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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

ON CERTIORARI FROM THE COURT OF APPEALS
APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

Cordell Maddox Jr., Presiding Judge

Case No. 2018-CP-04-01409
Appellate Case No. 2019-000754

RECEIVED
JUL 30 2019
SC Court of Appeals

Taranika Webb,..... Appellant,

v.

Fairview Gardens,..... Respondent.

Respondent’s Motion to Dismiss Appeal

Pursuant to Rules 240 and 260(a) of the South Carolina Appellate Court Rules, Respondent Fairview Gardens (“Respondent”), moves to dismiss Appellant Taranika Webb’s (“Appellant”) appeal. Respondent respectfully requests this Court to dismiss the appeal because Appellant has failed to perfect her appeal and also failed to comply with the South Carolina Appellate Court Rules.

Appellant filed her notice of appeal on May 6, 2019. (Ex. A, Notice of Appeal.) She failed, however, to pay the filing fee and has, therefore failed to perfect her appeal. Further, as outlined in the numerous deficiency letters from the Court to Appellant, Appellant has continuously failed to comply with the requirements set forth in the South Carolina Appellate Court Rules—including continuously failing to serve documents on Respondent and meet Court deadlines. (Ex. B, Deficiency Letters.)

Rule 260(a) states that “[w]henver it appears that an appellant or a petitioner has failed to comply with the requirements of these Rules, the clerk shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court.” Rule 260(a), SCACR (emphasis added). As outlined in the Court’s numerous deficiency letters, Appellant has continuously failed to comply with the requirements of the Appellate Court Rules. Thus, this Court should dismiss her appeal. *Id.*; see also *Wise v. S.C. Dep’t of Corrections*, 372 S.C. 173, 173, 642 S.E.2d 551, 551 (2007) (“Whenever it appears that an appellant has failed to comply with the requirements of the SCACR, an order of dismissal shall be issued.”) (emphasis added); *McPherson v. Anderson*, 202 S.C. 312, 24 S.E.2d 516, 518 (1943) (“There is no dispute that the Transcript of Record was not served upon respondent and filed in the office of the Clerk of this Court within the time required by the rules. Nor did appellant undertake to apply to a Court of competent jurisdiction for additional time in which to perfect his appeal. Therefore, the motion of respondent to dismiss the appeal is granted.”). Accordingly, Respondent requests the Court dismiss the appeal.

Respectfully Submitted,

By:  _____

George A. Reeves, III (SC Bar No. 73659)
greeves@fisherphillips.com
Phillips L. McWilliams (SC Bar No. 101809)
pmcwilliams@fisherphillips.com
FISHER & PHILLIPS LLP
1320 Main Street, Suite 750
Columbia, South Carolina 29201
Phone: (803) 255-0000
Fax: (803) 255-0202

Attorneys for Respondent

Columbia, South Carolina
July 30, 2019

EXHIBIT A

(5)

Notice of Appeal in a civil Case

The State of South Carolina

In the court of appeals

Case No.2018-CP-04-01409

Appeal From Anderson County

Court of Common Pleas

Judge Cordell Maddox (Common Pleas)

Respondent

Fairview Gardens Apt.

1101 Williamston Rd. lease office

Anderson SC.29625

Appellant

Taranika S. Webb

1101 Williamston rd.Apt.14b

Anderson S.C.29625

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MAY 06 2019
SC Court of Appeals

*Taranika S. Webb wish to appeal the order(judgement) of the honorable
Cordell Maddox Dated March 19,2019. I received notice of entry of this
order on April 8,2019.*

April 22, 2019

Taranika Subrina Webb

P.O. Box 13133

Anderson South Carolina 29624

EXHIBIT B



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

May 09, 2019

Taranika S. Webb
P.O. Box 13133
Anderson SC 29624

Re: Taranika Webb v. Fairview Gardens
Appellate Case No. 2019-000754

Dear Ms. Webb:

Upon reviewing your notice of appeal, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- The accompanying proof of service is not in compliance with the SCACR. Specifically, the proof of service does not indicate that the notice of appeal has been served on the respondent. Your proof of service should be substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.
- The notice of appeal is not accompanied by the order(s) and/or judgment(s) challenged on appeal.

