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OCT 11 2017

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

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and

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ATTORNEYS FOR APPELLANT

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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:

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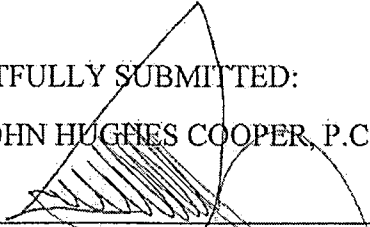
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October 12, 2017

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