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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY
COURT OF COMMON PLEAS
BENTLEY PRICE, CIRCUIT COURT JUDGE

Appellate Case No. 2021-000837

IN THE MATTER OF: Estate of Paul Brandon Barringer II

Hampton B. Luzak, ...Appellant

v.

Merrill B. Light, Merrill U. Barringer as Personal Representative of the Estate of Paul Brandon Barringer II, J. Randolph Light, Jr., Merrill B. Light as putative trustee of the Paul B. Barringer II Revocable Trust dated December 4, 1998, and Merrill B. Light as Trustee of the Merrill Barringer Light Revocable Trust, ...Respondents

--and--

Hampton B. Luzak, ...Appellant,

v.

Merrill U. Barringer, ...Respondent,

Coastal Forest Resources Company ("CFRC").....Intervenor/Respondent.

RECORD ON APPEAL
VOLUME III OF XVI

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Certificate of Counsel

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Exhibit 5

Hagler letter June 28, 2012

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ROA 000959

June 28, 2012

EMAIL: bjherring@poynerspruill.com
Mr. Bradley J. Herring
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130 South Franklin Street
Rocky Mount, North Carolina 27804-5707

RE: June 28, 2012 CFRC Board Meeting

Dear Brad:

I write this letter as the sole independent member of the board of directors of Coastal Forest Resources Company. I am not acting in any capacity as legal counsel for any board member, myself, the company, or any shareholder. As we discussed on the phone after the meeting, I must raise the following issues:

1. I do not believe the motion to remove Kevin as president and CEO of the company passed. I am not familiar with Virginia law. I have not reviewed the by-laws. However, if Kevin cannot vote on a motion terminating Kevin, and if Paul cannot vote on a motion hiring Paul, then how can either of them vote on either motion when, prior to either motion being made, Paul made a compound motion to fire Kevin and hire Paul. That compound motion made the board aware one of Paul's goals in firing Kevin was to get Kevin's job. If that were the case, then certainly both votes cause both interested directors to be in a conflict position. Therefore both votes failed with a one/one tie between Merrill and me. As director, I believe Kevin remains the CEO and president of the company.

2. I mean no disrespect to Paul, but as I discussed in the meeting, I am concerned about Paul's mental state. If Paul is voting and acting based on facts that exist in his mind but nowhere else, is his vote valid? Can the directors and the company act when a fellow director appears to be confused? On more than one occasion during the meeting, Paul actually cast his vote in the opposite way he meant to cast the vote until he was corrected and coached by whoever was in the room with him. The remaining board members and the company's attorneys heard Paul being coached in the background. And, to further complicate matters; if Merrill for some unknown reason was coaching Paul, is she conflicted out?

3. I remain concerned about the complete lack of any investigation into Paul's confusing allegations, and what I, as a director, should do or not do under these circumstances. Is it proper for Coastal Forest Resources Company corporate counsel to provide me with an opinion that I am entitled to have the company retain legal advice of my choosing to help me understand my duties as director under these unfortunate circumstances?

I repeat, I believe Kevin remains chief executive officer and president of the company until the shareholders have a meeting, successfully elect a new board, and that new board, if it so wishes, changes officers. I am curious, who has the authority to call the new board meeting if there is no CEO or president?

Very truly yours,

Michael B. Hagler

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MBH:cr

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Exhibit 6

Herring letter June 29, 2012

Poyner Spruill LLP

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bherring@poynerspruill.com

June 29, 2012

Michael B. Hagler, Esq.
Fulcher Hagler LLP
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RE: CFRC Board Meeting

Dear Mike:

Thank you for your letter dated June 28, 2012. I wanted to respond to the points which you have raised as follows:

1. The issue regarding the conflict of interest was a difficult one, which I and several of my partners reviewed at length over the last several days and have reconsidered in light of the events of yesterday and the points you raised in your letter. We found no case law which provided any guidance directly related to the issue of conflicts of interest in the context of a director voting for or against removal of himself as an officer of a corporation, but the director clearly has a financial interest in the outcome of that decision. Our opinion that a conflict existed was a considered opinion and certainly not a snap judgment made during the course of the meeting. The fact that it became obvious that if the motion to remove Kevin passed, Paul would then make a subsequent motion to have himself appointed as President and CEO does not change our opinion. We do not believe that the fact that Paul voted in favor of Kevin's removal in and of itself constitutes a conflict of interest simply because the passing of such motion would lead to a second motion in which Paul would have a conflict.

2. Your concern related to Paul's mental state and confusion is something that needs to be ultimately considered by the courts. I have not checked in the South Carolina statutes, but in North Carolina, any individual or corporation can have another individual declared incompetent, but it obviously involves a court proceeding. In the event you believe that in your role as a director this is something you should pursue, then I believe you are clearly within your right to do so.

3. Finally, with respect to CFRC retaining legal advice on your behalf, I do not see anything in the Bylaws which provides for reimbursement of legal expenses in the context of your fulfilling fiduciary duties or performing other actions which you might be taking as a director. Likewise, I am unable to find anything in the Virginia statutes authorizing or requiring a corporation to retain legal counsel for directors. There are provisions for reimbursement of expenses of a director who is a party to a proceeding involving the director's potential liability in his capacity as a director, which is different from the current situation. I understand that Merrill has obtained separate counsel to advise her, and if CFRC has agreed to reimburse her for those expenses, I believe it, however, would be appropriate for CFRC to reimburse you and any other director who desires to retain separate counsel. That would be something CFRC would have to voluntarily agree to do.

With all due respect, I disagree with your conclusion that Paul was conflicted in voting for Kevin's removal. I recognize the possibility that my position may be incorrect, and I told Kevin of my position on conflicts of interest prior to the meeting and have also discussed it with him this morning, and in both

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Poyner Spruill LLP

instances indicated that the issue ultimately could be determined in a court proceeding if he or any other director were so inclined.

Also, with respect to calling a new board meeting, you have raised an interesting question in that the Bylaws indicate a board meeting shall be held upon the call of the President. If there is no President, it follows that a special meeting cannot be called, unless all directors consent, or unless a vice-president is authorized to act on behalf of the president if that office is vacant (which is not addressed in the bylaws or statutes). As a practical matter, it would appear that if a meeting of the board were held and further action was proposed relating to Kevin's removal (or reinstatement) by Paul, the results would be the same.

I welcome and appreciate your input on these issues.

Very truly yours,

Bradley J. Herring
Partner

BJH:nmm

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Exhibit 7

Hagler e-mail July 1, 2012

From: Kevin Luzak kluzak@clrc.co
Subject: Fwd: 120701 CFRC board issue - Paul
Date: July 1, 2012 at 2:59 PM
To: Hampton Luzak hamptonluzak@me.com

Kevin Luzak

Begin forwarded message:

From: <MHagler@fulcherlaw.com>
Date: July 1, 2012 2:25:38 PM EDT
To: <merrillig@aol.com>
Cc: <kluzak@clrc.co>, <BHerring@poynersprulll.com>
Subject: 120701 CFRC board issue - Paul

Dear Merrill,

<<120628 Brad - Opinion on Vote.pdf>> <<120629 Brad response.pdf>>

Attached is my letter to Brad objecting to the CFRC board vote and his reply.

Merrill, you might consider this an unwelcome intrusion into an unfortunate family matter, but it has been brought to the company board. I respect both Paul and Kevin and their management of company affairs. You have all three been very kind to me over the years. I simply need more facts.

The person who attended the April board meeting, who called me last Saturday, and who attended the meeting Thursday was not Paul. He is in Paul's body, but he seems to be ill and not thinking or acting rationally. I know you love and respect your father very much, but, if he is ill, following his lead down this possibly destructive path does not protect him. Would you allow him to drive if he were suddenly blind?

The current course of action may harm your father and the company he loves so much. I understand it must be extremely difficult to disagree with your father, but we must act in the company's best interest. And I cannot know how to do that if you do not vote for an investigation. Do you know something about the situation that has not been discussed or disclosed to me? Is there something I do not understand?

From my observations, your father does not seem to be acting rationally. If he is not, allowing him to run the company may have a substantial negative effect on its value. What if he next misunderstands the company's management team and fires them? Or worse, what if they hesitate to contradict your father for fear of retribution and follow some irrational order. Could this harm your future; your children's; your father's?

My choices are limited. I could do nothing. If you vote with your father in the shareholders' meeting, then it may all be for naught anyway. I could try to convince you to change your investigation vote and delay the shareholders' meeting until the investigation is complete. This seems the path of least resistance for the company and the Barringer family. But again, perhaps I am missing something.

I contacted Virginia corporate counsel yesterday to examine my duty and whether I must pursue an injunction requesting a Virginia court rule on the conflict issue, enjoin Kevin's removal, notice your and your father's depositions, require the production of evidence, and rule on your father's capacity to vote his shares.

Merrill, I urge you to reconsider what is best for your father, your family, and the company.

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Exhibit 8

Hampton Luzak letter July 6, 2012

6 July 2012

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Hilton Head, SC 29928

Mrs. Merrill B. Light
9 Wild Heron Point
Hilton Head, SC 29928

Mr. Michael B. Hagler
Fulcher Hagler LLP
One 10th Street
Augusta, GA 30901

Mr. Kevin M. Luzak
167 East 71st Street
New York, NY 10021

Dear Dad, Merrill, Mike, and Kevin,

I write this letter as a shareholder of Coastal Forest Resources Company ("Coastal") to demand that the board take immediate action to address my father's incapacity due to illness to serve as a Coastal board member or officer, and to remedy the breaches of fiduciary duty which occurred at the June 28, 2012 board meeting. This includes postponing the shareholder's meeting noticed (although deficiently) for July 16, 2012, and taking steps to assure that Coastal has leadership during this period of transition by affirming that Kevin Luzak continues to serve as President and CEO until the board can act on an informed basis to determine whether Coastal's best interests are served by a change.

The past several weeks have been very difficult for my family and, I would imagine, for Coastal. I have been in a nightmare that won't seem to end. I am watching my father's illness progress at a shocking pace, I see my family making terrible decisions with respect to taking care of him, and I see the effect that these misguided decisions are having on Coastal and everyone involved with it. The last thing that I ever wanted to do was write a letter discussing what could and should have been handled as a private family matter. Kevin and I have made every effort to convince my family to confront my father's disease in a way that is best for his health while preserving his dignity and preventing damage to Coastal, but my family appears unable or unwilling to do the right thing here. I am therefore forced to

make this formal demand for action and to lay out the facts which can no longer be ignored.

My father has been undergoing treatment for dementia for quite some time. We recently learned in a meeting that I attended with an MUSC neurologist that my father has been diagnosed as suffering from a form of Alzheimer's Disease. I, my mother, and my sister have been aware of his condition for several months.

As a family, we have had every opportunity to address my father's health, and to make the changes that it necessitates in his everyday life, privately. One of these changes is the need to transition him, with all of the dignity and respect that he deserves, out of his role as a fiduciary for the company that he created and built with such success. A man who is suffering from Alzheimer's Disease is not capable of serving as a fiduciary or officer making decisions that impact the lives of hundreds of employees or the financial the position of and shareholders.

We have, as a family, unfortunately found it impossible to come to grips with the reality of his illness. We have not been able to make a decision that is excruciatingly painful but absolutely and clearly necessary – the decision to confront my father with his disease and to focus his attention away from business and toward taking steps to protect his health and wellbeing.

The results of this failure to act promptly and appropriately are becoming vividly clear. My family voted at the June 28 board meeting to fire Kevin on the basis of a combination of delusion, deep confusion, and ridiculous and unfounded challenges to his character. My family voted down a motion that the board obtain an independent third party to investigate these allegations so the board could make responsible decisions on an informed basis. Worse, my family voted in favor of a motion to install my father, who has Alzheimer's Disease, as President and CEO of the company. The shareholders are now being asked to elect a board designed to ensure that my father, despite his condition, is elected to replace Kevin as President and CEO. These actions constitute serious breaches of fiduciary duty that must be remedied immediately.

I cannot allow my family to jeopardize my father's reputation and his stature by putting him in a position to unknowingly cause extraordinary damage to his life's work and to the people and the institutions that are its stakeholders. Moreover, I cannot permit my sister to assume the extraordinary liability that will rest with her and her husband for any damage that occurs as a result of their electing my father as President and CEO with knowledge of his impaired condition. My parents have placed her in an unimaginably difficult position that is simply not fair.

My husband is an honest and honorable man who has been involved with Coastal for more than 18 years. He has been a strong and loyal partner to my father, and has taken greater and greater responsibility over the past eight years, when he has been president and later CEO of the company. My father has thrown out a laundry list of

delusional and unfounded accusations, starting with an event that never occurred. He believes that Kevin threw him and Merrill out of the April 22 board meeting, and that one of the meeting attendees threw a book at Merrill. This event NEVER OCCURRED. You directors were in the room; you all know that it did not occur.

He has also apparently believes that Kevin was trying to kick him out and sell or take control of the company. He bases this accusation on a pile of papers that he thinks he "discovered" that outlines the plot. The papers that he discovered had actually been given to Merrill by Kevin, and were copies of pages from presentations made at the February 2012 board meeting, which my father chaired, and a March 2011 executive committee meeting that he attended. He has no recollection whatsoever of either meeting, or of ever having seen any of the materials that he "discovered."

My father also objects to the strategy that Kevin has been pursuing (in a fully transparent manner with knowledge of the board) to diversify the company's operations in an effort to grow the business and to generate larger and less risky cash flow. All of us, including Kevin, are willing to honor this objection and to refocus on core operations if that's what the board wants us to do. However, my father has implied that Kevin was pursuing this strategy behind backs of the board and shareholders, which is absolutely untrue. The presentation that he "uncovered" from the March 2011 and February 2012 meetings were only two among many examples of presentations that Kevin has made to the executives, to the board, and to my family outlining his goals and the manner in which he wanted to achieve them (including detailed budgets). We all knew exactly what he was doing, and my father simply forgot about it.

Lastly, my father recently characterized Kevin as the "greediest person he has ever met." He bases this comment on the allegation that Kevin asked for a check for $1 million at the last board meeting. This request NEVER OCCURRED. My father was also put off by Kevin's request that an independent compensation committee be formed by the board and that this committee work with an independent compensation advisory firm to evaluate Kevin's compensation. Kevin did in fact make this request, and he was motivated by the desire to put in place a process that would give shareholders confidence that his compensation was independently set and was reasonable. I cannot understand how this proposal can in any way be thought of as "greedy."

Kevin has attempted to deal with my father's accusations in a responsible and respectful way. Several weeks ago, following my father's attempt to terminate him as CEO but prior to the recent board attempt to terminate him as president, Kevin asked that the Company retain an independent, qualified third party to examine my father's allegations. The motive behind this request was very clear – he wanted to give us all a chance to gain the facts, which clearly demonstrate that my father is confused, has a severely deteriorated short-term memory, and is suffering from

delusions. Having done so, it was Kevin's hope that everybody would be able to move on to confront and deal with the illness. This request was refused.

I then made the same request, privately, to my sister and my father. My motivation was the same. I wanted to get the facts on the table so that we would all be able to confront them and make the right decisions. I did not receive an answer from either of them. It is not fair to Kevin or Coastal's shareholders to leave these allegations of wrongdoing unaddressed, or to bury the truth of my father's mental impairment when so much is at stake.

Finally, Kevin called a board meeting on June 28 to formally request that the board authorize an independent investigation into my father's allegations. This board meeting was the first instance in which a person outside of the family, Mike Hagler, was made aware of my father's actions and his intent. Mike responded as any director who is aware of his fiduciary obligation to stakeholders must respond in this situation. He agreed an investigation should take place so that the board could act on an informed basis. In the email he sent to Merrill after the board meeting, he made note of my father's obvious confusion and his inability to distinguish fact, and was uncomfortable about what he thought was a great deal of "coaching" of my father during the board call by my mother and my sister. Mike and Kevin voted for the investigation, my father voted against it. My sister joined my father in voting against Kevin's proposal, which was therefore set aside.

Merrill's vote was extremely upsetting to me because she is very aware of the reality of our situation. She has told me many times, though, that she feels she cannot go against my father's wishes. She has had a great deal of guilt placed on her, and she also feels that it's my father's company to do with as he wants. However, despite my father's enormous past contributions, Coastal is the shareholder's company, not my father's, and Merrill's fiduciary responsibility requires her to act in accordance with the best interests of the company and its shareholders, rather than from a sense of parental loyalty that is misguided even if well intended.

The idea that the family does not want my father's allegations against Kevin to be examined speaks volumes. They will apparently go to any length to hide my father's illness. They will sacrifice my husband despite his unqualified success at building and running CFRC, which just enjoyed what I am told are its highest monthly and highest quarterly earnings ever. They will jeopardize the livelihood and financial condition of all of the company's employees and stakeholders. These actions will place my sister in a position where she will bear liability for any financial damage done to these stakeholders by my father should he gain control of the company. And finally, they will abandon me and my son, throwing us to the curb with Kevin.

And to what end? To keep a secret for a few weeks or months? I cannot not permit this to happen. There is too much at stake for all concerned.

I have presented the facts to all of you to consider once more before you move a single step further down this path. My family is making a huge mistake that is literally unbelievable. They must stop and consider what they are doing and they must address my father's health issues rather than try to hide from them.
I therefore demand that the board take immediate and appropriate action to remedy the breaches of fiduciary duty which occurred at the June 28 board meeting, and to stop any further breaches of fiduciary duty from occurring. First, the board should take all necessary steps to address my father's incapacity to serve as a Coastal board member or officer. The shareholder meeting deficiently noticed for July 16 should be postponed, and a suitable replacement for my father should be identified to take his place on the board. Until this board transition occurs, the board should affirm that Kevin continues to serve as President and CEO until the board can act on an informed basis to determine whether Coastal's best interests are served by a change. (The vote on Kevin's removal at the June 28 board meeting deadlocked 2-2, and Mr. Herring was not authorized by the board or qualified to render an opinion on Virginia law or to nullify the vote. Further, Mr. Herring has acknowledged in a letter to Mr. Hagler that his opinion nullifying Kevin's vote has no support in the case law, and that his position may be incorrect.) If an independent board acting solely in the best interest of Coastal determines that a leadership change is warranted, Kevin will assist, if requested, in identifying a person suitable to take his place, which he would do as quickly as possible. If the board has any doubt about Kevin's performance based upon my father's allegations, I (and he) would continue to welcome a thorough and independent review of each and every one of these allegations and would ask that you authorize it immediately.

It is time to make the right decision, and to do what is right for my father and his legacy. As a shareholder, I must and will hold the board accountable for their actions as fiduciaries for the Coastal shareholders.

Sincerely,

Hampton

cc: Mr. Bradley J. Herring
Poyner & Spruill LLP
P.O. Box 353
Rocky Mount, NC 27802

Mr. Michael R. Smith
King & Spalding LLP
1180 Peachtree Street, NE
Atlanta, GA 30309

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Exhibit 9

Kevin Luzak letter July 6, 2012

July 6, 2012

Mr. Bradley J. Herring
Poyner & Spruill LLP
P.O. Box 353
Rocky Mount, NC 27802

Dear Brad:

I write to express my concern regarding your role in the leadership and governance crisis currently existing at Coastal Forest Resources Company ("CFRC" or the Company), for which you serve as counsel, and to instruct that you cease participation in the attempt to hold a special shareholders meeting to change the board membership.

As you know, the CFRC Board held a special meeting on June 28, 2012 to address allegations of misconduct made against me by CFRC director Paul Barringer. Several of these allegations related to the April 22, 2012 board meeting which you attended in person. Paul alleges that I threw him and Merrill out of that board meeting, and that someone "threw a book" at Merrill. As a participant in that meeting, you have first hand knowledge that neither of those actions occurred.

At the June 28 board meeting, I made a motion that the board take the responsible action of engaging an independent third party to investigate the allegations of wrongdoing that Paul made against me. Rather than counsel the board regarding its fiduciary responsibility to become fully informed before taking action, or offering your own recollection of the events which transpired at the April 22 board meeting to refute Paul's delusional allegations, you stood by silently as Paul called for a vote on the motion. Further, despite Paul's obvious self-interest in avoiding an independent investigation to determine the validity of the baseless charges he made against me, you offered no opinion on whether Paul was a disinterested director for purposes of the motion to investigate his allegations.

You also stood by silently as Paul used allegations you knew to be unfounded as part of the basis for a motion to remove me from my positions with CFRC and to appoint himself as President and CEO. At this point, without a request or authorization from the board, you volunteered your interpretation of Virginia corporate law regarding who would be considered a "disinterested director" for purposes of Paul's motion. When the motion to remove me from my offices deadlocked at 2-2, you intervened, again without request or authorization from the board, to nullify my vote and unilaterally declare that the motion to remove me carried 2 to 1.

I have since learned that you have acknowledged that your views lack case law support and that you are not qualified to render opinions on Virginia law. In an undated letter you wrote in response to Mr. Hagler's letter to you dated June 28, 2012 questioning your conflict of interest opinions, you acknowledged that you had found "no case law

which provided any guidance" related to the director conflict of interest issues on which you opined and apparently based your unauthorized action in purporting to nullify my vote. Even after admitting that your positions have no support in case law, you did not articulate what, if any, other authority does support your determination that the vote of an interested director can or must be disregarded under Virginia law, or that you had the power to nullify my vote. Further, you candidly acknowledged that your position "may be incorrect." I am certainly not aware of any provision of Virginia corporate law or the CFRC By-Laws which precludes a director with interest in a matter under consideration from voting on that matter, or which requires that such vote be disregarded.

I am concerned that you did not disclose this information or otherwise qualify your opinions at the board meeting. I am also concerned that you did not disclose when offering your opinions on Virginia law that you are not a member of the Virginia bar, and that the only jurisdiction in which you are admitted to practice (according to your website) is North Carolina.

Not only did the board not request or authorize you to determine whether any votes at the June 28 meeting should be nullified, the board has never bestowed on you any power or authority to break director voting deadlocks, or serve as arbiter of a dispute among board members regarding whose votes shall be counted under Virginia law or the CFRC By-Laws.

Your actions and determinations at the June 28 board meeting regarding whether my vote counted on the motion to remove me were both unauthorized and legally erroneous, and must therefore be disregarded. For these reasons, I am in agreement with Mr. Hagler's position set forth in his June 28 letter that the motion to remove me from my offices at CFRC failed to pass and that I therefore remain President and CEO of CFRC.

Finally, I am becoming concerned that you have lost sight of your obligation to act on behalf of CFRC rather than on behalf of any particular CFRC board member or shareholder. Hampton recently received from you a Memorandum and a document titled Notice of Special Shareholders' Meeting which purports to call a special shareholders' meeting on July 16, 2012. The Notice is deficient in several respects, and does not identify who is calling the meeting or why they have the right to call a special meeting. You certainly do not have the right to call a special shareholders meeting under the CFRC By-Laws. Further, as calling and noticing a special shareholder meeting in this instance is not an action of the board or CFRC, but can only be individual action by one or more shareholders, you do not have the authorization as counsel for CFRC to act on behalf of one or more shareholders instead of the corporation.

I believe your actions at the June 28 board meeting and in working individually with Paul and/or Merrill (if that is the case) to aid them in attempting to call a special shareholders' meeting demonstrate that you may have a conflict of interest that disables you from representing the corporation or any shareholder in connection with the special meeting.

As President, CEO, and a director of CFRC, I instruct that you cease all participation in the attempt to hold a special shareholders meeting in connection with the Notice you circulated, and that you cease providing any individual shareholder counsel or assistance in connection with such a meeting.

Finally, as set forth above, you have taken several actions to support Paul and Merrill's attempt to remove me from my offices and from the board and to install Paul as President and CEO of CFRC. You have taken these actions despite having witnessed Paul's erratic and confused behavior beginning with the April 22 board meeting, which continued at the June 28 meeting. You have received notice that Paul has been diagnosed as suffering from a form of Alzheimer's Disease. Should CFRC and its shareholders suffer damages from CFRC board actions which interfere with the performance of my duties as an officer of CFRC, or which result in my removal from, and Paul's election to, the offices of President and CEO of CFRC, you will be held accountable for facilitating these wrongful actions and aiding and abetting breaches of fiduciary duty.

Sincerely,

Kevin M. Luzak

cc: Michael R. Smith
King & Spalding LLP

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Exhibit 10

Herring letter July 9, 2012

Poyner Spruill LLP

Bradley J. Herring
Partner
D: 252.972.7081
F: 252.972.7045
bherring@poynerspruill.com

July 9, 2012

Mr. Paul B. Barringer II
14 S. Calibogue Cay
Hilton Head Island, SC 29928

Ms. Merrill Barringer Light
9 Wild Heron Point
Hilton Head Island, SC 29928

Michael B. Hagler, Esq.
Fulcher Hagler LLP
Post Office Box 1477
Augusta, GA 30903-1477

Mr. Kevin M. Luzak
167 East 71st Street
New York, NY 10021

RE: Coastal Forest Resources Company

Dear Paul, Merrill, Mike and Kevin:

I am writing this letter to notify each of you as directors of Coastal Forest Resources Company ("CFRC") that effective immediately I am withdrawing from representing CFRC and am resigning in my capacity as assistant secretary of CFRC. I am enclosing herewith a copy of a letter which I received from Kevin calling into question my role in the current shareholder dispute and certain actions taken at the June 28 board meeting, and while not conceding any points which Kevin has raised, I believe it is in the best interest of CFRC that I withdraw as its counsel and resign as its assistant secretary.

Separate counsel should be retained by CFRC immediately to advise it with respect to the actions taken at the June 28 board meeting and in connection with the upcoming special shareholders meeting. In particular, Kevin has indicated he believes the notice of the shareholders meeting was deficient, and separate counsel should be consulted to determine whether the notice was defective in any respect and if the meeting should be rescheduled after a new notice has been sent to the shareholders.

Poyner Spruill LLP

I deeply regret having to take this action, and hope you will be able to resolve your disputes.

Very truly yours,

Bradley J. Herring
Partner

BJH:nmm

Enclosure

cc: CFRC Shareholders
John M. Jolley, McNair Law Firm
Michael R. Smith, King & Spaulding LLP

RESIGNATION OF ASSISTANT SECRETARY OF COASTAL FOREST RESOURCES COMPANY

The undersigned does hereby resign as Assistant Secretary of Coastal Forest Resources Company effective immediately.

Bradley J. Herring

Date: July 9, 2012

Sworn to and subscribed before me
this 9th day of July, 2012

Nell Marshburn
Notary Public

NELL MARSHBURN
NOTARY PUBLIC
Nash County, NC

My Commission Expires: 1.24.2015

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Exhibit 11

Hagler letter July 12, 2012

219

Fulcher Hagler LLP
ATTORNEYS AT LAW SINCE 1946

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
Post Office Box 1477 · Augusta, Georgia 30903-1477
One 10th Street, Ste. 700 · Augusta, Georgia 30901
Telephone: (706) 724-0171

Direct Fax: (706) 396-3615
Email: mhagler@fulcherlaw.com
Admitted in GA only

ROA 000981

July 12, 2012

EMAIL:
Mr. Paul B. Barringer, pbb@coastalforestresources.com
Ms. Merrill B. Light, merrilllig@aol.com
Mr. Kevin M. Luzak, kluzak@archerholdings.com

RE: Coastal Forest Resources Company ("CFRC")

Dear Paul, Kevin, and Merrill:

We are all familiar with the June 28, 2012 CFRC board meeting and the multiple subsequent letters, i.e. my letter to Brad, his reply, my letter to Merrill, Hampton's recent letter to the board, Kevin's letter to Brad and Brad's to the board. I have no reason to repeat the details of the meeting or those letters here. However, I must press my concerns as a director of CFRC. I continue to question the board's actions in its June 28 meeting. I disagree with our former corporate counsel's ruling on the conflict of interest issue. I believe Kevin remains president and CEO of the company.

Respectfully, I demand the following:

1. The board must authorize and pursue an independent investigation into all facts surrounding the current situation. I cannot in future meetings be expected to vote responsibly on any matter without being fully informed with adequate information from a reliable source. Current and future board members cannot vote responsibly on a matter without being fully informed. If Hampton's statements are correct, the board not only has inadequate information, but apparently individual board members may be withholding information from the board.

If Paul, Merrill, and perhaps soon to be Randy, have justifiable and verifiable information to (a) remove Kevin as president and CEO, and (b) appoint Paul then I must be fully informed of that information. And, based on the allegations flying back and forth between family members, I must be allowed a full independent investigation to confirm the information before the next board meeting. We should not vote to remove Kevin without knowledge of facts surrounding his removal, and reasons for his removal. We should not vote to appoint Paul without investigating his current mental state. Before voting, we should be advised of any conflicts which may affect how a director votes.

I have personally observed behavior in at least two board meetings and in my call with Paul two weeks ago which suggests that there are issues with his mental capacity. Hampton's letter now offers confirmation of my observations.

2. I need to retain and CFRC shall fund independent counsel of my choosing to provide me with advice and direction regarding my fiduciary duties, as a director, under the current situation. I consider myself the sole outside director and being asked to make judgments on matters on which I am currently uninformed – both factually and legally. The company must provide me with counsel and must provide that counsel quickly.

ROA 000981

3. A copy of CFRC's current directors and officers insurance policy. For multiple reasons, my counsel and I need to review the policy.

Lastly, I urge the CFRC board members and the shareholders to promptly adopt a course which informs everyone and enables them to fully understand, and then satisfy, their duties here – which I believe is to primarily act in the best interest of CFRC and all of its shareholders. Otherwise, I foresee the danger of CFRC being damaged – and ensuing claims, litigation, etc. For starters, since the notice of the shareholders meeting (scheduled for 7/16) may have been improper, and for reasons stated above, I suggest that this meeting be cancelled. Also, in light of Brad's resignation and thus the board's having no counsel to advise it, I suggest the board needs to retain Virginia counsel promptly for representation.

Thank you.

Very truly yours,

Michael B. Hagler

MBH

cc: Mr. Brad J. Herring, Email: BHerring@poynerspruill.com
Mr. John M. Jolley, Email:jjolley@mcnair.net
Mr. Michael R. Smith, Email: mrsmith@kslaw.com
Mrs. Hampton Luzak, Email: hamptonluzak@me.com

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Exhibit 12

Hagler e-mail August 3, 2012

From: MHagler@fulcherlaw.com [mailto:MHagler@fulcherlaw.com]
Sent: Friday, August 03, 2012 10:12 AM
To: JJolley@MCNAIR.NET; pbb@cfrc.co; merrillig@aol.com
Cc: tbryant@cfrc.co; Bayler, Mason; Gwathmey, John Owen
Subject: 120803 MBH response Proposed Board Resolutions

Dear John,

I am back in the office. I have reviewed the proposed resolution and offer the following comments which I intend to repeat in the meeting and which should be included in the minutes:

In my opinion, Paul Barringer is ill, and his judgment is impaired. I personally experienced this at the last regular directors' meeting held in Charleston. I heard it in the telephonic meeting held in June. I believe Merrill and her husband, Randy, are exercising poor judgment. My earlier letters speak for themselves. I have no need to repeat what was contained in those letters, however until there is an independent investigation surrounding the facts of Kevin's termination, and why the other board members feel the need to hire Travis as his successor, I cannot be comfortable with this decision.

By all accounts, Travis is an excellent CFO, but the board is now elevating Travis above Tom Evans and his other equals in the company's professional management. I fear this sort of shakeup in company management will affect the company's performance. I am concerned Travis is a puppet. Given the circumstances of his appointment, he will have no choice but to follow Paul's lead, or suffer termination if he incurs Paul's irrational wrath.

I have been informed Troutman Sanders represents Merrill and Paul. I understand Merrill has not sought independent advice. She and her father clearly have a legal conflict of interest. Again, this shows poor judgment on her part.

Who is serving as corporate counsel? What advice has the company received concerning the validity of the recent meetings and developments to date?

Mike

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Exhibit 13

Intentionally Omitted

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Exhibit 14

Hagler letter August 23, 2012

Fulcher Hagler LLP
ATTORNEYS AT LAW SINCE 1946

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
Post Office Box 1477 • Augusta, Georgia 30903-1477
One 10th Street, Ste. 700 • Augusta, Georgia 30901
Telephone: (706) 724-0171

Direct Fax: (706) 396-3615
Email: mhagler@fulcherlaw.com
Admitted in GA only

August 23, 2012

EMAIL: tbryant@coastalforestresources.com
Mr. J. Travis Bryant
Coastal Forest Resources Company

RE: Resignation as a CFRC Director

Dear Travis,

Having considered the multiple issues facing CFRC and its Board and my role/position as a director, I have decided to resign. I see no need to raise these issues in this letter. My views are documented and, I believe, well understood. Please accept this as my letter of resignation as a CFRC director effective immediately. I have enjoyed my tenure and wish everyone the best as the company goes forward. I would like to receive a copy of the last Board minutes.

As you may be aware, I previously requested Coastal hire independent Virginia legal counsel to represent the company and provide independent advice to the board. This request was ignored. I also requested Coastal hire counsel to provide me guidance. This request was ignored. I was forced to hire Virginia counsel to guide me, as a director, through the unfortunate set of events. Attached is his cover sheet for his statement. I have paid the bill. Please reimburse me within the next 30 days.

Very truly yours,

Michael B. Hagler

MBH:cr
Attachment

cc: Mr. Paul B. Barringer, Email: pbb@coastalforestresources.com
Ms. Merrill B. Light, Email: merrilllig@aol.com
Mr. Randy Light, Email: rlight@islc.net

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Exhibit 15

Stock Power

STOCK POWER

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, **Paul B. Barringer, II, Co-Trustee of the Paul B. Barringer Revocable Trust**, dated December 4, 1998, as amended ("**Assignor**") hereby assigns, transfers, and conveys 38,271 shares of his right, title, and interest in and to his shares of stock in **Coastal Forest Recourses Company**, a Virginia corporation ("**Corporation**") which consists of a total of 38,272 shares of voting common stock represented by Share Certificate number fourteen (14) and Assignor to **Merrill Barringer Light, Trustee of the Merrill Barringer Light Revocable Trust**, dated February 1, 2008 ("**Assignee**") and hereby irrevocably appoints John M. Jolley, as his attorney in fact to transfer said Shares on the books of the Corporation with the full power of substitution.

IN WITNESS WHEREOF, the undersigned executes this Stock Power this 11th day of September, 2012.

Witnesses:

Merrill V. Barringer

Sharon E. Potts

Assignor:

Paul B. Barringer Revocable Trust

By: Paul B. Barringer II
Paul B. Barringer, Co-Trustee

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09/04/2012

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BEAUFORT COUNTY, SC

Exhibit 16

Assignment of Shares

Assignment of Shares

This Assignment of Shares ("**Assignment**"), effective as of the 11th day of September, 2012, is entered into by and between **Paul B. Barringer, II, Co-Trustee of the Paul B. Barringer Revocable Trust**, dated December 4, 1998, as amended ("**Assignor**"); **Merrill Barringer Light, Trustee of the Merrill Barringer Light Revocable Trust**, dated February 1, 2008 ("**Assignee**"); and **Coastal Forest Recourses Company**, a Virginia corporation ("**Corporation**").

Whereas, Assignor presently holds 38,272 shares of the issued and outstanding shares of stock in the Corporation ("Shares") of all issued and outstanding shares of stock in the Corporation.

Whereas, Assignor desires to assign and Assignee desires to receive 38,271 Shares of Assignor's Shares in the Corporation.

Now, Therefore, for good and valuable consideration, the receipt of which is hereby acknowledged, Assignor and Assignee agree as follows.

1. **Assignment of Shares**. Assignor hereby assigns 38,271 Shares of Assignor's Shares in the Corporation to Assignee. Assignor represents and warrants that the Shares hereby assigned to Assignee are owned by Assignor and such transfer is free and clear from any and all encumbrances of any nature whatsoever and that Assignor has full power and authority to assign and transfer the Share to Assignee.

2. **Miscellaneous Provisions**.

2.1 Applicable Law. This Assignment is to be performed in the State of South Carolina and shall be governed by and construed in accordance with the laws of the State of South Carolina. Any action brought to enforce or interpret this Assignment shall be brought in the court of appropriate jurisdiction in Beaufort County, South Carolina.

2.2 Construction and Interpretation. If any provision of this Assignment require judicial interpretation, it is agreed that the court interpreting or considering same shall not apply the presumption that the terms hereof shall be more strictly construed against a party by reason of the rule or conclusion or agreement that a document should be construed more strictly against the party who itself or through its agent prepared the same. It is agreed and stipulated that all parties hereto have participated equally in the preparation of this Assignment [and the documents and exhibits contemplated hereunder]and that legal counsel was consulted by each party before the execution of this Assignment.

2.3 Captions and Heading. Captions, headings or titles to sections or paragraphs used herein are for convenience and shall not be deemed to limit or alter any provision hereof.

2.4 Successors and Assigns. This Assignment and the terms and provisions hereto shall insure to the benefit of and be binding upon the parties hereto and their respective successors, heirs and assigns.

2.5 Entire Agreement. This Assignment embodies the entire agreement and understanding of the parties hereto relating to the subject matter hereof and supersedes all prior representations, agreements and understandings, oral or written, relating to such subject matter. Each party hereto represents and warrants to the other party that it is not relying on any promises, covenants, representations or agreements, oral or written, which are not set forth in this Assignment.

Assignor and Assignee execute this Assignment as of the date first above written.

Assignor:

Paul B. Barringer Revocable Trust

By: _____
Paul B. Barringer, II, Co-Trustee

Assignee:

Merrill Barringer Light Revocable Trust

By: _____
Merrill Barringer Light, Trustee

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2019 MAY 29 PM 1:48
PROBATE COURT
BEAUFORT COUNTY, SC

Exhibit 17

Hampton Luzak letter to Board
dated November 8, 2012

November 8, 2012

Board of Directors
Coastal Forest Resources Company
8007 Florida-Georgia Highway
Havana, FL 32333

I am distressed by recent developments at CFRC and, with no other outlet to express my views as a shareholder I am submitting my views to the directors who have a fiduciary duty to protect my interests.

I requested, and received, the minutes of the meetings of the board of directors that have taken place since Merrill Light removed my husband, Kevin Luzak, from the board and replaced him with her husband, Randy Light. You will recall that she effected this change by voting her shares and my father's shares through the power of attorney that he assigned to her.

I understand through the minutes of the board meeting that was held on August 29, 2012 that the directors maintain that they have elected Travis Bryant, the current CEO, President, and CFO of CFRC, to the board. I find it incredible that I have to point out to the directors that shareholders, not directors, elect the members of the board. Please refer to Article II Section 3 of the Coastal Forest Resources Company By-Laws as Revised to February 14, 2005 to confirm that this is indeed the case with CFRC. **Directors have a fiduciary obligation to represent the interests of shareholders, not their own interests as directors.** Your brazen attempt to usurp so basic a shareholder right as the election of directors lies beyond comprehension.

I recently received a very large distribution from CFRC that was described in an accompanying email as a "special dividend". Although unprecedented and several million dollars in aggregate, this distribution came with no explanation or rationale. My father was consistently focused on reinvestment and growth while he was running the Company and would never have supported such a distribution. I am extremely distressed that among the very first decisions of the newly constituted board, acting in part through the power of attorney that he has granted to Merrill Light, is the approval of a distribution of this magnitude.

Finally, I understand that CFRC has appointed John Jolley to act as counsel for the company. I understand that Mr. Jolley has acted and may at present act as a representative of the personal interests of certain shareholders and directors. These dual roles present a clear conflict of interest and I demand that Mr. Jolley be replaced immediately.

No individual owns more stock in CFRC than I do. I demand that my interests be considered and protected by the directors of this company. I am very concerned by the path that you have chosen to follow since Merrill Light took control of the board. I remind you of your fiduciary obligations to me and all of the shareholders and insist that you honor them without fail.

Sincerely,

Hampton Luzak

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PROBATE COURT
BEAUFORT COUNTY, SC

Exhibit 18

Paul Barringer Will
dated February 5, 2015

LAST WILL
OF
PAUL B. BARRINGER, II

John M. Jolley, Esquire
McNair Law Firm, P.A.
Post Office Drawer 3
Hilton Head Island, South Carolina 29938
(843) 785-2171

LAST WILL AND TESTAMENT
OF
PAUL B. BARRINGER, II

Introductory Clause. I, **Paul B. Barringer, II,** a resident of and domiciled in the County of Beaufort and State of South Carolina, do hereby make, publish, and declare this to be my Last Will and Testament, hereby revoking all Wills and Codicils at any time heretofore made by me.

