

The South Carolina Court of Appeals

Rhonda Meisner, Appellant,

v.

Grant Meisner; Grant Meisner, MD, LLC; Sheila Robinson; Erwin Mangubat, MD; Moore, Taylor, & Thomas, P.A.; More 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, Respondents.

Appellate Case No. 2025-000164

ORDER

On January 27, 2025, Appellant filed a notice of appeal from five orders. On February 4, 2025, Respondent Erwin Mangubat, MD moved to dismiss the appeal. Respondent Mangubat argued the circuit court dismissed him from the underlying case on December 15, 2022, and Appellant's motion to reconsider the December 15, 2022 order was denied on January 10, 2023. Although Appellant filed a notice of appeal from the January 10, 2023 order, this court dismissed the appeal as untimely served. Respondent Mangubat argued his dismissal from the case is final. Appellant filed a return, arguing the appeal is proper as to Respondent Mangubat because at the time of this court's dismissal of the earlier appeal, her post-trial motion pursuant to Rules 52 and 60 of the South Carolina Rules of Civil Procedure, which involved Respondent Mangubat, was pending (January 11, 2023 motion). Appellant argued her January 11, 2023 motion was never ruled upon. Respondent Mangubat filed a reply, arguing Appellant's January 11, 2023 motion did not address Respondent Mangubat.

After careful consideration of the filings, we grant Respondent Mangubat's motion to dismiss this appeal as to Respondent Mangubat. A review of Appellant's January 11, 2023 motion reveals that although it was sent to Respondent Mangubat, it did not ask the circuit court to alter or amend any ruling related to Respondent Mangubat. *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.”).

To the extent Appellant argues the January 11, 2023 motion addressed a ruling related to Respondent Mangubat because it "reiterate[d] her arguments advanced in the initial motion to alter and amend," it was successive and could not toll the time for serving a notice of appeal. *See Swing v. Swing*, 445 S.C. 340, 348, 914 S.E.2d 158, 162 (2025) (explaining a timely successive motion to alter or amend does not toll the time for serving a notice of appeal); *Coward Hund Const. Co., Inc. v. Ball Corp.*, 336 S.C. 1, 4, 518 S.E.2d 56, 58 (Ct. App. 1999) (holding a second motion for reconsideration that does not challenge something that was altered from the original judgment as a result of the initial motion for reconsideration does not toll the time for serving the notice of appeal).

On February 24, 2025, Respondent Grant Meisner moved to dismiss this appeal, arguing the order dismissing the *lis pendens* on the properties was filed on August 22, 2024, and Appellant's notice of appeal was filed 158 days after the order was issued and 137 days after the motion for reconsideration was denied. Respondent Grant Meisner argues “Appellant cannot now attempt to appeal [the August 22, 2024] decision.” On March 4, 2025, Appellant filed a return, arguing that when this court dismissed her previous appeal, all defendants had not been dismissed from the underlying actions and her January 11, 2023 motion, which specifically addressed and was sent to Respondent Grant Meisner, was pending in the circuit court. Additionally, Appellant argues none of the orders issued prior to the final order dismissing the Flowers Defendants were immediately appealable because those orders did not end the case.

After careful consideration of the filings, we grant Respondent Grant Meisner's motion to dismiss this appeal as to Respondent Grant Meisner. A review of Appellant's January 11, 2023 motion reveals that although it was sent to Respondent Grant Meisner, it did not ask the circuit court to alter or amend any ruling related to Respondent Grant Meisner. *See Judy*, 381 S.C. at 458, 674 S.E.2d at 153 (“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.”). Further, the order dismissing the *lis pendens* was issued on August 22, 2024, and Appellant’s motion to reconsider the order was denied by an order issued on September 13, 2024. Appellant was required to serve any appeal from this order within thirty days of receipt of the written notice of entry of the order; Appellant served her notice of appeal on January 25, 2025. Thus, her appeal of the order is untimely. *See* Rule 203(b)(1), SCACR (“A notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment.”); *Mears v. Mears*, 287 S.C. 168, 169, 337 S.E.2d 206, 207 (1985) (“Service of the notice of intent to appeal is a jurisdictional requirement, and this Court has no authority to extend or expand the time in which the notice of intent to appeal must be served.”).

On February 5, 2025, Appellant filed a motion to consolidate her appeals in Appellate Case Numbers 2024-001626 and 2025-000164, arguing the appeals have the same Appellant and Respondents and common legal questions, such as jurisdictional inquiries and privilege defenses. Respondent Mangubat filed a return, opposing consolidation. Appellant filed a reply, reiterating her arguments for consolidation.¹ After careful consideration of the filings, we deny Appellant’s motion to consolidate without prejudice to a future motion to consolidate **after briefing is complete in both appeals**, which would allow this court to determine if consolidation is proper. *See* Rule 214, SCACR (“Where there is more than one appeal from the same order, judgment, decision[,] or decree, or where the same question is involved in two or more appeals in different cases, the appellate court may, in its discretion, order the appeal to be consolidated.”).

 J.
FOR THE COURT

Columbia, South Carolina

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¹ Appellant also seeks reinstatement of an appeal dismissed June 6, 2023. We deny this request as untimely. *See* Rule 260(a), SCACR (explaining a party seeking reinstatement of an appeal must do so within fifteen days of filing of the order of dismissal).

cc:

Rhonda Meisner

Stephanie Holmes Burton, Esquire

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