

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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SEP 20 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 Case No. 2018-000566

Betty Fisher and Lisa Fisher,

Appellants,

Bessie Huckabee, Kay
Passailaigue Slade, and
Sandra Byrd,

Respondents.

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

DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

Respondents propose the following be included in the Record on Appeal:

1. Transcript of Bench Trial pp. 21-61, 62-87, 93-107, 141-67, 179-94, 203-10;
2. Transcript of Jury Trial pp. 6-20, 29, 46-59, 68-69, 74-93, 106-10, 134-93, 196-99, 244; 252-336, 341-377, 386, 390-93, 400, 410-19; 445-47;
3. Transcript of Post-Trial Hearing pp. 14-165;
4. Complaint;
5. Answer;

6. Defendants' Consent Order for Substitution of Counsel filed October 14, 2012;
7. Defendants' Jury Trial Exhibit 1, Original Will dated May 21, 2001;
8. Defendants' Memorandum in Opposition to Plaintiffs' Motion to Transfer Venue Vacating Date of Trial and Staying Proceedings filed October 19, 2017;
9. Fisher v. Huckabee, Appellate Case No. 2017-002203, Order dismissing appeal filed November 16, 2017;
10. Motion by Plaintiffs Betty Fisher and Lisa Fisher for: (1) Order to Change Venue; (2) Order Vacating the Date of Trial; (3) Order Staying Any and All Hearings, Including Defendants' Motion for Summary Judgment filed October 2, 2017;
11. Motion by Plaintiffs to Alter, Amend, or Reconsider of Order [sic] of October 19, 2017 Denying Plaintiff's Motion for change of Venue, Stay, Etc.; Memorandum filed October 23, 2017;
12. Order Appointing Lisa Fisher as Guardian and Conservator of Alice Shaw-Baker of November 19, 2008;
13. Order Denying Plaintiff's Motion for Change of Venue dated October 20, 2017, filed October 23, 2017;
14. Order Denying Plaintiffs' Motion to Reconsider Order Denying Motion to Disqualify and Remove Opposing Counsel Peter Kouten filed May 7, 2014;
15. Order Granting Modification of Temporary Restraining Order executed June 9, 2009, filed June 10, 2009;
16. Order of Honorable Thomas J. Hughston, Jr. executed March 21, 2018, filed March 22, 2018;
17. Order Denying Plaintiffs' Motion to Transfer Venue filed October 19, 2017;
18. Order Denying Plaintiffs' Motion to Reconsider Denial of Motion to Transfer Venue filed October 27, 2018;
19. Plaintiffs' Consent Motion for Date Certain filed January 17, 2017;

20. Plaintiffs' Exhibit 22, Bench Trial, Report of L. Randolph Waid, PhD from November 20, 2008 consultation;
21. Plaintiffs' Motion to Disqualify and Remove Opposing Counsel Peter Kouten filed August 1, 2012;
22. Plaintiffs' Motion to Reconsider, Alter, Amend, and Vacate February 10, 2014 Order Denying Motion to Disqualify and Remove Opposing Counsel Peter Kouten Due to Non-Waivable Conflict of Interest filed February 18, 2014;
23. Plaintiffs' Notice of Appeal from Order of the Honorable Thomas L. Hughston, Jr. modifying an injunction, filed June 18, 2009;
24. Plaintiffs' Reply to Defendants' Motion to Reconsider Order of May 29, 2018 filed June 11, 2018;
25. Supreme Court Order denying Petition for Writ of Certiorari in Fisher v. Huckabee, 2011-UP-173 executed July 27, 2012, filed July 30, 2012;
26. Fisher v. Huckabee, Remittitur, 2011-UP-173 (Ct. App. August 1, 2012);
27. Defendants' Amended Motion for Summary Judgment filed August 4, 2017;
28. Plaintiff's Motion for Injunction filed May 14, 2009;
29. Form 4 Temporary Restraining Order of May 22, 2009;
30. Plaintiffs' Notice of Appeal filed June 10, 2014;
31. Plaintiffs' Notice of Appeal filed October 23, 2017;
32. Defendants' Post-Trial Motion filed November 6, 2017;
33. Plaintiffs' Consent Motion for Date Certain Trial filed January 17, 2017;
34. Defendants' Renewed Motion for Summary Judgment filed January 2, 2018;
35. Plaintiffs' Bench Trial Exhibit 2, Copy of Will dated January 7, 1993;
36. Order of Honorable Thomas J. Hughston, Jr. filed January 24, 2018;
37. Plaintiffs' Bench Trial Exhibit 4, Copy of Will dated February 23, 2001;
38. Defendants' email correspondence to Judge Hughston dated March 6, 2018, filed March 7, 2018;
39. Order of Honorable Thomas J. Hughston, filed April 3, 2018;
40. Order of Supreme Court filed April 16, 2018;

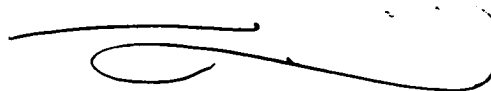
41. Plaintiff's Rule 59 Motion filed April 23, 2018;
42. Defendants' Motion to Reconsider Order of May 29, 2018 filed May 31, 2018;
43. Order of Honorable Thomas J. Hughston, Jr. filed May 29, 2018 (vacated);
44. Order of Honorable Thomas J. Hughston, Jr. filed June 29, 2018;
45. Order of Honorable Thomas J. Hughston, Jr. filed July 23, 2018
46. Plaintiffs' Motion to Disqualify Judge Hughston filed October 23, 2017;
47. Plaintiffs' Bench Trial Exhibit 1, Copy of Will dated April 5, 1996;
48. Email correspondence of March 16, 2018 regarding Lisa Fisher's financial disclosure;
49. Defendants' combined response to Judge Hughston's January 25, 2018 Order requesting information on accountings filed February 5, 2018;
50. Defendants' Response to Plaintiffs' Post Trial Motions filed January 2, 2018.

I certify that this designation contains no matter that is irrelevant to this appeal.

September 11, 2018

Respectfully submitted,

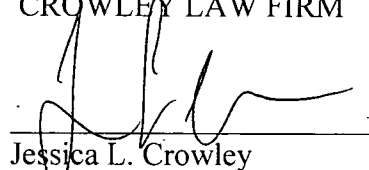
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Betty Fisher and Lisa Fisher..... Appellants

v.

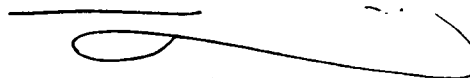
Bessie Huckabee, Kay Passailaigue Slade, and Sandra Byrd Respondents

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

PROOF OF SERVICE

I certify that I have served the enclosed Respondents' Initial Brief and Designation of Matter to be Included in the Record by depositing a copy in the United States Mail, postage prepaid, on September 10, 2018, addressed to Appellants separately at their address of P.O. Box 91112, Long Beach, California 90809-1112.

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