I am married to **Merrill U. Barringer** and I have three living children: **Victor C. Barringer**; **Hampton Barringer Luzak**; and **Merrill Barringer Light.**

ITEM I
PAYMENT OF DEBTS

Direction to Pay Debts with Discretionary Refinancing by Personal Representative. I direct that all my legally enforceable debts, secured and unsecured, be paid as soon as practicable after my death. I direct that my Personal Representative may cause any debt to be carried, renewed, and refinanced from time to time upon such terms and with such securities for its repayment as my Personal Representative may deem advisable taking into consideration the best interest of the beneficiaries hereunder. If at the time of my death any of the real property herein devised is subject to any mortgage, I direct that the devisee taking such mortgaged property shall take it subject to such mortgage and that the devisee shall not be entitled to have the obligation secured thereby paid out of my general estate.

ITEM II
PAYMENT OF TAXES

I direct that:

(1) **Direction to Pay All Taxes from Residuary Estate.** Except as provided in (2) herein, all estate, inheritance, succession, death, or similar taxes (except generation-skipping transfer taxes) assessed with respect to my estate herein disposed of, or any part thereof, or on any bequest or devise contained in this my Last Will (which term wherever used herein shall include any Codicil hereto), be paid out of my residuary estate and shall not be charged to or against any recipient, beneficiary, transferee or owner of any such property or interests in property included in my estate for such tax purposes. If my residuary estate is inadequate to pay such taxes, they shall be paid from the assets of my Revocable Trust.

(2) **Apportion Taxes on Nonprobate Property. QTIP Marital Trust to Pay Full Share.** All such taxes in respect to any property or interests in property included in my gross estate under sections 2035, 2036, 2037, 2038, 2039, 2040, 2041, and 2042 of the Internal Revenue Code shall be charged against and paid by the recipient or beneficiary of such property or interest in property or from the property or interest in the property, provided, however, there shall be no apportionment against any donee or recipient of any such property or interest in property which is a qualified charity under section 2055 and the property or interest in property was allowed in my federal estate tax proceedings as a charitable deduction. The amount of the tax to be charged

against such donee or recipient shall be determined by multiplying a fraction (the numerator of which shall be the federal estate tax value of the property to be apportioned as finally determined in my federal estate tax proceedings and the denominator of which shall be the total value of my taxable estate for such federal estate tax purposes) times the net amount of such taxes payable by my estate after the application of all credits against such taxes. Notwithstanding the above allocation and in lieu thereof, the estate tax liability to my estate due to the inclusion of any property pursuant to the provisions of section 2044 of the Internal Revenue Code shall be charged against such donee, trust, or recipient and paid in full with the amount of the contribution required to be paid calculated in accordance with the provisions of section 2207A of the Internal Revenue Code.

ITEM III
QTIP ELECTION

Discretionary Authorization for Personal Representative to Elect Reverse QTIP Trust and Trust C Assets as Qualified Terminable Interest Property in Testator's Revocable Trust Agreement. Under the Trust Agreement between me as Settlor and Merrill Barringer Light as Trustee dated the 4th day of December 1998, as thereafter amended and restated in its entirety on the 5th day of February, 2015, the Trustee is empowered to allocate certain assets to the Reverse QTIP Trust and Trust C. I give my Personal Representative the discretion to elect, as provided in Internal Revenue Code section 2056(b)(7)(B)(v), to cause all, part, or none of the assets of the Trust to be allocated to Reverse QTIP Trust and Trust C and be treated on my federal estate tax return as qualified terminable interest property. If my wife is a co-Personal Representative of this Last Will and Testament, then the other co-Personal Representative(s) shall have the sole authority to make this discretionary decision. If my wife is the sole serving Personal Representative then the next appointed alternate Personal Representative shall become empowered to be a special Personal Representative for the purpose of making this discretionary decision. If no alternate Personal Representative is appointed by this Last Will and Testament, then the court shall appoint a special Personal Representative for the purpose of making this discretionary decision. My wife shall not have the authority to make this discretionary QTIP election.

ITEM IV
RESIDUE DISPOSITION

Pourover Gift to Trustee of Testator's Inter Vivos Trust. I give, devise and bequeath all the rest, residue, and remainder of my property of every kind and description (including lapsed legacies and devises), wherever situate and whether acquired before or after the execution of this Will, to **Merrill Barringer Light** as Trustee of the Paul B. Barringer, II Revocable Trust, created under that certain Trust Agreement dated December 4, 1998, as thereafter amended and restated in its entirety on the 5th day of February, 2015, between me as Settlor and **Merrill Barringer Light** as Trustee and executed prior to the execution of this Will. My Trustee shall add the property bequeathed and devised by this Item to the principal of the above Trust and shall hold, administer, and distribute the property in accordance with the provisions of the Trust Agreement, including any amendments thereto made before my death.

ITEM V
PERSONAL REPRESENTATIVE APPOINTMENT

Naming the Personal Representative, Personal Representative Succession, Personal Representative's Fees, and Other Matters. The provisions for naming the Personal Representative, Personal Representative succession, Personal Representative's fees, and other matters are set forth below:

(1) **Naming an Individual Personal Representative.** I hereby nominate, constitute and appoint as Personal Representative of this my Last Will and Testament **Merrill Barringer Light** and direct that she shall serve without bond.

(2) **Final Succession if Individual Successor Personal Representative Cannot Act.** If my individual successor Personal Representative should fail to qualify as Personal Representative hereunder, or for any reason should cease to act in such capacity, then the successor or substitute Personal Representative who shall also serve without bond shall be **John M. Jolley, Esquire** (pursuant to Item XI hereinbelow).

(3) **Fee Schedule for Individual Personal Representative.** For its services as Personal Representative, my individual Personal Representative shall receive no compensation but shall be entitled to reimbursement for reasonable expenses.

ITEM VI
MEANING OF PERSONAL REPRESENTATIVE

Definition of Personal Representative. Whenever the word "Personal Representative" or any modifying or substituted pronoun therefor is used in this my Will, such words and respective pronouns shall include both the singular and the plural, the masculine, feminine and neuter gender thereof, and shall apply equally to the Personal Representative named herein and to any successor or substitute Personal Representative acting hereunder, and such successor or substitute Personal Representative shall possess all the rights, powers and duties, authority, and responsibility conferred upon the Personal Representative originally named herein.

ITEM VII
PERSONAL REPRESENTATIVE POWERS

Powers for Personal Representative. By way of illustration and not of limitation and in addition to any inherent, implied, or statutory powers granted to Personal Representatives generally, my Personal Representative is specifically authorized and empowered with respect to any property, real or personal, at any time held under any provision of this my Will: to allot, allocate between principal and income, assign, borrow, buy, care for, collect, compromise claims, contract with respect to, continue any business of mine, convey, convert, deal with, dispose of, enter into, exchange, hold, improve, incorporate any business of mine, invest, lease, manage, mortgage, grant and exercise options with respect to, take possession of, pledge, receive, release, repair, sell, sue for, to make distributions or divisions in cash or in kind or partly in each without regard to the income tax basis of such asset, and in general, to exercise all the powers in the management of my Estate which any individual could exercise in the management of similar

property owned in his or her own right, upon such terms and conditions as to my Personal Representative may seem best, and to execute and deliver any and all instruments and to do all acts which my Personal Representative may deem proper or necessary to carry out the purposes of this my Will, without being limited in any way by the specific grants of power made, and without the necessity of a court order. My Personal Representative shall be authorized and granted full power to obtain passwords and deal with any mail, e-mail, membership accounts, social media, electronic, or other media accounts, web sites, and domain and other registration names, including the power to deal with, sell, or terminate such accounts.

ITEM VIII
DISCRETION REGARDING TAX MATTERS

Discretion Granted to Personal Representative in Reference to Tax Matters. My Personal Representative as the fiduciary of my estate shall have the discretion, but shall not be required when allocating receipts of my estate between income and principal, to make adjustments in the rights of any beneficiaries, or among the principal and income accounts to compensate for the consequences of any tax decision or election, or of any investment or administrative decision, that my Personal Representative believes has had the effect, directly or indirectly, of preferring one beneficiary or group of beneficiaries over others; provided, however, my Personal Representative shall not exercise its discretion in a manner which would cause the loss or reduction of the marital deduction as may be herein provided. In determining the state or federal estate and income tax liabilities of my estate, my Personal Representative shall have discretion to select the valuation date and to determine whether any or all of the allowable administration expenses in my estate shall be used as state or federal estate tax deductions or as state or federal income tax deductions and shall have the discretion to file a joint income tax return with my wife. My Personal Representative shall have discretion to allocate and transfer to my wife, if she shall survive me, any federal estate tax credit that is unused by my estate after my death (the Deceased Spousal Unused Exclusion Amount ("DSUEA")). If my Personal Representative shall make such election, then my Personal Representative shall timely file a federal estate tax return (Form 706) and elect on such return that the DSUEA shall be allocated to my wife. If my Personal Representative shall decide not to make such allocation and timely file the election, then my wife may direct my Personal Representative to make such election and file such estate tax return, in which event my wife shall be required to reimburse my Estate for the reasonable cost of preparing and filing such federal estate tax return. If my estate plan includes a revocable trust agreement and it contains directions to my Personal Representative, I direct my Personal Representative to follow the directions in such trust agreement.

ITEM IX
DEFINITIONS RELATING TO FAMILY

Definitions of Family. The following definitions shall be used to define the family:

(1) **Definition of Children.** For purposes of this Will, "child" or "children" includes individuals entitled to take as a child under the laws of the State of South Carolina by intestate succession from the parent whose relationship is involved. Not included in this definition shall be either a person who is only a stepchild, a foster child, a grandchild, or any more remote descendant or a person who is otherwise excluded by the terms of this document. "Issue" of an individual

means a descendant of an individual. A "descendant" of an individual means all of his (or her) descendants of all generations, with the relationship of parent and child at each generation being determined by the definition of child and parent contained in the laws of the State of South Carolina. The terms "child," "children," "issue," "descendant," and "descendants" or those terms preceded by the terms "living" or "then living" shall include the descendant of the parent designated even though such descendant is born after the death of such parent.

(2) **Exclusion of Specific Family Member.** For purposes of this Will, and notwithstanding any other language or provision contained in this Will to the contrary, I do specifically exclude Hampton Barringer Luzak as a beneficiary under this Will. Hampton Barringer Luzak shall not be deemed to be a member of any class definition of beneficiaries contained in this document. This Will shall be interpreted as if Hampton Barringer Luzak shall have predeceased me. In addition, any issue of Hampton Barringer Luzak shall also be similarly excluded as a beneficiary of this Will unless specifically provided for herein.

(3) **Definition of Per Stirpes.** The term "per stirpes" as used herein has the identical meaning as the term "taking by representation" as defined in the South Carolina Probate Code.

ITEM X
BENEFICIARY CONTESTS

No Contest Restriction. I have, intentionally and with full knowledge, either failed to provide for one or more beneficiaries and/or provided for such beneficiaries in a more limited manner than other beneficiaries in this Last Will and Testament.

(1) **Impact on Beneficiary of Action Taken by Beneficiary.** If any beneficiary under this Will, singly or in conjunction with any other person or persons, directly or indirectly, (i) contests in any court the validity of this Will or, in any manner, attacks or seeks to impair or invalidate any of its provisions; (ii) claims entitlement by way of any written or oral contract to any portion of my estate; (iii) unsuccessfully challenges the appointment of any person named as Trustee or successor Trustee, or as Personal Representative or successor Personal Representative of my Last Will and Testament; (iv) objects in any manner to any action taken or proposed to be taken in good faith by the Personal Representative; (v) objects to any construction or interpretation of this Will, or any provision of it, that is adopted or is proposed in good faith by the acting Personal Representative; (vi) unsuccessfully seeks the removal of any person acting as Trustee of any Trust created under this instrument; (vii) files any creditor's claim against my estate (without regard to its validity), whether the claim arose before or after the date of this instrument; (viii) files a petition or other pleading to change the character of any property subject to this Will; (ix) claims in any proceeding that any assets held or claimed under this instrument were held as joint with right of survivorship property; (x) files a petition or other pleading seeking to impose a constructive trust or resulting trust on any assets claimed under this Will, or (xi) participates, conspires, or assists with another in any of the previous actions in a manner adverse to this Will, then and in that event that person's right to take any interest given to him or her by or under this Will shall be determined as it would have been determined if the person had predeceased the execution of this instrument without surviving issue.

(2) **Exclusions.** The provisions of this Item shall neither apply to any "qualified disclaimer" by any person of any benefit under this Will nor cause a forfeiture of any distribution otherwise qualifying for either a marital or charitable federal estate tax deduction.

(3) **Personal Representative Powers.** My Personal Representative is hereby authorized to defend, at the expense of my estate, any contest or other attack of any nature on this Will or any of its provisions. All such costs of defense of such action shall be charged to and deducted from the share, if any, of that challenging beneficiary, regardless of whether the challenging beneficiary was successful or not in his or her challenge. If there is no such share, then the defense of this action shall be treated as an administrative expense of my estate.

(4) **Severability.** In the event that any provision of this Item is held to be invalid, void, or illegal, the same shall be deemed severable from the remainder of the provisions in this Item, and shall in no way affect, impair, or invalidate any other provision in this Item. If any provision of this Item shall be deemed invalid due to its scope and breadth, such provision shall be deemed modified and interpreted as closely as possible to my intent so as to permit that provision to be deemed valid and enforceable as permitted by law.

ITEM XI
DEFINITION OF INTERNAL REVENUE CODE TERMS

Definition of Words Relating to the Internal Revenue Code. As used herein, any word or words which from the context in which it or they are used refer to the Internal Revenue Code shall have the same meaning as such words have for the purposes of applying the Internal Revenue Code to my estate. Reference to sections of the Internal Revenue Code and to the Internal Revenue Code shall refer to the Internal Revenue Code amended to the date of my death.

ITEM XII
SIMULTANEOUS DEATH

Simultaneous Death Provision Presuming Beneficiary Predeceases Testator. Reverse Presumption as to Wife. If any beneficiary and I should die under such circumstances as would make it doubtful whether the beneficiary or I died first, then it shall be conclusively presumed for the purposes of this Will that the beneficiary predeceased me; provided, however, that if my wife shall die with me as aforesaid, I direct that she shall be conclusively presumed to have survived me.

ITEM XIII
McNAIR LAW FIRM, P.A. PROVISIONS

Additional Provisions for the McNair Law Firm, P.A. and Its Attorneys. At my request either the firm of McNair Law Firm, P.A. or an attorney of that firm (hereinafter both individually and collectively referred to as the "Firm") has agreed to serve as a personal representative or co-personal representative of my estate. The following provisions pertain to the acceptance of that fiduciary position by the Firm and/or its individual attorneys.

(1) **Additional Powers.** In addition to the powers granted herein, the Firm shall have the following specific estate powers as to the estate property and may exercise the same in its discretion without court order or approval:

(a) To engage the Firm, or any successor entity, to render legal services that will be necessary from time to time to provide for the continued administration of my estate.

(b) To designate in writing an individual or a corporate entity to act as special personal representative with respect to specific estate property to act as agent for the Firm to assist the Firm in fulfilling its duties under my estate.

(c) To appoint a successor senior attorney of the Firm to act on behalf of the Firm in all fiduciary responsibilities delegated under my estate.

(2) **Compensation of The Firm.** In addition to legal fees charged by the Firm, the Firm shall also be entitled to receive compensation for its services as personal representative in accordance with its fee schedule for fiduciary services in effect at the time such services are rendered, and such compensation may vary from time to time based on such schedule. If the Firm does not have a customary fee schedule for fiduciary services in effect at any time, then the Firm may charge a reasonable fee for such services rendered. The firm shall also be entitled to reimbursement for reasonable expenses actually incurred in the administration of the estate. In the event that the Firm shall serve as a co-personal representative, such fee shall be earned for its services, notwithstanding the fact that a co-personal representative is also serving. In the event that there is an overlap of services, the Firm shall, in its sole discretion, apportion the fees between fiduciary services and legal services, as it deems reasonable and appropriate.

I recognize that the Firm will charge a separate fee for its legal services, which fee for its legal services shall be in accordance with its customary charges.

Such compensation may be paid directly from the Estate without court approval.

(3) **Potential Conflict of Interest.** Without limitation, I have been informed and understand that the appointment of the Firm may give rise to a potential future conflict of interest. In the event that some matters arise which would amount to a conflict, the Firm would be required to divorce itself from the matter completely. I further understand that there is in the appointment of the Firm as Personal representative an inherent financial benefit to the Firm beyond legal matters relating to the Estate. I understand that in the event of a challenge to the validity of the Estate, the Firm's credibility as a witness may be impaired due to its perceived interest in the outcome arising from its services as fiduciary hereunder. Notwithstanding all of the foregoing, I have knowingly and willingly appointed the Firm, as personal representative, and has been advised, but has elected not to, seek independent counsel in regard to the establishment of the Estate, the appointment of the Firm as personal representative, or matters relating to the subsequent administration of the Estate. In the event that some matters arise in the administration of my estate which would amount to a conflict, the Firm would be required to divorce itself from the matter completely.

Testimonium, Attestation, and Self-Proving Affidavit. I, **Paul B. Barringer, II**, the Testator, sign my name to this instrument this the 5th day of February, 2015, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my last will and that I sign it willingly (or willingly direct another to sign for me), that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Paul B Barringer II

Paul B. Barringer, II
TESTATOR

We, Virginia Ritchie and **Rebecca L. Bostick**, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the Testator signs and executes this instrument as his last will and that he signs it willingly (or willingly directs another to sign for him), and that each of us, in the presence and hearing of the Testator, and in the presence of each other, hereby signs this will as witness to the Testator's signing, and that to the best of our knowledge the Testator is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Virginia Ritchie
WITNESS

Rebecca L. Bostick
WITNESS

THE STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

Subscribed, sworn to, and acknowledged before me by **Paul B. Barringer, II**, the Testator, and subscribed and sworn to before me by Virginia Ritchie, witness, this the 5th day of February, 2015.

FILED
2016 JUN -9 PM 3:00
PROBATE COURT
BEAUFORT COUNTY, SC

(Seal)
Notary Public for South Carolina
My commission expires: 05/20/2020

FILED
2019 MAY 29 PM 1:49
PROBATE COURT
BEAUFORT COUNTY, SC

Exhibit 19

Paul Barringer Durable Power of Attorney
dated February 5, 2015

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27H
McNair

ROA 001007
BEAUFORT COUNTY SC - ROD
BK 3385 Pss 1517-1526
FILE NUM 2015012223
03/16/2015 01:06:29 PM
REC'D BY rwebb RCPT# 768951
RECORDING FEES $21.00

Durable Power of Attorney
by
Paul B. Barringer, II

(Effective Immediately)

John M. Jolley, Esquire
McNair Law Firm, P.A.
23-B Shelter Cove Lane
Hilton Head Island, South Carolina 29928

GENERAL DURABLE POWER OF ATTORNEY
Given By Paul B. Barringer, II, As Principal

KNOW ALL MEN BY THESE PRESENTS, that I, **Paul B. Barringer, II,** (hereinafter sometimes referred to as the "Principal") of Hilton Head Island, Beaufort County, South Carolina, do hereby constitute and appoint **Merrill Barringer Light** (hereinafter referred to as "Agent") of Hilton Head Island, South Carolina, as true and lawful attorney for me and in my name, place and stead to exercise the powers set forth below. In addition, I have this day also appointed **James Randolph Light, Jr.** of Hilton Head Island, South Carolina, to serve as alternate agent but without authority to exercise any of the powers set forth below except that if **Merrill Barringer Light** shall be unable or unwilling to serve or to continue to serve as Agent, then **James Randolph Light, Jr.** shall be fully authorized to serve hereunder and shall have all of the powers granted originally to my Agent and shall thereafter be referred to as "Agent". My alternate agent (namely, **James Randolph Light, Jr.**) may execute and deliver an affidavit that my Agent is unwilling or unable to serve or to continue to serve and such affidavit shall be conclusive evidence insofar as third parties are concerned of the facts set forth therein. In such event any person acting in reliance upon such affidavit shall incur no liability to my estate because of such reliance.

I. ASSET POWERS

My Agent is authorized in my Agent's sole and absolute discretion from time to time and at any time, with respect to any and all of my property and interests in property, real, personal, intangible and mixed, as follows:

A. **Power to Sell.** To sell any and every kind of property that I may own now or in the future, real, personal, intangible and/or mixed; to make such disposition of the proceeds of such sale or sales (including expending such proceeds for my benefit) as my Agent shall deem appropriate.

B. **Power to Buy.** To buy every kind of property, real, personal, intangible or mixed, upon such terms and conditions as my Agent shall deem appropriate.

C. **Power to Invest.** To invest and reinvest all or any part of my property in any property or interests (including undivided interests) in property, real, personal, intangible or mixed, wherever located, including without being limited to commodities contracts of all kinds, securities of all kinds, bonds, debentures, notes (secured or unsecured), stocks of corporations

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regardless of class, interests in limited partnerships, real estate or any interest in real estate whether or not productive at the time of investment, interests in trusts, investment trusts, whether of the open and/or closed fund types, and participation in common, collective or pooled trust funds or annuity contracts without being limited by any statute or rule of law concerning investments by fiduciaries; to sell (including short sales) and terminate any investments whether made by me or my Agent.

D. **Power to Manage Real and Personal Property.** With respect to real and personal property; to lease, and release; to recover possession of by all lawful means; to maintain, protect, repair, preserve, insure, alter or improve all or any part thereof; to sell and to buy the same or other real and personal property; to mortgage and/or grant security interests in any real and personal property or intangibles now or hereafter owned by me.

E. **Power to Exercise Rights in Securities.** To exercise all rights with respect to corporate securities which I now own or may hereafter acquire, including the right to sell, grant security interests in and to buy the same or different securities; to establish, utilize and terminate brokerage accounts (including margin accounts), including IRA accounts.

F. **Power to Demand and Receive.** To demand, arbitrate, settle, sue for, collect, receive, deposit, expend for my benefit, reinvest or make such other appropriate disposition of all of my property and causes of action that I may have, as my Agent deems appropriate.

G. **Power with Respect to Bank Accounts.** To establish accounts of all kinds, including checking, money market, savings, and IRA accounts for me with financial institutions of any kind, including but not limited to banks and thrift institutions, to modify, terminate, make deposits to and write checks on or make withdrawals from and grant security interests in all accounts in my name or with respect to which I am an authorized signatory, to negotiate, endorse or transfer any checks or other instruments with respect to any such accounts.

H. **Power with Respect to Safe-Deposit Boxes.** To contract with any institution for the maintenance of a safe-deposit box in my name; to have access to all safe-deposit boxes in my name or with respect to which I am an authorized signatory, whether or not the contract for such safe-deposit box was executed by me (either alone or jointly with others) or by my Agent in my name; to add to and remove from the contents of any such safe-deposit box and to terminate any and all contracts for such boxes.

I. **Power with Respect to Legal and Other Actions.** To institute, supervise, prosecute, defend, intervene in, abandon, compromise, arbitrate, settle, dismiss, and appeal from any and all legal, equitable, judicial or administrative hearings, actions, suits, proceedings, attachments, arrests or distresses, involving me in any way.

J. **Power with Respect to Insurance.** To purchase and/or maintain and pay all premiums for medical insurance covering me and/or any person I am obligated or may have assumed the obligation to support; to carry insurance of such kind and in such amounts as my

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Agent shall deem appropriate to protect my assets against any hazard and/or to protect me from any liability; to pay the premiums therefor; to pursue claims thereunder.

K. **Power with Respect to Taxes.** To represent me in all tax matters; to prepare, sign, and file federal, state, and/or local income, gift and other tax returns of all kinds, including requests for extensions of time, petitions to the tax court or other courts regarding tax matters, and any and all other tax related documents, and any power of attorney form required by the Internal Revenue Service and/or any state and/or local taxing authority with respect to any tax year between the years 2010 and 2040 and for any years, which are still open for audit; to pay taxes due, collect and make such disposition of refunds as my Agent shall deem appropriate, post bonds, receive confidential information and contest deficiencies determined by the Internal Revenue Service and/or any state and/or local taxing authority; and to exercise any elections I may have under federal, state or local tax law.

L. **Power to Make Gifts.** To make gifts or other transfers without consideration either outright or in trust, (including the forgiveness of indebtedness and the completion of any charitable pledges I may have made) to such person or organization as my Agent shall select; to consent to the splitting of gifts under Section 2513 of the Internal Revenue Code and any successor sections thereto and/or similar provisions of any state or local gift tax laws; to pay any gift tax that may arise by reason of such gift. PROVIDED, however, that my Agent shall not make any gifts constituting a future interest within the meaning of Section 2503(b) of the Internal Revenue Code and shall not make gifts in excess of $14,000 (or such higher limit as adopted by the Internal Revenue Service) in any calendar year to any one person unless my spouse has agreed to consent to "gift splitting" under Section 2513 of the Internal Revenue Code and in that event such gift shall not exceed $28,000 (or such higher limit as adopted by the Internal Revenue Service) in any calendar year. PROVIDED further however, that if this Power of Attorney shall permit an Agent to make gifts to a group of individuals, which includes the Agent, the amount of such gift to the Agent shall be limited to the lesser of i) the amount set forth above or ii) an amount (in total for each calendar year) equal to the greater of Five Thousand ($5,000.00) Dollars or Five (5%) percent of the aggregate value of the Principal's assets effected by this Power of Attorney as of the date of the gift.

M. **Power to Fund Trusts Created by the Principal.** To transfer from time to time and at any time to the trustee or trustees of any revocable trust agreement created by me before or after the execution of this instrument, as to which trust I am, during my lifetime, a primary income and principal beneficiary, any or all of my cash, property or interests in property, including any rights to receive income from any source; to make such transfers absolutely in fee simple or for my lifetime only with the remainder or reversion (of the property so transferred) remaining in me so that such property will be disposed of at my death by my will or by the intestacy laws of the state in which I shall die a resident.

N. **Power to Withdraw from Trusts Created by the Principal for Expenses and Gifting.** To withdraw from any revocable trust created by me for the purpose of funding my on-

going living expenses, gifts to be made by me or in my name, or fulfill other purposes delegated to the Agent pursuant to the terms of this Power of Attorney.

It is my intent that this document shall grant to my Agent the full authority to perform any act or provide any service that I could do in my own right.

II. CARE AND CONTROL OF THE PRINCIPAL

My Agent is authorized in my Agent's sole and absolute discretion from time to time and at any time, with respect to the control and management of my person, as follows:

A. **Power to Provide for Principal's Support.** To do all acts necessary for maintaining my customary standard of living, to provide living quarters, to provide normal domestic help for the operation of my household, to provide clothing, transportation, medicine, food and incidentals, and if necessary to make all necessary arrangements, contractual or otherwise, for me at any hospital, hospice, nursing home, convalescent home or similar establishment.

B. **Power to Make Advance Funeral Arrangements.** To make advance arrangements for my funeral and burial, including the purchase of a burial plot and marker, and such other related arrangements as my Agent shall deem appropriate.

C. **Designation of Agent as HIPAA Personal Representative.** This Durable Power of Attorney authorizes my Agent to act on my behalf pertaining to me and my property. Some of these decisions also deal with decisions that relate to my health and health care matters. I therefore grant and confirm that my Agent also shall be treated as a "personal representative" under the Health Insurance Portability and Accountability Act of 1996 and its regulations (including 45CFR 164.502(g)(2)) for all purposes relating to my "protected health information." I do hereby authorize all health care providers, including, but not limited to, hospitals, nursing homes, treatment facilities, and other covered entities, and all physicians, nurses, therapists, and other persons who may have provided in the past, or are currently providing, the undersigned with any type of medical, mental or other types of health care, to disclose to my HIPAA personal representative and any other successor HIPAA personal representative all of my health care information and all "protected health information" for the purpose of determining my capacity as defined in any such powers of attorney, or as may be required or permitted by state law. The HIPAA personal representative may also give this authorization to substitute individuals to so act in addition to such HIPAA personal representative. This authorization is intended to provide my health care providers with the authorization necessary to allow each of them to disclose such general medical information and protected health information regarding me to the above designated agents. The information disclosed by any such health care provider pursuant to this authorization is subject to further disclosure and use by such designated agents and may thereafter no longer be protected by such privacy rules. This authorization shall remain in effect until the earlier of its revocation by me or my death.

III. **INCIDENTAL POWERS**

In connection with the exercise of the powers herein described, my Agent is fully authorized and empowered to perform any acts and things and to execute and deliver any documents, instruments, and papers necessary, appropriate, incident or convenient of such exercise or exercises, including without limitation, i) to take any appropriate court action; ii) to employ, compensate and discharge such domestic, medical and professional personnel; iii) to execute and deliver any and all documents; iv) to borrow funds in my name and on my behalf for the purposes of this document; v) to supplement this instrument by adding or modifying the descriptions of any property, real or personal, which I may now or hereafter own, in whole or in part; and vi) to do all miscellaneous acts necessary and appropriate, including the right to open and redirect my mail, to take or deny custody of all of my important documents, and to obtain and release or deny information or records of all kinds relating to me.

IV. **THIRD PARTY RELIANCE**

For the purpose of inducing all persons, organizations, corporations and entities including but not limited to any physician, hospital, bank, broker, custodian, insurer, lender, transfer agent, taxing authority, governmental agency, or party to act in accordance with the instructions of my Agent given in this instrument, I hereby represent, warrant and agree that i) third parties may rely upon the continued existence of this document until actual notice of its termination is given; ii) the powers conferred on my Agent by this instrument may be exercised by my Agent alone, and my Agent's signature or act under the authority granted in this instrument may be accepted by Persons as fully authorized by me and with the same force and effect as if I were personally present, competent, and acting on my own behalf; iii) no Person who acts in reliance upon any representations my Agent may make shall incur any liability to me for permitting my Agent to exercise any such authority, nor shall any Person who deals with my Agent be responsible to determine or insure the proper application of funds or property; and iv) all parties are authorized to release any information to my Agent without limitation and are released from any legal liability whatsoever to me for complying with my Agent's requests.

ROA 001012

V. **RESTRICTIONS ON POWERS**

Prohibition on Power to Benefit Agent. Notwithstanding any provision herein to the contrary, my Agent shall be prohibited (except both as specifically authorized in this instrument and as the Principal has previously supported the Agent) from (a) appointing, assigning or designating any of my assets, interests or rights directly or indirectly to my Agent, my Agent's estate, my Agent's creditors, or the creditors of my Agent's estate, (b) disclaiming assets to which I would otherwise be entitled if the effect of such disclaimer is to cause such assets to pass directly or indirectly to my Agent or his or her estate, (c) using my assets to discharge any of my Agent's legal obligations, including any obligation of support which my Agent may owe to others (excluding those whom I am equally with my Agent legally obligated to support).

VI. **DURABILITY PROVISION**

Durability. This power of attorney shall not be affected by physical disability or mental incompetence of the Principal, which shall render the Principal incapable of managing the Principal's own estate. All acts done by the Agent pursuant to the power during the period of disability or mental incompetence shall have the same effect and inure to the benefit of and bind the Principal or the Principal's heirs, devisees, legatees, and personal representatives as if the Principal were mentally competent and not disabled.

VII. **ADMINISTRATIVE PROVISIONS**

The following provisions shall apply:

A. **Reimbursement of Agent.** My Agent shall be entitled to reimbursement for all reasonable costs and expenses actually incurred and paid by my Agent on my behalf under any provision of this instrument.

B. **Nomination of Agent as Conservator and Guardian for Principal.** To the extent that I am permitted by law to do so, I herewith nominate my Agent to serve as my guardian, conservator and/or in any similar representative capacity.

B

ROA 001013

C. **No Duty to Monitor Health.** My Agent shall have no responsibility to monitor on any regular basis the state of my physical health or mental competence to determine if any actions need be taken under this instrument.

D. **Severability.** If any part of any provision of this instrument shall be invalid or unenforceable under applicable law, such part shall be ineffective to the extent of such invalidity only, without in any way affecting the remaining parts of such provision or the remaining provisions of this instrument.

E. **Governing Law and Applicability to Foreign Jurisdictions.** This instrument shall be governed by the laws of the State of South Carolina in all respects.

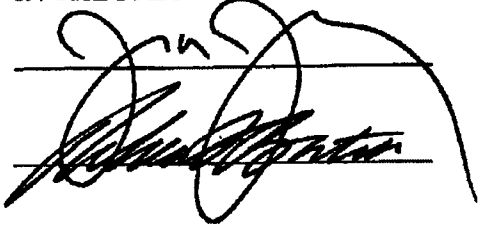
F. **Revocation, Removal, Amendment and Resignation.** This instrument may be amended or revoked by me. My Agent and any alternate agent may be removed by me at any time by the execution by me of a written instrument of revocation, amendment, or removal delivered to my Agent and to all alternate agents. If this instrument has been recorded in the public records, then the instrument of revocation, amendment or removal shall be filed or recorded in the same public records. My Agent and any alternate agent may resign by the execution of a written resignation delivered to me or, if I am mentally incapacitated, by delivery to any person with whom I am residing or who has the care and custody of me or in the case of an alternate agent, by delivery to my Agent.

G. **Photocopies.** My Agent is authorized to make photocopies of this instrument as frequently and in such quantity as my Agent shall deem appropriate. All photocopies shall have the same force and effect as any original.

H. **Bond and Accounting.** I direct that no court be authorized to require a bond, accounting or inventory.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 5th day of February, 2015.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:



Paul B Barringer II (L.S.)
Paul B. Barringer, II

STATE OF SOUTH CAROLINA)
) **ACKNOWLEDGMENT**
COUNTY OF BEAUFORT) **under SC Code 30-5-30(C)**

I, Rebecca L. Bostick, do hereby certify that Paul B. Barringer, II personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 5th day of February, 2015.

Rebecca L Bostick (SEAL)
Notary Public for South Carolina
My Commission Expires: 05/20/2020

ROA 001015

Attestation Page For General Durable Power of Attorney of Paul B. Barringer, II

I, **Paul B. Barringer, II**, the Principal, sign my name to this instrument this 5th day of February, 2015, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Power of Attorney and that I sign it willingly (or willingly direct another to sign for me), that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Paul B. Barringer, II

We, John M. Jolley and Rebecca L. Bostick, the witnesses, sign our names to this instrument, and at least one of us, being first duly sworn, does hereby declare generally, and to the undersigned authority, that the Principal signs and executes this instrument as the Principal's Power of Attorney and that the Principal signs it willingly (or willingly directs another to sign for him), and that each of us, in the presence and hearing of the Principal and in the presence of each other, hereby sign this Power of Attorney as witness to the Principal's signing, and that to the best of our knowledge the Principal is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Witness

Witness

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

Subscribed, sworn to and acknowledged before me by **Paul B. Barringer, II**, the Principal and subscribed and sworn to before me by John M. Jolley, witness, this 5th day of February, 2015.

Notary Public for South Carolina
My Commission Expires: 05/20/2020
(NOTARY SEAL)

ROA 001016

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2019 MAY 29 PM 1:49
PROBATE COURT
BEAUFORT COUNTY, SC

Exhibit 20

Board Minutes March 16, 2015

Coastal Forest Resources Company
Board of Directors Meeting Minutes
March 16, 2015

A special meeting of the Board of Directors ("Board") of Coastal Forest Resources Company (the "Company") was held on March 16, 2015 pursuant to notice previously provided by Travis Bryant, President and Chief Executive Officer of the Company. The meeting was conducted via conference call.

Mr. Bryant, Bob Conger, Merrill Light and Randy Light were present and participated in the meeting, which therefore constituted all of the members of the Board and a quorum. Also participating in the meeting by invitation was John Jolley of McNair Law Firm, P.A., Assistant Secretary of the Company. Mr. Bryant called the meeting to order at approximately 8:30 a.m. Eastern Time.

Mr. Bryant began the meeting by announcing that the primary purpose of the meeting was to explore and discuss potential strategic alternatives available for the Company in light of the Company's recent strong financial performance and current market conditions. Mr. Bryant then gave a presentation regarding the Company's recent financial performance along with current market conditions.

After questions and commentary by the members of the Board and lengthy discussion among the members of the Board, the Board concluded that a potential opportunity existed for the Company to explore potential strategic alternatives at this time that could be beneficial to the Company's shareholders, including a potential sale of the Company. The Board also concluded that it would be in the best interest of the Company to engage an independent financial advisor to assist with this strategic review process.

Accordingly, following a duly seconded motion, the Board unanimously adopted the following resolutions:

> BE IT RESOLVED, that Travis Bryant, as Director, President and Chief Executive Officer of the Company, hereby is authorized and directed, in the name of and on behalf of the Company, to interview potential independent financial advisors to (a) advise the Company with respect to potential strategic alternatives, including the potential sale of the Company, and (b) assist the Board with its financial analysis of such alternatives; and
>
> RESOLVED, that Mr. Bryant hereby is authorized, with advice of counsel and consultation with other members of the Board as he deems necessary, to negotiate the terms of a potential engagement with such financial advisors and to recommend the engagement of a financial advisor to the Board, with the final selection and engagement of such financial advisor to be approved by the Board; and

RESOLVED, that Mr. Bryant hereby is authorized and directed in the name and on behalf of the Board and the Company, to make, execute and deliver or cause to be made, executed and delivered any agreements, undertakings, documents or instruments and to take all such action as Mr. Bryant shall deem necessary or advisable to accomplish the purposes of the foregoing resolutions; and

RESOLVED, any actions taken by the officers of the Company before the date hereof that are within the authority conferred by the foregoing resolutions are hereby ratified, confirmed and approved in all respects as the act and deed of the Company.

There being no further business to consider, the meeting was adjourned at approximately 9:45 a.m. Eastern Time.

Respectfully submitted,

John M. Jolley
Assistant Secretary

FILED
2019 MAY 29 PM 1:49
PROBATE COURT
BEAUFORT COUNTY, SC

Exhibit 21

Merrill Light notice of July 12, 2012
and
John Jolley e-mail July 13, 2012

July 12, 2012

Coastal Forest Resources Company
P.O. Box 1128
Havana, FL 32333
Attention: Corporate Secretary

We hereby withdraw our June 28, 2012 demand for a special meeting of the shareholders of Coastal Forest Resources Company and will not attend the telephonic meeting of shareholders scheduled for July 16, 2012. As a result, the meeting will not have a quorum and cannot be held. We request that the corporation immediately notify the other shareholders that the July 16, 2012 meeting will not be held.

Sincerely,

Merrill B. Light

Paul B. Barringer, Trustee of the Paul B. Barringer Revocable Trust u/a dated 12/4/98

Cc: Bradley J. Herring

Begin forwarded message:

From: "Jolley, John" <JJolley@MCNAIR.NET>
Subject: FW: CFRC - Shareholders Meeting Scheduled for July 16, 2012
Date: July 13, 2012 at 9:50:53 AM EDT
To: "'MHagler@fulcherlaw.com'" <MHagler@fulcherlaw.com>, "'kluzak@archerholdings.com'" <kluzak@archerholdings.com>, "'hamptonluzak@me.com'" <hamptonluzak@me.com>
Cc: "'BHerring@poynerspruill.com'" <BHerring@poynerspruill.com>

Attached please see the email sent to Travis Bryant this morning.

John

ROA 001022

277

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2019 MAY 29 PM 1:49
PROBATE COURT
BEAUFORT COUNTY, SC

Exhibit 22

Barringer Family Voting Agreement

BARRINGER FAMILY
VOTING AGREEMENT

This Voting Agreement dated September 21, 1998 by and between Paul B. Barringer ("Paul"), Merrill Barringer Light ("Merrill"), Victor C. Barringer ("Victor"), Hampton Barringer Luzak ("Hampton") and Paul B. Barringer, II and C. Hobson Goddin, Trustees of the Paul B. Barringer, II Trust under the Will of Gertrude H. Barringer ("Barringer Trust") provides as follows:

RECITALS

A. Each of the parties is a shareholder of Coastal Lumber Company, a Virginia Corporation ("Coastal").

B. Upon favorable action by the shareholders of Coastal on a Plan of Recapitalization (the "Plan") and the issuance of a Certificate of Restatement by the Virginia State Corporation Commission (together, the "Reorganization"), Coastal's authorized capital stock (the "Shares") will consist of 300,000 shares of common stock, of which the parties hereto will own the number of Shares set forth below opposite the name of each party:

NAME	SHARES
Paul	23,905*
Merrill	59,521
Victor	59,521
Hampton	59,521*
Barringer Trust	13,373

*Note: Paul's shares are estimated pending final determination as provided in the Plan, and the shares listed reflect Paul's intention to give one share of common stock to Hampton on the effective date of the Reorganization.

ROA 001024

C. The parties desire to enter into this Voting Agreement to provide the mechanism whereby their votes as shareholders of Coastal will be cast as a block on each issue presented to the shareholders for consideration.

