

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. 2018-000662

Ex parte: John Hughes Cooper,

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

Respondent proposes 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;
3. Transcript of Post-Trial Hearing pp. 14-165;
4. Complaint;

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

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

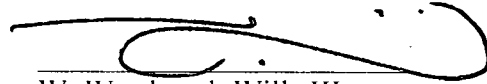
40. Plaintiff's Rule 59 Motion filed April 23, 2018;
41. Defendants' Motion to Reconsider Order of May 29, 2018 filed May 31, 2018;
42. Order of Honorable Thomas J. Hughston, Jr. filed May 29, 2018 (vacated);
43. Order of Honorable Thomas J. Hughston, Jr. filed June 29, 2018;
44. Order of Honorable Thomas J. Hughston, Jr. filed July 23, 2018
45. Plaintiffs' Motion to Disqualify Judge Hughston filed October 23, 2017;
46. Plaintiffs' Bench Trial Exhibit 1, Copy of Will dated April 5, 1996.

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

September 11, 2018

Respectfully submitted,

LAW OFFICE OF
W. WESTBROOK WILLS III



W. Westbrook Wills III
P.O. Box 822
Folly Beach, SC 29439
Tel. (843)-805-6300
wwills@wwillslaw.com
Attorney for the Respondents

-and-

CROWLEY LAW FIRM



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

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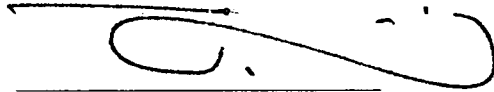
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PROOF OF SERVICE

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 11, 2018, addressed to Barbara Seymour, Esq., 1612 Marion Street, Suite 200, Columbia, SC 29201-2939, and by e-mailing a copy to her.

LAW OFFICE OF
W. WESTBROOK WILLS III



W. Westbrook Wills III
P.O. Box 822
Folly Beach, SC 29439
Tel. (843)-805-6300
wwills@wwillslaw.com
Attorney for the Respondents