

SOUTHERN ENVIRONMENTAL LAW CENTER

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CHAPEL HILL, NC 27516-2356

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April 15, 2013

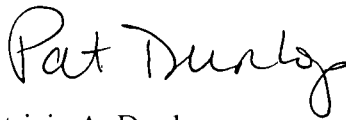
Daniel E. Shearouse
Clerk of Court
Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211

Re: *Kiawah Development Partners v. SC DHEC*
Case No. 09-ALJ-07-0029-CC
SCCCL v. SCDHEC
Case No. 09-ALJ-07-0039-CC

Dear Mr. Shearouse:

Enclosed please find an original and one copy (to be file-stamped and returned in the self-addressed, stamped envelope) of Verified Applications for Admission Pro Hac Vice in the State of South Carolina along with Motions and Proposed Orders for Michael P. Addis and Joe W. Earnhardt. Also enclosed is the motion filing fee of \$25.00 for each. A copy of these materials with two checks in the amount of \$250 is being mailed to the Office of Bar Admissions.

Please contact me if you have any questions.



Patricia A. Dunlop
Administrative Legal Assistant

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APR 19 2013

S.C. SUPREME COURT

Enclosures

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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

APR 19 2013

S.C. Supreme Court

Docket No. 09-ALJ-07-0029-CC

Kiawah Development Partners, II Respondent,

v.

South Carolina Department of Health and Environmental Control..... Appellant,

Docket No. 09-ALJ-07-0039-CC

South Carolina Coastal Conservation League Appellant,

v.

South Carolina Department of Health and Environmental Control and
Kiawah Development Partners, II

Of Whom

South Carolina Department of Health and Environmental Control is Appellant,

And Kiawah Development Partners, II, is Respondent.

**MOTION OF THE SOUTH CAROLINA NATURE-BASED TOURISM ASSOCIATION
IN SUPPORT OF *PRO HAC VICE* APPLICATION**

The undersigned local counsel hereby moves, together with the attached Application and Verification, that J. Wesley Earnhardt be admitted *pro hac vice* in the above-captioned case as associate counsel.

Respectfully submitted, this the 15th day of April, 2013

Handwritten signature of Frank S. Holleman III in cursive, followed by the letters "NST" in a simple font.

Frank S. Holleman III

S.C. Bar No. 2564

SOUTHERN ENVIRONMENTAL LAW CENTER

601 W. Rosemary Street, Suite 220

Chapel Hill, NC 27516

(919) 967-1450

fholleman@selcnc.org

Attorney for Amicus Curiae

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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

Docket No. 09-ALJ-07-0029-CC

Kiawah Development Partners, II Respondent,

v.

South Carolina Department of Health and Environmental Control..... Appellant,

Docket No. 09-ALJ-07-0039-CC

South Carolina Coastal Conservation League Appellant,

v.

South Carolina Department of Health and Environmental Control and
Kiawah Development Partners, II

Of Whom

South Carolina Department of Health and Environmental Control is Appellant,

And Kiawah Development Partners, II, is Respondent.

ORDER

A Motion and Application for Admission *Pro Hac Vice* have been filed in this case and considered by the undersigned.

IT IS ORDERED THAT:

J. Wesley Earnhardt, who represents the South Carolina Nature-Based Tourism Association,
amicus curiae

Be granted admission *pro hac vice* in this case.

Date

_____, J.
FOR THE COURT

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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

Docket No. 09-ALJ-07-0029-CC

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v.

South Carolina Department of Health and Environmental Control and
Kiawah Development Partners, II

Of Whom

South Carolina Department of Health and Environmental Control is Appellant,

And Kiawah Development Partners, II, is Respondent.

CERTIFICATE OF SERVICE

I hereby certify that on this date I served copies of the Motion of the South Carolina Nature-Based Tourism Association in Support of *Pro Hac Vice* Application and Proposed Order on counsel for all parties by placing copies of same in the United States Mail, first-class postage prepaid, addressed to:

Trenholm Walker, Esquire
Pratt-Thomas/Walker
P.O. Drawer 22247
Charleston, SC 29403

Gedney M. Howe, III, Esquire
P.O. Box 1034
Charleston, SC 29402

C. Mitchell Brown, Esquire
A. Mattison Bogan, Esquire
Nelson Mullins Riley & Scarborough, LLP
P.O. Box 11070
Columbia, SC 29211

Bradley Churdar, Esquire
SC DHEC/OCRM
1362 McMillan Avenue, Suite 400
Charleston, SC 29405

Alan Wilson, Esquire
John W. McIntosh, Esquire
Robert D. Cook, Esquire
Parkin Hunter, Esquire
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

Robert Bockman, Esquire
University of South Carolina School of Law
701 Main Street
Columbia, SC 29208

Amy E. Armstrong, Esquire
S.C. Environmental Law Project
P.O. Box 1380
Pawleys Island, SC 29585

Handwritten signature of Frank S. Holleman III in black ink, with the letters "NST" written in the bottom right corner of the signature.

