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Feb 10 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON

J. Derham Cole, Circuit Court Judge

Case No. 2017-CP-10-04371
APPELLATE CASE NO 2021-000446

Cary E. Fechter, MD..... Appellant,

v.

Leon Martin Ortner, The Ortner Law Firm, LLC, Gerald Rosenthal, and
Rosenthal, Levy, Simon and Ryles, PA..... Respondents.

**MOTION FOR EXTENSION OF TIME TO FILE INITIAL BRIEF AND DESIGNATION
OF MATTER TO BE INCLUDED IN RECORD ON APPEAL ON BEHALF OF
RESPONDENTS GERALD ROSENTHAL AND ROSENTHAL, LEVY, SIMON AND
RYLES, PA**

Pursuant to Rules 211, 240, and 263 of the South Carolina Appellate Court Rules, Respondents, Gerald Rosenthal, and Rosenthal, Levy, Simon and Ryles, PA, (collectively, “Respondents”), by and through their undersigned counsel, hereby move the Court for a thirty (30) day extension in which to file and serve Respondents’ Initial Brief and Designation of Matter to be Included in the Record on Appeal in the above-captioned matter. Counsel for Respondents, along with his wife and children have contracted COVID-19. This is Respondents’ third request for an extension of this deadline.

Currently, pursuant to the second extension of this deadline, the Initial brief and Designation of Matter are due on February 18, 2022; with the additional thirty-day extension,

Respondents' Initial Brief and Designation of Matter will be due on March 21, 2022. Each party has consented to Respondents' request for an extension. Therefore, Respondents' respectfully move this Court for an additional thirty-day extension of time in which to file and serve their Initial Brief and Designation of Matter.

Respectfully submitted,

KING KOZLAREK LAW LLC

s/ Michael E. Kozlarek

Michael E. Kozlarek (SC Bar No. 69330)

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

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Rosenthal, Levy, Simon and Ryles, PA

Respondents.

PROOF OF SERVICE

The undersigned hereby certifies that on February 10, 2022, he caused to be served a copy of the foregoing **Motion for Extension of Time to File Initial Brief and Designation of Matter to be Included in Record On Appeal on Behalf of Respondents Gerald Rosenthal and Rosenthal, Levy, Simon and Ryles, PA**, on all parties of record via electronic mail containing the above-referenced document to each counsel's individual AIS email address pursuant to SC Supreme Court COVID Order 2020-05-29-01 as follows:

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s/Michael E. Kozlarek _____

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By E-Mail & US Mail (ctappfilings@sccourts.org)

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
PO Box 11629
Columbia, South Carolina 29211

Re: Cary E. Fechter v. Leon Martin Ortner, et al.
Civil Action No.: 2017-CP-10-04371
Appellate Case No. 2021-000446

Dear Ms. Kitchings:

Enclosed please find Respondent's Motion for Extension of Time to File Initial Brief and Designation of Matter in the referenced matter. We are also enclosing (via US Mail) our firm's check in the amount of \$50.00 in payment of the requisite filing fee. By copy of this correspondence, we are serving all counsel of record with a copy of the attached document.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,



Michael E. Kozlarek

MEK/cbs

cc: Justin Novak, Esquire (via email)
M. Dawes Cook, Jr., Esquire (via email)
Stephen P. Groves, Sr. Esquire (via email)