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S.C. SUPREME COURT

PETITION FOR A WRIT OF CERTIORARI TO THECOURT OF APPEALS
THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

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

Opinion No. 2025-000164 (S.C. Ct. App. filed May 8, 2026)

Rhonda Meisner

Petitioner,

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; 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,

Respondent (s).

PETITION FOR A WRIT OF CERTIORARI TO THE SOUTH CAROLINA COURT OF APPEALS

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Cases

State v. 192 Coin-Operated Video Game Machines, 338 S.C. 176, 525 S.E.2d 872 (2000).

Sundown Operating Co. v. Intedge Indus., Inc., 383 S.C. 601, 681 S.E.2d 885 (2009): The Supreme Court has repeatedly held that a trial court order is not final, and cannot be piecemealed out, when liability is joint and overlapping.

Statutes

Rules

The Petitioner certifies that the Petition for Rehearing was made and finally ruled on by the Court of Appeals on May 8, 2026. This Petition is filed within 30 days of that decision considering the 30th day was on the intervening weekend and is timely. The Petitioner requests the Court entertain this petition pursuant to SCACR Rule 242 that Grants this Court the Righ

Questions Presented

1. Did the Court of Appeals commit reversible error of law or exceed its subject matter jurisdiction when it dismissed defendants at the appellate level before review when the dismissal of the same defendants at the trial level was "without" prejudice?
2. Was the final order that dismissed the remaining claims based on lack of jurisdiction *with prejudice* in November of 2024 the first legally permissible opportunity for the Petitioner to appeal the form 4 dismissals from 2022 that were silent as to prejudice?
3. Whether the Court of Appeals erred in denying the Petitioner a right to file a Rule 60 (b) motion so the lower court could rule on the legal effect of filings and relief gained by a law firm operating without a business license in Richland County because it denied the Petition for Rehearing and Rehearing *en banc* ?
4. Whether the Court of Appeals erred by not consolidating appellate cases 2025-00164 and 24- 01626 *before* briefing to promote judicial economy when there are interrelated outstanding motions subject to a Petition for rehearing and rehearing *en banc*?

Jurisdictional Statement

This Court has jurisdiction to review the opinions of the Court of Appeals pursuant to SCACR Rule 242 and the Petitioner requests review.

Statement of the Case

This matter arises from an action filed in the Circuit Court that requested a jury trial against multiple named defendants, including the Grant Meisner and Dr. Erwin Mangubat defendants that were finally dismissed by the Court of Appeals at the appellate level. ORDER GRANTING PARTIAL DISMISSAL by the Court of Appeals dated December 2, 2025. Petition for rehearing and Rehearing *en banc* denied May 8, 2026. The circuit court entered an order granting Grant Meisner and Dr. Erwin Mangubat's motion to dismiss in December of 2022. The underlying motion to dismiss challenged the jurisdiction of the circuit court and claimed there was no basis for relief because the claims were a continuation of the divorce proceedings between the Petitioner and defendant Meisner. The Form 4 dismissal Order from the trial court was silent as to whether the dismissal was "with" or "without" prejudice and did not address the mutual claims pending against default defendants Tricia Flowers and Flowers Consulting, LLC or the John Doe defendants. No Rule 54(b), SCRCP certification of finality was sought or granted by any of the dismissed defendants. Also pending at the December hearing was the Petitioner's request to compel discovery and for appointment of a mediator both motions were denied foreclosing on discovery for the Petitioner.

Petitioner filed a protective appeal of the dismissals which the South Carolina Court of Appeals dismissed it purely on procedural timeliness grounds under Rule 77(d), SCRCP notices and Rule 203(b)(1), SCACR deadlines. Following the ultimate final resolution of all remaining active and default claims in the circuit court, Petitioner appealed the absolute final judgment and requested review of the

prior 2022 dismissal orders. The Court of Appeals dismissed the Meisner and Mangubat defendants at the appellate level based on "law of the case" doctrine referencing the previous appeal.

At the time defendant Meisner's attorney, Ward Bradley, entered a notice of appearance in the case and when he subsequently filed motions to dismiss the claims against defendant Meisner, his firm, Moore Bradley Myers Law Firm, P.A did not have a business license with either the City of Columbia or Richland County. This fact was recently discovered after the case was on appeal. Likewise, defendant Mangubat's dismissal based on jurisdictional challenges and a litigation privilege was dependent on Moore Bradley Myers Law Firm's involvement in the litigation.

