

# The South Carolina Court of Appeals

Rhonda Meisner, Appellant,

v.

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

Appellate Case No. 2023-000232

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## ORDER

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On June 6, 2023, this appeal was dismissed as untimely. The case was remitted on June 23, 2023. Respondent Erwin Mangubat, MD, has now filed a motion for costs pursuant to Rule 222, SCACR. Appellant filed a return opposing the request. After careful consideration, we grant the request in part. *See* Rule 222(a), SCACR ("Unless otherwise ordered by the appellate court or agreed by the parties, costs shall be taxed against the appellant when the appeal is dismissed or judgment on appeal is affirmed."). In light of the dismissal of the appeal occurring early in the appellate process, this court exercises its discretion to award \$1,000 in attorney's fees. *See* Rule 222(b), SCACR (permitting an appellate court to award an attorney's fee); *Austin v. Stokes-Craven Holding Corp.*, 406 S.C. 187, 199, 750 S.E.2d 78, 84 (2013) (explaining that "it is within [the appellate] Court's discretion whether to award fees and costs under Rule 222"). We deny Respondent's request to tax Appellant with the cost for the filing fee for the motion to dismiss. *See* Rule 222(b), SCACR (allowing the recovery of "the filing fee paid under Rule 203(d)"). The Richland County Clerk of Court is directed to add this award of costs to the remittitur.

H  C.J.  
FOR THE COURT

Columbia, South Carolina

**FILED**  
**Jul 28 2023**

cc:

Rhonda Meisner

Stephanie Holmes Burton, Esquire

James E. Parham, Jr., Esquire

James Edward Bradley, Esquire

G. Murrell Smith, Jr., Esquire

Shanon N. Peake, Esquire

Tricia L. Flowers

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Jeanette W. McBride