

THE STATE OF SOUTH CAROLINA

In the Supreme Court

RECEIVED

AUG 03 2018

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

S.C. SUPREME COURT

Thomas L. Hughston, Jr., Circuit Court Judge

Circuit Court Case No. 2009-CP-10-3010
Appellate Court Case No. 2018-000566

In the Matter of the Estate of Alice Shaw-Baker.

Betty Fisher and Lisa Fisher.....Appellants

v.

Bessie Huckabee, Kay Passailaigue Slade, and Sandra Byrd.....Respondents

NOTICE OF APPEAL

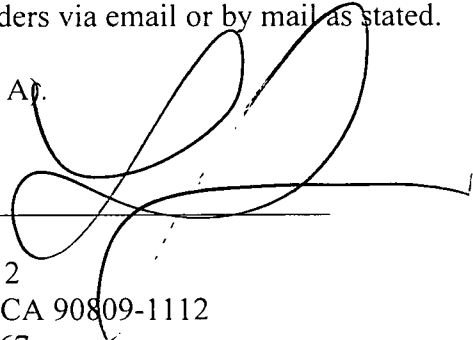
Betty Fisher and Lisa Fisher appeal the following orders of the Honorable Thomas L. Hughston, Jr. :

- 1) Order dated July 23, 2018 and received by email on July 23, 2018.

Appellants received written notice of the above Orders via email or by mail as stated.

(Attached hereto is a copy of said order marked as Exhibit A).

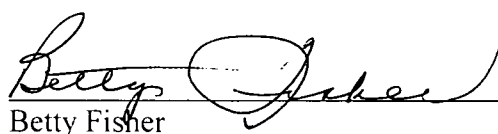
July 30, 2018



 Lisa Fisher
 PO Box 91112
 Long Beach, CA 90809-1112
 (562) 965-3267
 Appellant in Pro Per

Joining in Notice of Appeal:

July 29, 2018



Betty Fisher
PO Box 91112
Long Beach, CA 90809-1112
(562) 965-3267
Appellant in Pro Per

Other Counsel of Record:

Barbara M. Seymour, Esq.
Clawson and Staubes, LLC
1612 Marion St. Ste. 200
Columbia, SC 29201
Attorney for Interested party,
John Hughes Cooper

W. Westbrook Wills III, Esquire
PO Box 822
Folly Beach, SC 29439
843-805-6300
Attorney for Bessie Huckabee, Kay Passailaigue Slade, and Sandra Byrd (deceased)

Jessica L. Crowley, Esquire
PO Box 30189
Charleston, SC 29417
843-789-9614
Attorney for Bessie Huckabee, as Personal Representative

Hon. Mary France Jowers
Assistant Attorney General
PO Box 11549
Columbia, SC 29211
803-734-0274

THE STATE OF SOUTH CAROLINA

RECEIVED

In the Court of South Carolina

AUG 03 2013

S.C. SUPREME COURT

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Thomas L. Hughston, Jr., Circuit Court Judge

Case No. 2009-CP-10-3010

Betty Fisher and Lisa Fisher.....Appellants

v.

Bessie Huckabee, Kay Passailaigue Slade, and Sandra Byrd.....Respondents

PROOF OF SERVICE

I certify that I have served **NOTICE OF APPEAL OF JULY 23, 2018 ORDER** upon
all parties by depositing a copy of it in the United States Mail, postage prepaid, on July 31, 2018
(and by email) addressed as follows:

Barbara M. Seymour, Esq.
Clawson and Staubes, LLC
1612 Marion St. Ste. 200
Columbia, SC 29201

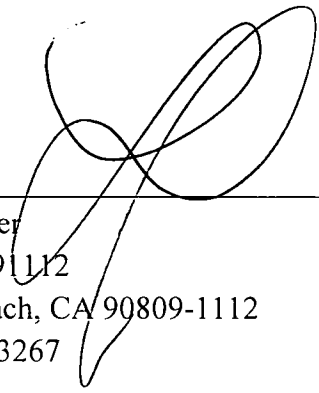
Honorable Thomas L. Hughston, Judge Presiding
100 Broad St. Ste. 368
Charleston, SC 29401-2284

