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Jun 24 2021

SC Court of Appeals

Cary E. Fechter, M.D.

Pulmonary, Internal, and Critical Care Medicine

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Phone : 843 224 5225 Email: caryfechter@gmail.com

To: Honorable Jenny Abbott Kitchings

6/24/2021

Clerk of the SC Court of Appeals

PO Box 11629 Columbia, SC 29211

Re: Fechter v. Ortner, et al, Appellate Case No. 2021-000446

I am Cary Fechter, MD, and I am the appellant in the above referenced appeal. This communication is to advise you that I discharged Melvin Bannister, Esq. as my attorney. Mr. Bannister has not followed instructions with respect to the handling of this appeal, and that, as a result, I have no confidence in his ability to represent me. Attached is my letter to Mr. Bannister ending his engagement as my attorney. I do not believe Mr. Bannister has raised and argued critically important issues that I insisted on being addressed. One such issue is the appeal of the specific ruling of Judge Cole that the South Carolina Workers' Compensation Commission had exclusive subject matter over the dispute I had with the respondents. I have talked to other attorneys and, based on these conversations, I am informed and believe that this issue should have been appealed. It was argued by Mr. Bannister in his Motion to Reconsider the order of Judge Cole.

I did not find out that Mr. Bannister failed to raise or argue these issues until after he had already filed with the Court of Appeals his initial brief of appellant and his original and supplemental designation of matters to be included in the record on appeal. He did not provide me a draft of these papers before he filed them. Indeed, I found out about his brief when my personal attorney emailed me a copy in the late afternoon of June 18, 2021. I was not able to look at the documents until after 7:30 PM, Father's Day, June 20, 2021.

Accordingly, I am already diligently seeking specific appellate counsel. I request the court to grant me thirty days to find the

attorney and stay proceedings pending my retaining of the new attorney. I believe this will involve a submitting a replacement brief of appellant and perhaps a replacement designation of matters to be included upon appeal.

Sincerely,

Cary E. Fechter, M.D

Cc:

Justin P. Novak, Esq. (Attorney for respondents Leon Martin Ortner and The Ortner Law Firm, LLC via email to jnovak@barnwell-whaley.com)

Michael E. Kozlarek, Esq. (Attorney for respondents Gerald Rosenthal and Rosenthal, Levy, Simon, Ryles, PA via email to michael@kozlareklaw.com)

Melvin D. Bannister, Esq. (via email to sctriallawyer@bellsouth.net)

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Melvin Banister, Esq.

6/24/2021

Dear Melvin:

As you have not followed my instructions of the appeal, I am discharging you as my attorney effective immediately. I am now seeking a substitute attorney to represent me as I do not believe you have properly included timely, critically important issues.

I have written the Clerk of the South Carolina Court of Appeals to advise them of this development.

A copy of the letter to the South Carolina Court of Appeals is attached.
Cary Fechter, M.D.

CC:

Cary Fechter, MD (for records)
caryfechter@comcast.net