

THE STATE OF SOUTH CAROLINA

In the Supreme Court

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FEB 20 2019

S.C. SUPREME COURT

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Thomas L. Hughston, Jr., Circuit Court Judge

Circuit Court Case No. 2009-CP-10-3010
Appellate Court Case No. 2018-000566

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.

**APPELLANT LISA FISHER'S MOTION FOR COSTS;
JOINDER BY APPELLANT BETTY FISHER**

LISA FISHER, ESQUIRE (*Pro Se*)
P.O. Box 91112
Long Beach, CA 90809-1112
562-965-3267
lfisher6736@yahoo.com

(Appellant)

APPELLANT'S MOTION FOR COSTS

I. INTRODUCTION

At the end of this court's per curium revised opinion dated January 16, 2019, the court stated that:

"This case is concluded. "

However, Respondents¹ continue to seek relief from this court, by seeking Costs.

Based on the principles in Rule 222, SCACR, this Court has authority to award costs to Appellant Lisa Fisher (and Betty Fisher, by her joinder) as follows:

"....When an appeal is affirmed or reversed in part or is vacated, **costs shall be allowed only as ordered by the appellate court.**" (Emphasis added)

Appellant Lisa Fisher ("Appellant") has filed a single opposition to the two motions for costs filed by Respondents' counsel which set forth the prejudice and harm that Appellant has suffered by this case. The underlying case was brought for the benefit and on behalf of her great aunt Alice Shaw Baker.

Respondents should not profit further in this case, as they refused to help Alice Shaw Baker in her final days, and based on this court's decision in the related case, 2017-000743, Appellant Lisa Fisher was the only person not compensated for her work--she was forced into indentured servitude for her great aunt and for the unintended benefit of Respondents.

¹ Respondents refer to Bessie Huckabee, Kay Passailaigue Slade and Sandra Byrd and Bessie Huckabee as personal representative of the Estate of Alice Shaw Baker, herein "Respondents".

For all these reasons as set forth below, further sanctions, by way of costs against Appellant, is a wrong that should not be permitted. However, as set forth in the sworn statement, the Appellants in this case incurred costs in excess of \$5,835.80. Due to the fact that the Appeal was necessary to overcome errors in law, including the sanctions awards against Appellant and her mother, costs should be awarded to Appellant, or at the very least Betty Fisher.

RELIEF SOUGHT

WHEREAS, the decision of the trial court was reversed in part and affirmed in part by the South Carolina Supreme Court in its per curium opinion revised on January 16, 2019.

The Supreme Court issued the Remittitur on February 1, 2019.

Appellant moves this Court tax costs on appeal against Respondents pursuant to Rule 222, SCACR. Appellant requests that the following costs be taxed against Respondent:

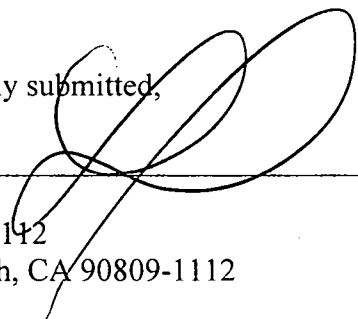
1. Costs for Printing of the Briefs and Record;
2. Costs for transcripts;
3. Filing fees;
4. Costs for mailing due to the voluminous size of the record.

Appellant in pro se has attached a sworn itemized statement of costs incurred on the attached authorized form. (4a & 4b)

Wherefore, the Appellant Lisa Fisher prays that costs on appeal in the amount of \$5,835.80 be taxed against the Respondents, Bessie Huckabee, Kay Passailaigue Slade, Estate of Sandra Byrd, in the matter of Estate of Alice Shaw Baker, for the benefit of Appellant Lisa Fisher and/or as requested by Joinder of Betty Fisher.

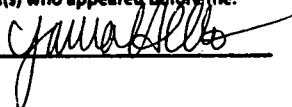
February 13, 2019

Respectfully submitted,



Lisa Fisher
PO Box 91142
Long Beach, CA 90809-1112

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California, County of Los Angeles
Subscribed and sworn to (or affirmed) before me
on this 14 day of February, 2019.
by Lisa Fisher
proved to me on the basis of satisfactory evidence
to be the person(s) who appeared before me.
Signature: 



FORM 17
ITEMIZED STATEMENT OF COSTS

THE STATE OF SOUTH CAROLINA

In The Supreme Court

BETTY FISHER AND LISA FISHER)	Appellate Case no. 2018-000566
)	
Appellants)	
)	
v.)	
)	
BESSIE HUCKABEE,)	
KAY PASSAILAIGUE SLADE,)	
AND SANDRA BYRD)	
)	
Respondents.)	
)	
IN THE MATTER OF ESTATE OF)	
ALICE SHAW BAKER)	

The Appellate Court is requested to tax the following costs for the benefit of:

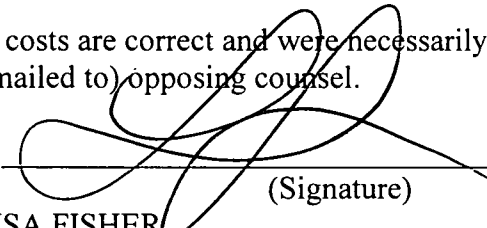
LISA FISHER and against Respondents, Bessie Huckabee, Kay Passailagiu Slade, and Sandra Byrd:

COSTS TAXABLE UNDER RULE 222, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
Cost of Printing or Copying Final Briefs	47	15 copies	\$3882.46 for all printing	
Cost of Printing or Copying Final Reply Brief	27	15 copies	see above	
Cost of Printing or Copying Record on Appeal	1659	15 copies		
Filing Fee Paid Under Rule 203(d), SCACR	3 appeals	\$100.00	\$300.00	
Cost of Court Reporter's Transcript	3/12 to 3/13	Denise Lauder	\$1,438.75	

fa

<i>see above transcript</i>	05/21/18	(825.00) (\$613.75)		
Attorney's Fee Provided By Rule 222(b), SCACR				
Other (specify and explain): Mailing and postage for record and final briefs: \$201.09 plus \$13.50 =		\$214.59	\$214.59	
		TOTAL	\$5,835.80	

I, LISA FISHER, do swear ^{and} or affirm that the foregoing costs are correct and were necessarily incurred in this action. A copy of this statement was (mailed to) opposing counsel.

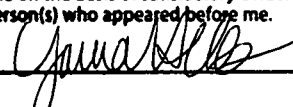


(Signature)
LISA FISHER

Subscribed and sworn to before me this _____ day of _____, 20_____.

(Seal) _____
Notary Public for _____
My Commission Expires: _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California, County of LOS Angeles
Subscribed and sworn to (or affirmed) before me
on this 14 day of February, 2019.
by Lisa Fisher
proved to me on the basis of satisfactory evidence
to be the person(s) who appeared before me.
Signature: 

 **LAURA HIELKE**
COMM. #2247266
Notary Public - California
Los Angeles County
My Comm. Expires July 20, 2022

THE STATE OF SOUTH CAROLINA

In the Supreme Court of South Carolina

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Thomas L. Hughston, Jr., Circuit Court Judge

Circuit Court Case No. 2009-CP-10-3010
Supreme Court Case No. 2018-000604

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.

**JOINDER BY BETTY FISHER IN
APPELLANT LISA FISHER'S MOTION FOR COSTS**

I BETTY FISHER do hereby join in the motion for costs filed by Appellant Lisa Fisher.

I have requested that this joinder be part of the record and agree and verify the costs were necessarily incurred.

February 14, 2019

RESPECTFULLY SUBMITTED,



BETTY FISHER (*Pro Se*)

P.O. Box 91112

Long Beach, CA 90809-1112

Jurat attached

JURAT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

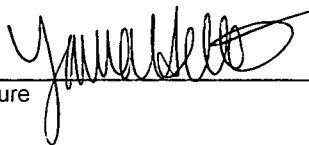
State of California

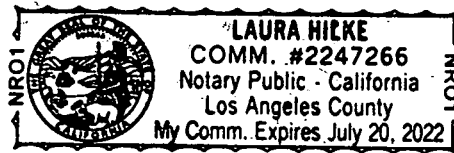
County of LOS ANGELES

Subscribed and sworn to (or affirmed) before me on this 14 day of February,

2019 by -----Betty Fisher-----,

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature  (Seal)



OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____ Document Date _____

Additional information

INSTRUCTIONS

The wording of all Jurats completed in California after January 1, 2015 must be in the form as set forth within this Jurat. There are no exceptions. If a Jurat to be completed does not follow this form, the notary must correct the verbiage by using a jurat stamp containing the correct wording or attaching a separate jurat form such as this one with does contain the proper wording. In addition, the notary must require an oath or affirmation from the document signer regarding the truthfulness of the contents of the document. The document must be signed AFTER the oath or affirmation. If the document was previously signed, it must be re-signed in front of the notary public during the jurat process.

- State and county information must be the state and county where the document signer(s) personally appeared before the notary public.
- Date of notarization must be the date the signer(s) personally appeared which must also be the same date the jurat process is completed.
- Print the name(s) of the document signer(s) who personally appear at the time of notarization.
- Signature of the notary public must match the signature on file with the office of the county clerk.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different jurat form.
 - ❖ Additional information is not required but could help to ensure this jurat is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
- Securely attach this document to the signed document with a staple.

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

PROOF OF SERVICE

I certify that I have served **APPELLANT LISA FISHER'S MOTION FOR COSTS; JOINDER BY APPELLANT BETTY FISHER** postage prepaid, on February 14, 2019 (and via email) addressed as follows:

Betty Fisher
PO Box 91112
Long Beach, CA 90809-1112
(Personal service only)

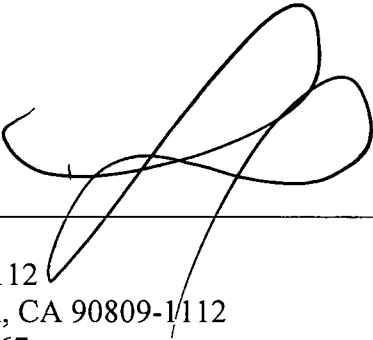
Jessica L. Crowley, Esquire
PO Box 30189
Charleston, SC 29417

W. Westbrook Wills III, Esquire
PO Box 822
Folly Beach, SC 29439

Courtesy Copy via email to:

Hon. Mary France Jowers, Esquire
Assistant Attorney General
PO Box 11549
Columbia, SC 29211

February 14, 2019



Lisa Fisher
PO Box 91112
Long Beach, CA 90809-1112
562-965-3267