AGREEMENT

NOW, THEREFORE, in consideration of the Recitals and of the mutual agreements herein contained, the parties enter into this Voting Agreement pursuant to Section 13.1-670 of the Virginia Stock Corporation Act and agree as follows:

1. From October 4, 1998 until the end of Coastal's fiscal year ending in 2008, each of the parties will vote his or her Shares on each matter voted on at a shareholders' meeting in accordance with Paul's direction, provided that he is mentally competent to make business judgments in respect to Coastal, as determined by two-thirds of the parties other than Paul, voting per capita after considering professional medical and legal advice on the subject.

2. From and after the commencement of Coastal's fiscal year beginning in 2008, or the earlier termination of Paul's power as a result of his mental incompetence as provided in Section 1, above, each of the parties will vote his or her Shares on each matter voted on at a shareholders' meeting in accordance with the collective determination of the parties (the "Determination") established as follows:

(a) Each Determination shall be made by a majority vote of the parties in which (i) each party who is not a full-time employee of Coastal shall be entitled to one vote for each Share owned by such party and (ii) each party who is a full-time employee of Coastal shall be entitled to two votes for each Share owned by such party, except that (iii) in reaching the Determination, the votes of any Shares owned by a trust created by Paul or owned by Paul's

Hampton Luzak 000343

ROA 001025

estate shall in any event be entitled to one vote per Share which shall be cast in the manner determined only by a majority of those fiduciaries of such trust and estate, voting together as a voting group, who are not shareholders of Coastal, if there are any, or otherwise by a majority of the fiduciaries, voting together as a voting group.

(b) In the event that a Determination cannot be reached because of a tie vote, the Determination shall be made by the majority per capita vote of one or more tiebreakers who are not shareholders of Coastal. The tiebreakers shall be the fiduciaries of Paul's estate, if it owns Shares, and of any trusts created by Paul which own Shares. If there are no such fiduciaries, Paul may name one or more tiebreakers; but if he has not, one or more tiebreakers shall be selected by majority vote of the parties, with each being entitled to cast one vote per Share owned without regard to full-time employment.

3. This Voting Agreement shall bind the parties and their successors in title and/or voting rights in respect to any Shares that they may now or in the future own, and such successors in title shall without further action on their parts become parties bound by this Voting Agreement.

4. Each certificate representing Shares which are subject to the terms of this Agreement shall bear the following legend:

> The shares of stock represented by this Certificate, and the voting rights in connection therewith, are subject to the terms of a Barringer Family Voting Agreement between Paul B. Barringer and others, dated as of September 21, 1998, a copy of which is on file at on file at the office of the Corporation.

Coastal has executed this Voting Agreement for the sole purpose of agreeing to place the foregoing legend on each certificate representing each of such Shares.

Hampton Luzak 000344

ROA 001026

5. No modification, waiver or amendment of this Voting Agreement shall be effective and enforceable unless it is in writing and is signed by each party to the Voting Agreement at the time of such action.

6. This Voting Agreement shall be governed and construed in accordance with the laws of the Commonwealth of Virginia, except those laws relating to conflicts of laws.

7. This Voting Agreement may be signed in one or more counterparts, each of which shall constitute one agreement.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals as of the date first above written.

_____(SEAL)
Paul B. Barringer

_____(SEAL)
Merrill Barringer Light

_____(SEAL)
Victor C. Barringer

_____(SEAL)
Hampton Barringer Luzak

Trust under the Will of Gertrude H. Barringer for the Benefit of Paul B. Barringer, II,

By _____(SEAL)
Paul B. Barringer, II, Trustee

By _____(SEAL)
C. Hobson Goddin, Trustee

COASTAL LUMBER COMPANY

By _____
President

#553291

Hampton Luzak 000345

Amendment To Barringer Family Voting Agreement

WHEREAS, on September 21, 1998, Paul B. Barringer ("Paul"), Merrill B. Light, Victor C. Barringer, Hampton Barringer Luzak, and Paul B. Barringer and C. Hobson Goddin, Trustees of the Paul B. Barringer, II Trust under the Will of Gertrude H. Barringer ("Barringer Trust") (collectively "the Parties") entered into the Barringer Family Voting Agreement (the "Agreement"), and

WHEREAS, the Parties (or their substitutes, in the Trustees' case) desire to amend clauses (i) and (ii) of Paragraph 2. (a) of the Agreement as follows:

> ". . . (i) each party who is not both a full-time employee of Coastal and a direct lineal descendant of Paul shall be entitled to one (1) vote for each Share owned by such party, and (ii) each party who is both a full-time employee of Coastal and a direct lineal descendant of Paul shall be entitled to two (2) votes for each Share owned by such party. . . ."

NOW, THEREFORE, in consideration of the aforementioned recitals and mutual agreements contained herein, and in consideration of the recitals and mutual agreements contained in the original Agreement, which the Parties acknowledge as remaining in force, the undersigned Parties hereby amend the Agreement as recited above and otherwise reaffirm their rights and obligations under the Agreement as amended by this Agreement.

This Amendment may be signed in one or more counterparts, each of which shall constitute one Amendment.

IN WITNESS WHEREOF, the Parties have hereunto set their hands and seals as of the dates indicated.

Paul B. Barringer — 9/29/04 Date

Merrill Barringer Light — Date

Victor C. Barringer — Date

Hampton Barringer Luzak — Date

Victor C. Barringer, Trustee — Date — Barton K. Yount, Trustee — Date

As Trustees of the Paul B. Barringer, II Trust under the Will of Gertrude H. Barringer

Amendment To Barringer Family Voting Agreement

WHEREAS, on September 21, 1998, Paul B. Barringer ("Paul"), Merrill B. Light, Victor C. Barringer, Hampton Barringer Luzak, and Paul B. Barringer and C. Hobson Goddin, Trustees of the Paul B. Barringer, II Trust under the Will of Gertrude H. Barringer ("Barringer Trust") (collectively "the Parties") entered into the Barringer Family Voting Agreement (the "Agreement"), and

WHEREAS, the Parties (or their substitutes, in the Trustees' case) desire to amend clauses (i) and (ii) of Paragraph 2. (a) of the Agreement as follows:

> ". . . (i) each party who is not both a full-time employee of Coastal and a direct lineal descendant of Paul shall be entitled to one (1) vote for each Share owned by such party, and (ii) each party who is both a full-time employee of Coastal and a direct lineal descendant of Paul shall be entitled to two (2) votes for each Share owned by such party. . . ."

NOW, THEREFORE, in consideration of the aforementioned recitals and mutual agreements contained herein, and in consideration of the recitals and mutual agreements contained in the original Agreement, which the Parties acknowledge as remaining in force, the undersigned Parties hereby amend the Agreement as recited above and otherwise reaffirm their rights and obligations under the Agreement as amended by this Agreement.

This Amendment may be signed in one or more counterparts, each of which shall constitute one Amendment.

IN WITNESS WHEREOF, the Parties have hereunto set their hands and seals as of the dates indicated.

_____ _____
Paul B. Barringer Date

M. Barringer Light 9/30/04
_____ _____
Merrill Barringer Light Date

_____ _____
Victor C. Barringer Date

_____ _____
Hampton Barringer Luzak Date

_____ _____ _____ _____
Victor C. Barringer, Trustee Date Barton K. Yount, Trustee Date
As Trustees of the Paul B. Barringer, II Trust under the Will of Gertrude H. Barringer

ROA 001029

Amendment To Barringer Family Voting Agreement

WHEREAS, on September 21, 1998, Paul B. Barringer ("Paul"), Merrill B. Light, Victor C. Barringer, Hampton Barringer Luzak, and Paul B. Barringer and C. Hobson Goddin, Trustees of the Paul B. Barringer, II Trust under the Will of Gertrude H. Barringer ("Barringer Trust") (collectively "the Parties") entered into the Barringer Family Voting Agreement (the "Agreement"), and

WHEREAS, the Parties (or their substitutes, in the Trustees' case) desire to amend clauses (i) and (ii) of Paragraph 2. (a) of the Agreement as follows:

> ". . . (i) each party who is not both a full-time employee of Coastal and a direct lineal descendant of Paul shall be entitled to one (1) vote for each Share owned by such party, and (ii) each party who is both a full-time employee of Coastal and a direct lineal descendant of Paul shall be entitled to two (2) votes for each Share owned by such party. . . ."

NOW, THEREFORE, in consideration of the aforementioned recitals and mutual agreements contained herein, and in consideration of the recitals and mutual agreements contained in the original Agreement, which the Parties acknowledge as remaining in force, the undersigned Parties hereby amend the Agreement as recited above and otherwise reaffirm their rights and obligations under the Agreement as amended by this Agreement.

This Amendment may be signed in one or more counterparts, each of which shall constitute one Amendment.

IN WITNESS WHEREOF, the Parties have hereunto set their hands and seals as of the dates indicated.

_____ _____
Paul B. Barringer Date

_____ _____
Merrill Barringer Light Date

_____ _____
Victor C. Barringer Date

_____ _____
Hampton Barringer Luzak Date

_____ _____ _____ _____
Victor C. Barringer, Trustee Date Barton K. Yount, Trustee Date
As Trustees of the Paul B. Barringer, II Trust under the Will of Gertrude H. Barringer

Hampton Luzak 000348

Amendment To Barringer Family Voting Agreement

WHEREAS, on September 21, 1998, Paul B. Barringer ("Paul"), Merrill B. Light, Victor C. Barringer, Hampton Barringer Luzak, and Paul B. Barringer and C. Hobson Goddin, Trustees of the Paul B. Barringer, II Trust under the Will of Gertrude H. Barringer ("Barringer Trust") (collectively "the Parties") entered into the Barringer Family Voting Agreement (the "Agreement"), and

WHEREAS, the Parties (or their substitutes, in the Trustees' case) desire to amend clauses (i) and (ii) of Paragraph 2. (a) of the Agreement as follows:

> ". . . (i) each party who is not both a full-time employee of Coastal and a direct lineal descendant of Paul shall be entitled to one (1) vote for each Share owned by such party, and (ii) each party who is both a full-time employee of Coastal and a direct lineal descendant of Paul shall be entitled to two (2) votes for each Share owned by such party. . . ."

NOW, THEREFORE, in consideration of the aforementioned recitals and mutual agreements contained herein, and in consideration of the recitals and mutual agreements contained in the original Agreement, which the Parties acknowledge as remaining in force, the undersigned Parties hereby amend the Agreement as recited above and otherwise reaffirm their rights and obligations under the Agreement as amended by this Agreement.

This Amendment may be signed in one or more counterparts, each of which shall constitute one Amendment.

IN WITNESS WHEREOF, the Parties have hereunto set their hands and seals as of the dates indicated.

_____ _____
Paul B. Barringer Date

_____ _____
Merrill Barringer Light Date

_____ _____
Victor C. Barringer Date

Hampton B. Luzak 9/28/04
_____ _____
Hampton Barringer Luzak Date

_____ _____ _____ _____
Victor C. Barringer, Trustee Date Barton K. Yount, Trustee Date
As Trustees of the Paul B. Barringer, II Trust under the Will of Gertrude H. Barringer

[redacted]

Amendment To Barringer Family Voting Agreement

WHEREAS, on September 21, 1998, Paul B. Barringer ("Paul"), Merrill B. Light, Victor C. Barringer, Hampton Barringer Luzak, and Paul B. Barringer and C. Hobson Goddin, Trustees of the Paul B. Barringer, II Trust under the Will of Gertrude H. Barringer ("Barringer Trust") (collectively "the Parties") entered into the Barringer Family Voting Agreement (the "Agreement"), and

WHEREAS, the Parties (or their substitutes, in the Trustees' case) desire to amend clauses (i) and (ii) of Paragraph 2. (a) of the Agreement as follows:

> "... (i) each party who is not both a full-time employee of Coastal and a direct lineal descendant of Paul shall be entitled to one (1) vote for each Share owned by such party, and (ii) each party who is both a full-time employee of Coastal and a direct lineal descendant of Paul shall be entitled to two (2) votes for each Share owned by such party...."

NOW, THEREFORE, in consideration of the aforementioned recitals and mutual agreements contained herein, and in consideration of the recitals and mutual agreements contained in the original Agreement, which the Parties acknowledge as remaining in force, the undersigned Parties hereby amend the Agreement as recited above and otherwise reaffirm their rights and obligations under the Agreement as amended by this Agreement.

This Amendment may be signed in one or more counterparts, each of which shall constitute one Amendment.

IN WITNESS WHEREOF, the Parties have hereunto set their hands and seals as of the dates indicated.

_____ _____
Paul B. Barringer Date

_____ _____
Merrill Barringer Light Date

_____ _____
Victor C. Barringer Date

_____ _____
Hampton Barringer Luzak Date

_____ _____ _____ 5/3/04
Victor C. Barringer, Trustee Date Barton K. Yount, Trustee Date
As Trustees of the Paul B. Barringer, II Trust under the Will of Gertrude H. Barringer

Hampton Luzak 000350

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

IN THE MATTER OF:
Estate of Paul Brandon Barringer, II.

Hampton B. Luzak,
Plaintiff,

vs.

Merrill B. Light, Merrill U. Barringer, As Personal Representative of the Estate of Paul Brandon Barringer, II, J. Randolph Light, Jr., Merrill B. Light as putative trustee of the Paul B. Barringer, II, Revocable Trust dated December 4, 1998, and Merrill B. Light as Trustee of the Merrill Barringer Light Revocable Trust,
Defendants.

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT

Case No.: 2016-CP-07-1919

MOTION FOR CONSOLIDATION OF ACTIONS UNDER RULE 42(a)

ELECTRONICALLY FILED - 2019 Sep 13 5:06 PM - BEAUFORT - COMMON PLEAS - CASE#2016CP0701919

TO: ALL DEFENDANTS AND THEIR ATTORNEYS OF RECORD AND DEFENDANT MERRILL U. BARRINGER AND HER ATTORNEY OF RECORD J. ASHLEY TWOMBLEY, ESQUIRE, IN CASE NOS. 2019-CP-07-1253 AND 2019-CP-07-1294

The Plaintiff, Hampton Barringer Luzak, moves the Court, pursuant to Rule 42(a) of the South Carolina Rules of Civil Procedure to order the consolidation of this case styled as Hampton B. Luzak v. Merrill B. Light, Merrill U. Barringer, as Personal Representative of the Estate of Paul Brandon Barringer, II, J. Randolph Light, Jr., Merrill B. Light as putative trustee of the Paul B. Barringer, II Revocable Trust dated December 4, 1998, and Merrill B. Light as Trustee of the Merrill Barringer Light Revocable Trust, bearing Civil Action No. **2016-CP-07-1919** with two other cases styled as Hampton Barringer Luzak v. Merrill U. Barringer bearing Civil Action No. **2019-CP-07-1253** filed in this Court and Hampton Barringer Luzak v. Merrill U. Barringer bearing Civil Action No. **2019-CP-07-1294**, filed initially in the Beaufort County

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Probate Court and subsequently removed to this Court, all of which are presently pending in the Beaufort County Court of Common Pleas. In support of this motion, the Plaintiff shows the following to the Court:

1. The Plaintiff filed a Complaint in the Court of Common Pleas for Beaufort County on August 26, 2016 in the Matter of the Estate of Paul B. Barringer, II in case number 2016-CP-07-1919, which was later amended on November 23, 2016 (**Exhibit A** – 2016 Complaint). On September 7, 2016 Plaintiff filed a Complaint in the Beaufort County Probate Court in the Estate of Paul Brandon Barringer, II which was later removed to the Court of Common Pleas in case number 2016-CP-07-1961.

2. By orders dated May 19, 2017 case numbers 2016-CP-07-1919 and 2016-CP-07-1961 were designated complex litigation and assigned to the Honorable Carmen T. Mullen to hear all matters pertaining thereto.

3. Case numbers 2016-CP-07-1919 and 2016-CP-07-1961 were consolidated by order of the Court of Common Pleas for Beaufort County on May 19, 2017 with the consolidated case assigned the case number 2016-CP-07-1919. The consolidated case under case number 2016-CP-07-1919 (hereafter "Original Action") is currently pending in the Court of Common Pleas for Beaufort County.

4. The Original Action asserts claims against Plaintiff's mother Defendant Merrill U. Barringer as Personal Representative of the Estate of Paul B. Barringer, II, to set-aside the purported last will and testament of Paul B. Barringer, II ("Decedent") filed with the Beaufort County Probate Court. The Original Action also asserts claims against Plaintiff's sister defendant Merrill Light to set aside amendments from February 28, 2012 until Decedent's death on May 30, 2016 to the revocable *inter vivos* trust of Decedent on the grounds of lack of mental

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capacity, undue influence and mistake. The Original Action also contains causes of action against defendants Merrill Light and her husband J. Randolph Light, Jr. to set aside transfers to trust, and for fraud, conversion, quantum meruit, constructive and resulting trusts, breach of fiduciary duty, intentional interference with inheritance and gifts, and conspiracy all related to the Estate of Decedent.

5. Plaintiff filed a Complaint in the Beaufort County Probate Court in the Estate of Paul Brandon Barringer, II on May 29, 2019 against Merrill U. Barringer individually (**Exhibit B** – 2019 Probate Complaint). On June 4, 2019, the Plaintiff's 2019 Probate Complaint was removed to this Court upon motion of the Plaintiff and is now pending before this Court in Civil Action No. 2019-CP-07-1294 (hereafter "Removed Complaint" or "Removed Action").

6. The Removed Complaint asserts claims against Defendant Merrill U. Barringer for intentional interference with inheritance and gifts, constructive trust and injunction, enforcement of contract not to revoke estate plans and injunction, attorney fees and costs, and civil conspiracy related to gifts, bequests and devises of Decedent.

7. The Removed Complaint arises out of events in which Defendant Merrill Barringer, along with defendants Merrill B. Light and J. Randolph Light named in the Original Action, from 2012 through 2015 altered and disrupted the estate plan of Decedent Paul B. Barringer, II. Prior to 2012 the Decedent set up his estate plan so that the Plaintiff and her sister Merrill Light were equal beneficiaries. Through undue influence and decedent's incompetency, Merrill Light with the aid and assistance of Defendant Merrill Barringer, J. Randolph Light and others, was able to alter and disrupt the Decedent's estate plan to make Merrill Light the sole beneficiary of Decedent's assets related to the corporation he built up and managed, Coastal

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Forest Resources Company, Inc. ("CFRC"), by use of Decedent's revocable trust, will and purported gifts.

8. On May 28, 2019 the Plaintiff filed in the circuit court of Beaufort County a Complaint in this matter, a copy of which is attached as **Exhibit C** ("Circuit Court Complaint" or "Circuit Court Action"), asserting the same facts and claims of intentional interference with inheritance and gifts, constructive trust and injunction, enforcement of contract not to revoke estate plans and injunction, attorney fees and costs, and civil conspiracy against Defendant Merrill Barringer as in the Removed Complaint. The case is now pending before this Court in Civil Action No. 2019-CP-07-1253. The alleged facts, causes of action and requested relief are identical in the Circuit Court Complaint and Removed Complaint (collectively referred to hereafter as the "2019 Actions" or "2019 Complaints").

9. In addition, the claims of intentional interference with inheritance and gifts, constructive trust, attorney fees and costs, and civil conspiracy in the 2019 Complaints are asserted against Merrill Light and J. Randolph Light, Jr. in the Original Action. The cause of action for enforcement of contract not to revoke and injunction asserted against Defendant Merrill Barringer in the 2019 Complaints arises out of the same circumstances as the Original Action.

10. The three cases involve common questions of law and fact and commonality in parties.

11. The common questions of law are the causes of action for intentional interference with inheritance and gifts, constructive trust, attorney fees and costs, and civil conspiracy. The cause of action for enforcement of contract not to revoke and injunction asserted against Defendant Merrill Barringer in the 2019 Complaints arises out of the confidential, fiduciary

relationship among the Barringer family members pertaining to the CFRC voting stock previously held by Decedent before his death. Plaintiff's Original Action also includes a claim for breach of fiduciary duty against Merrill Light for her actions and omissions undertaken as trustee of Decedent's Revocable Trust, which was the vehicle used in transferring the CFRC voting stock at issue, and also contains a claim against J. Randolph Light, Jr. for aiding and abetting the same. The Circuit Court and Removed Complaints in this case protect and insure this Court's subject matter jurisdiction over the causes of action for intentional interference with inheritance and gifts, constructive trust, attorney fees and costs, and conspiracy. This Court therefore has subject matter jurisdiction over these causes of action through its original jurisdiction under S.C. Const. art. V, § 11 and through S.C. Code Ann. §§ 62-1-302(d), 62-7-201(c) and 62-7-202.

12. The common questions of fact among the Original Action and the 2019 Actions are:

- The mental competency of Decedent at the time of the purported transfer of CFRC voting stock to Decedent's revocable trust and/or to Defendant and the validity of the purported execution by Decedent of amendments to his revocable trust in February and July of 2012 and June of 2014;
- The mental competency of Decedent at the time of the purported execution of the last will and testament of February 5, 2015 filed with the Beaufort County Probate Court;
- The undue influence exerted upon Decedent by Defendant Merrill Barringer and defendant Merrill Light;

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- The validity of the purported transfers of Decedent's voting stock in CFRC to Decedent's revocable trust in May 2012 and the subsequent purported transfer from the revocable trust to Defendant Merrill Light in September 2012.
- The actions of the Defendant Merrill Barringer and her co-conspirators, which include but are not limited to Defendants Merrill Light and J. Randolph Light, Jr. in the Original Action, in carrying out the plan to radically alter and disrupt the Decedent's estate plan that existed prior to 2012.

13. Four of the five causes of action – namely, intentional interference with inheritance and gifts, constructive trust, attorney fees and costs, and conspiracy – asserted against Defendant Merrill Barringer in the 2019 Actions are also included in the Original Complaint. Merrill U. Barringer, the Personal Representative of the Estate of Paul Brandon Barringer, II, is named in the Original Action in her capacity as personal representative of Decedent's estate and has been an active participant in all the proceedings in the Original Action. As such both the Original and 2019 Actions involve the same persons and attorneys as defendants and the same plaintiff Hampton Barringer Luzak.

14. The proposed consolidation will avoid unnecessary costs and will further judicial economy. Consolidation will therefore save the Defendants and the Court from having to hear from the same parties and witnesses twice regarding the events surrounding the alteration of Decedent's estate plan starting in 2012. It would also prevent the possibility of inconsistent verdicts.

15. The undersigned counsel has consulted with opposing counsel prior to filing this

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motion to attempt to resolve the matter in good faith but has been unable to resolve the matter.

WHEREFORE, the Plaintiff moves that the Court consolidate the three pending cases styled as Hampton Barringer Luzak v. Merrill U. Barringer bearing Civil Action No. **2019-CP-07-1253**, Hampton Barringer Luzak v. Merrill U. Barringer bearing Civil Action No. **2019-CP-07-1294**, and Hampton B. Luzak v. Merrill B. Light, Merrill U. Barringer, as Personal Representative of the Estate of Paul Brandon Barringer, II, J. Randolph Light, Jr., Merrill B. Light as putative trustee of the Paul B. Barringer, II Revocable Trust dated December 4, 1998, and Merrill B. Light as Trustee of the Merrill Barringer Light Revocable Trust, bearing Civil Action No. **2016-CP-07-1919**, all filed in Beaufort County, South Carolina, and provide such further relief in favor of the Plaintiff as the Court deems just and proper.

Respectfully submitted,

THE GILREATH LAW FIRM, P.A.

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HAMPTON BARRINGER LUZAK

Dated: September 13, 2019
Greenville, South Carolina

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STATE OF SOUTH CAROLINA COUNTY OF BEAUFORT IN THE MATTER OF: Estate of Paul Brandon Barringer, II Hampton B. Luzak, Plaintiff, vs. Merrill B. Light, Merrill U. Barringer, as Personal Representative of the Estate of Paul Brandon Barringer, II, J. Randolph Light, Jr., Merrill B. Light as putative trustee of the Paul B. Barringer, II Revocable Trust dated December 4, 1998, and Merrill B. Light as Trustee of the Merrill Barringer Light Revocable Trust, Defendants.	IN THE COURT OF COMMON PLEAS FOURTEENTH JUDICIAL CIRCUIT C/A No.: 2016-CP-07-1919 **PLAINTIFF'S RESPONSE TO DEFENDANT MERRILL U. BARRINGER'S THIRD SET OF INTERROGATORIES TO PLAINTIFF HAMPTON LUZAK**

TO: Defendant Merrill U. Barringer, as Personal Representative of the Estate of Paul Brandon Barringer, II, and her attorneys of record, J. Ashley Twombley, Kevin Johnson, Harley D. Ruff and Denise Collins:

The Plaintiff, Hampton B. Luzak ("Plaintiff"), by and through her undersigned attorneys, sets forth below information in response to the third interrogatories propounded to her by Defendant Merrill U. Barringer, as Personal Representative of the Estate of Paul Brandon Barringer, II ("Defendant" and/or "Barringer").

GENERAL OBJECTIONS

The following general objections shall, without separate repetition in each answer, be deemed to be incorporated in each of Plaintiff's responses to the numbered interrogatories and requests for production of documents.

1. Plaintiff objects to Merrill U. Barringer's definitions and instructions to the extent they seek to impose obligations upon Plaintiff beyond those required by the South Carolina Rules of Civil Procedure.

2. Plaintiff objects to each interrogatory to the extent that it seeks discovery of matters protected from disclosure by the attorney-client privilege, the work product doctrine, or any other applicable defense, privilege, or immunity.

3. Plaintiff objects to each of Merrill U. Barringer's interrogatories to the extent they seek to require the identification of documents or the supplying of information which would not be admissible at trial and are not reasonably calculated to lead to the discovery of admissible evidence.

4. Plaintiff objects to each of Merrill U. Barringer's interrogatories to the extent they are unduly vexatious or burdensome or are calculated to annoy, embarrass, oppress, unduly burden or cause undue expense to Plaintiff.

5. Plaintiff objects to each of Merrill U. Barringer's interrogatories to the extent they seek documents or information which is unreasonably cumulative or duplicative, or which is obtainable from some other source or some other manner that is more convenient, less burdensome, and less expensive.

6. In providing these responses and objections to the interrogatories and production requests, Plaintiff does not in any way waive nor intend to waive, but rather intends to preserve and is preserving:

a. All objections as to competency, relevancy, materiality and admissibility of the Interrogatory and/or production request or subject matter thereof;

b. All rights to object to the use of any said answer or the subject matter thereof, in any subsequent proceedings, including the trial of this or any other action; and,

c. All rights to object on any ground to any request for further responses to these or any other interrogatories and/or request for production, or other discovery requests involving or related to the subject matter of the interrogatory and/or request for production.

ROA 001042

7. The objections and responses set forth below constitute the best information presently available to Plaintiff. Plaintiff has not completed discovery and/or investigation of the facts relevant to this proceeding, nor has Plaintiff completed preparation of this case for trial. Plaintiff reserves the right to supplement these responses as she completes preparation of this case for trial. Discovery requests from Defendants and third parties remain outstanding, and material factual witnesses have yet to be deposed. Accordingly, the following objections and responses are provided without prejudice to Plaintiff's right to amend, supplement, or change her objections and responses if and when additional, different, or more accurate information becomes available.

SPECIFIC OBJECTIONS AND RESPONSES TO INTERROGATORIES

As qualified and limited by the foregoing general objections, incorporated herein by reference, Plaintiff responds and objects specifically to Defendant's third interrogatories as follows:

INTERROGATORY NO. 1: Set forth all facts and identify all Documents to support your contention, assertion, or belief that Merrill Light and/or Randolph Light received money from Paul Barringer as a result of a September 20, 2012 email Bates stamped 9-22-17 McNair Privilege Log 6 of 102.

RESPONSE:

Plaintiff objects under Rule 33(d), SCRCP, to this contention interrogatory as being premature at this stage of the litigation since essential discovery such as subpoena production from non-parties affiliated with defendants Merrill and Randy Light, interrogatories, document production requests and depositions have not been completed. Without waiving these objections, Plaintiff states that on September 20, 2012 Randy Light e-mailed Travis Bryant and John Jolley inquiring: "Since PBB can give away $5M this year and if he has not already, how about PBB writing a check to Merrill as a gift and CFRC pay PBB equivalent taking into consideration any taxes 'for services over the last ? years'?" 9-22-17 McNair Privilege Log 6 of 102. Plaintiff has discovery requests outstanding to CFRC related to this issue which CFRC has not properly responded to at this time. Responsive information may likely be in the possession of CFRC which is ostensibly under the control of the Lights. The only evidence or assertion as to whether

or not the plan was carried out is the defendants' statements, and that of their counsel, that it did not occur. [see Hampton Luzak dep. 6/12/19 pp. 56-59, p. 322:12-15].

INTERROGATORY NO. 2: Set forth all facts and identify all Documents to support your contention, assertion, or belief that Merrill Light and/or Randolph Light improperly transferred money from an account Paul Barringer owned, controlled, or otherwise had an interest in including in your response the account where the money came from, the account where the money went to, along with the date and mode of the transfer, as well as all factual grounds to support your assertion that the transfer was improper.

RESPONSE:

Plaintiff objects under Rule 33(d), SCRCP, to this contention interrogatory as being premature at this stage of the litigation since essential discovery such as subpoena production from non-parties affiliated with defendants Merrill and Randy Light, interrogatories, document production requests and depositions have not been completed. Plaintiff duly requested the accounting records of the Paul B. Barringer, II Revocable Trust in her Third Request for Production of Documents to Defendant Merrill Light which Merrill Light has not fully and properly responded to. Plaintiff will supplement her response thereto upon completion of discovery.

INTERROGATORY NO. 3: Set forth all facts and identify all Documents (including the interrogatory response) to support your contention, assertion, or belief that Merrill Light made embarrassing purchases using funds that belonged to Paul Barringer or using funds that Paul Barringer had an interest in as described by you on page 58 of your deposition.

RESPONSE:

In Plaintiff's Third Request for Production of Documents to Merrill Light, Plaintiff asked for all accountings for the Paul B. Barringer, II Revocable Trust since January 1 to the present including detailed information on all expenses. Merrill Light in her response of December 29, 2017 objected to Plaintiff's discovery request in paragraph D of her Prefatory Statement and Objections on the basis that Plaintiff's requests "are calculated to … embarrass…Merrill Light." In the responses to paragraphs 1 and 2, Merrill Light further objected that "such a production would be extremely invasive of the privacy of … Merrill B. Light since such accounting would show all purchases made…" Merrill Light also objected therein because she claimed Plaintiff was not a beneficiary of the trust and had no legal right to the information. Plaintiff duly requested the accounting records of the Paul B. Barringer, II Revocable Trust in her Third Request for Production of Documents to Defendant Merrill Light which Merrill Light has not fully and properly responded to.

INTERROGATORY NO. 4: Set forth all evidence and facts and identify all Documents to support your contention that "Merrill Light undertook a scheme to effect a transfer of Paul

Barringer's voting stock in Coastal Forest Resources Company, Inc. ("CFRC") to a revocable trust under her control and for her benefit and of which she is the trustee" as set forth in paragraph six (6) of your Amended Complaint.

RESPONSE:

Starting in August of 2005, Randolph Light, through at least two different companies - The Stretford at the Cascades, L.P. and RVL Texas Properties, LLC - undertook real estate investments in Texas over the course of several years in which the debts grew close to $30 million. Randolph Light was jointly and severely liable on many if not all of the promissory notes. Randolph Light's Texas companies became delinquent on the notes to the financial institutions, namely Stillwater National Bank and Patriot Bank, and their assigns. On or about September 30, 2010, Randolph Light was forced to wire to Stillwater National Bank $2 million towards the notes. Merrill Light also signed a letter of credit for approximately $2 million in favor of Stillwater National Bank. See, Light v. Stillwater National Bank, et al., case no. 4:11-cv-00833 (E.D. Tex. 2011)(Complaint). Randolph Light had a real difficult time convincing his wife Merrill Light to support a letter of credit to back his notes. (See Hampton Luzak 481).

On February 21, 2011, Randolph Light e-mailed Kevin Luzak that it was evident Paul Barringer was starting to experience different health issues that affect his judgment on personal and business decisions. Randolph Light stated that he and Merrill Light had absolutely no say in the operations of CFRC which Paul Barringer had made clear on many occasions. He further stated that he and Merrill Light had total confidence in Kevin Luzak's ability to run CFRC, but their fear was that Paul Barringer would attempt irrational moves that would harm CFRC to help Victor Barringer or keep the stockholders groveling. Kevin Luzak replied that Paul Barringer had been handing off to him responsibility for family issues outside of CFRC. (Hampton Luzak 1-2).

On September 9, 2011, Tom Evans e-mailed Kevin Luzak that "Ed and Billy" and he noticed "Paul was very confused and not himself to the point that they were concerned for him." Kevin Luzak forwarded this e-mail to Merrill Light and Hampton Luzak. (Hampton Luzak 924)

On November 6, 2011, Paul Barringer e-mailed Travis Bryant about an upcoming meeting "with Robert Slane and John Jolley, our lawyer." (Hampton Luzak 938). John Jolley was also Merrill and Randy Light's personal lawyer. (M. Light dep. pp. 106-107). John Jolley also served as the corporate lawyer for CFRC. (Id.). Robert Slane worked as a financial and insurance advisor on estate planning related matters to various Barringer family members. (12/19/17 MUB Slane Subpoena Response 2-2399).

On December 6, 2011, John Jolley, Esquire sent to Paul and Merrill Barringer estate plan diagrams made by Robert Slane and himself showing the flow of assets from the Barringer's Revocable Trust with each of the Barringer's three children being beneficiaries. (MUB's Supp. to 1st Doc. Production 761-765).

On December 2, 2011, medical records from Atlantic Radiology Associates show that an MRI of the brain and intracranial MRA were undertaken with the records noting "History: Dementia, abnormal gait." (Hampton Luzak 113).

On January 23, 2012, Randolph Light e-mailed Robert Slane that Merrill Light "is concerned that [Paul Barringer] is starting to show more irrational behavior on certain family issues which is disturbing to all siblings." (12/19/17 MUB Slane subpoena response 758).

On February 22, 2012, CFRC held a board meeting with Kevin Luzak, Paul Barringer, Merrill Light and Mike Hagler. Kevin Luzak discussed Coastal Forest Holdings as an initiative to diversify the business into areas such as real estate and retail, timber investment vehicles similar to a real estate investment trust, future management structure and related materials presented to the board. (Light 3-6). Merrill Light had indicated she wanted more dividends from the company. (Light 16-19).

On February 25, 2012, Paul Barringer e-mailed Kevin Luzak, "I think the board of directors and the shareholders meeting was a great success! . . . I think our advisors got a lot of information about our company. . . Anyway, a great start, and we need to keep them up! Paul." (Light 13).

On February 28, 2012, Merrill Light and Paul Barringer executed the First Amendment and Restatement of the Paul B. Barringer Revocable Trust Agreement naming Merrill Light as co-trustee with Paul Barringer. (MUB's 1st Doc. Production 50-79). This information was not disclosed to Hampton Luzak.

On April 3, 2012, Dr. Paul Long noted that Paul Barringer was having problems with dementia and states: "This patient is demented, at least he has lost a lot of his energy, but we are not sure whether this is Alzheimer's disease." (Hampton Luzak 115).

On April 25, 2012, CFRC held a board meeting attended by its four board members, Paul Barringer, Kevin Luzak, Merrill Light and Mike Hagler. Also attending were corporate counsel Brad Herring and corporate officers Tom Evans, Travis Bryant and Tom Rockwood. Also attending were advisors Steve Jones and Mark Sanford. The board minutes do not reflect any unusual activity or behavior by attendees, although Paul Barringer struggled speaking. (Light 53-56).

On May 2, 2012, Paul Barringer was hospitalized in Savannah where he was diagnosed with dementia and complications from prostate surgery. Hospital records from May 2 noted that Paul Barringer was "alert but not oriented to place or time. He when focused, can answer questions for about 30 seconds but then loses focus. . . The patient is a particularly poor historian this evening." On May 3, 2012, the hospital records noted "Patient has been transferred to Hilton Head for progressive confusion and urinary retention. . ." (Hampton Luzak 119-125).

On May 3, 2012, Randolph Light e-mailed Kevin Luzak, "I took Paul to St. Joseph Hospital Wednesday morning. He is progressively getting worse as to where he is and what is going on." (Hampton Luzak 127).

On May 3, 2012, Dr. William Garrett noted in his neurological test summary: "This is an abnormal EEG." (Hampton Luzak 499).

On May 4, 2012, Paul Barringer was discharged from St. Joseph's Hospital. The discharge records show:

> "PROBLEMS THIS ADMISSION: Include:
> 1. Confusion, secondary to evolving semantic dementia.
> * * * * * * *
> His confusional state was addressed by Dr. Carter who felt that the patient had evolving semantic dementia and noted that at times Aricept might not be of very much help." (Hampton Luzak 119 – 125).

Dr. Paul Long noted from his examination of Paul Barringer on May 7, 2012 that "He is still confused and still has a poor memory." "He has dementia." (Light 51).

On May 11, 2012, Paul Barringer purportedly transferred all of his CFRC voting stock, 38,272 shares into the Paul B. Barringer Revocable Trust with Merrill Light and Paul Barringer serving as co-trustees. Stock certificate no. 14, issued that day and signed by Kevin Luzak as officer of CFRC, named only Paul Barringer as trustee and did not mention Merrill Light as being a co-trustee. Nor did the certificate mention the existence of any co-trustee. Travis Bryant signed as the second officer/secretary. (Coastal 67-68).

On May 30, 2012, Paul Barringer, along with Merrill Barringer and Hampton Luzak, met with Dr. David Bachman, a neurologist with the Medical University of South Carolina in Charleston. Dr. Bachman informed them that Paul Barringer had Alzheimer's disease. (Luzak-MUSC pp. 18-20).

On June 5, 2012, Randy Light's company Stretford at the Cascades filed for Chapter 7 bankruptcy protection. In the petition, the company claimed to have between $10 million and $50 million in debts. (Randy Light deposition exhibit notebook at Tab 136).

In and around June 4 through June 18 of 2012, Paul Barringer continued to have memory gaps about critical events and became angry with business associates including Kevin Luzak about matters he had forgotten including but not limited to selling and purchasing a new company jet, purchasing the Alexandria, Virginia apartment complex, making a bank deposit, and discussing company investment opportunities covered at prior board and management meetings. (Hampton Luzak 644-695; Hampton Luzak 2047-2050; Luzak-MUSC p. 115).

On or about June 11, 2012, Paul Barringer sent Kevin Luzak a package containing printed copies of slides from a PowerPoint presentation that Paul Barringer said someone sent to him. Merrill Light admitted to Kevin Luzak that she was the one who sent the PowerPoint presentations to Paul Barringer. The PowerPoint presentations were from previous management

and board meetings in which Paul Barringer attended and participated. The materials were part of the foundation for his demented anger and firing of Kevin Luzak. (Hampton Luzak 151- 193)

On June 15, 2012, Brad Herring e-mailed Kevin Luzak regarding the upcoming special board meeting. Mr. Herring noted that in regards to shareholder voting under the Barringer Voting Agreement that "There is also the capacity issue mentioned in the first paragraph of the agreement which might become an issue. . ." (Hampton Luzak 925).

On June 19, 2012, Kevin Luzak sent a three-page memo to Merrill Light about his plans for Coastal Holding's strategy. Kevin informed Merrill Light in the memo that Paul Barringer had told him previously that Paul wanted him to have stock in CFRC but that Kevin was not comfortable with the idea. (Hampton Luzak 194-196).

On Wednesday, June 20, 2012, Paul Barringer e-mailed Kevin Luzak and Merrill Light stating, "I have double the voting stock of any person or groups, do you think I am dumb. . ." (Hampton Luzak 198). At this time Paul Barringer owned 38,272 shares of voting stock equaling approximately twenty percent of the outstanding voting stock while Hampton Luzak and Merrill Light each owned 59,521 voting shares equaling 31.2% apiece. (CFRC 628).

On June 27, 2012 Merrill Barringer called Dr. Bachman's office at MUSC to say they had a family emergency to come up and they would have to cancel the appointment for June 28, 2012 and would be gone through at least the end of August. MUSC informed her that they would give her an appointment for September 19, 2012. Mrs. Barringer said that would be fine. (Luzak-MUSC 115).

