The current deadline for filing Respondent's Initial Brief and Designation of Matter is March 3, 2021. With the extension, the new due date would be April 2, 2021.

I have discussed the extension with opposing counsel who consent to the same.

By copy of this letter, I am serving all counsel of record with the Motion as set forth in the enclosed Proof of Service. Your courtesies and consideration of this request are greatly appreciated.

Sincerely yours,

/s/

Thomas P. Gressette, Jr.

Enclosures (as stated above)

cc: All Counsel of Record (Via email only)