Argument and Reasons for Granting the Writ

I. The Court of Appeals Decided an Important Question of Law in Conflict with this Court's determination of the Nasser exception to interlocutory appeals. In effect, The Court of Appeals Transformed a Non-Appealable, Non-Prejudicial Form 4 Order into a Final Appellate Adjudication by failing to realize the trial dismissal was without prejudice because the basis for dismissal pursuant to SCRCP Rule 12 (b) was for lack of jurisdiction.

In *Nasser*, this Court explained a narrow holding that a dismissal predicated on technical or jurisdictional challenges is *not* an adjudication on the merits. *Nasser v. Condor Ins. Co., 317 S.C. 159, 452 S.E.2d 394 (Ct. App. 1994)* In *Nasser*, this Court determined a silent dismissal order with regard to prejudice defaults entirely to "without prejudice". *Id.* In *Spence,* This Honorable Court explicitly clarified the operation of Rule 12(b)(6) dismissals. The Court held that a dismissal for failure to

state a claim tests the sufficiency of the pleadings, and is *not* a substantive merits analysis of the plaintiff's underlying right. Therefore, a 12(b)(6) dismissal for an incomplete or defective statement of facts defaults to being without prejudice, giving the plaintiff a right to amend or re-file. *Spence v Spence*, 368 S.C. 106, 628 S.E.2d 869 (2006)

While all defendants claimed the case was a "continuation" of the divorce proceedings, which the Petitioner resists, the Court made no determination of subject matter jurisdiction or findings of fact in its written order and was silent as to "with" prejudice or "without" prejudice which the Petitioner avers reverts to a "without prejudice" designation of dismissal. This difference is important because the dismissed defendant has claims in common defendants Tricia Flowers and Flowers Consulting, LLC that were default defendants at the time of their dismissal.

A ruling that dismisses some but not all defendants is interlocutory in nature and not immediately appealable absent a specialized statute or an express Rule 54(b), SCRCP certification, which no defendant requested and no certification was granted. *Mid-State Distribs., Inc. v. Century Importers, Inc.*, 310 S.C. 330, 334, 426 S.E.2d 777, 780 (1993). By treating the underlying order as a final judgment (the motion to dismiss was characterized as a jurisdictional defect) triggering a mandatory jurisdictional appeal window, the Court of Appeals created a conflict with established precedent governing multi-defendant litigation. The Court of Appeals determination that the subsequent motions to alter and amend were

cumulative is contrary to the interlocutory status of the 2022 Orders because the clock does not start for appeal until all defendants and claims are adjudicated. Particularly here, where the Motion to dismiss was based on lack of jurisdiction and was entered before discovery. Also, the Petitioner avers there can be no "untimely" designation of the subsequent Rule 52, and Rule 59 motions because the underlying order was not final and therefore not ripe for appeal.

In South Carolina, if there is some further act which must be done by the court prior to a determination of the rights of the parties, then the order is interlocutory. *Adickes v. Allison & Bratton*, 21 S.C. 245 (1884). Here, multiple claims involve defendant Mangubat and Meisner and rely on the filings and activities of Moore Bradley Myers Law Firm, P.A. If a judgment determines the applicable law while leaving open questions of fact, it is not a final judgment. *Good v. Hartford Accident and Indemnity Co.*, 201 S.C. 32, 21 S.E. (2d) 209 (1942) Outstanding claims against default defendants and un-served or un-masked Doe defendants prevent an order from becoming a final, appealable judgment until all defendants are dismissed and or the default status or judgment is determined which did not occur until 2024. The 2022 order failed to state it was *with* prejudice. Silence on prejudice generally indicates a non-final, non-appealable disposition.

By treating the 2022 order as a trigger for finality timelines or validating it as a final appellate event, the Court of Appeals departed from settled finality rules. In effect, the Court of Appeals misapplied the Final Judgment Rule to an interlocutory, non-prejudicial order making the appellate dismissals prejudicial.

The Court of Appeals functioned as a fact finding Court instead of a review court thereby violating its Constitutional authority as a review court.

