

**RECEIVED**

**Mar 28 2022**

**SC Court of Appeals**

**STATE OF SOUTH CAROLINA  
IN THE  
COURT OF APPEALS**

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Appeal from the Court of Common Pleas  
For Charleston County  
Honorable J. Durham Cole, Circuit Court Judge  
Civil Action No.: 2017-CP-10-04371  
***Appellate Case No.: 2021-000446***

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CARY E. FECHTER, M.D.,

Appellant,

vs.

LEON MARTIN ORTNER; THE ORTNER  
LAW FIRM, LLC; GERALD ROSENTHAL, and  
ROSENTHAL, LEVY, SIMON and RYLES, P.A.,

Respondents.

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***MOTION FOR EXTENSION OF TIME  
IN WHICH TO FINIAL INITIAL REPLY  
(Rosenthal Respondents)***

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Stephen P. Groves, Sr., Esquire  
SC Bar No.: 7854  
*BUTLER SNOW LLP*  
25 Calhoun Street, Suite 250  
Charleston, South Carolina 29401  
Telephone: 843.277.3704  
Telecopier: 843.277.3701  
E-Mail: [Stephen.Groves@butlersnow.com](mailto:Stephen.Groves@butlersnow.com)

*Attorneys for the Appellant,  
Cary E. Fechter, M.D.*

**TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS:**

COMES NOW the Appellant, Cary E. Fechter, M.D. (“Dr. Fechter”), pursuant to Rule 240 of the South Carolina Appellate Court Rules, and respectfully requests this Court of Appeals to grant him a ten (10) day extension of time in which to file his Initial Reply Brief in response to that of the Respondents, Gerald Rosenthal and Rosenthal, Levy, Simon, and Ryles, P.A. (the “Rosenthal Respondents”). The basis for this extension motion is that the undersigned will be authoring two reply briefs and needs some additional time in which to prepare the Initial Reply Brief directed towards the Rosenthal Respondents.

Based upon the current briefing schedule Dr. Fechter’s Initial Reply Brief (Rosenthal Respondents) is currently due to be served on or before **Thursday, 31 March 2022**. Consequently, anticipating a favorable reception and subsequent grant of this extension motion, Dr. Fechter would be required to serve his Initial Reply Brief (Rosenthal Respondents) on or before **Monday, 11 April 2022.**<sup>1</sup> The undersigned has consulted with opposing counsel and they have indicated that neither of them object to not intend to object to this proposed extension of time.

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<sup>1</sup> The undersigned counsel will be out of the office on a previously scheduled vacation during the ten-day time period involved in this first extension request. Consequently, the undersigned will submit a second extension request in several days seeking an additional ten-day extension of time which would appear to terminate as of 21 April 2022.

Finally, Dr. Fechter respectfully requests this Court of Appeals to hold the appellate briefing time in abeyance until such time as this motion may be considered and ruled upon.

Respectfully submitted:

Signed: **Stephen P. Groves, Sr.**

Stephen P. Groves, Sr., Esquire

SC Bar No.: 7854

*BUTLER SNOW LLP*

25 Calhoun Street, Suite 250

Charleston, South Carolina 29401

Telephone: 843.277.3704

Telecopier: 843.277.3701

E-Mail: [Stephen.Groves@butlersnow.com](mailto:Stephen.Groves@butlersnow.com)

*Attorneys for the Appellant,  
Cary E. Fechter, M.D.*

Charleston, South Carolina

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***PROOF OF SERVICE  
(First Extension Request)***

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Stephen P. Groves, Sr., Esquire  
SC Bar No.: 7854  
*BUTLER SNOW LLP*  
25 Calhoun Street, Suite 250  
Charleston, South Carolina 29401  
Telephone: 843.277.3704  
Telecopier: 843.277.3701  
E-Mail: [Stephen.Groves@butlersnow.com](mailto:Stephen.Groves@butlersnow.com)

*Attorneys for the Appellant,  
Cary E. Fechter, M.D.*

I, Stephen P. Groves, Sr., Esquire, hereby certify that on **28 March 2022**, I served a copy of the **Motion for Extension of Time in Which to File Initial Reply Brief (Rosenthal Respondents)** submitted on behalf of the Appellant, Cary E. Fechter, M.D., via electronic mail to the e-mail addresses noted below:

**Justin P. Novak, Esquire**  
*BARNWELL WHALEY*  
Post Office Drawer H  
Charleston, South Carolina 29402  
Telephone: 843.577.7700  
E-Mail: [jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)

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

**Michael E. Kozlarek, Esquire**  
*KINK KOZLAREK LAW, LLC*  
Post Office Box 565  
Greenville, South Carolina 29602-0565  
Telephone: 864.527.5941  
Telecopier: 864.670.5246  
E-Mail: [michael@kingkozlaw.com](mailto:michael@kingkozlaw.com)

*Attorneys for the Respondents,  
Gerald Rosenthal and Rosenthal, Levy, Simon & Ryles, LLC*

Signed: **/s/Stephen P. Groves, Sr.**  
Stephen P. Groves, Sr., Esquire

Charleston, South Carolina

28 March 2022