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May 17 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT
The Honorable Ralph King Anderson, III, Chief Administrative Law Judge

APPELLATE CASE NO. 2021-000219

ADMINISTRATIVE LAW COURT CASE NO. 18-ALJ-17-0443-CC

Colonial Pipeline CompanyRespondent,

v.

South Carolina Department of Revenue, Abbeville County, Anderson County,
Greenville County, Aiken County, Laurens County, and York County Appellants.

**APPELLANTS' MOTION TO FILE INITIAL BRIEF AND DESIGNATION OF
MATTER TO BE INCLUDED IN THE RECORD ON APPEAL OUT OF TIME**

Appellants Aiken County, Laurens County, Abbeville County, Anderson County, Greenville County, York County, and the South Carolina Department of Revenue, by and through their undersigned counsel, and pursuant to Rules 240(a) and 263(b) of the South Carolina Appellate Court Rules, respectfully request permission to file and serve out of time their Initial Briefs and Designation of Matter to be Included in the Record on Appeal.

Appellants respectfully contend that good cause exists for this Motion based on the reasons set forth in the supporting Affidavit of Walter H. Cartin, attached hereto as **Exhibit A**. Counsel for Respondent Colonial Pipeline Company consent to this request.

WHEREFORE, Appellants respectfully request an order allowing Appellants to file and serve their Initial Briefs and Designation of Matter to be Included in the Record on Appeal within thirty (30) days after the date of this Court's ruling on this Motion. Alternatively, Appellants

request a thirty (30) day extension from the date of this Motion, which would result in the Initial Briefs and Designation of Matter to be Included in the Record on Appeal being due on or before Wednesday, June 16, 2021.

WE SO MOVE AND CONSENT:

PARKER POE ADAMS & BERNSTEIN LLP

By: 

Walter H. Cartin, SC Bar #78405
J. Evan Phillips, SC Bar #103679
1221 Main Street, Suite 1100 (29201)
Post Office Box 1500
Columbia, South Carolina 29202
(803) 255-8000 / (803) 255-8017 (fax)
waltcartin@parkerpoe.com
evanphillips@parkerpoe.com

and

J. Madison T. Felder, SC Bar # 100606
110 East Court Street, Suite 200
Greenville, South Carolina 29601
(864) 577-6362 / (864) 242-9888 (fax)
madisonfelder@parkerpoe.com

Attorneys for Appellants Aiken County and Laurens County

WE SO MOVE AND CONSENT:

NEXSEN PRUET

By: s/BURNET R. MAYBANK, III
Burnet R. Maybank, III, Esq,
James P. Rourke, Esq.
1230 Main Street, Suite 700 (29201)
Post Office Drawer 2426
Columbia, South Carolina 29202
bmaybank@nexsenpruet.com
jrourke@nexsenpruet.com

Attorneys for Respondent Colonial Pipeline Company

WE SO MOVE AND CONSENT:

KOZLAREK LAW LLC

By: s/MICHAEL E. KOZLAREK
Michael E. Kozlarek, SC Bar #69330
Kimila L. Wooten, SC Bar #64516

Post Office Box 565
Greenville, South Carolina 29601
(864) 527-5941
michael@kozlareklaw.com

*Attorneys for Appellants
Abbeville County, Anderson County, Greenville
County, and York County*

WE SO MOVE AND CONSENT:

SOUTH CAROLINA DEPARTMENT OF
REVENUE

By: s/MARCUS D. ANTLEY
Marcus D. Antley, III, SC Bar #102176
Jason P. Luther, SC Bar #78021
P.O. Box 12265
Columbia, South Carolina 29211
Phone: (803) 898-5785
Marcus.Antley@dor.sc.gov
Jason.Luther@dor.sc.gov
courtdorders@dor.sc.gov

*Attorneys for Appellant
South Carolina Department of Revenue*

Exhibit A

Motion to File Initial Brief and Designation of Matter to be Included in the Record on Appeal Out of Time

Affidavit of Walter H. Cartin

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AFFIDAVIT OF WALTER H. CARTIN

PERSONALLY APPEARED BEFORE ME, WALTER H. CARTIN, who, being duly sworn, deposes and states:

1. This affidavit is given of my own personal knowledge.
2. I am over 18 years of age and otherwise competent to provide this affidavit and the testimony herein.
3. I am a partner with the law firm of Parker Poe Adams & Bernstein LLP and am the principal attorney involved with this case and this appeal. While I am the principal attorney, two associates, J. Madison T. Felder and J. Evan Phillips, are and have been heavily involved with this case. Two paralegals, Colleen Quillen and Kelvin Woods have also been substantively involved.
4. On behalf of Appellants Aiken County and Laurens County, a Notice of Appeal was filed on March 2, 2021.

