

1 STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
)
 2 COUNTY OF CHARLESTON) CASE NO. 2009-CP-10-3010
 3
 4 ALICE SHAW BAKER, ET.)
 AL,)
 5 Plaintiffs,) Transcript of Excerpt
) of Record
 6 vs.)
)
 7 BESSIE HUCKABEE, ET.) Date: March 12, 2018
 AL.,)
 8
 9 Defendants.

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B E F O R E:

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The Honorable Thomas L. Hughston

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Denise J. Lauder, RPR

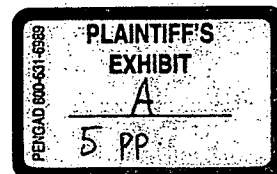
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Ninth Judicial Circuit

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1 (The following is an excerpt of the
2 proceedings held March 12, 2018, Charleston County
3 Common Pleas Court.

4 THE COURT: Okay. Well, I have a
5 couple of assignments for you over the evening
6 recess. And you're probably going to need to give
7 some information to this young man right here who
8 is my on-loan law clerk.

9 Actually, he's Judge Nicholson's law
10 clerk, but I'm getting to use him this week, and
11 I've enjoyed meeting him and working with him.

12 And the reason I say that you need to
13 give him your e-mail addresses, you know, because I
14 want you to fill out a current financial statement
15 showing all of your assets, liabilities, and net
16 worth. I need that to deal with issues that I have
17 to deal with at the conclusion of this case.

18 So that's the first thing I want you to
19 do is to give the information to him so that he can
20 send that form to you that I want you to fill out.

21 Who wants to go first?

22 MR. COOPER: You want the email?

23 THE COURT: Tell him how to send it to
24 you.

25 MR. COOPER: Okay. It's

1 shiplaw@jhcooper.com, S-H-I-P-L-A-W.

2 THE COURT: Ms. Fisher.

3 MS. FISHER: It's

4 lfisher6736@yahoo.com.

5 THE COURT: And then do you want to get
6 it for your mother?

7 MS. FISHER: Yes.

8 MRS. FISHER: Well, wait a minute. Why
9 do I have to do it?

10 THE COURT: Because you're a party and
11 you are subject to the rules.

12 MRS. FISHER: Okay. I'll accept that.

13 THE COURT: Okay. And then the other
14 thing I want each of you to do is to give me page 1
15 and page 2 of your US federal tax returns for last
16 year. If you have it for this year, you can give
17 it to me for -- that is, if you've already filed
18 it. If you have it prepared, I want the 2017 and
19 the 2016 page 1 and page 2 of your federal tax
20 returns.

21 What I'm interested in is showing me
22 what your taxable income was for those years, and I
23 believe that will be shown on page 2 of the return.
24 So you can -- if you want to -- whatever the word
25 is, where you take it out, scratch it out, or

1 whatever, if you want to -- what's the word I'm
2 looking for?

3 THE CLERK: Redact.

4 THE COURT: Redact, that's it. Redact
5 your Social Security number. I want your name on
6 it though and I want your signature -- well, you
7 don't have to put your signature on it because
8 you're giving it to me as an officer of the court.
9 You're swearing that that's your return showing
10 what your taxable income was of the year submitted.

11 MRS. FISHER: Well, if I have to do it,
12 why don't they have to do it?

13 THE COURT: Because the issues that I'm
14 considering only relate to you and not to them.

15 MRS. FISHER: Well, what are they here
16 for, except for my aunt's money? I don't want to
17 be impolite, Your Honor, but this is so outrageous.
18 You know, you lay out the red carpet for these guys
19 and we're like the bad guys.

20 THE COURT: I appreciate your position,
21 but you are to comply with my order. I'm sure your
22 daughter will --

23 MRS. FISHER: It's private --

24 MS. FISHER: Your Honor, I will --

25 MRS. FISHER: -- make it public what I

1 ever made?

2 THE COURT: It's not going to be
3 public. The only person that's going to see it is
4 me.

5 MRS. FISHER: -- South Carolina.

6 MS. FISHER: Your Honor, we will take
7 all appropriate legal actions to review your order.

8 THE COURT: I'm sorry?

9 MS. FISHER: I will take all
10 appropriate legal actions to review your order.
11 I'm not --

12 THE COURT: You're going to comply with
13 it before you do anything else.

14 MS. FISHER: I'm going to look at what
15 you're asking us to do. This Court has not made a
16 decision --

17 THE COURT: I need that to make a
18 decision about the attorneys' fees and sanctions.

19 MS. FISHER: Obviously --

20 THE COURT: Obviously.

21 MS. FISHER: Obviously, but we are in a
22 position where the person who is the Plaintiff is
23 being -- before all the evidence is introduced is
24 being charged with something.

25 THE COURT: I want to get this done as

1 soon as possible.

2 MS. FISHER: I'm sure you do, but
3 that's not how things are done through the law.
4 People are given rights, they're given notice,
5 they're given an opportunity to respond.

6 So if that's not what the law is in
7 South Carolina, then, you know, I need to know that
8 as well. So when I see the form, I will then
9 determine what I need to do, Your Honor.

