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**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas  
J. Derham Cole, Circuit Court Judge

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Appellate Case No. 2021-000446  
Civil Action No. 2017-CP-10-04371

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Cary E. Fechter, M.D. .... Appellant,

v.

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

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**DESIGNATION OF MATTER TO BE INCLUDED IN RECORD ON APPEAL ON BEHALF OF  
RESPONDENTS LEON MARTIN ORTNER AND ORTNER LAW FIRM, LLC**

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Pursuant to Rule 209, SCACR, Respondents Leon Martin Ortner and Ortner Law Firm, LLC designates the following matter for inclusion in the record on appeal. The undersigned counsel certifies pursuant to Rule 209(c), SCACR, that this designation contains no matter irrelevant to the appeal.

**I. Orders, Judgments, Decrees & Decisions**

**A. *Charleston County Court of Common Pleas Civil Action No. 2017-CP-10-04371***

1. Form 4 Order filed May 24, 2018
2. Order Denying Motion to Dismiss filed April 5, 2019
3. Form 4 Order filed on February 5, 2020
4. Order Dismissing Plaintiff's Complaint with Prejudice filed August 4, 2020

5. Form 4 Order filed March 30, 2021

***B. South Carolina Workers' Compensation Commission File No. 0326995***

1. Consent Order dated July 22, 2014
2. Order dated May 27, 2015
3. Initial Report of the Special Referee dated November 13, 2015
4. Order dated December 10, 2015
5. Order Granting Motion to Release Funds dated January 26, 2016

**II. Pleadings**

***A. Charleston County Court of Common Pleas Civil Action No. 2017-CP-10-04371***

1. Summons and Complaint filed August 25, 2017
2. Motion to Dismiss on Behalf of Defendants Leon Martin Ortner and Ortner Law Firm, LLC filed January 8, 2018, with All Exhibits
3. Affidavit of Service by Certified Mail filed January 9, 2019
4. Memorandum in Opposition to Motion to Dismiss filed January 9, 2019, with All Exhibits
5. Renewed Motion to Dismiss on Behalf of Defendants Leon Martin Ortner and Ortner Law Firm, LLC, filed on December 19, 2019, with All Exhibits
6. Memorandum in Support of Renewed Motion to Dismiss on Behalf of Defendants Leon Martin Ortner and Ortner Law Firm, LLC filed on January 10, 2020, with All Exhibits
7. Motion to Reconsider Order Dismissing Plaintiff's Complaint with Prejudice filed August 13, 2020, with All Exhibits
8. Return to Motion to Reconsider Order Dismissing Plaintiff's Complaint with Prejudice on Behalf of Leon Martin Ortner and The Ortner Law Firm, LLC

***B. South Carolina Workers' Compensation Commission File No. 0326995***

1. Motion to Release Funds dated November 18, 2015
2. Reply to Motion to Release Funds dated December 2, 2015

**III. Transcripts**

1. Transcript of Record for Hearing on January 9, 2019, before the Honorable Deadra L. Jefferson, Circuit Court Judge
2. Transcript of Record for Hearing on January 27, 2020, before the Honorable J. Derham Cole, Circuit Court Judge

**IV. Other Materials**

1. Notice of Appeal filed on July 24, 2019
2. Letter from South Carolina's Office of Disciplinary Counsel to Dr. Cary E. Fechter dated March 2, 2016

Respectfully submitted,

*/s/ Justin P. Novak*

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March 21, 2022