

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Thomas L. Hughston, Jr., Circuit Court Judge

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Case No. 2009-CP-10-3010

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*Ex Parte:*

John Hughes Cooper,

Appellant,

*In Re:*

Betty Fisher and Lisa Fisher,

Plaintiffs,

v.

Bessie Huckabee, Kay Passailaigue  
Slade, and Sandra Byrd,

Respondents.

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**NOTICE OF APPEAL**

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Appellant John Hughes Cooper appeals the Order of the Honorable Thomas L. Hughston, Jr., dated July 23, 2018. Appellant received written notice of entry of this Order on July 23, 2018.

In the referenced Order, Judge Hughston imposed sanctions against John Hughes Cooper personally; therefore, he is a person aggrieved pursuant to Rule 201(b), SCACR.

August 6, 2018

  
Barbara M. Seymour  
Clawson and Staubes, LLC  
1612 Marion Street  
Columbia, SC 29201  
(803) 509-8185  
Attorney for Appellant

RECEIVED

AUG 06 2018

S.C. SUPREME COURT

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Respondents.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on all parties by depositing copies of it in the United States Mail, postage prepaid, on August 6, 2018, addressed as follows:

Warren Westbrook Wills, III, Esquire  
Post Office Box 822  
Folly Beach, South Carolina 29439

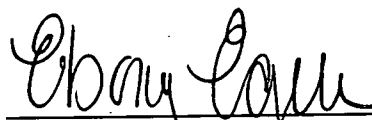
Jessica Lynn Crowley, Esquire  
Post Office Box 30189  
Charleston, South Carolina 29417

Lisa Fisher, Esquire  
Post Office Box 91112  
Long Beach, CA 90809-1112

Betty Fisher  
Post Office Box 91112  
Long Beach, CA 90809-1112

Mary Frances G. Jowers, Esquire  
S.C. Attorney General's Office  
Post Office Box 11549  
Columbia, SC 29211

August 6, 2018



Ebony Earle, Paralegal  
Clawson and Staubes, LLC  
1612 Marion Street, Suite 200  
Columbia, SC 29201

FORM 4

STATE OF SOUTH CAROLINA  
 COUNTY OF CHARLESTON  
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2009-CP-10-3010

Betty Fisher, et al.

PLAINTIFF(S)

Bessie Huckabee, et al.

DEFENDANT(S)

2018 JUL 2 11:09 AM  
 FILED  
 CLERK OF COURT

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

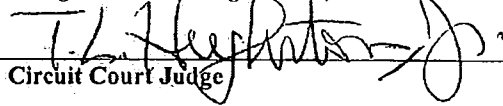
If applicable, describe the property, including tax map information and address, referenced in the order:  
 N/A

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

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

2028  
Judge Code

07/23/2018  
Date

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

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

BETTY FISHER and LISA FISHER, )  
 )  
Plaintiffs, )

vs. )

BESSIE HUCKABEE, KAY )  
PASSAILAGUE SLADE, and SANDRA )  
BYRD, )  
Defendants )

ORDER

FILED  
2018 JUL 23 AM 11:09  
JULIE A. BROWN  
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.H.

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 Willis 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.

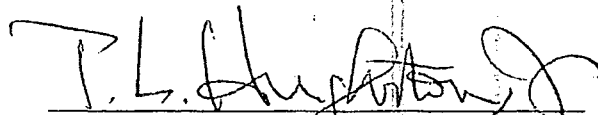
#2  
T.L.H.

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