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Apr 28 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable William C. McMaster, III
Circuit Court Judge

Appellate Case No. 2025-002165
Circuit Court Case No. 2024-CP-23-06365

Shena D. Webb, Appellant,

v.

The Legacy at Southpointe, Respondent.

**RESPONDENT’S MOTION FOR ORDER REQUIRING SERVICE OF A COMPLIANT
RECORD ON APPEAL**

Respondent The Legacy at Southpointe, pursuant to Rules 209, 210(c), and 240, SCACR, respectfully moves this Court for an Order requiring Appellant to serve a compliant Record on Appeal and staying the time to file final briefs until a compliant record is served. Respondent requests this relief to ensure the parties and the Court have an accurate, properly organized record for review.

1. On March 30, 2026, Appellant served Respondent a copy of what purports to be the Record on Appeal. A copy of the materials served on Respondent is attached as Exhibit A.

2. After reviewing the materials served, the Record on Appeal does not comply with Rule 210, SCACR.

3. Rule 210(c), SCACR sets forth the required contents and organization of the Record on Appeal, including that it contain the matter designated under Rule 209, exclude matter not

presented to the lower court, arranged in the order specified in Rule 210(c), and be consecutively paginated beginning with the index.

4. The materials served do not include an index and do not reflect consecutive page numbering beginning with an index.

5. In addition, the materials served include items beyond those designated under Rule 209, SCACR, and/or items not presented to the lower court, which are not appropriate for inclusion in the Record on Appeal.

6. Correcting these issues will assist the parties in preparing briefs with uniform record citations and will help avoid unnecessary delay.

WHEREFORE, Respondent respectfully requests that this Court enter an Order: (1) directing Appellant to serve, within a time set by the Court, a compliant Record on Appeal that includes a proper index and consecutive pagination beginning with the index and that is limited to matters properly included under Rules 209 and 210, SCACR; (2) staying the time for the parties to file final briefs until a compliant Record on Appeal is served; and (3) granting such other and further relief as the Court deems just and proper, including, if the deficiencies are not timely cured, striking the noncompliant record and dismissing this appeal.

Respectfully submitted,

WOMBLE BOND DICKINSON (US) LLP

By: /s/ Jason D. Wyman

Jason D. Wyman

S.C. Bar No. 100271

jason.wyman@wbd-us.com

550 South Main Street, Suite 400

Greenville, South Carolina 29601

(864) 255-5400

Attorneys for Respondent

Greenville, South Carolina
April 28, 2026

EXHIBIT A
**(TO RESPONDENT'S MOTION FOR ORDER REQUIRING
SERVICE OF A COMPLIANT RECORD ON APPEAL)**

Initial Complaint Filed in Lower Court

24 OCT 31 PM 1:47
Shene Garrett, DDC SCL SC

STATE OF SOUTH CAROLINA,)

COUNTY OF GREENVILLE)

Shena D. Webb)
Plaintiff,)

vs.)

Legacy @ Southpointe)
Defendant.)

IN THE COURT OF COMMON PLEAS

SUMMONS

FILE NO. 2024-CP-23-06365

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Greenville, South Carolina

Shena D. Webb
Plaintiff/Attorney for Plaintiff

Dated: 10/31/2024

Address: 412 E Lakewood Ave Apt 202
Dunham, NC.
27707

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS

CASE NO.: 2024CP2306365

Shena D. Webb

Plaintiff(s),)

vs.)

The Legacy at Southpointe

Defendant(s).)

Complaint

24 OCT 31 PM 1:47
Bridges, Garrett D. C. S. C.

my late husband was found unresponsive at
The Legacy of Southpointe facility seven hours after
asking to go to med. I feel as though this
facility made a breach of contract in
delivering the proper care of my husband.

Shena D. Webb
10/31/2024

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

Shena D. Webb)

Plaintiff(s))

vs.)

The Legacy at Southpointe)

Defendant(s))

Submitted By: Shena D. Webb
Address: 412 E Wakewood Ave. Apt. 202
Durham NC 27707

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2024-CP-23-06365

24 OCT 31 PM 1:47
Office: Garrett, COUGL, SC

SC Bar #: _____
Telephone #: 919-579-4861
Fax #: _____
Other: _____
E-mail: shenawebb@icloud.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (Check all that apply)

