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Feb 05 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
CIRCUIT COURT

2025-000164
2024-0001626

The Honorable Jocelyn Newman
The Honorable Daniel Coble
The Honorable Thomas McGee, III
The Honorable Jean Toal

Rhonda Meisner,

Appellant

Grant Meisner, Grant Meisner, MD, LLC

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

Respondents

MOTION TO CONSOLIDATE PURSUANT TO S.C. App. Ct. R. 214 and
HOLD FURTHER BRIEFING IN 2024-0001626 IN ABEYANCE
UNTIL THE COURT RULES ON THE MOTION

The appellant Rhonda Meisner respectfully requests to consolidate appellate case
numbers 2024-0001626 and 2025-000164 pursuant to S.C. App. Ct. R. 214

BACKGROUND AND BASIS FOR MOTION

Appellate case number 2024-0001626 and 2025-000164 both have the same
Plaintiffs, Defendants, and common legal questions such as jurisdictional inquiries
and privilege defenses.

On December 15th and 20th of 2022, some defendants, *but not all* defendants were dismissed by the Honorable Jean Toal, acting circuit court judge. Importantly, when the first appeal was filed, there was an outstanding motion to alter and amend that the Honorable Jean Toal had not yet acted upon. No defendants, upon information and belief, were dismissed *with prejudice* despite the fact that some Defendants requested dismissal *with prejudice* during the hearing and in the motion before the court.

The Honorable Jean Toal did not designate whether the dismissal was with or without prejudice on the Form 4; however, the form itself indicated the order did not end the case. At the time the appeal was filed there was an outstanding Motion to Alter and Amend that was not ruled on at the time the initial appeal was filed.

On December 15th and December 20th of 2022, the Doe defendants were not and have not yet been identified and Tricia Flowers and Flowers Consulting, LLC (“Flowers”) were *default* defendants because they had not answered the complaint or the Amended Complaint, both of which were served on them.¹

The Defendants were not dismissed *with prejudice* before discovery with the presence of Doe defendants and outstanding post trial motions, the Appellant respectfully requests that the two appeals be consolidated.

Argument

An appeal of the dismissals of the parties in 2023 resulted in this Honorable Court finding the appeal filed untimely. This was most likely because a review of the records indicates there was an outstanding Motion to Alter and Amend pending

¹ Flowers defendants did not answer the complaint only the amended complaint

in the lower court and the Flowers defendants were in default. In effect, the 2023 filed appeal was premature because of the outstanding Motion to Alter and Amend was not ruled on until later in the year. The difference in timing of receipt is due to the Defendant's receipt of electronic records, no defendants served the orders on the plaintiff, as required, and the plaintiff's receipt of orders via the mail is the most likely the reason. Several of the claims against the dismissed defendants had in common the Flowers defendants such as civil conspiracy, trespass, and trespass after notice, abuse of process etc. All of the Defendants argued the circuit court did not have subject matter jurisdiction and some argued for other affirmative defenses that are not appropriate according to this Honorable Court's precedent prior to discovery.

As such, the initial appeal was filed while there was a default defendant and a pending motion to reconsider that was not ruled on until later in 2023. As such, the 2023 appeal was premature and interlocutory in nature.

Because the claims and issues on appeal have common legal questions which are related to all the defendants, the appellant respectfully requests consolidation for the reasons of judicial economy.

February 5, 2025

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

RECEIVED

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Appeal from Richland County Circuit Court
The Honorable Jean Toal, retired Chief Justice
2024-001626

Rhonda Meisner,

Appellant,

v.

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

Respondents.

PROOF OF SERVICE-MOTION TO CONSOLIDATE APPEALS

Rhonda Meisner has electronically filed her MOTION TO CONSOLIDATE APPEALS and proof of service and copied the following attorneys emailing michaelctannerllc@bellsouth.net; sburton@gibbesburton.com; ward@mbmlawsc.com; jparham@jparhamlaw.com; scorequipment@gmail.com; michaelctannerllc@bellsouth.com; murrell@smithrobinsonlaw.com; ward@mbmlawsc.com; shanon.peake@smithrobinsonlaw.com; Additionally, I mailed a copy postage prepaid to : James Edward Bradley Post Office Box 5709 W.Columbia, SC 29171 Stephanie Burton 308 E. Saint John Street Spartanburg, SC 29302 James Parham PO Box 1576 Irmo, SC 29063 Michael C. Tanner PO Box 1061 Bamberg, SC 29003 and Shannon Peake 2530 Devine Street Columbia SC 29205.

February 5, 2025

Rhonda Meisner

Rhonda Meisner
PO Box 689
Blythewood, SC 29016
scorequipment@gmail.com
(803)206-3402