On June 28, 2012, a special meeting of the board of directors was held for the purpose of removing Kevin Luzak as a director. Merrill Light voted in favor of Kevin Luzak's removal and also voted against an independent investigation into the allegations leveled against Kevin Luzak. Paul Barringer was coached on how to cast his vote and instructed to change his vote on the appointment of an independent investigator when Paul Barringer initially voted in favor of it. After being coached Paul Barringer switched his vote to opposing an independent investigation of Kevin Luzak's activities as CEO. (Hampton Luzak 200-203). The meeting was held at the McNair Law Firm which is the law firm of Merrill and Randolph Light's longtime attorney John Jolley. (Light 1374). John Jolley was present at the meeting. (Hampton Luzak 696-715).

Following the June 28, 2012 board meeting, Michael Hagler, the sole independent member of the board, wrote Brad Herring, then CFRC's corporate attorney, that he was concerned about Paul Barringer's mental state. He stated: "Paul is voting and acting based on facts that exist in his mind but nowhere else...On more than one occasion during the meeting, Paul actually cast his vote in the opposite way he meant to cast the vote until he was corrected and coached by whoever was in the room with him. The remaining board members and the company's attorneys heard Paul being coached in the background." (Hampton Luzak 203).

On June 29, 2012, corporate counsel Brad Herring wrote a response to the letter of board director Michael Hagler and stated, "Your concern related to Paul's mental state and confusion is something that needs to be ultimately considered by the courts." (Hampton Luzak 204).

On July 1, 2012, Michael Hagler e-mailed Merrill Light and attached his June 28, 2012 letter to the e-mail. Mr. Hagler stated to Merrill Light: "The person who attended the April board meeting, who called me last Saturday, and who attended the meeting Thursday was not Paul. He is in Paul Barringer's body, but he seems to be ill and not thinking or acting rationally." Mr. Hagler advised Merrill Light to see cease "following his lead down this possibly destructive path . . ." (Hampton Luzak 1830-31). The e-mail of Mike Hagler to Merrill Light occurred at approximately 2:25 p.m. The e-mail included two attachments – the June 28, 2012 letter of Mike Hagler to Brad Herring and Brad Herring's response letter of June 29, 2012 to Mike Hagler.

On July 1, 2012, at 5:37 p.m., Victor Barringer e-mailed Lewis McHenry and copied Merrill Light and Paul Barringer. (Light 96). Victor Barringer included two attachments to the e-mail – the June 28, 2012 letter of Mike Hagler to Brad Herring and Brad Herring's response letter of June 29, 2012 to Mike Hagler. (CFRC-SC-12-15). These are the same two attachments Merrill Light received 2 hours, 12 minutes earlier from Mike Hagler. Victor Barringer wrote that "Kevin [Luzak] as CEO without board approval or anyone's knowledge tried to pull a self-serving coup, in a attempt to sell most of the assets into a real estate corporation, that he owned a large piece of. When my father went into the hospital he made his move and tried to convince my sister to vote with to toss my father out, now he is trying to declare him mentally unstable, which he is not." Victor Barringer further stated that "Kevin, even had a book on the deal and was shopping it, without anyone's knowledge!" He concluded by writing: "Crush this chump now, Mike Hagler is weak..." (Light 96).

At 5:54 p.m., on July 1, 2012, Victor Barringer e-mailed Louis McHenry, Paul Barringer and Merrill Light again, this time stating "Crush him, to where only the charred bones remain." (Light 97). Merrill Light knew the accusations were untrue about Kevin Luzak. She testified she may have called Victor Barringer to tell him those accusations were inappropriate. However, Merrill Light did not inform Paul Barringer that Victor Barringer's statements were incorrect and inappropriate. (M. Light Dep. pp. 521-529).

On July 3, 2012, John Jolley sent Merrill Light a three-page e-mail about legal issues regarding CFRC ownership. (Merrill Light Privilege log dated 12/20/17).

On July 9, 2012, Brad Herring resigned as corporate counsel and assistant secretary. John Jolley, Merrill and Randolph Light's personal attorney, later acted as corporate counsel for CFRC. (Hampton Luzak 218 and 775).

On July 12, 2012, Merrill Light sent a letter to CFRC withdrawing her June 28, 2012 demand letter for a special stockholders meeting. In her letter she signed her name individually and also included a purported signature of Paul Barringer as "Trustee of the Paul B. Barringer Revocable Trust". No mention was made of the existence of a co-trustee or that Merrill Light was serving as co-trustee of the trust. (Hampton Luzak 224).

On July 12, 2012, board member Michael Hagler wrote to Paul Barringer, Merrill Light and Kevin Luzak objecting to the removal of Kevin Luzak as a director. Mr. Hagler stated that he had "personally observed behavior in at least two board meetings and in my call with Paul

[Barringer] two weeks ago which suggests that there are issues with his mental capacity." (Hampton Luzak 226-227).

In his invoice covering July 2012 "Re: Estate Planning," Merrill and Randy Light's attorney John Jolley charged Paul Barringer for work performed on July 18, 2012 for preparing a Second Amendment and Restatement of the Paul Barringer Revocable Trust Agreement while also conducting a telephone conference with Randy Light the same day. (9-22-17 McNair Subpoena Response 235).

On or about July 20, 2012, Paul Barringer purportedly executed the Second Amendment and Restatement of Trust Agreement in Butler County, Alabama. Randy Light testified he was often with Paul Barringer including making numerous trips with him to Butler County, Alabama. Merrill Light purportedly executed the same document on the same page in Beaufort County, South Carolina on the same day. The Second Amendment and Restatement contained a provision leaving Paul Barringer's voting stock solely to Merrill Light at Paul Barringer's death. (MUB's 1st Doc. Production 80-108; CFRC-HARRELL 202; Randy Light depo. 8/21/19 pp. 245-256).

On July 23, 2012, Merrill Light issued another notice of special stockholders meeting, this time to be held on August 3, 2012. Merrill Light signed solely in her capacity as an individual stockholder. No mention was made of Paul Barringer signing as stockholder or as a trustee of a trust holding CFRC voting stock or that Merrill Light was also purportedly a co-trustee of the Paul Barringer Revocable Trust purportedly owning the 38,272 shares of CFRC voting stock. (Hampton Luzak 230).

On August 1, 2012, Paul Barringer purportedly signed a proxy for the special stockholders meeting of CFRC for August 3, 2012 appointing Merrill Light as his proxy. Paul Barringer signed as trustee of the Paul Barringer Revocable Trust. No mention was made of a co-trustee or that Merrill Light was also purportedly a co-trustee of the trust holding the CFRC voting stock of Paul Barringer. (Light 122).

On August 1, 2012, Travis Bryant e-mailed Randy and Merrill Light about the future management structure of CFRC. Paul Barringer was not copied on the e-mail. Travis Bryant stated he intentionally did not copy Paul Barringer because of the desire to have a conversation between Travis and Randy without Paul Barringer's involvement. (Light 123-124).

On August 3, 2012, a special shareholder meeting of CFRC was held with Travis Bryant presiding. When roll calls and votes were taken of those attending the meeting, no mention was made of Merrill Light serving as co-trustee for the Paul Barringer Revocable Trust. Attending the meeting were Merrill Light, individually, Hampton Luzak, Robert Conger, and Merrill Light's attorneys holding proxies for Merrill Light - Mason Bayler, John Owen Gwathmey and John Jolley. Paul Barringer was not present. Kevin Luzak was purportedly voted off the board of directors and Randolph Light was elected. Merrill Light voted the Paul Barringer Revocable Trust shares as a "representative" for the Paul Barringer trust and as "appointed" for the Paul B. Barringer trust. During the voting no mention was made of Merrill Light serving as co-trustee of the Paul Barringer Revocable Trust. (Hampton Luzak 735-743; CFRC 676-682).

On August 3, 2012, prior to the special board of directors meeting that day, Michael Hagler e-mailed John Jolley, Merrill Light, Paul Barringer, Travis Bryant and Merrill Light's other personal attorneys that in his opinion, Paul Barringer was ill and his judgment was impaired. He further wrote that he personally experienced this at the last regular directors meeting held in Charleston on April 25, 2012 and in the telephonic board meeting on June 28, 2012. He stated he believed that Merrill and Randolph Light were exercising poor judgment and that there needed to be an independent investigation surrounding Kevin Luzak's termination. He also pointed out that he was uncomfortable with the decision to hire Travis Bryant as Kevin Luzak's successor. He was concerned that Travis Bryant was a puppet, and that he would have no choice but to follow Paul Barringer's lead or suffer termination if he incurred Paul Barringer's irrational wrath. He further pointed out that Troutman Sanders was representing both Merrill Light and Paul Barringer and that Merrill Light had not obtained independent advice, and that she and her father clearly had a legal conflict of interest which again showed poor judgment on Merrill Light's part. (Hampton Luzak 241).

Following the special shareholders meeting on August 3, 2012, a special board of directors meeting was held with Randolph Light now serving on the board of directors in place of Kevin Luzak. Randolph Light, Merrill Light and Mike Hagler attended the special board meeting. Paul Barringer was not present. Mrs. Light proposed that Kevin Luzak be removed from all positions with the company and its subsidiaries and as a director of any subsidiaries effective immediately and that his employment also be terminated. She further moved that Travis Bryant be elected as the president and CEO. Both Merrill and Randolph Light voted for the motions. Mike Hagler opposed the motions but was outvoted by Merrill and Randy Light. Mr. Light expressed his belief that it was in the best interest of the company and its shareholders to have a non-family member take over the CEO position. (Hampton Luzak 242-243).

On August 10, 2012 Randy Light e-mailed Travis Bryant with copies to Paul Barringer and Tom Evans asking what the next step would be to appoint Travis Bryant to the board and "offer Hampton [Luzak] a spot…" Travis Bryant responded to all that the board had the ability to appoint Plaintiff if Randy Light, Paul Barringer Merrill Light approve it. The e-mail produced by the Lights contains the handwritten notation: "- yes, with control over who!" Travis Bryant also stated the process for carrying out her appointment at the first meeting coming up. The e-mail produced by the Lights contains the further handwritten notation: "X wait 1-2 meetings". (Light 141-142).

On August 13, 2012 Travis Bryant e-mailed John Jolley that "Paul has indicated to me that he would like to have a board meeting right away to resolve…Hampton Luzak's board appointment…" (Light 146).

On August 23, 2012 Mike Hagler resigned from the CFRC board of directors stating: "Having considered the multiple issues facing CFRC and its Board and my role/position as a director, I have decided to resign." (CFRC 19).

On August 28, 2012, Merrill Light's attorney John Jolley e-mailed Mrs. Light a blank Physician's Certification of Competency with a note stating: "Merrill: This would be great [?] let

me know if Dr. Long needs any help or has any questions." (9-22-17 McNair Subpoena Response 5-6).

On August 29, 2012, the CFRC Board of Directors consisting of Paul Barringer, Merrill Light, and Randolph Light met to name a successor director to Michael Hagler who resigned on August 23. The board appointed Travis Bryant. The board also nominated John Jolley, the attorney for Merrill and Randolph Light, Paul Barringer, and CFRC, as assistant secretary of CFRC. (CFRC 17).

On August 30, 2012, Randolph Light e-mailed Travis Bryant and John Jolley that "Merrill was wondering if we even have to give Hampton an alternative for someone to represent her if she declines to accept the board offer herself?" Travis Bryant responded: "In my opinion, you don't have to, but I think it defeats the objective of extending the offer if we don't at least consider the person she would nominate." (Light 158).

By a document dated September 11, 2012, Paul Barringer purportedly signed a Stock Power as a co-trustee of the Paul B. Barringer Revocable Trust assigning and transferring 38,271 shares of CFRC voting stock to Merrill Light as trustee of the Merrill Barringer Light Revocable Trust. The document was purportedly witnessed by Merrill U. Barringer and Sharon E. Potts. By another document dated September 11, 2012 titled Assignment of Shares, Paul Barringer as co-trustee of the Paul Barringer Revocable Trust purportedly assigned 38,271 shares of CFRC voting stock to Merrill Light as trustee of the Merrill Barringer Light Revocable Trust. Both Paul Barringer and Merrill Light purportedly signed the Assignment of Shares document. (Coastal 5-7). Merrill Light continued to serve as co-trustee of the Paul Barringer revocable trust at this time.

On September 17, 2012, following (a) Mike Hagler's resignation; (b) Randy Light and Travis Bryant's appointments to the CFRC Board of Directors to serve along with Merrill Light and Paul Barringer; and (c) John Jolley's appointment as corporate attorney and assistant secretary while working as Randy and Merrill Light's personal attorney, John Jolley wrote Hampton Luzak asking if she were interested in serving on the board of directors. Hampton Luzak declined the offer on September 25, 2012. (Light 161-162).

On September 19, 2012, Paul Barringer met with Dr. Bachman and underwent brain PET /CT scan at MUSC. The scan indicated progressive memory loss and behavioral changes over 2 years with atrophy. (Luzak-MUSC 152). His Alzheimer's medicine was doubled to 10 mg. (Luzak-MUSC 149-50).

On September 20, 2012, Randolph Light e-mailed John Jolley and Travis Bryant about a dividend distribution to Merrill Light. Randolph Light proposed "Since [Paul Barringer] can give away $5 M[illion] this year and if he has not already, how about [Paul Barringer] writing a check to Merrill as a gift and CFRC pay [Paul Barringer] equivalent taking into consideration any taxes. . ." (A. Twombley Privilege Log to Jolley-McNair Subpoena Response dated 9/22/17 at ¶ 4).

On October 9, 2012, Dr. Bachman met with Paul and Merrill Barringer to discuss results of PET scan and discussed treatment to slow down progression of Alzheimer's disease. (Luzak-MUSC 175).

Because of the multiple representation of clients related to Merrill Barringer and CFRC, Michael Smith wrote John Jolley on October 9, 2012 asking who he represented – the Lights, Paul Barringer and/or CFRC. (Light 166).

On October 11, 2012, John Jolley's office e-mailed to Travis Bryant stating "John will be forwarding a memo regarding shareholder oppression as well as a recent case this afternoon." (CFRC 43).

On October 16, 2012, Paul Barringer wrote a journal entry stating "Dr. David Bachman – PeT Scope – Brains hurt on both sides." (MUB's Suppl. to 1st Doc Production 417).

On October 26, 2012, the CFRC Board of Directors declared a special distribution dividend on CFRC's shares of $2,401,819 to shareholders of record on October 25, 2012 plus a preliminary true up to 42% of actual fiscal year 2012 earnings. The shareholder distributions are paid to Paul Barringer as owner of the 38,272 shares of CFRC Voting Stock. (CFRC_SC- 669-671; CFRC 669-71; Coastal 44 and 48-50).

CFRC issued stock certificate no. 15 to Paul Barringer for one voting share of CFRC stock and stock certificate no. 16 to Merrill Light for 38,271 voting shares with both shares being dated December 31, 2012. The CFRC stock register of February 30, 2014 also showed a transfer of voting stock to Merrill Barringer as trustee on December 31, 2012. (CFRC 628: Davis 35-36).

By e-mail dated January 4, 2013, Travis Bryant sent Randolph Light a presentation for their discussions with Julian Proctor of Ausley McMullen scheduled for the following week. Travis Bryant and Randolph Light discussed their presentation with Julian Proctor and having John Jolley alter the shareholder chart for the meeting to reflect Merrill Light ostensibly owning Paul Barringer's voting stock. (Coastal 54).

On January 6, 2013, Travis Bryant e-mailed Randolph Light "Have the shares been recorded? I will get with John and confirm that he has recorded the transfer." (Coastal 54).

On January 7, 2013, Randolph Light, using Merrill Light's e-mail address, e-mailed John Jolley on the subject of Paul Barringer's voting shares CFRC to Merrill Light and asked "When were the shares recorded?" John Jolley responded to Randolph Light and copied Travis Bryant stating, "Randy: the transfer paperwork was sent to the Havana address. I need to get with Travis regarding this one. Is this simply a follow up or is there something else?" Randolph Light responded, "Just a follow up question Merrill had." (9-22-17 McNair Subpoena Response 219).

On January 8, 2013, CFRC paid a regular quarterly dividend to Paul Barringer as shareholder of record owning the 38,272 shares of CFRC voting stock as of that date. (Coastal 56-58).

On January 10, 2013, John Jolley e-mailed Paul Barringer stating, "Please give me a call when you have a moment to discuss a time to meet. I [redacted] want to discuss your transfer of voting shares to Merrill Light." (9-22-17 McNair Subpoena Response 217).

On January 21, 2013, Randolph Light e-mailed John Jolley stating, "Just following up to confirm that you have [Paul Barringer] squared away regarding his stock certificates or signing lost waiver." (9-22-17 McNair Subpoena Response 218).

On January 24, 2013, Randolph Light emailed Travis Bryant regarding the voting stock certificates and stated that both he and Merrill were becoming very frustrated with John Jolley regarding the voting stock certificates. He stated that John Jolley assured him two weeks ago that he would take care of this with Paul Barringer and still had not to Randy's knowledge. He further asked, "Do you know anything to the contrary? It is quite simple to execute a loss certificate instrument." (Coastal 59).

Twenty-four minutes later Travis Bryant responded to Randolph Light, "I spoke to Paul [Barringer] yesterday, he has signed the stock over!!! John has it in his possession. Tom and I will both need to sign the new shares to be issued (1 share for PBB, balance to ML)". Also on January 24, 2013, Becki Bostick of John Jolley's office e-mailed Travis Bryant regarding subject of "CFRC Stock Certificates" to send an attachment. The e-mail stated that the original will follow via UPS. John Jolley, that same day, January 24, 2013, sent a letter to Travis Bryant which included unsigned stock certificates nos. 15 and 16 and also a cover letter which stated in part, "I have enclosed copies of Certificate Number 14 and the transfer documentation from Mr. Barringer . . ." The transfer provisions on the back of stock certificate No. 14 enclosed with John Jolley's letter were not signed by Paul Barringer and were completely blank. Included with the letter were the Stock Power and Assignment of Shares containing a date of September 11, 2012. (Coastal 59; 63-71).

On February 10, 2013, Merrill Barringer wrote Plaintiff about "Kevin's veiled threats to sue Merrill if she didn't vote his way. . ." (Hampton Luzak 269-271).

On March 2, 2013, Paul and Merrill Barringer signed their 2012 Tax Organizer for Bobby Davis and answered that they had made no reportable gifts to any individual in 2012. (1st Suppl. Davis Subpoena Response 251 and 255).

On March 27, 2013, Paul Barringer met with Dr. Bachman. His Alzheimer's medication was increased to include an afternoon dose. (Luzak-MUSC 249).

On March 28, 2013, according to Bobby Davis, he met with Paul Barringer in person for the last time. Randolph Light accompanied Paul Barringer on the visit to Columbia. Paul Barringer never mentioned the stock gift to Bobby Davis. (See dep. of Bobby Davis, 10/18/2017).

On April 5, 2013, Stephanie Chapman of CFRC e-mailed Randolph Light stating, "We received confirmations of the transfer of Mr. Barringer's shares to you. . . Do you want this [shareholder distributions] wired to the Northern Trust Account below?" (Coastal 74).

On April 5, 2013, the bankruptcy trustee of Randolph Light's company, The Stretford at the Cascades filed an adversary proceeding against Patriot Bank alleging that Patriot Bank received fraudulent transfers from Stretford under the direction of Randolph Light in 2010 and 2011. (McNally v. Patriot Bank, case No. 13-06007, Bankruptcy Court, E.D. TX 4/5/13 and Merrill and Randy Light deposition exhibit notebook No. 2 at Tab 77).

By e-mail dated October 19, 2013, Travis Bryant wrote Randolph Light a description of the executive stock purchase in which Travis Bryant would be offered a 2.5% stake in CFRC. Neither Paul Barringer nor any of the shareholders were copied on the e-mail. (CFRC 514-515).

An agenda for a board meeting scheduled for October 24, 2013 was drafted by CFRC. (CFRC 115-142). According to the letter of Alan Wingfield dated February 13, 2015, Travis Bryant offered to pay 10% down on a 2.5% interest in the stock of CFRC. John Jolley then proposed the idea that the company also provide Travis Bryant with an option for an additional 2.5% as way to increase Travis Bryant's stake to 5%. (Hampton Luzak 1964). Despite Plaintiff's demand and an order from Gadsden County Circuit Court to produce the CFRC board minutes that Plaintiff requested, CFRC has produced no minutes reflecting that a board meeting of October 24, 2013 was held.

On October 25, 2013, Travis Bryant e-mailed John Jolley consent resolutions to provide Travis Bryant with a grant of 2.5% of the outstanding shares in CFRC, an additional voting share, and also an option to purchase an additional 2.5% of the shares in the company. Travis Bryant demanded: "We want this done TODAY!!!" (CFRC 516-517),

On October 30, 2013, John Jolley e-mailed back to Travis Bryant a document and asked where the meeting will be that evening and further asked if he should deliver a hard copy to the Light's home. The attachment was a draft written consent resolution for the CFRC Board of Directors awarding Travis Bryant a 2.5% share in the company's stock with an option for an additional 2.5% ownership exercisable over five years. Also following the consent resolution were drafts of a Promissory Note, Stock Option Agreement, and a Stock Pledge Agreement supporting the stock issuance to Travis Bryant. (CFRC 519-533).

The CFRC Board of Directors sitting on the board in 2013 signed an Action Taken by Written Consent awarding Travis Bryant 2.5% of the CFRC shares and granting him an option to purchase another 2.5% within five years. The resolution was signed ostensibly by Paul Barringer, Merrill Light, Randolph Light and Travis Bryant and dated October 31, 2017. (CFRC 12-14). A second Action Taken by Written Consent was executed ostensibly by Paul Barringer, Randolph Light, Merrill Light and Travis Bryant dated October 31, 2013 which awarded the same interest in the company to Travis Bryant but also included an additional one share of voting stock. (CFRC 630-632).

Over the years of 2013 and 2014, the capital expenditures for timber and timberlands and property, plant and equipment contained significant discrepancies between the audited accounting records of Lanigan & Associates and the financial printouts provided by Troutman Sanders in the millions of dollars – approximately $16.1 million for property, plant and equipment, and $7.3 million for timber and timberlands. (See Exs. 131 and 132 to deps. Merrill Light and Randolph Light). In their depositions, board members Merrill Light and Randolph Light could provide no explanation for the discrepancies.

In response to Plaintiff's subpoena for records in the files of John Jolley, the McNair Law Firm produced a handwritten note dated April 9, 2014 referencing an irrevocable trust related to Randolph Light along with a notation about a trustee and a beneficiary during the time Randolph Light's companies were still in bankruptcy proceedings. (9-22-17 McNair Subpoena Response 152).

The records of the McNair Law Firm contain handwritten notes dated May 1, 2014 regarding the Barringer estate plan. The records include a notation to change the order of the successor trustee with Victor listed first, then an arrow pointed to Hampton with her name crossed through. The notes also indicate that the share to Hampton would go in trust for Wade Luzak. (9-22-17 McNair Subpoena Response 58).

On May 12, 2014, Randolph Light, from Merrill Light's e-mail address, e-mailed John Jolley and Wendy Brewer at Wells Fargo instructing John Jolley to forward copies of the Barringer's new documents that John Jolley discussed the week before once the new documents had been executed. (9-22-17 McNair Subpoena Response 14).

On June 12, 2014, Paul Barringer purportedly executed a Third Amendment and Restatement of Trust Agreement and a pour-over will. The Third Amendment and Restated Trust eliminated Hampton Luzak as a beneficiary and instead left one-third of the residuary trust to Wade Luzak. John Jolley was named as an alternate successor trustee. (MUB's 1st Document Production 109-140; 193-200).

On October 29, 2014, the CFRC Board of Directors appointed Randolph Light as an officer to the company as a vice president but without any designated function and also as vice chairman of the board. (CFRC 799-800). CFRC paid Randy Light $410,883 in fees and bonuses for 2013 and 2014. (CFRC_SC 529).

On December 12, 2014, Paul Barringer gave Merrill Light, Randolph Light and Victor Barringer $10,000 each and gave his grandchildren Paul Barringer, III, Thomas Light, Turner Barringer, Sarah Barringer and Paul Light $5,000 each. Paul Barringer gave $1,000 to Plaintiff but gave nothing to Wade Luzak. (9-4-18 Wells Fargo Suppl. Subpoena Response 1138-1139).

On January 15, 2015, the bankruptcy trustee for The Stretford at the Cascades, LP filed his Final Account and Distribution Report showing a receipt of $112,500 as a recovery of fraudulent transfers from Patriot Bank in case #13-06007 in the case brought by the bankruptcy trustee to void Stretford transfers for the benefit of Randy Light's company LIRVP, LLC. (Hampton Luzak 597-610).

After Plaintiff discovered a note in the 2014 financial statements about a stock issuance to an undisclosed officer, Hampton Luzak's attorney wrote Travis Bryant and CFRC on January 21, 2015 to request, among other items, a copy of the stock transfer books of the corporation showing the stock ownership of the company since June 2012. On February 13, 2015, CFRC produced various records to Plaintiff's attorney but omitted a copy of the requested stock register. (KLUZAK 24602-605; Hampton Luzak 1958-1971). On February 20, 2015, Plaintiff's counsel wrote CFRC a second time and again asked for the stock transfer books of the corporation and pointed out that CFRC omitted the stock transfer records in the prior production. (Hampton Luzak 617-624). On March 3, 2015, CFRC responded a second time with various documents but again omitted the stock transfer register. (Boisselle 7020-7023). On March 6, 2015, Plaintiff's attorney sent to CFRC's counsel a third request asking for the stock ledger/share register/stock transfer books of the corporation from June 2012 to that date. (Hampton Luzak 626-627). Finally on March 13, 2015, CFRC disclosed the stock transfer ledger to Hampton Luzak following her third demand for its production. (Hampton Luzak 2079-2081; CFRC 628).

On Tuesday, February 3, 2015, Victor Barringer e-mailed Merrill Light's e-mail address and instructed, "Let me know today as soon as the documents are signed." Merrill Light responded, "Thurs am papers will be signed being drawn up now." (Victor Barringer 9).

Cindy Sprouse of Wells Fargo e-mailed Randolph Light on February 3, 2015 with information about investment accounts of Paul Barringer being handled by Wells Fargo. Cindy Sprouse further wrote that if Paul Barringer resigned, then Merrill Light would step into his role as co-trustee. She further stated that it would be best to confer with John Jolley about making this move. (9-22-17 McNair Privilege Log 9).

On February 5, 2015, Paul Barringer ostensibly signed a power of attorney naming Merrill Light as his agent and Randolph Light as his alternate agent. The power of attorney was prepared by John Jolley. (MUB's 1st Document Production 316-328).

On February 5, 2015, Paul Barringer executed his Fourth Amendment and Restatement of the Paul Barringer Revocable Trust and a Last Will and Testament, both prepared by John Jolley. The estate plan documents purport to omit Hampton Luzak and Wade Luzak as beneficiaries except that Wade Luzak would receive $50,000 in the event Merrill Barringer predeceased Paul Barringer which did not happen. The Fourth Amendment thus purportedly eliminated both Hampton and Wade Luzak as beneficiaries of Paul Barringer's Will and Trust. (MUB's 1st Document Production 141-171 and 201-209).

On February 19, 2015, Merrill Light, while ostensibly owning approximately 51% of the CFRC voting shares, voted for a slate of directors that did not include Paul Barringer. In addition, Randolph Light was voted as chairman of the board in the February 19, 2015 shareholders meeting. Merrill Light's ostensible shares were voted by a proxy purportedly given to John Jolley. Hampton Luzak attended the meeting telephonically. The minutes prepared by CFRC state that Travis Bryant and John Jolley were the only ones present. (Hampton Luzak 305-307).

On March 16, 2015, a meeting of the board of directors was held to discuss interviewing financial advisors for strategic alternatives for the company including a potential sale of the company. (Light 49-50).

On April 15, 2015, CFRC filed a declaratory judgment action in the Eastern District of Virginia Federal Court against Hampton Luzak. On August 28, 2015, Paul Barringer ostensibly moved to intervene in the federal court action on Merrill Light's behalf. On October 19, 2015, Paul Barringer was examined by Dr. Mazzeo and scored a "10" on the Mental State Exam. Dr. Mazzeo's records report that Paul Barringer had been suffering from memory loss for three to four years. (Luzak-Coastal Neurology 13).

On May 28, 2015, Paul Barringer purportedly signed a federal form 709 gift tax return reporting the gift of stock to Merrill Light allegedly occurring on December 31, 2012. The preparation and filing of the gift tax return was initiated by Randolph Light contacting Bobby Davis and with further input from Travis Bryant and John Jolley according to the records of Bobby Davis, CPA. (Davis 59). Randy Light testified he had no involvement with Paul Barringer's taxes or personal financial information. (Randy Light Depo. 8/20/19 pp. 84-85 and 8/21/19 pp. 331-336).

By mid-2015 and certainly by the fall of 2015, Paul Barringer had fallen off the cliff mentally and was totally unrelated to the outside world, according to the testimony of Dr. Paul Long on April 28, 2016 before the Beaufort County Probate Court.

On September 25, 2015, Paul Barringer purportedly wrote a letter regarding Brandon Acres that includes a detailed chart of company assets and distributions. The letter was signed in the name of Paul Barringer. (Hampton Luzak 757-758).

On December 31, 2015, Robert Scully and Michael Kim submitted Paul B. Barringer II's Answers and Objections to Hampton Luzak's First Set of Interrogatories in the EDVA litigation. The responses included a statement that Paul Barringer did not receive any dividends from CFRC stock after September 11, 2012. On January 14, 2016, Robert Scully and Michael Kim submitted without verification Paul B. Barringer II's Amended Responses and Interrogatories to Hampton Luzak's First Set of Interrogatories to state that Paul Barringer did not recall seeing any dividends but was informed that CFRC records reflected that he had received dividends on the stock for 2012. (Merrill Light and Randy Light deposition exhibit notebooks at Tab 10).

On January 20, 2016, Dr. Paul Mazzeo, a board certified neurologist, reported that from his evaluation of Paul Barringer on October 19, 2015, "Mr. Barringer was suffering from severe memory loss and expressive aphasia, (the inability to use language to express thoughts)." Dr. Mazzeo declared that Mr. Barringer's memory loss and expressive aphasia made it practically impossible for him to recall past events with accuracy. Dr. Mazzeo who examined Paul Barringer on October 19, 2015 stated in his federal court declaration that "Mr. Barringer lacked the capacity to testify in a United States District Court". He further stated that because Alzheimer's type dementia is a progressive disease, in his professional medical opinion, Paul Barringer would not recover the capacity to testify in the future despite ongoing treatment. (Luzak – Coastal Neurology 36-38).

On or about February 1, 2016, Paul Barringer signed under penalty of perjury, a verification to the Paul B. Barringer, II's Second Amended Responses and Objections to Hampton Luzak's First Set of Interrogatories changing his original answer about the CFRC dividends to state that he did not recall seeing any dividends but was informed that CFRC records reflect that he had received dividends on the stock for 2012. On February 3, 2016, thirteen days after Dr. Mazzeo's Declaration was filed in federal court declaring Paul Barringer mentally incapable of providing testimony due to his inability to recall past events, the attorneys ostensibly representing Paul Barringer in his intervention to support Merrill Light in the EDVA action submitted Paul Barringer's sworn declaration dated February 1, 2016 to his second amended interrogatory responses (Merrill Light and Randy Light deposition exhibit notebooks at Tab 10).

Around December 15-17, 2012, Paul Barringer purportedly sent a letter to Plaintiff claiming Plaintiff had brought shame to the Barringer name. Earlier drafts of the letter were written in Merrill Barringer's handwriting and with her edits. (Tab 63 of Merrill Light dep. exhibits).

On April 12, 2016, Paul Barringer ostensibly signed an IRS Form 8879 for electronic filing of his 2015 income tax returns certifying under oath that he had examined his tax returns prepared by Bobby Davis and understood the contents thereof. (9-14-17 Davis Subpoena Response 1424).

On April 22, 2016, Dr. Paul Long administered the Mini-Mental State Exam to Paul Barringer. Paul Barringer scored a 1 out of 30 on the examination. (Hampton Luzak 323). Paul Barringer subsequently passed away on May 30, 2016.

On June 2, 2016, Merrill Barringer sent by e-mail through Pat Harrell to Peggy Boisselle instructions to Hampton Luzak to sit on the last row of the family section which was the third row and on the right side where attorneys for Merrill Light and other family member attorneys were seated. (Archer 10391-92).

In addition, please see the depositions of Merrill Light dated August 12-13, 2019, Randolph Light of August 20-21, 2019, Hampton B. Luzak of June 12-13, 2019, Bobby Davis of October 18, 2017, Paul Light of July 10, 2019, Anne Surrett of July 18, 2019 and Merrill U. Barringer of March 14, 2019.

INTERROGATORY NO. 5: Set forth and identify all person(s) known to Plaintiff and/or Plaintiff s counsel who will testify with first-hand knowledge that "Merrill Light undertook a scheme to effect a transfer of Paul Barringer's voting stock in Coastal Forest Resources Company, Inc. ("CFRC") to a revocable trust under her control and for her benefit and of which she is the trustee" as set forth in paragraph six (6) of your Amended Complaint.

RESPONSE:

a. Hampton Barringer Luzak
b. Kevin Luzak
c. Merrill B. Light
d. James Randolph Light, Jr.
e. Victor C. Barringer
f. Merrill U. Barringer
g. Robert C. Slane
h. Bobby L. Davis, CPA
i. John M. Jolley, Esquire
j. J. Travis Bryant
k. Robert E. Scully, Jr. , Esquire
l. Michael K. Kim, Esquire
m. Margaret Ann Boisselle

INTERROGATORY NO. 6: If you contend, assert, or otherwise believe that any person(s) improperly influenced (and/or acted in any other improper manner) Paul Barringer in the execution of his estate planning documents prior to February of 2012, set forth all evidence and all facts and identify all Documents supporting your contention, assertion, or belief.

RESPONSE:

Plaintiff does not contend, assert or otherwise believe that any persons improperly influenced (and/or acted in any other improper manner) Paul Barringer in the execution of his estate planning documents prior to February 2012.

INTERROGATORY NO. 7: If you contend, assert, or otherwise believe that Merrill Barringer aided and abetted Merrill Light and/or Randolph Light in allegedly improperly influencing Paul Barringer to give his CFRC voting stock to Merrill Light and/or change his estate plan at any time between 2012 and 2015, set forth all evidence and facts and identify all Documents supporting your contention, assertion, or belief.

RESPONSE:

Defendant Merrill Barringer was personally aware that Paul Barringer had dementia, including Alzheimer's disease, from May 4, 2012 if not far sooner. (see Hampton Luzak 124-125; Luzak-MUSC 313, 283, 306, 18-20; and Luzak-Coastal Neurology 13 and 26).

On or about June 8, 2012, Kevin Luzak talked with Merrill Barringer who stated that Paul Barringer was very upset at Kevin and that Paul Barringer believed Kevin Luzak was trying to sell 65% of the timberland and move the timberland management team to New York and that the people in New York would own 80% of the investments in the company. Kevin Luzak rebutted these false perceptions item by item with Merrill Barringer. Mrs. Barringer also stated to Kevin Luzak during this conversation that Paul Barringer was upset about supposedly being kicked out of the last board meeting in April 2012 which was untrue as Paul Barringer presided

over the meeting without incident, although Paul Barringer had trouble communicating and forming words at the time. (Hampton Luzak 2048-49; Light 53-56).

Prior to the commencement of the CFRC Board of Director's meeting held on June 28, 2012, Merrill Barringer and Paul Barringer discussed the decision to fire Kevin Luzak and they agreed that Kevin Luzak should be fired. Mrs. Barringer then attended the June 28 board meeting "to correct him in any manner", "to hear how he was doing", "and maybe to indicate to him something he should say he may have forgotten" referring to Paul Barringer. (See dep. of Merrill Barringer dated 3/14/2019). Mrs. Barringer was present at the June 28, 2012 board meeting when Paul Barringer was instructed to change his vote. (Id.) (See Amended Complaint Ex. 5) (Hampton Luzak 696-715).

During the June 28, 2012 special board meeting, as soon as a vote was taken on a motion to appoint Paul Barringer as president and CEO of CFRC, which was not approved, Merrill Barringer immediately interjected that the meeting should be adjourned before any extended discussion could occur about Paul Barringer's health and other related issues. Mrs. Barringer's initial request for an adjournment was not approved by the board. Some discussions then occurred among the board members about the problems with Paul Barringer's mental health and his having been coached during the votes taken during the meeting. After some discussion of these issues, Merrill Barringer again instructed Paul Barringer and Merrill Light to adjourn the meeting and told everyone at the meeting that the meeting was adjourned. (Hampton Luzak 696-715).

On or about July 26, 2012, Plaintiff wrote the CFRC Board of Directors about Paul Barringer's mental condition and informed them that he had been diagnosed with Alzheimer's disease and that she along with Merrill Barringer and Merrill Light had been aware of his condition for months. (Hampton Luzak 210-214).

By documents facially dated September 11, 2012, Paul Barringer assigned 38,271 shares of his CFRC voting stock to Merrill Light as trustee of her revocable trust. The purported transfer was done through two documents titled as a Stock Power and an Assignment of Shares. Merrill Barringer signed as a witness to the Stock Power document. (Coastal 69-71).

Merrill Barringer testified in a deposition that Paul Barringer changed his estate plan in June of 2014, which would have been at least the third change to his estate plan of December 4, 1998. In that change, Paul Barringer removed Plaintiff as a beneficiary and substituted Plaintiff's son, Wade Luzak in place of Plaintiff as a residuary beneficiary. Merrill Barringer testified that Paul Barringer cut out Plaintiff as a beneficiary because she had supposedly alienated Paul Barringer and that Paul Barringer thought Plaintiff was greedy. During the time period of July 2012 to June 2014, Plaintiff set up visits between her family and her parents only to have the visits cancelled by Merrill Barringer. Merrill Barringer instructed Plaintiff during this time period to always call her on her mobile number and not to call the landline at home where Paul Barringer lived and had access to the phone. On November 12, 2013 when Hampton Luzak was having trouble reaching Merrill Barringer on her mobile phone, she had her assistant, Peggy Boisselle e-mail her parent's assistant, Pat Harrell, asking if there was a new number that she should be calling. Plaintiff received no response to the question. (Archer 18714-15). In

addition, Plaintiff made no request to Merrill Barringer or Paul Barringer or other family members for any assets, favors, or anything of value during this time in contrast to Merrill Barringer's claim that Plaintiff was greedy. (See Dep. of Hampton Luzak, 6/12/2019 and 6/13/2019). Further, around November 1, 2012, after Merrill and Randy Light gained control of the CFRC board of directors, the company began making very large and unprecedented distributions as special dividends. On November 8, 2012, Plaintiff wrote the board protesting that the funds paid out in special dividends would have been used by Paul Barringer for reinvestment and growth. (Light 169-170).

Around the time period of December 15-17, 2012, Merrill Barringer drafted or assisted in drafting a letter ostensibly from Paul Barringer to Plaintiff blaming Plaintiff for any discord and alienation in the family and attributing this to Plaintiff's greed. (See, PBARRINGER 155, CFRC_HARRELL 233, CFRC_HARRELL 282, CFRC_HARRELL 44, CFRC_HARRELL 128, CFRC_HARRELL 6, PBARRINGER 156, and Hampton Luzak 268).

From August 28, 2015 through the spring of 2016, Paul Barringer ostensibly intervened in federal litigation in the Eastern District of Virginia. During this time period, Paul Barringer scored a "10" on the Mini-mental State Exam on October 19, 2015. (Luzak – Coastal Neurology 8). Paul Barringer's treating neurologist during this time described Mr. Barringer's condition as "severe senile dementia, Alzheimer's type." (Luzak – Coastal Neurology 40). While Merrill Barringer was aware of Paul Barringer's severe condition in August of 2015, she also knew of the efforts to purportedly involve Paul Barringer into a family federal litigation, more than three years after he had been diagnosed with Alzheimer's disease, for the benefit of Merrill Light's position on the stock transfer. (Dep. of Merrill Barringer dated 03/14/2019).

When Merrill Barringer signed the Stock Power as a witness purportedly transferring the voting stock in Paul Barringer's revocable trust to Merrill Light, Merrill Barringer did not inform the Plaintiff of the stock transfer and instead assisted Merrill Light and others in keeping the transfer hidden from Plaintiff. Merrill Barringer witnessed the Stock Power along with Sharon Potts, an employee of the McNair Law Firm with whom Mrs. Barringer's attorney John Jolley worked.

Merrill Barringer, as Paul Barringer's wife, was his agent under his Power of Attorney executed on December 15, 2011. (MUB's 1st Doc. Produc. 306-315). Merrill Barringer as his wife, caretaker and an attorney-in-fact, was in a confidential and fiduciary relationship with Paul Barringer. She had the opportunity to influence him and contended that she was the only person who could influence him. (Dep. of Merrill Barringer, 3/14/2019).

