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SC Court of Appeals

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

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

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.

***MOTION FOR 2nd EXTENSION OF TIME
IN WHICH TO FILE INITIAL REPLY BRIEF
(Rosenthal Respondents)***

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*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 an additional 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 & Ryles, LLP (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. In addition, the undersigned will be away from the office on a previously scheduled vacation to California from 4 April 2022, through 10 April 2022.

Based upon the current briefing schedule as set through this Court of Appeals’ initial extension grant (29 March 2022) Dr. Fechter’s Initial Reply Brief (Rosenthal Respondents) is currently due to be served on or before **Monday, 11 April 2022**. Consequently, anticipating a favorable reception and subsequent grant of this additional extension motion, Dr. Fechter would be required to serve his Initial Reply Brief (Rosenthal Respondents) on or before **Thursday, 21 April 2022**. The undersigned has consulted with opposing counsel and they have indicated that neither of them object to nor intend to file any type of written object to this proposed extension of time.

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

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Charleston, South Carolina

4 April 2022

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LAW FIRM, LLC; GERALD ROSENTHAL, and
ROSENTHAL, LEVY, SIMON and RYLES, P.A.,

Respondents.

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

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I, Stephen P. Groves, Sr., Esquire, hereby certify that on **4 April 2022**, I served a copy of the **Motion for Second 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:

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Signed: **/s/Stephen P. Groves, Sr.**
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Charleston, South Carolina

4 April 2022