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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

16212

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)
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Charleston, South Carolina

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Appellants.

PROOF OF SERVICE

CLEMENT RIVERS, LLP

Stephen L. Brown (SC Bar No. 66468)

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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
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Attorneys for Respondent Clam Farm Partnership, LLC

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Attorneys for Defendants The South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management

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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

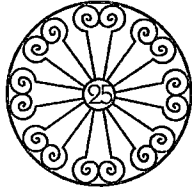
Enclosed please find Appellant City of Folly Beach's Consent Motion for Third Extension of Time to File/Serve their Initial Brief in the above-referenced matter which will be filed today.

Thank you,

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



CLEMENT RIVERS, LLP
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CLEMENT RIVERS, LLP
ATTORNEYS AT LAW

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Project Assistant

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May 6, 2022

VIA US MAIL

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

Re: Clam Farm Partnership, LLC 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
Appellate Case No. 2022-000038
Case No.: 2021-CP-10-00562
YCR File: 2235-20210162

Dear Ms. Kitchings:

Enclosed please find our firm's check representing the filing fee for Appellant City of Folly Beach's Consent Motion for Third Extension of Time to File/Serve their Initial Brief, which was electronically filed on May 5, 2022, in the above-referenced matter.

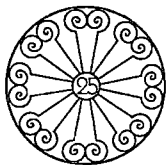
With best wishes and kindest regards, I am

Sincerely,

CLEMENT RIVERS, LLP

Pollyana Bell
Project Assistant

/pbb
Enclosures



CLEMENT RIVERS, LLP

P.O. Box 993
Charleston, SC 29402

SLB
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Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
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