**If Action is Judgment/Settlement do not complete*

- JURY TRIAL demanded in complaint. NON-JURY TRIAL demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Certificate Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|---|--|--|
| <p>Contracts</p> <ul style="list-style-type: none"> <input type="checkbox"/> Constructions (100) <input type="checkbox"/> Debt Collection (110) <input type="checkbox"/> General (130) <input checked="" type="checkbox"/> Breach of Contract (140) <input type="checkbox"/> Fraud/Bad Faith (150) <input type="checkbox"/> Failure to Deliver/Warranty (160) <input type="checkbox"/> Employment Discrim (170) <input type="checkbox"/> Employment (180) <input type="checkbox"/> Other (199) _____ <p>Inmate Petitions</p> <ul style="list-style-type: none"> <input type="checkbox"/> PCR (500) <input type="checkbox"/> Mandamus (520) <input type="checkbox"/> Habeas Corpus (530) <input type="checkbox"/> Other (599) _____ <p>Special/Complex /Other</p> <ul style="list-style-type: none"> <input type="checkbox"/> Environmental (600) <input type="checkbox"/> Automobile Arb. (610) <input type="checkbox"/> Medical (620) <input type="checkbox"/> Other (699) _____ <input type="checkbox"/> Sexual Predator (510) <input type="checkbox"/> Permanent Restraining Order (680) <input type="checkbox"/> Interpleader (690) | <p>Torts - Professional Malpractice</p> <ul style="list-style-type: none"> <input type="checkbox"/> Dental Malpractice (200) <input type="checkbox"/> Legal Malpractice (210) <input type="checkbox"/> Medical Malpractice (220) Previous Notice of Intent Case #
20__-NI-____-_____ <input type="checkbox"/> Notice/ File Med Mal (230) <input type="checkbox"/> Other (299) _____ <p>Administrative Law/Relief</p> <ul style="list-style-type: none"> <input type="checkbox"/> Reinstatement Drv. License (800) <input type="checkbox"/> Judicial Review (810) <input type="checkbox"/> Relief (820) <input type="checkbox"/> Permanent Injunction (830) <input type="checkbox"/> Forfeiture-Petition (840) <input type="checkbox"/> Forfeiture—Consent Order (850) <input type="checkbox"/> Other (899) _____ | <p>Torts - Personal Injury</p> <ul style="list-style-type: none"> <input type="checkbox"/> Conversion (310) <input type="checkbox"/> Motor Vehicle Accident (320) <input type="checkbox"/> Premises Liability (330) <input type="checkbox"/> Products Liability (340) <input type="checkbox"/> Personal Injury (350) <input type="checkbox"/> Wrongful Death (360) <input type="checkbox"/> Assault/Battery (370) <input type="checkbox"/> Slander/Label (380) <input type="checkbox"/> Other (399) _____ <p>Judgments/Settlements</p> <ul style="list-style-type: none"> <input type="checkbox"/> Death Settlement (700) <input type="checkbox"/> Foreign Judgment (710) <input type="checkbox"/> Magistrate's Judgment (720) <input type="checkbox"/> Minor Settlement (730) <input type="checkbox"/> Transcript Judgment (740) <input type="checkbox"/> Lis Pendens (750) <input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760) <input type="checkbox"/> Confession of Judgment (770) <input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780) <input type="checkbox"/> Incapacitated Adult Settlement (790) <input type="checkbox"/> Other (799) _____ | <p>Real Property</p> <ul style="list-style-type: none"> <input type="checkbox"/> Claim & Delivery (400) <input type="checkbox"/> Condemnation (410) <input type="checkbox"/> Foreclosure (420) <input type="checkbox"/> Mechanic's Lien (430) <input type="checkbox"/> Partition (440) <input type="checkbox"/> Possession (450) <input type="checkbox"/> Building Code Violation (460) <input type="checkbox"/> Other (499) _____ <p>Appeals</p> <ul style="list-style-type: none"> <input type="checkbox"/> Arbitration (900) <input type="checkbox"/> Magistrate-Civil (910) <input type="checkbox"/> Magistrate-Criminal (920) <input type="checkbox"/> Municipal (930) <input type="checkbox"/> Probate Court (940) <input type="checkbox"/> SCDOT (950) <input type="checkbox"/> Worker's Comp (960) <input type="checkbox"/> Zoning Board (970) <input type="checkbox"/> Public Service Comm. (990) <input type="checkbox"/> Employment Security Comm (991) <input type="checkbox"/> Other (999) _____ |
|--|---|--|--|

Submitting Party Signature: Shena D. Webb

Date: 10/31/2024

Motions
Certificate of Service
Final Brief

Shena D. Webb v. Legacy At Southpointe, Appellate Case No. 2025-002165, The South Carolina Court of Appeals

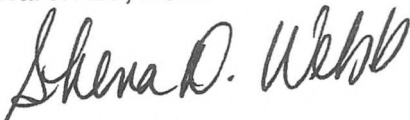
MOTION REQUESTING PERMISSION TO SERVE AND FILE OUTSIDE THE DEADLINES SET BY RULES 208 AND 240 OF THE SOUTH CAROLINA APPELLATE COURT RULES.

APPELLANT, Shena D. Webb

The current deadline for certificate of service of the Record of Appeal has expired. I would like to request permission from the South Carolina Court of Appeals to serve and file outside the deadlines set by Rules 208 and 240. The grounds for this motion I am self-represented litigant (Pro Se).

In this action: as well as undergoing medical appointments and procedures. Wherefore, Appellant prays that the Honorable Court will grant the motion.

Respectfully submitted,
March 23, 2026

A handwritten signature in black ink that reads "Shena D. Webb". The signature is written in a cursive, flowing style.

Shena D. Webb
107 E Cummings Ave.
Hampton, Virginia 23663

Shena D. Webb v. Legacy At Southpointe
Appellate Case No, 2025-002165

CERTIFICATE OF SERVICE

I hereby certify that on March 23, 2026, I served the representing attorney for the Legacy At Southpointe the Motions for the record of Appeal via the United States mail on the following:

WOMBLE BOND DICKINSON (US) LLP
C/O Jason Wyman
550 South Main Street Suite 400
Greenville, South Carolina 29601

A handwritten signature in black ink that reads "Shena D. Webb". The signature is written in a cursive, flowing style.

