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Mar 04 2025

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
Case No. 2025-00164

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.

**RETURN TO RESPONDENTS GRANT MEISNER AND GRANT
MEISNER MD, LLC¹'S MOTION TO DISMISS**

The appellant received the motion to dismiss on February 24, 2025 via email. This return is filed within 10 days of receipt of that motion. As an initial matter, the Appellant filed a motion to consolidate appeals because there are "Doe" and "Default" defendants that involve the above named Respondents, in a related appeal with common jurisdictional inquiries, common issues regarding interlocutory orders and issues on appeal that includes the denial of the motion to amend the Complaint, dismissal of the *lis*

¹ Grant Meisner, MD, LLC was not listed in this motion to dismiss; however, Moore Bradley Myers Law Firm represented in the previous action that they also represented Grant Meisner, MD, LLC which is the company owned by Defendant Grant Meisner.

pendens and other relief that was not appealable until the final order was entered because they were interlocutory.

Contrary to the argument of the above named respondents, the appeal is timely and *not* frivolous for several reasons, but primarily at the time this Honorable Court dismissed the appellant's previous appeal *all* defendants *had not been dismissed* and there was a *timely filed* and *pending* SCRCP Rule 52 and Rule 60 motion in the circuit court that involved *all* Defendants, and was specifically addressed and sent to the Defendant Grant Meisner (and Grant Meisner, MD, LLC). A review of the motion *filed* on January 11, 2023 indicates the appellant requested review of the *underlying orders* entered on December 15th and 20th. *This Motion was timely filed but never ruled on.*² Notably, the dismissal on December 15th and 20th was on a form 4 without including *any* findings of fact or conclusions of law or even the type of dismissal e.g: *with or without prejudice*. Neither Order addressed the Doe Defendants or the Default Defendants and basically found that the circuit court did not have jurisdiction over the claims.³ This Honorable Court certainly could re-instate the previous appeal if necessary.

This Honorable Court should deny the Respondent's Motion to Dismiss because the underlying appeal involves the Respondent(s) in not only the civil conspiracy, abuse of process, trespass, trespass after notice, and other claims, but specifically involves the Respondent along with his attorneys in an extrinsic fraud on the Court, that was requested in the Motion to Amend the Amended Complaint. ⁴ Respondents Tricia Flowers

² EXHIBIT 1 letter regarding motion to alter and amend that was scheduled for the July 11, 2023 as part of motion for continuance.

³ The appellant avers the Flowers defendants *are still in default* because after they were excused from the default they failed to answer the complaint and only addressed the amended complaint but failed to answer the complaint. Additionally, the appellant avers the removal of their default status was erroneous and involves the Meisner Defendants, Attorney Defendants, and the Whiting Defendants.

⁴ The appellant claimed the Respondent(s) attorney's misrepresented information to the court by claiming that one

and Flowers Consulting, LLC affidavit in support of eliminating her default implicates the Respondent and his attorneys in the trespass, trespass after notice, civil conspiracy, abuse of process and others.

In Hagood, our Supreme Court determined interlocutory appeals are very narrow and the denial of a Motion to Amend the Complaint is one of such interlocutory appeals. Hagood v. Sommerville, 362 S.C. 191, 196, 607 S.E.2d 707, 709 (2005) An appeal ordinarily may be pursued after a party has obtained a final judgment Mid-State Distributors, Inc. v. Century Importers, Inc., 310 S.C. 330, 335, 426 S.E.2d 777, 781 (1993); S.C. Code Ann. § 14-3-330(1) (1976); Rule 72, SCRPC; Rule 201(a), SCACR. An order that does *not* finally end a case or prevent final judgment from which a party may seek appellate review is considered interlocutory. Tatnall v. Gardner, 350 S.C. 135, 138, 564 S.E.2d 377, 379 (Ct. App. 2002). As such the complaints by the Meisner Respondent that orders were not appealed for many months is because *they were not eligible for appeals* until the Flowers Defendants were dismissed *with prejudice*. Collins v. Sigmon, 299 S.C. 464, 466, 385 S.E.2d 835, 836 (1989) (order allowing amendment of a pleading generally is not immediately appealable)

