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Feb 15 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 third 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. This request is made in good faith, and not for the purposes of delay, and is requested due to a particularly heavy workload. The granting of this request would mean that these documents would be required to be served and filed on or before March 21, 2022. Each party has consented to the 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  
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***Attorneys for Leon Martin Ortner and  
The Ortner Law Firm, LLC***

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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 certifies 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 February 15, 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  
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*Counsel for Appellant*

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

/s/ Julia G. Childers  
Julia G. Childers

February 15, 2022

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**

February 15, 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](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. 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 February 18, 2022.

Respondents Leon Martin Ortner and Ortner Law Firm, LLC respectfully request a third thirty (30) day extension of time to serve and file these documents pursuant to Rules 208, 209, 240, and 263(b), SCACR. This request is made in good faith, and not for the purposes of delay, and is requested to due to a particularly heavy workload. The granting of this request would mean that these documents would be required to be served and filed on or before March 21, 2022. This is these parties' third 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.

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**BARNWELL-WHALEY.COM**

The Honorable Jenny Abbott Kitchings  
February 15, 2022  
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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)