10 THE COURT: All right. I appreciate
11 that.

12 MS. FISHER: Thank you.

13 THE COURT: Thank you very much.

14 We'll be in recess until 9:30 tomorrow
15 morning.

16 MR. COOPER: Thank you, Your Honor.

17 MR. WILLS: Thank you, Your Honor.

18 THE COURT: One other thing, I have the
19 issue of attorneys' fees so I'm going to need an
20 up-to-date at the end of this case, the end of the
21 trial, your best estimate of what your attorneys'
22 fees request are. Both sides.

23 You can send all of that sort of stuff
24 to this young man. He'll give you the e-mail
25 address for you to send it to him to give it to me.

1 STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
2 COUNTY OF CHARLESTON) CASE NO. 2009-CP-10-3010

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4 ALICE SHAW BAKER, ET.)
AL,)
5 Plaintiffs,) Transcript of Excerpt
6) of Proceedings

7 vs.)

8 BESSIE HUCKABEE, ET.) Date: March 13, 2018
AL.,)

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12 B E F O R E:

13 The Honorable Thomas L. Hughston

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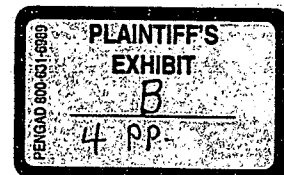
21 Ninth Judicial Circuit

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1 to me as soon as you can?

2 MS. FISHER: Your Honor, at this time,
3 I'm going to interpose an objection to the
4 documents you're requesting. The order was vague.
5 If you can explain to me what statutory authority
6 you have for requiring me to produce tax records.

7 Financial records are protected under
8 the constitution, and I'm not sure why you're
9 requesting information --

10 THE COURT: Well, I'll --

11 MS. FISHER: -- for --

12 THE COURT: -- tell you why. Because I
13 think that it's relevant in regard to the issue of
14 attorney's fees, and I think it's relevant in
15 regard to the issue of sanctions.

16 MS. FISHER: Yes. And, unfortunately,
17 Your Honor, I think that demonstrates a little bit
18 of a bias in light of the fact that the case is not
19 complete yet.

20 THE COURT: If I decide against it,
21 then there won't be any problem.

22 MS. FISHER: I understand that, except
23 that you've already demonstrated that the only
24 people that you think are subject to sanctions
25 would be the Plaintiffs --

1 THE COURT: You didn't ask for
2 sanctions against them.

3 MS. FISHER: That's true, Your Honor, I
4 didn't, but I'm not sure that it's appropriate to
5 ask prior to the end of trial.

6 In any event, Your Honor, if you can
7 tell me what statutory authority --

8 THE COURT: There's no statutory
9 authority. It's within the discretion of the
10 Court, I'm telling you that and you ought to know
11 that.

12 MS. FISHER: I know that -- I don't
13 believe that's correct. I mean no disrespect to
14 you --

15 THE COURT: You can take it up or do
16 whatever you want to do afterward. If you don't
17 get that to me within a reasonable period of time,
18 you're going to face further sanctions.

19 MS. FISHER: Okay. Well, just for
20 clarity, Your Honor, I did look to try and find
21 what statutory authority you might have, and now
22 you're telling there is none. So I did look under
23 the Internal Revenue Codes -- the Revenue and
24 Treasury Code 1425119542, which indicates that
25 income taxes are privileged.

1 Also, under --

2 THE COURT: Okay. We can go at it
3 several ways. I want the figures I told you, your
4 net taxable income. You don't have to show me your
5 tax return. You give it to me under oath that
6 that's your net taxable income and that would be
7 sufficient.

8 MS. FISHER: And, Your Honor, with
9 regard to that issue, I still believe that's under
10 the code -- under the constitution, financial --

11 THE COURT: I don't believe so. I will
12 bear whatever responsibility comes from that.

13 MS. FISHER: Well, I understand. And I
14 will bear whatever responsibility it takes, but I
15 will look further into that. If the Court requires
16 briefing, I certainly will give that to you, but I
17 don't think whatever amount of money I made, or may
18 not have, has any -- has any limits to what you can
19 do.

20 My hope is, that based on the law
21 regarding sanctions, that of course sanctions will
22 not be imposed and attorney's fees will not be
23 imposed.

24 THE COURT: I can understand that.

25 MS. FISHER: I respectfully am not



John Hughes Cooper <shiplaw@jhcooper.com>

Fisher v. Huckabee 2009-CP-10-3010

Hughston, Thomas L. <thughstonj@sccourts.org>

Wed, Mar 14, 2018 at 11:24 AM

To: lisa fisher <lfisher6736@gmail.com>

Cc: Jaci <jcrowleylawfirm@gmail.com>, John Townsend Cooper <jtc@jhcooper.com>, "W. Westbrook Wills III" <wwills@wwillslaw.com>, John Hughes Cooper <shiplaw@jhcooper.com>

Dear Ms. Fisher:

Following up on my oral Order to you regarding a written statement from you as an officer of the Court telling me your net worth and your net income for 2017 if you have that figure available, and if not, your net income for 2016. I am putting this in writing as an Order. It is relevant to the issues before me. I hope that you will comply with this by Friday, March 16, 2018. Failure to do so will be dealt with as civil contempt of court.