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

Jessica L. Crowley, Esquire
PO Box 30189
Charleston, SC 29417

Hon. Mary France Jowers, Esquire
Assistant Attorney General
PO Box 11549
Columbia, SC 29211

July 31, 2018



Lisa Fisher
PO Box 91112
Long Beach, CA 90809-1112
562-965-3267

Betty Fisher, et al.
 PLAINTIFF(S)

Bessie Huckabee, et al.
 DEFENDANT(S)

2018 JUL 23 AM 11:09
 FILED
 CLERK OF COURT
 CHARLESTON COUNTY
 SOUTH CAROLINA

Submitted by: _____ Attorney for : Plaintiff, Defendant
 or
 Self-Represented Litigant

- DISPOSITION TYPE (CHECK ONE)**
- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
 - DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
 - ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
 - ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
 - STAYED DUE TO BANKRUPTCY**
 - DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : _____

INFORMATION FOR THE JUDGMENT INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
The Estate of Alice-Shaw Baker	Betty Fisher and Lisa Fisher	\$78,596.02
Peter A. Kouten	Lisa Fisher, Betty Fisher, and John Hughes Cooper	\$78,872.43
W. Westbrook Wills, III	Lisa Fisher, Betty Fisher, and John Hughes Cooper	\$59,289.50
Jessica L. Crowley	Lisa Fisher, Betty Fisher, and John Hughes Cooper	\$32,461.75
If applicable, describe the property, including tax map information and address, referenced in the order: N/A		

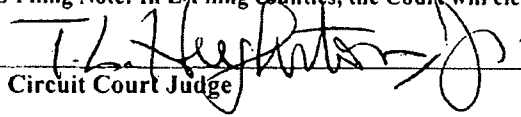
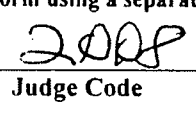
The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest

EX A

or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

 Circuit Court Judge	 Judge Code	07/23/2018 Date
--	--	--------------------

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 BETTY FISHER and LISA FISHER,)
)
 Plaintiffs,)
)
 vs.)
)
 BESSIE HUCKABEE, KAY)
 PASSAILAGUE SLADE, and SANDRA)
 BYRD,)
 Defendants)

IN THE COURT OF COMMON PLEAS
 FOR THE NINTH JUDICIAL CIRCUIT
 CASE NO.: 2009-CP-10-3010

ORDER

FILED
 2018 JUL 23 AM 11:09
 JUDITH A. BENTON
 CLERK OF COURT

Relevant Procedural History

THIS MATTER is currently before me on both parties' post-trial motions. I previously ruled on these motions and imposed Judgments against Plaintiffs and their attorneys by Order filed March 21, 2018. Thereafter, both parties filed motions to reconsider and Plaintiffs filed for a writ of supersedeas. I ruled on those motions and amended the Judgments against Plaintiffs and their attorneys by Order filed May 29, 2018. Then on May 31, 2018, Defendants' counsel filed a motion to reconsider the Judgments requesting a combined additional \$15,953.75 for services performed after the March 21, 2018 Order. Plaintiffs filed an objection to the current and any additional award of attorney's fees. However, unbeknownst to me, the day before my May 29th Order the Supreme Court issued a temporary stay on all Orders pending its ruling on Plaintiffs' writ of supersedeas. On June 13, 2018, the Supreme Court denied Plaintiffs' writ and vacated my May 29, 2018 Order. As a result, I revisited the parties' motions to reconsider and issued my Order on June 29, 2018. I then discovered a scrivener's error—Betty Fisher was omitted from the judgments I imposed—and corrected that in my July 9, 2018 Order. Subsequently, Defendants filed a Motion to

#1
 T. L. W.

Reconsider the issue of attorney's fees and counsel for attorney John Hughes Cooper requested clarification as to the judgments against him. I now clarify the judgments below and, for the reasons stated herein, Grant Defendants' motion.