Shena D. Webb
107 E Cummings Ave
Hampton, Va. 23663

Akeme P. Webb
104 E Cummings Ave
Hampton, Va. 23663

South Carolina Court of Appeals
1820 Senate Street
Columbia, South Carolina
29201

Transcripts from the Lower Court

STATE OF SOUTH CAROLINA * COURT OF COMMON PLEAS
*
COUNTY OF GREENVILLE * TRANSCRIPT OF RECORD

-----X
SHENA D. WEBB, *
*
Plaintiff, *
*
vs. * Case No. 2024-CP-23-06365
*
LEGACY AT SOUTHPOINTE, *
*
Defendant. *
-----X

September 16, 2025

B E F O R E:

The Honorable William C. McMaster, Jr., Presiding Judge

A P P E A R A N C E S:

Jason D. Wyman, Esq.
Attorney for the Defendant

Recorded by: TEC Courtroom

Court Reporter: Bobbi Fisher, RPR
SC Official Court Reporter III

I N D E X

DESCRIPTION	PAGE
Proceedings	3

E X H I B I T S

(None.)

COURT REPORTER/TRANSCRIBER LEGEND

Dash (--)	Indicates an interruption in speech
Ellipses (...)	Indicates trailing off in speech
(ph)	Indicates phonetic word
[sic]	Indicates the word is written as said
(Indiscernible)	Indicates word(s) is not known due to poor audio recording quality

P R O C E E D I N G S

1
2 THE COURT: Next case is a Motion to Dismiss. It is
3 2024-CP-23-06365, Shena Webb vs. Legacy at Southpointe.

4 Yes, sir.

5 MR. WYMAN: Good morning, Your Honor. Jason Wyman here
6 on behalf of the defendant.

7 THE COURT: Okay. Jason Wyman. All right.

8 Shena Webb is, obviously, not in the courtroom.

9 Sir, do you got anything to do with this case?

10 UNIDENTIFIED MAN IN GALLERY: No, sir.

11 THE COURT: Okay. All right. Go see if Shena Webb is
12 out in the -- outside.

13 (Pause in the proceedings while the Bailiff exits and
14 re-enters the courtroom.)

15 THE COURT: Okay. All right. It is now right at 9:40.
16 These hearings were set for 9:30. Shena Webb has not
17 appeared. The bailiff has sounded the name in the hall. She
18 is not in the hall, she is not in the courtroom.

19 We have confirmed that notice was sent to Shena Webb,
20 indicating that there would be a hearing today at 9:30 on
21 September the 16th and at the Greenville County Courthouse.
22 So she had received notice. She is the plaintiff in this
23 action.

24 Mr. Wyman, I'll be happy to hear from you, sir.

25 MR. WYMAN: Thank you, Your Honor. May it please the

1 Court.

2 Our motion is very straightforward, Your Honor. This is
3 a pro se Complaint filed by Ms. Webb. It is essentially one
4 sentence. It alleges that her husband did not receive
5 adequate care at my client's assisted and memory living
6 facility. And based on the record or at least based on the
7 obituary, he passed away on November 2nd of 2021.

8 She filed this action October 31st of 2024, so right up
9 against the statute of limitations. The action was not served
10 until June of 2025, so we believe that she missed the 120 days
11 as required under our case law, which is Mims vs. Mims -- vs.
12 The Babcock Center. Because she didn't file that with -- or,
13 excuse me -- serve it within 120 days, I believe the case is
14 subject to dismissal.

15 Also, Your Honor, to the extent that she is alleging
16 medical malpractice due to a death at a facility, she didn't
17 have an affidavit supported by, you know, an expert that's
18 required to bring a case like that.

19 The Complaint, again, one sentence, says that my client
20 breached a contract based on the care that was provided. So I
21 think even if the Court looks at it as a breach of contract
22 action, it's still a three-year statute of limitations. It
23 just wasn't served timely, Your Honor.

24 THE COURT: All right, sir. All right. Thank you very
25 much for your arguments. I'll grant your motion. And we'll

1 drop a Form 4 in the queue -- well, when we send it out, I'll
2 Form 4 file that. I'll go ahead and get that file probably
3 hopefully in the next couple of days, and we will probably
4 address it both ways. You argued it both ways that medical
5 malpractice and if it's just breach of contract, we've covered
6 it. We'll probably address it both ways as far as that's
7 concerned.

8 As far as the dismissal, I will grant your motion.

9 MR. WYMAN: Thank you, Your Honor.

10 THE COURT: All right. Thank you.

11 (The above hearing concluded.)
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Certificate of Transcriber

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CASE NAME: Webb v. Legacy at Southpointe

DATE OF HEARING: 9/16/25

RECORDING METHOD: TEC Courtroom

I, Bobbi Fisher, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that I was not present for the live proceeding; and that said proceedings were transcribed to the best of my ability from the audio and/or video recording and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case; and I have no interest, financial or otherwise, in its outcome.

Bobbi Fisher

/s/ Bobbi Fisher _____

Bobbi Fisher, SC Official Court Reporter III, RPR

Transcript Prepared: 11/13/25

NOTE: PURSUANT TO RULE 607(h)(1)(B), SCACR, "A COURT REPORTER SHALL RECEIVE THE FEE OF \$1.00 PER PAGE FOR FURNISHING A COPY OF A PREVIOUSLY PREPARED TRANSCRIPT." ALL REQUESTS FOR COPIES OF THE ATTACHED TRANSCRIPT (FORM 800) FROM OPPOSING PARTY OR NON-PARTIES MUST BE SENT TO THIS REPORTER AT BFISHER@SCCOURTS.ORG.