Thank you for your consideration, cooperation and attention to this Order, and I shall look forward to hearing from you.

Thomas L. Hughston, Jr.

[Quoted text hidden]





Fisher v. Huckabee 2009-CP-10-3010

Hughston, Thomas L. <thughstonj@sccourts.org>

Thu, Mar 29, 2018 at 9:47 AM

To: "W. Westbrook Wills III" <wwills@wwillslaw.com>, Jessica Crowley <jcrowleylawfirm@gmail.com>

Cc: lisa fisher <lfisher6736@gmail.com>, John Townsend Cooper <jtc@jhcooper.com>, John Cooper <shiplaw@jhcooper.com>

Dear Attorneys:

I received the Plaintiffs' Motion to Vacate Order Compelling Financial Disclosure. I have considered it and deny this Motion. You have until April 1, 2018 to comply or face contempt of court and other sanctions.

Thomas L. Hughston, Jr.

RECEIVED

MAR 30 2018

SC Court of Appeals

From: W. Westbrook Wills III <wwills@wwillslaw.com>

Sent: Friday, March 16, 2018 2:24 PM

To: Jessica Crowley

Cc: lisa fisher; Hughston, Thomas L.; John Townsend Cooper; John Cooper

Subject: Re: Fisher v. Huckabee 2009-CP-10-3010

Mr. Wills joins in Ms. Crowley's position.

On Mar 16, 2018, at 2:20 PM, Jessica Crowley <jcrowleylawfirm@gmail.com<mailto:jcrowleylawfirm@gmail.com>> wrote:

1. I consent to you submitting your information in a separate email. I do this as a courtesy to you due to the approaching deadline.
2. I do not waive any right the law may afford me to review this information in the future. I do not waive my right to request or review your financial information in this or any other action should it be relevant and lawful for me to do so.
3. Attorney Wills, I imagine, will respond separately.

--
Jessica Crowley
Attorney at Law
8 Gillon Street, Ste. B
Charleston, SC 29401
Mail: PO Box 30189
Charleston, South Carolina 29417
Telephone (843) 789-9614
Facsimile (843) 559-3162
Email: harper.jaci@gmail.com<mailto:harper.jaci@gmail.com>

PROBATE ADMINISTRATION OF ESTATES, WILL DRAFTING, ESTATE PLANNING AND ADULT CARE GUARDIANSHIPS.

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On Mar 16, 2018, at 1:26 PM, lisa fisher <lfisher6736@gmail.com<mailto:lfisher6736@gmail.com>> wrote:



Fisher v. Huckabee 2009-CP-10-3010

Hughston, Thomas L. <thughstonj@sccourts.org>

Fri, Mar 16, 2018 at 11:28 AM

To: lisa fisher <lfisher6736@gmail.com>

Cc: "W. Westbrook Wills III" <wwills@wwillslaw.com>, John Townsend Cooper <jtc@jhcooper.com>, John Cooper <shiplaw@jhcooper.com>, "jcrowleylawfirm@gmail.com" <jcrowleylawfirm@gmail.com>

Thank you for your email and I am certainly sorry to hear of your illness.

I do not recall saying that your information would not be disclosed to the other side, for I believe that they are entitled to it. Therefore, it would not be an ex parte communication. However, Ms. Crowley apparently does not object to my receiving this information directly from you and not going to her at this time. I will keep it completely to myself, put it in a sealed envelope, and write on it that it will only be opened on an as needed basis in the future. In other words, it is for my eyes only.

I hope that this answers all your questions and that you will promptly supply this information to me.

Thomas L. Hughston, Jr.

From: lisa fisher <lfisher6736@gmail.com>

Sent: Friday, March 16, 2018 11:06 AM

To: Hughston, Thomas L.

Cc: W. Westbrook Wills III; John Townsend Cooper; John Cooper; jcrowleylawfirm@gmail.com

Subject: Re: Fisher v. Huckabee 2009-CP-10-3010

Dear Judge Houston,

I apologize for the delay in responding to your most recent correspondence. As I'm sure you recall at trial I was coughing excessively. Unfortunately it resulted in a pretty serious illness. I am only starting to recover.

Although I am licensed to practice in California, I have reviewed the lawyers oath under rule 402, SCACR, and seek to comply with the requirements of South Carolina law.

I believe in making this inquiry before final determination of my compliance with your order is appropriate and justified in requesting clarification. I do not wish to disobey your order, however I do not wish to inadvertently waive my rights to financial privacy especially when I can't find any statutory or common law Authority for your request.

The court indicated earlier that the information would not be disclosed to the other side. However, that would require me to violate the ex parte communication prohibition, unless the other side waives the right to this information. The next problem would be is the information sealed and prohibited from release and or destroyed?

I hope you understand the reason that I am concerned with complying. Although, I certainly don't have anything to hide that doesn't mean that I should not protect these important rights.

In any event, I hope the Court considers these important questions. I have copied all parties to ensure that they too understand my questions and as required by law.

Thank you.

Lisa Fisher

[Quoted text hidden]

