

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2017-CP-10-04371

Cary E. FECHTER, MD,

Leon Martin ORTNER, The ORTNER LAW FIRM, LLC,  
Gerald ROSENTHAL, and ROSENTHAL, LEVY, SIMON,  
and RYLES, PA,

Plaintiff(s)

Defendant(s)

CHECK ONE:

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED** (CHECK REASON):  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other
- ACTION STRICKEN** (CHECK REASON):  Rule 40(j) SCRPC;  Bankruptcy;
  - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other

**IT IS ORDERED AND ADJUDGED:**  formal order to follow;  **Statement of Judgment by the Court:**

This matter is before the Court on Plaintiff's Rule 59(e) motions to reconsider Orders filed 06/08/2020 (Rosenthal) and 08/04/2020 (Ortner) dismissing the complaint against all defendants, and on Defendants' (Rosenthal) Rule 59(e) motion to reconsider an 08/24/2020 Order vacating an 08/04/2020 Order granting the Rosenthal defendants' motion to dismiss.

This matter was initially before this court on the defendants' motions to dismiss this civil action. The motions were granted as reflected in a Form 4 Order filed 02/05/2020. Formal orders were filed 06/08/2020 (Rosenthal Order) and 08/04/2020 (Ortner Order) explaining the rulings of the Court. The identical 06/08/2020 (Rosenthal) Order was inadvertently and erroneously filed a second time on 08/04/2020. On 08/24/2020 the Court, upon realization of the filing error, filed a Form 4 Order vacating the identical "Rosenthal" Order filed on August 4, 2020 and providing that "[t]he original order granting the defendants' [Rosenthal] motion to dismiss which was filed for record on June 8, 2020 shall stand alone as the ruling of this Court on the defendants' motion to dismiss".

This Court has considered **PLAINTIFF'S** and **DEFENDANTS' MOTIONS** to **RECONSIDER** and the respective briefs and argument submitted in support and opposition to, and now find that; (1) Plaintiff's motions to reconsider the Court's 06/08/2020 Order dismissing the Rosenthal defendants and the Court's 8/04/2020 Order dismissing the Ortner defendants, and (2) the Rosenthal defendants' motion to reconsider the Court's 08/24/2020 Order vacating an 08/04/2020 Order dismissing the Rosenthal defendants should be and **ARE** therefore **DENIED**.

\_\_\_\_\_  
**J. DERHAM COLE, PRESIDING JUDGE**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_ and a copy mailed first class this \_\_\_\_\_ day of \_\_\_\_\_ to attorneys of record or to parties (when appearing pro se) as follows:

**MELVIN D. BANNISTER, Esq.**

**JUSTIN P. NOVAK, Esq.**  
**MICHAEL E. KOZLAREK, Esq.**

ATTORNEY(S) FOR PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

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**JULIE J. ARMSTRONG, CLERK OF COURT**



Charleston Common Pleas

**Case Caption:** Cary E Fechter M D VS Leon Martin Ortner , defendant, et al

**Case Number:** 2017CP1004371

**Type:** Order/Form 4

IT IS SO ORDERED!

s/J. Derham Cole 2053