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Sep 24 2024

SC Court of Appeals

FORM 17
ITEMIZED STATEMENT OF COSTS

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.

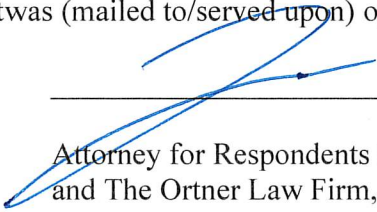
The Appellate Court is requested to tax the following costs against:

Appellant Cary E. Fechter, M.D.

COSTS TAXABLE UNDER RULE 222, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
Cost of Printing or Copying Final Brief	204 pgs 4 pgs	\$0.120 \$1.000	\$82.27	
Cost of Printing or Copying Final Reply Brief	N/A	N/A	N/A	
Cost of Printing or Copying Record on Appeal	807 pgs	\$0.150	\$121.05	
Filing Fee Paid Under Rule 203(d), SCACR	N/A	N/A	N/A	
Cost of Court Reporter's Transcript	See Attached Email	See Attached Email	\$225.00	

Attorney's Fee Provided By Rule 222(b), SCACR	N/A	N/A	\$2,500.00	
Other (specify and explain):				

I, Justin P. Novak, do swear or affirm that the foregoing costs are correct and were necessarily incurred in this action. A copy of this statement was (mailed to/served upon) opposing counsel.



(Signature)

Attorney for Respondents Leon Martin Ortner and The Ortner Law Firm, LLC

Subscribed and sworn to before me this 24th day of September, 2024.

Melanie H. Jiggers-Asm

Notary Public for South Carolina

My Commission Expires: 8/11/2030

(Seal)

Respectfully submitted,

s/Justin P. Novak

M. Dawes Cooke, Jr., Esquire
Justin P. Novak, Esquire
Barnwell Whaley Patterson & Helms, LLC
P.O. Drawer H
Charleston, South Carolina 29402
Phone: (843) 577-7700
Fax: (843) 577-7708
mdc@barnwell-whaley.com
jnovak@barnwell-whaley.com

*Attorneys for Respondents Leon Martin Ortner
and The Ortner Law Firm, LLC*

September 24, 2024



Charleston

INVOICE

Date	Invoice #
6/8/2022	CHS158891

Bill To
Julia Childers BARNWELL WHALEY PATTERSON & HELMS LLC 211 King St., Suite 300 Charleston, SC 29401

Job #: CHS29954

Client Ref. #	Terms	Rep	Ordered By
Fechter v. Ortner	Net 30	CDavis	Julia Childers

Description	Qty	Rate	Amount
Printing:Legal Brief Prints	204	\$0.120	\$24.48T
Binding:Card Covers	4	\$1.000	\$4.00T
Binding:Spiral Bind 1 in.	4	\$2.500	\$10.00T
Shipping:Courier Delivery Service	1	\$10.000	\$10.00T
Shipping:UPS Ground	1	\$17.000	\$17.00T
Shipping:USPS - First Class	1	\$10.000	\$10.00T

Judge - UPS Tracking #: 1Z E49 563 03 9593 7366
 Kozlarek - USPS Tracking #: 9405 5112 0254 0573 1996 39

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Send only your payment to the payment address indicated on this invoice. All payments are due within your terms upon receipt of this invoice. All late payments may be subject to finance charges or other late charge fees assessable against you; provided, however, that such amount shall automatically reduced to the maximum amount permitted by law if such amount is deemed to be usurious or unlawful. If payments are not received within your terms after invoiced, financing charges and/or late fees may begin to accrue at our option. Please be advised that the person or entity indicated in the Bill To block of this invoice (i.e. you) is/are responsible for any and all payments herein referenced, irrespective of whether such amounts are ultimately posted to the account of your client or other third party.

Subtotal:	\$75.48
Tax(0.09):	\$6.79
Total:	\$82.27

Customer Signature: _____ **Date:** 6/14/2022
Session ID: _____

Tax ID Number:
57-1051795

***Please Remit All Payments to: ProLegal Discovery Solutions, Inc.
212 Huger Street, Charleston, SC 29403 (843)853-2888

From: Beverly Mitton
To: Karen V. Andersen, RMR, CRR
Subject: PW: C/A No. 2017-CP-10-04371
Date: Tuesday, January 7, 2020 3:04:10 PM
Attachments: 13.835C41EE-V_001M1E.pdf

