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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Chief Administrative Law Judge

Appellate Case No. 2017-002598

ALC Case Nos. 17-ALJ-07-0041-CC; 17-ALJ-07-0042-CC; 17-ALJ-07-0039-CC

Charles S. Blackmon and South Carolinians for
Responsible Agricultural Practices, Appellants,

v.

South Carolina Department of Health and Environmental
Control and David Coggins Broilers, Respondents;

Charles S. Blackmon and South Carolinians for
Responsible Agricultural Practices, Appellants,

v.

South Carolina Department of Health and Environmental
Control and Heath Coggins Broilers, Respondents;

Charles S. Blackmon and South Carolinians for
Responsible Agricultural Practices, Appellants,

v.

South Carolina Department of Health and Environmental
Control and Jim Young Broilers, Respondents.

**RESPONDENTS' JOINT MOTION FOR EXTENSION OF TIME TO FILE PETITION
FOR REHEARING**

Pursuant to Rules 221, 240, and 263 of the South Carolina Appellate Court Rules, Respondents David Coggins Broilers, Heath Coggins Broilers, and Jim Young Broilers (collectively “Broilers”), and South Carolina Department of Health and Environmental Control (“SCDHEC,” and together with Broilers, the “Respondents”) respectfully jointly request a 30-day extension of time in which to file a petition for rehearing in this matter. In support of this motion, Respondents state as follows:

1. This is an appeal of a Final Order and Decision of the Administrative Law Court (“ALC”) entered on November 30, 2017.
2. Appellants Charles S. Blackmon and South Carolinians for Responsible Agricultural Practices (“Appellants”) filed a notice of appeal on December 29, 2017.
3. After briefing was completed, the Court heard oral argument in this matter on December 9, 2020. On May 25, 2022, the Court issued an opinion reversing the ALC and remanding this case to SCDHEC (the “Opinion”). On June 7, 2022, the Court issued a revised opinion to correct the counsel of record for SCDHEC.
4. Under Rule 221(a), SCACR, the Respondents have until June 9, 2022 to file a petition for rehearing in this matter. Counsel for Respondents requires additional time in which to carefully review and consider the Opinion and evaluate whether to file a petition for rehearing. Counsel for both SCDHEC and the Broilers have a number of pressing obligations and deadlines which have prevented them from completing this review and preparation within the 15-day time period allotted for the filing of a petition for rehearing.
5. Rule 263(b), SCACR, permits the Court to extend the time for completing any act required by the Rules.

Wherefore, Respondents respectfully move this Court for a 30-day extension of time, up to and including Monday, July 11, 2022, in which to file a petition for rehearing in this matter.

Respectfully submitted,

s/Mitchell Willoughby
Mitchell Willoughby, S.C. Bar No. 6161
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930 Richland Street (29201)
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*Attorneys for Respondents David Coggins Broilers,
Heath Coggins Broilers, and Jim Young Broilers*

s/Sara V. Martinez
Stephen Philip Hightower, S.C. Bar No. 72265
Sara V. Martinez, S.C. Bar No. 74822
**SOUTH CAROLINA DEPARTMENT OF
HEALTH AND ENVIRONMENTAL CONTROL**
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*Attorneys for Respondent S.C. Department of Health
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Columbia, South Carolina
June 8, 2022

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PROOF OF SERVICE

This is to certify that I, a paralegal with the law firm Willoughby & Hoefler, P.A., have caused to be served this day one (1) copy of Respondents' Joint Motion for Extension of Time to File Petition for Rehearing via electronic mail at the email addresses reflected in the Attorney Information System and as set forth below:

Robert Guild, Esquire
Robert Guild, Attorney at Law
314 Pall Mall Street
Columbia, SC 29201
bguild@mindspring.com

Stephen P. Hightower, Esquire
Sara V. Martinez, Esquire
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201
hightosp@dhec.sc.gov
martinsv@dhec.sc.gov

A copy of the email serving counsel as stated above is attached hereto.


Laura Lee Andrews

June 8, 2022
Columbia, South Carolina

From: [Laura Lee Andrews](#)
To: bguild@mindspring.com
Cc: hightosp@dhec.sc.gov; [Mitchell Willoughby](#); martinsv@dhec.sc.gov
Subject: Charles S. Blackmon v. SCDHEC | Appellate Case No. 2017-002598
Date: Wednesday, June 8, 2022 5:36:00 PM
Attachments: [2022-06-08 Respondents" Joint Motion for Extension of Time to File Petition for Rehearing.pdf](#)
[image001.png](#)
[2022-06-08 Filing Ltr re Respondents" Joint Motion for Extension.pdf](#)

Good afternoon,

As permitted by Supreme Court Order 2022-05-06-03 part (d)(1) and Rule 262, SCACR, attached for service is a copy of Respondents' Joint Motion for Extension of Time to File Petition for Rehearing in the above-captioned matter. These documents will be filed shortly with the Court of Appeals and this email will be attached to the certificate of service of same.



Laura Lee Andrews
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WILLOUGHBY & HOEFER, P.A.

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OF COUNSEL

JOSEPH H. FARRELL, III
SPECIAL COUNSEL

June 8, 2022

*ALSO ADMITTED IN TEXAS

**ALSO ADMITTED IN WASHINGTON, D.C.

***ALSO ADMITTED IN CALIFORNIA

****ALSO ADMITTED IN NORTH CAROLINA

VIA ELECTRONIC FILING BY EMAIL

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
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Columbia, South Carolina 29201
ctappfilings@sccourts.org

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RE: *Charles S. Blackmon v. SCDHEC*, Appellate Case No. 2017-002598

Dear Ms. Kitchings:

Attached for electronic filing by email in accordance with Supreme Court Order 2022-05-06-03, part (b)(2) and Rule 262, SCACR, and pursuant to Rules 221, 240, and 263, SCACR, Respondents respectfully submit their Joint Motion for Extension of Time to File Petition for Rehearing. As permitted by Order 2021-08-25-03, no other copies, whether paper or electronic, are being provided.

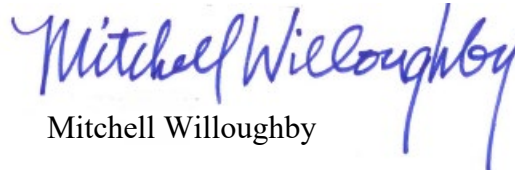
By copy of this letter, we are serving counsel for Appellants via email as permitted by Order 2022-05-06-03, part (d)(1), and attached is a proof of service to that effect.

A check in the amount of \$50.00 for the filing fee associated with this motion is being forwarded to your attention via U.S. Mail.

If you have any questions or need additional information, please do not hesitate to contact me.

Very truly yours,

WILLOUGHBY & HOEFER, P.A.


Mitchell Willoughby

MW/epk
Attachment

cc: Robert Guild, Esquire
Stephen P. Hightower, Esquire
Sara V. Martinez, Esquire

OFFICES:

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