Paul Barringer suffered from Alzheimer's disease which is a progressive disease which worsens over time and does not improve over time (Mazzeo Declaration at Luzak-Coastal Neurology 36-38). As Paul Barringer's mental incapacity progressed, he necessarily became increasingly dependent on Mrs. Barringer (Luzak-Coastal Neurology 13; Luzak-MUSC 1-348).

While Merrill Barringer discussed the removal of Kevin Luzak as president and CEO of CFRC before the June 28, 2012 board meeting, Merrill Barringer harbored animus towards Hampton Luzak and Plaintiff's husband Kevin Luzak by stating in her deposition that Hampton

Luzak had married the wrong man and that Plaintiff was greedy, an agitator, irresponsible and a coward. (Merrill Barringer dep. 3/14/2019). Merrill Barringer further testified that she had more respect for her daughter Merrill Light in 2012 than for Plaintiff and had lost respect for Plaintiff.

In preparation of the documents changing the estate plan of Paul Barringer, Plaintiff is informed and believes that Merrill Barringer also attended estate planning meetings among Paul Barringer, Merrill Light's attorney John Jolley, Paul Barringer's insurance agent and estate planning advisor Robert Slane and herself. (See, 9-22-17 McNair Subpoena Response 227-233, 11-14-17 1st Suppl. McNair Subpoena Response 237-238, and Hampton Luzak 938).

After signing the Stock Power dated on its face as September 11, 2012 as a witness, Merrill Barringer subsequently submitted a Form 709 gift tax return to the IRS claiming that she consented to a gift of Paul Barringer's voting stock to Merrill Light on December 31, 2012. (PBARRINGER 9-15). In addition, while Merrill Barringer claimed to have witnessed the stock power transfer on September 11, 2012, CFRC continued to pay dividends to Paul Barringer until April of 2013. (Coastal 48-53 and 56-58). On January 6, 2013, Travis Bryant e-mailed Randolph Light asking if the Paul Barringer voting shares had been recorded. (Coastal 54). Randolph Light further stated that he would get with John Jolley and confirm that the transfer had been recorded. The next day on January 7, 2013, Randolph Light e-mailed John Jolley and his assistant asking when were the shares recorded. John Jolley responded that the transfer paperwork was sent to the Havana, Florida address but that he needed to get with Travis Bryant regarding that question. (9-22-17 McNair Subpoena Response 219). On January 10, 2013, John Jolley then e-mailed Paul Barringer asking Paul Barringer to give him a call to discuss a time to meet. John Jolley stated that he wanted to discuss Paul Barringer's transfer of voting shares to Merrill Light. (9-22-17 McNair Subpoena Response 217). On January 21, 2013, Randolph Light again e-mailed John Jolley about the stock transfer asking if John Jolley had Paul Barringer squared away regarding his stock certificates or signing loss waiver. (9-22-17 McNair Subpoena Response 218). On January 24, 2013, Randolph Light e-mailed Travis Bryant that he and Merrill Light were becoming very frustrated about the stock transfer, and that to Randolph Light's knowledge, John Jolley had not taken care of the stock transfer with Paul Barringer as of that date. Later that same morning, Travis Bryant e-mailed Randolph Light back that he spoke to Paul Barringer the day before and that Paul Barringer "has signed the stock over!!!" Travis Bryant further stated that he and Tom Evans would need to sign new shares to be issued in the future. (Coastal 59). That same day John Jolley's office e-mailed and mailed to Travis Bryant unsigned stock certificates to be executed by CFRC corporate personnel along with "the transfer documentation from Mr. Barringer" which Travis Bryant had e-mailed Randolph Light about earlier that day. (Coastal 63-71). Merrill Barringer signed the 2012 Tax Organizer submitted to Bobby Davis in March of 2013 in which she and Paul Barringer answered "No" to the question of whether they made any gifts valued at more than $13,000 in 2012. (11-27-17 1st Suppl Davis Subpoena Response 2051 and 2055).

Through the above actions and others that may be disclosed during continued discovery, Merrill Barringer aided and abetted her co-conspirators Merrill and Randolph Light and others in transferring the CFRC voting stock of Paul Barringer to Merrill Light.

INTERROGATORY NO. 8: If you contend, assert, or otherwise believe that Merrill Barringer at any time misrepresented that she was present at the time Paul Barringer executed any of his estate planning or other Documents from 2012 through 2015, set forth all evidence and all facts and identify all Documents supporting your contention, assertion, or belief.

RESPONSE:

As part of the purported transfer of Paul Barringer's CFRC voting stock to Merrill Light, Paul Barringer purportedly executed a Stock Power and an Assignment of Shares dated September 11, 2012, with the Stock Power being witnessed by Merrill Barringer along with Sharon E. Potts of the McNair Law Firm for whom Merrill Barringer's attorney John Jolley worked. (Coastal 69-71). The billing records of John Jolley show no work for preparation of the Stock Power or Assignment of Shares prior to September 11, 2012. (9-22-17 McNair Subpoena Response 235).

As stated in response to No. 7 above, after signing the Stock Power dated on its face as September 11, 2012 as a witness, Merrill Barringer subsequently submitted a Form 709 gift tax return to the IRS claiming that she consented to a gift of Paul Barringer's voting stock to Merrill Light on December 31, 2012. (PBARRINGER 9-15). In addition, while Merrill Barringer claimed to have witnessed the stock power transfer on September 11, 2012, CFRC continued to pay dividends to Paul Barringer until April of 2013. (Coastal 48-53 and 56-58). On January 6, 2013, Travis Bryant e-mailed Randolph Light asking if the Paul Barringer voting shares had been recorded. (Coastal 54). Randolph Light further stated that he would get with John Jolley and confirm that the transfer had been recorded. The next day on January 7, 2013, Randolph Light e-mailed John Jolley and his assistant asking when were the shares recorded. John Jolley responded that the transfer paperwork was sent to the Havana, Florida address but that he needed to get with Travis Bryant regarding that question. (9-22-17 McNair Subpoena Response 219). On January 10, 2013, John Jolley then e-mailed Paul Barringer asking Paul Barringer to give him a call to discuss a time to meet. John Jolley stated that he wanted to discuss Paul Barringer's transfer of voting shares to Merrill Light. (9-22-17 McNair Subpoena Response 217). On January 21, 2013, Randolph Light again e-mailed John Jolley about the stock transfer asking if John Jolley had Paul Barringer squared away regarding his stock certificates or signing loss waiver. (9-22-17 McNair Subpoena Response 218). On January 24, 2013, Randolph Light e-mailed Travis Bryant that he and Merrill Light were becoming very frustrated about the stock transfer, and that to Randolph Light's knowledge, John Jolley had not taken care of the stock transfer with Paul Barringer as of that date. Later that same morning, Travis Bryant e-mailed Randolph Light back that he spoke to Paul Barringer the day before and that Paul Barringer "has signed the stock over!!!" Travis Bryant further stated that he and Tom Evans would need to sign new shares to be issued in the future. (Coastal 59). That same day John Jolley's office e-mailed and mailed to Travis Bryant unsigned stock certificates to be executed by CFRC corporate personnel along with "the transfer documentation from Mr. Barringer" which Travis Bryant had e-mailed Randolph Light about earlier that day. (Coastal 63-71). Merrill Barringer signed the 2012 Tax Organizer submitted to Bobby Davis in March of 2013 in which she and Paul Barringer answered "No" to the question of whether they made any gifts valued at more than $13,000 in 2012. (11-27-17 1st Suppl Davis Subpoena Response 2051 and 2055).

INTERROGATORY NO. 9: If you contend, assert, or otherwise believe that Merrill Barringer, Randolph Light, Merrill Light or anyone else improperly wrote letters or other documents for Paul Barringer to sign, or that Paul Barringer signed letters that did not include language that he wanted included, set forth all evidence and all facts and identify all Documents supporting your contention, assertion, or belief.

RESPONSE:

Please see the documents concerning the letter and drafts thereof purportedly from Paul Barringer to Hampton Luzak dated between December 15 and December 17, 2012. (PBARRINGER 155; CFRC_HARRELL 233; CFRC_HARRELL 282; CFRC_HARRELL 44; CFRC_HARRELL 128; CFRC_HARRELL 8; PBARRINGER 156; Hampton Luzak 268).

See also the purported letter of Paul Barringer to Hampton Luzak dated February 26, 2015 at CFRC_HARRELL 129-132 and Hampton Luzak 308.

INTERROGATORY NO. 10: If you contend, assert, or otherwise believe that Robert Scully forced and/or improperly deceived Paul Barringer to intervene and/or remain in the Virginia litigation, set forth all evidence and all facts and identify all Documents supporting your contention, assertion, or belief.

RESPONSE:

See records of Luzak-Coastal Neurology 1-69, Luzak-MUSC 1 – 348. See also e-mails of Michael Smith and Robert Scully dated October 14, 2015 (Hampton Luzak 2082-83 produced herein); see also Merrill Light Depo. Exhibit notebook Vol. 1 at Tab 10.

INTERROGATORY NO. 11: Set forth in detail the amount of attorney's fees you are seeking to recover in this litigation and identify the dates and method of payment for said fees.

RESPONSE:

Plaintiff objects to this interrogatory as premature. An award of attorney fees is an equitable matter before the court and is determined after the proceedings have been completed on substantive matters. See, SCE&G v. Hartough, 375 S.C. 541, 654 S.E.2d 87 (Ct. App. 2007) (upholding trial court order awarding attorney fees to prevailing party determined after the action had been fully resolved). See also Rule 42(b), SCRCP.

INTERROGATORY NO. 12: At various times your attorneys have represented to the Court that you and your husband have spent hundreds of thousands of dollars responding to discovery, responding to subpoenas, and taking other actions to comply with discovery requests. Set forth a list of all amounts you have spent, including the date of the expenditure, the amount of the expenditure, the purpose of the expenditure, and to whom the expenditure was paid.

RESPONSE:

Plaintiff objects to this request as seeking information that is subject to the attorney work product doctrine and attorney-client privilege. Until this matter has been resolved on the merits and a prevailing party determined, the issues of attorney fees and costs are not discoverable. See Rule 26(b), SCRCP.

INTERROGATORY NO. 13: Set forth all evidence and all facts and identify all Documents and all legal authority supporting your contention that any person(s) had a legal, ethical, and/or other duty to inform you of the transfer of Paul Barringer's CFRC voting stock to any trust for which Paul Barringer was the settlor, or from any trust for which Paul Barringer was a settlor to Merrill Light.

RESPONSE:

Plaintiff objects to this request to the extent it asks for legal authority supporting Plaintiff's claims since such information is protected by the work product doctrine and Rule 26(b)(3), SCRCP.

A. Merrill Light

(1) Merrill Light had a duty to inform Plaintiff of the transfer from the Paul Barringer trust of December 2, 1998 to the Merrill Light revocable trust. Merrill Light was a co-trustee at the time the transfer of stock was made. Plaintiff was a default beneficiary. Because of Paul Barringer's incapacity, he no longer had the power to revoke or change the trust thus making the trust irrevocable. Hampton Luzak as beneficiary of the trust was owed a fiduciary duties by the trustee, which included Merrill Light, such as the duty of the trustee not to self-deal and to inform and report trust activities. Merrill Light's fiduciary duty required her to inform Plaintiff of the transfer of CFRC voting stock from the Paul Barringer trust to herself.

(2) Merrill Light served as alternate then primary attorney-in-fact of Paul Barringer pursuant to his durable powers of attorney executed on December 15, 2011 and February 5, 2015. As the agent for Paul Barringer under his durable powers of attorney she owed a fiduciary duty to protect the assets of his estate and not to self-deal with distributions of Paul Barringer's voting stock to herself. Merrill Light's fiduciary duty required her to inform Plaintiff of the transfer of CFRC voting stock from the Paul Barringer trust to herself.

(3) At the time of the transfer of Paul Barringer's voting stock, Merrill Light was a director of CFRC while Plaintiff was a shareholder. As a director she owed a fiduciary duty of loyalty, honesty and good faith and fair dealing to the corporation and its shareholders including Plaintiff. Merrill Light's fiduciary duty required her to inform Plaintiff of the transfer of CFRC voting stock from the Paul Barringer trust to herself.

(4) By virtue of the purported transfer of Paul Barringer's voting stock to Merrill Light from the Paul Barringer trust of which Merrill Light was a co-trustee, Merrill Light ostensibly became the controlling shareholder while Plaintiff was a minority shareholder. As the controlling shareholder, Merrill Light owed a fiduciary duty to the minority shareholders including the duty to inform and report. Merrill Light's fiduciary duty required her to inform Plaintiff of the transfer of CFRC voting stock from the Paul Barringer trust to herself.

(5) Around January of 2012, Merrill Light informed Plaintiff that she was getting involved with in her father's estate planning and would become an agent under Paul Barringer's power of attorney. At that time Merrill Light knew Plaintiff had long been a beneficiary of Paul Barringer's estate plans. Merrill Light thereby induced Plaintiff to repose special trust and confidence in her to help their father carry out his estate plan, which had always included treating Merrill Light and Plaintiff equally regarding CFRC stock. Merrill Light undertook responsibilities to Plaintiff by informing Plaintiff she would be acting to protect their father's estate plan which included Plaintiff as an equal beneficiary with Merrill Light. This special trust and confidence required Merrill Light to inform Plaintiff of the transfer of CFRC voting stock from the Paul Barringer trust to herself.

B. Merrill U. Barringer

(1) Merrill Barringer served as the primary attorney-in-fact of Paul Barringer pursuant to his durable power of attorney executed on December 15, 2011. As the agent for Paul Barringer under his durable powers of attorney she owed a fiduciary duty to protect the assets of his estate. This fiduciary duty required Merrill Barringer to inform Plaintiff of the transfer of CFRC voting stock from the Paul Barringer trust to herself which she purportedly witnessed.

C. Randy Light

(1) Randy Light served as the alternate attorney-in-fact of Paul Barringer pursuant to his durable power of attorney executed February 5, 2015. As the agent for Paul Barringer under his durable power of attorney, he owed a fiduciary duty to protect the assets of his estate and not to engage in or promote self-dealing such as the distributions of Paul Barringer's voting stock to his wife Merrill Light. These fiduciary duties required Randy Light to inform Plaintiff of the transfer of CFRC voting stock from the Paul Barringer trust to his wife.

(2) At the time of the transfer of Paul Barringer's voting stock, Randy Light was a director of CFRC while Plaintiff was a shareholder. As a director he owed a fiduciary duty of loyalty, honesty and good faith and fair dealing to the corporation and its shareholders including Plaintiff. These duties required Randy Light to inform Plaintiff of the transfer of CFRC voting stock from the Paul Barringer trust to his wife.

INTERROGATORY NO. 14: If you contend, assert, or otherwise believe that Merrill Light, Randolph Light, Merrill Barringer, or any other person(s) improperly used Paul Barringer's computer, email or other social media account, set forth all facts and identify all

Documents supporting your contention, assertion, or belief, including the time, place, and manner in which Paul Barringer's computer was allegedly improperly used.

RESPONSE:

The pictures posted on Paul Barringer's Facebook account consisted exclusively of photographs of Hampton, Kevin and Wade Luzak. According to the post from the Paul Barringer Facebook account, the pictures of the Luzak family were posted on or around February 13, 2014. (Hampton Luzak 2068-69). They remained on Paul Barringer's Facebook page as late as May 2018. Thereafter, they were deleted.

On September 27, 2016 Plaintiff's attorney sent anti-spoliation letters to counsel for all defendants in this case. The letters advised the defendants about deleting electronic evidence of any type during this litigation, among other matters.

Defendants Merrill Barringer, Merrill Light and Randolph Light have all denied deleting the Facebook posts of Hampton Luzak's family. Merrill Light testified that she had nothing to do with Paul Barringer's Facebook account and knew nothing about the deletion of the Facebook postings of the Luzak family from Paul Barringer's Facebook page. (Merrill Light dep. of 8/13/2019). Randolph Light likewise testified that he knew nothing about Paul Barringer's Facebook account and did not know who deleted Paul Barringer's postings of the Luzak family. Randolph Light responded to Plaintiff's Third Set of Interrogatories, No. 3, by stating he did not have any information on the user identification, password or any other information regarding Paul Barringer's Facebook account. Merrill Light responded in her answers to Plaintiff's Third Set of Interrogatories that she did not have any information on the user identification, password or other information regarding the Paul Barringer Facebook account in response to Plaintiff's Third Set of Interrogatories to Merrill Light. Sometime in May of 2018, Plaintiff viewed Paul Barringer's Facebook account and saw that the photographs of her family were still present on Paul Barringer's Facebook page. When Plaintiff viewed the Paul Barringer Facebook page sometime in July 2018, the photographs of the Luzak family had been removed from Paul Barringer's Facebook page. The Facebook photos of the Luzak family on Paul Barringer's Facebook page were still posted and viewable through May of 2018 and possibly later. The pictures were taken down or deleted by July 2018.

INTERROGATORY NO. 15: If you contend, assert, or otherwise believe any person(s) improperly signed any Document on behalf of Paul Barringer or otherwise forged his name to a document, set forth all evidence and all facts and identify all Documents supporting your contention, assertion, or belief, including the identity of the Document signed, the time and place the Document was signed and who you contend signed the Document.

RESPONSE:

Plaintiff objects to this interrogatory as premature as discovery is still ongoing. Plaintiff is in the process of trying to gain access to original documents for examination which documents are not in the possession of Plaintiff.

The Circuit Court for the County of Gadsden, Florida recently issued an Order requiring CFRC to provide for inspection the originals of the unanimous written consents of CFRC dated October 31, 2013 and October 31, 2017, both purportedly signed by Paul B. Barringer, Randolph Light, Merrill Light and Travis Bryant. (CFRC 14 and 632).

INTERROGATORY NO. 16: If you contend, assert, or otherwise believe that Paul Barringer's Interrogatory responses in the Virginia Litigation were improperly submitted or improperly amended, set forth all facts and all evidence to support your contention, assertion or belief.

RESPONSE:

On October 19, 2015, Dr. Paul Mazzeo examined Paul Barringer, and as part of the examination, administered a Mini-Mental State Exam to him. Mr. Barringer scored a 10 out of 30. The Mini-Mental State Exam, along with other factors analyzed by Dr. Paul Mazzeo, led him to conclude on that date that "Mr. Barringer has severe senile dementia, Alzheimer's type." (Luzak-Coastal Neurology 14). Dr. Mazzeo, according to his notes, explained the diagnosis to Merrill Barringer and the rationale for his current treatment. (Id.). By document dated December 31, 2015, Paul Barringer allegedly executed a verification under oath that the Answers to Plaintiff's First Set of Interrogatories were true and correct to the best of his knowledge, information and belief. The office of Michael K. Kim of Stites & Harbison, PLLC submitted Paul Barringer's responses to Hampton B. Luzak's First Set of Interrogatories on December 31, 2015. Michael Kim signed and sent the Interrogatory Responses with a location of Alexandria, Virginia and dated December 31, 2015. On that same day a UPS package was sent from Paul Barringer's address in Hilton Head, South Carolina to Stites & Harbison in Alexandria, Virginia for next day delivery. (Merrill Light depo. Exhibit notebook, Vol. 1 at Tab 10).

On or about January 14, 2016, Michael K. Kim and Robert E. Scully, Jr. submitted on behalf of Paul Barringer, Paul Barringer II's Amended Responses and Objections to Hampton B. Luzak's First Set of Interrogatories on January 14, 2016. Among other changes, the Amended Responses revised the answer to Interrogatory No. 16 about the dividends paid to Paul Barringer after September 11, 2012. The First Amended Responses did not include an executed declaration and affirmation from Paul Barringer. (Hampton Luzak 2084-2105).

On January 14, 2016, Michael Kim, an attorney with Stites & Harbison, PLLC faxed a medical records request to Coastal Neurology (Luzak-Coastal Neurology 16). On January 15, 2016, Annette McBride with Coastal Neurology faxed to Michael Kim "an additional note attached to Mr. Barringer's chart this morning." The following note contains a message from Dr. Mazzeo regarding Paul Barringer: "He's an incapacitated person, so he can't be deposed." (Luzak-Coastal Neurology 18-20). On January 15, 2016, Dr. Mazzeo's office also submitted a 10-page fax which consisted of 9 pages of documents in addition to the 1 page cover page to the attention of Michael Kim at Stites & Harbison. (Luzak-Coastal Neurology 34).

By document dated January 20, 2016, Dr. Mazzeo executed a declaration regarding his evaluation of Paul Barringer making particular reference to his examination of him on October 19, 2015. In the declaration, Dr. Mazzeo stated:

> Mr. Barringer exhibits severe memory loss and expressive aphasia, (the inability to use language to express thoughts). . . .His memory loss and expressive aphasia make it practically impossible for him to recall past events with accuracy and then find the words to express whatever recollection he may have, without his wife's assistance. . . It is my professional medical opinion that Mr. Barringer currently lacks testimonial capacity . . . Because of Alzheimer's type dementia is a progressive disease, in my professional medical opinion, Mr. Barringer will not recover the capacity to testify in the future despite his ongoing treatment with appropriate medication. (Luzak – Coastal Neurology 36-38).

On January 20, 2016, attorneys Robert Scully and Michael Kim acting as counsel for Paul Barringer submitted the Declaration of Paul Mazzeo, M.D. to the Federal District Court for the Eastern District of Virginia in Luzak v. Light, et al., case no. 1:15-cv-00501-AJT-IDD (Document 314).

On February 1, 2016, Paul Barringer purportedly signed a declaration and affirmation under the penalties of perjury verifying the answers to interrogatories and true and correct to the best of his knowledge, information and belief. This declaration and affirmation was submitted by Michael Kim and Robert Scully, Jr. of Stites & Harbison on February 3, 2016 to Plaintiff and her counsel as part of the Paul B. Barringer II's Second Amended Responses and Objections to Hampton B. Luzak's First Set of Interrogatories.

INTERROGATORY NO. 17: If you contend, assert, or otherwise believe that the tax returns signed by Paul Barringer in 2016 contained inaccurate information or were otherwise improperly signed by Paul Barringer, set forth all facts and all evidence to support your contention, assertion and belief.

RESPONSE:

On April 12, 2016, Paul Barringer purportedly signed a Form 8879 for electronic filing of his 2015 income tax return with the IRS certifying under oath his examination of his tax returns prepared by Bobby Davis. Pursuant to the deposition of Bobby Davis, Cindy Sprouse of Wells Fargo delivered to Paul Barringer for his signature the tax returns with the Form 8879 authorizing electronic filing. (Bobby Davis dep. dated 10/18/2017)

Ten days later on April 22, 2016, Paul Barringer was administered a Mini-Mental State Exam by Dr. Paul Long. Mr. Barringer scored a "1" on the Mini-Mental State Exam (Hampton Luzak 323).

INTERROGATORY NO. 18: Set forth all facts and identify all Documents supporting your contention that you were instructed that you could not sit with your family at Paul Barringer' s funeral as well as your contention that attorneys were allowed to sit with the family, including in your response who instructed you that you could not sit with the family, when they instructed you that you could not sit with the family, the specifics of the instruction given to you, where you were when the instruction was given to you and received by you, any and all witnesses to the alleged instruction, as well as the names of the attorneys who were allegedly allowed to sit with the family.

RESPONSE:

See e-mails between Pat Harrell and Peggy Boisselle dated June 2, 2016 regarding "Barringer/Luzak Funeral Arrangements" at Archer 10391-92. The attorneys seen by Hampton Luzak seated in the third row at the funeral services included Alan Wingfield, Charles Molster, and Robert Scully. Travis Bryant was also seated in the same area.

INTERROGATORY NO. 19: Set forth and identify the sign-in sheet or other Document John Jolley had showing that Paul Barringer, Merrill Barringer, and Merrill Light were in John Jolley's office on June 28, 2012 as described in your Deposition p. 191:23-25 ("Because in discovery from you, John Jolley had a sign-in sheet and it showed the three of them going to his office that day.").

RESPONSE:

See the e-mail of Merrill Light dated June 26, 2012 to Brad Herring stating that "Merrill will be available for the conference call at 3:30 and will be with her father at the McNair Law Firm." (Light 1374). Also see the transcript of the June 28, 2012 board meeting wherein John Jolley came into the room where Paul Barringer was attending the conference call. (Hampton Luzak 712-714).

INTERROGATORY NO. 20: Identify any and all estate planning documents, trusts, contracts, or other agreements ever executed or otherwise agreed to by Paul Barringer that provided for you to inherit or otherwise receive from Paul Barringer any CFRC voting stock he owned at the time of his death. Include in your response the date the estate planning document, trust, contract, or other agreement was executed or otherwise agreed to by Paul Barringer, all persons who have knowledge of the existence of the estate planning document, trust, contract, or other agreements agreed to by Paul Barringer, and any and all facts and evidence to support your assertion that Paul Barringer agreed to the same.

RESPONSE:

Plaintiff objects to this Interrogatory as premature as discovery in this case is still ongoing. The Court has ordered Defendant Merrill Barringer to produce relevant estate planning documents of hers that impact Paul Barringer's estate; however, she has failed to comply with the Court's orders of June 14 and September 5, 2019.

Subject to the above objections, Plaintiff on a preliminary basis identifies the following estate planning documents, trusts, contracts or other agreements in response this interrogatory:

a. Paul B. Barringer, II Revocable Trust dated December 4, 1998. (MUB's 1st Document Production 1-49);
b. Last Will and Testament of Paul B. Barringer, II dated December 4, 1998. (MUB's 1st Document Production 172-184);
c. First Amendment and Restatement of Trust Agreement of Paul B. Barringer, II dated February 28, 2012.(MUB's 1st Document Production 50-79);
d. Last Will of Paul B. Barringer, II dated February 28, 2012 (MUB's 1st Document Production 185-192);
e. Paul Barringer e-mail to Travis Bryant dated November 6, 2011 (Hampton Luzak 938);
f. John Jolley sent to Paul and Merrill Barringer estate plan diagrams made by himself and Robert Slane showing each of the three children as equal beneficiaries of certain trusts (MUB's Suppl. to 1st Doc. Production 761-765);
g. See also documents produced from the files Robert Slane and The Wealth Transfer Group Inc. at MUB-Slane Subpoena Response 1- 2399, including but not limited to pp. 43-44 and 628-640;
h. See Assignment of Limited Partnership Interest in Sea Pines Limited Partnership assigning equal partnership interest in Sea Pines, LP to each of Paul Barringer's three children's trusts from the Paul B. Barringer Irrevocable Family Trust (Hampton Luzak 66-69);
i. See the Paul B. Barringer Family Trust under Agreement dated December 22, 1998 as modified by the Beaufort County Probate Court in case no. 2006-GC-07-00040 (MUB's 1st Document Production 245-247; Hampton Luzak 3-37, 43-65, 400-455) and all other documents related to the Irrevocable Paul B. Barringer Family Trust under Agreement dated December 22, 1998; and
j. See Agreement Regarding Right to Purchase Shares of Coastal Forest Resources Company entered February 1, 2010 among Merrill Light, Hampton Luzak, Victor Barringer, and CFRC. (Hampton Luzak 76-81).

INTERROGATORY NO. 21: Set forth all instances in which you (or someone on your behalf) have valued any CRFC stock, or represented a value of any CFRC stock to another individual or entity, including in your response the value placed on the stock, who prepared the valuation, how the valuation was prepared, to whom the valuation was submitted and the purpose of the valuation.

RESPONSE:

Please see the financial statements of Kevin and Hampton Luzak provided to BB&T on December 31, 2010 and December 31, 2007 found at KLUZAK 44607-614 and submitted to BB&T for the purposes of obtaining credit from BB&T.

INTERROGATORY NO. 22: List each instance in which you saw or spoke to Mrs. Barringer in 2012, 2013, 2014, 2015 and 2016, including in your list the date of the conversation, how you spoke (e.g. on the telephone or in person), the substance of the communication and any other person who was present for the communication.

RESPONSE:

From the beginning of 2012 until approximately June 28, 2012, Plaintiff and Mrs. Barringer would speak on average about once per week. Kevin Luzak was frequently present when Plaintiff and Mrs. Barringer would speak on the phone though not on the phone with them but present in the room with Plaintiff. After Kevin Luzak was fired as an officer of CFRC on June 28, 2012, Merrill Barringer instructed Plaintiff that they should not talk until after the summer was over. In the fall of 2012 through December 2013, Plaintiff and Mrs. Barringer would speak about once every three months on average. Plaintiff also called Mrs. Barringer on Christmas and on Mrs. Barringer's birthday. In early fall of 2012, Mrs. Barringer instructed Plaintiff not to call the home number but to call her cell number. In November 2013, Plaintiff had difficulty getting her calls to Mrs. Barringer to go through to her cell number. After repeated attempts of calling her cell number, Plaintiff had her assistant Peggy Boisselle e-mail Pat Harrell, administrative assistant for the Barringers, informing Mrs. Harrell that Plaintiff had been trying to call her mother but could not get through on her mobile phone. She then asked if Mrs. Barringer had a new phone number. Pat Harrell responded to the e-mail but gave no information about Mr. Barringer's phone. (Archer 10393-94).

In December 2013, Plaintiff learned that Merrill Barringer was planning to undergo eye surgery at that time when Plaintiff called Mrs. Barringer to inform her that Kevin Luzak had suffered a heart attack. During the time of Mrs. Barringer's eye surgery and her recuperation, Plaintiff called more frequently around once or twice a week. After Mrs. Barringer had recovered from her eye surgery, Plaintiff and Mrs. Barringer resumed talking by telephone about once every three months.

On or about March 12, 2015, Mrs. Barringer returned a birthday gift that Hampton Luzak sent her. After that point, Plaintiff and Mrs. Barringer never spoke to each other or saw each again.

The substance of the communications described above varied, but often centered how each one was doing as well as how Paul Barringer and Wade Luzak were doing. They would also discuss plans for meeting up with each other and for Wade Luzak to meet with them. Mrs. Barringer would also initiate calls to cancel planned visits.

For the phone calls after June 28, 2012, Plaintiff does not recall having anyone present with her during the phone conversations.

INTERROGATORY NO. 23: If you contend, assert of otherwise believe that Paul Barringer ever entered into any agreements with any other person regarding his estate plan, set

forth the date of the agreement, any witnesses to the agreement, and all facts and evidence to support your contention, assertion or belief that any such agreement ever existed.

RESPONSE:

Plaintiff objects to this Interrogatory since discovery into this matter is still ongoing. The Court has ordered Defendant Merrill Barringer to produce relevant estate planning documents of hers that impact Paul Barringer's estate; however, she has failed to comply with the Court's orders of June 14 and September 5, 2019. Defendant's own non-compliance with Plaintiff's discovery requests and the Court's orders on the matter have prevented the development of the record on this issue.

INTERROGATORY NO. 24: If you contend, assert or otherwise believe that any other person owed a fiduciary duty to Paul Barringer to take or not to take any certain action related to his estate plan, set forth the source of the fiduciary or other duty, when the fiduciary or other duty arose, how and why the fiduciary duty arose, and facts or evidence to support your contentions, assertions or belief.

RESPONSE:

Plaintiff incorporates by reference all the responses stated above in response to this interrogatory. In addition, Plaintiff further responds as follows:

a. Merrill Light owed a fiduciary duty to Paul Barringer as a result of her agreeing to serve as trustee of the Paul B. Barringer Revocable Trust beginning February 28, 2012. See the First Amendment and Restatement of Trust Agreement of Paul B. Barringer, II dated February 28, 2012 (MUB's 1st Document Production 50-79); Second Amendment and Restatement of Trust Agreement of Paul B. Barringer, II dated July 20, 2012 (MUB's 1st Document Production 80-108); Third Amendment and Restatement of Trust Agreement of Paul B. Barringer, II dated June 12, 2014 (MUB's 1st Document Production 109-140); and Fourth Amendment and Restatement of Trust Agreement of Paul B. Barringer, II dated February 5, 2015 (MUB's 1st Document Production 141-171).

   Merrill Light served as the alternate attorney-in-fact under the Power of Attorney executed on December 15, 2011 recorded in Beaufort County Register of Deeds Office in book 3141, pages 3168-3177. (MUB's 1st Doc. Produc. 306-315). Merrill Light was also named as his primary attorney-in-fact in the Power of Attorney executed February 5, 2015 (Hampton Luzak 295-304).

   Merrill Light also purportedly served as Paul Barringer's proxy for voting at CFRC shareholder meetings including but not limited to the special shareholder meeting of August 3, 2012. Paul Barringer purportedly signed a proxy in her favor on or about August 1, 2012. (Light 122).

b. Merrill U. Barringer owed a fiduciary duty to Paul Barringer by virtue of the confidential relationship between Paul Barringer and Merrill Barringer in which Paul Barringer reposed his trust and confidence in her as his wife and also a fiduciary duty as Paul B. Barringer's attorney-in-fact under the Power of Attorney executed by Paul Barringer naming Merrill Barringer as his agent on December 15, 2011 (Power of Attorney recorded in the Beaufort County Register of Deeds Office in book 3141, pages 3168-3177) (MUB's 1st Doc. Produc. 306-315).

c. Randy Light purportedly handled the tax matters of Paul Barringer after March 28, 2013 on the alleged direction of Paul Barringer to Bobby Davis, CPA when Randy Light flew with Paul Barringer to Columbia, SC to meet with Bobby Davis. See Bobby Davis deposition of October 18, 2017 and Exhibit 3 thereto; Bobby Davis Memorandum To: Paul B. Barringer Gift Tax File dated 5/21/15. (Davis 59). Randy Light served as the alternate attorney-in-fact under the Power of Attorney executed on February 5, 2015 (Hampton Luzak 295-304).

Randy Light also assisted in the creation and implementation of Paul Barringer's estate planning documents. (9-22-17 McNair Subpoena Response 235). See also e-mail of Randy Light to John Jolley instructing Mr. Jolley on distribution of Paul Barringer's latest estate planning documents. (9-22-17 McNair Subpoena Response 14). On February 3, 2015 Victor Barringer e-mailed the e-mail address used by both Randy and Merrill Light and received update on status of Paul Barringer executing the latest set of estate documents being presented to Mr. Barringer. (Victor Barringer 9). See also Cindy Sprouse of Wells Fargo e-mail of Feb. 3, 2015 to Randy Light about titling of assets and possibility of PBB's resignation as co-trustee. (9-22-17 McNair Privilege Log 9).

As set forth in the last paragraph in Plaintiff's Response to Interrogatory No. 8 above, Randy Light spearheaded and carried out the plan to transfer Paul Barringer's CFRC voting shares to his wife Merrill Light. See also Stephanie Chapman of CFRC e-mail to Randy Light stating "We received confirmations of the transfer of Mr. Barringer's shares to you… Do you want this [shareholder distributions] wired to the Northern Trust account below?" (Coastal 74).

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Attorney for Plaintiff Hampton B. Luzak

Date: October 22, 2019
Greenville, South Carolina.

ROA 001076

STATE OF SOUTH CAROLINA COUNTY OF BEAUFORT IN THE MATTER OF: Estate of Paul Brandon Barringer, II Hampton B. Luzak, Plaintiff, vs. Merrill U. Barringer, Defendant.	IN THE COURT OF COMMON PLEAS FOURTEENTH JUDICIAL CIRCUIT Civil Action Nos.: 2019-CP-07-01253 2019-CP-07-01294 **PLAINTIFF'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS AGAINST DEFENDANT MERRILL U. BARRINGER**

TO: DEFENDANT MERRILL U. BARRINGER AND HER ATTORNEYS OF RECORD, J. ASHLEY TWOMBLEY AND LEE ANNE WALTERS:

YOU WILL PLEASE TAKE NOTICE that on the 10th day after service hereof or on such other date as may be set by the Court, the Plaintiff, Hampton Barringer Luzak ("Plaintiff"), by and through her undersigned attorneys, will move before the Honorable Carmen T. Mullen of the Beaufort County Court of Common Pleas, for an order pursuant to Rule 37 of the South Carolina Rules of Civil Procedure ("SCRCP") that Defendant Merrill U. Barringer ("Defendant") provide responses to Plaintiff's First Set of Interrogatories served on Defendant on June 28, 2019.

A. Defendant fails to respond to Standard Interrogatory of Rule 33(b)(2) propounded by Plaintiff as Interrogatory No. 3.

As part of Plaintiff's First Set of Interrogatories to Defendant Merrill U. Barringer, Plaintiff in Interrogatory No. 3 set forth verbatim the approved standard interrogatory language from Rule 33(b)(2), SCRCP, which states as follows:

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> Set forth a list of photographs, plats, sketches, or other prepared documents in possession of the party that relate to the claim or defense in the case.

Ex. 1 - Interrogatory No. 3 at p. 4; see also Rule 33(b)(2), SCRCP.

Defendant Barringer submitted an objection to this Interrogatory as vague, ambiguous, violative of the attorney-work product doctrine and "could also require Defendant to provide information to Plaintiff that extends beyond the obligations contemplated by the Rules of the Civil Procedure." (Ex. 2, Def.'s Answers to Pl.'s 1st Set of Interrogs. at p.13)

Defendant Barringer's counsel also responded that Defendant Barringer had not personally prepared any documents related to any claim or defense and therefore would be identifying no documents.

On April 23, 2020, Plaintiff's counsel informed Defendant Barringer's counsel that not only does standard interrogatory request No. 3, authorized by the South Carolina Rules of Civil Procedure, require production of documents prepared by the responding party, but also requires production of documents prepared by anyone else related to the claim or defense that are in the possession of the responding party. (Ex. 3 - Gilreath letter of April 23, 2020).

On May 7, 2020, counsel for Defendant Barringer responded that he and Defendant Barringer were standing by their objection to Interrogatory No. 3 from the South Carolina Rules of Civil Procedure. Defendant Barringer has provided no substantive answer to date.

B. Defendant fails to answer Interrogatory No. 10 asking for social networking website passwords.

Prior to Paul Barringer's death on May 30, 2016, Paul Barringer maintained a Facebook account. On or about February 13, 2014, Paul Barringer's Facebook account contained two, and possibly three, photographs of family members, all of which were pictures of Plaintiff's family – specifically, a photograph of Plaintiff, her husband Kevin Luzak and their son, Wade

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Luzak, a second photograph of Wade Luzak and his cat, and possibly a third picture being a black-and-white snapshot of Wade Luzak. (Ex. 4).

On September 27, 2016, Plaintiff's attorney sent an anti-spoliation letter to counsel for all Defendants in the case of Luzak v. Light, et al., 2016-CP-07-1919, which case included as a party Defendant Barringer, as Personal Representative of the Estate of Paul B. Barringer, II. (See Ex. 5 - Gilreath letter of Sept. 27, 2016). Discovery in the aforementioned 2016 case has been consolidated with discovery in this case pursuant to this Court's Order of December 3, 2019.

As late as May of 2018, two years after Paul Barringer's death, at least two, and possibly three, of the family pictures shown in Ex. 1 were still on Paul Barringer's Facebook page. By July 2018, shortly after this Court's hearing on June 27, 2018, all of the Facebook photographs of Plaintiff, her husband, and their son had been removed from Paul Barringer's Facebook page. (See Ex. 6 - Pl.'s Resps. to Merrill U. Barringer's 3rd Set of Interrogs., resp. to Interrog. 14 at pp. 27-28).

On August 6, 2018, Plaintiff submitted to both Defendants Merrill Light and Randy Light her Third Set of Interrogatories asking each of the two Defendants to provide the user identification, password and other information necessary for accessing the Facebook account of Paul B. Barringer. On September 5, 2018, both Merrill Light and Randy Light responded that neither one had the information requested about the access codes to Paul Barringer's Facebook account. (Exs. 7 and 8 - Merrill Light and Randy Light Answers to Pl.'s 3rd Set of Interrogs., resp. to Interrog. No. 3, pp. 3-4).

On March 14, 2019, defendant Merrill Light took the deposition of Defendant Merrill Barringer during which the attorneys for both Merrill Barringer and Plaintiff also examined

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her. Plaintiff's counsel asked Defendant Barringer if she was aware that somebody had removed a picture of Plaintiff's son, Wade Luzak from Paul Barringer's Facebook page. Mrs. Barringer appears to have rephrased the question to state if Plaintiff's counsel was asking if she were aware that the pictures were put on Paul Barringer's Facebook page by saying: "That this was put on there?" Defendant Merrill Barringer then responded to her rephrased question stating, "No, I don't know any . . . ." (Ex. 9 - Barringer Dep. at 178:7-180:11). Mrs. Barringer also testified about the status of family relationships among the Barringer family and their descendants that is at odds with the photographs Paul Barringer posted on his Facebook page.