The South Carolina Court of Appeals
(Appellate Court Proceedings)

FORM 1
NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM Greenville COUNTY

Court of Common Pleas

William C. McMaster III, Circuit Court Judge

Case No. 2024-CP-230-6365

Shena D. Webb

Appellant/Respondent,

Legacy At Southpointe

v.

Appellant/Respondent.

NOTICE OF APPEAL

Shena D. Webb (Name) appeals the order of the Honorable William C. McMaster III (Judge) dated September 17, 2025 (Date) Appellant received written notice of entry of this order on October 17, 2025 (Date).

Date: October 17, 2025

s/ Shena D. Webb

Name: Shena D. Webb

Address: 107 E. Cummings Ave.
Hampton, Va. 23663

Phone: (919) 579-9861

Email: shenawebb@icloud.com

Appellant

Wamble Bond Dickinson (US) LLP

Other Counsel of Record:

Name: Jayson D. Wynn

Address: 550 South Main Street Suite 400
Greenville, South Carolina 29601

Phone: (803) 242-4344

#1-800-368-5848

FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM Greenville COUNTY

Court of Common Pleas

William C. McMastee III, Circuit Court Judge

Case No. 2024 - CP 230 - 63605

Sheena D. Webb

Appellant/Respondent,

Legacy At Southpointe v.

Appellant/Respondent.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Legacy At Southpointe by depositing
(Name)
a copy of it in the United States Mail, postage prepaid, on 10/17/2025, addressed to,
(Date)
Jason D. Wyman of Womble Bond Dickinson (US) LLP the
attorney representing the Legacy At Southpointe.
550 South Main Street Suite 400 Greenville, South Carolina
29601

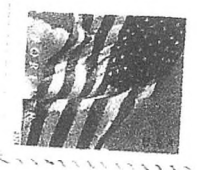
Date: 10/17/2025

s/ Sheena D. Webb
Address: 107 E Cummings Ave
Hampton, VA.

23663

Mailed
10/17/2005

Arena World
107 E Cummings Ave.
Hampton, Va. 23663



Womble Bond Dickinson (US) LLP
c/o Jayson Wynn
550 South Main Street Suite 400
Greenville, SC 29601

Proof of Transcript Order

Certificate of Service

TRANSCRIPT REQUEST FORM

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter/Transcriptionist and to South Carolina Court Administration at transcripts@sccourts.org. If WebEx or DCRP were used to capture the record, please indicate below and send the form to transcripts@sccourts.org.

Requestor's Information			
Full Name <i>Shena D. Webb</i>	Law Firm/Agency	Phone Number <i>919-579-9861</i>	
Email Address <i>shena.webb@icloud.com</i>	Mailing Address <i>107 E Cummings Ave. Hampton Va.</i>		
Is the requestor a party in the case? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>23663</i>			
If no, does the requestor represent a party? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of party			
Transcript Information			
Docket Number <i>2024CP2306365</i>	Full Case Caption (i.e. State v. John Doe or John Smith v. Jane Smith) <i>Shena D. Webb vs Legacy At Southpointe</i>	Circuit <input checked="" type="checkbox"/>	Family <input type="checkbox"/>
Date(s) of Proceeding <i>9/16/2025</i>	County <i>Greenville</i>	Appeal pending <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Death Penalty <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Presiding Judge <i>William C. McMaster, III</i>	Special Circumstances Is the hearing to be transcribed one of the following: <input type="checkbox"/> Termination of parental rights <input type="checkbox"/> Adoption <input type="checkbox"/> Any actions involving child custody/visitation.		
Opposing Counsel(s) (name and email address) <i>Jayson D. Nyman - Jayson.Nyman@us.com</i>	Delivery Timeframe (check Rule 607 for current page rates) <input type="checkbox"/> Quote <input type="checkbox"/> Rough Draft <input type="checkbox"/> Overnight delivery <input type="checkbox"/> Daily delivery <input type="checkbox"/> Expedited delivery (7 days) Due on/before: <input type="checkbox"/> Regular delivery (60 days)		
Court Reporter(s) <i>Jayson. Nyman</i>	<input checked="" type="checkbox"/> WebEx <input type="checkbox"/> DCRP	Delivery Method (additional fees may apply) <input checked="" type="checkbox"/> PDF / Email <input type="checkbox"/> Hard Copy/Priority Mail (\$50 + shipping) <input type="checkbox"/> PDF & Hard Copy/Priority Mail (\$50 + shipping)	
Portion of proceeding to be transcribed <input checked="" type="checkbox"/> Entire hearing <input type="checkbox"/> Voir dire by juror <input type="checkbox"/> Jury selection <input type="checkbox"/> Plaintiff's opening statement <input type="checkbox"/> Defendant's opening statement <input type="checkbox"/> Plaintiff's closing arguments <input type="checkbox"/> Defendant's closing arguments <input type="checkbox"/> Entire direct examination <input type="checkbox"/> Entire cross examination <input type="checkbox"/> Entire redirect <input type="checkbox"/> Examination of witness (W) by attorney (A) W: _____ A: _____ <input type="checkbox"/> Ruling of the court		Responsible Payor <input checked="" type="checkbox"/> Private / Self <input type="checkbox"/> Court Appointed Counsel Appeals Attorney Email <input type="checkbox"/> Other	
Next Hearing Date <i>N/A</i>			