I've saved this in 4065.001/PLE

From: Andersen, Karen <kandersen@sccourts.org>
Sent: Tuesday, January 7, 2020 2:29 PM
To: Beverly Mitton <bmitton@barnwell-whaley.com>
Subject: Re: C/A No. 2017-CP-10-04371

Attached please find the requested expedited hearing which has been paid in full. Thank you

Karen V. Andersen, RMR, CRR
2496 Kings Gate Lane
Mt. Pleasant, SC 29466

From: Andersen, Karen
Sent: Tuesday, December 31, 2019 1:00:17 PM
To: Beverly Mitton
Subject: Re: C/A No. 2017-CP-10-04371

Okay

Sent from my T-Mobile 4G LTE Device
Get Outlook for Android<<https://aka.ms/ghei36>>

From: Beverly Mitton <bmitton@barnwell-whaley.com>
Sent: Tuesday, December 31, 2019 12:43:33 PM
To: Andersen, Karen <kandersen@sccourts.org>
Subject: RE: C/A No. 2017-CP-10-04371

*** EXTERNAL EMAIL: This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***
Great! Let's expedite it

From: Andersen, Karen <kandersen@sccourts.org>
Sent: Tuesday, December 31, 2019 12:42 PM
To: Beverly Mitton <bmitton@barnwell-whaley.com>
Subject: Re: C/A No. 2017-CP-10-04371

Yes, total. :)

Sent from my T-Mobile 4G LTE Device
Get Outlook for Android<<https://aka.ms/ghei36>><<https://urldefense.com/v3/https://aka.ms/ghei36.../UjHVHxrlJangLcw40P73Vordsp75EcT6kDr5Brnk5LVoT8vZCtszdCTWpVhbRP11-u8X1PBhVu95->>

From: Beverly Mitton <bmitton@barnwell-whaley.com>
Sent: Tuesday, December 31, 2019 12:31:59 PM
To: Andersen, Karen <kandersen@sccourts.org>
Subject: RE: C/A No. 2017-CP-10-04371

*** EXTERNAL EMAIL: This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***
That's \$225 total, not in addition to... right?

From: Andersen, Karen <kandersen@sccourts.org>
Sent: Tuesday, December 31, 2019 11:54 AM
To: Beverly Mitton <bmitton@barnwell-whaley.com>
Subject: Re: C/A No. 2017-CP-10-04371

Within 7 business days \$225.

Sent from my T-Mobile 4G LTE Device
Get Outlook for Android<<https://aka.ms/ghei36>><<https://urldefense.com/v3/https://aka.ms/ghei36.../UjHVHxrlJangLcw40P73Vordsp75EcT6kDr5Brnk5LVoT8vZCtszdCTWpVhbRP11-u8X1PBhVu95->>

From: Beverly Mitton <bmitton@barnwell-whaley.com>
Sent: Tuesday, December 31, 2019 11:42:19 AM
To: Andersen, Karen <kandersen@sccourts.org>
Subject: RE: C/A No. 2017-CP-10-04371

*** EXTERNAL EMAIL: This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***
What is the time frame and cost for expedited?

From: Andersen, Karen <kandersen@sccourts.org>
Sent: Tuesday, December 31, 2019 11:37 AM
To: Beverly Mitton <bmitton@barnwell-whaley.com>
Subject: Re: C/A No. 2017-CP-10-04371

Thank you. That transcript would cost \$197.25 for a signed and certified electronic transcript, regular delivery (within 60 days). Upon the payment to me at the address below, I will gladly place your transcript in line for production. Feel free to contact me if you prefer a hard copy or expedited. Thank you.

Karen V. Andersen, RMR, CRR
2496 Kings Gate Lane
Mt. Pleasant, SC 29466

From: Beverly Mitton <bmitton@barnwell-whaley.com>
Sent: Tuesday, December 31, 2019 11:27:16 AM
To: Andersen, Karen
Subject: RE: C/A No. 2017-CP-10-04371

*** EXTERNAL EMAIL: This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***
Yes, sorry! Cary E. Fischer, MD, V. Leon Martin Ortner, The Ortner Law Firm, LLC, Gerald Rosenthal and Rosenthal, Levy, Simon and Ryles, Happy New Year

From: Andersen, Karen
Sent: Tuesday, December 31, 2019 11:24 AM
To: Beverly Mitton <bmitton@barnwell-whaley.com>
Subject: Re: C/A No. 2017-CP-10-04371

Can you please give me the case name? The case number doesn't match the hearings heard on that date.

