

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA 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.

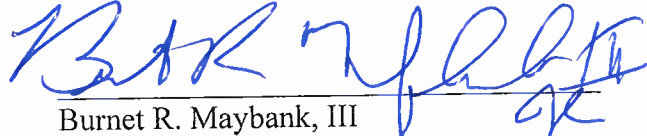
MOTION FOR EXTENSION TO FILE APPELLANT’S REPLY BRIEF

Pursuant to Rules 208(a)(3), 240, and 263 of the South Carolina Appellate Court Rules, Appellant, Agua Pina, LLC d/b/a Hookah on the River (“Agua Pina”) moves for a thirty-day extension of time in which to file and serve Appellant’s Reply Brief in the above-captioned matter. This is the first request for an extension of time by Agua Pina related to the filing of the Reply Brief. At this time, the Reply Brief is due on December 13, 2021. By the undersigned’s calculations, the extension, if granted, would extend the deadline to January 12, 2022.

We have conferred with counsel for Respondent, and they do not object to this request. This Motion is timely, as it is filed before the original deadline for Agua Pina to file its Reply Brief. The grounds for the Motion are that counsel for Appellant has two contested case hearings before the Administrative Law Court in December (December 8th and 9th), in addition to the

and New Years holidays. This Motion is based on good cause and not intended for delay or any other improper purpose, nor will the requested extension prejudice the rights of any party. Therefore, Agua Pina respectfully moves this Court for a thirty-day extension of time until January 12, 2022, to file and serve its Reply Brief in the above-captioned appeal.

Respectfully submitted,



Burnet R. Maybank, III
Andrew W. Saleeby
Nexsen Pruet, LLC
1230 Main Street, Suite 700
Columbia, South Carolina 29201
(803) 771-8900

December 2, 2021
Columbia, South Carolina

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

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SC Court of Appeals

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South Carolina Department of Revenue,Respondent,

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

PROOF OF SERVICE

I, Melinda White, hereby certify that I have caused a copy of Agua Pina, LLC d/b/a Hookah on the River's Motion for Extension to File Appellant's Reply Brief on this 2nd day of December, 2021 upon all parties to this cause by electronic mail to the attorney of record, Patrick A. McCabe, Esq., South Carolina Department of Revenue at Patrick.mccabe@dor.sc.gov, and to The Honorable Ralph King Anderson, III, Chief Administrative Law Judge at sperez@scalc.net.



Melinda White, Legal Practice Assistant
Nexsen Pruet, LLC

Burnet R. Maybank, III
Member
Admitted in SC

December 2, 2021

VIA ELECTRONIC and US MAIL

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

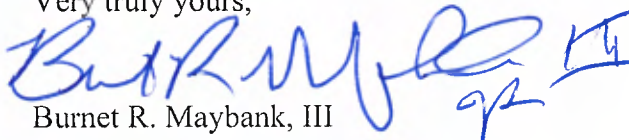
Re: South Carolina Department of Revenue v. Agua Pina, LLC,
d/b/a Hookah on the River
Appellate Case No. 2021-000886

Dear Ms. Kitchings:

Enclosed please find a Motion for Extension of Time to File Appellant's Reply Brief in the above-referenced matter. We would note counsel for Respondent has consented to this extension. We have enclosed a check for \$50.00 to cover the filing fee.

I would appreciate if you would return a clock copy to me via electronic mail. Should you have any questions, please do not hesitate to contact me at 803-540-2048 or bmaybank@nexsenpruet.com.

Very truly yours,



Burnet R. Maybank, III

Enclosures

cc: Patrick A. McCabe, Esquire

Charleston

Charlotte

Columbia

Greensboro

Greenville

Hilton Head

Myrtle Beach

Raleigh