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Dec 06 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM NEWBERRY 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 Levy, Simon, and Ryles, P.A. Respondents.

**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**

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 January 19, 2022.

[Separate Signature Page Follows]

s/ Justin P. Novak

M. Dawes Cooke, Jr., Esquire
Justin P. Novak, Esquire
Barnwell Whaley Patterson & Helms, LLC
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***Attorneys for Leon Martin Ortner and
The Ortner Law Firm, LLC***

December 6, 2021

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PROOF OF SERVICE

I, the undersigned employee of Barnwell Whaley Patterson & Helms, LLC, herby 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 December 6, 2021, to the following addresses:

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

Clerk, South Carolina Court of Appeals

Stephen P. Groves, Sr., Esq.
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***Counsel for Gerald Rosenthal and
Rosenthal, Levy, Simon and Ryles, PA***

/s/ Natalia De Alba

Natalia De Alba

December 6, 2021

EST. 1938

BARNWELL WHALEY

ATTORNEYS AT LAW

JUSTIN P. NOVAK

SPECIAL COUNSEL

JNOVAK@BARNWELL-WHALEY.COM

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SC Court of Appeals

December 6, 2021

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

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 December 20, 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 Rules 208, 209, 240, and 263(b), SCACR. The granting of this request would mean that these documents would be required to be served and filed on or before January 19, 2022. This is these parties' first request for an extension of time. Also enclosed is a check for the required \$50.00 filing fee.

By copy of this letter, I am serving a copy of this correspondence upon all counsel of record who have provided their consent to this request.

BARNWELL WHALEY PATTERSON & HELMS LLC

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Sincerely,

s/ Justin P. Novak

Justin P. Novak

JPN/nda
Enclosures

cc: Stephen P. Groves, Esq. (via E-mail only)
Michael E. Kozlarek, Esq. (via E-mail only)