Karen V. Andersen, RMR, CRR
2496 Kings Gate Lane
Mt. Pleasant, SC 29466

From: Beverly Mitton <bmitton@barnwell-whaley.com>
Sent: Friday, December 27, 2019 9:45:23 AM
To: Andersen, Karen
Subject: C/A No. 2017-CP-10-04371

Client	Trans Date	Atty	Rate	Amount
Client ID 4065.001 ORTNER/LEON MARTIN				
4065.001	01/16/2015	MDC		137.32 Westlaw research THOMSON WEST
4065.001	02/03/2015	MDC	0.070	0.07 Photocopies, inhouse (B/W) 1 @ 0.07
4065.001	04/14/2015	MDC		3.50 Postage
4065.001	04/14/2015	MDC		2.15 Westlaw research THOMSON WEST
4065.001	04/27/2015	MDC		1.44 Postage
4065.001	04/28/2015	MDC	0.150	1.35 Photocopies, inhouse (B/W) 9 @ 0.15
4065.001	04/28/2015	MDC	1.000	2.00 Photocopies, inhouse (Color) 2 @ 1.00
4065.001	10/30/2015	MDC	0.150	205.35 Photocopies, inhouse (B/W) 1,369 @ 0.15
4065.001	12/18/2015	MDC		0.70 Postage
4065.001	12/12/2017	MDC		83.16 Westlaw research THOMSON WEST
4065.001	12/13/2017	MDC		336.72 Westlaw research THOMSON WEST
4065.001	12/18/2017	MDC		9.24 Westlaw research THOMSON WEST
4065.001	12/19/2017	MDC		144.77 Westlaw research THOMSON WEST
4065.001	12/20/2017	MDC		266.29 Westlaw research THOMSON WEST
4065.001	12/22/2017	MDC		213.79 Westlaw research THOMSON WEST
4065.001	12/27/2017	MDC		19.88 Westlaw research THOMSON WEST
4065.001	12/28/2017	MDC		0.46 Postage
4065.001	12/29/2017	MDC		168.71 Westlaw research THOMSON WEST
4065.001	12/31/2017	MDC		293.59 Westlaw research THOMSON WEST
4065.001	01/01/2018	MDC		102.87 Westlaw research THOMSON WEST
4065.001	01/02/2018	MDC		6.65 Postage
4065.001	01/02/2018	MDC		6.65 Postage
4065.001	01/02/2018	MDC		6.65 Postage
4065.001	01/02/2018	MDC		256.22 Westlaw research THOMSON WEST
4065.001	01/05/2018	MDC		25.00 Filing Fee CHARLESTON COUNTY CLERK OF COURT JUSTIN P. NOVAK
4065.001	01/05/2018	MDC		2.94 Westlaw research THOMSON WEST
4065.001	04/13/2018	MDC		88.93 Westlaw research THOMSON WEST
4065.001	04/19/2018	MDC		28.44 Westlaw research THOMSON WEST
4065.001	05/02/2018	MDC		157.12 Westlaw research THOMSON WEST
4065.001	05/02/2018	MDC		7.83 Westlaw research THOMSON WEST
4065.001	05/21/2018	MDC		9.96 Westlaw research THOMSON WEST
4065.001	10/05/2018	MDC		25.00 Filing Fee CHARLESTON COUNTY CLERK OF COURT
4065.001	10/05/2018	MDC		1.57 Postage
4065.001	10/05/2018	MDC	0.150	2.40 Photocopies, inhouse (B/W) 16 @ 0.15
4065.001	01/08/2019	MDC	0.150	4.95 Photocopies, inhouse (B/W) 33 @ 0.15
4065.001	01/09/2019	MDC		0.47 Postage
4065.001	01/09/2019	MDC		5.00 Parking expense M. DAWES COOKE BANK OF AMERICA
4065.001	01/16/2019	MDC		148.75 Court Reporter/Deposition Fees KAREN V. ANDERSON
4065.001	01/16/2019	MDC		8.99 Westlaw research THOMSON WEST
4065.001	01/18/2019	MDC		0.47 Postage
4065.001	01/18/2019	MDC	0.150	0.30 Photocopies, inhouse (B/W) 2 @ 0.15

