

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

J.C. Nicholson, Jr., Circuit Court Judge

Appellate Case No. 2014-000175
Circuit Case No. 2012-CP-10-1332

RECEIVED
MAY 27 2014
SC Court of Appeals

BETTY FISHER, as Real Representative
for Alice Shaw-Baker.....Appellant

v.

Bessie Huckabee, Kay Passailague Slade,
Sandra Byrd, and Peter Kouten, and Does 1 through 100, Defendants

Of whom Bessie Huckabee, Kay Passailague Slade, Sandra Byrd,
and Peter KoutenRespondents

**DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD
OF APPELLANTS**

JOHN HUGHES COOPER, ESQUIRE
1476 Ben Sawyer Blvd. Ste. 7
Mount Pleasant, SC 29464
shiplaw@jhcooper.com
843-883-9099; fax 843-883-9335

and
LISA FISHER, ESQUIRE
Pro Hac Vice
c/o JOHN HUGHES COOPER, P.C.
1476 Ben Sawyer Blvd. Ste. 7
Mount Pleasant, SC 29464
843-883-9099; fax 843-883-9335
(Attorney for Appellant)

Appellant hereby designates the following matter to be included on Appeal:

PLEADINGS

PAGE NO.

1. Verified Complaint filed on February 24, 2012.....
2. Motion for Summary Judgment and Dismissal of Action
filed on July 16, 2012
3. Motion by Plaintiff Betty Fisher, as Real Representative for Alice
Shaw-Baker, to Disqualify and Remove Opposing Counsel Peter Kouten
due to Non Waiveable Conflict of Interest; Memorandum and
Affidavit of Lisa Fisher by plaintiff filed on August 1, 2012.....
4. Affidavit of Lisa Fisher Esquire (exhibits listed separately)
filed on November 26, 2012.....
5. Affidavit of David Kessler and attached Resume/CV
filed on November 26, 2012.....
6. Affidavit of Candace Rickborn filed on November 26, 2012.....
7. Affidavit of Mark W Hardee and attached CV filed on November 26, 2012.....
8. Return, Objection and Opposition by Plaintiff Betty Fisher,
as Real Representative for Alice Shaw-Baker to Motion for
Summary Judgment, and Dismissal of Action;
Memorandum of Law ; Affidavits in Support filed Concurrently
filed on November 26, 2012.....
9. Memorandum Supporting Summary Judgment and Dismissal
and Opposing Disqualification and Removal of counsel
filed on November 28, 2012.....
10. Supplemental Memorandum in opposition by Plaintiff Betty Fisher,
as Real Representative for Alice Shaw-Baker, to Motion for
Summary Judgment and Dismissal of Action, as Requested by the Court
on November 28, 2012 filed on December 7, 2012.....
11. Supplemental Memorandum supporting Motion for Summary Judgment
and Dismissal of Action filed on December 20, 2012.....

12. Form 4 Judgment in a Civil Case and Order case related to case 2009-3010 and this case is ended filed on May 8, 2013.....
13. Motion by Plaintiff Betty Fisher to Alter, Amend, Reconsider and Vacate Order of May 8, 2013.....
14. Affidavit of John Hughes Cooper (Exhibits listed separately) filed on May 28, 2013.....
15. Notice of Appearance by W. Westbrook Wills filed on August 6, 2013.....
16. Objections and Opposition by Plaintiff Betty Fisher to Notice of Appearance filed by Counsel W. Westbrook Wills on August 6, 2013; Memorandum of Law filed on October 4, 2013.....
17. Consent Order for Substitution of Counsel-Wills in place of Kouten filed on October 14, 2013.....
18. Supplemental Brief re: Motion by Plaintiff Betty Fisher to Alter, Amend, Reconsider and Vacate Order of May 8, 2013; Memorandum; Affidavit of John Hughes Cooper filed on October 18, 2013.....
19. Affidavit of John Hughes Cooper dated October 18, 2013.....
20. Supplemental Memorandum Denying Plaintiff's Motion reconsidering summary judgement filed on October 22, 2013.....
21. Plaintiff Betty Fisher's Notice of Motion and Motion to Strike:
 - 1) Defendants' Late Memorandum re: Summary Judgment;
 - 2) Order Substituting Counsel; Affidavit of John Hughes Cooper filed on October 29, 2013.....
22. Notice of Appeal dated January 22, 2014.....