On June 28, 2019, Plaintiff submitted her First Set of Interrogatories to Defendant Barringer in this case. The Interrogatories included Interrogatory No. 10, which asked for passwords for accessing any social networking website that Mrs. Barringer had access to, which would include the Facebook account of Paul Barringer since Mrs. Barringer is the personal representative of Paul Barringer's estate. The request asked as follows:

> Interrogatory No. 10: List every "Social Networking Website" ("SNW") utilized or accessed by you since January 1, 2012. For any SNW identified in response to this or any other interrogatory, provide the following information:
>
> a. Name, physical address, and internet address of the SNW;
> b. Name, address, social security number, and date of birth of the SNW account holder, and if different, the individual financially responsible for the SNW account;
> c. Each and every user name, screen name, "friend", e-mail address, or alias affiliated with the SNW account; and
> d. Password for accessing the SNW account.

Ex. 1 - Pl.'s 1st Set of Interrogs. to Def., ¶ 10, pp. 5-6.

On August 13, 2019, Plaintiff deposed Merrill Light wherein she was asked if she knew anything about the deletion of the Facebook postings of the Luzak pictures on Paul Barringer's Facebook page. She responded that she knew nothing about the Facebook photographs and had never been on Facebook in her life. (Ex. 10 - Merrill Light Dep. at 467:19 - 470:5).

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Merrill Light also testified that she did not remember her mother testifying that she did not take down the Luzak pictures from Paul Barringer's Facebook page. (Id. at 468:23-469:1).

On August 21, 2019, Plaintiff took the deposition of Defendant Randy Light. He was also asked if he knew anything about the Facebook postings of Paul Barringer with pictures of Plaintiff's family being deleted after Paul Barringer's death. He responded that he knew nothing about Paul Barringer's Facebook account. (Ex. 11 - Randy Light dep. at 299:22-300:10).

On April 16, 2020, following this Court's order denying Defendant Merrill Barringer's Motion to Dismiss on March 4, 2020, Defendant Merrill Barringer responded to Interrogatory No. 10 of Plaintiff's First Set of Interrogatories as follows:

> ANSWER: Defendant objects to this interrogatory on the grounds it is a dramatically overbroad and harassing fishing expedition. Considering the Plaintiff's claims in this case (which are not, for instance, personal injury claims), there cannot be any showing that the requested information is likely to lead to relevant evidence. Moreover, this broad request for information including passwords to access private information is intended to cause annoyance, embarrassment and undue burden.

Ex. 2 - Answers to Pl.'s 1st Set of Interrogs. to Def. at ¶ 10, p. 15.

On April 23, 2020, Plaintiff's attorney wrote Defendant Merrill Barringer's counsel disputing Defendant Barringer's objections to Interrogatory No. 10 by explaining among other factors that the deletion of Barringer family photographs from Paul Barringer's Facebook page has been an issue in this case, including in interrogatories submitted by Defendant Barringer and also relevant to possible spoliation of evidence issues by one or more of the defendants. (Ex. 3 - Gilreath letter of April 23, 2020).

On May 7, 2020, counsel for Merrill Barringer responded that it was standing by its objections to Plaintiff's Interrogatory No. 10 of her First Set of Interrogatories. (Ex. 12 - Twombley letter of May 7, 2020).

To date, Defendant Merrill U. Barringer has not provided any responsive documents to Interrogatory No. 10 as set forth in Plaintiff's First Set of Interrogatories to Defendant Merrill U. Barringer.

Plaintiff's counsel has communicated in writing with opposing counsel about Plaintiff's First Set of Interrogatories to Merrill U. Barringer and her lack of responses to Interrogatories Nos. 3 and 10 as stated above. Any further communication on the matter would serve no useful purpose.

WHEREFORE, Plaintiff respectfully prays that this Court enter an order:

1. Compelling Defendant Merrill U. Barringer to produce responses to Interrogatory No. 3 in Plaintiff's First Set of Interrogatories;

2. Compelling Defendant Merrill U. Barringer to produce responses to Interrogatory No. 10 including but not limited to all information such as passwords, user identification names and other related information to allow Plaintiff to directly access the Facebook account of Paul Barringer and to examine the posting and deletions of content from his Facebook page;

3. For access to the computers, laptops or other electronic devices used by Paul Barringer and others to access his Facebook account in order to make a forensic or "mirror" image of the hard drives; and

4. For such other and further relief as this Court may deem just and proper, including but not limited to attorney fees and costs of bringing this motion.

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Respectfully submitted,

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ATTORNEYS FOR PLAINTIFF
HAMPTON BARRINGER LUZAK

Dated: August 3, 2020
Greenville, South Carolina.

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Exhibit 1

Plaintiff's First Set of Interrogatories to Defendant Merrill U. Barringer

STATE OF SOUTH CAROLINA COUNTY OF BEAUFORT In the Matter of: Estate of Paul B. Barringer, II Hampton Barringer Luzak, Plaintiff, vs. Merrill U. Barringer, Defendant.	IN THE COURT OF COMMON PLEAS FOURTEENTH JUDICIAL CIRCUIT C/A No.: 2019-CP-07-01253 **PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT MERRILL U. BARRINGER**

TO: DEFENDANT MERRILL U. BARRINGER AND HER ATTORNEY:

The Plaintiff, Hampton Barringer Luzak ("Plaintiff"), by and through her undersigned attorneys, hereby requires Defendant Merrill U. Barringer, ("Defendant" or "Merrill U. Barringer"), to answer under oath the Interrogatories hereinafter set forth within thirty (30) days after the serving hereof in accordance with Rule 33 of the South Carolina Rules of Civil Procedure.

Definitions and Instructions

A. Each of these Interrogatories is deemed to be continuing and a supplemental answer shall be filed if Defendant obtains further information of the nature sought herein subsequent to the time the answers are served upon counsel for the above-named Plaintiff.

B. As used in these Interrogatories, the word "person" shall include natural persons, corporations, firms, partnerships, proprietorships, associations, and other organizations and entities.

C. As used in these Interrogatories, the term "Document(s)" shall mean all written, printed, typed, recorded, transcribed, punched, taped or graphic matter of every type and

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description, however and by whomever prepared, produced, disseminated or made, in the actual or constructive possession, custody or control of Defendant, including, but not limited to, all writings, letters, minutes, bulletins, correspondence, e-mails (including e-mails or other communications with third parties about any of the above-named individuals and/or entities), electronically stored information phonorecords, text messages, SMS (short message service), and/or MMS (multi-media messaging service), telegrams, memoranda, notes, instructions, literature, work assignments, notebooks, diaries, calendars, records, drawings, agreements, contracts, powers of attorney, wills, trusts, checks or other forms of payment, notations of telephone or personal conversations or conferences, interoffice communications, microfilm, circulars, periodicals, pamphlets, brochures, newspaper articles, studies, notices, summaries, reports, ledgers, books, invoices, graphs, charts, photographs, film, drafts, data sheets, data compilations, indices of Documents, computer data sheets, computer printouts, including, but not limited to, personal spreadsheets, computer data compilations, work sheets, statistics, speeches or other writings, tape recordings, floppy disks, hard drives, optical storage devises, compact disks (CD's), digital video disks (DVD's), thumb drives, data compilations from which information can be obtained or can be translated through detection devices into reasonably usable form or any other tangible thing in the possession, custody or control of Defendant (as defined in Paragraph 3 and 4) or her agents or attorney(s). The definition of "Document" is to have the broadest possible meaning permitted under Rule 34 of the South Carolina Rules of Civil Procedure. The term "Document" also means each copy which is not identical to the original. Any computer-stored-and-generated Documents shall be produced in the form ordinarily maintained or in forms that are reasonably useable which shall include reasonably accessible metadata.

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D. Unless otherwise specified, the term 'Plaintiff" shall mean the Plaintiff Hampton Barringer Luzak and any of her present or former officers, agents, attorneys, representatives, and all other persons acting or purporting to act on her behalf.

E. Unless otherwise specified, the term "Defendant Merrill U. Barringer" shall refer to Defendant Merrill U. Barringer, and any of her present or former agents, attorneys, representatives and all other persons acting or purporting to act on her behalf, in her role individually.

F. As used in these Interrogatories, to "identify" or to describe or state the "identity of" means:

(a) With respect to a natural person, that person's full name, employer or business affiliation, title, present business and residence addresses, present business telephone number and residence telephone number, if available, and where not available, the last known business address, residence address, business telephone number, or residence telephone number, as the case may be, specified as such;

(b) With respect to corporations, firms, partnerships, proprietorships, associations or other organizations and entities, the full name of such person and the address and telephone number of the principal office or place of business of such person together with the identity of any officer, representative, agent or employee of that person having knowledge or information concerning the subject matter of the particular Interrogatory;

(c) With respect to a Document, the title, date, sender, recipient, identification of signatories, a description of the document sufficient to permit it to be identified with particularity in a request for production, the present location of the document, and the identity of the person or persons having possession, custody or control thereof (in lieu of the foregoing a copy may be supplied).

G. Unless otherwise specified, the terms "Defendant," "you" and "your" shall refer to the named Defendant Merrill U. Barringer individually.

H. To the extent the information called for by these Interrogatories is unknown to the Defendant, so state and set forth such remaining information as is known. If any estimate can be

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reasonably made in place of unknown information, also set forth your best estimate, clearly designated as such, in place of unknown information and describe the basis upon which the estimate is made.

I. To the extent any Interrogatory is objected to, set forth all reasons therefore. If a privilege is claimed as a ground for not answering any Interrogatory in whole or in part, describe the factual basis for the claim of privilege in sufficient detail so as to permit the Court to adjudicate the validity of the claim.

INTERROGATORIES

1. Identify the person or persons answering these Interrogatories and all persons assisting in the compilation and preparation of the information in your answers.

2. Give the names and addresses of persons known to the parties or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

3. Set forth a list of photographs, plats, sketches, or other prepared documents in possession of the party that relate to the claim or defense in the case.

4. Set forth the names and addresses of all insurance companies which have liability insurance coverage relating to the claim and set forth the number or numbers of the policies involved and the amount or amounts of liability coverage in each policy.

5. Set forth the names and addresses of all insurance companies which have denied coverage or asserted a reservation of rights relating to the claim in this case, and set forth the number or numbers of policies involved and the amount or amounts of liability coverage being denied or disputed.

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6. List the names and addresses of any expert witnesses whom the party proposes to use as a witness at the trial of the case together with the name(s) and address(es) of any expert(s) which the party or its counsel has consulted but do not intend to call at trial.

7. For each person known to the parties or counsel to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other party of the important facts known to or observed by such witness, or provide a copy of any written or recorded statements taken from such witnesses.

8. For each document which you are withholding from production in response to Plaintiff's First Request for Production of Documents to Defendant or as to which you decline to identify in response to these Interrogatories on grounds of privilege or immunity:

(a) List its date, type of document (e.g. letter), author, persons to whom it was directed (including all copy and blind copy recipients), and briefly describe its topic.

(b) State the ground on which the document was withheld (e.g. attorney-client privilege or work product immunity), and the complete factual basis for the claim of privilege or immunity.

(c) In the case of a document that is allegedly work product, identify the litigation in connection with which, or in anticipation of which, the document was prepared, and identify all persons who have read or received the document.

9. If Defendant is improperly identified, give the proper identification and state whether counsel will accept service of an amended summons and pleading reflecting the correct information.

10. List every "Social Networking Website" ("SNW") utilized or accessed by you since January 1, 2012. For any SNW identified in response to this or any other interrogatory, provide the following information:

(a) Name, physical address, and internet address of the SNW;

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(b) Name, address, social security number, and date of birth of the SNW account holder, and if different, the individual financially responsible for the SNW account;

(c) Each and every user name, screen name, "friend", e-mail address, or alias affiliated with the SNW account; and

(d) Password for accessing the SNW account.

11. Identify all email systems you have used since January 1, 2012, including but not limited to the following:

(a) List all email software and versions presently and previously used by you and the dates of use.

(b) Identify the specific type of hardware used as terminals into the email system, including but not limited to home PCs, laptops, desktops, cellular telephones, personal digital assistants ("PDAs") and its current location.

(c) State whether the email is encrypted in any way and list the passwords for all users.

(d) Identify all users you know of who have generated email on behalf of you related to the subject matter of this litigation.

(e) Identify all email you know of, including the creation date, the recipient, and the sender, relating to, referencing or relevant to the subject matter of this litigation.

12. Identify and describe each computer that has been or is currently in use by you or your agents since January 1, 2012, including but not limited to desktop computers, PDAs, portable computers, laptop computers, notebook computers, and cellular telephones, including but not limited to the following:

(a) Computer type, brand and model number.

(b) Computers that have been re-formatted, had the operating system reinstalled or been overwritten, identifying the date of each event.

(c) The present location of each identified computer in your response to this interrogatory.

(d) The brand and version of all software, including operating systems, private and custom-developed applications, commercial applications and shareware for each identified computer.

(e) All computers that have been used by you or your agents to store, receive or generate data related to the subject matter of this litigation.

THE GILREATH LAW FIRM, P.A.

By: William M. Hogan

James R. Gilreath (SC Bar #2133)
William M. Hogan (SC Bar #65272)
110 Lavinia Avenue (zip 29601)
P. O. Box 2147
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bhogan@gilreathlaw.com

and

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amedlin@sc.rr.com

and

Charles B. Macloskie (S.C. Bar No. 3514)
MACLOSKIE LAW FIRM
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Beaufort, SC 29901
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macloskielawfirm@hargray.com

ATTORNEYS FOR PLAINTIFF HAMPTON B. LUZAK

Dated: June 27, 2019
Greenville, South Carolina.

ROA 001091

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STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT)	
In the Matter of:)	
Estate of Paul B. Barringer, II)	Case No.: 2019-CP-07-01253
)	
Hampton B. Luzak,)	
)	
Plaintiff,)	**CERTIFICATE OF SERVICE**
v.)	
)	
Merrill U. Barringer,)	
)	
Defendant.)	
)	

The undersigned attorney for the Plaintiff Hampton B. Luzak certifies that he served a true copy of **Plaintiff's First Set of Interrogatories to Defendant Merrill U. Barringer** regarding the above-captioned matter by the following means:

____	Hand Delivery	____	Facsimile
_X_	United States Mail	____	Overnight Delivery
_X_	Other: Electronic Mail		

with adequate payment or arrangements for payment to insure delivery thereof to the following opposing counsel of record:

J. Ashley Twombley, Esquire
Twombley@twlawfirm.com
TWENGE + TWOMBLEY LAW FIRM
311 Carteret Street
Beaufort, SC 29902
Attorney for Defendant Merrill U. Barringer

THE GILREATH LAW FIRM, P.A.

By: William M. Hogan

James R. Gilreath (S.C. Bar No. 02133)
William M. Hogan (S.C. Bar No. 65272)
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Greenville, SC 29602
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Fax: (864) 232-4395
jim@gilreathlaw.com
bhogan@gilreathlaw.com
Attorneys for Plaintiff Hampton B. Luzak

Date: June 28, 2017
Greenville, South Carolina.

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Exhibit 2

Defendant's Answers to
Plaintiff's First Set of Interrogatories

STATE OF SOUTH CAROLINA COUNTY OF BEAUFORT	)))	IN THE COURT OF COMMON PLEAS CIVIL ACTION NO: 2019-CP-07-1253
	)	
IN THE MATTER OF ESTATE OF PAUL BRANDON BARRINGER, II HAMPTON BARRINGER LUZAK, Plaintiff, v. MERRILL U. BARRINGER, Defendant.	)))))))))))	**ANSWERS TO PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT MERRILL U. BARRINGER**

TO: JAMES R. GILREATH, ESQUIRE, WILLIAM M. HOGAN, ESQUIRE, CHARLES B. MACLOSKIE, ESQUIRE, AND S. ALAN MEDLIN, ESQUIRE, ATTORNEYS FOR PLAINTIFF, HAMPTON BARRINGER LUZAK:

Merrill U. Barringer ("Defendant"), answering the First Set of Interrogatories propounded by Hampton Barringer Luzak ("Plaintiff"), would allege and state as follows:

PRELIMINARY STATEMENT

1. The following responses are based on information presently available to Defendant, which Defendant believes to be correct. Said responses are made without prejudice to Defendant's right to utilize subsequently discovered facts. Defendant reserves the right to supplement her responses to these Interrogatories insofar as supplementation is allowed or required under applicable law.

2. No incidental or implied admissions of fact by Defendant are made by the responses below. The only admissions are express admissions. The fact that Defendant has answered any Interrogatory herein may not properly be taken as an admission that she accepts

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the existence of any facts set forth or assumed by such Interrogatory or that any information or documents produced in response constitute admissible evidence. The fact that Defendant has answered part or all of any Interrogatory is not intended, and shall not be construed to be a waiver of all or part of any objection to any Interrogatory made by Defendant.

3. The objections asserted by Defendant below are asserted in good faith, based upon counsel's evaluation of Defendant's discovery obligations under applicable law. Nevertheless, Defendant offers and stands ready to confer with Plaintiff in an effort to resolve or narrow to the greatest extent possible any dispute between the parties concerning Defendant's objections.

GENERAL OBJECTIONS

Defendant adopts and incorporates by reference the following General Objections in each of its specific responses to Defendants' Interrogatories.

1. Defendant objects to Plaintiff's Interrogatories to the extent that they request information or documents that (a) were prepared for or in anticipation of litigation; (b) constitute attorney work product; (c) constitute privileged attorney-client communications; or that (d) are otherwise privileged; and Defendant will withhold all such information or documents in responding to these Interrogatories. In its efforts to produce requested information expeditiously, however, Defendant may inadvertently produce information which is, or arguably is, privileged or otherwise immune from discovery. The disclosure of any such information is not intended to and shall not constitute a waiver or any rights, privileges or immunities Defendant may have with respect thereto, and Defendant reserves the right to request or require the return of any documents or information disclosed as to which a privilege or immunity may apply.

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2. Defendant objects to any interrogatory that purports to require Defendant or counsel to identify or otherwise produce vague categories of documents that are not identified with reasonable particularity in accordance with the requirements of Rule 34, SCRCP. ("The request shall set forth the items to be inspected either by individual item or by category, and describe each item and category with reasonable particularity.") Any such interrogatory or request for production seeks to impose a greater burden on Defendant than that contemplated by the South Carolina Rules of Civil Procedure.

3. Defendant reserves all objections to the admissibility, at any hearing or proceeding, of any produced information or documents, including without limitation all objections on the grounds that such information or documents are irrelevant or immaterial.

4. Each of these General Objections shall be deemed to apply, where appropriate, to Defendant's Specific Objections and Responses set forth below, notwithstanding the fact that Defendant has responded to certain Interrogatories or made the same or similar Specific Objections within each response.

SPECIFIC OBJECTIONS AND RESPONSES

1. Defendant's discovery, investigation, and research regarding this matter are ongoing and have not been completed. Because all the information and documents that are possibly within the scope of Plaintiff's Interrogatories may not have been fully located and identified, Defendant reserves the right to amend and supplement these objections and responses as further information and documents are gathered pursuant to applicable law. Defendant makes these objections and responses without prejudice to such future amendment or supplementation.

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2. By answering Plaintiff's discovery requests and by following Judge Mullen's Order re Motions to Quash and Testamentary Exception, Defendant does not waive any attorney client privilege or work product protections.

ANSWERS TO INTERROGATORIES

1. Identify the person or persons answering these Interrogatories and all persons assisting in the compilation and preparation of the information in your answers.

ANSWER: Merrill U. Barringer, Ashley Twombley, Lee Walters and Andrea Smith.

2. Give the names and addresses of persons known to the parties or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

ANSWER: Reserving the right to supplement and/or amend this answer, Defendant identifies the following potential witnesses:

Merrill U. Barringer
c/o Twenge + Twombley Law Firm
311 Carteret Street
Beaufort, SC 29902

Mrs. Barringer is a named defendant to this action and is expected to testify as to her knowledge of the allegations alleged in Plaintiff's Complaint, her defenses claimed in her answer, and the allegations of other pleadings. Defendant is not in possession of any written or recorded statement other than her recorded deposition testimony and audio recordings provided by the Plaintiff.

Merrill B. Light
c/o Rosen Hagood
P.O. Box 893
Charleston, S.C. 29401

Mrs. Light is a witness to this action and is expected to testify as to her knowledge of the allegations alleged in Plaintiff's Complaint. Defendant is not in possession of any written or recorded statement other than transcripts of audio recordings and transcripts/video of Merrill Light's deposition testimony.

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Hampton Luzak
c/o The Gilreath Law Firm
P.O. Box 2147
Greenville, SC 29602

Ms. Luzak is the Plaintiff in this action and is expected to testify as to her knowledge of the allegations contained in her Complaint and the other pleadings filed in this matter. Defendant is in possession of a transcript of Ms. Luzak's testimony taken during the Beaufort County Probate Hearing In the Matter of Paul B. Barringer, II, held on April 28-29, 2016 as well as statements (s) provided by other parties through the discovery process and transcripts of her deposition.

Kevin Luzak
78 Church Street
Charleston, SC 29401-2505
and
PO Box 2548
Jackson Hole, WY 83001-2548

Mr. Luzak is the Plaintiff's husband and is expected to testify about his knowledge of the allegations contained in the pleadings filed in this matter. Defendant is not in possession of any statements from this witness other than audio recordings/transcripts provided by Plaintiff.

Victor Barringer
1965 Old Mill Road
Charlottesville, SC 29901

Victor Barringer is the son of Paul and Merrill Barringer. He is expected to testify as to his knowledge of the allegations alleged in Plaintiff's Complaint and in the Answer of Defendant. Defendant is not in possession of any written or recorded statement taken from this witness other than the transcript of his deposition.

Ralph Dupps
12 Plantation Drive
Hilton Head, S.C. 29928

Mr. Dupps was Decedent's friend and is expected to testify about his interactions with and observations of Decedent during the time relevant to Plaintiff's Complaint. Defendant is not in possession of any of any written or recorded statement taken from this witness.

Albert Ernest
404 People Place
Charlottesville, VA 22911

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Mr. Ernest was a friend and hunting partner of Decedent and is expected to testify about his interactions with and observations of Decedent during the time relevant to Plaintiff's Complaint. Defendant is not in possession of any of any written or recorded statement taken from this witness.

Douglas S. Mackell, II
4031 Chair Bridge Road
Fairfax, VA 22030

Mr. Mackell is a friend of Decedent and is expected to testify about his interactions with and observations of Decedent during the time relevant to Plaintiff's Complaint. Defendant is not in possession of any of any written or recorded statement taken from this witness.

Christian Hendricks
3326 Kline Street
Columbia, SC 29209

Mr. Hendricks did business with Decedent and had communications and interactions regarding the same during the time relevant to Plaintiff's Complaint. He is expected to testify regarding the same. Defendant is not in possession of any of any written or recorded statement taken from this witness.

Gloria Sanders
Estill, SC

Ms. Sanders worked as a cleaning lady for Mr. and Mrs. Barringer for approximately 23 years and is expected to testify about her interactions with and observations of Decedent during the time relevant to Plaintiff's Complaint. Defendant is not in possession of any of any written or recorded statement taken from this witness.

Carl Rosenow
106 Willowpeg Road
Rincon City, GA 31326

Mr. Rosenow is a pilot who flew Decedent and flew with Decedent and is expected to testify about his interactions with and observations of Decedent during the time relevant to Plaintiff's Complaint. Defendant is not in possession of any of any written or recorded statement taken from this witness.

Travis Bryant
Coastal Forest Resource Company
8007 FL-GA Highway
Havana, FL 32333

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Mr. Bryant is expected to testify as to his knowledge of the allegations alleged in Plaintiff's Complaint and in the Defendant's Answer. Defendant is not in possession of any written or recorded statement taken from this witness.

Tom Evans
Coastal Forest Resource Company
8007 FL-GA Highway
Havana, FL 32333

Mr. Evans is expected to testify as to his knowledge of the allegations alleged in Plaintiff's Complaint and in the Defendant's Answer. Defendant is not in possession of any written or recorded statement taken from this witness.

Pat Harrell
Coastal Forest Resource Company
P.O. Box 849
Weldon, NC 27890

Ms. Harrell is expected to testify as to her knowledge of the allegations alleged in Plaintiff's Complaint and in the Defendant's Answer. Defendant is not in possession of any written or recorded statement taken from this witness.

John Jolley
McNair Law Firm
23-B Shelter Cove Lane, Suite 400
Hilton Head, SC 29928

Mr. Jolley served as Mr. and Mrs. Barringer's attorney. By listing him as a witness, Defendant is not waiving her individual attorney client privilege nor is she waiving the attorney client privilege. Pursuant to Judge Mullen's Order relating to the Testamentary Exception, Mr. Jolley is anticipated to testify about the preparation and execution of Mr. Barringer's estate planning documents. He is also expected to testify as to his knowledge of the allegations alleged in Plaintiff's Complaint and in the Defendant's Answer. Defendant is not in possession of any written or recorded statement taken from this witness.

Robert E. Scully, Jr.
Stites & Harbison, PLLC
1800 Diagonal Road, Suite 325
Alexandria, VA 22314

Mr. Scully served as Mr. Barringer's personal attorney in litigation in the Eastern District of Virginia and may have known privileged information related to that representation. By listing him as a witness, Defendant is not waiving the attorney client privilege held by her husband's estate. He is expected to testify as to his knowledge of the allegations alleged in Plaintiff's Complaint and in the Defendant's Answer. Defendant is not in possession of any written or recorded statement taken from this witness.

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Bryan Burg, Esquire
4949 Hedgcoxe, Suite 230
Plano, TX 75024

Mr. Burg represented Randy Light in various Texas Bankruptcy proceedings and may have information related to the nature of the proceedings and the outcome of the same. Defendant is not in possession of any written or recorded statement taken from this witness.

Bradley J. Herring
Poyner Spruill
130 S. Franklin Street
Rocky Mount, NC 28704

Mr. Herring is former counsel to Coastal Forest Resources Company. By listing him as a witness, Defendant is not waiving the attorney client privilege held by her husband's estate. He is expected to testify as to his knowledge of the allegations alleged in Plaintiff's Amended Complaint and in the Answers of all Defendants. Defendant is not in possession of any written or recorded statement taken from this witness.

Representative Mark Sanford
P.O. Box 160
Sullivan's Island, SC 29482

Representative Sanford is expected to testify about his interactions with and observations of Decedent during the time relevant to Plaintiff's Complaint. Defendant is not in possession of any written or recorded statement taken from this witness.

Paula Newcomb
President
Expedition Trust Company
310 4th Street, NE Suite 102
Charlottesville, VA 22902

Ms. Newcomb is expected to testify about her interactions with and observations of Decedent during the time relevant to Plaintiff's Complaint. Defendant is not in possession of any written or recorded statement taken from this witness.

Collins Denny, Esq.
2101 Cedarfield Lane
Richmond, VA 23233

Mr. Denny is expected to testify about his interactions with and observations of Decedent during the time relevant to Plaintiff's Complaint. Defendant is not in possession of any

written or recorded statement taken from this witness. By listing him as a witness, Defendant is not waiving the attorney client privilege held by her husband's estate.

Donald Fox
Address unknown

Upon information and belief, Mr. Fox is an acquaintance and business associate of Plaintiff's husband who may have knowledge regarding the allegations contained in Plaintiff's Complaint and the other pleadings filed in this matter. Defendant is not in possession of any written or recorded statement taken from this witness.

Steve Jones
Oak Hill Advisors
1114 Avenue of the Americas, 27th Floor
New York, NY 10036

Mr. Jones is an acquaintance and business associate of Plaintiff's husband who may have knowledge regarding the allegations contained in Plaintiff's Complaint and the other pleadings filed in this matter. He is also expected to testify concerning the documents produced (and/or to be produced) by him pursuant to a subpoena served upon him by Defendants. Mr. Jones testified in a deposition on March 20, 2019 and Defendants are in possession of the transcript of the same.

David Chalom
928 E. 10th Street
Brooklyn, NY 11230

Mr. Chalom is an acquaintance and business associate of Plaintiff's husband who may have knowledge regarding the allegations contained in Plaintiff's Complaint and the other pleadings filed in this matter. He is also expected to testify concerning the documents produced (and/or to be produced) by him pursuant to a subpoena served upon him by Defendants. Mr. Chalom testified in a deposition on April 17, 2018 and Defendant is in possession of the transcript of the same.

David King
Princeton Holdings, LLC
The Seagram Building
375 Park Avenue, Suite 1604
New York, NY 10152

Mr. King is an acquaintance and business associate of Plaintiff's husband who may have knowledge regarding the allegations contained in Plaintiff's Complaint and the other pleadings filed in this matter. He is also expected to testify concerning the documents produced (and/or to be produced) by him pursuant to a subpoena served upon him by Defendants. Defendant is not in possession of any written or recorded statement taken from this witness.

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Margaret Ann Boisselle
215 Promenade Vista Street, Apt. 4051
Charleston, SC 29412

Ms. Boisselle is Plaintiff and her husband's long time personal assistant and a former employee of Coastal Forest Resources Company. She may have knowledge regarding the allegations contained in Plaintiff's Complaint and the other pleadings filed in this matter. She is also expected to testify concerning the documents produced (and/or to be produced) by her pursuant to a subpoena served upon her by Defendants. Defendant is not in possession of any written or recorded statement taken from this witness.

Robert Slane
280 West Canton Avenue, Suite 230
Winter Park, FL 32789

Mr. Slane is an estate planning and wealth management advisor to Mr. and Mrs. Barringer, Mr. and Mrs. Light, and upon information and belief, Plaintiff and Plaintiff's husband. He is expected to testify as to his knowledge of the allegations alleged in Plaintiff's Complaint and in the Defendant's Answer. He is also expected to testify concerning the documents produced by him pursuant to a subpoena served upon him by Plaintiff. Defendant is not in possession of any written or recorded statement taken from this witness.

Anne K. Surrett
38 Dalton Street
Daniel Island, SC 29492

Ms. Surrett is expected to testify about her interactions with and observations of Mr. Barringer during the time relevant to Plaintiff's Complaint. She is further expected to testify as to his knowledge of the allegations alleged in Plaintiff's Complaint and in the Defendant's Answer. Ms. Surrett testified in a deposition on July 18, 2019 and Defendants are in possession of the transcript of the same.

Neil G. McBryde, Esq.
100 North Tryon Street
Suite 4700
Charlotte, NC 28202-4003

Mr. McBryde served as Mr. Paul Barringer's estate planning attorney for many years and may know details about Mr. Barringer's intention(s) regarding various estate planning documents. He is expected to testify as to his knowledge of the allegations alleged in Plaintiff's Complaint and in the Defendant's Answer. Defendant is not in possession of any written or recorded statement taken from this witness.

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Rebecca L. Bostick
c/o David J. Mills
Burr & Forman LLP

Upon information and belief, Rebecca L. Bostick is a paralegal at the Burr & Forman law firm (formerly McNair Law Firm). Ms. Bostick was a witness and notary for the execution of several of Paul B. Barringer's estate planning documents. She is expected to testify regarding the same.

Sharon E. Potts
c/o David J. Mills
Burr & Forman LLP

Upon information and belief, Ms. Potts is a secretary at the Burr & Forman law firm (formerly McNair Law Firm). Ms. Potts was a witness for an amendment to one of Paul B. Barringer's estate planning documents. She is expected to testify regarding the same.

Carolyn Marie Skipper
Unknown at this time

Ms. Skipper was a notary for an amendment to one of Paul B. Barringer's estate planning documents. She is expected to testify regarding the same.

Sheree L. Morris
c/o David J. Mills
Burr & Forman LLP

Upon information and belief, Ms. Morris is an employee at the Burr & Forman law firm (formerly McNair Law Firm). Ms. Morris acted as a witness for the execution of one of Paul B. Barringer's estate planning documents. She is expected to testify regarding the same.

Virginia Ritchie
c/o David J. Mills
Burr & Forman LLP

Upon information and belief, Ms. Ritchie is an employee at the Burr & Forman law firm (formerly McNair Law Firm). Ms. Ritchie acted as a witness for an amendment to one of Paul B. Barringer's estate planning documents. She is expected to testify regarding the same.

William F. Dolan, Esq.
77 West Wacker, Suite 3500
Chicago, Illinois 60601-1692

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Mr. Dolan is expected to testify about his interactions with and observations of Mr. Barringer during the time relevant to Plaintiff's Complaint. He is further expected to testify as to his knowledge of the allegations alleged in Plaintiff's Complaint and in the Defendant's Answer. Defendant is not in possession of any written or recorded statement taken from this witness.

Suzanne Morrison
c/o Laurel Blair, Esquire
Womble Bond Dickson LLP

Ms. Morrison is expected to testify about her interactions with and observations of Mr. Barringer during the time relevant to Plaintiff's Complaint. She is further expected to testify as to her knowledge of the allegations alleged in Plaintiff's Complaint and in the Defendant's Answer.

Tim Monaghan
c/o Laurel Blair, Esquire
Womble Bond Dickson LLP

Mr. Monaghan is expected to testify about his interactions with and observations of Mr. Barringer during the time relevant to Plaintiff's Complaint. He is further expected to testify as to his knowledge of the allegations alleged in Plaintiff's Complaint and in the Defendant's Answer.

Cindy Sprouse
c/o Laurel Blair, Esquire
Womble Bond Dickson LLP

Ms. Sprouse is expected to testify about her interactions with and observations of Mr. Barringer during the time relevant to Plaintiff's Complaint. She is further expected to testify as to her knowledge of the allegations alleged in Plaintiff's Complaint and in the Defendant's Answer.

Robert Vingi
c/o Laurel Blair, Esquire
Womble Bond Dickson LLP

Mr. Vingi is expected to testify about his interactions with and observations of Mr. Barringer during the time relevant to Plaintiff's Complaint. He is further expected to testify as to his knowledge of the allegations alleged in Plaintiff's Complaint and in the Defendant's Answer.

Chip Simons
c/o Laurel Blair, Esquire
Womble Bond Dickson LLP

Mr. Simons is expected to testify about his interactions with and observations of Mr. Barringer during the time relevant to Plaintiff's Complaint. He is further expected to testify as to his knowledge of the allegations alleged in Plaintiff's Complaint and in the Defendant's Answer.

Defendant reserves the right to call any and all of Paul B. Barringer, II's medical providers as identified in counsel's letter dated February 12, 2020 and the documents included therein.

Any and all witnesses listed in any other party's answers to Interrogatories or who may become known through discovery.

Defendant expressly reserves the right to supplement this response.

3. Set forth a list of photographs, plats, sketches, or other prepared documents in possession of the party that relate to the claim or defense in the case.

ANSWER: Defendant objects to this interrogatory as the phrase "other prepared documents in the possession of the party that related to the claim or defense" is vague, ambiguous, and could arguably invade the mental thoughts and impressions of counsel. For example, a literal reading of the interrogatory could require Defendant's attorney to list the documents Counsel subjectively thinks are important to, or otherwise relate to, this case. This could also require Defendant to provide information to Plaintiff that extends beyond the obligations contemplated by the Rules of Civil Procedure. In addition, a literal reading could also arguably require counsel to identify documents created or obtained after suit was filed, as part of counsel's work product, and are not in the possession of Defendant.

Defendant objects to any interrogatory that purports to require Defendant or counsel to identify or otherwise produce vague categories of documents that are not identified with reasonable particularity in accordance with the requirements of Rule 34, SCRCP. ("The request shall set forth the items to be inspected either by individual item or by category, and describe each item and category with reasonable particularity.") Any such interrogatory or request for production that does not comply with this rule seeks to impose a greater burden on Defendant than that contemplated by the South Carolina Rules of Civil Procedure.

Responding further, Defendant would state that she has not personally prepared any documents relating to any claim or defense in this action other than documents she has created at the direction of counsel. These documents are privileged and confidential and are not required to be listed or otherwise identified.

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4. Set forth the names and addresses of all insurance companies which have liability insurance coverage relating to the claim and set forth the number or numbers of the policies involved and the amount or amounts of liability coverage in each policy.

ANSWER: Not applicable.

5. Set forth the names and addresses of all insurance companies which have denied coverage or asserted a reservation of rights relating to the claim in this case, and set forth the number or numbers of policies involved and the amount or amounts of liability coverage being denied or disputed.

ANSWER: Not applicable.

6. List the names and addresses of any expert witnesses whom the party proposes to use as a witness at the trial of the case together with the name(s) and addressees) of any expert(s) which the party or its counsel has consulted but do not intend to call at trial.

ANSWER: Defendant has not made any decisions about trial at this time but reserves the right to call as experts the witnesses listed in response to Interrogatory 2 if they so qualify. Defendant expects Judge Mullen to issue an order addressing scheduling including deadlines for expert disclosure consistent with the Order dated March 2, 2020.

7. For each person known to the parties or counsel to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other party of the important facts known to or observed by such witness, or provide a copy of any written or recorded statements taken from such witnesses.

ANSWER: See Answer to Interrogatory Number 2.

8. For each document which you are withholding from production in response to Plaintiffs First Request for Production of Documents to Defendant or as to which you decline to identify in response to these Interrogatories on grounds of privilege or immunity:

(a) List its date, type of document (e.g. letter), author, persons to whom it was directed (including all copy and blind copy recipients), and briefly describe its topic.

(b) State the ground on which the document was withheld (e.g. attorney-client privilege or work product immunity), and the complete factual basis for the claim of privilege or immunity.

(c) In the case of a document that is allegedly work product, identify the litigation in connection with which, or in anticipation of which, the document was prepared, and identify all persons who have read or received the document:

ANSWER: Please see Defendant's response to Interrogatory Number 3, which Defendant incorporates herein as if repeated verbatim.

9. If Defendant is improperly identified, give the proper identification and state whether counsel will accept service of an amended summons and pleading reflecting the correct information.

ANSWER: Defendant Merrill U. Barringer is properly identified.

10. List every "Social Networking Website" ("SNW") utilized or accessed by you since January 1, 2012. For any SNW identified in response to this or any other interrogatory, provide the following information:

(a) Name, physical address, and internet address of the SNW;

(b) Name, address, social security number, and date of birth of the SNW account holder, and if different, the individual financially responsible for the SNW account;

(c) Each and every user name, screen name, "friend", e-mail address, or alias affiliated with the SNW account; and

(d) Password for accessing the SNW account.

ANSWER: Defendant objects to this interrogatory on the grounds it is a dramatically overbroad and harassing fishing expedition. Considering the Plaintiff's claims in this case (which are not, for instance, personal injury claims), there cannot be any showing that the requested information is likely to lead to relevant evidence. Moreover, this broad request for information including passwords to access private information is intended to cause annoyance, embarrassment and undue burden.

ROA 001109

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11. Identify all email systems you have used since January 1, 2012, including but not limited to the following:

(a) List all email software and versions presently and previously used by you and the dates of use.

(b) Identify the specific type of hardware used as terminals into the email system, including but not limited to home PCs, laptops, desktops, cellular telephones, personal digital assistants ("PDAs") and its current location.

(c) State whether the email is encrypted in any way and list the passwords for all users.

(d) Identify all users you know of who have generated email on behalf of you related to the subject matter of this litigation.

(e) Identify all email you know of, including the creation date, the recipient, and the sender, relating to, referencing or relevant to the subject matter of this litigation.

ANSWER: None. Defendant has had various basic cell phones over the years but cannot remember the type of cell phone or the dates she switched from one cell phone to another.

12. Identify and describe each computer that has been or is currently in use by you or your agents since January 1, 2012, including but not limited to desktop computers, PDAs, portable computers, laptop computers, notebook computers, and cellular telephones, including but not limited to the following:

(a) Computer type, brand and model number.

(b) Computers that have been re-formatted, had the operating system reinstalled or been overwritten, identifying the date of each event.

(c) The present location of each identified computer in your response to this interrogatory.

(d) The brand and version of all software, including operating systems, private and custom-developed applications, commercial applications and shareware for each identified computer.

(e) All computers that have been used by you or your agents to store, receive or generate data related to the subject matter of this litigation.

ANSWER: None. Defendant has had various basic cell phones over the years but cannot remember the type of cell phone or the dates she switched from one cell phone to another.