Client	Trans Date	Atty	Rate	Amount
Client ID 4065.001 ORTNER/LEON MARTIN				
4065.001	04/08/2019	MDC		11.58 Westlaw research THOMSON WEST
4065.001	04/17/2019	MDC		144.06 Westlaw research THOMSON WEST
4065.001	04/18/2019	MDC		25.00 Filing Fee CHARLESTON COUNTY CLERK OF COURT
4065.001	04/18/2019	MDC		1.30 Postage
4065.001	04/18/2019	MDC		25.63 Westlaw research THOMSON WEST
4065.001	05/13/2019	MDC	0.150	0.30 Photocopies, inhouse (B/W) 2 @ 0.15
4065.001	07/22/2019	MDC		250.00 Filing Fee SOUTH CAROLINA COURT OF APPEALS
4065.001	07/22/2019	MDC	0.150	10.50 Photocopies, inhouse (B/W) 70 @ 0.15
4065.001	08/15/2019	MDC		50.00 Filing Fee SOUTH CAROLINA COURT OF APPEALS
4065.001	08/15/2019	MDC	0.150	0.90 Photocopies, inhouse (B/W) 6 @ 0.15
4065.001	09/03/2019	MDC		50.00 Filing Fee SOUTH CAROLINA COURT OF APPEALS
4065.001	09/03/2019	MDC		0.50 Postage
4065.001	09/03/2019	MDC	0.150	0.45 Photocopies, inhouse (B/W) 3 @ 0.15
4065.001	09/10/2019	MDC		58.19 Westlaw research THOMSON WEST
4065.001	09/13/2019	MDC	0.150	15.45 Photocopies, inhouse (B/W) 103 @ 0.15
4065.001	12/11/2019	MDC		135.99 Westlaw research THOMSON WEST
4065.001	12/19/2019	MDC		1.90 Postage
4065.001	12/19/2019	MDC	0.150	5.25 Photocopies, inhouse (B/W) 35 @ 0.15
4065.001	12/20/2019	MDC		3.20 Postage
4065.001	12/20/2019	MDC	0.150	3.15 Photocopies, inhouse (B/W) 21 @ 0.15
4065.001	12/21/2019	MDC		31.74 Filing Fee SC.GOV AMERICAN EXPRESS--41146
4065.001	12/23/2019	MDC	0.150	1.20 Photocopies, inhouse (B/W) 8 @ 0.15
4065.001	12/23/2019	MDC		79.84 Westlaw research THOMSON WEST
4065.001	12/23/2019	MDC		24.18 Westlaw research THOMSON WEST
4065.001	12/24/2019	MDC		5.00 Photocopies, inhouse (Color) 5 @ 1.00
4065.001	12/26/2019	MDC	1.000	225.00 Court Reporter/Deposition Fees KAREN V. ANDERSON
4065.001	12/31/2019	MDC		3.00 Photocopies, inhouse (Color) 3 @ 1.00
4065.001	12/31/2019	MDC	1.000	0.60 Photocopies, inhouse (B/W) 4 @ 0.15
4065.001	01/06/2020	MDC	0.150	0.30 Photocopies, inhouse (B/W) 2 @ 0.15
4065.001	01/10/2020	MDC	0.150	210.80 Westlaw research THOMSON WEST
4065.001	01/10/2020	MDC		9.75 Photocopies, inhouse (B/W) 65 @ 0.15
4065.001	01/13/2020	MDC	1.000	5.00 Photocopies, inhouse (Color) 5 @ 1.00
4065.001	01/21/2020	MDC	0.150	44.25 Photocopies, inhouse (B/W) 295 @ 0.15
4065.001	01/23/2020	MDC	1.000	1.00 Photocopies, inhouse (Color) 1 @ 1.00
4065.001	01/24/2020	MDC	0.150	14.25 Photocopies, inhouse (B/W) 95 @ 0.15
4065.001	01/27/2020	MDC	0.150	0.45 Photocopies, inhouse (B/W) 3 @ 0.15
4065.001	01/28/2020	MDC	1.000	1.00 Photocopies, inhouse (Color) 1 @ 1.00
4065.001	02/05/2020	MDC	1.000	3.00 Photocopies, inhouse (Color) 3 @ 1.00
4065.001	02/06/2020	MDC	1.000	3.00 Photocopies, inhouse (Color) 3 @ 1.00
4065.001	02/11/2020	MDC	1.000	247.65 Westlaw research THOMSON WEST
4065.001	05/14/2020	MDC		0.15 Photocopies, inhouse (B/W) 1 @ 0.15
4065.001	06/08/2020	MDC	0.150	