II. The Court of Appeals Committed a Process Error by Granting Substantive Relief to Defendants Meisner and Mangubat After Declaring a Lack of Jurisdiction for the previous appeal citing timeliness pursuant to Rule 77(d).

The dismissal at the appellate level finally determines the outcome of some claims prior to appellate review because the previous appeal was dismissed prior to review based on timeliness. As such, despite precedent indicating the dismissals were "without" prejudice when the dismissal is silent, the Court of Appeals in effect changed the underlying order to "with prejudice." S.C.R.C.P. Rule 41(b) actually carves out the *Nasser* exception for challenges to jurisdiction. Once an appellate court determines an appeal is untimely, it lacks subject matter jurisdiction to take any action other than dismissal of the entire appeal. It is highly prejudicial to eliminate defendants at the appellate level prior to review and briefing of the underlying case. The Petitioner requests review of whether the Court of Appeals committed a legal error by dismissing two specific respondents at the appellate level when at the trial level the same defendants were dismissed *without* prejudice.

The Petitioner avers based on S.C. Code Ann. § 14-3-330, the Petitioner's previous premature appeal cannot function to bar appeal of the final order that includes the interlocutory orders entered December 15, 2022 and December 20, 2022 and the propriety of the dismissals against Meisner and Mangubat. The Court of Appeals dismissed the previous attempted appeal based on timeliness and cannot

now grant substantive relief without violating its constitutional mandate as a review court.

An order is not final or immediately appealable if it leaves claims pending against other parties—including default and unnamed defendants. Further, This Honorable Court already determined when some, but not all defendants are dismissed in a multi-defendant lawsuit, that dismissal is interlocutory and cannot be immediately appealed without Rule 54 (b) certification. *Browning v. Hartley*, 304 S.C. 341, 404 S.E.2d 59 (Ct. App. 1991). In *Doe*, this Court also reviewed the finality doctrine regarding default defendants where this Court determined until entry of default or final damages, the case remains open and lack finality. *Doe v. Howe*, 362 S.C. 212, 607 S.E.2d 354 (Ct. App. 2004). Finally, this Court's decision in *Collins* determined that a dismissal order that does not explicitly state it is "with prejudice" it is generally deemed to be without prejudice, making the order non-appealable because the party is technically free to cure and refile. *Collins v. Sigmon* 299 S.C. 464, 385 S.E.2d 835.

As such, the Court of Appeals erred when it granted substantive relief at the appellate level for the dismissed defendants subject to its Order. The Court of Appeals errs when it attempts to "clean up" or dismiss some defendants at the appellate level that were not dismissed *with prejudice* at the trial level. *Nix v. Columbia Estill Flying Serv., Inc.*, 296 S.C. 30, 370 S.E.2d 95 (Ct. App. 1988).

III. The Ultimate Final Order Constituted the First Legally Permissible Opportunity to Appeal the 2022 Dismissals under S.C. Code Ann. § 14-3-330(1)

The Petitioner avers the 2022 orders were only available for appeal after the Flowers defendants were dismissed with prejudice in 2024 based on this Court's precedent which should provide a basis for issuance of the Writ.

IV. The Court should have allowed the Rule 60 (b) motion because each and every paper filed with the Circuit Court and with the Court of Appeals for relief was signed by Ward Bradley as a representative of Moore Bradley Law Firm, P.A.

This Honorable Court regulates the practice of law. S.C. Code Ann.§40-5-20. Businesses operating in South Carolina are subject to the Business License Tax Standardization act and certainly municipalities like the City of Columbia and Richland County have been granted the ability by the legislature to require a business license as a condition precedent to operating. All businesses including law firms are subject to the City of Columbia and Richland County requirements.