TWENGE + TWOMBLEY LAW FIRM

BY:

J. ASHLEY TWOMBLEY
S.C. Bar #72916
LEE ANNE WALTERS
S.C. Bar #74984
311 Carteret Street
Beaufort, SC 29902
Telephone: (843) 982-0100
twombley@.twlawfirm.com
lwalters@twlawfirm.com
Attorneys for Defendant, Merrill U. Barringer

Beaufort, South Carolina

April 16, 2020

ROA 001111

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CERTIFICATE OF SERVICE

The undersigned, J. Ashley Twombley, Attorney for Defendant, Merrill U. Barringer, hereby avers that on the 16th day of April 2020 a true and accurate copy of the attached was served via electronic mail to the following:

James R. Gilreath, Esquire
William M. Hogan, Esquire
The Gilreath Law Firm, P.A.
P.O. Box 2147
Greenville, SC 29602
Telephone: (864) 242-4727
Facsimile: (864) 232-4395
jim@gilreathlaw.com
bhogan@gilreathlaw.com
Attorney for Defendant, Hampton B. Luzak

Charles B. Macloskie, Esquire
Macloskie Law Firm
P.O. Box 280
Beaufort, SC 29901-0280
Telephone: (843) 524-0909
macloskielawfirm@hargray.com
Attorneys for Defendant, Hampton B. Luzak

S. Alan Medlin, Esquire
University of South Carolina School of Law
1713 Phelps Street
Columbia, SC 29205
Telephone: (803) 777-7465
amedlin@sc.rr.com
Attorneys for Defendant, Hampton B. Luzak

BY: _____
J. ASHLEY TWOMBLEY
S.C. Bar #72916

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Exhibit 3

Gilreath letter of April 23, 2020

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THE GILREATH LAW FIRM, P.A.

JAMES R. GILREATH*
jim@gilreathlaw.com
*ALSO ADMITTED TO PRACTICE IN NC

WILLIAM M. HOGAN
bhogan@gilreathlaw.com

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TELEPHONE (864) 242-4727
FACSIMILE (864) 232-4395

April 23, 2020

VIA ELECTRONIC MAIL and U.S. MAIL

J. Ashley Twombley, Esquire
TWENGE + TWOMBLEY LAW FIRM
311 Carteret Street
Beaufort, SC 29902

RE: *Hampton B. Luzak v. Merrill U. Barringer*
Case Nos.: 2019-CP-07-01253 & 2019-CP-07-01294
Defendant's Answers to Plaintiff's First Set of Interrogatories

Dear Ashley:

I am writing regarding your deficiencies in your answers to Plaintiff's First Set of Interrogatories to Defendant Merrill U. Barringer that you sent to us on April 16, 2020.

In your response to Interrogatory No. 2, you listed four witnesses on page 11 with an address at Burr & Forman, LLP, c/o David J. Mills. I was informed in January that David Mills has retired and is no longer with Burr & Forman. Please let us know who the contact person is for those witnesses now.

In response to Interrogatory No. 3, you submitted no responsive information but simply entered objections that the interrogatory violated the South Carolina Rules of Civil Procedure. However, this interrogatory is taken verbatim from Rule 33(b)(2), SCRCP. Since this interrogatory is specifically authorized by the Rules of Civil Procedure, your objections to the interrogatory are meritless. In addition, you wrote in the last paragraph, "Defendant would state that she has not personally prepared any documents relating to any claim or defense in this action other than documents she has created at the direction of counsel." The interrogatory does not just ask for documents prepared exclusively by Mrs. Barringer but documents prepared by anybody or anything so long as the documents relate to the claim or defense in the case. Therefore any documents in your or your client's possession prepared by anyone else would be discoverable under this interrogatory.

In Interrogatory No. 10 about what Social Networking Websites Mrs. Barringer may have utilized or accessed, you objected with no substantive response. The questions surrounding the deletion of pictures of the Luzak family from Paul Barringer's Facebook page after we sent a spoliation letter to all counsel on September 27, 2016 has been an issue in this case. After we had previously raised the issue, you specifically inquired about it in your Third Set of Interrogatories to Plaintiff at No. 14. So our Interrogatory No. 10 is addressed to a specific issue in this case and should be answered in full.

In response to Interrogatories 11 and 12 we asked about among other items your client's cellular telephones that she has used since January 1, 2012. Your response stated that Defendant "cannot remember the type of cell phone or the dates she switched from one cell phone to another." Certainly your client or someone on her behalf knows what carrier she used during this time. Such information would be easily obtainable from Mrs. Barringer's financial records showing the regular payment for cellular phone service to her carrier. Since this information is readily available to your client, the carrier information must be provided in your responses to numbers 11 and 12.

Please provide this information to us within fourteen (14) days of this letter so we can avoid having to go to the court about these obvious deficiencies in Mrs. Barringer's responses.

With best regards, I remain.

Sincerely yours,

James R. Gilreath

James R. Gilreath

cc (via electronic mail and U.S. Mail): Alice Paylor, Esquire
Bijan Ghom, Esquire
Charles Macloskie, Esquire
S. Alan Medlin, Esquire
Charles Molster, Esquire
Harley D. Ruff, Esquire
Denise Collins, Esquire
Lee Walters, Esquire
Kevin Johnson, Esquire

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Exhibit 4

Photographs

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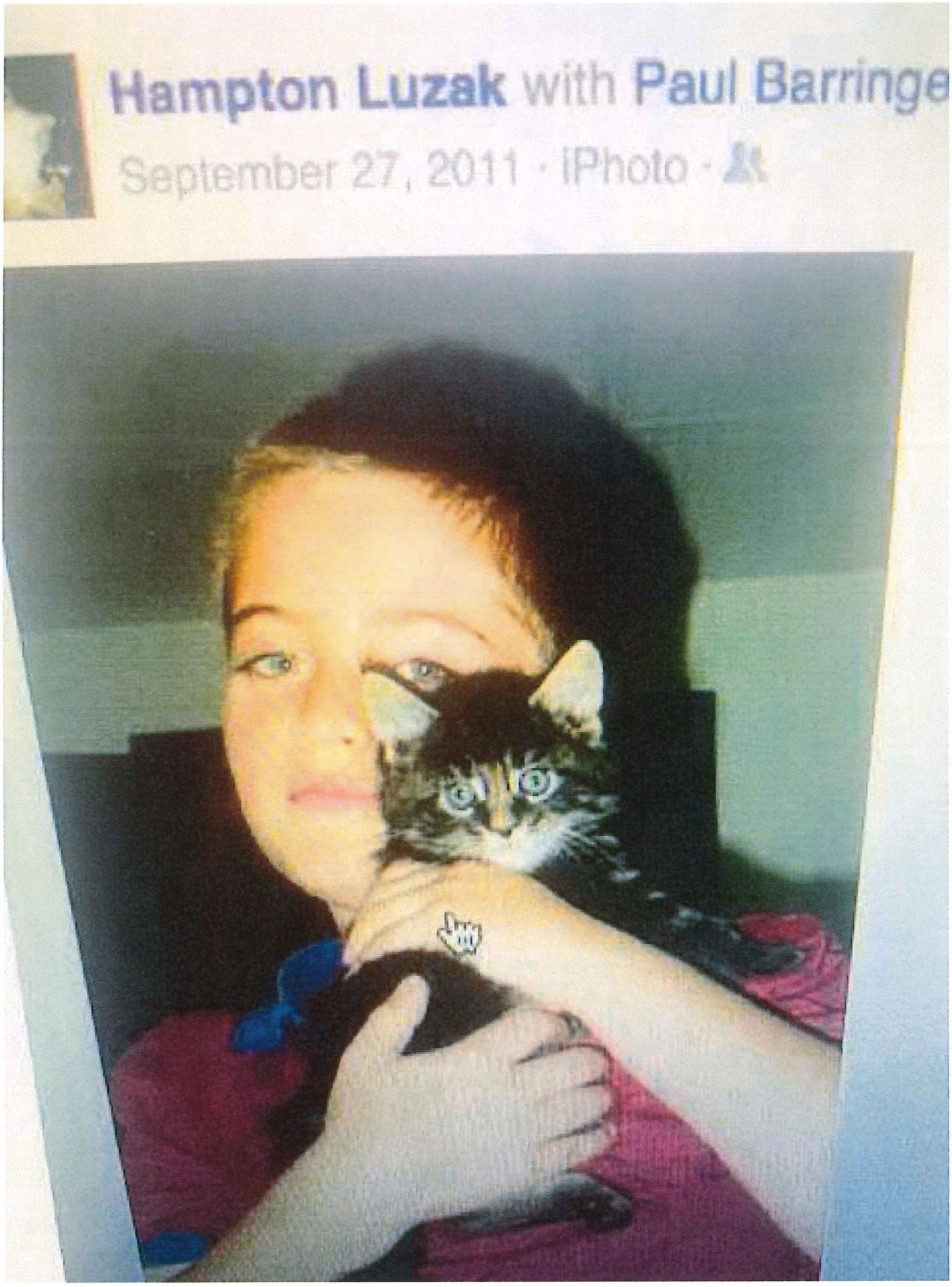

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ROA 001120

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Exhibit 5

Gilreath letter of September 27, 2016

THE GILREATH LAW FIRM, P.A.

JAMES R. GILREATH*
jim@gilreathlaw.com
*ALSO ADMITTED TO PRACTICE IN NC

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FACSIMILE (864) 232-4395

September 27, 2016

VIA ELECTRONIC MAIL AND U.S. MAIL

J. Ashley Twombley, Esquire
Jennifer Campbell, Esquire
TWENGE + TWOMBLEY LAW FIRM
311 Carteret Street
Beaufort, SC 29902

RE: *Hampton B. Luzak v. Merrill B. Light and Merrill U. Barringer, as Personal Representative of the Estate of Paul Brandon Barringer, II*
Case No.: 2016-CP-07-1919
--and--
Hampton B. Luzak v. Merrill B. Light
Case No.: 2016-CP-07-1961

Dear Ashley and Jennifer:

I represent the Plaintiff Hampton Luzak in the above-referenced matter, which is pending in the Court of Common Pleas for Beaufort County, South Carolina. The allegations of my client's Complaints stem directly from her and her father's ownership in Coastal Forest Resources, Inc. ("CFRC") and matters concerning her father Paul B. Barringer, II's estate plan, including the transfer of voting stock in CFRC to Merrill Light. As such, your client Merrill Barringer, in her capacity as personal representative of Paul Barringer's estate, possesses matter relevant to the claims set forth in the Complaints.

In the Plaintiff's upcoming discovery requests, we will be seeking information from the computer systems, removable electronic media and other locations of Paul Barringer among others. The requested information will include, but not be limited to, e-mail and other electronic communications, word processing documents, spread sheets, data bases, calendars, telephone logs, contact manager information, internet usage files and network access information related directly and indirectly to the claims in the Complaints.

The laws and rules prohibiting destruction of evidence apply to electronically stored information in the same manner that they apply to other evidence. Due to its format, electronic information is easily deleted, modified or corrupted. Accordingly, we would ask that your client(s) take every reasonable step in preserving this information until the final resolution of this matter. This includes, but is not limited to, an obligation to discontinue all data destruction and back-up medium recycling policies, if any exist. I might add that we have asked our client to do the same as I am sure you may have the same concerns from your standpoint.

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As I am sure you know the destruction or other spoliation of evidence may be viewed by the court as a breach of the duty to preserve evidence. The Federal District Court of California very succinctly explained the nature and scope of this duty when it said:

> Sanctions may be imposed against a litigant who is on notice that documents and information in its possession are relevant to litigation, or potential litigation, or are reasonably calculated to lead to the discovery of admissible evidence, and destroys such documents and information. While a litigant is under no duty to keep or retain every document in its possession once a complaint is filed, it is under a duty to preserve what it knows, or reasonably should know, is relevant in the action, is reasonably calculated to lead to the discovery of admissible evidence, is reasonably likely to be requested during discovery, and/or is the subject of a pending discovery request.

Wm. T. Thompson Co. v. General Nutrition Corp., 593 F. Supp. 1443, 1455 (C.D. Cal. 1984)(citations omitted).

Please keep in mind that the duty I have referenced above would extend beyond documents that we have actually requested and would apply to potentially discoverable documents that have not yet been requested[1]. This duty would be deemed breached even if those documents are destroyed or altered as a matter of business routine and not to avoid liability[2].

We look forward to working with you on this matter as it progresses.

With best regards, I remain,

Sincerely yours,

James R. Gilreath

JRG/kmk

cc: Charles B. Macloskie, Esquire
S. Alan Medlin, Esquire

[1] *See, e.g., Perkinson v. Houlihan's /D.C., Inc.*, 4 Fed. R. Serv. 3d (Callaghan) 219 (D.D.C. 1985); *Ricco v. Deepdale Gardens Apartments Corp.*, 493 N.Y.S.2d 498, 500 (App. Div. 1985).

[2] *National Ass'n of Radiation Survivors v. Turnage*, 115 F.R.D. 543, 554 (N.D. Cal. 1987).

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Exhibit 6

Plaintiff's Response to Merrill U. Barringer's Third Set of Interrogatories

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

IN THE MATTER OF:
Estate of Paul Brandon Barringer, II

Hampton B. Luzak,
Plaintiff,

vs.

Merrill B. Light, Merrill U. Barringer, as Personal Representative of the Estate of Paul Brandon Barringer, II, J. Randolph Light, Jr., Merrill B. Light as putative trustee of the Paul B. Barringer, II Revocable Trust dated December 4, 1998, and Merrill B. Light as Trustee of the Merrill Barringer Light Revocable Trust,
Defendants.

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT

C/A No.: 2016-CP-07-1919

PLAINTIFF'S RESPONSE TO DEFENDANT MERRILL U. BARRINGER'S THIRD SET OF INTERROGATORIES TO PLAINTIFF HAMPTON LUZAK

ELECTRONICALLY FILED - 2020 Aug 03 4:48 PM - BEAUFORT - COMMON PLEAS - CASE#2019CP0701253

TO: Defendant Merrill U. Barringer, as Personal Representative of the Estate of Paul Brandon Barringer, II, and her attorneys of record, J. Ashley Twombley, Kevin Johnson, Harley D. Ruff and Denise Collins:

The Plaintiff, Hampton B. Luzak ("Plaintiff"), by and through her undersigned attorneys, sets forth below information in response to the third interrogatories propounded to her by Defendant Merrill U. Barringer, as Personal Representative of the Estate of Paul Brandon Barringer, II ("Defendant" and/or "Barringer").

GENERAL OBJECTIONS

The following general objections shall, without separate repetition in each answer, be deemed to be incorporated in each of Plaintiff's responses to the numbered interrogatories and requests for production of documents.

1. Plaintiff objects to Merrill U. Barringer's definitions and instructions to the extent they seek to impose obligations upon Plaintiff beyond those required by the South Carolina Rules of Civil Procedure.

ROA 001125

2. Plaintiff objects to each interrogatory to the extent that it seeks discovery of matters protected from disclosure by the attorney-client privilege, the work product doctrine, or any other applicable defense, privilege, or immunity.

3. Plaintiff objects to each of Merrill U. Barringer's interrogatories to the extent they seek to require the identification of documents or the supplying of information which would not be admissible at trial and are not reasonably calculated to lead to the discovery of admissible evidence.

4. Plaintiff objects to each of Merrill U. Barringer's interrogatories to the extent they are unduly vexatious or burdensome or are calculated to annoy, embarrass, oppress, unduly burden or cause undue expense to Plaintiff.

5. Plaintiff objects to each of Merrill U. Barringer's interrogatories to the extent they seek documents or information which is unreasonably cumulative or duplicative, or which is obtainable from some other source or some other manner that is more convenient, less burdensome, and less expensive.

6. In providing these responses and objections to the interrogatories and production requests, Plaintiff does not in any way waive nor intend to waive, but rather intends to preserve and is preserving:

a. All objections as to competency, relevancy, materiality and admissibility of the Interrogatory and/or production request or subject matter thereof;

b. All rights to object to the use of any said answer or the subject matter thereof, in any subsequent proceedings, including the trial of this or any other action; and,

c. All rights to object on any ground to any request for further responses to these or any other interrogatories and/or request for production, or other discovery requests involving or related to the subject matter of the interrogatory and/or request for production.

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7. The objections and responses set forth below constitute the best information presently available to Plaintiff. Plaintiff has not completed discovery and/or investigation of the facts relevant to this proceeding, nor has Plaintiff completed preparation of this case for trial. Plaintiff reserves the right to supplement these responses as she completes preparation of this case for trial. Discovery requests from Defendants and third parties remain outstanding, and material factual witnesses have yet to be deposed. Accordingly, the following objections and responses are provided without prejudice to Plaintiff's right to amend, supplement, or change her objections and responses if and when additional, different, or more accurate information becomes available.

SPECIFIC OBJECTIONS AND RESPONSES TO INTERROGATORIES

As qualified and limited by the foregoing general objections, incorporated herein by reference, Plaintiff responds and objects specifically to Defendant's third interrogatories as follows:

INTERROGATORY NO. 1: Set forth all facts and identify all Documents to support your contention, assertion, or belief that Merrill Light and/or Randolph Light received money from Paul Barringer as a result of a September 20, 2012 email Bates stamped 9-22-17 McNair Privilege Log 6 of 102.

RESPONSE:

Plaintiff objects under Rule 33(d), SCRCP, to this contention interrogatory as being premature at this stage of the litigation since essential discovery such as subpoena production from non-parties affiliated with defendants Merrill and Randy Light, interrogatories, document production requests and depositions have not been completed. Without waiving these objections, Plaintiff states that on September 20, 2012 Randy Light e-mailed Travis Bryant and John Jolley inquiring: "Since PBB can give away $5M this year and if he has not already, how about PBB writing a check to Merrill as a gift and CFRC pay PBB equivalent taking into consideration any taxes 'for services over the last ? years'?" 9-22-17 McNair Privilege Log 6 of 102. Plaintiff has discovery requests outstanding to CFRC related to this issue which CFRC has not properly responded to at this time. Responsive information may likely be in the possession of CFRC which is ostensibly under the control of the Lights. The only evidence or assertion as to whether

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or not the plan was carried out is the defendants' statements, and that of their counsel, that it did not occur. [see Hampton Luzak dep. 6/12/19 pp. 56-59, p. 322:12-15].

INTERROGATORY NO. 2: Set forth all facts and identify all Documents to support your contention, assertion, or belief that Merrill Light and/or Randolph Light improperly transferred money from an account Paul Barringer owned, controlled, or otherwise had an interest in including in your response the account where the money came from, the account where the money went to, along with the date and mode of the transfer, as well as all factual grounds to support your assertion that the transfer was improper.

RESPONSE:

Plaintiff objects under Rule 33(d), SCRCP, to this contention interrogatory as being premature at this stage of the litigation since essential discovery such as subpoena production from non-parties affiliated with defendants Merrill and Randy Light, interrogatories, document production requests and depositions have not been completed. Plaintiff duly requested the accounting records of the Paul B. Barringer, II Revocable Trust in her Third Request for Production of Documents to Defendant Merrill Light which Merrill Light has not fully and properly responded to. Plaintiff will supplement her response thereto upon completion of discovery.

INTERROGATORY NO. 3: Set forth all facts and identify all Documents (including the interrogatory response) to support your contention, assertion, or belief that Merrill Light made embarrassing purchases using funds that belonged to Paul Barringer or using funds that Paul Barringer had an interest in as described by you on page 58 of your deposition.

RESPONSE:

In Plaintiff's Third Request for Production of Documents to Merrill Light, Plaintiff asked for all accountings for the Paul B. Barringer, II Revocable Trust since January 1 to the present including detailed information on all expenses. Merrill Light in her response of December 29, 2017 objected to Plaintiff's discovery request in paragraph D of her Prefatory Statement and Objections on the basis that Plaintiff's requests "are calculated to … embarrass…Merrill Light." In the responses to paragraphs 1 and 2, Merrill Light further objected that "such a production would be extremely invasive of the privacy of … Merrill B. Light since such accounting would show all purchases made…" Merrill Light also objected therein because she claimed Plaintiff was not a beneficiary of the trust and had no legal right to the information. Plaintiff duly requested the accounting records of the Paul B. Barringer, II Revocable Trust in her Third Request for Production of Documents to Defendant Merrill Light which Merrill Light has not fully and properly responded to.

INTERROGATORY NO. 4: Set forth all evidence and facts and identify all Documents to support your contention that "Merrill Light undertook a scheme to effect a transfer of Paul

Barringer's voting stock in Coastal Forest Resources Company, Inc. ("CFRC") to a revocable trust under her control and for her benefit and of which she is the trustee" as set forth in paragraph six (6) of your Amended Complaint.

RESPONSE:

Starting in August of 2005, Randolph Light, through at least two different companies - The Stretford at the Cascades, L.P. and RVL Texas Properties, LLC - undertook real estate investments in Texas over the course of several years in which the debts grew close to $30 million. Randolph Light was jointly and severely liable on many if not all of the promissory notes. Randolph Light's Texas companies became delinquent on the notes to the financial institutions, namely Stillwater National Bank and Patriot Bank, and their assigns. On or about September 30, 2010, Randolph Light was forced to wire to Stillwater National Bank $2 million towards the notes. Merrill Light also signed a letter of credit for approximately $2 million in favor of Stillwater National Bank. See, Light v. Stillwater National Bank, et al., case no. 4:11-cv-00833 (E.D. Tex. 2011)(Complaint). Randolph Light had a real difficult time convincing his wife Merrill Light to support a letter of credit to back his notes. (See Hampton Luzak 481).

On February 21, 2011, Randolph Light e-mailed Kevin Luzak that it was evident Paul Barringer was starting to experience different health issues that affect his judgment on personal and business decisions. Randolph Light stated that he and Merrill Light had absolutely no say in the operations of CFRC which Paul Barringer had made clear on many occasions. He further stated that he and Merrill Light had total confidence in Kevin Luzak's ability to run CFRC, but their fear was that Paul Barringer would attempt irrational moves that would harm CFRC to help Victor Barringer or keep the stockholders groveling. Kevin Luzak replied that Paul Barringer had been handing off to him responsibility for family issues outside of CFRC. (Hampton Luzak 1-2).

On September 9, 2011, Tom Evans e-mailed Kevin Luzak that "Ed and Billy" and he noticed "Paul was very confused and not himself to the point that they were concerned for him." Kevin Luzak forwarded this e-mail to Merrill Light and Hampton Luzak. (Hampton Luzak 924)

On November 6, 2011, Paul Barringer e-mailed Travis Bryant about an upcoming meeting "with Robert Slane and John Jolley, our lawyer." (Hampton Luzak 938). John Jolley was also Merrill and Randy Light's personal lawyer. (M. Light dep. pp. 106-107). John Jolley also served as the corporate lawyer for CFRC. (Id.). Robert Slane worked as a financial and insurance advisor on estate planning related matters to various Barringer family members. (12/19/17 MUB Slane Subpoena Response 2-2399).

On December 6, 2011, John Jolley, Esquire sent to Paul and Merrill Barringer estate plan diagrams made by Robert Slane and himself showing the flow of assets from the Barringer's Revocable Trust with each of the Barringer's three children being beneficiaries. (MUB's Supp. to 1st Doc. Production 761-765).

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On December 2, 2011, medical records from Atlantic Radiology Associates show that an MRI of the brain and intracranial MRA were undertaken with the records noting "History: Dementia, abnormal gait." (Hampton Luzak 113).

On January 23, 2012, Randolph Light e-mailed Robert Slane that Merrill Light "is concerned that [Paul Barringer] is starting to show more irrational behavior on certain family issues which is disturbing to all siblings." (12/19/17 MUB Slane subpoena response 758).

On February 22, 2012, CFRC held a board meeting with Kevin Luzak, Paul Barringer, Merrill Light and Mike Hagler. Kevin Luzak discussed Coastal Forest Holdings as an initiative to diversify the business into areas such as real estate and retail, timber investment vehicles similar to a real estate investment trust, future management structure and related materials presented to the board. (Light 3-6). Merrill Light had indicated she wanted more dividends from the company. (Light 16-19).

On February 25, 2012, Paul Barringer e-mailed Kevin Luzak, "I think the board of directors and the shareholders meeting was a great success! . . . I think our advisors got a lot of information about our company. . . Anyway, a great start, and we need to keep them up! Paul." (Light 13).

On February 28, 2012, Merrill Light and Paul Barringer executed the First Amendment and Restatement of the Paul B. Barringer Revocable Trust Agreement naming Merrill Light as co-trustee with Paul Barringer. (MUB's 1st Doc. Production 50-79). This information was not disclosed to Hampton Luzak.

On April 3, 2012, Dr. Paul Long noted that Paul Barringer was having problems with dementia and states: "This patient is demented, at least he has lost a lot of his energy, but we are not sure whether this is Alzheimer's disease." (Hampton Luzak 115).

On April 25, 2012, CFRC held a board meeting attended by its four board members, Paul Barringer, Kevin Luzak, Merrill Light and Mike Hagler. Also attending were corporate counsel Brad Herring and corporate officers Tom Evans, Travis Bryant and Tom Rockwood. Also attending were advisors Steve Jones and Mark Sanford. The board minutes do not reflect any unusual activity or behavior by attendees, although Paul Barringer struggled speaking. (Light 53-56).

On May 2, 2012, Paul Barringer was hospitalized in Savannah where he was diagnosed with dementia and complications from prostate surgery. Hospital records from May 2 noted that Paul Barringer was "alert but not oriented to place or time. He when focused, can answer questions for about 30 seconds but then loses focus. . . The patient is a particularly poor historian this evening." On May 3, 2012, the hospital records noted "Patient has been transferred to Hilton Head for progressive confusion and urinary retention. . ." (Hampton Luzak 119-125).

On May 3, 2012, Randolph Light e-mailed Kevin Luzak, "I took Paul to St. Joseph Hospital Wednesday morning. He is progressively getting worse as to where he is and what is going on." (Hampton Luzak 127).

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On May 3, 2012, Dr. William Garrett noted in his neurological test summary: "This is an abnormal EEG." (Hampton Luzak 499).

On May 4, 2012, Paul Barringer was discharged from St. Joseph's Hospital. The discharge records show:

> "PROBLEMS THIS ADMISSION: Include:
> 1. Confusion, secondary to evolving semantic dementia.
> * * * * * * *
> His confusional state was addressed by Dr. Carter who felt that the patient had evolving semantic dementia and noted that at times Aricept might not be of very much help." (Hampton Luzak 119 – 125).

Dr. Paul Long noted from his examination of Paul Barringer on May 7, 2012 that "He is still confused and still has a poor memory." "He has dementia." (Light 51).

On May 11, 2012, Paul Barringer purportedly transferred all of his CFRC voting stock, 38,272 shares into the Paul B. Barringer Revocable Trust with Merrill Light and Paul Barringer serving as co-trustees. Stock certificate no. 14, issued that day and signed by Kevin Luzak as officer of CFRC, named only Paul Barringer as trustee and did not mention Merrill Light as being a co-trustee. Nor did the certificate mention the existence of any co-trustee. Travis Bryant signed as the second officer/secretary. (Coastal 67-68).

On May 30, 2012, Paul Barringer, along with Merrill Barringer and Hampton Luzak, met with Dr. David Bachman, a neurologist with the Medical University of South Carolina in Charleston. Dr. Bachman informed them that Paul Barringer had Alzheimer's disease. (Luzak-MUSC pp. 18-20).

On June 5, 2012, Randy Light's company Stretford at the Cascades filed for Chapter 7 bankruptcy protection. In the petition, the company claimed to have between $10 million and $50 million in debts. (Randy Light deposition exhibit notebook at Tab 136).

In and around June 4 through June 18 of 2012, Paul Barringer continued to have memory gaps about critical events and became angry with business associates including Kevin Luzak about matters he had forgotten including but not limited to selling and purchasing a new company jet, purchasing the Alexandria, Virginia apartment complex, making a bank deposit, and discussing company investment opportunities covered at prior board and management meetings. (Hampton Luzak 644-695; Hampton Luzak 2047-2050; Luzak-MUSC p. 115).

On or about June 11, 2012, Paul Barringer sent Kevin Luzak a package containing printed copies of slides from a PowerPoint presentation that Paul Barringer said someone sent to him. Merrill Light admitted to Kevin Luzak that she was the one who sent the PowerPoint presentations to Paul Barringer. The PowerPoint presentations were from previous management

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and board meetings in which Paul Barringer attended and participated. The materials were part of the foundation for his demented anger and firing of Kevin Luzak. (Hampton Luzak 151- 193)

On June 15, 2012, Brad Herring e-mailed Kevin Luzak regarding the upcoming special board meeting. Mr. Herring noted that in regards to shareholder voting under the Barringer Voting Agreement that "There is also the capacity issue mentioned in the first paragraph of the agreement which might become an issue. . ." (Hampton Luzak 925).

On June 19, 2012, Kevin Luzak sent a three-page memo to Merrill Light about his plans for Coastal Holding's strategy. Kevin informed Merrill Light in the memo that Paul Barringer had told him previously that Paul wanted him to have stock in CFRC but that Kevin was not comfortable with the idea. (Hampton Luzak 194-196).

On Wednesday, June 20, 2012, Paul Barringer e-mailed Kevin Luzak and Merrill Light stating, "I have double the voting stock of any person or groups, do you think I am dumb. . ." (Hampton Luzak 198). At this time Paul Barringer owned 38,272 shares of voting stock equaling approximately twenty percent of the outstanding voting stock while Hampton Luzak and Merrill Light each owned 59,521 voting shares equaling 31.2% apiece. (CFRC 628).

On June 27, 2012 Merrill Barringer called Dr. Bachman's office at MUSC to say they had a family emergency to come up and they would have to cancel the appointment for June 28, 2012 and would be gone through at least the end of August. MUSC informed her that they would give her an appointment for September 19, 2012. Mrs. Barringer said that would be fine. (Luzak-MUSC 115).

On June 28, 2012, a special meeting of the board of directors was held for the purpose of removing Kevin Luzak as a director. Merrill Light voted in favor of Kevin Luzak's removal and also voted against an independent investigation into the allegations leveled against Kevin Luzak. Paul Barringer was coached on how to cast his vote and instructed to change his vote on the appointment of an independent investigator when Paul Barringer initially voted in favor of it. After being coached Paul Barringer switched his vote to opposing an independent investigation of Kevin Luzak's activities as CEO. (Hampton Luzak 200-203). The meeting was held at the McNair Law Firm which is the law firm of Merrill and Randolph Light's longtime attorney John Jolley. (Light 1374). John Jolley was present at the meeting. (Hampton Luzak 696-715).

Following the June 28, 2012 board meeting, Michael Hagler, the sole independent member of the board, wrote Brad Herring, then CFRC's corporate attorney, that he was concerned about Paul Barringer's mental state. He stated: "Paul is voting and acting based on facts that exist in his mind but nowhere else…On more than one occasion during the meeting, Paul actually cast his vote in the opposite way he meant to cast the vote until he was corrected and coached by whoever was in the room with him. The remaining board members and the company's attorneys heard Paul being coached in the background." (Hampton Luzak 203).

On June 29, 2012, corporate counsel Brad Herring wrote a response to the letter of board director Michael Hagler and stated, "Your concern related to Paul's mental state and confusion is something that needs to be ultimately considered by the courts." (Hampton Luzak 204).

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On July 1, 2012, Michael Hagler e-mailed Merrill Light and attached his June 28, 2012 letter to the e-mail. Mr. Hagler stated to Merrill Light: "The person who attended the April board meeting, who called me last Saturday, and who attended the meeting Thursday was not Paul. He is in Paul Barringer's body, but he seems to be ill and not thinking or acting rationally." Mr. Hagler advised Merrill Light to see cease "following his lead down this possibly destructive path . . ." (Hampton Luzak 1830-31). The e-mail of Mike Hagler to Merrill Light occurred at approximately 2:25 p.m. The e-mail included two attachments – the June 28, 2012 letter of Mike Hagler to Brad Herring and Brad Herring's response letter of June 29, 2012 to Mike Hagler.

On July 1, 2012, at 5:37 p.m., Victor Barringer e-mailed Lewis McHenry and copied Merrill Light and Paul Barringer. (Light 96). Victor Barringer included two attachments to the e-mail – the June 28, 2012 letter of Mike Hagler to Brad Herring and Brad Herring's response letter of June 29, 2012 to Mike Hagler. (CFRC-SC-12-15). These are the same two attachments Merrill Light received 2 hours, 12 minutes earlier from Mike Hagler. Victor Barringer wrote that "Kevin [Luzak] as CEO without board approval or anyone's knowledge tried to pull a self-serving coup, in a attempt to sell most of the assets into a real estate corporation, that he owned a large piece of. When my father went into the hospital he made his move and tried to convince my sister to vote with to toss my father out, now he is trying to declare him mentally unstable, which he is not." Victor Barringer further stated that "Kevin, even had a book on the deal and was shopping it, without anyone's knowledge!" He concluded by writing: "Crush this chump now, Mike Hagler is weak..." (Light 96).

At 5:54 p.m., on July 1, 2012, Victor Barringer e-mailed Louis McHenry, Paul Barringer and Merrill Light again, this time stating "Crush him, to where only the charred bones remain." (Light 97). Merrill Light knew the accusations were untrue about Kevin Luzak. She testified she may have called Victor Barringer to tell him those accusations were inappropriate. However, Merrill Light did not inform Paul Barringer that Victor Barringer's statements were incorrect and inappropriate. (M. Light Dep. pp. 521-529).

On July 3, 2012, John Jolley sent Merrill Light a three-page e-mail about legal issues regarding CFRC ownership. (Merrill Light Privilege log dated 12/20/17).

On July 9, 2012, Brad Herring resigned as corporate counsel and assistant secretary. John Jolley, Merrill and Randolph Light's personal attorney, later acted as corporate counsel for CFRC. (Hampton Luzak 218 and 775).

On July 12, 2012, Merrill Light sent a letter to CFRC withdrawing her June 28, 2012 demand letter for a special stockholders meeting. In her letter she signed her name individually and also included a purported signature of Paul Barringer as "Trustee of the Paul B. Barringer Revocable Trust". No mention was made of the existence of a co-trustee or that Merrill Light was serving as co-trustee of the trust. (Hampton Luzak 224).

On July 12, 2012, board member Michael Hagler wrote to Paul Barringer, Merrill Light and Kevin Luzak objecting to the removal of Kevin Luzak as a director. Mr. Hagler stated that he had "personally observed behavior in at least two board meetings and in my call with Paul

[Barringer] two weeks ago which suggests that there are issues with his mental capacity." (Hampton Luzak 226-227).

In his invoice covering July 2012 "Re: Estate Planning," Merrill and Randy Light's attorney John Jolley charged Paul Barringer for work performed on July 18, 2012 for preparing a Second Amendment and Restatement of the Paul Barringer Revocable Trust Agreement while also conducting a telephone conference with Randy Light the same day. (9-22-17 McNair Subpoena Response 235).

On or about July 20, 2012, Paul Barringer purportedly executed the Second Amendment and Restatement of Trust Agreement in Butler County, Alabama. Randy Light testified he was often with Paul Barringer including making numerous trips with him to Butler County, Alabama. Merrill Light purportedly executed the same document on the same page in Beaufort County, South Carolina on the same day. The Second Amendment and Restatement contained a provision leaving Paul Barringer's voting stock solely to Merrill Light at Paul Barringer's death. (MUB's 1st Doc. Production 80-108; CFRC-HARRELL 202; Randy Light depo. 8/21/19 pp. 245-256).

On July 23, 2012, Merrill Light issued another notice of special stockholders meeting, this time to be held on August 3, 2012. Merrill Light signed solely in her capacity as an individual stockholder. No mention was made of Paul Barringer signing as stockholder or as a trustee of a trust holding CFRC voting stock or that Merrill Light was also purportedly a co-trustee of the Paul Barringer Revocable Trust purportedly owning the 38,272 shares of CFRC voting stock. (Hampton Luzak 230).

On August 1, 2012, Paul Barringer purportedly signed a proxy for the special stockholders meeting of CFRC for August 3, 2012 appointing Merrill Light as his proxy. Paul Barringer signed as trustee of the Paul Barringer Revocable Trust. No mention was made of a co-trustee or that Merrill Light was also purportedly a co-trustee of the trust holding the CFRC voting stock of Paul Barringer. (Light 122).

On August 1, 2012, Travis Bryant e-mailed Randy and Merrill Light about the future management structure of CFRC. Paul Barringer was not copied on the e-mail. Travis Bryant stated he intentionally did not copy Paul Barringer because of the desire to have a conversation between Travis and Randy without Paul Barringer's involvement. (Light 123-124).

On August 3, 2012, a special shareholder meeting of CFRC was held with Travis Bryant presiding. When roll calls and votes were taken of those attending the meeting, no mention was made of Merrill Light serving as co-trustee for the Paul Barringer Revocable Trust. Attending the meeting were Merrill Light, individually, Hampton Luzak, Robert Conger, and Merrill Light's attorneys holding proxies for Merrill Light - Mason Bayler, John Owen Gwathmey and John Jolley. Paul Barringer was not present. Kevin Luzak was purportedly voted off the board of directors and Randolph Light was elected. Merrill Light voted the Paul Barringer Revocable Trust shares as a "representative" for the Paul Barringer trust and as "appointed" for the Paul B. Barringer trust. During the voting no mention was made of Merrill Light serving as co-trustee of the Paul Barringer Revocable Trust. (Hampton Luzak 735-743; CFRC 676-682).

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On August 3, 2012, prior to the special board of directors meeting that day, Michael Hagler e-mailed John Jolley, Merrill Light, Paul Barringer, Travis Bryant and Merrill Light's other personal attorneys that in his opinion, Paul Barringer was ill and his judgment was impaired. He further wrote that he personally experienced this at the last regular directors meeting held in Charleston on April 25, 2012 and in the telephonic board meeting on June 28, 2012. He stated he believed that Merrill and Randolph Light were exercising poor judgment and that there needed to be an independent investigation surrounding Kevin Luzak's termination. He also pointed out that he was uncomfortable with the decision to hire Travis Bryant as Kevin Luzak's successor. He was concerned that Travis Bryant was a puppet, and that he would have no choice but to follow Paul Barringer's lead or suffer termination if he incurred Paul Barringer's irrational wrath. He further pointed out that Troutman Sanders was representing both Merrill Light and Paul Barringer and that Merrill Light had not obtained independent advice, and that she and her father clearly had a legal conflict of interest which again showed poor judgment on Merrill Light's part. (Hampton Luzak 241).

Following the special shareholders meeting on August 3, 2012, a special board of directors meeting was held with Randolph Light now serving on the board of directors in place of Kevin Luzak. Randolph Light, Merrill Light and Mike Hagler attended the special board meeting. Paul Barringer was not present. Mrs. Light proposed that Kevin Luzak be removed from all positions with the company and its subsidiaries and as a director of any subsidiaries effective immediately and that his employment also be terminated. She further moved that Travis Bryant be elected as the president and CEO. Both Merrill and Randolph Light voted for the motions. Mike Hagler opposed the motions but was outvoted by Merrill and Randy Light. Mr. Light expressed his belief that it was in the best interest of the company and its shareholders to have a non-family member take over the CEO position. (Hampton Luzak 242-243).

On August 10, 2012 Randy Light e-mailed Travis Bryant with copies to Paul Barringer and Tom Evans asking what the next step would be to appoint Travis Bryant to the board and "offer Hampton [Luzak] a spot..." Travis Bryant responded to all that the board had the ability to appoint Plaintiff if Randy Light, Paul Barringer Merrill Light approve it. The e-mail produced by the Lights contains the handwritten notation: "- yes, with control over who!" Travis Bryant also stated the process for carrying out her appointment at the first meeting coming up. The e-mail produced by the Lights contains the further handwritten notation: "X wait 1-2 meetings". (Light 141-142).

On August 13, 2012 Travis Bryant e-mailed John Jolley that "Paul has indicated to me that he would like to have a board meeting right away to resolve...Hampton Luzak's board appointment..." (Light 146).

On August 23, 2012 Mike Hagler resigned from the CFRC board of directors stating: "Having considered the multiple issues facing CFRC and its Board and my role/position as a director, I have decided to resign." (CFRC 19).

On August 28, 2012, Merrill Light's attorney John Jolley e-mailed Mrs. Light a blank Physician's Certification of Competency with a note stating: "Merrill: This would be great [?] let

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me know if Dr. Long needs any help or has any questions." (9-22-17 McNair Subpoena Response 5-6).

On August 29, 2012, the CFRC Board of Directors consisting of Paul Barringer, Merrill Light, and Randolph Light met to name a successor director to Michael Hagler who resigned on August 23. The board appointed Travis Bryant. The board also nominated John Jolley, the attorney for Merrill and Randolph Light, Paul Barringer, and CFRC, as assistant secretary of CFRC. (CFRC 17).

On August 30, 2012, Randolph Light e-mailed Travis Bryant and John Jolley that "Merrill was wondering if we even have to give Hampton an alternative for someone to represent her if she declines to accept the board offer herself?" Travis Bryant responded: "In my opinion, you don't have to, but I think it defeats the objective of extending the offer if we don't at least consider the person she would nominate." (Light 158).