Frank S. Holleman III
Attorney for the South Carolina Nature-
Based Tourism Association

Chapel Hill, North Carolina
April 15, 2013

**VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE*
IN THE STATE OF SOUTH CAROLINA**

Kiawah Development Partners, II
Plaintiff

Appellate Case No. 2010-155629
Case No.

South Carolina Supreme Court
Court

vs.

South Carolina Department of Health and
Environmental Control
Defendant

Mailing Address of Court: South Carolina Supreme Court
P.O. Box 11330
Columbia, South Carolina 29211

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APR 19 2013
S.C. SUPREME COURT

Comes now J. Wesley Earnhardt, applicant herein, and respectfully represents the following:

1. Applicant resides at:

65 Worth Street
Street Address

New York

City

(212) 474-1138

Telephone

New York

County

NY

State

10013

Zip Code

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of) Cravath,

Swaine & Moore LLP, with offices at, at

825 Eighth Avenue

Street Address

New York

City

(212) 474-1000

Telephone

New York

County

NY

State

10019

Zip Code

(212) 474-3700

Fax Number

3. Applicant has been retained personally or as a member of the above named law firm by The South Carolina Nature-Based Tourism Association to provide legal representation in connection with the above case now pending before the above named court of the State of South Carolina.

4. Since June of 2005, applicant has been, and presently is, a member in good standing of the bar of the highest court of the District of Columbia or the State of New York where applicant regularly practices law. Attached is a certificate of good standing.

5. Applicant has been admitted to practice before the following courts: (List all of the following courts applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.)

Court:

Date Admitted:

New York Appellate Division 1st Department	June 16, 2005
United States District Court for the Southern District of New York	August 30, 2011
United States Tax Court	July 29, 2011
United States Court of Appeals for the Ninth Circuit	November 17, 2011

Applicant is presently a member in good standing of the bars of those courts listed above, except as listed below:
(List any court named in the preceding paragraph that applicant is no longer admitted to practice before.)

6. Applicant presently is not subject to any suspension or disbarment proceedings, and has not been formally notified of any complaints pending before a disciplinary agency, except as provided below (give particulars, e.g., jurisdiction, court, date):

7. Applicant never has had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked, except as provided below (give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation):

8. Applicant never has had any certificate or privilege to appear and practice before any administrative body suspended or revoked, except as provided below (give particulars, e.g., date, administrative body, date of suspension and reinstatement):

9. Local counsel of record associated with applicant in this case is Frank S. Holleman III, of the Southern Environmental Law Center law firm, which has offices at:

601 W. Rosemary Street, Suite 220

Street Address

Chapel Hill

City

(919) 967-1450

Telephone

Orange County

County

NC

State

27516

Zip Code

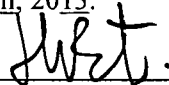
If applicable list all other firms/attorneys you are associated with in this matter

10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases (give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted).

11. Applicant agrees to comply with the applicable statutes, laws and rules of the State of South Carolina and will familiarize him/herself with and comply with the South Carolina Rules of Professional Conduct. Applicant consents to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

12. Applicant respectfully requests to be admitted to practice in the above named court for this case only.

DATED this 11th day of April, 2013.



APPLICANT

VERIFICATION

STATE OF New York)

COUNTY OF New York)

I, J. Wesley Earnhardt, do hereby swear or affirm under penalty of perjury that I am the applicant in the above styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true.

J. Wesley Earnhardt
APPLICANT/AFFIANT

Subscribed and sworn to before me this 11th day of April, 2013.

Tracey J. Murtha

Notary Public for the State of New York

My Commission Expires: 2014

Tracey J. Murtha
Notary Public State of New York
No. 43-4768543
Qualified in Richmond County
Certificate Filed in New York County
Comm. Expires November 30, 2014

LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 12 day of April, 2013.

Frank Hollman III NST
LOCAL COUNSEL OF RECORD

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this application upon the South Carolina Supreme Court by mail addressed to: South Carolina Supreme Court Office of Bar Admissions, PO Box 11330, Columbia, SC 29211, accompanied by payment of the \$250 filing fee payable to the South Carolina Supreme Court on this 15th day of April, 2013.

Frank Hollman III NST
APPLICANT/AFFIANT

Appellate Division of the Supreme Court
of the State of New York
First Judicial Department

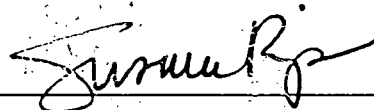
I, Susanna Rojas, Clerk of the Appellate Division of the Supreme Court of the State of New York, First Judicial Department, certify that

JOE WESLEY EARNHARDT

was duly licensed and admitted to practice as an Attorney and Counsellor at Law in all the courts of the State of New York on **June 16, 2005**, has duly taken and subscribed the oath of office prescribed by law, has been enrolled in the Roll of Attorneys and Counsellors at Law on file in my office, has duly registered with the administrative office of the courts, and according to the records of this court is in good standing as an attorney and counsellor at law.

In Witness Whereof, I have hereunto set my
hand and affixed the seal of this court on

April 11, 2013



Clerk of the Court