S.C. Code Ann. § 40-5-320 explicitly states that it is unlawful for any corporation or voluntary association to practice law, make court appearances, provide legal advice, or hold itself out to the public as being entitled to practice law. S.C. R. Civ. P. Rule 11 requires papers to be signed on behalf of the legal entity submitting the documents. Because the Moore Bradley Myers Law Firm, P.A. as a professional association cannot legally practice law and the papers were signed by Ward Bradley, Mr. Bradley is in effect assisting Moore Bradley Myers Law Firm, P. A. with the unauthorized practice of law because he did not sign any papers in his individual capacity. Upon information and belief he did not possess a business license in his individual capacity either. In the same vein, companies must satisfy conditions precedent to participating in commerce like obtaining a business license

prior to entering commercial agreements to represent others. *In re* Unauthorized Practice of Law Rules Proposed by S.C. Bar, 309 S.C. 304, 306, 422 S.E.2d 123, 124 (1992). Moreover, this Honorable Court determined that preparation of pleadings etc. is part of the practice of law which presumably was completed by employees of the Moore Bradley Myers Law Firm, P.A. that did not have a license to participate in commerce. The definition of the practice of law "embraces the preparation of pleadings, and other papers incident to actions and special proceedings." *Brown v. Coe*, 365 S.C. 137, 139, 616 S.E.2d 705, 706-07 (2005) (citing *Doe v. McMaster*, 355 S.C. 306, 311, 585 S.E.2d 773, 775-77 (2003). A review of the filings indicate all filings were made under the Moore Bradley Myers Law Firm, P.A. corporate structure and multiple filings indicate others that work for Moore Bradley Myers submit work related to the appeal. The Respondent Grant Meisner's law firm's failure to obtain its business license is a structural defect that fundamentally poisons its standing before the court. It is a long-standing equitable and legal principle that courts will not aid an entity whose claims or defenses arise from its own illegal, non-compliant conduct. When the Respondent filed its return to the Petitioner's lawsuit, it did so while actively operating an illegal, un-licensed enterprise. Because it lacked the legal authority to open its doors to the public or engage in commerce, it similarly lacked the corporate capacity to enter a formal, lawful appearance in a court of law. By presenting itself as a valid, functioning commercial law firm while hiding its un-licensed and unlawful operational status, the Respondent misrepresented its core legal capacity to the court.

III. The Principle of Public Policy Forbids the Courts from Validating the Actions of an Illegally Operating Law Firm.

Public policy dictates that those who practice law must be the first to follow the law. Allowing a law firm to evade local revenue taxes, ignore licensing requirements, and operate an unlawful commercial business—while simultaneously enjoying the protection of the judicial system—creates a severe threat to judicial integrity.

If any ordinary business is subjected to immediate shutdown, stop-work orders, and criminal penalties for operating without a license, a law firm cannot be granted special immunity. The Court of Appeals' refusal to permit a Rule 60 review of this issue rewards the law firm's illegal commercial behavior, turning a blind eye to a clear statutory violation.

It is a novel question for this Honorable Court to review whether an unlicensed professional association like Moore Bradley Law Firm, P.A. is participating in the unauthorized practice of law when it does not have a business license to operate despite having an attorney signing papers on behalf of the firm in the courts. The appellant avers a SCRCP Rule 60(b) motion should be allowed to consider whether the answer and motions for relief of Defendant Meisner and others should be stricken and how the involvement of an unlicensed law firm affects the litigation privilege claimed by multiple defendants like Dr. Erwin Mangubat who claimed to be hired by the firm. Law Firms should not be given a different standard related to business licenses that other businesses in the state because they are not one of the exceptions to be required to have a business license and are presumed to be aware of the legal requirements for them to operate legally.

The Petitioner believes she has laid out an acceptable argument to advance justice by Granting the Writ and requiring the Defendants to be returned to the docket.

The Petitioner believes she has given good cause for this Honorable Court to Grant the Writ and allow a Rule 60(b) Motion to determine the interplay of the unlicensed Moore Bradley Myers Law Firm, P.A. with its ability to represent clients in Richland County and enter the Court to request relief.

The Petitioner believes she has given good reason to Grant the Writ and combine the associated appeals after the SCRCP Rule 60 (b) motion in heard at the trial level and order all briefing schedules to remain in abeyance until after the Circuit Court opines as to the propriety of the filings. A Declaration is attached to this Petition along with the Orders subject to Review. The Petitioner is informed and believes an Appendix is not required based on the recent rule changes so none is attached.

Respectfully Submitted,

June 8, 2026

Signed Rhonda L. Meisner

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PETITION FOR A WRIT OF CERTIORARI TO THECOURT OF APPEALS
THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Retired Chief Justice, Jean Toal Circuit Court Judge

Opinion No. 2025-000164 (S.C. Ct. App. filed May 8, 2026)

Rhonda Meisner

Petitioner,

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; 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,

Respondent (s).

