

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

S.C. SUPREME COURT

Diane Schafer Goodstein, Circuit Court Judge

Lower Court Case No. 2017-CP-1006629
Appellate Case No. 2018-001332

Ex Parte Lisa Fisher..... Appellant

In Re Bessie Huckabee Respondent

v.

Candace Rickborn Defendant

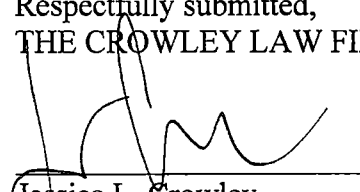
MOTION TO DISMISS APPEAL

COMES NOW Bessie Huckabee, Personal Representative for the Estate of Alice Shaw-Baker, Respondent in the above captioned appeal, and pursuant to Rule 240 (a) and (c), SCACR, hereby files her Motion to Dismiss Appeal on the following grounds:

1. Appellant was not a party either in the underlying ejectment action in the Magistrate Court or in Candace Rickborn's appeal of the ejectment action in the Circuit Court, and therefore is not a party that is permitted to bring an appeal, as provided by Rule 201(b), SCACR.

2. Appellant has no legal interest in the matters and issues related to the Magistrate Court's Writ of Ejectment and Candace Rickborn's appeal therefrom in the Circuit Court, and therefore lacks the requisite standing to appeal both the Circuit Court's affirmance of Ms. Rickborn's eviction and that Court's denial of her Appellant's motion to intervene in the appeal.¹
3. The issues Ms. Fisher raises in her appeal are moot because 1) Ms. Rickborn has already departed from the property at issue, and has given no indication of any desire to return,² and 2) by its June 13, 2018 Order, the Supreme Court has mandated that Ms. Fisher turn the property at issue over to Respondent Bessie Huckabee.
4. Ms. Fisher is not authorized to practice law in South Carolina, and she is not permitted to file an appeal on behalf, or otherwise represent the interests, of Candace Rickborn.

Respectfully submitted,
THE CROWLEY LAW FIRM



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Attorney for the Respondent

¹ Ms. Fisher was neither a party to the underlying eviction proceedings, nor did she move to intervene at that level. Moreover, Ms. Rickborn's attorney, who was also representing Lisa Fisher in related cases and appeals, admitted to the Magistrate that Ms. Fisher had no legal standing to participate in the proceedings. [See Magistrate's Return, Hon. Ellen S. Steinberg, signed January 29, 2018, filed January 30, 2018]. Although it would have been improper as a non-party, Ms. Fisher did not attempt to appeal from the Magistrate's issuance of the writ of ejectment, which would have required that she post a cash bond. Thereafter, the day of the hearing in the Circuit Court of Ms. Rickborn's eviction appeal, Ms. Fisher filed a motion to intervene in the appeal, which she served on the parties moments before the hearing began. The Circuit Court found that Appellant could not intervene in the eviction appeal where she was not a party to the proceedings below and had no legal interest in the outcome of either the eviction or the appeal. [See Hon. Diane S. Goodstein's Order Denying Movant Lisa Fisher's Motion to Intervene and As Joinder, signed June 18, 2018, filed June 21, 2018.

² Ms. Rickborn has not appealed the Circuit Court's affirmance of her eviction.

Other parties:

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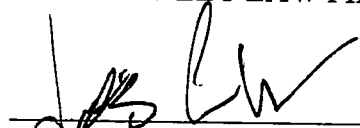
PROOF OF SERVICE

I certify that I have served the enclosed Motion to Dismiss Appeal and Memorandum in Support of Motion to Dismiss Appeal in the above-referenced case upon the following parties by depositing a copy of it in the United States Mail, postage prepaid, on September 21, 2018, addressed as follows:

LISA FISHER, *pro se*
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Respectfully submitted,
THE CROWLEY LAW FIRM

A handwritten signature in black ink, appearing to read 'JL Crowley', written over a horizontal line.

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