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STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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MAR 12 2021

SC 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

Mailing address: Post Office Box 1380  
Pawleys Island, SC 29585

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Attorney for the Appellants

Mount Pleasant, South Carolina

March 8, 2021

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IN THE COURT OF APPEALS

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Matt Napier, Paula Stubblefield, Troy Bode, and Carol Kruer. . . . . Appellants,

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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,

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**CERTIFICATE OF SERVICE**

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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](mailto:Esmith@scag.gov)

Mary D. Shahid  
[mshahid@nexsenpruet.com](mailto:mshahid@nexsenpruet.com)

Kerry Koon  
[kerrykoon@hotmail.com](mailto:kerrykoon@hotmail.com)

Rita Bolt Barker  
[rbarker@wyche.com](mailto: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)  
**To:** [Mary Shahid <mshahid@nexsenpruet.com>](mailto:mshahid@nexsenpruet.com),  
[R. Bruce Wallace \(bwallace@nexsenpruet.com\) <bwallace@nexsenpruet.com>](mailto:bwallace@nexsenpruet.com),  
[Emory Smith <ESmith@scag.gov>](mailto:ESmith@scag.gov), [Rita Bolt Barker <rbarker@wyche.com>](mailto:rbarker@wyche.com),  
[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

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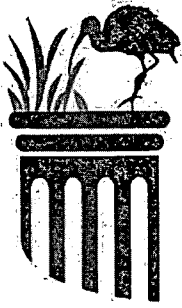
All,  
I have found myself in the embarrassing position of having to file this motion. Please see attached for service on you.  
Thank you,  
Leslie

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

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[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

VIA E-MAIL

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MAR 12 2021  
SC Court of Appeals

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

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

**MAIN OFFICE**  
407 Church Street  
Unit E  
Georgetown, SC 29440

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.

**CONTACTS**  
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Respectfully,

Leslie S. Lenhardt  
Staff Attorney

**BOARD OF DIRECTORS**

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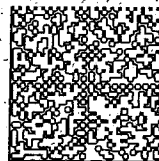
**Enclosure**

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



South Carolina Environmental Law Project  
Post Office Box 1380  
Pawleys Island, South Carolina 29585

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The Honorable Jenny Abbott Kitchings  
Clerk, SC Court of Appeals  
PO Box 11629  
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SC Court of Appeals

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