

THE STATE OF SOUTH CAROLINA

In The Supreme Court

ON PETITION FOR WRIT OF CERTIORARI  
TO THE COURT OF APPEALS,  
WRIT GRANTED ON 08-02-18

Appellate Case No. 2017-000743

**RECEIVED**

SEP 11 2018

**S.C. SUPREME COURT**

Betty Fisher and Lisa Fisher, .....Petitioners

v.

Bessie Huckabee, .....Respondent

RESPONDENT'S MOTION FOR JUDICIAL NOTICE

Counsel for Respondent, Bessie Huckabee, respectfully requests, pursuant to South Carolina Rules of Evidence, Rule 201, that this Court take judicial notice of the below-listed documents in related case, Fisher, et al. v. Huckabee, et al., 2018-000566, presently before this Court on appeal.

Rule 201, SCRE pertains only to facts “not subject to reasonable dispute in that it is . . . capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” Rule 201(b), SCRE. “A Court may take judicial notice, whether requested or not.” Rule 201(c), SCRE. “A court shall take judicial notice if requested by a party and supplied with the necessary information.” Rule 201(d), SCRE. Under Rule 201(f), SCRE, “Judicial notice may be taken at any stage of the

proceeding.” The Court of Appeals has construed this to mean that an appellate court may take judicial notice of adjudicative facts that were not presented to the trial court if the adjudicative facts are indisputable. Wise v. Wise, 394 S.C. 591, 716 S.E.2d 117 (Ct.App. 2011).

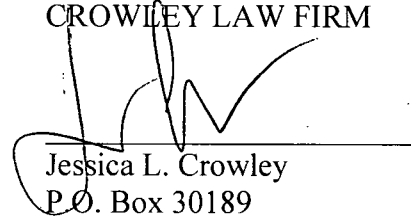
Movant has filed *Motion to Supplement the Appendix on Appeal* pursuant to Rule 212(b), SCACR, to include specific documents within the record on appeal or filed in Fisher, et al. v. Huckabee, et al. 2018-000566. The documents are as follows: Court Order (jury verdict) entered October 26, 2017 in Fisher, et al. v. Huckabee, et al., 2009-CP-10-3010; Order of Honorable Thomas Hughston, Jr. executed March 21, 2018 in Fisher, et al. v. Huckabee, et al., 2009-CP-10-3010; and Order of Honorable Thomas Hughston, Jr. executed July 9, 2018 in in Fisher, et al. v. Huckabee, et al., 2009-CP-10-3010; Order of the Supreme Court executed June 13, 2018 in Appellate Case No. 2018-000566; and *Objection and Opposition to Informal Correspondence of Jessica Crowley Letter Dated June 25, 2018; Notice of Compliance with Order re Delivery of Alice Shaw Baker’s Property and Assets*, received June 27, 2018 in Appellate Case No. 2018-000556. These appeals are closely related and it is Respondent’s position that the requested orders and other documents contained in the record on appeal and otherwise filed in Fisher, et al. v. Huckabee, et al., which were entered after Petition for Certiorari was filed in this action, render Petitioners’ appeal moot.

Respondent seeks judicial notice of Court Orders contained within the record on appeal in a companion appellate case and other filings of record in that case. The fact of the Court Orders, each executed and filed, is indisputable. Ms. Fisher’s Notice of Compliance with Court Order is a filing of record in the related case.

WHEREFORE, the undersigned counsel respectfully requests that the Court grant Respondent's *Motion for Judicial Notice* of the aforementioned documents contained in the related case on appeal before this Court: Fisher, et al. v. Huckabee, et al., 2018-000566.

Respectfully submitted,

CROWLEY LAW FIRM

A handwritten signature in black ink, appearing to read 'Jessica L. Crowley', is written over a horizontal line. The signature is stylized and cursive.

Jessica L. Crowley  
P.O. Box 30189  
Charleston, SC 29417  
Tel. (843) 789-9614  
jcrowleylawfirm@gmail.com  
*Attorney for Respondent Huckabee  
As Personal Representative*

Other parties of record:

Lisa Fisher  
P.O. Box 91112  
Long Beach, CA 90809-1112  
Tel. (866) 206-9066  
Lfisher6736@yahoo.com

Betty Fisher  
P.O. Box 91112  
Long Beach, CA 90809-1112  
Tel. (866) 206-9066

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CERTIFICATE OF SERVICE

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I certify that I have served a copy of *Respondent's Motion for Judicial Notice* in the  
above-referenced case upon the following parties by depositing a copy of it in the United States

Mail, postage prepaid, on September 7, 2018, addressed as follows:

LISA FISHER, *pro se*  
P.O. Box 91112  
Long Beach, CA 90809-1112  
562-965-3267  
lfisher673@yahoo.com

BETTY FISHER, *pro se*  
P.O. Box 91112  
Long Beach, CA 90809-1112