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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
CIRCUIT COURT

2025-000164

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

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, PA; 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, Defendants, of which Tricia L. Flowers; Flowers Consulting, LLC; and John Doe (1-10), a fictional name assigned to identify parties that are not yet known or not yet determined, are Respondents.

PETITION FOR REHEARING AND REHEARING *en banc*

PERMISSION TO FILE A RULE 60 (b) MOTION TO DETERMINE WHETHER
THE FILINGS BY THE RESPONDENTS SHOULD BE STRICKEN BECAUSE
THE FILINGS WERE MADE WITHOUT THE REQUISITE LICENSES TO
CONDUCT BUSINESS IN THE CITY OF COLUMBIA

The Petitioner Rhonda Meisner pursuant to SCACR Rule 221(a) and 240

respectfully requests a Rehearing and Rehearing *en banc* to review:

(1)The Dismissals of Erwin Mangubat, MD and Grant Meisner from this appeal (2) Whether the appeal of the vacature of the *lis pendens* is timely. (3) whether the consolidation of the appeals should occur prior to briefing to promote judicial economy (4) whether reinstatement of the previously dismissed appeal is allowed when the rulings were made without the knowledge that the attorneys were operating illegally without a business license in the City of Columbia.

STATEMENT OF THE CASE

Grant Meisner, MD is the former spouse of the Petitioner,¹ having been married for thirty years, prior to divorce. Without permission, Dr. Meisner used the Petitioner's personal identifying information to order HIV medicine in the Petitioner's name and picked up the prescription for his own use. The complaint alleges in doing so he defamed the Petitioner and caused great concern that she may have been infected. This is only one event that cause the Petitioner to be concerned Grant Meisner was suffering from neurological issues. Erwin Mangubat², MD is a neurosurgeon that worked in the operating room with Respondent Grant Meisner, MD and was identified by Sheila Robinson as an expert witness during divorce proceedings. Dr. Mangubat completed an evaluation of Grant Meisner to opine about his neurological health. The Petitioner claimed Respondent Grant

¹ South Carolina takes the minority view that Spouses can sue their spouses. It is the public policy of our State to provide married persons with the same legal rights and remedies possessed by unmarried persons. *See Bryant v. Smith*, 187 S.C. 453, 198 S.E. 20 (1938) (recognizing purpose of predecessor to § 15-5-170 is to give married women all rights and remedies possessed by unmarried women); *see also* S.C. Code Ann. § 16-3-615 (Supp. 2000) (amending law to provide spouse may be convicted of sexual battery against spouse)

² Sheila Robinson subsequently testified under oath in a separate proceeding that she never spoke to Erwin Mangubat, MD, despite naming him as her expert witness and making that representation in open court.

Meisner was ill and exhibiting neurological symptoms such as a Parkinsonian tremor, hallucinations, and was having delusional conversations, with the Petitioner. The Letter written by Dr. Mangubat was submitted in response to the allegations by the Petitioner that Grant Meisner was ill to the family court, but Dr. Mangubat was not named as an expert witness by attorney Sheila Robinson until many months after the Mangubat opinion was submitted to the family court.

Ms. Robinson is also the attorney that hired Respondent Tricia Flowers and/or Flowers Consulting, LLC to serve legal papers on the Petitioner in Richland County.

The Petitioner filed a *lis pendens* on the property held personally by Grant Meisner which was removed by the Honorable Daniel Coble before the final dismissal of the Flowers defendants that were dismissed *with prejudice* by the Honorable Thomas McGee. Erwin Mangubat was dismissed by form 4 Order on December 15, 2022; however, the dismissal did not designate whether the dismissal was *with* or *without prejudice* and the Form 4 indicated the order dismissing several defendants did not end the case. Also plead were defendants John Doe 1-5.

Grant Meisner and Grant Meisner, MD, LLC were also dismissed by the same form 4 Order, which also did not indicate whether the dismissal was *with* or *without prejudice*. Moore Bradley Myers Law Firm, P.A. filed a motion to reconsider. Pleading for their own dismissal along with the previous iterations of their current company named in the case on December 16, 2022, asking for the law defendants to be dismissed. The Answer to the complaint and all subsequent

motions were filed by Ward Bradley of Moore Bradley Myers Law Firm, P.A. on behalf of Defendants Sheila Robinson, Grant Meisner, Grant Meisner, MD, LLC; Moore Taylor & Thomas, and Moore Taylor Law Firm, P.A. Also named as defendants were John Does 1-5. At the time of the dismissals on December 15, 2022, Tricia Flowers and Flowers Consulting, LLC were default defendants. The Petitioner filed a Motion to reconsider and subsequent appeal that was determined by this Honorable Court to be untimely. The circuit court then entered an order dismissing the law firm defendants again not designating a *with prejudice* dismissal.