Clearly, all of the orders save the order dismissing the Flowers defendants *with prejudice* were interlocutory because the form 4 order designated that the order did not end the case. These orders included the denial of the motion to


of the defendants, Dr. Erwin Mangubat was an expert witness despite no expert being identified before using in two hearings, no charges by the law firm and the testimony of Sheila Robinson that she never spoke to Dr. Mangubat. It is unclear how an expert can be retained without charging, paying, speaking to him etc. Additionally, Sheila Robinson also withheld the health status of Respondent Grant Meisner despite being informed and withheld critical information along with other bad acts that provide for an independent action in equity, including the resulting incarceration of the appellant.

Amend the Amended Complaint, the removal of the *lis pendens* and all others along with the dismissal of the parties on December 15th and December 20th .

The Respondent and his attorneys not only colluded and misrepresented the status of the Mangubat defendant, as an expert witness, but also hired and instructed the Flowers Defendants to violate the law when serving papers, who at the time the orders were issued, were default defendants.⁵ The Flowers defendants default status was removed by order; however, the flowers defendants did *not* answer the complaint after the default status was removed.⁶ Flowers only answered the amended complaint. As such, the appellant avers the Flowers Defendants are still in default. Contrary to the representations of the Respondent, the appellant claims legal and equitable rights to the properties where the *lis pendens* was filed because a Motion to Amend the Amended Complaint was filed. The filing of the *lis pendens* is completely privileged and can be filed *in anticipation of litigation* as is the case here. At the time the *lis pendens* was filed in this action the Appellant claimed an equitable right to the properties, as such, a *lis pendens* is allowed to be filed in this case because it was discovered that all other means to pay any judgment was removed. A motion to amend the complaint to add the Respondent(s) Grant Meisner and Grant Meisner, MD, LLC back to the lawsuit was filed within the 20 days required. ⁷ The extrinsic fraud perpetrated by attorney Sheila Robinson, which the subject of a motion to amend the amended complaint, involved not only the removal of hundreds of thousands of dollars but also implicated the appellant's equitable claim to the properties because the withdrawal of other assets was undisclosed. Extrinsic fraud allows for an independent claim in equity, *even after judgment*.

⁵ The appellant avers the Flowers Respondents are still in default because they failed to answer the Complaint.

⁶ The Flowers defendants answered the amended complaint but failed to answer the complaint.

⁷ EXHIBIT  Federal tax liens that were undisclosed.

The later SCRPC Rule 60 (a)(b) *was necessary* to request action after Justice Toal testified before the Judicial Merit Selection Committee that all parties and counterclaims were dismissed on December 15th and December 20th, 2022 and there were no outstanding motions that *had not been* ruled on and that she reviewed the filings in the case. This statement was inaccurate because not only were there Doe Defendants and Default Defendants, at the time she made that statement, there was an outstanding motion to alter and amend pursuant to SCRPC Rule 52 and Rule 60.

In fact, the Clerk of Court *based on the outstanding motion* filed a notice hearing for the motion that upon information and belief was continued on three occasions, as it could only be heard by Justice Toal. The Meisner, Mangubat, and Law Firm Defendants continued to participate in hearings throughout the summer of 2023, including a hearing on July 11, 2023 where it appeared the Honorable Jocelyn Newman addressed Ward Bradley after the hearing was over giving the appearance of *ex parte* communications. Judge Newman denied the allegation and stated that Ward Bradley did not participate which was the basis for the *ex-parte* communications claim not the excuse thereof.

The above named Respondents are also part of the appeal because contrary to the Respondent's assertions, they are part of the request for the appeal to be consolidated based on a Motion to Amend the Amended Complaint that was interlocutory, but now part of the appeal of the underlying orders. A Motion to consolidate the appeals is pending now that all outstanding motions (save Jan 11th) have been ruled on.

Finally, the appellant avers it was in error for the Honorable Jocelyn Newman to set aside the default of defendants Tricia Flowers and Flowers consulting, LLC because the Appellant submitted a third party's affidavit while Tricia Flowers submitted her own as a party defendant. The appellant also presented secretary of state filings, references to

filed documents in the tax offices and register of deeds.

