

KOUTEN LAW FIRM, LLC
8 Gillon Street
Charleston, South Carolina 29401
TEL: (843) 789-9614
FAX: (843) 559-3162

Mailing address:
PO Box 340
JOHNS ISLAND, SC 29457

EMAIL: pkouten@gmail.com
www.koutenlaw.com

October 10, 2017

South Carolina Supreme Court
ATTN: Lindsey Matthews
1231 Gervais St.
Columbia, SC 29201

RECEIVED

OCT 11 2017

S.C. SUPREME COURT

Re: Betty Fisher, as Real Representative of Alice Shaw-Baker, Petitioner v.
Bessie Huckabee, etal., Respondents
Supreme Court Case No.: 2016-00320

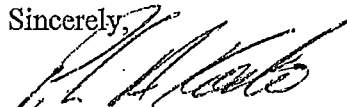
Dear Ms. Matthews,

Please find enclosed original and six copies of Respondent Peter A. Kouten's SECOND AMENDED Motion to Substitute Counsel for Respondent Peter A. Kouten and Withdrawal of Representation in the above captioned case. I have received and attached consent from Warren W. Wills, Esquire and Evan Smith, Esquire.

Also find enclosed Proof of Service, and check in the amount of \$25.00.

Please contact me if you have any questions regarding this filing.

Sincerely,



Peter Kouten

W/Enclosures

CC: John Hughes Cooper, Esq.
W. Westbrook Wills, Esq.
Evan Smith, Esq.

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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA

In the Supreme Court

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

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

Appellate Case No. 2016-000320

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

**PETITIONER'S EXPEDITED RETURN TO
SECOND AMENDED MOTION TO SUBSTITUTE COUNSEL**

Counsel for Appellant previously consented to substitution of Attorney
Smith for Attorney Kouten as counsel for Respondent Kouten only.

With great respect, because the balance of Respondent Kouten's Second
Amended Motion implicates issues now before the Court, and because we, as
counsel for Appellant, do not waive those issues, we cannot consent to the balance
of the Motion.

Some of the issues now before the Court which are implicated by the current confusion over representation include:

1. whether in the Circuit Court below one or more defendants failed to respond to the allegations of the complaint in this action, as the responsive Motion filed by Attorney Kouten did not identify his clients and no other response was served or filed;

2. whether there was a conflict of interest which, in the absence of a written waiver, prevented Mr. Kouten from agreeing to represent Huckabee, Slade, and Byrd while knowing that their interests were directly contrary to the interests of his then client Alice Shaw Baker;

3. whether there is an inherent conflict of interest which, in the absence of a written waiver from each party, prevents an attorney from representing Huckabee, Slade, and Byrd as potential beneficiaries of the Estate and at the same time representing Huckabee as Personal Representative;

4. whether the Order of the Circuit Court below (Appendix, p.13) made Attorney Wills sole counsel for Huckabee, Slade, and Byrd, to the exclusion of Attorney Kouten; and

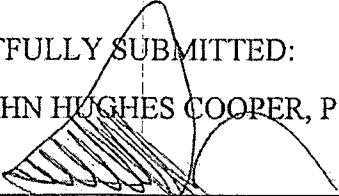
5. whether Respondents Huckabee, Slade, and Byrd waived their right to participate in this Court by failing to file a brief in the South Carolina Court of

Appeals, as the only Respondent's brief was filed by Respondent Kouten
(Appendix, p. 334).

October 12, 2017

RESPECTFULLY SUBMITTED:

JOHN HUGHES COOPER, P.C.



JOHN HUGHES COOPER, ESQUIRE

Federal Court ID 298

South Carolina Bar 1387

State Bar of Georgia 185586

1476 Ben Sawyer Blvd., Suite 11

Mt. 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., Suite 11

Mt. Pleasant, SC 29464

883-9099; fax 843-883-9335

ATTORNEYS FOR APPELLANT

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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 October 12, 2017, I served a copy of Petitioner's Expedited Return to
Second Amended Motion to Substitute Counsel on the Respondents and interested parties by
email as follows:

Peter A. Kouten, Esquire
P.O. Box 340a
Johns Island, SC 29457
pkouten@gmail.com

W. Westbrook Wills, III, Esquire
P.O. Box 822
Folly Beach, SC 29439
wwills@wwillslaw.com

Evan Smith, Esquire
P.O. Box 976
Charleston, SC 29402
evan@evansmithlawfirm.com

October 12, 2017

RESPECTFULLY SUBMITTED:

JOHN HUGHES COOPER, P.C.

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ATTORNEYS FOR APPELLANT

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THE STATE OF SOUTH CAROLINA

In the Supreme Court

S.C. SUPREME COURT

Published Opinion No. 5371
Heard October 14, 2015 Filed December 9, 2015

Appellate Case No. 2016-000320
Circuit Case No. 2012-CP-10-1332

Betty Fisher , as Real Representative for Alice Shaw-Baker, Petitioner,

v.

Bessie Huckabee, Kay Passailague Slade, Sandra Bird, and Peter Kouten and Does 1-100,
Defendants,

Of Whom Bessie Huckabee, Kay Passailague Slade, Sandra Bird, and Peter Kouten are
the Respondents.

