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**Feb 04 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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

Case No. 2022-CP-40-01415

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Appellate Case No. 2025-000164

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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.

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**MOTION TO DISMISS**

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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.

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.<sup>1</sup> *See* Order, Appellate Case No. 2023-00232 (June 6, 2023).

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<sup>1</sup> 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.

Now, Appellant has filed a Notice of Appeal attempting to appeal numerous orders issued after Dr. Mangubat was dismissed from this case.<sup>2</sup> 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 from this case is final, and he should not be a party in this appeal from orders issued after his dismissal.

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

Respectfully submitted,

*s/ Shanon N. Peake*

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February 4, 2025.

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<sup>2</sup> This is the second appeal pending from this case that improperly includes Dr. Mangubat as a respondent. Dr. Mangubat has filed a Motion to Dismiss the first appeal as well. *See* Appellate Case No. 2024-001626.