STANDARD OF REVIEW

This Honorable Court reviews the dismissal pursuant to 12(b)(1-6) in the same way as the trial court; however, to the extent the appeal involves an interpretation of South Carolina law, court rules regarding the scope of the litigation privilege when it is based on illegal commercial activity that may involve the unauthorized practice of law, the review is for an error of law, considering the SCRCP Rule 60 (b). *Lambries v. Saluda Cnty. Council*, 409 S.C. 1, 7, 760 S.E.2d 785, 788 (2014) (quoting *Town of Summerville v. City of N. Charleston*, 378 S.C. 107, 110, 662 S.E.2d 40, 41 (2008))

ARGUMENT

The Petitioner avers the SCRCP Rule 52 and Rule 60 were timely filed and tolled the time to appeal for **all Respondents** because these two orders were never ruled on and **involved** the Respondents Grant Meisner and Erwin Mangubat

because they were implicated in the civil conspiracy cause of action. The Petitioner avers based on the allegations in the Amended Complaint, the SCRCP Rule 52 and Rule 60 motion explicitly involves those defendants because removal of the defendants effectively determines the cause of action for civil conspiracy.

ARGUMENT THESE RESPONDENTS SHOULD NOT BE DISMISSED

The above Respondents were dismissed initially from the case *without prejudice*. Rule 41 (b) provides that when dismissals occur without explicitly stating the dismissal is *with prejudice* then the dismissal is *without prejudice*. The above Respondents, Grant Meisner and Erwin Mangubat were both part of the civil conspiracy claims with default defendants Tricia Flowers and Flowers Consulting, LLC. With the removal of the last remaining defendant Moore Bradley Myers Law Firm, P.A. the civil conspiracy claim against the Flowers defendants was effectively eliminated. As such, the Petitioner claims the Rule 60 motion and Rule 52 motion was appropriate and tolled the time to appeal after a critical defendant effectively eliminated the civil conspiracy claim, until the other claims were ruled on. The removal of Moore Bradley Myers Law Firm, P.A effectively left no defendants, save the Flowers Defendants³ which by process of law effectively eliminated the civil conspiracy claim because two or more defendants are required for a civil conspiracy claim which constitutes a material change in the lawsuit requiring a Rule 52 and Rule 60 motion that involves **all parties** to the claim, including Grant Meisner and Erwin Mangubat and the Motion was served on those defendants. Under South

³ Tricia Flowers and Flowers Consulting, LLC cannot conspire with themselves because Flowers Consulting, LLC is a single member limited liability company.

Carolina law, a civil conspiracy claim requires "a combination of two or more persons". The Court's removal of Moore Bradley Myers Law Firm, P.A. means that, as a matter of law, the final defendant required for co-conspiracy is eliminated as is the claim. The removal also removed the "nexus" of the alleged agreement, for civil conspiracy which fails because the only remaining defendants cannot conspire with themselves. The Petitioner's reiteration and reference to the facts in the first motion to alter and amend argument **does not change** the fact the lawsuit was materially affected by the removal of the Law firm defendants that required a Rule 52 and Rule 60 motion because the Flowers defendants were default defendants at that time. Also, a timely filed motion to amend findings or make additional findings under **Rule 52, SCRCF**, effectively tolls the time to appeal for **all parties until 30 days after the motion is ruled on**. Pursuant to Rule 203(b)(1)SCACR the motion stays the time for appeal for **all parties including Grant Meisner and Erwin Mangubat who were previously dismissed without prejudice because the Rule 52 and 60 motions were pending when the initial appeal was dismissed**. Importantly, these motions Rule 52 and Rule 60 **were never ruled on** by the Honorable Jean Toal.⁴ As such, the motion is **not successive** as it relates to the two Respondents because it effectively eliminated one of the claims against them, despite the fact they were dismissed without prejudice on the Form 4. As such, the time to appeal **was either** 30 days after a ruling on these two motions **or** within 30 days of the final order which is what occurred here. Finally, removal of

⁴ Justice Toal stated before the Judicial Merit Selection committee that she reviewed the records and ruled on all motions or words to this effect, but the record reflects otherwise.