Requestor's Signature: *Shena D. Webb* Date: *11/10/2025*
(Typed name will serve as signature)

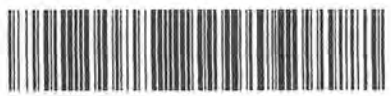
NOTE: Requests will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to any party, regardless of indigent status. Please promptly submit your payment in the method of payment requested, in order for the transcript to be produced. In some cases, a deposit may be required before the transcript can be placed in the production queue. You may also request a quote before deciding to order. **If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.**

If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter or transcriptionist.

Receipt of
email of
FOIA request

Office DEPOT OfficeMax[®]

HAMPTON - (757) 838-6897
11/10/2025 3:02 PM



SALE	6088-24-4129-1111-11.6.2_7	
507371 Self Serve Sca		0.31 SS
WorkflowScanning:job:34227		
Subtotal		0.31
Retail Sales and Use	0.02	
Total		0.33
Visa 0122:		0.33

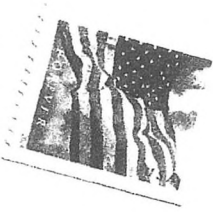
AUTH CODE 050237
TDS Contactless
AID 314001
TVR CVS No Signature Required

SHENA WEBB 58****109
Please create your online rewards
account at officedepot.com/rewards.
You must complete your account to
claim your rewards and view your
status.

Shop online at www.officedepot.com

Karen Webb
77 E Cummings Ave.
Fremont, Va 23663

Womble Bond Wilson (US) LLP
c/o Jason Wynn
550 Saker Main Street Suite 400
Greenville SC, 29601



11/17/2005
mailed

11/7/2005

I have reached out to The Clerk's Office at 803-734-1800 twice and left voice message for Cordella Coats in reference to ordering the Court Transcripts. On the second call, I was told by the appellate clerk that calls were being transferred to their department due to the system down in the Clerk's Office where you order transcripts.

I left my name, and phone number to be contacted by Cordella Coats. I'm expecting a call from her this week in reference to ordering the Court Transcripts. I tried to order the transcripts online and was unable to on their system.

Thank you.

Shena D. Webb

Appellate Case No.

2025-002165

11/12/2025

I have received confirmation for ordering the court transcripts. I have also sent confirmation to the opposing counsel.

Thank you,

Shena D. Webb

Appellate
Case No.

2025CP00216

Shena Webb
107 E. Cummings Ave
Hampton, Va. 23663



Womble Bond Dickinson (us) LLP
c/o Jayson Wyzman
550 South Main Street Suite 400
Greenville, SC. 29601

11/14/2005
mailed
to J. Wyzman

9:40



iCloud Mail



11/14/2025
Appellate
Case #
2025-002165

Inbox

This message contains remote content.

Load Remote Content



Bobbi Fisher (Court Reporter)

8:33 AM

To: Shena Webb

Details

✓ TRANSCRIPT (9/16/25) Shena Webb v. Legacy at Southpointe

Good morning:

Thank you for your payment. I have attached your requested transcript.

--

*Court Reporter/Transcriber
"When Words Matter Most!"*



09-16-25 W. Upd into.pdf

204 KB



icloud.com



Bobbi Fisher, RPR

Court Stenographer/Transcriber
7140 HWY 707 #30082
Myrtle Beach, SC 29588

Bobbi@TopDogTranscripts.com

Transcript Invoice

INVOICE DATE: 11/13/25

Invoice for
Shena Webb
107 E. Cummings Avenue
Hampton, VA 23663

INVOICE #
20055

TRANSCRIPT: Shena Webb v. Legacy at Southpointe

Extra Services: N/A

****OVERNIGHT DELIVERY****

2024-CP-23-06365

Date: 9/16/25

Greenville CP - Judge William C. McMaster III

Transcriber/Court Reporter: Bobbi Fisher

Recording Method: TEC Courtroom

Qty	Unit price	Total price
6	\$9.25	\$55.50
0	\$0.00	\$0.00

Subtotal \$55.50

Less Deposit: \$0.00

\$55.50

Invoices not paid within 30 days will be directed to Court Administration for collections and all future invoices must be prepaid.

PRO SE PARTIES: PAYMENT IN ADVANCE BY CERTIFIED FUNDS (MONEY ORDER/CERTIFIED CHECK):

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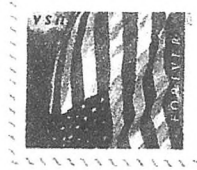
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Shona Webb
107 E Cummings St
Hampton, Va.
23063



Womble Bond Dickinson (US) LLP
c/o Jayson Wynn
560 South Main Street Suite 400
(550) Spinnerville, Va. 29161

Appellate Court

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Initial Brief and Designation of Matter
Copy of Certificate of Service and Motions

DESIGNATION OF MATTER TO BE INCLUDED
IN THE RECORD ON APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

William C. McMaster, III, Circuit Court Judge

Case No. 2024CP2306365

Shena D. Webb

Appellant

V.