Correction of Facts submitted with regard to lower court filings

Respondent's fact section facts section in the lower court stops at January 10, 2023; however, the very next day, on January 11, 2023, a SCRPC Rule 52 & Rule 60 motion was entered by the court on January 11, 2023 that was filed by mail on January 7, 2023.⁸ p. 2 ¶12 Defendant Meisner's Motion to Dismiss. As such, an outstanding motion to alter and amend pursuant to Rule 52 and SCRPC Rule 60 was pending in the lower court that involved the above named Respondents when the initial appeal was filed prematurely, out of caution by the Appellant. It is axiomatic that a motion is not properly before the court before it is filed.

The Rule SCRPC 52 and Rule 60 motion was timely filed and tolled the time to appeal *for all parties*, until an order resolving this motion was acted on. The motion sought to call to the court's attention to the fact Tricia Flowers and Flowers Consulting, LLC ("Flowers") Defendants were default defendants because they did not answer the complaint or the amended complaint on December 2, 2022 and were involved with the civil conspiracy and abuse of process claims that both Whiting and Mangubat defendants were alleged to have participated in, along with the presence of Doe defendants.⁹ Additionally Doe defendants were also present at the time of the dismissal.

ARGUMENT IN OPPOSITION OF DISMISSAL

The appellant avers the appeal is proper and not frivolous because at the time the

⁸ SCRPC Rule 52 and Rule 60 motion that was filed by mail and was intended to draw to the attention of the court that there was a default defendant that was the agent of some of the other defendants and was part of the claims that involved the Whiting Defendants including civil conspiracy and abuse of process.

⁹ EXHIBIT # Filed Motion to Reconsider pursuant to Rule 52 and Rule 60 which was filed within 10 days of receipt of the changed order entered on December 20, 2022 received on December 28, 2022. Tricia Flowers affidavit in support of her Motion to Set aside her default provides evidence of the acts associated with the above named Defendants conspiracy to which he was alleged to have participated. Exhibit 3

original appeal was determined to be “untimely” there was still a pending SCRPC Rule 52, and Rule 60 motion in the lower court that was not yet ruled on and tolled the time to appeal for all parties. Additionally, Respondent Meisner and his company was not dismissed *with prejudice* and there were other Doe and Default defendants making his dismissal interlocutory. The February 11, 2023 motion remains outstanding; however, a second Rule 60 (b) motion filed on December 1, 2023 was finally acted on in August of 2024 by the Honorable Jean Toal. The Appellant brought up the outstanding SCRPC Rule 60(a) (b) motions and upon information and belief, a different judge reviewed the filings.

Post-trial motions are *required* in two primary circumstances: to preserve issues that have been raised to the trial court *but not yet ruled* on or when the trial court grants relief not requested or rules on an issue never rose at trial. Jean Hoefler Toal, et al, Appellate Practice in South Carolina pp59-60 (2d ed. 2002)

Both the Appellant (December 29, 2022) and the Law Firm Respondents (December 16, 2022) filed a motion to alter and amend pursuant to Rule 59 which tolled the time to appeal. These motions were to reconsider the December 15, 2022 order (not the December 20, 2022 order) The appellant filed a Motion to Alter and Amend pursuant to Rule 52 and Rule 60 once the second form 4 that included the law firm defendants was filed, but requested reconsideration of the December 15, 2022 order as well. All of the orders in this case were issued on a Form 4 without making findings of fact or conclusions of law or designating they were filed with prejudice, making them interlocutory because of the Doe Defendants and the Default Defendants. One issue presented to the Court by the Appellant was the fact there were Doe defendants and the Flowers Defendants were default defendants that never answered the Complaint or the Amended Complaint. All defendants were involved in the civil conspiracy and abuse of

process claims, including the Whiting, Mangubat, Meisner, and Law Firm defendants. All Defendants were dismissed without discovery based on their claims of affirmative defenses; however, none of the dismissals were *with prejudice*, including Dr. Mangubat and there was an outstanding motion to reconsider the Court's ruling at the time of the premature appeal.

