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Mar 08 2021

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE CHARLESTON COUNTY COURT OF COMMON PLEAS
Mikell R. Scarborough, Circuit Court Judge

Appellate Case No. 2020-000937

City of Folly Beach, Coastal Conservation League, Save Folly Beach, Inc., John Collins,
Matt Napier, Paula Stubblefield, Troy Bode, and Carol Kruer. Appellants,

vs.

State of South Carolina, Amy Connelly, Jeffrey H. Morris, Michael Vandaele, Stephen Rawe, Juan
Enterprises, LLC, Juanita A Wright, Debbie’s Folly, LLC, and
Vernon Staubes, Respondents.

**MOTION FOR LEAVE TO FILE RECORD ON APPEAL OUT OF TIME
AND FOR EXTENSION**

TO: ALL PARTIES AND THE COURT OF APPEALS:

PLEASE TAKE NOTICE that the Appellants hereby move the Court of Appeals for leave
to file the Record on Appeal in this case out of time. The Record on Appeal was due on March 3,
2021.

The undersigned counsel tested positive for COVID-19 and was out of the office for the week
prior to and the week including the due date. During this time a new legal administrative assistant
was hired and began compiling and preparing the record on appeal, which will be the first time this
employee has worked on such a filing with the Court. In addition, undersigned counsel did not have
all of the documents in Respondents’ designation of matter until two days before the record was due.

For these reasons, a request for an extension to file the record was anticipated; however,

while the undersigned was recovering at home an internal mis-communication occurred and the request for an extension to file the Record on Appeal was not filed. The undersigned is embarrassed at having missed a filing deadline and needing to file this motion, and asks that the Court be sympathetic to the illness and the challenge of training a new employee and grant the motion for leave to file out of time.

As counsel had expected to file a motion for extension for filing the Record on Appeal, the undersigned further requests that the Court allow Appellants to file the Record on or before March 23, 2021, which would be the equivalent of a 20-day extension from the original filing deadline.

WHEREFORE, the Appellants request that this Court issue an order granting leave to file the Record on Appeal out of time and allowing the filing to be accomplished on or before March 23, 2021.

/s/ Leslie S. Lenhardt

Leslie S. Lenhardt

SOUTH CAROLINA ENVIRONMENTAL LAW
PROJECT

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Attorney for the Appellants

Mount Pleasant, South Carolina

March 8, 2021

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Enterprises, LLC, Juanita A Wright, Debbie’s Folly, LLC, and
Vernon Staubes, Respondents,

CERTIFICATE OF SERVICE

I hereby certify that on this date I served Appellant’s Motion to File Record on Appeal
Out of Time on all parties by emailing a copy of same on March 8, 2021, to the Attorney
Information System provided email addresses below, via attached e-mail:

J. Emory Smith
Esmith@scag.gov

Mary D. Shahid
mshahid@nexsenpruet.com

Kerry Koon
kerrykoon@hotmail.com

Rita Bolt Barker
rbarker@wyche.com

/s/ Leslie S. Lenhardt
Leslie S. Lenhardt

March 8, 2021

Folly Beach v. State motion

From: [Leslie Lenhardt <leslie@scelp.org>](mailto:leslie@scelp.org)
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[Kerry Koon <kerrykoon@hotmail.com>](mailto:kerrykoon@hotmail.com)
Cc: [Amy Armstrong <Amy@scelp.org>](mailto:Amy@scelp.org)
Subject: Folly Beach v. State motion
Date: Monday, March 08, 2021 11:43 AM
Size: 419 KB

All,
I have found myself in the embarrassing position of having to file this motion. Please see attached for service on you.
Thank you,
Leslie

--
Leslie Lenhardt
Staff Attorney
S.C. Environmental Law Project
P.O. Box 1380
Pawleys Island, SC 29585
Phone: (843) 527-0078
leslie@scelp.org

[motion to file ROA out of time.pdf](#) 38 KB

[cover for motion to file out of time.pdf](#) 266 KB



South Carolina Environmental Law Project

Lawyers for the Wild Side of South Carolina

March 8, 2021

a 501c3
non-profit organization

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VIA E-MAIL

The Honorable Jenny 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 et al.
Appellate Case No. 2020-000937

Dear Ms. Kitchings:

Enclosed for filing please find Appellants' Motion to File Record on Appeal Out of Time and a Certificate of Service. The \$50.00 motion fee is being placed in the mail today. Thank you for your kind consideration.

Respectfully,

Leslie S. Lenhardt
Staff Attorney

Enclosure

cc: Mary D. Shahid, Esq.
Bruce Wallace, Esq.
J. Emory Smith, Esq.
Kerry Koon, Esq.
Rita Bolt Barker, Esq.

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