

THE STATE OF SOUTH CAROLINA

In the Supreme Court of South Carolina

**RECEIVED**

AUG 06 2018

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

**S.C. SUPREME COURT**

Thomas L. Hughston, Jr., Circuit Court Judge

Case No. 2009-CP-10-3010  
Supreme Court Case no. 2018-000566

Betty Fisher and Lisa Fisher.....Appellants

v.

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

**EMERGENCY MOTION FOR CLARIFICATION OF BRIEFING SCHEDULE AND  
TO CONSOLIDATE APPELLATE RECORD**

COMES NOW Appellant Lisa Fisher, and moves this Honorable Court as follows:

- 1) On August 2, 2018, this Court ordered an expedited briefing schedule on the matters before this Court, however the order references 3 cases: *Fisher v. Huckabee*, 2018-000566, *Ex parte Cooper*, Case no. 201-000662, and *Fisher v. Huckabee*, appellate Case no. 2017-000743.<sup>1</sup> The court indicates that these are not consolidated and require separate briefs, presumably *Fisher and Ex Parte Cooper*. Therefore, the issue is whether or not the court intends to consolidate all

<sup>1</sup> This case was fully briefed and the record has been filed.

of the issues in the 4 notices of appeal filed by Appellants in 2018-000566. The last notice filed on 7/23/18. These notices of appeal relate to orders as follows:

- a) **Notice of Appeal dated March 30, 2018:** Judge Hughston's order compelling disclosure of financial records;
- b) **Notice of Appeal dated April 5, 2018:** Orders on the Will contest; Orders on the Constructive Trust and enjoins filing of motions in Circuit Court as sanction; (The 3/30/18 and 4/2/18 appeals were ordered consolidated on 4/10/18.)
- c) **Notice of Appeal dated July 29, 2018:** Orders on the Rule 59 motion, amending orders on subsection b Orders; (Previously ordered combined on 4/11/2018)
- d) **Notice of Appeal dated August 3, 2018:** Order of July 23, 2018 which was on Respondents' rule 59 motion,<sup>2</sup> wherein Appellants were not given an opportunity to be heard and which again amended the Orders in subsection b and granted additional attorney fees to Respondents.<sup>3</sup>

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<sup>2</sup> The lack of clarity with regard to this motion is because the order modifies the order related to this Court's order permitting combination of Appellants' rule 59 motion (order of April 11, 2018). Respondents' motion had the effect of altering all other orders by Judge Hughston (without vacating the prior orders.)

<sup>3</sup> There is a collateral appeal which Appellant asked to be consolidated in this case on July 27, 2017, and is awaiting ruling on the motion, in Case no. 2018-001332. This appeal is dependant on the respective responsibilities of all parties and the duty of Lisa Fisher's delivery of the property. Only Lisa Fisher will be prejudiced by the failure to consolidate this appeal, because she could be responsible for indemnification.

Appellant Lisa Fisher believes that all of these notices of appeal will warrant only one brief, and utilize the same record.<sup>4</sup>

2. Assuming that the above is correct, Appellant respectfully requests that this Court consolidate the appellate record in these related appeals and to allow filing of a reduced number of copies of the record. Rule 210(b), SCACR requires 15 copies of the record, and Appellant believes that the court may reduce the number to 9 copies.

The grounds for this motion are that if all of the notices of appeal and their respective orders are going to be set forth in one brief, all relying on the facts and trial, most of the same pleadings and transcripts of the hearings, then they will all rely on the same record. Consolidation of the Appellate record will save considerable duplication, will avoid confusion, and will promote judicial economy.

Also, Ordering the filing of nine copies of the appellate record, which is expected to exceed 500 pages, will save copying costs, mailing costs, and promote judicial economy.

At this time, Appellant does not know what documents will be relied upon by Respondent, however such an order will not prejudice Respondents who will also benefit from the review of one record.

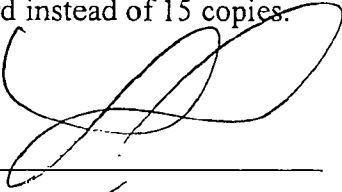
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<sup>4</sup> Of course, if the court is requiring a separate record on each or parts of the notices of appeal, that will create a duplicative record.

**WHEREFORE** Appellant, for the reasons set forth herein, moves this Honorable Court to 1) clarify its briefing schedule to ensure that all the issues set forth in Appellant's 4 (four) notices of appeal will be addressed in a single brief, and 2) consolidate the appellate record in these related appeals and to allow filing of nine copies of the record instead of 15 copies.

August 3, 2018



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PROOF OF SERVICE

I certify that I have served **EMERGENCY MOTION FOR CLARIFICATION OF BRIEFING SCHEDULE AND TO CONSOLIDATE APPELLATE RECORD** upon all parties by depositing a copy of it in the United States Mail (and by email), postage prepaid, on August 3, 2018, except Betty Fisher was personally served, addressed as follows:

Betty Fisher  
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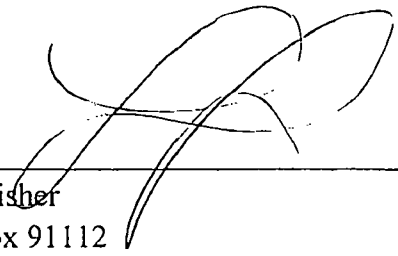
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August 3, 2018



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