5. Within the appropriate time, by electronic mail, a copy of the transcript of the hearing in question was requested from the court reporter by letter dated March 5, 2021. As is our customary practice, we requested an electronic copy of the transcript, as well as a hard copy of the transcript.

6. Thereafter, I personally had no communications or contact with the court reporter and, upon information and belief, no other person in my office, to include the specific individuals assisting me with this matter as noted in Paragraph 3 above, had any communications with the court reporter, until Friday, May 14, 2021.

7. After inquiring about the status of the transcript with the court reporter on Friday, May 14, 2021, the court reporter stated that a hard copy of the transcript was mailed to our offices on or around April 6, 2021.

8. Upon learning that the court reporter had mailed a hard copy of the transcript to our offices, a copy of the transcript was thereafter discovered in a file box at our offices. This was the first time I or, upon information and belief, any individual named in Paragraph 3 above had seen a copy of the transcript. Although the court reporter indicated a hard copy of the transcript was mailed on or about April 6, 2021, the exact date the transcript was received is unknown.

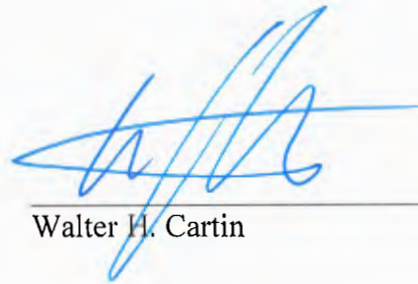
9. Neither I nor, upon information and belief, any individuals named in Paragraph 3 above, have any record of receiving an electronic copy of the transcript by electronic mail prior to May 14, 2021.

10. After realizing that the Initial Brief was due 30 days from the receipt of the transcript and that the date had passed, on Friday, May 14, 2021, I contacted counsel for Appellant South Carolina Department of Revenue; Appellants Abbeville County, Anderson County, Greenville County and York County; and Respondent Colonial Pipeline Company and informed

them that the transcript had been located and requested their consent to an extension of time for Appellants to file Initial Briefs and Designation of Matter to be Included in the Record on Appeal.

11. Based upon the above, which I believe constitutes good cause shown, I would respectfully request a 30-day extension of time from the date of the Court's ruling granting the extension to file the Initial Brief and Designation of Matter to be Included in the Record on Appeal. Alternatively, I would request a 30-day extension from the date of this motion, would result in the Initial Brief and Designation of Matter to be Included in the Record on Appeal being due on or before Wednesday, June 16, 2021.

FURTHER AFFIANT SAYETH NOT.



Walter H. Cartin

SWORN TO before me this
May 17, 2021



Notary Public for South Carolina

My Commission Expires: 11/27/2027

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PROOF OF SERVICE

The undersigned hereby certifies that on May 17, 2021 s/he caused a copy of the foregoing
**APPELLANT’S MOTION TO FILE INITIAL BRIEF AND DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL OUT OF TIME**, with attachments, to
be served upon all counsel of record via electronic mail to each counsel’s individual AIS email
address pursuant to SC Supreme Court COVID Order 2020-05-29-02 addressed as follows:

VIA E-MAIL

Burnet R. Maybank, III, Esq.
(BMaybank@nexsenpruet.com)

James P. Rourke, Esq.
(jrouke@nexsenpruet.com)

Nexsen Pruet, LLC
P.O. Office Drawer 2426 (29202)
1230 Main Street, Suite 700
Columbia, South Carolina 29201

*Counsel for Respondent Colonial Pipeline
Company*

VIA E-MAIL

Marcus "Trey" Antley, III, Esquire
(marcus.antley@dor.sc.gov)

Jason P. Luther, Esquire
(Jason.luther@dor.sc.gov)

South Carolina Department of Revenue
110 East Court Street, Suite 200 (29601)
P.O. Box 12265
Columbia, SC 29211-9979

*Counsel for Appellant South Carolina
Department of Revenue*


VIA E-MAIL

Michael E. Kozlarek
(michael@kozlareklaw.com)

Kimila L. Wooten, Esq.
(kim@kozlareklaw.com)

Kozlarek Law LLC
330 East Coffee Street (29601)
Post Office Box 565
York, South Carolina 29602-0565

*Counsel for Appellants Abbeville County,
Anderson County, Greenville County and
York County*


PARKER POE ADAMS & BERNSTEIN LLP
1221 Main Street, Suite 1100 (29201)
Post Office Box 1509
Columbia, South Carolina 29202
(803) 255-8000 / (803) 255-8017 (fax)