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**Jul 28 2021**  
**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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

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

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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.

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**MOTION FOR EXTENSION OF TIME TO SERVE AND FILE  
INITIAL BRIEF AND DESIGNATION OF MATTER TO BE INCLUDED IN RECORD ON APPEAL  
ON BEHALF OF RESPONDENTS LEON MARTIN ORTNER AND ORTNER LAW FIRM, LLC**

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Pursuant to Rules 208, 209, 240, and 263(b), SCACR, and South Carolina Supreme Court Order 2020-05-29-02 RE: Operation of the Appellate Courts During the Coronavirus Emergency, Respondents Leon Martin Ortner and Ortner Law Firm, LLC hereby move for an order granting a thirty (30) day extension of time for the filing of the Initial Brief and Designation of Matter to be Included in the Record on Appeal in this matter. The granting of this request would mean that these documents would be required to be served and filed on or before Monday, August 30, 2021.

[Separate Signature Page Follows]

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

July 28, 2021

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

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and Levy, Simon, and Ryles, P.A. .... Respondents.

**PROOF OF SERVICE**

I, the undersigned employee of Barnwell Whaley Patterson & Helms, LLC, hereby certify that pursuant to Rules 208, 209, 240, and 263(b), SCACR, I have served the *Motion for Extension of Time to Serve and File the Initial Brief and Designation of Matter to be Included in Record on Appeal 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 July 28, 2021, to the following addresses:

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

*Clerk, South Carolina Court of Appeals*

Cary E. Fechter, M.D.  
427 West 20<sup>th</sup> Street, Suite 602  
Houston, Texas 77008  
Email: caryfechter@gmail.com

*Appellant*

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Post Office Box 811  
Columbia, South Carolina 29202  
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***Counsel for Appellant***

Michael E. Kozlarek, Esq.  
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Email: michael@kozlareklaw.com

***Counsel for Gerald Rosenthal and  
Rosenthal, Levy, Simon and Ryles, PA***

*/s/ Natalia De Alba*  
\_\_\_\_\_  
Natalia De Alba

July 28, 2021

EST. 1938

# BARNWELL WHALEY

ATTORNEYS AT LAW

JUSTIN P. NOVAK

SPECIAL COUNSEL

[JNOVAK@BARNWELL-WHALEY.COM](mailto:JNOVAK@BARNWELL-WHALEY.COM)

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**SC Court of Appeals**

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**Via Email Only**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, South Carolina 29211  
Email: [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

RE: 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.  
Appellate Case No. 2021-000446  
Our Matter No. 4065.001

Dear Ms. Kitchings:

M. Dawes Cooke, Jr., and I represent Leon Martin Ortner and Ortner Law Firm, LLC in the above-referenced matter. My understanding is that Respondents Leon Martin Ortner and Ortner Law Firm, LLC's Initial Brief and Designation of Matter to be Included in the Record on Appeal are required to be served and filed on or before July 30, 2021.

Respondents Leon Martin Ortner and Ortner Law Firm, LLC respectfully request a thirty (30) day extension of time to serve and file these documents pursuant to South Carolina Supreme Court Order 2020-05-29-02 and Rule 263(b), SCACR. The granting of this request would mean that these documents would be required to be served and filed on or before Monday, August 30, 2021. This is these parties' first request for an extension of time. By copy of this letter, I am serving a copy of this correspondence upon all counsel of record, as well as Appellant, who has filed documents indicating an interest in discharging his counsel of record.

BARNWELL WHALEY PATTERSON & HELMS LLC

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**BARNWELL-WHALEY.COM**

Sincerely,

*s/ Justin P. Novak*

Justin P. Novak

JPN/nda

Enclosures

cc: Cary E. Fechter, M.D., (via U.S. Mail and E-mail)  
Melvin D. Bannister, Esq. (via E-mail only)  
Michael E. Kozlarek, Esq. (via E-mail only)