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Oct 15 2021
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE
COURT OF APPEALS

Appeal from the Court of Common Pleas
For Charleston County
Honorable J. Durham Cole, Circuit Court Judge
Civil Action No.: 2017-CP-10-04371
Appellate Case No.: 2021-000446

CARY E. FECHTER, M.D.,

Appellant,

vs.

LEON MARTIN ORTNER; THE ORTNER LAW FIRM, LLC; GERALD ROSENTHAL, and ROSENTHAL, LEVY, SIMON and RYLES, P.A.,

Respondents.

MOTION FOR EXTENSION OF TIME (SECOND) IN WHICH TO FINIAL INITIAL APPELLANT'S BRIEF AND DESIGNATION OF MATTER

Stephen P. Groves, Sr., Esquire
SC Bar No.: 7854
BUTLER SNOW LLP
25 Calhoun Street, Suite 250
Charleston, South Carolina 29401
Telephone: 843.277.3704
Telecopier: 843.277.3701
E-Mail: Stephen.Groves@butlersnow.com

Attorneys for the Appellant,
Cary E. Fechter, M.D.

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS:

COMES NOW the Appellant, Cary E. Fechter, M.D. ("Dr. Fechter"), pursuant to Rule 240 of the *South Carolina Appellate Court Rules*, and respectfully requests this Court of Appeals to grant him an additional thirty (30) day extension of time in which to file his Initial Appellant's Brief and Designation of Matter to be Included in the Record on Appeal (the "DOM"). The basis for this extension motion is that, as this Court of Appeals is aware, the undersigned's wife has been ill during the past few weeks requiring him to be out of the office and, as previously noted the undersigned is Dr. Fechter's new replacement appellate counsel**1** and, given both of those situations the undersigned counsel needs some additional time in which to prepare the Initial Appellant's Brief and DOM so as to afford Dr,. Fechter ample time for review and consultation as to the contents of the submissions.

Based upon the current briefing schedule Dr. Fechter's Initial Appellant's Brief and DOM are currently due to be served on or before **Wednesday, 20 October 2021**. Consequently, anticipating a favorable reception and subsequent grant of this second extension motion, Dr. Fechter would be required to serve his Initial Appellant's Brief and DOM on or before **Friday, 19 November 2019**. The undersigned has consulted with opposing counsel and they have indicated that neither of them object to nor intend to oppose this requested extension of time.

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1 The undersigned was not involved in any of the proceedings in the Trial Court and, therefore, needs extra time to assimilate the information and documentation arising therefrom.

Finally, Dr. Fechter respectfully requests this Court of Appeals to hold the appellate briefing time in abeyance until such time as this motion may be considered and ruled upon.

Respectfully submitted:

Signed: ***Stephen P. Groves., Sr.***

Stephen P. Groves, Sr., Esquire
SC Bar No.: 7854
BUTLER SNOW LLP
25 Calhoun Street, Suite 250
Charleston, South Carolina 29401
Telephone: 843.277.3704
Telecopier: 843.277.3701
E-Mail: Stephen.Groves@butlersnow.com

Attorneys for the Appellant,
Cary E. Fechter, M.D.

Charleston, South Carolina

15 October 2021

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PROOF OF SERVICE
(*Second Extension Request*)

Stephen P. Groves, Sr., Esquire
SC Bar No.: 7854
BUTLER SNOW LLP
25 Calhoun Street, Suite 250
Charleston, South Carolina 29401
Telephone: 843.277.3704
Telecopier: 843.277.3701
E-Mail: Stephen.Groves@butlersnow.com

Attorneys for the Appellant,
Cary E. Fechter, M.D.

I, Stephen P. Groves, Sr., Esquire, hereby certify that on **15 October 2021**, I served a copy of the ***Motion for Extension of Time (2nd) in Which to File Initial Appellant's Brief and Designation of Matters to be Included in the Record on Appeal*** submitted on behalf of the Appellant, Cary E. Fechter, M.D., via electronic mail to the e-mail addresses noted below:

Justin P. Novak, Esquire
BARNWELL WHALEY
Post Office Drawer H
Charleston, South Carolina 29402
Telephone: 843.577.7700
E-Mail: jnovak@barnwell-whaley.com

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

Michael E. Kozlarek, Esquire
KOZLAREK LAW, LLC
Post Office Box 565
Greenville, South Carolina 29602-0565
Telephone: 864.527.5941
Telecopier: 864.670.5246
E-Mail: michael@lozlarek.com

Attorneys for the Respondents,
Gerald Rosenthal and Rosenthal, Levy, Simon & Ryles, LLC

Signed: ***/s/Stephen P. Groves, Sr.***
Stephen P. Groves, Sr., Esquire

Charleston, South Carolina

15 October 2021