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Jan 18 2022

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, Respondents Leon Martin Ortner and Ortner Law Firm, LLC (“Respondents”) hereby move for an order granting a second 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 February 18, 2022. Each party has consented to Respondents’ request for this extension.

[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

Fax: (843) 577-7708

mdc@barnwell-whaley.com

jnovak@barnwell-whaley.com

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

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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 January 18, 2022, to the following addresses:

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

Clerk, South Carolina Court of Appeals

Stephen P. Groves, Sr., Esq.
Butler Snow LLP
25 Calhoun Street, Suite 250
Charleston, South Carolina 29401
Email: stephen.groves@butlersnow.com

Counsel for Appellant

Michael E. Kozlarek, Esq.
Kozlarek Law, LLC
Post Office Box 565
Greenville, South Carolina 29602
Email: michael@kozlareklaw.com

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

/s Justin P. Novak

Justin P. Novak

January 18, 2022

EST. 1938

BARNWELL WHALEY

ATTORNEYS AT LAW

JUSTIN P. NOVAK

SPECIAL COUNSEL

JNOVAK@BARNWELL-WHALEY.COM

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SC Court of Appeals

January 18, 2022

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. 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 currently required to be served and filed on or before January 19, 2022.

Respondents Leon Martin Ortner and Ortner Law Firm, LLC respectfully request a second 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 February 18, 2022. This is these parties' second request for an extension of time. All parties have consented to this request. 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

211 KING STREET, SUITE 300
CHARLESTON, SC 29401
P: 843-577-7700 F: 843-577-7708

201 NORTH FRONT STREET, SUITE 1003
WILMINGTON, NC 28401
P: 910-679-1388 F: 910-679-4663

BARNWELL-WHALEY.COM

Sincerely,

s/ Justin P. Novak

Justin P. Novak

JPN/jgc
Enclosures

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