DECLARATION PURSUANT TO 28 USC §1764 IN SUPPORT OF PETITION FOR A WRIT OF CERTIORARI TO THE SOUTH CAROLINA COURT OF APPEALS

My name is Rhonda Meisner and I am the Petitioner in this case. I am over 18 years of age and competent to make this declaration under penalty of perjury pursuant to 28 USC ¶ 1764 for the truth of the matters asserted herein.

1. I filed two appeals with the same defendants from Orders 2025-0164 which was an appeal from multiple orders and an appeal from the Honorable Jean Toal 2024-001626 .
2. It appears that Defendant Meisner in its motion to dismiss may have confused the two appeals in his Motion to Dismiss although motions to dismiss were filed in both cases.
3. I filed motions to consolidate the appeals which was denied without prejudice until briefing in both cases is complete. The Respondent's confusion is evidence that the cases should be consolidated prior to briefing.
4. I discovered that according to the records at the City of Columbia and Richland County Business Service Center that Moore Bradley Myers Law Firm, P.A. did not possess a business license when it entered a notice of appearance for Grant Meisner or when it filed its motion to dismiss. This fact was discovered after the hearing on the motion to dismiss and after the appeal was filed.
5. Upon information and belief a pending Petition for Rehearing is still waiting in the Court of appeals for 2024-01626 dismissals.

I submit the above facts are true and subject to penalty of perjury for the truth of matters asserted herein and submit the above facts are true.

June 8, 2026

s/Rhonda Meisner SCDL ending in1138

The South Carolina Court of Appeals

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May 8, 2026

Rhonda Meisner
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Blythewood SC 29016

Re: Rhonda Meisner v. Grant Meisner (14)
Appellate Case No. 2025-000164

Dear Ms. Meisner:

Enclosed is a copy of an order of the panel denying your petition for rehearing. Your petition for rehearing en banc was distributed to the judges, but it has been rejected. *See* Rule 219, SCACR.

Very truly yours,

Jasmine D. Smith, Deputy

CLERK

cc: Stephanie Holmes Burton, Esquire
Michael C. Tanner, Esquire
James Edward Bradley, Esquire

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 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,

of which Grant Meisner, MD, LLC; Sheila Robinson; 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, are Respondents.

Appellate Case No. 2025-000164

ORDER

On December 2, 2025, this court dismissed this appeal as to Respondent Erwin Mangubat, MD and Respondent Grant Meisner. On December 17, 2025, Appellant filed a petition for rehearing requesting this court rehear the dismissal. After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded,

and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

Appellant also asked this court to rehear its order denying her motion to consolidate her appeals. After careful consideration, we take no action on this portion of Appellant's petition because this court's denial of her motion to consolidate did not finally decide the appeal. *See* Rule 221(c), SCACR ("The appellate court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal."); Rule 240(i), SCACR ("The court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal.").

Further, Appellant asked this court to rehear its refusal in its December 2, 2025 order to reinstate an appeal this court dismissed on June 6, 2023. After careful consideration, we take no action on this portion of Appellant's petition because this court's December 2, 2025 order did not have the effect of dismissing or finally deciding Appellant's prior appeal. *See* Rule 221(c), SCACR ("The appellate court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal."); Rule 240(i), SCACR ("The court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal.").

Finally, Appellant requested permission to file a motion pursuant to Rule 60(b) of the South Carolina Rules of Civil Procedure. After careful consideration, we take no action on this portion of her petition in light of our decision to deny Appellant's petition to rehearing. *See* Rule 60(b), SCRCP ("During the pendency of an appeal, leave to make the motion must be obtained from the appellate court.").

J.

J.

Kristi Curtis J.

Columbia, South Carolina

FILED
May 08 2026

cc:
Rhonda Meisner
Stephanie Holmes Burton, Esquire
Michael C. Tanner, Esquire
James Edward Bradley, Esquire

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.").

Stephanie P. McDonald J.

FOR THE COURT

Columbia, South Carolina

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).

cc:
Rhonda Meisner
Stephanie Holmes Burton, Esquire
Michael C. Tanner, Esquire
James Edward Bradley, Esquire
James E. Parham, Jr., Esquire
Shanon N. Peake, Esquire