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Sep 24 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
J. Derham Cole, Circuit Court Judge

Appellate Case No. 2021-000446
Civil Action No. 2017-CP-10-04371

Cary E. Fechter, M.D..... Appellant,

v.

Leon Martin Ortner, The Ortner Law Firm, LLC, Gerald Rosenthal,
and Rosenthal, Levy, Simon, and Ryles, P.A. Respondents.

**MOTION FOR COSTS ON APPEAL OF RESPONDENTS
LEON MARTIN ORTNER AND THE ORTNER LAW FIRM, LLC**

Respondents Leon Martin Ortner and The Ortner Law Firm, LLC (“Ortner Respondents”) hereby move for the taxation of costs on appeal against Appellant Cary E. Fechter, M.D. (“Appellant”) pursuant to Rule 222, SCACR, on the grounds that (1) Appellant petitioned the South Carolina Court of Appeals to reverse the dismissal of his claims against the Ortner Respondents for lack of personal and subject matter jurisdiction and (2) the South Carolina Court of Appeals affirmed the dismissal finding that the circuit court properly dismissed Appellant’s claims because Appellant failed to effect service of process on the Ortner Respondents. Accordingly, the Ortner Respondents respectfully request an Order taxing costs against Appellant in the amount of \$2,928.32 as supported by the attached sworn, itemized statement of costs.

[Separate Signature Page Follows]

Respectfully submitted,

s/Justin P. Novak

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*Attorneys for Respondents Leon Martin Ortner
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September 24, 2024

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas
J. Derham Cole, Circuit Court Judge

Appellate Case No. 2021-000446
Civil Action No. 2017-CP-10-04371

Cary E. Fechter, M.D. Appellant,

v.

Leon Martin Ortner, The Ortner Law Firm, LLC, Gerald Rosenthal,
and Levy, Simon, and Ryles, P.A. Respondents.

PROOF OF SERVICE

I, the undersigned employee of Barnwell Whaley Patterson & Helms, LLC, herby certify that pursuant to Rule 222 and 262(b), SCACR, I have served the *Motion for Taxation of Costs on Appeal of Respondents on Behalf of Respondents Leon Martin Ortner and Ortner Law Firm, LLC* in this matter upon the Clerk of the South Carolina Court of Appeals, all counsel of record, and all pro se parties by electronic mail or mailing a copy by United States Mail, postage prepaid, on September 24, 2024, to the following addresses:

The Honorable Jenny Abbot Kitchings
Email: ctappfilings@sccourts.org

Clerk, South Carolina Court of Appeals

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/s Anthony Baglivo
Anthony Baglivo

September 24, 2024