On January 7, 2023 the Appellant filed a Motion to alter and amend pursuant to Rule 52 and Rule 60 because the Form 4 received on December 28, 2022 failed to address the Doe Defendants and the default status of the Flowers defendants or the agency and co-conspirator relationship with the other defendants.

Justice Toal, after the appellant complained of her not acting on the outstanding January 11, 2023 motion stated before the judicial merit selection committee "I reviewed the index and there were *no outstanding motions*" or words to this effect. This was inaccurate because the February 7, 2023 motion that was filed via U.S. Mail was stamped on February 11th of 2023. The certificate of service requested the court to place a stamped copy in the Honorable Jean Toal's mailbox at the courthouse. This motion was on the index since it was stamped on February 11, 2023 and continued by at least 2 judges.

To the extent Justice Toal did not specifically rule on the February 11, 2023 motion, after her testimony before the judicial merit selection committee, the appellant filed a second Rule 60 (a) (b) motion, in an attempt to get a ruling. This appeal follows the denial of that motion.

In actions tried without a jury, a party may move the court to amend its findings or judgment or for a new trial not later than 10 days after **receipt** of written notice of entry of judgment. Rule 52 (a) SCRPC. Pursuant to Rule 60(b), SCRPC, a court may relieve a party

of a final judgment for mistake, inadvertence, surprise, or excusable neglect so long as the relief sought is filed no more than one (1) year from the date of judgment. “This rule is an appropriate remedy for good faith mistakes of fact if all other applicable factors are met.” Hillman v. Pinion, 347 S.C. 253, 256, 554 S.E.2d 427, 429 (Ct. App. 2001). The motion to alter and amend pursuant to Rule 52, and Rule 60 filed on January 11, 2023 was a request to correct a *mistake of fact* and to correct the fact section to *get a ruling* on the Flowers Defendants default status. The Motion to alter and amend also sought clarification of the trial court’s comments that the January 11, 2023 motion was *not* outstanding ruling based on the comments of the Honorable Jean Toal.

Parties risk not getting a ruling from the court and therefore losing preservation of issue on appeal. Clearly, the court was confused about the outstanding motion and even stated under oath that there were no outstanding motions. Clearly, the motion was not entered into the court until the 11th so the ruling by the Honorable Jean Toal did not include that motion.

. In determining whether to grant relief under Rule 60(b) (1), the court must consider the following factors: “(1) the promptness with which relief is sought; (2) the reasons for the failure to act promptly; (3) the existence of a meritorious defense; and (4) the prejudice to the other party.” Micronics, Inc. v. S.C. Dep’t of Revenue, 345 S.C. 506, 510–11, 548 S.E.2d 223, 226 (Ct. App. 2001). Rouvet v. Rouvet, 388 S.C. 301, 309, 696 S.E.2d 204, 208 (Ct. App. 2010).

Here, it is clear, because of the outstanding motion to alter and amend pursuant to SCRCF Rule 52 and SCRCF Rule 60, the trial court’s failure to rule, and Justice Toal’s testimony that all motions were disposed of required filing the second Motion to Alter and Amend pursuant to SCRCF Rule 60 (b). The appellant avers (1) she timely filed the second motion because the first motion was *still pending* (2) the good faith reason is the court still had

not ruled on the outstanding motion (3) which is a meritorious defense coupled with the fact that South Carolina adopted the minority view where spouses can sue each other (4) this motion was brought within one year.

During the hearing on December 2, 2022. None of the defendants brought to the attention of the Court that the Flowers Defendants were in default because they did not answer either the complaint¹⁰ or the amended complaint and they were included in the claims against them via the Flowers agency relationship with the attorneys and Meisner defendants and conspiracy with the other defendants. The Plaintiff argued this fact during the hearing regarding the Flowers defendants, but the court did not address this issue in either the Dec 15th or the Dec 20, 2022 order.