EXHIBITS IN SUPPORT OF MOTIONS:

23. Visitor's Report dated October 9, 2008 in Case no. 2008-GC-10-088 marked as Exhibit A in Support of Return, Objection and Opposition and Motion to Amend, Alter, Reconsider.....

24. Post Hearing Court Ordered Visits dated November 7, 2008 in Case no. 2008-GC-10-088 marked as Exhibit B in Support of Return, Objection and Opposition and Motion to Amend, Alter, Reconsider.....
25. Billing statement and Order Granting Fees to Appointed Attorney and Guardian ad litem dated November 12, 2008 in Case no. 2008-GC-10-088 marked as Exhibit C in Support of Return, Objection and Opposition and Motion to Amend, Alter, Reconsider.....
26. Email dated December 23, 2008 from Peter Kouten in Case no. 2008-GC-10-088 marked as Exhibit D in Support of Return, Objection and Opposition and Motion to Amend, Alter, Reconsider.....
27. Email dated December 18, 2008 from Peter Kouten in Case no. 2008-GC-10-088 marked as Exhibit E in Support of Return, Objection and Opposition and Motion to Amend, Alter, Reconsider.....
28. Email dated January 16, 2009 from Peter Kouten in Case no. 2008-GC-10-088 marked as Exhibit F in Support of Return, Objection and Opposition and Motion to Amend, Alter, Reconsider.....
29. Email dated January 2, 2009 from Peter Kouten in Case no. 2008-GC-10-088 marked as Exhibit G in Support of Return, Objection and Opposition and Motion to Amend, Alter, Reconsider.....
30. Correspondence dated January 5, 2009 from Peter Kouten in Case no. 2008-GC-10-088 marked as Exhibit H in Support of Return, Objection and Opposition and Motion to Amend, Alter, Reconsider.....
31. Email dated January 10, 2009 from Peter Kouten in Case no. 2008-GC-10-088 marked as Exhibit I in Support of Return, Objection and Opposition and Motion to Amend, Alter, Reconsider.....

32. Post Hearing Court Ordered Visits dated December 12, 2008
in Case no. 2008-GC-10-088
marked as Exhibit J in Support of Return, Objection and Opposition
and Motion to Amend, Alter, Reconsider.....
33. Billing dated January 5, 2009 from Peter Kouten in Case no. 2008-GC-10-088
marked as Exhibit K in Support of Return, Objection and Opposition
and Motion to Amend, Alter, Reconsider.....
34. Order Granting Fees by Court Appointed Guardian ad litem for
Alice Shaw Baker (December 12-December 29, 2008) in
Case no. 2008-GC-10-088
marked as Exhibit L in Support of Return, Objection and Opposition
and Motion to Amend, Alter, Reconsider.....
35. Email dated January 14, 2009 from Peter Kouten in Case no. 2008-GC-10-088
marked as Exhibit M in Support of Return, Objection and Opposition
and Motion to Amend, Alter, Reconsider.....
36. Correspondence dated January 14, 2009 from Peter Kouten in
Case no. 2008-GC-10-088
marked as Exhibit N in Support of Return, Objection and Opposition
and Motion to Amend, Alter, Reconsider.....
37. Petition for Informal Probate of Will in Case no. 2009-ES-10-378
marked as Exhibit O in Support of Return, Objection and Opposition
and Motion to Amend, Alter, Reconsider.....
38. Answer of Defendants Bessie Huckabee, Kay Passailague and Sandra Byrd
in Case no. 2009-CP-10-3010
marked as Exhibit P in Support of Return, Objection and Opposition
and Motion to Amend, Alter, Reconsider.....
39. General Durable Power of Attorney of Alice Shaw Baker dated April 5, 1996
marked as Exhibit Q in Support of Return, Objection and Opposition
and Motion to Amend, Alter, Reconsider.....
40. Durable Power of Attorney for Health Care of Alice Shaw Baker
dated April 5, 1996
marked as Exhibit R in Support of Return, Objection and Opposition
and Motion to Amend, Alter, Reconsider.....

