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Feb 18 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Justice Jean Toal, Circuit Court Judge

Case No. 2024-001626

Rhonda Meisner,

Appellant,

v.

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, P.A.; Tricia L. Flowers; Flowers Consulting, LLC; Richard G. Whiting, Esquire; Law Offices of Richard G. Whiting, P.A.; John Doe (1-10),

Respondents.

REPLY IN SUPPORT OF MOTION TO DISMISS OF RESPONDENTS RICHARD G. WHITING AND THE LAW OFFICES OF RICHARD G. WHITING, P.A. AND MEMORANDUM IN OPPOSITION TO MOTION TO CONSOLIDATE

The January 11, 2023 Motion Does Not Relate to the Dismissal of Plaintiff's Claims Against the Whiting Defendants

The motion to dismiss of the Whiting Defendants was granted and Appellant did not timely appeal that order. Now, over a year later, Appellant argues that her appeal is proper because she filed an unrelated motion to reconsider which was pending when she filed her first untimely appeal. Contrary to Appellant's misleading assertion, the January 11, 2023 motion she references does not pertain to either Richard G. Whiting or the Law Offices of Richard G. Whiting, P.A. ("Whiting Defendants"). The motion did not address the December 15, 2022 Order dismissing Appellant's claims against the Whiting Defendants. Instead, Appellant's January 11, 2023 Motion pertains

exclusively to the December 20, 2022 Order which Appellant refers to as the “Second Form 4 Order.” See Initial Brief of Appellant, p. 6-7 (“The Second Form 4 order dismissing the law firm defendants was received by the appellant on December 28, 2022.”); January 11, 2023, Motion, p. 1 (“The Court’s second Form 4 was received on December 28, 2022,...”). In that December 20, 2022 Order, the trial court granted the motion to dismiss of Defendants Moore, Taylor, & Thomas, P.A., Moore Taylor Law Firm, P.A., Moore Bradley Myers Law Firm, P.A. (“Law Firm Defendants”). The December 20, 2022 Order does not reference the Whiting Defendants and does not extend Appellant’s deadline to appeal the dismissal of the Whiting Defendants. Even if it did, successive motions do not stay the deadline to appeal. See Elam v. S.C. Dep’t of Transp., 361 S.C. 20, 602 S.E.2d 772 (2004).

In her January 11, 2023 Motion, Appellant did not argue that the Whiting Defendants had anything to do with Tricia L. Flowers and Flowers Consulting, LLC (“Flowers Defendants”). Instead, Appellant expressly requested that the trial court “reconsider its dismissal of the Law Firm Defendants Moore, Taylor, & Thomas, P.A.; Moore Taylor Law Firm, P.A.; Moore Bradley Myers Law Firm, P.A.,” and “enter an order requiring the Defendants to participate in discovery proceedings and Order a mediator be appointed.” (January 11, 2023 Motion, p. 2.) Appellant also submitted an affidavit in support of her motion in which she stated, “upon information and belief, Sheila Robinson and/or one of the law office defendants Moore, Taylor, & Thomas, P.A.; Moore Taylor Law Firm, P.A.; Moore Bradley Myers Law Firm, P.A. hired Ms. Flowers and/or Flowers Consulting, LLC.” (Meisner Aff., p. 2, ¶ 4.) Appellant did not mention the Whiting Defendants in her January 11, 2023 Motion or her supporting affidavit.

Appellant’s contention that the January 11, 2023 Motion involves the Whiting Defendants is false. Appellant’s appeal is frivolous. Her motion to consolidate should be denied as she cannot

pursue her claims against the Whiting Defendants. This frivolous appeal against them must be dismissed and Appellant ordered to pay their attorney's fees and costs.

Plaintiff Has Not Paid the Court Ordered Attorney's Fees

Appellant confusingly states that the Whiting Defendants have not responded to her request for "confirmation of the payment." Appellant has not tendered any payment to the Whiting Defendants. This Court's prior order that Appellant must pay the Whiting Defendant's \$1,000.00 for attorney's fees remains unsatisfied.

CONCLUSION

Based upon the foregoing authorities and arguments, Respondents Richard G. Whiting and the Law Offices of Richard G. Whiting, P.A. respectfully submit that they are entitled to an order dismissing Appellant's appeal as a matter of law and denying Appellant's motion to consolidate.

s/Stephanie H. Burton
Stephanie H. Burton (#13089)
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*Attorneys for Respondents Richard G. Whiting and
Law Offices of Richard G. Whiting, P.A.*

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Respondents.

PROOF OF SERVICE

The undersigned, Stephanie H. Burton certifies that she is a member of Gibbes Burton, LLC and on the 17th day of February 2025, she served a copy of the Reply in Support of Motion to Dismiss of Respondents Richard G. Whiting and The Law Offices of Richard G. Whiting, P.A. and Memorandum in Opposition to Motion to Consolidate by email and by depositing in the United States mail, with due and proper postage affixed thereto, copies of the same addressed to:

By U.S. Mail & Email:

Ms. Rhonda Meisner
P.O. Box 689
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scorequipment@gmail.com

By Email:

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s/Stephanie H. Burton
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RECEIVED
Feb 18 2025
SC Court of Appeals

February 17, 2025
By E-Mail

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211
ctappfilings@sccourts.org

Re: Rhonda Meisner v. Grant Meisner, Grant Meisner, MD, LLC, et al.
Appellate Case No. 2024-001626
C.A. No.: 2022-CP-40-01415

Dear Ms. Kitchings:

We are enclosing for filing the following:

1. Reply in Support of Motion to Dismiss of Respondents Richard G. Whiting and The Law Offices of Richard G. Whiting, P.A. and Memorandum in Opposition to Motion to Consolidate; and
2. Proof of Service of same.

With kind regards,

Yours very truly,

GIBBES BURTON, LLC

A handwritten signature in blue ink that reads 'Stephanie H. Burton'.

Stephanie H. Burton

SHB/bre
Enclosures

cc: Ms. Rhonda Meisner (w/enclosures)(by email and U.S. Mail)
Mr. James E. Parham, Jr. (w/enclosures)(by email)
Mr. Michael C. Tanner (w/enclosures)(by email)
Mr. James Edward Bradley (w/enclosures)(by email)

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