Very truly yours,
V. Claire Allen, Deputy
CLERK

cc: Phillips Lancaster McWilliams, Esquire
George A. Reeves, III, Esquire



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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May 16, 2019

Taranika S. Webb
P.O. Box 13133
Anderson SC 29624

Re: Taranika Webb v. Fairview Gardens
Appellate Case No. 2019-000754

Dear Ms. Webb:

Upon reviewing your motion to proceed in forma pauperis, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Phillips Lancaster McWilliams, Esquire
George A. Reeves, III, Esquire



The South Carolina Court of Appeals

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June 10, 2019

Taranika S. Webb
P.O. Box 13133
Anderson SC 29624

Re: Taranika Webb v. Fairview Gardens
Appellate Case No. 2019-000754

Dear Ms. Webb:

We received the appellant's initial brief dated May 5, 2019. This document has been filed prematurely. According to the South Carolina Appellate Court Rules (SCACR), the appellant must first order and obtain the transcript of proceedings in accordance with Rule 207, SCACR. Therefore, this document will not be accepted by the Court. Within ten (10) days from the date of this letter, you must provide a copy of the transcript order. Failure to provide a copy of the transcript order within ten (10) days from the date of this letter will result in the dismissal of this appeal.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Phillips Lancaster McWilliams, Esquire
George A. Reeves, III, Esquire



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
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June 10, 2019

Taranika S. Webb
P.O. Box 13133
Anderson SC 29624

Re: Taranika Webb v. Fairview Gardens
Appellate Case No. 2019-000754

Dear Ms. Webb:

Upon reviewing your notice of appeal, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- The notice of appeal is not accompanied by the order(s) and/or judgment(s) challenged on appeal.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Phillips Lancaster McWilliams, Esquire
George A. Reeves, III, Esquire



The South Carolina Court of Appeals

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CLERK

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June 11, 2019

Taranika S. Webb
P.O. Box 13133
Anderson SC 29624

Re: Taranika Webb v. Fairview Gardens
Appellate Case No. 2019-000754

Dear Ms. Webb:

Upon reviewing your appellant's initial brief, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- The document is not accompanied by the required certificate of counsel.
- The initial brief is not accompanied by a designation of matter to be included in the record on appeal.
- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Phillips Lancaster McWilliams, Esquire
George A. Reeves, III, Esquire



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
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July 16, 2019

Taranika S. Webb
P.O. Box 13133
Anderson SC 29624

Re: Taranika Webb v. Fairview Gardens
Appellate Case No. 2019-000754

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JUL 18 2019

FISHER & PHILLIPS LLP

Dear Ms. Webb:

Upon reviewing your amended appellant's initial brief, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- The accompanying proof of service is not in compliance with the SCACR. Specifically, the proof of service provided is not for the amended appellant's initial brief. Your proof of service should be substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Phillips Lancaster McWilliams, Esquire
George A. Reeves, III, Esquire



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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www.sccourts.org

July 25, 2019

Taranika S. Webb
P.O. Box 13133
Anderson SC 29624

Re: Taranika Webb v. Fairview Gardens
Appellate Case No. 2019-000754

Dear Ms. Webb:

Upon reviewing your motion for extension of time to provide the notice of appeal filing fee, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- The accompanying proof of service is not in compliance with the SCACR. Specifically, your proof of service does not indicate that the motion for extension has been served on the respondent's counsel. Your proof of service should be substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.
- The required filing fee has not been submitted. The correct filing fee is \$50.00.

Very truly yours,

V. Claire Allen, Deputy
CLERK

cc: Phillips Lancaster McWilliams, Esquire
George A. Reeves, III, Esquire

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

ON CERTIORARI FROM THE COURT OF APPEALS
APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

Cordell Maddox Jr., Presiding Judge

Case No. 2018-CP-04-01409
Appellate Case No. 2019-000754

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SC Court of Appeals

Taranika Webb,..... Appellant,

v.

Fairview Gardens,..... Respondent.

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing **Motion to Dismiss** in the above-captioned case has been served upon pro se Appellant, via electronic mail and First Class U.S. Mail, postage prepaid, as follows:

Taranika Webb
1101 Williamston Road, Apt 14B
Anderson, SC 29625
Taranika.jackson@gmail.com

Taranika Webb
PO Box 13133
Anderson, SC 29624



Roshel Tuska-Butler
Paralegal

Dated this 30th day of July 2019.



fisherphillips.com

July 30, 2019

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JUL 30 2019

SC Court of Appeals

Columbia
1320 Main Street
Suite 750
Columbia, SC 29201

(803) 255-0000 Tel
(803) 255-0202 Fax

Writer's Direct Dial:
(803) 255-0000

Writer's E-mail:
greeves@fisherphillips.com

VIA HAND DELIVERY

The Honorable Jenny Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

Re: ***Taranika Webb v. Fairview Gardens***
Civil Case No. 2018-CP-04-01409
Appellate Case No. 2019-000754
Our file: 30590.0008

Dear Ms. Kitchings:

Enclosed are the original and seven (7) copies of Respondent's Motion to Dismiss in the above case with a Certificate of Service to the other parties.

If you would kindly stamp and return one copy to the courier, it would be appreciated.

If you have any questions or need additional information, please feel free to contact me.

Sincerely,

George A. Reeves III,
Partner
For FISHER & PHILLIPS LLP

GAR:rtb
Enclosures

cc: Taranika Webb (appellant - pro se)