Legacy At Southpointe

Respondent

DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD OF APPEAL

Appellant proposes the following to be included in the Record on Appeal:

1. Motions to dismiss of September 17, 2025;
2. Complaint;
3. Transcripts of Proceedings pp.1-5;

I certify that this designation contains no matter which is irrelevant to this appeal.

January 4, 2026

Shena D. Webb
107 e Cummings ave
Hampton , Virginia 23063

APPELLANTS' OPENING BRIEF AND EXCERPT OF RECORD

STATEMENT OF THE CASE

Nature of the action and relief sought

This is an action against The Legacy at Southpointe for breach of contract and negligence. Appellant seeks reversal of the judgment dismissing the initial complaint Rule 12(b)(5) and 12(b)(6) and S, C, Code Ann S 15-3-530(1).

Nature of the Judgment

The nature of the judgment is the dismissal of the Plaintiffs' pleading for insufficient process, and More Definite Statement.

Basis of appellate jurisdiction

Appellate jurisdiction is based on S.C. Code Ann. S. 14-3-310

Effective date for appellate purposes

The Judgement of Dismissal was signed on September 16, 2025, and entered on September 16, 2025. The Notice of Appeal was served and filed on October 17, 2025.

Notice of Appeal

Shena D. Webb appeals the order of the Honorable William C. McMaster III dated September 17, 2025. Appellant received the written notice of entry of this order on October 17, 2025.

Questions Presented on Appeal

- a. Did the trial court error in ruling before considering the process that the plaintiff was told by the Clerk of Court was incomplete?
- b. Did the trial court error in ruling before giving the plaintiff the opportunity to give a more definite statement?

Summary of Argument

Neither the defendant nor the court considered a particular standard of neglect under the South Carolina Nursing Home Bill of Rights.

The plaintiff's pleadings are sufficient to the stated common law negligence claim. The Legacy at Southpointe breached that duty of failing to monitor my husband the late Charles Webb.

Statement of Facts

On 11/2/2021 between 3:30-4:30am, I received a phone call from the Legacy at Southpointe stating my spouse Charles Webb was found in his room unresponsive after the can had made her rounds around 2:00 am. 911 was called and CPR was performed and no response. She then put the EMT responder on the phone and he stated Charles had passed away from cardiac arrest, CPR was performed and no response. At this point I was very upset and could not continue talking, so the administrator asked if she could call my son Tory to convey the situation. The administrator also informed me if I could come down asap to clean out Charles' apartment.

After speaking with my family and making plans, we decided to get on the road that morning. I waited until Charles' doctor's offices opened so I could inform them of his passing. I called his primary care doctor first Dr. Micheal Capps; he was not in that day, so I left a message with his receptionist. I then called his cardiologist Dr. Joseph Falzone, and he was in the office. I told Dr. Falzone what I was told by the administrator and the EMT responder. Dr. Falzone asked me who informed me of the cause of Charles death I told him the EMT responder. Dr. Falzone stated that an EMT responder cannot diagnose cardiac arrest due to performing CPR on a person.

Furthermore, Charles had a pacemaker, and he was on a heart monitor that would detect heart issues, and the monitor would have gone off in his office had there been heart issues. The heart monitor did not go off.

Upon arrival at the Legacy of Southpointe, Shena Webb, (self) Sharna Williams (my cousin), Tory Breece (my son), Ashlei Jones (my daughter), Shenell Armstrong (my sister) we headed to Charles apartment to clean it out. We ran into the nurse who put Charles to bed. She stated she

was shocked to hear the news of his passing when she arrived at work that morning. She stated Charles asked to go to bed after dinner, and that she was the one to put him in bed, she also stated she worked over her shift because the facility was short staffed. We went down to his room and roommate was on his side of the room, he stated he had eaten lunch with Charles and they talked about sports, the roommate stated Charles seemed fine to him. His roommate stated he woke up to his room being filled with a lot of people and Charles was on the floor. Between cleaning his room and taking things to the car, we ran into the one who found Charles in the room unresponsive, my sister asked her what happened and why he was left so long unattended; her response was she did not know.

We finished cleaning out his side of the apartment and headed over to the hospital to view Charles' body. I was given the contact number of the coroner Michelle Bright. In speaking with the coroner to view Charles, she informed me we could not see him and that he was fully dressed in a jogging suit like he was getting ready to go for a run. I then told her, I was told by the nurse he asked to go to bed, so she put him to bed. Charles served in the United States Navy from March 10, 1972, to January 31, 1992. He served in the Gulf war era, Peace time, and Vietnam era. He was an honorable veteran of this country. I found this facility, the Legacy of Southpointe, through the referral of care.com, and the resource for seniors. I was not physically capable of providing the care of that my husband needed and deserved. Charles had a stroke on June 14, 2018, that limited his mobility. He arrives at the Legacy of Southpointe June 25, 2021 until his death of November 2, 2021.

Charles saw both of his doctors before entering the Legacy of Southpointe. He saw Dr. Michael Capps his primary doctor on 5/5/2021 and 6/23/2021 where he filled out his medical paperwork for the facility. Dr. Joseph Falzone is his cardiologist, and he saw him on April 22, 2021 for a device check (his pacemaker), and he performed an echocardiogram with color flow spectral doppler. I called Dr. Falzone again to discuss Charles' passing. Dr. Falzone stated that if Charles had other issues concerning his health, he would have shown signs.