The motion to reconsider her order dismissing the attorneys included a request to reconsider her previous ruling that had been tolled for all parties when the law firm defendants filed their motion to alter and amend. The agency relationship between the attorney defendants and the co-conspirator allegations of the remaining defendants in the civil conspiracy and abuse of process is good cause to request the Court to review her dismissal because they too were implicated in those claims. The Meisner defendants, the Mangubat, the attorney defendants, and the Whiting defendants were all named in the civil conspiracy and abuse of process claims based on the agency relationship and the co-conspirator designation.

A timely post-trial motion, including a motion to alter or amend the judgment pursuant to Rule 59(e), SCRPC, stays the time for an appeal for *all parties* until receipt of written notice of entry of the order granting or denying such motion. See Rule 203(b) (1), SCACR; Rules 50(e), 52(c), and 59(f), SCRPC

¹⁰ The Flowers Defendants have still not answered the complaint, upon information and belief. They only answered the Amended Complaint.

As a result, despite the fact the January 11, 2023 motion was *not* ruled on the Motion to Alter and Amend pursuant to Rule 60 (b) was required which was filed prior to one year makes this appeal timely and it involves the above named Defendants. This appeal was filed when the motion was finally ruled on.

Finally, there was a motion to alter and amend the amended complaint that was denied by the Honorable Daniel Coble and is on appeal. A denial of the Motion to Amend the complaint is not immediately appealable. Additionally, the Meisner defendant complains about the *lis pendens* and suggests the properties owned by Meisner was not proper for the *lis pendens* to be filed; however, the appellant maintains she has not only an equitable claim in the properties, but a *lis pendens* is completely privileged in contemplation of litigation as well as litigation itself and there was a motion to amend that requested reinstatement of the Meisner defendants based on the extrinsic fraud claims that involved the attorney defendants. Because the complaint names Doe defendants had the Flowers defendants not been rescued from default, the other defendants/respondents *could be renamed* because the claims associated with the motion were against the above respondents, specifically and their dismissal was not with prejudice. For the above reasons the appellant respectfully requests the appeal not be dismissed because it is timely and the previous pre-mature appeal was not brought in bad faith, but has important claims where a jury demand is available.

March 4, 2024

Respectfully Submitted,



s/ Rhonda Meisner

Rhonda Meisner

PO Box 689

Blythewood, SC 29016

scorequipment@gmail.com

(803)206-3402

Outlook

EXHIBIT #1

RE: MOTION FOR CONTINUANCE PROPOSED ORDER ATTACHED

From Rhonda Lewis Meisner <scorequipment@gmail.com>

Date: Wed 7/5/2023 12:12 PM

To: Ward Bradley <ward@mbmlawsc.com>; sburton@gibbesburton.com; James Parham <jparham@jparhamlaw.com>; michaelctannerllc@bellsouth.net <michaelctannerllc@bellsouth.net>; Shanon Peake <shanonp@smithrobinsonlaw.com>; murrell@smithrobinsonlaw.com <murrell@smithrobinsonlaw.com>; michael.c.tannerllc@bellsouth.net <michael.c.tannerllc@bellsouth.net>; jnewmanlc@sccourts.org <jnewmanlc@sccourts.org>; Gmail <scorequipment@gmail.com>

3 attachments (1 MB)

letter to Judge Newman and law Clerk re continuance.pdf; Motion for entry of default filed.pdf; motion to dismiss counterclaims of Tricia Flowers and Flowers consulting.pdf;

Good afternoon Judge Newman and Judge Newman's Law Clerk,

Please find attached the Motion for a Continuance that was filed on Monday due to out of town work travel scheduled along with the filings should Judge Newman not grant the continuance.

* Please notice one of the scheduled motions (a Motion to Alter and Amend) can only be heard by Justice Jean Toal.

