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Mar 20 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
CIRCUIT COURT
Retire Chief Justice Jean Toal, Circuit Court Judge

Case No. 2023-000232

Rhonda Meisner,

Appellant

Grant Meisner; Grant Meisner, MD, LLC.
Sheila Robinson; Erwin Mangubat, MD;
Moore, Taylor, & Thomas, P.A.;
Moore Taylor Law Firm, P.A.;
Moore Bradley Myers Law Firm, PA;
Tricia L. Flowers; Flowers Consulting, LLC;
Flowers Consulting, LLC; Richard G. Whiting, Esquire;
Law Offices of Richard G. Whiting, PA;
John Doe, (1-10) a fictional name assigned to identify parties
that are not yet known or not yet determined,

Respondent(s)

RETURN TO RICHARD WHITING AND THE LAW OFFICE OF RICHARD WHITING'S
MOTION TO DISMISS

The appellant, Rhonda Meisner respectfully submits her return to Respondent's Richard G. Whiting and the Law Offices of Richard G. Whiting's motion to dismiss the appeal of the appellant.

As an initial matter, none of the Respondents submitted evidence suggests dismissal is warranted based on untimeliness. This appeal was timely filed.

1. First, the Respondent accurately recites the timeline for Notice of Appeal, which is Thirty days after *receipt of written notice* of the final order.

2. By the Respondent's argument, the time for filing a Notice of Appeal in this matter has not yet run because the Appellant has still *not received* nor did Respondent(s) Richard G. Whiting or the Law Offices of Richard Whiting supply this Honorable Court with a *filed* certificate of service that suggests they or anyone else served the Order on the appellant. Instead, they submitted the pre-programmed entry of the electronic notices of the electronic filing system. The presented entries are not in the public records.¹

3. Respondents do *not* argue they served a copy of the Order on the appellant. Instead, they rely on the electronic court files to argue that the Order was mailed by another entity, the clerk of court, and received by the appellant.

4. Next, Respondents suggest they filed a "notice of hearing" for the December 2, 2022, motion to dismiss hearing and supplied an affidavit of the attorney, an unstamped, and unfiled letter on firm letterhead. However, the only Notice of Hearing that was *filed* in the case and accompanied by a stamped certificate of service that was filed, stamped, and served on the Respondent by the appellant on November 21, 2022.

Argument

The Respondents arguments that dismissal is warranted due to untimely filing of the Notice of Appeal are fatally flawed because they have not personally served the Order nor have, they submitted any evidence where a third party has filed and served a copy of the Order on the Appellant. As such, the appellant avers dismissal is not warranted because the appeal *was timely filed*. Additionally, the Respondent's reliance that the Appellant *should have* received the order

¹ EXHIBIT A Public record of filings in the case. *portions of*

from the Clerk of Court fails because the Court directs the electronic filers to serve the paper filers via U.S. Mail which was not done. That fact is an aside from the fact the Order was not received by the Appellant, was not served on the appellant by any party as evidenced by the filings in the case.

The Respondent's further argument that a letter was sent to the appellant indicating a hearing notice was sent is not relevant to the request for dismissal; however, it is noteworthy to point out that the hearing notice was not sent via email like this Motion, and previous communications,² and the parties previously communicated via email. There is no certificate of mailing by the author of the letter, and the letter regarding the hearing notice was not stamped into the court records which would have required a certificate of service that the hearing notice was served on the appellant.

The appellant avers this Honorable Court should deny the Respondent's request for dismissal and admonish the Respondent's for serving a Motion to Dismiss with allegations of fraudulent pleading of non-receipt of an order without serving the Order on the Appellant directly. It is highly offensive for a party to make false allegations without evidentiary support in the form of filed documents, filed required certificate of service, and affidavits that are supported by previously filed and submitted admissible evidence. For the above reasons and references to the record, the Appellant respectfully requests the Respondent's Motion to Dismiss be denied.

March 20, 2023

Respectfully Submitted,



Rhonda Meisner
P.O. Box 689
Blythewood, South Carolina 29016
(803)206-3402
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² EXHIBIT B previous email communications

Exhibit A

Richland County Fifth Judicial Circuit Public Index



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Switch View					
Rhonda Meisner vs Grant Meisner , defendant, et al					
Case Number:	2022CP4001415	Court Agency:	Richland County Common Pleas	Filed Date:	03/18/2022
Case Type:	Common Pleas	Case Sub Type:	Slander/Libel 380	File Type:	Jury
Status:	Served	Assigned Judge:	Clerk Of Court C P, G S, And Family Court		
Disposition:		Disposition Date:		Disposition Judge:	
Original Source Doc:		Original Case #:			
Judgment Number:	2022CP4001415	Court Roster:			

