

74893

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. 2014-002020

Circuit Case No. 2011-CP-10-7819

BETTY FISHERAppellant

v.

BESSIE HUCKABEE.....Respondent

MOTION TO CONSOLIDATE APPELLATE RECORD

COMES NOW John Hughes Cooper, Counsel for Appellant, and moves this Honorable Court to consolidate the appellate record in this and in two related appeals, to allow filing of a reduced number of copies of the record, and to allow 30 days to file briefs and designations after a ruling on the instant motion.

The grounds for this motion are that Appellants have three appeals that were heard in the Circuit Court related to three Probate orders, all from the same Probate Case. The appeals involved are:

Betty Fisher v. Bessie Huckabee, Court of Appeal Case no. 2014-002020
Circuit Court Case no. 2011-CP-1007819

RECEIVED

JAN 29 2015

SC Court of Appeals

Lisa Fisher v. Bessie Huckabee, Court of Appeal Case no. 2014-002028
Circuit Court Case no. 2011-CP-1007821

Lisa Fisher v. Bessie Huckabee, Court of Appeal Case no. 2014-002034
Circuit Court Case no. 2011-CP-1008657

The Circuit Court sitting in appellate jurisdiction heard these matters which related to the guardianship/conservatorship of Alice Shaw Baker. In light of the fact that these appeals were filed under S.C. Code Ann. § 62-1-308(g) prior to the changes in the Probate appellate process, the Circuit Court did not have a record on appeal; instead it had a return which included 732 pages available for its consideration. The Orders that are the subject of the three appeals in this case involve many common facts, and involve most of the same pleadings and transcripts of the hearings. Because the Circuit Court had not read the briefs prior to oral argument (Trans. p. 6), and because the Circuit Court disposed of these appeals by Form Orders, Appellants cannot determine exactly what the Circuit Court used for its determination. The record will have to be comprised of the appropriate documents from the 732 page Probate Court return. Appellants estimate that the appellate record will be between 500 and 732 pages and that approximately 3/4 of the record will involve duplication between the three appeals. Consolidation of the Appellate record will save considerable duplication, will avoid confusion, and will promote judicial economy.

Also, Ordering the filing of nine copies of the appellate record, which is expected to exceed 500 pages, will save copying costs, mailing costs, and promote judicial economy.

Respondent did not file any briefing in the Circuit Court, so it will not prejudice Respondent Bessie Huckabee to review only one record.

WHEREFORE Appellant, for the reasons set forth herein, moves this Honorable Court to consolidate the appellate record in this and in two related appeals, to allow filing of nine copies

of the record, and to allow 30 days to file briefs and designations after a ruling on the instant motion.

January 27, 2015

RESPECTFULLY SUBMITTED,

JOHN HUGHES COOPER, P.C.

By:



JOHN HUGHES COOPER, ESQUIRE

Federal Court ID 298

South Carolina Bar 1387

State Bar of Georgia 185986

1476 Ben Sawyer Blvd. Ste. 7

Mount Pleasant, SC 29464

shiplaw@jhcooper.com

843-883-9099; fax 843-883-9335

ATTORNEYS FOR APPELLANT

Other Counsel of Record:

Peter A. Kouten, Esquire

P.O. Box 340

Johns Island, SC 29457

843-670-3919

Attorney for Respondent

RECEIVED

JAN 29 2015

SC Court of Appeals

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. 2014-002020

Circuit Case No. 2011-CP-10-7819

BETTY FISHERAppellant

v.

BESSIE HUCKABEE.....Respondent

PROOF OF SERVICE

I certify that I have served the foregoing **Motion to Consolidate Appellate Record** upon Respondent Bessie Huckabee by depositing a copy of it in the United States Mail, postage prepaid, on January 27, 2015, addressed to her attorney of record Peter A. Kouten, Esquire, P.O. Box 340, Johns Island, SC 29457.

RECEIVED
JAN 29 2015
SC Court of Appeals

January 27, 2015

RESPECTFULLY SUBMITTED,

JOHN HUGHES COOPER, P.C.

By:


JOHN HUGHES COOPER, ESQUIRE

Federal Court ID 298

South Carolina Bar 1387

State Bar of Georgia 185986

1476 Ben Sawyer Blvd. Ste. 7

Mount Pleasant, SC 29464

shiplaw@jhcooper.com

843-883-9099; fax 843-883-9335

ATTORNEYS FOR APPELLANT

RECEIVED

JAN 28 2015

SC Court of Appeals

JOHN HUGHES COOPER PC

ADMIRALTY & MARITIME LAW & CIVIL LITIGATION



John Hughes Cooper
shiplaw@jhcooper.com

www.JHCOOPER.com

John Townsend Cooper
jtc@jhcooper.com

January 27, 2015

South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211
Attn: Ms. Ella Calvert

Re: BETTY FISHER, Appellant v. BESSIE HUCKABEE, Respondent
Appellate Case No. 2014-002020

Dear Ella:

Enclosed for filing please find the original and six copies of Appellant's Motion to Consolidate Appellate Record, Proof of Service, and a check for the \$25.00 Motion Fee.

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: Original
6 copies
Proof of Service
\$25.00 check
Date stamp copies
Return envelope

cc: Peter A. Kouten, Esquire

RECEIVED

JAN 29 2015

SC Court of Appeals

WE COVER THE WATERFRONT

1476 Ben Sawyer Blvd., Suite 7 | Mount Pleasant, SC 29464 | office 843.883.9099 fax 843.883.9335





1000



29211

U.S. POSTAGE
PAID
CONESTEE, SC
29536
JAN 27, 15
AMOUNT
\$2.24
00053203-03

in Court of Appeals

'629

C 29211

Elle Calvert

RECEIVED

JAN 29 2015

SC Court of Appeals

RECEIVED

JAN 29 2015

SC Court of Appeals

RECEIVED

JAN 29 2015

SC Court of Appeals