

**RECEIVED**

**May 05 2022**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

---

Appeal from Charleston County  
Court of Common Pleas

Bentley D. Price, Circuit Court Judge

---

Appellate Case No. 2022-000038  
Circuit Court Case No. 2021-CP-10-00562

---

Clam Farm Partnership, LLC,

Respondent,

v.

The South Carolina Department of Health and Environmental  
Control, Office of Ocean and Coastal Resource Management,  
Charleston County, and The City of Folly Beach,

Defendants,

Of which The South Carolina Department of Health and  
Environmental Control, Office of Ocean and Coastal Resource  
Management and The City of Folly Beach are,

Appellants.

---

**CONSENT MOTION FOR THIRD EXTENSION OF TIME  
TO FILE/SERVE INITIAL BRIEF OF APPELLANT**

---

CLEMENT RIVERS, LLP  
Stephen L. Brown (SC Bar No. 66468)  
Russell G. Hines (SC Bar No. 72100)  
Chandler D. Rowh (SC Bar No. 103687)  
25 Calhoun Street, Suite 400 (29401)  
P.O. Box 993  
Charleston, South Carolina 29402  
(843) 720-5488  
*Attorneys for The City of Folly Beach*

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS

COMES NOW Appellant The City of Folly Beach (“Folly Beach”), by and through its undersigned counsel, pursuant to Rule 263(b), SCACR, and moves for an extension of one additional week to file/serve its initial brief and corresponding designation of matter to be included in the record on appeal.

Presently, by order of this Court filed April 7, 2022, the deadline for Folly Beach’s initial brief and designation of matter is May 9, 2022. Appellant’s counsel recognizes the notice in the Court’s April 7, 2022 order states that no further extensions will be granted absent extraordinary circumstances. Unfortunately, Mr. Brown miscalculated the date of his oldest child’s college graduation, which will take place Friday, and is hoping to be able to enjoy this occasion together with extended family whom will be in town. Mr. Brown asks that the Court consider the circumstances (college graduation of his oldest child) as sufficiently out of the ordinary to merit granting the dispensation requested herein, which he most respectfully submits is consistent with the interests of justice and will not unduly prejudice any other party.

Prior to making this motion, the undersigned consulted with Respondent’s counsel Matthew Tillman, Esquire, who has kindly authorized the undersigned to represent to the Court that Respondent has no objection to the extension of time requested herein.

WHEREFORE, Folly Beach, with the consent of Respondent, moves this Honorable Court to grant it an additional extension of one week's time to file/serve its initial brief and corresponding designation of matter to be included in the record on appeal. With the extension requested herein, the new deadline for filing/serving its initial brief and designation of matter would be May 16, 2022, according to the undersigned's calculations. Further, Folly Beach respectfully requests that the Court hold its present initial-briefing/designation-of-matter deadline in abeyance until it acts upon this motion.

*[Signature page for Third Motion for Extension of Time to File/Serve Initial Brief of Appellant, Appellate Case No. 2022-000038]*

Respectfully submitted,

CLEMENT RIVERS, LLP

By: *s/Stephen L. Brown*  
Stephen L. Brown (SC Bar No. 66468)  
Russell G. Hines (SC Bar No. 72100)  
Chandler D. Rowh (SC Bar No. 103687)  
25 Calhoun Street, Suite 400 (29401)  
P.O. Box 993  
Charleston, South Carolina 29402  
(843) 720-5488  
*Attorneys for The City of Folly Beach*

Charleston, South Carolina

May 5, 2022

**RECEIVED**

**May 05 2022**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

---

Appeal from Charleston County  
Court of Common Pleas

Bentley D. Price, Circuit Court Judge

---

Appellate Case No. 2022-000038  
Circuit Court Case No. 2021-CP-10-00562

---

Clam Farm Partnership, LLC,

Respondent,

v.

The South Carolina Department of Health and Environmental  
Control, Office of Ocean and Coastal Resource Management,  
Charleston County, and The City of Folly Beach,

Defendants,

Of which The South Carolina Department of Health and  
Environmental Control, Office of Ocean and Coastal Resource  
Management and The City of Folly Beach are,

Appellants.

---

**PROOF OF SERVICE**

---

CLEMENT RIVERS, LLP

Stephen L. Brown (SC Bar No. 66468)

Russell G. Hines (SC Bar No. 72100)

Chandler D. Rowh (SC Bar No. 103687)

25 Calhoun Street, Suite 400 (29401)

P.O. Box 993

Charleston, South Carolina 29402

(843) 720-5488

*Attorneys for The City of Folly Beach*

I, Stephen L. Brown, of Clement Rivers, LLP, attorneys for Appellant The City of Folly Beach, hereby certify that the **CONSENT MOTION FOR THIRD EXTENSION OF TIME TO FILE/SERVE INITIAL BRIEF OF APPELLANT** was served on Respondent, Clam Farm Partnership, LLC, and all other parties to this appeal on May 5, 2022, by emailing (see attached) a copy of the same to all counsel of record:

Matthew Tillman, Esquire Matthew.Tillman@wbd-us.com  
Daniel Q. Orvin, Esquire dan.orvin@wbd-us.com  
Womble Bond Dickinson (US) LLP  
5 Exchange Street  
Charleston, SC 29401  
*Attorneys for Respondent Clam Farm Partnership, LLC*

Randell C. Stoney, Jr., Esquire rstoney@barnwell-whaley.com  
M. Dawes Cooke, Jr., Esquire mdc@barnwell-whaley.com  
Allison M. Burns, Esquire aburns@barnwell-whaley.com  
Barnwell Whaley Patterson & Helms  
P.O. Drawer H  
Charleston, SC 29402-0197  
*Attorneys for Defendants The South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management*

Andrew S. Halio, Esquire ashalio@bellsouth.net  
Halio & Halio  
P.O. Box 747  
Charleston, SC 29402-0747  
*Attorneys for Defendants Charleston County*

CLEMENT RIVERS, LLP

By: s/Stephen L. Brown  
Stephen L. Brown  
*Attorneys for The City of Folly Beach*

Charleston, South Carolina

May 5, 2022

## Bell, Pollyana (Polly)

---

**From:** Bell, Pollyana (Polly)  
**Sent:** Thursday, May 5, 2022 3:03 PM  
**To:** 'dan.orvin@wbd-us.com'; 'Matthew.Tillman@wbd-us.com'; 'rstoney@barnwell-whaley.com'; 'mdc@barnwell-whaley.com'; 'mmason@barnwell-whaley.com'; 'aburns@barnwell-whaley.com'; 'choy@barnwell-whaley.com'; 'bmitton@barnwell-whaley.com'; 'jfletcher@barnwell-whaley.com'; 'ashalio@bellsouth.net'; 'sgiblin@bellsouth.net'; 'jenkinswilson@bellsouth.net'  
**Cc:** 'Stephen Brown (sbrown@ycrlaw.com)'; Rowh, Chandler; Justman, Aimee; Childress, Jerrie  
**Subject:** Clam Farm Partnership, LLC v. SC DHEC et al. // Appellate Case No. 2022-000038  
**Attachments:** Consent Mtn for Third Ext of Time to File-Serve Initial Brief of Appellant.pdf

Enclosed please find Appellant City of Folly Beach's Consent Motion for Third Extension of Time to File/Serve their Initial Brief in the above-referenced matter which will be filed today.

Thank you,

Pollyana Bell  
Project Assistant  
Commercial Litigation Practice Group  
Phone:(843)720-5488 | Fax:(843)579-1369



**CLEMENT RIVERS, LLP**  
25 Calhoun Street • Suite 200 • Charleston, SC 29401  
777 6922