the Mangubat Defendant effectively removes the Petitioner's argument that the Motion to Dismiss was changed to a Motion for Summary Judgment for all defendants, based on his attorney's introduction of outside evidence into the case, that the Court considered. Importantly, at the Motion to Dismiss where many of the Defendants were dismissed by the Honorable Jean Toal, attorneys for Grant Meisner, Grant Meisner, MD, LLC, Sheila Robinson, and all the attorney defendants were **not licensed to conduct business** in Richland County. The attorney representing the The Law offices of Richard G. Whiting and Richard G. Whiting also **did not have** a license to conduct business in the City of Columbia; however, these attorneys attended the hearing located in the City of Columbia and conducted the business of legal representation. Under South Carolina law, each conspirator is liable for all damages resulting from the wrongful acts of any co-conspirator committed in furtherance of the joint enterprise (*Paradis v. Charleston County School District*).

As such, the Rule 52 and 60 motion did not create a successive motion to reconsider pursuant to *Elam* because the Order effectively involved all Defendants in the Civil Conspiracy and eliminated that cause of action when it eliminated the final co-conspirator defendant. *Elam v. South Carolina Department of Transportation*, 361 S.C 0,602 S.E. 2d 772 (2004).

THE REMOVAL OF THE *LIS PENDENS* WAS AN INTERLOCUTORY ORDER ONLY AVAILABLE FOR APPELLATE REVIEW AT THE END OF THE TRIAL IN THIS CASE

(2) The Petitioner requests rehearing and rehearing en banc to review the interlocutory nature of the removal of the *lis pendens* and allow review of that decision because the appeal of the order is timely. The Order of this court determined the appeal of the removal is untimely fails to consider the fact the dismissal was not a decision on the merits. As such the Petitioner avers the appeal should consider the removal of the *lis pendens*.⁵ The Petitioner avers the appeal is **timely** because the basis of the claim of the parties' motion was given that real property was not implicated in the lawsuit, the *lis pendens* could not stand. This Court has found when a *lis pendens* is an ancillary decision not part of a final disposition, the dismissal is an interlocutory order because it does not implicate the underlying dispute. Because the Petitioner did not assert an ownership interest in the property **in this litigation**, the removal of the *lis pendens* is interlocutory and should be considered. *Pond Place Partners, Inc. v. Poole*, 567 S.E.2d 881, 889 (S.C. Ct. App. 2002). There is not an exception within §14-3-330 because of the judgment of the court that property was not implicated in the filing. However, to the extent it was filed by an unlicensed attorney the Petitioner avers the cancellation was void. The South Carolina Supreme Court has already determined was interlocutory when there are no allegations affecting the title to the land, in the case at hand. *Lebovitz v. Mudd*, 293 S.C. 49 (1987)

THE DELAY IN CONSOLIDATION IS PREJUDICIAL TO THE PETITIONER BASED ON THE DUPLICATION OF THE RECORD ON APPEAL AND THE EXTRINSIC FRAUD CLAIM.

⁵ The removal of the *lis pendens* was because Grant Meisner was not a party to the case at the time they were filed; however, his dismissal was without prejudice and there were outstanding motions that implicated him.

(3) The Petitioner request re-hearing and rehearing en banc of the decision to delay in consolidaton on the basis of judicial economy. The Petitioner avers some issues that are interrelated that are not reviewed together will cause difficulty in reviewing the issues on appeal. Additionally, because the denial of the consolidation will require two separate records on appeal, the Petitioner avers based on judicial economy, the Petitioner urges this court to re-hear that issue.

THE PREVIOUS APPEAL SHOULD BE REINSTATED BASED ON EXTRINSIC FRAUD AND THE FACT THE RULE 52 AND RULE 60 WERE NEVER RULED ON BY THE COURT PRIOR TO DISMISSAL OF THE APPEAL

(4) The Petitioner requests re-hearing and rehearing *en banc* to review the propriety of the denial of the request to re-instate the previous appeal when the attorneys, acting as officers of the court, failed to operate legally by gaining a business license before filing motions for relief that involved commerce. A Valid business license. A business license is required for all businesses to operate in the City of Columbia. Clearly, the attorneys were operating in the City of Columbia because that is where the filings occurred and that is where they paid their filing fees to the Court, and that is where the hearings were held. As such the Petitioner avers reinstatement of the previously dismissed appeal is allowed based on extrinsic fraud and the fact the dismissals of Grant Meisner and Erwin Mangubat, MD pursuant to Rule 41 were granted *without prejudice*.⁶ A license to operate within the City of Columbia was required **before** Moore Bradley Myers Law Firm, P.A.

