

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

Shena D. Webb,

Appellant,

v.

Legacy of Southpointe,

Respondent,

APPEAL FROM GREENVILLE COUNTY

State of South Carolina

County of Greenville

Judge William C. McMaster, III, Circuit Court Judge

RECORD ON APPEAL

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RECEIVED

Sep 15 2026

SC Court of Appeals

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STATE OF SOUTH CAROLINA
COUNTY OF Greenville
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2024CP2306365

Shena D Webb
PLAINTIFF(S)

Legacy At Southpointe
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☐ JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ ACTION DISMISSED (*CHECK REASON*): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled);
☐ Other
- ☐ ACTION STRICKEN (*CHECK REASON*): ☐ Rule 40(j), SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other
- ☐ STAYED DUE TO BANKRUPTCY
- ☐ DISPOSITION OF APPEAL TO THE CIRCUIT COURT (*CHECK APPLICABLE BOX*):
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

This matter came before the Court at 9:30 A.M. on September 16, 2025. Pro se Plaintiff did not appear for the hearing. Jason Wyman was present on behalf of the Defendant. In support of Defendant's Motion to Dismiss, Mr. Wyman presented two arguments. The first argument is that Plaintiff's Complaint was untimely served upon the Defendant. The second argument is that, to the extent Plaintiff is alleging a medical malpractice claim, she failed to support her Complaint with an expert affidavit addressing such an allegation. After carefully considering these arguments, Defendant's Motion is GRANTED.

It is so Ordered.

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 09/16/2025.

Shena D Webb for Shena D Webb
Shena D Webb for Shena D Webb

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

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 Lakewood Dr. Apt. 202
Durham NC 27707

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2024-CP-23-06365RECORDED
OFFICE OF THE CLERK OF COURT
CIVIL DIVISION

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)

- | | | | |
|--|--|--|---|
| Contracts
☐ Constructions (100)
☐ Debt Collection (110)
☐ General (130)
☒ Breach of Contract (140)
☐ Fraud/Bad Faith (150)
☐ Failure to Deliver/Warranty (160)
☐ Employment Discrim (170)
☐ Employment (180)
☐ Other (199)
Inmate Petitions
☐ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) | Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20 <u>NI</u>
☐ Notice/ File Med Mal (230)
☐ Other (299) | Torts - Personal Injury
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☐ Personal Injury (350)
☐ Wrongful Death (360)
☐ Assault/Battery (370)
☐ Slander/Libel (380)
☐ Other (399) | Real Property
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499) |
| Administrative Law/Relief
☐ Reinstate Drv. License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899) | Judgments/Settlements
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured Settlement Payment Rights Application (760)
☐ Confession of Judgment (770)
☐ Petition for Workers Compensation Settlement Approval (780)
☐ Incapacitated Adult Settlement (790)
☐ Other (799) | Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Comm. (990)
☐ Employment Security Comm (991)
☐ Other (999) | |
| Special/Complex/Other
☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699)
☐ Sexual Predator (510)
☐ Permanent Restraining Order (680)
☐ Interpleader (690) | ☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of State Depositions (650)
☐ Motion to Quash Subpoena in an Out-of-County Action (660)
☐ Pre-Suit Discovery (670) | | |

Submitting Party Signature:

Shena D. Webb

Date:

10/31/2024

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-Fileers or who are appearing pro se. See Rule 77(d), SCRCP.



STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

CASE NO.: 2024CP2306365

24 OCT 31 PM 1:47
Doris Garrett DCC GA 9C

Shena E. Webb

Plaintiff(s),

vs.

Complaint

The Legacy at Southpointe

Defendant(s).

my late husband was found unresponsive at
Legacy of
The 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 E. Webb
10/31/2024

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).

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)
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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,

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)
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July 24, 2025

Attorneys for Defendant

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 SOUTHPONTE, *

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
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E X H I B I T S

(None.)

COURT REPORTER/TRANSCRIBER LEGEND

Dash (--)	Indicates an interruption in speech
-----	Indicates a word or phrase left 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

PROCEEDINGS

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

Yes, sir.

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

THE COURT: Okay, Jason Wyman. All right.

Shena Webb is, obviously, not in the courtroom.

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

UNIDENTIFIED MAN IN GALLERY: No, sir.

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

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

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

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

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

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

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.