Jan 11, 2023 motion to Alter & Amend

Regards,

Sent from Mail for Windows

Rhonda Meisner, principal
S.C.O.R.E., L.L.C.
Post Office Box 689
Mythewood, South Carolina 29016
scorequipment@gmail.com
(03)333-9900 office
(03)206-3402 personal cell phone

From: Rhonda Lewis Meisner
Sent: Monday, July 3, 2023 2:51 PM
To: Ward Bradley; sburton@gibbesburton.com; James Parham; michaelctannerllc@bellsouth.net; Shanon Peake; murrell@smithrobinsonlaw.com; Gmail; michael.c.tannerllc@bellsouth.net
Subject: MOTION FOR CONTINUANCE PROPOSED ORDER ATTACHED

Good afternoon,
Please see the attached proposed order and motion. I will file them later today.
Warm regards,

Sent from Mail for Windows

Exhibit 2

4188 Department of the Treasury - Internal Revenue Service
Form 668 (Y)(c)
(Rev. February 2004)
Notice of Federal Tax Lien

Area: SMALL BUSINESS/SELF EMPLOYED AREA #3
Lien Unit Phone: (800) 913-6050
Serial Number: 491294524
For Optional Use by Recording Office

As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.

Name of Taxpayer GRANT R MEISNER

Residence ~~REDACTED~~ *Redacted*
BLYTHEWOOD, SC 29016-8337

IMPORTANT RELEASE INFORMATION: For each assessment listed below, unless notice of the lien is refiled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).

Kind of Tax (a)	Tax Period Ending (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
1040	12/31/2019	XXX-XX-2719	08/17/2020	09/16/2030	39540.76
1040	12/31/2020	XXX-XX-2719	11/22/2021	12/22/2031	49851.94
1040	12/31/2021	XXX-XX-2719	04/24/2023	05/24/2033	28441.07
1040	12/31/2022	XXX-XX-2719	11/13/2023	12/13/2033	47183.00

Book 2916-2287
2024016824 04/19/2024 13:04:24:833
Fee: \$10.00 County Tax: \$0.00 Tax Lien Federal State Tax: \$0.00
2024016824 John T. Hopkins, II Richland County R.O.D.

Place of Filing REGISTER OF DEEDS - RICHLAND COUNTY
PO BOX 2766
COLUMBIA, SC 29202
Total \$ 165016.77

This notice was prepared and signed at BALTIMORE, MD, on this, the 09th day of April, 2024.

Signature *Elvin Dean Cooney*
for MIRANDA MOORE ROBINSON
Title REVENUE OFFICER
(803) 312-7856
23-06-3411

Exhibit 3

ELECTRONICALLY FILED - 2023 Mar 17 11:03 AM - RICHLAND - COMMON PLEAS - CASE#2022CP4001415

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
C.A. No.: 2022-CP-40-01415

Rhonda Meisner,)
)
Plaintiff,)
)
vs.)
)
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, PA; Tricia L. Flowers;)
Flowers Consulting, LLC; Flowers Consulting, LLC;)
Richard G. Whiting, Esquire; Law Offices of Richard)
G. Whiting, PA.; John Doe (1-10) a fictional name)
assigned to identify parties that are not yet known)
or not yet determined.)
)
Defendants.)

AFFIDAVIT OF TRICIA FLOWERS

Personally appeared before me Tricia L. Flowers, whether individually and/or the owner of Flowers Consulting, LLC, and the undersigned, who swears and affirms as follows:

1. I am one of the defendants in this matter.
2. I am the owner, organizer, and managing agent of Flowers Consulting, LLC. I was the Registered Agent for service of process at the time of commencement of this action.
3. It appears that Plaintiff started this action on/or March 18, 2022.
4. It also appears Plaintiff has sued me individually and my business Flowers Consulting, LLC.
5. While I was the registered agent for Flowers Consulting, LLC, for service of process at the time of commencement of this action, it is my belief that my LLC was not properly served.
6. It appears Plaintiff sent the Summons and Complaint and Amended Summons and Complaint via certified mail to the address of 69 Cherry Grove drive, West Columbia, SC 29170, where I had moved out of twelve (12) years ago. As of date and at the time of attempt to service,

I was not residing in that address. Furthermore, it appears in Plaintiff's affidavit of service that she named me personally but improperly omitted my company, Flowers Consulting, LLC, which she had also named as one of the defendants.

7. Plaintiff's process server's Affidavit of Service states I was personally served by delivery to my husband "Take Flowers". This is not my husband's name, nor does he reside at the address on the affidavit. I believe the documents may have been left with Prateek Bahal who is listed with Lexington County Register of Deeds as one of the current owners of this residence, along with Rashna Bahal.