Case Parties Judgments Tax Map Information Associated Cases Actions Financials						
Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Flowers, Tricia L.	NEF(03-17-2023 11:03:29 AM) Affidavit/Affidavit of	Filing		03/17/2023-11:23		
Flowers, Tricia L.	Affidavit/Affidavit of Tricia Flowers	Filing		03/17/2023-11:03		
Flowers, Tricia L.	NEF(03-17-2023 10:51:41 AM) Motion/Set Aside Default	Filing		03/17/2023-10:59		
Flowers, Tricia L.	Motion/Set Aside Default	Motion		03/17/2023-10:51		
Flowers Consulting, LLC.	NEF(03-10-2023 01:07:37 PM) Notice/Notice of Appearance	Filing		03/10/2023-13:35		
Flowers Consulting, LLC.	Notice/Notice of Appearance	Filing		03/10/2023-13:07		
Meisner, Rhonda	Notice of Appeal	Filing		02/24/2023-10:45		
Meisner, Rhonda	Filing/Other	Filing		02/24/2023-10:45		
Meisner, Rhonda	Proof Of Service	Filing		02/24/2023-10:45		
Meisner, Rhonda	Certificate Of Service	Filing		01/11/2023-11:54		
Meisner, Rhonda	Motion/Alter and/or Amend	Motion		01/11/2023-11:53		
Meisner, Rhonda	NEF(01-10-2023 09:57:04 AM) Order/Other	Filing		01/10/2023-09:57		
Meisner, Rhonda	Order Denying Plaintiff's Motion to Alter or Amend	Order		01/10/2023-09:57		
Meisner, Rhonda	Motion/Alter and/or Amend	Motion		12/29/2022-11:45	01/10/2023-11:47	
Moore, Taylor & Thomas, P.A.	NEF(12-20-2022 09:08:29 AM) Order/Electronic Form 4	Filing		12/20/2022-09:08		
Moore, Taylor & Thomas, P.A.	Electronic Form 4 Order a Rule 59 motion was filed on 12/16/	Order		12/20/2022-09:08		

Moore, Taylor & Thomas, P.A.	NEF(12-16-2022 03:24:48 PM) Motion/Alter and/or Amend	Filing		12/19/2022-08:36		
Moore Bradley Myers Law Firm, PA	Rule 59 Motion	Motion		12/16/2022-15:24	12/20/2022-15:24	
Moore, Taylor & Thomas, P.A.	Letter To Judge	Filing		12/16/2022-15:24		
Meisner, Rhonda	NEF(12-15-2022 09:09:53 AM) Order/Electronic Form 4	Filing		12/15/2022-09:10		
Meisner, Rhonda	Form 4 Various motions were heard on December 2, 2022; The M	Order		12/15/2022-09:09		
Meisner, Rhonda	Notice of Motion Hearing	Filing		11/21/2022-09:09		
Meisner, Rhonda	Certificate Of Service	Filing		11/21/2022-09:09		
Meisner, Rhonda	12/2/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		11/17/2022-16:19		
Meisner, Rhonda	12/2/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		11/17/2022-16:19		
Meisner, Rhonda	12/2/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		11/17/2022-16:19		
Meisner, Rhonda	12/2/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		11/17/2022-16:19		
Meisner, Rhonda	12/2/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		11/17/2022-16:19		
Meisner, Rhonda	12/2/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		11/17/2022-16:19		
Parham, James E. Jr.	12/2/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		11/17/2022-16:19		
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Parham, James E. Jr.	12/2/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		11/17/2022-16:19		
Burton, Stephanie Holmes	12/2/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		11/17/2022-16:19		
Burton, Stephanie Holmes	12/2/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		11/17/2022-16:19		
Burton, Stephanie Holmes	12/2/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		11/17/2022-16:19		
Parham, James E. Jr.	12/2/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		11/17/2022-16:19		
Parham, James E. Jr.	12/2/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		11/17/2022-16:19		
Parham, James E. Jr.	12/2/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		11/17/2022-16:19		
Burton, Stephanie Holmes	12/2/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		11/17/2022-16:19		

Stephanie B



Rhonda Meisner <scorequipment@gmail.com>

Service of Amended Complaint-PLEASE REPLY TO CONFIRM RECEIPT

Stephanie Burton <sburton@gibbesburton.com>
To: Rhonda Meisner <scorequipment@gmail.com>

Mon, May 16, 2022 at 2:56 PM

Received.

With kind regards,

Stephanie H. Burton

Gibbes Burton, LLC

308 East St. John St.

Spartanburg, South Carolina 29302

864.327.5000

Direct 864.327.1725

Cell 864.266.2400

Pronouns: she/her

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Tricia L. Flowers; Flowers Consulting, LLC;
Flowers Consulting, LLC; Richard G. Whiting, Esquire;
Law Offices of Richard G. Whiting, PA;
John Doe, (1-10) a fictional name assigned to identify parties
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Respondent(s)

PROOF OF SERVICE-RETURN TO MOTION TO DISMISS The appellant certifies that she has served A COPY OF HER RETURN TO MOTION TO DISMISS on the following parties by placing a copy of the following in the United States Postal service with adequate postage attached 1.all documents originally filed in the Court of Appeals related to the appeal.: Tricia Flowers and Flowers Consulting, LLC both located at 69 Cherry Grove Drive West Columbia, SC 29170. James Edward Bradley, MOORE BRADLEY MYERS LAW FIRM, P. A 1700 Sunset Blvd West Columbia, South Carolina 29170,,James E. Parham, Jr 220 Ministry Drive Irmo, South Carolina 29063;Stephanie Burton 308 E. Saint John Street Spartanburg, SC 29302 and Gmurrell Smith and Shannon N Peake of Smith Robinson Holler, Dubose, and Morgan 2530 Devine Street Columbia SC 29205 Finally, all parties will be notified by the electronic filing system maintained by the Court of Appeals associated with this appeal.

March 20, 2023


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