

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.; Moore Taylor Lw 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), a fictional name assigned to identify parties that are not yet known or not yet determined, Respondents.

Appellate Case No. 2024-001626

ORDER

On September 23, 2024, Appellant filed a notice of appeal from four orders. On January 30, 2025, Respondents Richard Whiting and the Law Offices of Richard G. Whiting, P.A. (the Whiting Respondents) moved to dismiss the appeal. The Whiting Respondents argued the circuit court dismissed them 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. The Whiting Respondents argued their dismissal from the case was final at that time. On February 10, 2025, Appellant filed a return, arguing the appeal is proper as to the Whiting Respondents 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 the Whiting Respondents, was pending (January 11, 2023 motion). Appellant argued her January 11, 2023 motion was never ruled upon.

After careful consideration of the filings, we grant the Whiting Respondents' motion to dismiss this appeal as to the Whiting Respondents. A review of

Appellant's January 11, 2023 motion reveals that it did not ask the circuit court to alter or amend any ruling related to the Whiting Respondents. *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.”).

On February 3, 2025, Grant Meisner, Grant Meisner M.D., LLC, Sheila Robinson, Moore Taylor & Thomas P.A., Moore Taylor Law Firm P.A., and Moore Bradley Myers Law Firm, P.A. moved to dismiss the appeal, arguing the circuit court granted their motions to dismiss the underlying circuit court action by an order filed on December 15, 2022. However, Moore Bradley Myers Law Firm, P.A. was inadvertently left off the order and filed a motion pursuant to Rule 59 of the South Carolina Rules of Civil Procedure to correct the error. The circuit court granted the motion by an order filed December 29, 2022, dismissing Moore Bradley Myers Law Firm, P.A. Appellant moved to alter or amend the circuit court’s December 15, 2022 order, and on January 10, 2023, the circuit court denied the motion to alter or amend. This court dismissed Appellant’s appeal from those orders as untimely served. Thus, Grant Meisner, Grant Meisner M.D., LLC, Sheila Robinson, Moore Taylor & Thomas P.A., Moore Taylor Law Firm P.A., and Moore Bradley Myers Law Firm P.A. argue “Appellant cannot now try to appeal that decision.” On February 10, 2025, Appellant filed a return, arguing the appeal is proper as to Grant Meisner, Grant Meisner M.D., LLC, Sheila Robinson, Moore Taylor & Thomas P.A., Moore Taylor Law Firm P.A., and Moore Bradley Myers Law Firm P.A. because at the time of this court's dismissal of the earlier appeal, her January 11, 2023 post-trial motion pursuant to Rules 52 and 60 of the South Carolina Rules of Civil Procedure, which involved these Respondents, was still pending. Appellant further argued her January 11, 2023 motion was never ruled upon.

After careful consideration of the filings, we dismiss this appeal as to Respondents Grant Meisner, Grant Meisner M.D., LLC, Sheila Robinson, Moore Taylor & Thomas P.A., Moore Taylor Law Firm P.A., and Moore Bradley Myers Law Firm P.A. A review of the January 11, 2023 motion reveals it does not address any rulings related to Respondents Grant Meisner and Grant Meisner, M.D., LLC or Respondent Robinson. *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.”). Although the January 11, 2023 motion asked the circuit court to reconsider its dismissal of Moore Taylor &

Thomas, P.A., Moore Taylor Law Firm, P.A., and Moore Bradley Myers Law Firm, P.A., 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 4, 2025, Respondent Mangubat moved to dismiss the appeal, arguing 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 was final at that time. On February 18, 2025, 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 was pending (January 11, 2023 motion). Appellant argued her January 11, 2023 motion was never ruled upon.

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 it did not ask the circuit court to alter or amend any ruling related to Respondent Mangubat. *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.”).

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. On February 18, 2025, Respondent Mangubat filed a return, opposing consolidation. On February 18, 2025, the Whiting Respondents also filed a return, opposing consolidation. On February 24,

2025, 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.”).



FOR THE COURT J.

Columbia, South Carolina

cc:

Rhonda Meisner
Michael C. Tanner, Esquire
James Edward Bradley, Esquire
Stephanie Holmes Burton, Esquire
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FILED
Dec 02 2025

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).