In the Legacy of Southpointe Appendix D: Residents Bill of Rights: To participate in the initial care/service plan (Charles was a Level III patient care; he should not have been left alone for over 6 hours alone.)

Also, Residents Bill of Rights: To have a safe and home-like environment: (the nurse told me that Charles asked to go to bed after dinner, he ate dinner with his roommate. His roommate stated he was fine at dinner. Sometime between Charles going to bed and the can doing her rounds at 2:00 am he was found unresponsive.

The Legacy of Southpointe is negligent in delivering Level III care in the contract that was signed and agreed upon by myself and my late husband Charles Webb.

ASSIGNMENT OF ERROR

Preservation of Error

Plaintiff's assign as error the trial court's granting of defendant's motion to dismiss. Defendant moved to dismiss plaintiff's amended complaint without listening to the details of the case.

ARGUMENT

In the Janet Hart case against the Santa Maria Senior Citizens Home was sued due to Janet being overmedicated on antipsychotic according to her daughter. The Carolina News & Reporter documented this where Janet Hart's (who was 78 years old at the time) daughter Tamara Hart took video from her cell phone observing her mother in a wheelchair, crying, and holding a baby doll. There is also video footage (in which Tamara installed in her mother's room) of her bedcovers being forcibly removed and undressing her as well as placing her in a sit-to-stand lift to transfer her to a wheelchair as she is screaming and crying. The nursing home's excuse? She was being combative and abusive toward them. This led them to prescribing her eight antipsychotics that Janet nor her family were aware of.

This story also brings to light the shortage of qualified staff in nursing homes giving the sense that over medicating the elderly is cheaper than hiring more caregivers. It also puts into question, what else are they hiding? This is an example of the violation of the Nursing Home Care Bill of Rights as Janet was not aware of the medication she was taking and the care, she received was neglectful.

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b. Did the trial court error in ruling, before giving the plaintiff the opportunity to give a more definite statement?	
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ARGUMENT.....	5
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Shena D. Webb v. Legacy At Southpointe
Appellate Case No. 2025-002165

CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2025, I served the representing attorney for the Legacy At Southpointe via the United States mail on the following:

WOMBLE BOND DICKINSON (US) LLP
C/o Jayson Wyman
550 South Main Street Suite 400
Greenville, SC 29601

Shena D. Webb v. Legacy At Southpointe
Appellate Case No. 2025-002165

CERTIFICATE OF SERVICE

I hereby certify that on January 4, 2026, I served the representing attorney for the Legacy At Southpointe the Designation of Matter via the United States mail on the following:

WOMBLE BOND DICKINSON (US) LLP
c/o Jayson Wyman
550 South Main Street Suite 400
Greenville, SC 29601

Shena D. Webb v. Legacy At Southpointe, Appellate Case No.
2025-002165, The South Carolina Court of Appeals

MOTION REQUESTING PERMISSION TO SERVE AND FILE
OUTSIDE THE DEADLINES SET BY RULES 208 AND 240 OF THE
SOUTH CAROLINA APPELLATE COURT RULES

APPELLANT, Shena D. Webb

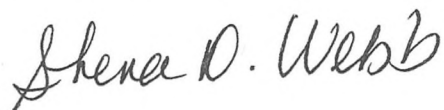
In support of this motion, Appellant states the following:

The current deadline for filling and serving the initial brief is December 26, 2025. Appellant request an extension 17 days, moving the deadline to January 2, 2026. The grounds for this motion I am a self-represented litigant (Pro Se)

In this action; as well an undergoing medical appointments and procedures. This is my first request for an extension by the Appellant. I have attached supporting information for my medical appointments and procedures.

Wherefore, Appellant prays that the Honorable Court will grant the motion.

Respectfully submitted,
December 19, 2025



Shena D. Webb
107 E Cummings Avenue
Hampton VA. 23663

Notice of Hearing

Motion to Dismiss

Court Dismissal

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE) CASE NO. 2024CP2306365

Shena D. Webb,)
)
Plaintiff,)
)
vs.)
)
The Legacy at Southpointe,)
)
Defendant.)
_____)

NOTICE OF HEARING

PLEASE TAKE NOTICE that a hearing on Defendant The Legacy at Southpointe's Motion to Dismiss or, in the alternative, Motion for a More Definite Statement will be held at **9:30 A.M. on September 16, 2025**, at the Greenville County Courthouse, 305 E. North Street, Greenville, SC 29601.

/s/ Jason D. Wyman
S. Sterling Laney, III (SC Bar No. 6933)
Jason D. Wyman (SC Bar No. 100271)
WOMBLE BOND DICKINSON (US) LLP
550 South Main Street, Suite 400
Greenville, South Carolina 29601
T: (864) 255-5400
E: [Sterling.Laney@wbd-us.com](mailto: Sterling.Laney@wbd-us.com)
[Jason.Wyman@wbd-us.com](mailto: Jason.Wyman@wbd-us.com)

July 24, 2025

Attorneys for Defendant

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE)	CASE NO. 2024CP2306365
Shena D. Webb,)	
)	
Plaintiff,)	
)	
vs.)	MOTION TO DISMISS OR, IN THE
)	ALTERNATIVE, MOTION FOR A
The Legacy at Southpointe,)	MORE DEFINITE STATEMENT
)	
Defendant.)	
)	

Under Rules 12(b)(5) and 12(b)(6) of the South Carolina Rules of Civil Procedure, Defendant Ravn Senior Solutions, LLC d/b/a Navion Senior Solutions, incorrectly identified as The Legacy at Southpointe (“Defendant”), moves to dismiss Plaintiffs’ Complaint. In the alternative, Defendant moves the court for a more definite statement under Rule 12(e) of the South Carolina Rules of Civil Procedure. Defendant expressly reserves the right to file a motion to compel arbitration at a later time.