ORDERS/JUDGMENTS:

- 41. Form 4 Judgment in a Civil Case and amending order of May 8, 2013 and granting defendant's motion for summary judgment filed on September 3, 2013.....
- 42. Form 4 Judgment in a Civil Case and Order affirming prior order granting summary judgment in favor of defendant dated December 18, 2013.....

TRANSCRIPTS:

- 43. Transcript dated November 28, 2012, pp. 8, 15, 18, 19, 24, 34-45.....
- 44. Transcript dated October 8, 2013, pp. 6-8, 12, 13, 15-27, 28-29.....

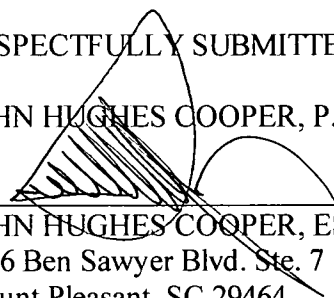
CERTIFICATE OF COUNSEL:

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

May 21, 2014

RESPECTFULLY SUBMITTED,

JOHN HUGHES COOPER, P.C.

By: 
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and
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Sandra Byrd, and Peter Kouten, and Does 1 through 100, Defendants

Of whom Bessie Huckabee, Kay Passailague Slade, Sandra Byrd,
and Peter KoutenRespondents

PROOF OF SERVICE

I certify that I have served the DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD OF APPELLANT on the following counsel and parties
by depositing a copy of it in the United States Mail, postage prepaid, on May 21, 2014,
addressed as follows:

RECEIVED

MAY 27 2014

SC Court of Appeals

Peter A. Kouten, Esquire
Kouten Law Firm, LLC
P.O. Box 340
John's Island, SC 29457
(Attorney Pro Se and Attorney for Bessie Huckabee, Kay Passailague Slade,
Sandra Byrd)

W. Westbrook Wills III, Esquire
38 Broad Street Ste. 200
Charleston, SC 29401

(Attorney for Bessie Huckabee, Kay Passailague Slade,
Sandra Byrd)

May 21, 2014

RESPECTFULLY SUBMITTED,

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By: 
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State Bar of Georgia 185986

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ATTORNEYS FOR APPELLANT

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PROOF OF SERVICE

I certify that I have served the INITIAL BRIEF OF APPELLANT on the
following counsel and parties by depositing a copy of it in the United States Mail, postage
prepaid, on May 21, 2014, addressed as follows:

Peter A. Kouten, Esquire
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(Attorney for Bessie Huckabee, Kay Passailague Slade,
Sandra Byrd)

May 21, 2014

RESPECTFULLY SUBMITTED,

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By:  _____
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May 21, 2014

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MAY 27 2014

SC Court of Appeals

Hon. Jenny A. Kitchings, Clerk
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Betty Fisher, as Real Representative for Alice Shaw-Baker, Appellant v. Bessie Huckabee, Kay Passailague Slade, Sandra Byrd, and Peter Kouten, Respondents, Appellate Case No. 2014-000175

Dear Ms. Kitchings:

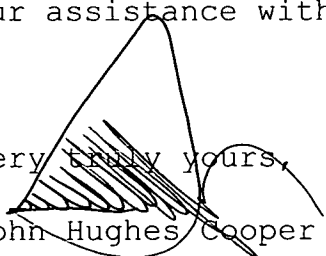
Enclosed for filing please find originals of Initial Brief of Appellant, Proof of Service of Initial Brief, Designation of Matter to be Included in the Record of Appellant, and Proof of Service of Designation of Matter.

Also enclosed please find a copy of our filing for date stamping and return to us in the enclosed envelope.

Thank you for your assistance with this matter.

Best regards.

Very truly yours,


John Hughes Cooper

Enclosures: as stated

Cc: W. Westbrook Wills III, Esquire
Peter A. Kouten, Esquire

WE COVER THE WATERFRONT

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