Defendants' Motion to Reconsider Award of Attorney's Fees

I initially awarded Defendants their attorneys' fees in the amount of \$157,539.93. After consideration of Plaintiffs' objections and further review of Defendants' attorneys' affidavits, I subtracted amounts that appeared to be attributable to other related actions. After review of Defendants' motion to reconsider and upon further consideration of this issue, I realize that I incorrectly evaluated Defendants' affidavits. I was under the impression that Attorney Wills substituted attorney Kouten as counsel for both the Estate and the individual Defendants. As it turns out, attorney Kouten maintained his representation of the Personal Representative until his appointment to Probate Judge in 2017. As for the reduction of attorney Crowley's fees, I incorrectly reduced her fees for actions regarding the ejection of the tenant at Alice Shaw-Baker's home. The actions reflected in her affidavit were in furtherance of my April 3, 2018 Order requiring the unauthorized occupant to vacate the home. The motion also maintains that she segregates and itemizes her hours related to other actions in a separate invoice and her affidavit reduces her totals fees for misattributed hours.

For these reasons, I Grant Defendants' motion and amend my award of attorney's fees for attorneys Peter Kouten and Jessica Crowley. I award attorney Peter Kouten his reasonable attorney's fees in the amount of \$78,872.43 and attorney Jessica Crowley her reasonable attorney's fees in the amount of \$32,461.75.

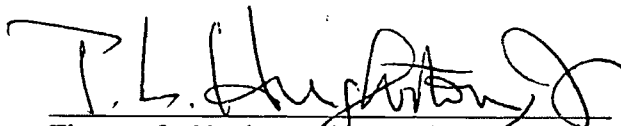
#2
T.L.H.

Clarification of Judgments

As it currently stands, the record of judgments on the Public Index page reflects two Judgments against John Hughes Cooper—\$253,969.31 and \$65,151.34. However, I intended to amend my Judgment against attorney Cooper to reflect only those Judgments listed in my July 9, 2018 Order. To clarify this, I now vacate the Judgments listed in my March 21, 2018, Order. The remainder of that Order remains effective. Likewise, my July 9, 2018 Order is also affirmed except as modified herein. To add further clarity and avoid ambiguities, the following is a current summary of the Judgments imposed by me: \$78,596.02 against Betty Fisher and Lisa Fisher, jointly and severally, in favor of The Estate of Alice Shaw-Baker; \$78,872.43 against Betty Fisher, Lisa Fisher, and John Hughes Cooper, jointly and severally, in favor of Peter A. Kouten; \$59,289.50 against Betty Fisher, Lisa Fisher, and John Hughes Cooper, jointly and severally, in favor of W. Westbrook Wills, III; and \$32,461.75 against Betty Fisher, Lisa Fisher, and John Hughes Cooper, jointly and severally, in favor of Jessica L. Crowley. This brings the total Judgment for improper expenditures to \$78,596.02 and the total Judgment for attorney's fees to \$170,623.68, which combines for a total Judgment of \$249,219.70.

#3
AND IT IS SO ORDERED.

July 23, 2018
Charleston, South Carolina

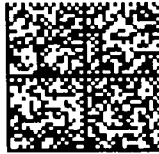

Thomas L. Hughston, Jr., Presiding Judge

Box 9112

Q 90809 PRESS FIRMLY TO SEAL

PRIORITY MAIL
POSTAGE REQUIRED

P



U.S. POSTAGE
\$8.45
PM 2-Day
90815 0006
Date of sale
07/31/18
06 2S
11488755
SSK

PRIORITY MAIL 2-Day®

Expected Delivery Day: 08/02/18

5.40 oz

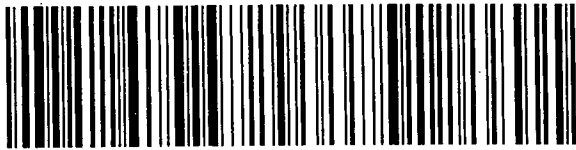
SHIP
TO:

0006

B099

PO BOX 11330
COLUMBIA, SC 29211-1330

USPS TRACKING NUMBER



9505 5065 6336 8212 0063 69

South Carolina Supreme
Court
PO Box 11330
Columbia SC
29211

This packaging is the property of the U.S. Postal Service® and is provided solely for use in sending Priority Mail® shipments. Misuse may be a violation of federal law. This packaging is not for resale. EPI4F © U.S. Postal Service, July 2013. All rights reserved.

VISIT US AT USPS.COM®
ORDER FREE SUPPLIES ONLINE



July 2013
.5 x 9.5