SECOND AMENDED

**RESPONDENT PETER A. KOUTEN
MOTION TO WITHDRAW AS COUNSEL AND SUBSTITUTE COUNSEL
FOR RESPONDENT PETER A. KOUTEN
AND WITHDRAWAL OF REPRESENTATION
OF RESPONDENTS
BESSIE HUCKABEE, KAY PASSAILAGUE SLADE, SANDRA BIRD**

PETER A. KOUTEN, ESQUIRE
PO Box 340
Johns Island, SC 29457
(843) 789-9614; fax (843) 559-3162
pkouten@gmail.com

COMES NOW Peter A. Kouten, Respondent in the above Writ and co-counsel for Respondents Bessie Huckabee, Kay Passailague Slade, Sandra Bird (deceased), pursuant to Rule 264, South Carolina Appellate Court Rules, and move to withdraw as counsel for Respondents Bessie Huckabee, Kay Passailague Slade, Sandra Bird (deceased). Additionally, Respondent Peter A. Kouten seeks to withdraw as counsel for himself and substitute counsel for Peter A. Kouten and who shall show unto this Honorable Court as follows:

Respondent Peter A. Kouten, by his own consent attached herein, seeks withdrawal as counsel for himself and seeks substitution of counsel by Evan Smith, Esquire who has consented to representation of Respondent Kouten only, his consent also attached herein.

Peter A. Kouten, as co-counsel for Respondents Bessie Huckabee, Kay Passailague Slade, Sandra Bird(deceased), seeks withdrawal as counsel for Respondents Bessie Huckabee, Kay Passailague Slade, Sandra Bird(deceased) by consent, attached herein, of Attorney Wills, remaining counsel for Respondents Bessie Huckabee, Kay Passailague Slade, Sandra Bird(deceased).

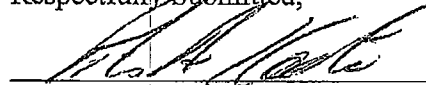
Respondent Peter A. Kouten seeks to have this Honorable Court accept this Second Amended Motion which has Movant's consent and consent of Attorney Wills as counsel for Bessie Huckabee, Kay Passailague Slade, Sandra Bird(deceased) pursuant to South Carolina Appellate Court Rule 264.

By this Second Amended Motion and cover, notice has been provided to attorneys for Petitioner, John Hughes Cooper and Lisa Fisher, and Attorney Wills for Respondents Bessie Huckabee, Kay Passailague Slade, Sandra Bird(deceased). Id.

Attorney Evan Smith, a licensed attorney in the State of South Carolina has consented to represent Respondent Peter A. Kouten, and only Respondent Peter A. Kouten, for all matters affecting Respondent Peter A. Kouten in the case at bar.

WHEREFORE, Respondent herein prays that this Honorable Court Grant Respondent Peter A. Kouten's Second Amended Motion to Withdraw as counsel for all Respondents and Substitute Counsel for Peter A. Kouten, by consent, and add Evan Smith, Esquire as counsel for Respondent Peter A. Kouten. Further, upon Withdrawal of Counsel for Respondents Bessie Huckabee, Kay Passailague Slade, Sandra Bird(deceased), Attorney Wills shall continue as sole counsel for Bessie Huckabee, Kay Passailague Slade, Sandra Bird(deceased).

Respectfully Submitted,



Peter A. Kouten, Esquire
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Johns Island, SC 29457
pkouten@gmail.com
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October //, 2017
Charleston, South Carolina

THE STATE OF SOUTH CAROLINA

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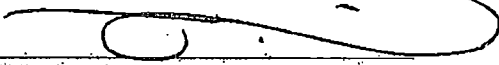
SECOND AMENDED

**RESPONDENT PETER A. KOUTEN
MOTION TO SUBSTITUTE COUNSEL
FOR RESPONDENT PETER A. KOUTEN
AND WITHDRAWAL OF REPRESENTATION
OF RESPONDENTS
BESSIE HUCKABEE, KAY PASSAILAGUE SLADE, SANDRA BIRD**

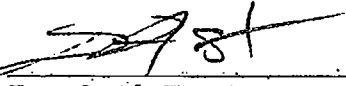
WE CONSENT



Peter A. Kouten, Esquire
PO Box 340
Johns Island, SC 29457



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



Evan Smith, Esquire
P.O. Box 976
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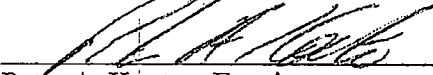
Bessie Huckabee, Kay Passailague Slade, Sandra Bird, and Peter Kouten and Does 1-100,
Defendants,

Of Whom Bessie Huckabee, Kay Passailague Slade, Sandra Bird, and Peter Kouten are
the Respondents.

PROOF OF SERVICE

I certify that I have served the foregoing Second Amended Motion upon counsel
for Petitioner and Respondents by depositing a copy of same in the United States Mail,
postage prepaid, on October 11, 2017, addressed as noted below.

Respectfully Submitted,


Peter A. Kouten, Esquire
PO Box 340
Johns Island, SC 29457
pkouten@gmail.com
843-789-9614

Counsel Served:

John Hughes Cooper, Esquire
Lisa Fisher, Esquire
1476 Ben Sawyer Blvd., Ste. 11
Mt. Pleasant, SC 29464

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

Evan Smith, Esquire
P.O. Box 976
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