8. Please take a notice that Prateek Bahal and Rashna Bahal are bona fide property owners living in my old business address. He is not, however, a managing or registered agent of Flowers Consulting, LLC. Nor is he an agent of me in any other kind, whether individually or for my business Flowers Consulting, LLC.

9. Prateek Bahal has neither actual and/or apparent authority to accept service on behalf of me or my business, nor had I established manifestations of apparent authority to him to accept service. He never worked for me or in my company.

10. Furthermore, Prateek Bahal is not my resident relative, nor was I married to him. There is no familial relationship between me and him. He has never been authorized to accept service on my behalf. There is no communication between Prateek Bahal and me.

11. It appears Plaintiff is alleging in her complaint that I was not authorized to enter in her property and trespassed so with taking pictures of her house and car, and distributed them to her husband's attorney, invading her privacy.

12. I am a process server working for Sheila Robinson, Esq. of Moore Bradley Myers, PA, who represents Plaintiff's husband in their divorce matter. All of my interactions with

Plaintiff would have been in my capacity as a process server. My job is to hand deliver official court and legal documents such as subpoenas, summons, complaints, and more to individuals involved in court cases. For professional purposes, I record a cell phone video from the time I step out of my car, for the time the authorized/intended party is served, and to the time I get back to my car and leave the premises. This is something I regularly do for my business for every service I would complete to show the proof that I have served the authorized/intended party, not anyone else; the proof that I have observed of the authorized/intended party for service and verified they are the proper people to be served; and, the proof that the intended party has received my service on date and time certain. I believe and am informed this practice is completely proper and well-approved by the judges. At no point, did I defame her in any way.

13. Plaintiff is alleging I have engaged into an argument with her in front of her children which put her in the false light and affected her children emotionally and mentally. That is not true. In fact, per my records, when I served her with documents on October 31, 2020, I was told to "go away", which is very common in our job to have conversations like this. I departed per her request and since then, I sent another process server to Plaintiff every time she needed to be served with documents just in an effort to avoid any conflict with her.

14. As to Plaintiff's allegations that I had an argument with her in front of her children, I believe Plaintiff is misconstruing it. I was informed that one of Plaintiff's children was in constant communication with his father during his visitation with Plaintiff and was informing his father regarding their whereabouts. Thus, we were able to determine what time would be the best to serve her. Thereafter, when I served Plaintiff on October 31, 2020 during her visitation and upon arrival at her home with the children, I asked her why she did not open the door previously when I could have served her not in the presence of the children, it being obvious she was

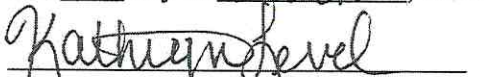
present at home during my prior attempt. She then became confrontational and told me I was on something, and told me to go away. She then proceeded to the rear of my vehicle to get my license plate number, telling me she was going to file a police report and subpoena my phone records. I recorded this event on a cell phone video just like my other interactions with other individuals when I serve them. The children were not terrified as she claims, as I observed them smiling and laughing behind her back. I did not engage in any further altercation with her and left the property. This entire encounter lasted a minute and a half from the time I exited my vehicle to the time I departed.

15. I believe Plaintiff's allegations against me are frivolous, meritless, and false. At all times, I have done my job required by the court for the judicial proceeding and to the high standard my clients have come to expect.

16. At all times, I do not believe I can be in default as I was not properly served.


Tricia Flowers

Sworn to and subscribed before me
this 16 day of March, 2023


Notary Public for South Carolina
My Commission Expires: 07-27-30

RECEIVED

Mar 04 2025

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
Case No. 2025-00164

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-RETURN TO RESPONDENT GRANT MEISNER
(GRANT MEISNER MD, LLD) MOTION TO DISMISS**

Rhonda Meisner has electronically filed her REPLY 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; murrell@smithrobinsonlaw.com; ward@mbmlawsc.com; shanon.peake@smithrobinsonlaw.com; Additionally, I mailed a copy postage prepaid by U.S. mail 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.

March 4 , 2025

Rhonda Meisner


Rhonda Meisner
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