

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
The Honorable Joseph M. Strickland, Master in Equity

Case Nos. 2011-CP-40-6317 and 2011-CP-40-6318  
Appellate Case No. 2018-000251

**RECEIVED**  
JUL 26 2021  
SC Court of Appeals

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South State Bank.....Respondent,

v.

Sand Dollar 31, LLC; and Rhonda Meisner ..... Defendants,

Of whom Rhonda Meisner is the .....Appellant.

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**REPLY TO APPELLANT’S RETURN TO  
RESPONDENT’S MOTION FOR COSTS ON APPEAL**

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Sean M. Foerster (SC Bar # 77466)  
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Attorneys for Respondent South State Bank

Respondent South State Bank (“Respondent”) replies to the Return of Appellant Rhonda Meisner (“Meisner”) to the Motion for Costs on Appeal as follows:

Meisner objects to Respondent’s request for taxation of \$2,500 in attorney’s fees against her per each of the two cases that she appealed from (for a total of \$5,000 in attorney’s fees) on the grounds that the Court consolidated these two appeals.<sup>1</sup>

Yet nothing in Rule 214 or Rule 222, SCACR, specifically precludes the taxation of attorney’s fees per case in a consolidated appeal, and Meisner cites to no authority in support of her argument. Further, there would be no surprise or injustice to Meisner from the taxation of attorney’s fees per case because she appealed from both cases knowing about the mandatory taxation of attorney’s fees under Rule 222, SCACR, and not knowing whether the Court would consolidate the two appeals at the time that she filed each one.

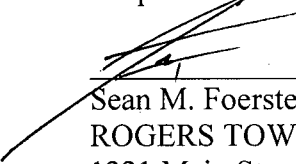
On the other hand, limiting taxation of attorney’s fees as if this were an appeal from a single case would result in injustice to Respondent. While the legal issues were the same between the two cases, the differences in the facts between them required the following additional work on the part of Respondent’s counsel in this appeal: 1) reviewing and analyzing the facts, pleadings, motions, and orders from two cases instead of just one; 2) additional briefing within the Statement of the Case in the Respondent’s Brief concerning the factual differences between the two cases (Final Br. of Resp’t. pp. 1,4,9,10,11); and 3) having to assist Meisner with compiling the lower court records for two cases instead of just one after her original Record on Appeal omitted several documents designated for inclusion by Respondent and omitted pages from some of the documents included (Resp’t Mot. to Correct Record on Appeal and Stay Time to Serve and File Final Br. of Resp’t).

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<sup>1</sup> Meisner does not object to Respondent’s request for \$481.80 in costs.

Therefore, Respondent contends that it would be within the Court's discretion to order the taxation of attorney's fees per each of the two cases involved in this consolidated appeal. Respondent respectfully requests an Order of the Court for the taxation of \$2,500 in attorney's fees for the appeal from the orders in C/A # 2011-CP-40-6317, \$2,500 in attorney's fees for the appeal from the orders in C/A # 2011-CP-40-6318, and \$481.80 in costs against Appellant Rhonda Meisner. If the Court declines to exercise its discretion to order the taxation of attorney's fees per case, then Respondent is entitled to taxation of at least \$2,500 in attorney's fees against Meisner. Rule 222(b), SCACR ("[T]he party shall be entitled to recover an attorney's fee in an amount which shall be set by order of the Supreme Court.")(emphasis added).

Respectfully submitted,



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Sean M. Foerster (SC Bar # 77466)  
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Attorneys for Respondent South State Bank

July 26, 2021

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South State Bank.....Respondent,

v.

Sand Dollar 31, LLC; and Rhonda Meisner ..... Defendants,


Of whom Rhonda Meisner is the ..... Appellant.

**PROOF OF SERVICE**

I HEREBY CERTIFY that I have served the Reply to Appellant’s Return to Respondent’s Motion for Costs on Appeal on July 26, 2021, by depositing a copy in the United States Mail, postage pre-paid, addressed to the following party of record:

Rhonda Meisner  
P.O. Box 689  
Blythewood, SC 29016

Rhonda Meisner  
1012 Chester Road  
Blythewood, SC 29016

  
\_\_\_\_\_  
Tiffany L. Cooper  
Legal Assistant to Sean M. Foerster, Esquire  
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SEAN M. FOERSTER, ESQUIRE  
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July 26, 2021

**RECEIVED**  
JUL 26 2021  
SC Court of Appeals

**VIA HAND DELIVERY**

The Honorable Jenny Abbott Kitchings  
Clerk of Court for the South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, South Carolina 29201

RE: *South State Bank vs. Sand Dollar 31, LLC; Rhonda Meisner*  
Appellate Case #: 2018-000251  
Our File #: 016555.00079

Dear Ms. Kitchings:

Enclosed are the originals and seven copies of Respondent's Reply to Appellant's Return to Respondent's Motion for Costs on Appeal and Proof of Service in reference to the above matter.

By copy of this correspondence, I am serving a copy of these documents on the Appellant.

At your convenience, please return filed copies of these documents to me in the enclosed prepaid envelope.

Very truly yours,

A handwritten signature in black ink, appearing to be "S. M. Foerster", is written over a horizontal line.

Sean M. Foerster

/SMF  
Enclosures

cc:  
Rhonda Meisner  
1012 Chester Road  
Blythewood, SC 29016

Rhonda Lewis Meisner  
P.O. Box 689  
Blythewood, SC 29016