Client	Trans Date	Atty	Rate	Amount
Client ID 4065.001 ORTNER/LEON MARTIN				
4065.001	06/08/2020	MDC	1.000	15.00 Photocopies, inhouse (Color) 15 @ 1.00
4065.001	06/10/2020	MDC	1.000	15.00 Photocopies, inhouse (Color) 15 @ 1.00
4065.001	06/18/2020	MDC	0.150	0.30 Photocopies, inhouse (B/W) 2 @ 0.15
4065.001	06/29/2020	MDC	0.150	0.15 Photocopies, inhouse (B/W) 1 @ 0.15
4065.001	08/10/2020	MDC	0.150	0.30 Photocopies, inhouse (B/W) 2 @ 0.15
4065.001	08/14/2020	MDC	0.150	0.30 Photocopies, inhouse (B/W) 2 @ 0.15
4065.001	08/18/2020	MDC	0.150	0.30 Photocopies, inhouse (B/W) 2 @ 0.15
4065.001	08/20/2020	MDC	219.67	Westlaw research THOMSON WEST
4065.001	08/21/2020	MDC	0.150	2.25 Photocopies, inhouse (B/W) 15 @ 0.15
4065.001	08/25/2020	MDC	0.150	0.45 Photocopies, inhouse (B/W) 3 @ 0.15
4065.001	08/25/2020	MDC	1.000	8.00 Photocopies, inhouse (Color) 8 @ 1.00
4065.001	11/10/2020	MDC	57.13	Westlaw research THOMSON WEST
4065.001	11/12/2020	MDC	57.13	Westlaw research THOMSON WEST
4065.001	03/30/2021	MDC	0.150	0.15 Photocopies, inhouse (B/W) 1 @ 0.15
4065.001	04/21/2021	MDC	0.150	0.15 Photocopies, inhouse (B/W) 1 @ 0.15
4065.001	12/06/2021	MDC	50.00	Filing Fee SOUTH CAROLINA COURT OF APPEALS
4065.001	01/18/2022	MDC	1.05	Photocopies, inhouse (B/W) 7 @ 0.15
4065.001	01/18/2022	MDC	50.00	Filing Fee SOUTH CAROLINA COURT OF APPEALS
4065.001	02/15/2022	MDC	50.00	Filing Fee SOUTH CAROLINA COURT OF APPEALS
4065.001	02/15/2022	MDC	1.05	Photocopies, inhouse (B/W) 7 @ 0.15
4065.001	03/15/2022	MDC	4.80	Online research LEXIS NEXIS
4065.001	03/16/2022	MDC	23.13	Online research LEXIS NEXIS
4065.001	03/17/2022	MDC	3.12	Online research LEXIS NEXIS
4065.001	03/18/2022	MDC	19.79	Online research LEXIS NEXIS
4065.001	06/01/2022	MDC	121.05	Photocopies, inhouse (B/W) 807 @ 0.15
4065.001	06/08/2022	MDC	82.27	Copies, outside vendor PROLEGAL COPIES, INC.
4065.001	11/03/2022	MDC	1.14	Postage
4065.001	11/07/2022	MDC	92.11	Copies, outside vendor PROLEGAL COPIES, INC.
4065.001	12/18/2023	MDC	0.45	Photocopies, inhouse (B/W) 3 @ 0.15
4065.001	12/19/2023	MDC	0.90	Photocopies, inhouse (B/W) 6 @ 0.15
4065.001	04/02/2024	MDC	8.40	Online research RELX INC DBA LEXIS NEXIS
4065.001	04/03/2024	MDC	23.62	Online research RELX INC DBA LEXIS NEXIS
4065.001	04/07/2024	MDC	109.23	Online research RELX INC DBA LEXIS NEXIS
4065.001	04/09/2024	MDC	6.36	Online research RELX INC DBA LEXIS NEXIS
4065.001	04/10/2024	MDC	4.00	Parking expense JUSTIN P. NOVAK
4065.001	04/10/2024	MDC	158.25	Mileage expense JUSTIN P. NOVAK - 236.2 @ .67/mile

Total for Client ID 4065.001

Billable 5,633.92 ORTNER/LEON MARTIN
RE: CARY FECHTER, M.D.

BARNWELL WHALEY PATTERSON & HELMS, LLC

<u>Client</u>	<u>Trans Date</u>	<u>Atty</u>	<u>Rate</u>	<u>Amount</u>
GRAND TOTALS				

Billable 5,633.92