Plaintiff, who is proceeding *pro se*, filed her Complaint on October 31, 2024. Plaintiff’s Complaint is sparse, lacking factual detail, and is difficult to decipher. Plaintiff asserts a single cause of action for breach of contract, alleging that her husband, Charles Webb, was a resident at The Legacy at Southpointe, an assisted living and memory care facility in Greenville, SC, and that Defendant “made a breach of contract in delivering the proper care of my husband” after he was found unresponsive. Unfortunately, Mr. Webb passed away on November 2, 2021.¹

1. **Motion to Dismiss for Insufficient Process.** The statute of limitations for a breach of contract action is three years. S.C. Code Ann. § 15-3-530(1). Although Plaintiff filed

¹ The court may consider other materials that are public records or are otherwise appropriate for the taking of judicial notice. *See* S.C. R. Evid. 201(f); *Doe v. Bishop of Charleston*, 407 S.C. 128, 135 n.2, 754 S.E.2d 494, 498 n.2 (2014).

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE)	CASE NO. 2024CP2306365
Shena D. Webb,)	
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Plaintiff,)	
)	
vs.)	MOTION TO DISMISS OR, IN THE
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)	
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)	

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her Complaint on October 31, 2024—just days before the statute of limitations expired—she did not serve the Complaint until June 6, 2025, more than seven months later. Under South Carolina law, when a complaint is filed near the expiration of the statute of limitations, service must be effectuated within 120 days of filing. *Mims ex rel. Mims v. Babcock Ctr., Inc.*, 399 S.C. 341, 346, 732 S.E.2d 395, 398 (2012) (“When service occurs outside of the statute of limitations it must occur within 120 days of filing the complaint.”). Here, Plaintiff failed to serve the Complaint within the required 120-day period following the expiration of the statute of limitations. Plaintiff’s failure to serve the Complaint within this 120-day window renders the action untimely and subject to dismissal under Rule 12(b)(5), SCRPC. Additionally, to the extent Plaintiff’s allegations could be construed as asserting a claim for medical malpractice, the Complaint must also be dismissed for failure to comply with the mandatory presuit requirements of S.C. Code Ann. § 15-79-125(A).

2. **Motion for More Definite Statement.** Should the Court decline to dismiss the Complaint, Defendant alternatively moves for a more definite statement under Rule 12(e), SCRPC. As it stands, the Complaint is so ambiguous that Defendant cannot reasonably be required to frame a responsive pleading.

This Motion will be supported by a written memorandum, arguments of counsel, and all other submissions permitted by the Court.

/s/ Jason D. Wyman
S. Sterling Laney, III (SC Bar No. 6933)
Jason D. Wyman (SC Bar No. 100271)
WOMBLE BOND DICKINSON (US) LLP
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[Jason.Wyman@wbd-us.com](mailto: Jason.Wyman@wbd-us.com)

July 7, 2025

Attorneys for Defendant

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

COUNTY OF GREENVILLE

) CASE NO. 2024CP2306365

Shena D. Webb,

)

Plaintiffs,

)

vs.

)

The Legacy at Southpointe,

)

CERTIFICATE OF SERVICE

)

Defendant.

)

)

)

I hereby certify that on July 7, 2025, I electronically filed the foregoing with the Clerk of Court. I further certify that on such date I served the foregoing via United States Mail on the following:

Shena D. Webb
412 E. Lakewood Avenue
Apt. 202
Durham, NC 27707

WOMBLE BOND DICKINSON (US) LLP

/s/ Jason D. Wyman

Jason D. Wyman, SC Bar No. 100271

Jason.Wyman@wbd-us.com

Shena D. Webb
107 E Cummings Ave
Hampton, VA 23663-1607



Greenville Common Pleas

Case Caption: Shena D Webb vs. Legacy At Southpointe

Case Number: 2024CP2306365

Type: Order/Electronic Form 4

So Ordered

William C. McMaster, III

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.

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Apr 28 2026

SC Court of Appeals

In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable William C. McMaster, III
Circuit Court Judge

Appellate Case No. 2025-002165
Circuit Court Case No. 2024-CP-23-06365

Shena D. Webb, Appellant,

v.

The Legacy at Southpointe, Respondent.

PROOF OF SERVICE

I, the undersigned attorney with the law offices of Womble Bond Dickinson (US) LLP, counsel for Respondent, do hereby certify that I have this day served upon all parties to this appeal true and correct copies of Respondent’s Motion for Order Requiring Service of a Complaint Record on Appeal, at the addresses set forth below.

Parties Served: Shena D. Webb
107 E Cummings Ave
Hampton, Virginia 23663

By: /s/ Jason D. Wyman
Attorneys for Respondent

April 28, 2026