

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

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 Kouten .....Respondents

APPELLANT'S OPPOSITION TO MOTION FOR COSTS

JOHN HUGHES COOPER, ESQUIRE  
1476 Ben Sawyer Blvd. Ste. 7  
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843-883-9099; fax 843-883-9335

and

LISA FISHER, ESQUIRE  
*Pro Hac Vice*  
c/o JOHN HUGHES COOPER, P.C.  
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Mount Pleasant, SC 29464  
843-883-9099; fax 843-883-9335

(Attorneys for Appellant)

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**COMES NOW** Betty Fisher, as Real Representative for Alice Shaw Baker, Appellant in the above appeal, and pursuant to Rule 240(e), SCACR, timely files her Return in opposition to the Motion for Costs filed by Respondent Peter Kouten on or about December 18, 2015.

Appellant opposes said motion for costs on the ground that the motion is premature. Appellants do not waive any arguments to said costs.

Costs may not be awarded unless the motion is timely filed, which pursuant to Rule 222, SCACR, rule 222(d) and (e), must be brought within 15 days of the issuance of the remittitur. (See also, *Black v. B.B. Kirkland Seed Co.*, 163 S.C. 222, 161 S.E.2d 489 (1931) [similar conclusion based on prior costs provision].)

**WHEREFORE**, Appellant prays for an Order denying Respondent's Motion for Costs in its entirety. Alternatively, if the court does not deny the motion in its entirety, the court allow Appellant to file additional briefing.

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

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ATTORNEYS FOR PLAINTIFF

December 26, 2015

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

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 KOUTEN are.....Respondents

**PROOF OF SERVICE**

I certify that on December 28, 2015, I served a copy of **Appellant's Opposition to Motion for Costs** on the Respondents and interested parties by depositing same in the United States Mail, postage prepaid, addressed as follows:

Peter A. Kouten, Esquire  
Kouten Law Firm, LLC  
P.O. Box 340a  
Johns Island, SC 29457  
(Attorney for Respondent Peter A. Kouten)

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SC Court of Appeals

W. Westbrook Wills, III, Esquire  
P.O. Box 822  
Folly Beach, SC 29439

December 28, 2015

RESPECTFULLY SUBMITTED:

JOHN HUGHES COOPER, P.C.



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JOHN HUGHES COOPER, ESQUIRE

Federal Court ID 298

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State Bar of Georgia 185586

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December 28, 2015

V. Claire Allen, Deputy 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. Allen:

Enclosed for filing please find an original and 6 copies of Appellant's Opposition to Motion for Costs, as well as a Proof of Service.

Also enclosed please find a copy of our filings for date stamping and return by mail. Thank you.

Best regards.

Very truly yours,  
  
John Hughes Cooper

Enclosures: original Opposition  
6 copies of Opposition  
Proof of Service  
Date Stamp copies  
Return envelope

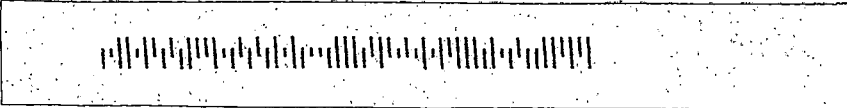
Cc: W. Westbrook Wills III, Esquire  
Peter A. Kouten, Esquire  
Lisa Fisher, Esquire

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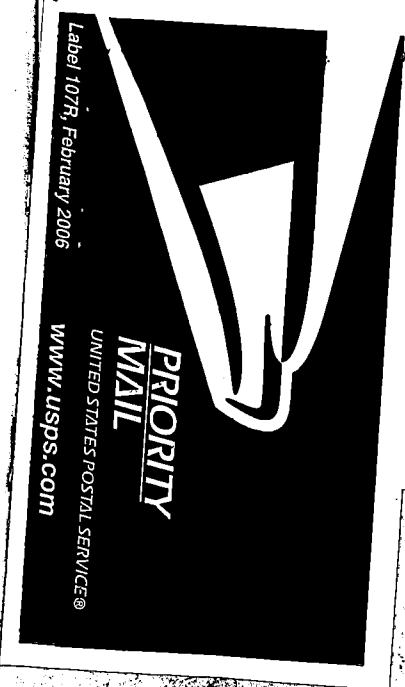
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