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Oct 27 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

Case No. 21-ALJ-17-0143-CC
Appellate Case No. 2021-000886

South Carolina Department of Revenue..... Respondent,

v.

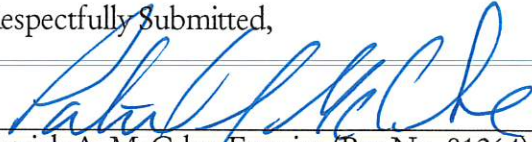
Agua Pina, LLC d/b/a Hookah on the River..... Appellant.

MOTION FOR EXTENSION TO FILE RESPONDENT’S INITIAL BRIEF AND
DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

Pursuant to Rules 208(a)(2), 240, and 263 of the South Carolina Appellate Court Rules, Respondent, South Carolina Department of Revenue (“Department”) moves for a thirty-day extension of time to file and serve Respondent’s Initial Brief and Designation of Matter to be Included in the Record on Appeal for the above-captioned matter. This is the first request by the Department. At this time, the Respondent’s Initial Brief and Designation of Matter are due on November 1, 2021. If granted, an extension would extend the deadline to file Respondent’s Initial Brief and Designation of Matter to December 1, 2021. Counsel for the Appellant has consented to this request. This Motion is timely as it is being filed prior to the Department’s original deadline to file its Initial Brief. This Motion is based on good cause and is not intended to delay or prejudice the rights of any party. Therefore, the Department respectfully moves this Court for a thirty-day extension of time until December 1, 2021

to serve its Initial Brief and Designation of Matter to be Included in the Record on Appeal for the above-captioned matter.

Respectfully Submitted,



Patrick A. McCabe, Esquire (Bar No. 81264)
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Jason P. Luther, Esquire (Bar No. 78021)
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Attorneys for Respondent

South Carolina Department of Revenue

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South Carolina Department of Revenue..... Respondent,


v.

Agua Pina, LLC d/b/a Hookah on the River..... Appellant.

PROOF OF SERVICE

I certify that I have served the South Carolina Department of Revenue’s Motion for Extension to File Respondent’s Initial Brief and Designation of Matter to be Included in the Record on Appeal for the above-captioned matter via electronic mail and by depositing a copy in the United States Mail, postage prepaid, on October 27, 2021, at the following address(es):

Burnet R. Maybank, III, Esquire
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Attorneys for Appellant


Herman C. Harrington, Paralegal
South Carolina Department of Revenue

Columbia, South Carolina
October 27, 2021

STATE OF SOUTH CAROLINA
DEPARTMENT OF REVENUE
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VIA U.S. & ELECTRONIC MAIL - ctappfilings@sccourts.org

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

SC Court of Appeals

Re: South Carolina Department of Revenue v. Agua Pina, LLC d/b/a Hookah on the River
Appellate Case No.: 2021-000886
ALC Docket No.: 21-ALJ-17-0143-CC

Dear Ms. Kitchings:

Enclosed please find the South Carolina Department of Revenue's Motion for Extension to File Respondent's Initial Brief and Designation of Matter to be Included in the Record on Appeal for the above-captioned matter.

Should you have any questions, please do not hesitate to contact me at 803.898.5056 or Patrick.McCabe@dor.sc.gov. If I am not available, you can reach my paralegal, Herman Harrington, at 803.898.5363 or Herman.Harrington@dor.sc.gov.

With kind regards, I am

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick A. McCabe".

Patrick A. McCabe, Esq.
Associate Counsel

PAM/hch
Enclosure

cc: Burnet R. Maybank, III, Esquire
Andrew W. Saleeby, Esquire