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Mar 30 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 SERVE AND FILE
RECORD ON APPEAL OUT OF TIME**

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 23, 2021. Appellants have served the Record on Appeal and have submitted their Certificate of Service with this motion.

The undersigned realizes it is egregious to have missed the filing deadline for a second time. Unfortunately, there was yet another calendaring mistake that occurred and the office was planning to file the Record on Appeal on Wednesday, March 31, 2021, as that was what the undersigned thought was the filing date. It is clear that Appellants requested to file the Record on or before March 23, 2021 and the Court’s Order sets the deadline for March 23. However, the deadline was

mistakenly identified as March 31, 2021. The undersigned takes full responsibility for this error.

The undersigned begs the Court's indulgence to grant Appellants' motion and accept the service and filing of the Record on Appeal.

WHEREFORE, the Appellants request that this Court issue an order granting leave to serve and file the Record on Appeal out of time and accept the filing of the Proof of Service.

/s/ Leslie S. Lenhardt

Leslie S. Lenhardt

SOUTH CAROLINA ENVIRONMENTAL LAW
PROJECT

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Mount Pleasant, South Carolina

March 30, 2021

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Vernon Staubes, Respondents,

CERTIFICATE OF SERVICE

I hereby certify that on this date I served Appellant’s Second Motion to File Record on
Appeal Out of Time on all parties by emailing a copy of same on March 30, 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 30, 2021

City of Folly Beach Motion regarding Record on Appeal

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)
Subject: City of Folly Beach Motion regarding Record on Appeal
Date: Tuesday, March 30, 2021 3:52 PM
Size: 167 KB

Counsel,

Please find attached Appellant's Motion to Serve and File Record out of Time in the above-referenced matter.

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cover for motion to file out of time 2.pdf 83 KB

motion to file ROA out of time 2.pdf 37 KB