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Jul 06 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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

Appellate Case # 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 MOTION FOR ATTORNEY'S FEES BY ERWIN MANGUBAT

The Appellant respectfully requests this Honorable Court to deny the attorney's fees sought after the dismissal of the appeal or limit the fees as no briefs have been filed in this matter.

The Respondents are only entitled to *up to* \$2500 in attorney's fees for *reimbursement* of fees actually paid and not for "contemplated" fees allowed by statute for the appeal. In this case, the attorneys for Respondent Erwin Mangubat did not represent Dr. Mangubat in the lower court and had minimal time expended in the form of representation on appeal. As such, the Appellant requests the court award minimal amounts because no briefs were submitted.

In Dr. Mangubat's case, the only filings were a notice of appearance, a motion to dismiss and a motion for costs.

The form submitted for requested costs does not contain an itemized list of expenses and payments actually paid by Dr. Mangubat or Prisma Health, his employer, that is related solely to this appeal.

The appellant urges the Court to deny attorney's fees and costs as not properly supported by an affidavit of attorney's fees and costs that are associated with this appeal, attached to the summary form provided by the Courts.

In the alternative, if the Court deems the summary page sufficient, the Appellant urges the Court to reduce the amount awarded as no briefs were submitted.

Respectfully,

s/Rhonda Meisner

July 6, 2023

Rhonda Meisner
P.O. Box 689
Blythewood, South Carolina 29016
(803)206-3402
scorequipment@gmail.com

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PROOF OF SERVICE RETURN TO MOTION FOR ATTORNEY'S FEES BY
ERWIN MANGUBAT

The appellant certifies she has served a copy of her return to Motion for costs by Respondents Richard Whiting and the Law offices of Richard Whiting by placing a copy in the United States mail postage pre-paid to the following:

1. Stephanie Burton 308 E. Saint John Street Spartanburg, SC 29302.
2. James Edward Bradley at 1700 Sunset Blvd West Columbia SC 29169
3. James E. Parham, Jr, P.A. Post Office Box 1576 Irmo, SC 29063.
4. Shanon Peake and GMurrell Smith 2530 Devine Street Columbia SC 29205
5. Michael C Tanner PO Box 1061 Bamberg SC 29003.

Respectfully,
s/Rhonda Meisner
Rhonda Meisner
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Blythewood, South Carolina 29016
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scorequipment@gmail.com

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