⁶ Upon information and belief, Moore Bradley Myers Law Firm, P.A. did not have **any** business license at the time the answer was filed or when the motions were filed that granted relief for their clients.

hired Erwin Mangubat as an expert witness or otherwise participated in commerce in Richland County without a business license, by representing others in the business of law.⁷

The overarching issue in this appeal and its sister appeal was the determination that the circuit court did **not** have subject matter jurisdiction and the family court did. The Respondents also argued there was no personal jurisdiction over the parties **and** the Respondents were afforded quasi-judicial immunity or a litigation privilege.

Noteworthy, the litigation privilege cannot extend to parties “outside the court” that are operating without a license and going into the homes of citizens and starting altercations in front of children. The dismissals of Grant Meisner and Erwin Mangubat were without the benefit of formal discovery, which was denied during the same hearing.

The circuit court judges and the other parties **presume** that attorneys coming before them in Court are legally operating with the requisite law license and business license. When it is discovered later that these Respondents were operating illegally, the Court should allow relief. Ward Bradley and his law firm did **not** have a license to practice law commercially in the City of Columbia, at the time he paid filings fees to the court, sent an invoice to Richland County resident Grant Meisner, and filed the motions on behalf of Grant Meisner in the Richland County Court

⁷ Sheila Robinson a partner in Moore Bradley Myers Law Firm, P.A. also did not have a business license at the time of purportedly hiring Erwin Mangubat, MD. Ms. Robinson later testified that she did not speak to Dr. Mangubat so her representation that he was an expert witness is suspect at best. It is axiomatic that an attorney has to speak to an expert witness to hire one. Rather, she stated she spoke to an attorney at Prisma Health.

house which is under the jurisdiction of the City of Columbia. Sheila Robinson did not have a business license when she purportedly hired Erwin Mangubat, MD as an expert witness.

PERMISSION TO FILE A RULE 60 MOTION SHOULD BE GRANTED BECAUSE ATTORNEY FIRMS ARE NOT EXEMPT FROM OBTAINING A BUSINESS LICENSE TO COMMERCIALY OPERATE IN THE CITY OF COLUMBIA

The Petitioner requests permission to file a SCRCP Rule 60(b) motion for the circuit court to determine the propriety of extending the litigation privilege to parties that are not operating legally within the City of Columbia. The Petitioner avers it is an extrinsic fraud for the law firms to go before the court and argue cases when they are not legally eligible to conduct business. Moore Bradley Myers Law Firm did not have a license when they filed for dismissals or removal of *lis pendens*, as such the rulings are void or voidable. While Ward Bradley *may* have been current on his professional legal license issued by the Supreme Court of South Carolina, like all other professionals, he is required to have a business license to commercially operate as an attorney in Richland County by the City of Columbia, at the time he filed papers on behalf of others in Richland County for which he was paid. In effect, the Petitioner avers he is participating in the unauthorized practice of law.

This Honorable Court determined that the law of the case precluded allowing Respondent Mangubat to remain in the case because the original appeal was determined to be “untimely” as it related to the dismissal which was *without prejudice*. The Petitioner avers this Court has always allowed relief pursuant to Rule

60 (b) when it was determined to be extrinsic fraud which this Court defines as a fraud involving attorneys and the representations to the Court. The Petitioner avers when an attorney is implicated in the submission of fraudulent or voidable documents the appeal may be allowed to be revived, particularly here where the tolling of the time to appeal pursuant to Rule 52 makes the appeal timely because of the non-action by the circuit court on the motion and the resulting discovery the original motion to dismiss **was not valid at the time it was filed**. Respondent Mangubat should not be dismissed from the appeal because A dismissal *without prejudice* under Rule 41(b), SCRCP, does not bar subsequent litigation. Pursuant to Rule 15 so long as the litigation continues *against other parties* that implicate the Respondent, as here. ⁸

The Honorable Thomas McGee, decided that Tricia Flowers and Flowers Consulting, LLC were entitled to quasi-judicial immunity and should be dismissed in this case and took judicial notice of the dismissals by the Honorable Jean Toal, that were dismissed *without prejudice*. The Order dismissing Tricia Flowers and Flower's Consulting, LLC was issued **with prejudice**, which is a final order. The overarching issue in this appeal and its sister appeal **2024-0001646 was** the determination that the circuit court did **not** have subject matter jurisdiction over the case or personal jurisdiction over the parties **and** the Respondents were afforded quasi-judicial immunity or a litigation privilege. All dismissals were

⁸ Justice Toal did not make specific findings of fact with regard to the dismissals *without prejudice* but it was clear from the record that other parties remained. Also, the Rule 52 and Rule 60 motion was never ruled on so it is unclear how the changed order is not preserved for appellate review.

entered without **the benefit of discovery** which was denied during the first motion to dismiss hearing.

