

RECEIVED

Feb 04 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
Jean Hoefer Toal, Circuit Court Judge

Case No. 2022-CP-40-01415

Appellate Case No. 2024-001626

Rhonda Meisner, Appellant,

v.

Grant Meisner; Grant Meisner, MD, LLC; Shelia 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; Richard G. Whiting, Esquire; Law Offices of Richard G. Whiting, P.A.; John Doe (1-10), Respondents.

MOTION TO DISMISS

Pursuant to Rule 240 of the South Carolina Rules of Appellate Procedure, Respondent Erwin Mangubat, MD (“Dr. Mangubat”), by and through the undersigned counsel, respectfully requests this Court dismiss him from this appeal. Dr. Mangubat hereby joins the Motion to Dismiss filed by Respondents Richard G. Whiting, Esquire and Law Offices of Richard G. Whiting, P.A. on January 30, 2025.

The circuit court dismissed Dr. Mangubat from this case on December 15, 2022. Appellant filed a motion to reconsider, which was denied by the circuit court on January 10, 2023. Appellant filed an appeal of the January 10, 2023 order on February 15, 2023. *See* Appellate Case No. 2023-

000232. This Court dismissed the appeal as untimely.¹ See Order, Appellate Case No. 2023-00232 (June 6, 2023).

Now, Appellant has filed a Notice of Appeal, attempting to re-appeal the December 15, 2022 Order and January 10, 2023 Order, and appeal numerous other orders issued after Dr. Mangubat was dismissed from this case. The December 15, 2022 Order dismissing Dr. Mangubat from the case and the January 10, 2023 Order denying reconsideration are the law of the case. See *Judy v. Martin*, 381 S.C. 455, 458, 674 S.E.2d 151, 153 (2009) (“Under the law of the case doctrine, a party is precluded from relitigating, after an appeal, matters that were either not raised on appeal, but should have been, or raised on appeal, but expressly rejected by the appellate court.”). Appellant had the opportunity to appeal these orders, attempted to do so, and this Court dismissed the appeal. Thus, the dismissal of Dr. Mangubat is final, and Appellant may not attempt to re-appeal this dismissal.

Accordingly, Dr. Mangubat should be dismissed from this appeal.

Respectfully submitted,

s/ Shanon N. Peake

Shanon N. Peake (SC Bar No. 102723)
Smith Robinson Holler DuBose and Morgan, LLC
3200 Devine Street
Columbia, SC 29205
T: (803) 254-5445
shanon.peake@smithrobinsonlaw.com

and

James E. Parham, Jr. (SC Bar No. 4335)
220 Ministry Drive
Post Office Box 1576
Irmo, SC 29063

¹ On July 28, 2023, this Court ordered Appellant to pay \$1,000 in attorney’s fees to Dr. Mangubat. Appellant has not remitted this payment.

jparham@jparhamlaw.com

Attorneys for Erwin Mangubat, MD

February 4, 2025.