However, the Honorable Thomas McGee when he issued the dismissals, like the Petitioner, was unaware that Moore Bradley Myers Law Firm, P.A. was operating without a business license. The practice of law requires both a professional license (law license) and a business license and the Petitioner avers one without the other is the unauthorized practice of law. The Order also made some jurisdictional statements that the circuit court did not have jurisdiction to hear the case relying on the Honorable Jean Toal to determine the circuit court did not have subject matter jurisdiction or personal jurisdiction, over the case.

As such the circuit court did not consider the argument that there can be no litigation privilege extended to Tricia Flowers or Flowers Consulting, LLC because the attorneys that hired them were not operating legally in the City of Columbia when they hired them. Also, whether the circuit court had jurisdiction is defined by the complaint; however, the ability to respond to the complaint by an attorney requires a valid professional and business license. The potential unauthorized practice of law, which would render the underlying judgment void or otherwise justifies relief under SCRCP 60(b).

The Respondent's motion to dismiss or strike the *lis pendens* that were submitted while illegally operating in the City of Columbia should be vacated and a determination of whether the litigation privilege for Erwin Mangubat and the

Flowers Defendants was available when they were hired by an unauthorized, unlicensed, and illegally operating company, Moore Bradley Myers Law Firm, P.A.

The litigation privilege is a qualified privilege that presupposes a lawful engagement in the practice of law the Judges and other parties should be able to rely on the representations of counsel when they file motions that they are legally eligible to file the motions.

South Carolina law broadly prohibits the unauthorized practice of law (UPL) by any person not enrolled as a member of the South Carolina Bar or otherwise authorized by the Supreme Court. The litigation privilege does not shield communications made in furtherance of criminal, tortuous, or fraudulent conduct, nor does it protect actions by individuals or entities operating outside the bounds of the law, such as engaging in an unlicensed commercial enterprise to provide legal services. The operation of an unlicensed business providing legal services could be considered to constitute the unlawful practice of law.

The Respondents' actions were outside the scope of protected legal activities.

Evidence presented in the Rule 60(b) motion, if allowed, would establish the Mangubat and Grant Meisner defendants are either not eligible for a litigation privilege or their answer should be stricken because they were improperly before the Court. **Relief under SCRCP 60(b) is warranted.** The judgment in the lower court was based upon a fundamental misapplication of law regarding the scope of the litigation privilege because of the fraud perpetrated that the law firm was not properly explained. The court's ruling essentially validated an unlicensed, illegal commercial activity. Such an error warrants relief to prevent injustice and to

maintain the integrity of the judicial process.**SC Code § 4-9-30(12)**: Expressly grants South Carolina counties the authority to levy business license taxes on professions (including attorneys) unless specifically exempted by state law.

Attorneys are not one of the exemptions. **City of Columbia Ordinance § 11-31**:

Mandates that every person engaged in a calling, occupation, or profession, in whole or in part within the city limits, must pay an annual license tax and obtain a

business license.**SC Code § 40-5-310**: Prohibits the practice of law by anyone not

"otherwise authorized to perform prescribed legal activities". Firms cannot select a single location and disregard other jurisdictions where they have a physical

presence or systematically conduct business. Compliance with Act 176 is not

optional; it is a prerequisite for lawfully operating a legal practice throughout the state's municipalities and counties. For the above reasons, the Petitioner requests

review of the order and allow the Grant Meisner and Erwin Mangubat Respondents

to remain-review the dismissal of the lis pendens-allow the Rule 60 b motion-and

determine the initial appeal void based on extrinsic fraud and reinstate it.

Respectfully Submitted,

S/Rhonda Meisner

December 17, 2025

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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

Case No. 2025-000164

Rhonda Meisner,

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Grant Meisner, Grant Meisner,
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Thomas, P.A.; Moore Taylor
Lawfirm; Moore Bradley Myers Law
Firm, LLC; Tricia L. Flowers;
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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
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Respondents.

**PROOF OF SERVICE- PETITION FOR REHEARING AND
REHEARING EN BANC AND RULE 60 MOTION**

Rhonda Meisner has electronically filed her PETITION FOR REHEARING AND REHEARING EN BANC AND REQUEST FOR PERMISSION FOR RULE 60 MOTION 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.

Additionally the \$50 filing fee is placed in the mail postage prepaid to South Carolina Court of Appeals 1220 Senate Street Columbia SC 29201.

12/17, 2025

s/Rhonda Meisner

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