By a document dated September 11, 2012, Paul Barringer purportedly signed a Stock Power as a co-trustee of the Paul B. Barringer Revocable Trust assigning and transferring 38,271 shares of CFRC voting stock to Merrill Light as trustee of the Merrill Barringer Light Revocable Trust. The document was purportedly witnessed by Merrill U. Barringer and Sharon E. Potts. By another document dated September 11, 2012 titled Assignment of Shares, Paul Barringer as co-trustee of the Paul Barringer Revocable Trust purportedly assigned 38,271 shares of CFRC voting stock to Merrill Light as trustee of the Merrill Barringer Light Revocable Trust. Both Paul Barringer and Merrill Light purportedly signed the Assignment of Shares document. (Coastal 5-7). Merrill Light continued to serve as co-trustee of the Paul Barringer revocable trust at this time.

On September 17, 2012, following (a) Mike Hagler's resignation; (b) Randy Light and Travis Bryant's appointments to the CFRC Board of Directors to serve along with Merrill Light and Paul Barringer; and (c) John Jolley's appointment as corporate attorney and assistant secretary while working as Randy and Merrill Light's personal attorney, John Jolley wrote Hampton Luzak asking if she were interested in serving on the board of directors. Hampton Luzak declined the offer on September 25, 2012. (Light 161-162).

On September 19, 2012, Paul Barringer met with Dr. Bachman and underwent brain PET /CT scan at MUSC. The scan indicated progressive memory loss and behavioral changes over 2 years with atrophy. (Luzak-MUSC 152). His Alzheimer's medicine was doubled to 10 mg. (Luzak-MUSC 149-50).

On September 20, 2012, Randolph Light e-mailed John Jolley and Travis Bryant about a dividend distribution to Merrill Light. Randolph Light proposed "Since [Paul Barringer] can give away $5 M[illion] this year and if he has not already, how about [Paul Barringer] writing a check to Merrill as a gift and CFRC pay [Paul Barringer] equivalent taking into consideration any taxes. . ." (A. Twombley Privilege Log to Jolley-McNair Subpoena Response dated 9/22/17 at ¶ 4).

On October 9, 2012, Dr. Bachman met with Paul and Merrill Barringer to discuss results of PET scan and discussed treatment to slow down progression of Alzheimer's disease. (Luzak-MUSC 175).

Because of the multiple representation of clients related to Merrill Barringer and CFRC, Michael Smith wrote John Jolley on October 9, 2012 asking who he represented – the Lights, Paul Barringer and/or CFRC. (Light 166).

On October 11, 2012, John Jolley's office e-mailed to Travis Bryant stating "John will be forwarding a memo regarding shareholder oppression as well as a recent case this afternoon." (CFRC 43).

On October 16, 2012, Paul Barringer wrote a journal entry stating "Dr. David Bachman – PeT Scope – Brains hurt on both sides." (MUB's Suppl. to 1st Doc Production 417).

On October 26, 2012, the CFRC Board of Directors declared a special distribution dividend on CFRC's shares of $2,401,819 to shareholders of record on October 25, 2012 plus a preliminary true up to 42% of actual fiscal year 2012 earnings. The shareholder distributions are paid to Paul Barringer as owner of the 38,272 shares of CFRC Voting Stock. (CFRC_SC- 669-671; CFRC 669-71; Coastal 44 and 48-50).

CFRC issued stock certificate no. 15 to Paul Barringer for one voting share of CFRC stock and stock certificate no. 16 to Merrill Light for 38,271 voting shares with both shares being dated December 31, 2012. The CFRC stock register of February 30, 2014 also showed a transfer of voting stock to Merrill Barringer as trustee on December 31, 2012. (CFRC 628: Davis 35-36).

By e-mail dated January 4, 2013, Travis Bryant sent Randolph Light a presentation for their discussions with Julian Proctor of Ausley McMullen scheduled for the following week. Travis Bryant and Randolph Light discussed their presentation with Julian Proctor and having John Jolley alter the shareholder chart for the meeting to reflect Merrill Light ostensibly owning Paul Barringer's voting stock. (Coastal 54).

On January 6, 2013, Travis Bryant e-mailed Randolph Light "Have the shares been recorded? I will get with John and confirm that he has recorded the transfer." (Coastal 54).

On January 7, 2013, Randolph Light, using Merrill Light's e-mail address, e-mailed John Jolley on the subject of Paul Barringer's voting shares CFRC to Merrill Light and asked "When were the shares recorded?" John Jolley responded to Randolph Light and copied Travis Bryant stating, "Randy: the transfer paperwork was sent to the Havana address. I need to get with Travis regarding this one. Is this simply a follow up or is there something else?" Randolph Light responded, "Just a follow up question Merrill had." (9-22-17 McNair Subpoena Response 219).

On January 8, 2013, CFRC paid a regular quarterly dividend to Paul Barringer as shareholder of record owning the 38,272 shares of CFRC voting stock as of that date. (Coastal 56-58).

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On January 10, 2013, John Jolley e-mailed Paul Barringer stating, "Please give me a call when you have a moment to discuss a time to meet. I [redacted] want to discuss your transfer of voting shares to Merrill Light." (9-22-17 McNair Subpoena Response 217).

On January 21, 2013, Randolph Light e-mailed John Jolley stating, "Just following up to confirm that you have [Paul Barringer] squared away regarding his stock certificates or signing lost waiver." (9-22-17 McNair Subpoena Response 218).

On January 24, 2013, Randolph Light emailed Travis Bryant regarding the voting stock certificates and stated that both he and Merrill were becoming very frustrated with John Jolley regarding the voting stock certificates. He stated that John Jolley assured him two weeks ago that he would take care of this with Paul Barringer and still had not to Randy's knowledge. He further asked, "Do you know anything to the contrary? It is quite simple to execute a loss certificate instrument." (Coastal 59).

Twenty-four minutes later Travis Bryant responded to Randolph Light, "I spoke to Paul [Barringer] yesterday, he has signed the stock over!!! John has it in his possession. Tom and I will both need to sign the new shares to be issued (1 share for PBB, balance to ML)". Also on January 24, 2013, Becki Bostick of John Jolley's office e-mailed Travis Bryant regarding subject of "CFRC Stock Certificates" to send an attachment. The e-mail stated that the original will follow via UPS. John Jolley, that same day, January 24, 2013, sent a letter to Travis Bryant which included unsigned stock certificates nos. 15 and 16 and also a cover letter which stated in part, "I have enclosed copies of Certificate Number 14 and the transfer documentation from Mr. Barringer . . ." The transfer provisions on the back of stock certificate No. 14 enclosed with John Jolley's letter were not signed by Paul Barringer and were completely blank. Included with the letter were the Stock Power and Assignment of Shares containing a date of September 11, 2012. (Coastal 59; 63-71).

On February 10, 2013, Merrill Barringer wrote Plaintiff about "Kevin's veiled threats to sue Merrill if she didn't vote his way. . ." (Hampton Luzak 269-271).

On March 2, 2013, Paul and Merrill Barringer signed their 2012 Tax Organizer for Bobby Davis and answered that they had made no reportable gifts to any individual in 2012. (1st Suppl. Davis Subpoena Response 251 and 255).

On March 27, 2013, Paul Barringer met with Dr. Bachman. His Alzheimer's medication was increased to include an afternoon dose. (Luzak-MUSC 249).

On March 28, 2013, according to Bobby Davis, he met with Paul Barringer in person for the last time. Randolph Light accompanied Paul Barringer on the visit to Columbia. Paul Barringer never mentioned the stock gift to Bobby Davis. (See dep. of Bobby Davis, 10/18/2017).

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On April 5, 2013, Stephanie Chapman of CFRC e-mailed Randolph Light stating, "We received confirmations of the transfer of Mr. Barringer's shares to you. . . Do you want this [shareholder distributions] wired to the Northern Trust Account below?" (Coastal 74).

On April 5, 2013, the bankruptcy trustee of Randolph Light's company, The Stretford at the Cascades filed an adversary proceeding against Patriot Bank alleging that Patriot Bank received fraudulent transfers from Stretford under the direction of Randolph Light in 2010 and 2011. (McNally v. Patriot Bank, case No. 13-06007, Bankruptcy Court, E.D. TX 4/5/13 and Merrill and Randy Light deposition exhibit notebook No. 2 at Tab 77).

By e-mail dated October 19, 2013, Travis Bryant wrote Randolph Light a description of the executive stock purchase in which Travis Bryant would be offered a 2.5% stake in CFRC. Neither Paul Barringer nor any of the shareholders were copied on the e-mail. (CFRC 514-515).

An agenda for a board meeting scheduled for October 24, 2013 was drafted by CFRC. (CFRC 115-142). According to the letter of Alan Wingfield dated February 13, 2015, Travis Bryant offered to pay 10% down on a 2.5% interest in the stock of CFRC. John Jolley then proposed the idea that the company also provide Travis Bryant with an option for an additional 2.5% as way to increase Travis Bryant's stake to 5%. (Hampton Luzak 1964). Despite Plaintiff's demand and an order from Gadsden County Circuit Court to produce the CFRC board minutes that Plaintiff requested, CFRC has produced no minutes reflecting that a board meeting of October 24, 2013 was held.

On October 25, 2013, Travis Bryant e-mailed John Jolley consent resolutions to provide Travis Bryant with a grant of 2.5% of the outstanding shares in CFRC, an additional voting share, and also an option to purchase an additional 2.5% of the shares in the company. Travis Bryant demanded: "We want this done TODAY!!!" (CFRC 516-517),

On October 30, 2013, John Jolley e-mailed back to Travis Bryant a document and asked where the meeting will be that evening and further asked if he should deliver a hard copy to the Light's home. The attachment was a draft written consent resolution for the CFRC Board of Directors awarding Travis Bryant a 2.5% share in the company's stock with an option for an additional 2.5% ownership exercisable over five years. Also following the consent resolution were drafts of a Promissory Note, Stock Option Agreement, and a Stock Pledge Agreement supporting the stock issuance to Travis Bryant. (CFRC 519-533).

The CFRC Board of Directors sitting on the board in 2013 signed an Action Taken by Written Consent awarding Travis Bryant 2.5% of the CFRC shares and granting him an option to purchase another 2.5% within five years. The resolution was signed ostensibly by Paul Barringer, Merrill Light, Randolph Light and Travis Bryant and dated October 31, 2017. (CFRC 12-14). A second Action Taken by Written Consent was executed ostensibly by Paul Barringer, Randolph Light, Merrill Light and Travis Bryant dated October 31, 2013 which awarded the same interest in the company to Travis Bryant but also included an additional one share of voting stock. (CFRC 630-632).

Over the years of 2013 and 2014, the capital expenditures for timber and timberlands and property, plant and equipment contained significant discrepancies between the audited accounting records of Lanigan & Associates and the financial printouts provided by Troutman Sanders in the millions of dollars – approximately $16.1 million for property, plant and equipment, and $7.3 million for timber and timberlands. (See Exs. 131 and 132 to deps. Merrill Light and Randolph Light). In their depositions, board members Merrill Light and Randolph Light could provide no explanation for the discrepancies.

In response to Plaintiff's subpoena for records in the files of John Jolley, the McNair Law Firm produced a handwritten note dated April 9, 2014 referencing an irrevocable trust related to Randolph Light along with a notation about a trustee and a beneficiary during the time Randolph Light's companies were still in bankruptcy proceedings. (9-22-17 McNair Subpoena Response 152).

The records of the McNair Law Firm contain handwritten notes dated May 1, 2014 regarding the Barringer estate plan. The records include a notation to change the order of the successor trustee with Victor listed first, then an arrow pointed to Hampton with her name crossed through. The notes also indicate that the share to Hampton would go in trust for Wade Luzak. (9-22-17 McNair Subpoena Response 58).

On May 12, 2014, Randolph Light, from Merrill Light's e-mail address, e-mailed John Jolley and Wendy Brewer at Wells Fargo instructing John Jolley to forward copies of the Barringer's new documents that John Jolley discussed the week before once the new documents had been executed. (9-22-17 McNair Subpoena Response 14).

On June 12, 2014, Paul Barringer purportedly executed a Third Amendment and Restatement of Trust Agreement and a pour-over will. The Third Amendment and Restated Trust eliminated Hampton Luzak as a beneficiary and instead left one-third of the residuary trust to Wade Luzak. John Jolley was named as an alternate successor trustee. (MUB's 1st Document Production 109-140; 193-200).

On October 29, 2014, the CFRC Board of Directors appointed Randolph Light as an officer to the company as a vice president but without any designated function and also as vice chairman of the board. (CFRC 799-800). CFRC paid Randy Light $410,883 in fees and bonuses for 2013 and 2014. (CFRC_SC 529).

On December 12, 2014, Paul Barringer gave Merrill Light, Randolph Light and Victor Barringer $10,000 each and gave his grandchildren Paul Barringer, III, Thomas Light, Turner Barringer, Sarah Barringer and Paul Light $5,000 each. Paul Barringer gave $1,000 to Plaintiff but gave nothing to Wade Luzak. (9-4-18 Wells Fargo Suppl. Subpoena Response 1138-1139).

On January 15, 2015, the bankruptcy trustee for The Stretford at the Cascades, LP filed his Final Account and Distribution Report showing a receipt of $112,500 as a recovery of fraudulent transfers from Patriot Bank in case #13-06007 in the case brought by the bankruptcy trustee to void Stretford transfers for the benefit of Randy Light's company LIRVP, LLC. (Hampton Luzak 597-610).

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After Plaintiff discovered a note in the 2014 financial statements about a stock issuance to an undisclosed officer, Hampton Luzak's attorney wrote Travis Bryant and CFRC on January 21, 2015 to request, among other items, a copy of the stock transfer books of the corporation showing the stock ownership of the company since June 2012. On February 13, 2015, CFRC produced various records to Plaintiff's attorney but omitted a copy of the requested stock register. (KLUZAK 24602-605; Hampton Luzak 1958-1971). On February 20, 2015, Plaintiff's counsel wrote CFRC a second time and again asked for the stock transfer books of the corporation and pointed out that CFRC omitted the stock transfer records in the prior production. (Hampton Luzak 617-624). On March 3, 2015, CFRC responded a second time with various documents but again omitted the stock transfer register. (Boisselle 7020-7023). On March 6, 2015, Plaintiff's attorney sent to CFRC's counsel a third request asking for the stock ledger/share register/stock transfer books of the corporation from June 2012 to that date. (Hampton Luzak 626-627). Finally on March 13, 2015, CFRC disclosed the stock transfer ledger to Hampton Luzak following her third demand for its production. (Hampton Luzak 2079-2081; CFRC 628).

On Tuesday, February 3, 2015, Victor Barringer e-mailed Merrill Light's e-mail address and instructed, "Let me know today as soon as the documents are signed." Merrill Light responded, "Thurs am papers will be signed being drawn up now." (Victor Barringer 9).

Cindy Sprouse of Wells Fargo e-mailed Randolph Light on February 3, 2015 with information about investment accounts of Paul Barringer being handled by Wells Fargo. Cindy Sprouse further wrote that if Paul Barringer resigned, then Merrill Light would step into his role as co-trustee. She further stated that it would be best to confer with John Jolley about making this move. (9-22-17 McNair Privilege Log 9).

On February 5, 2015, Paul Barringer ostensibly signed a power of attorney naming Merrill Light as his agent and Randolph Light as his alternate agent. The power of attorney was prepared by John Jolley. (MUB's 1st Document Production 316-328).

On February 5, 2015, Paul Barringer executed his Fourth Amendment and Restatement of the Paul Barringer Revocable Trust and a Last Will and Testament, both prepared by John Jolley. The estate plan documents purport to omit Hampton Luzak and Wade Luzak as beneficiaries except that Wade Luzak would receive $50,000 in the event Merrill Barringer predeceased Paul Barringer which did not happen. The Fourth Amendment thus purportedly eliminated both Hampton and Wade Luzak as beneficiaries of Paul Barringer's Will and Trust. (MUB's 1st Document Production 141-171 and 201-209).

On February 19, 2015, Merrill Light, while ostensibly owning approximately 51% of the CFRC voting shares, voted for a slate of directors that did not include Paul Barringer. In addition, Randolph Light was voted as chairman of the board in the February 19, 2015 shareholders meeting. Merrill Light's ostensible shares were voted by a proxy purportedly given to John Jolley. Hampton Luzak attended the meeting telephonically. The minutes prepared by CFRC state that Travis Bryant and John Jolley were the only ones present. (Hampton Luzak 305-307).

On March 16, 2015, a meeting of the board of directors was held to discuss interviewing financial advisors for strategic alternatives for the company including a potential sale of the company. (Light 49-50).

On April 15, 2015, CFRC filed a declaratory judgment action in the Eastern District of Virginia Federal Court against Hampton Luzak. On August 28, 2015, Paul Barringer ostensibly moved to intervene in the federal court action on Merrill Light's behalf. On October 19, 2015, Paul Barringer was examined by Dr. Mazzeo and scored a "10" on the Mental State Exam. Dr. Mazzeo's records report that Paul Barringer had been suffering from memory loss for three to four years. (Luzak-Coastal Neurology 13).

On May 28, 2015, Paul Barringer purportedly signed a federal form 709 gift tax return reporting the gift of stock to Merrill Light allegedly occurring on December 31, 2012. The preparation and filing of the gift tax return was initiated by Randolph Light contacting Bobby Davis and with further input from Travis Bryant and John Jolley according to the records of Bobby Davis, CPA. (Davis 59). Randy Light testified he had no involvement with Paul Barringer's taxes or personal financial information. (Randy Light Depo. 8/20/19 pp. 84-85 and 8/21/19 pp. 331-336).

By mid-2015 and certainly by the fall of 2015, Paul Barringer had fallen off the cliff mentally and was totally unrelated to the outside world, according to the testimony of Dr. Paul Long on April 28, 2016 before the Beaufort County Probate Court.

On September 25, 2015, Paul Barringer purportedly wrote a letter regarding Brandon Acres that includes a detailed chart of company assets and distributions. The letter was signed in the name of Paul Barringer. (Hampton Luzak 757-758).

On December 31, 2015, Robert Scully and Michael Kim submitted Paul B. Barringer II's Answers and Objections to Hampton Luzak's First Set of Interrogatories in the EDVA litigation. The responses included a statement that Paul Barringer did not receive any dividends from CFRC stock after September 11, 2012. On January 14, 2016, Robert Scully and Michael Kim submitted without verification Paul B. Barringer II's Amended Responses and Interrogatories to Hampton Luzak's First Set of Interrogatories to state that Paul Barringer did not recall seeing any dividends but was informed that CFRC records reflected that he had received dividends on the stock for 2012. (Merrill Light and Randy Light deposition exhibit notebooks at Tab 10).

On January 20, 2016, Dr. Paul Mazzeo, a board certified neurologist, reported that from his evaluation of Paul Barringer on October 19, 2015, "Mr. Barringer was suffering from severe memory loss and expressive aphasia, (the inability to use language to express thoughts)." Dr. Mazzeo declared that Mr. Barringer's memory loss and expressive aphasia made it practically impossible for him to recall past events with accuracy. Dr. Mazzeo who examined Paul Barringer on October 19, 2015 stated in his federal court declaration that "Mr. Barringer lacked the capacity to testify in a United States District Court". He further stated that because Alzheimer's type dementia is a progressive disease, in his professional medical opinion, Paul Barringer would not recover the capacity to testify in the future despite ongoing treatment. (Luzak – Coastal Neurology 36-38).

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On or about February 1, 2016, Paul Barringer signed under penalty of perjury, a verification to the Paul B. Barringer, II's Second Amended Responses and Objections to Hampton Luzak's First Set of Interrogatories changing his original answer about the CFRC dividends to state that he did not recall seeing any dividends but was informed that CFRC records reflect that he had received dividends on the stock for 2012. On February 3, 2016, thirteen days after Dr. Mazzeo's Declaration was filed in federal court declaring Paul Barringer mentally incapable of providing testimony due to his inability to recall past events, the attorneys ostensibly representing Paul Barringer in his intervention to support Merrill Light in the EDVA action submitted Paul Barringer's sworn declaration dated February 1, 2016 to his second amended interrogatory responses (Merrill Light and Randy Light deposition exhibit notebooks at Tab 10).

Around December 15-17, 2012, Paul Barringer purportedly sent a letter to Plaintiff claiming Plaintiff had brought shame to the Barringer name. Earlier drafts of the letter were written in Merrill Barringer's handwriting and with her edits. (Tab 63 of Merrill Light dep. exhibits).

On April 12, 2016, Paul Barringer ostensibly signed an IRS Form 8879 for electronic filing of his 2015 income tax returns certifying under oath that he had examined his tax returns prepared by Bobby Davis and understood the contents thereof. (9-14-17 Davis Subpoena Response 1424).

On April 22, 2016, Dr. Paul Long administered the Mini-Mental State Exam to Paul Barringer. Paul Barringer scored a 1 out of 30 on the examination. (Hampton Luzak 323). Paul Barringer subsequently passed away on May 30, 2016.

On June 2, 2016, Merrill Barringer sent by e-mail through Pat Harrell to Peggy Boisselle instructions to Hampton Luzak to sit on the last row of the family section which was the third row and on the right side where attorneys for Merrill Light and other family member attorneys were seated. (Archer 10391-92).

In addition, please see the depositions of Merrill Light dated August 12-13, 2019, Randolph Light of August 20-21, 2019, Hampton B. Luzak of June 12-13, 2019, Bobby Davis of October 18, 2017, Paul Light of July 10, 2019, Anne Surrett of July 18, 2019 and Merrill U. Barringer of March 14, 2019.

INTERROGATORY NO. 5: Set forth and identify all person(s) known to Plaintiff and/or Plaintiff s counsel who will testify with first-hand knowledge that "Merrill Light undertook a scheme to effect a transfer of Paul Barringer's voting stock in Coastal Forest Resources Company, Inc. ("CFRC") to a revocable trust under her control and for her benefit and of which she is the trustee" as set forth in paragraph six (6) of your Amended Complaint.

RESPONSE:

a. Hampton Barringer Luzak
b. Kevin Luzak
c. Merrill B. Light
d. James Randolph Light, Jr.
e. Victor C. Barringer
f. Merrill U. Barringer
g. Robert C. Slane
h. Bobby L. Davis, CPA
i. John M. Jolley, Esquire
j. J. Travis Bryant
k. Robert E. Scully, Jr. , Esquire
l. Michael K. Kim, Esquire
m. Margaret Ann Boisselle

INTERROGATORY NO. 6: If you contend, assert, or otherwise believe that any person(s) improperly influenced (and/or acted in any other improper manner) Paul Barringer in the execution of his estate planning documents prior to February of 2012, set forth all evidence and all facts and identify all Documents supporting your contention, assertion, or belief.

RESPONSE:

Plaintiff does not contend, assert or otherwise believe that any persons improperly influenced (and/or acted in any other improper manner) Paul Barringer in the execution of his estate planning documents prior to February 2012.

INTERROGATORY NO. 7: If you contend, assert, or otherwise believe that Merrill Barringer aided and abetted Merrill Light and/or Randolph Light in allegedly improperly influencing Paul Barringer to give his CFRC voting stock to Merrill Light and/or change his estate plan at any time between 2012 and 2015, set forth all evidence and facts and identify all Documents supporting your contention, assertion, or belief.

RESPONSE:

Defendant Merrill Barringer was personally aware that Paul Barringer had dementia, including Alzheimer's disease, from May 4, 2012 if not far sooner. (see Hampton Luzak 124-125; Luzak-MUSC 313, 283, 306, 18-20; and Luzak-Coastal Neurology 13 and 26).

On or about June 8, 2012, Kevin Luzak talked with Merrill Barringer who stated that Paul Barringer was very upset at Kevin and that Paul Barringer believed Kevin Luzak was trying to sell 65% of the timberland and move the timberland management team to New York and that the people in New York would own 80% of the investments in the company. Kevin Luzak rebutted these false perceptions item by item with Merrill Barringer. Mrs. Barringer also stated to Kevin Luzak during this conversation that Paul Barringer was upset about supposedly being kicked out of the last board meeting in April 2012 which was untrue as Paul Barringer presided

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over the meeting without incident, although Paul Barringer had trouble communicating and forming words at the time. (Hampton Luzak 2048-49; Light 53-56).

Prior to the commencement of the CFRC Board of Director's meeting held on June 28, 2012, Merrill Barringer and Paul Barringer discussed the decision to fire Kevin Luzak and they agreed that Kevin Luzak should be fired. Mrs. Barringer then attended the June 28 board meeting "to correct him in any manner", "to hear how he was doing", "and maybe to indicate to him something he should say he may have forgotten" referring to Paul Barringer. (See dep. of Merrill Barringer dated 3/14/2019). Mrs. Barringer was present at the June 28, 2012 board meeting when Paul Barringer was instructed to change his vote. (Id.) (See Amended Complaint Ex. 5) (Hampton Luzak 696-715).

During the June 28, 2012 special board meeting, as soon as a vote was taken on a motion to appoint Paul Barringer as president and CEO of CFRC, which was not approved, Merrill Barringer immediately interjected that the meeting should be adjourned before any extended discussion could occur about Paul Barringer's health and other related issues. Mrs. Barringer's initial request for an adjournment was not approved by the board. Some discussions then occurred among the board members about the problems with Paul Barringer's mental health and his having been coached during the votes taken during the meeting. After some discussion of these issues, Merrill Barringer again instructed Paul Barringer and Merrill Light to adjourn the meeting and told everyone at the meeting that the meeting was adjourned. (Hampton Luzak 696-715).

On or about July 26, 2012, Plaintiff wrote the CFRC Board of Directors about Paul Barringer's mental condition and informed them that he had been diagnosed with Alzheimer's disease and that she along with Merrill Barringer and Merrill Light had been aware of his condition for months. (Hampton Luzak 210-214).

By documents facially dated September 11, 2012, Paul Barringer assigned 38,271 shares of his CFRC voting stock to Merrill Light as trustee of her revocable trust. The purported transfer was done through two documents titled as a Stock Power and an Assignment of Shares. Merrill Barringer signed as a witness to the Stock Power document. (Coastal 69-71).

Merrill Barringer testified in a deposition that Paul Barringer changed his estate plan in June of 2014, which would have been at least the third change to his estate plan of December 4, 1998. In that change, Paul Barringer removed Plaintiff as a beneficiary and substituted Plaintiff's son, Wade Luzak in place of Plaintiff as a residuary beneficiary. Merrill Barringer testified that Paul Barringer cut out Plaintiff as a beneficiary because she had supposedly alienated Paul Barringer and that Paul Barringer thought Plaintiff was greedy. During the time period of July 2012 to June 2014, Plaintiff set up visits between her family and her parents only to have the visits cancelled by Merrill Barringer. Merrill Barringer instructed Plaintiff during this time period to always call her on her mobile number and not to call the landline at home where Paul Barringer lived and had access to the phone. On November 12, 2013 when Hampton Luzak was having trouble reaching Merrill Barringer on her mobile phone, she had her assistant, Peggy Boisselle e-mail her parent's assistant, Pat Harrell, asking if there was a new number that she should be calling. Plaintiff received no response to the question. (Archer 18714-15). In

addition, Plaintiff made no request to Merrill Barringer or Paul Barringer or other family members for any assets, favors, or anything of value during this time in contrast to Merrill Barringer's claim that Plaintiff was greedy. (See Dep. of Hampton Luzak, 6/12/2019 and 6/13/2019). Further, around November 1, 2012, after Merrill and Randy Light gained control of the CFRC board of directors, the company began making very large and unprecedented distributions as special dividends. On November 8, 2012, Plaintiff wrote the board protesting that the funds paid out in special dividends would have been used by Paul Barringer for reinvestment and growth. (Light 169-170).

Around the time period of December 15-17, 2012, Merrill Barringer drafted or assisted in drafting a letter ostensibly from Paul Barringer to Plaintiff blaming Plaintiff for any discord and alienation in the family and attributing this to Plaintiff's greed. (See, PBARRINGER 155, CFRC_HARRELL 233, CFRC_HARRELL 282, CFRC_HARRELL 44, CFRC_HARRELL 128, CFRC_HARRELL 6, PBARRINGER 156, and Hampton Luzak 268).

From August 28, 2015 through the spring of 2016, Paul Barringer ostensibly intervened in federal litigation in the Eastern District of Virginia. During this time period, Paul Barringer scored a "10" on the Mini-mental State Exam on October 19, 2015. (Luzak – Coastal Neurology 8). Paul Barringer's treating neurologist during this time described Mr. Barringer's condition as "severe senile dementia, Alzheimer's type." (Luzak – Coastal Neurology 40). While Merrill Barringer was aware of Paul Barringer's severe condition in August of 2015, she also knew of the efforts to purportedly involve Paul Barringer into a family federal litigation, more than three years after he had been diagnosed with Alzheimer's disease, for the benefit of Merrill Light's position on the stock transfer. (Dep. of Merrill Barringer dated 03/14/2019).

When Merrill Barringer signed the Stock Power as a witness purportedly transferring the voting stock in Paul Barringer's revocable trust to Merrill Light, Merrill Barringer did not inform the Plaintiff of the stock transfer and instead assisted Merrill Light and others in keeping the transfer hidden from Plaintiff. Merrill Barringer witnessed the Stock Power along with Sharon Potts, an employee of the McNair Law Firm with whom Mrs. Barringer's attorney John Jolley worked.

Merrill Barringer, as Paul Barringer's wife, was his agent under his Power of Attorney executed on December 15, 2011. (MUB's 1st Doc. Produc. 306-315). Merrill Barringer as his wife, caretaker and an attorney-in-fact, was in a confidential and fiduciary relationship with Paul Barringer. She had the opportunity to influence him and contended that she was the only person who could influence him. (Dep. of Merrill Barringer, 3/14/2019).

Paul Barringer suffered from Alzheimer's disease which is a progressive disease which worsens over time and does not improve over time (Mazzeo Declaration at Luzak-Coastal Neurology 36-38). As Paul Barringer's mental incapacity progressed, he necessarily became increasingly dependent on Mrs. Barringer (Luzak-Coastal Neurology 13; Luzak-MUSC 1-348).

While Merrill Barringer discussed the removal of Kevin Luzak as president and CEO of CFRC before the June 28, 2012 board meeting, Merrill Barringer harbored animus towards Hampton Luzak and Plaintiff's husband Kevin Luzak by stating in her deposition that Hampton

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Luzak had married the wrong man and that Plaintiff was greedy, an agitator, irresponsible and a coward. (Merrill Barringer dep. 3/14/2019). Merrill Barringer further testified that she had more respect for her daughter Merrill Light in 2012 than for Plaintiff and had lost respect for Plaintiff.

In preparation of the documents changing the estate plan of Paul Barringer, Plaintiff is informed and believes that Merrill Barringer also attended estate planning meetings among Paul Barringer, Merrill Light's attorney John Jolley, Paul Barringer's insurance agent and estate planning advisor Robert Slane and herself. (See, 9-22-17 McNair Subpoena Response 227-233, 11-14-17 1st Suppl. McNair Subpoena Response 237-238, and Hampton Luzak 938).

After signing the Stock Power dated on its face as September 11, 2012 as a witness, Merrill Barringer subsequently submitted a Form 709 gift tax return to the IRS claiming that she consented to a gift of Paul Barringer's voting stock to Merrill Light on December 31, 2012. (PBARRINGER 9-15). In addition, while Merrill Barringer claimed to have witnessed the stock power transfer on September 11, 2012, CFRC continued to pay dividends to Paul Barringer until April of 2013. (Coastal 48-53 and 56-58). On January 6, 2013, Travis Bryant e-mailed Randolph Light asking if the Paul Barringer voting shares had been recorded. (Coastal 54). Randolph Light further stated that he would get with John Jolley and confirm that the transfer had been recorded. The next day on January 7, 2013, Randolph Light e-mailed John Jolley and his assistant asking when were the shares recorded. John Jolley responded that the transfer paperwork was sent to the Havana, Florida address but that he needed to get with Travis Bryant regarding that question. (9-22-17 McNair Subpoena Response 219). On January 10, 2013, John Jolley then e-mailed Paul Barringer asking Paul Barringer to give him a call to discuss a time to meet. John Jolley stated that he wanted to discuss Paul Barringer's transfer of voting shares to Merrill Light. (9-22-17 McNair Subpoena Response 217). On January 21, 2013, Randolph Light again e-mailed John Jolley about the stock transfer asking if John Jolley had Paul Barringer squared away regarding his stock certificates or signing loss waiver. (9-22-17 McNair Subpoena Response 218). On January 24, 2013, Randolph Light e-mailed Travis Bryant that he and Merrill Light were becoming very frustrated about the stock transfer, and that to Randolph Light's knowledge, John Jolley had not taken care of the stock transfer with Paul Barringer as of that date. Later that same morning, Travis Bryant e-mailed Randolph Light back that he spoke to Paul Barringer the day before and that Paul Barringer "has signed the stock over!!!" Travis Bryant further stated that he and Tom Evans would need to sign new shares to be issued in the future. (Coastal 59). That same day John Jolley's office e-mailed and mailed to Travis Bryant unsigned stock certificates to be executed by CFRC corporate personnel along with "the transfer documentation from Mr. Barringer" which Travis Bryant had e-mailed Randolph Light about earlier that day. (Coastal 63-71). Merrill Barringer signed the 2012 Tax Organizer submitted to Bobby Davis in March of 2013 in which she and Paul Barringer answered "No" to the question of whether they made any gifts valued at more than $13,000 in 2012. (11-27-17 1st Suppl Davis Subpoena Response 2051 and 2055).

Through the above actions and others that may be disclosed during continued discovery, Merrill Barringer aided and abetted her co-conspirators Merrill and Randolph Light and others in transferring the CFRC voting stock of Paul Barringer to Merrill Light.

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INTERROGATORY NO. 8: If you contend, assert, or otherwise believe that Merrill Barringer at any time misrepresented that she was present at the time Paul Barringer executed any of his estate planning or other Documents from 2012 through 2015, set forth all evidence and all facts and identify all Documents supporting your contention, assertion, or belief.

RESPONSE:

As part of the purported transfer of Paul Barringer's CFRC voting stock to Merrill Light, Paul Barringer purportedly executed a Stock Power and an Assignment of Shares dated September 11, 2012, with the Stock Power being witnessed by Merrill Barringer along with Sharon E. Potts of the McNair Law Firm for whom Merrill Barringer's attorney John Jolley worked. (Coastal 69-71). The billing records of John Jolley show no work for preparation of the Stock Power or Assignment of Shares prior to September 11, 2012. (9-22-17 McNair Subpoena Response 235).

As stated in response to No. 7 above, after signing the Stock Power dated on its face as September 11, 2012 as a witness, Merrill Barringer subsequently submitted a Form 709 gift tax return to the IRS claiming that she consented to a gift of Paul Barringer's voting stock to Merrill Light on December 31, 2012. (PBARRINGER 9-15). In addition, while Merrill Barringer claimed to have witnessed the stock power transfer on September 11, 2012, CFRC continued to pay dividends to Paul Barringer until April of 2013. (Coastal 48-53 and 56-58). On January 6, 2013, Travis Bryant e-mailed Randolph Light asking if the Paul Barringer voting shares had been recorded. (Coastal 54). Randolph Light further stated that he would get with John Jolley and confirm that the transfer had been recorded. The next day on January 7, 2013, Randolph Light e-mailed John Jolley and his assistant asking when were the shares recorded. John Jolley responded that the transfer paperwork was sent to the Havana, Florida address but that he needed to get with Travis Bryant regarding that question. (9-22-17 McNair Subpoena Response 219). On January 10, 2013, John Jolley then e-mailed Paul Barringer asking Paul Barringer to give him a call to discuss a time to meet. John Jolley stated that he wanted to discuss Paul Barringer's transfer of voting shares to Merrill Light. (9-22-17 McNair Subpoena Response 217). On January 21, 2013, Randolph Light again e-mailed John Jolley about the stock transfer asking if John Jolley had Paul Barringer squared away regarding his stock certificates or signing loss waiver. (9-22-17 McNair Subpoena Response 218). On January 24, 2013, Randolph Light e-mailed Travis Bryant that he and Merrill Light were becoming very frustrated about the stock transfer, and that to Randolph Light's knowledge, John Jolley had not taken care of the stock transfer with Paul Barringer as of that date. Later that same morning, Travis Bryant e-mailed Randolph Light back that he spoke to Paul Barringer the day before and that Paul Barringer "has signed the stock over!!!" Travis Bryant further stated that he and Tom Evans would need to sign new shares to be issued in the future. (Coastal 59). That same day John Jolley's office e-mailed and mailed to Travis Bryant unsigned stock certificates to be executed by CFRC corporate personnel along with "the transfer documentation from Mr. Barringer" which Travis Bryant had e-mailed Randolph Light about earlier that day. (Coastal 63-71). Merrill Barringer signed the 2012 Tax Organizer submitted to Bobby Davis in March of 2013 in which she and Paul Barringer answered "No" to the question of whether they made any gifts valued at more than $13,000 in 2012. (11-27-17 1st Suppl Davis Subpoena Response 2051 and 2055).

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INTERROGATORY NO. 9: If you contend, assert, or otherwise believe that Merrill Barringer, Randolph Light, Merrill Light or anyone else improperly wrote letters or other documents for Paul Barringer to sign, or that Paul Barringer signed letters that did not include language that he wanted included, set forth all evidence and all facts and identify all Documents supporting your contention, assertion, or belief.

RESPONSE:

Please see the documents concerning the letter and drafts thereof purportedly from Paul Barringer to Hampton Luzak dated between December 15 and December 17, 2012. (PBARRINGER 155; CFRC_HARRELL 233; CFRC_HARRELL 282; CFRC_HARRELL 44; CFRC_HARRELL 128; CFRC_HARRELL 8; PBARRINGER 156; Hampton Luzak 268).

See also the purported letter of Paul Barringer to Hampton Luzak dated February 26, 2015 at CFRC_HARRELL 129-132 and Hampton Luzak 308.

INTERROGATORY NO. 10: If you contend, assert, or otherwise believe that Robert Scully forced and/or improperly deceived Paul Barringer to intervene and/or remain in the Virginia litigation, set forth all evidence and all facts and identify all Documents supporting your contention, assertion, or belief.

RESPONSE:

See records of Luzak-Coastal Neurology 1-69, Luzak-MUSC 1 – 348. See also e-mails of Michael Smith and Robert Scully dated October 14, 2015 (Hampton Luzak 2082-83 produced herein); see also Merrill Light Depo. Exhibit notebook Vol. 1 at Tab 10.

INTERROGATORY NO. 11: Set forth in detail the amount of attorney's fees you are seeking to recover in this litigation and identify the dates and method of payment for said fees.

RESPONSE:

Plaintiff objects to this interrogatory as premature. An award of attorney fees is an equitable matter before the court and is determined after the proceedings have been completed on substantive matters. See, SCE&G v. Hartough, 375 S.C. 541, 654 S.E.2d 87 (Ct. App. 2007) (upholding trial court order awarding attorney fees to prevailing party determined after the action had been fully resolved). See also Rule 42(b), SCRCP.

INTERROGATORY NO. 12: At various times your attorneys have represented to the Court that you and your husband have spent hundreds of thousands of dollars responding to discovery, responding to subpoenas, and taking other actions to comply with discovery requests. Set forth a list of all amounts you have spent, including the date of the expenditure, the amount of the expenditure, the purpose of the expenditure, and to whom the expenditure was paid.

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RESPONSE:

Plaintiff objects to this request as seeking information that is subject to the attorney work product doctrine and attorney-client privilege. Until this matter has been resolved on the merits and a prevailing party determined, the issues of attorney fees and costs are not discoverable. See Rule 26(b), SCRCP.

INTERROGATORY NO. 13: Set forth all evidence and all facts and identify all Documents and all legal authority supporting your contention that any person(s) had a legal, ethical, and/or other duty to inform you of the transfer of Paul Barringer's CFRC voting stock to any trust for which Paul Barringer was the settlor, or from any trust for which Paul Barringer was a settlor to Merrill Light.

RESPONSE:

Plaintiff objects to this request to the extent it asks for legal authority supporting Plaintiff's claims since such information is protected by the work product doctrine and Rule 26(b)(3), SCRCP.

A. Merrill Light

(1) Merrill Light had a duty to inform Plaintiff of the transfer from the Paul Barringer trust of December 2, 1998 to the Merrill Light revocable trust. Merrill Light was a co-trustee at the time the transfer of stock was made. Plaintiff was a default beneficiary. Because of Paul Barringer's incapacity, he no longer had the power to revoke or change the trust thus making the trust irrevocable. Hampton Luzak as beneficiary of the trust was owed a fiduciary duties by the trustee, which included Merrill Light, such as the duty of the trustee not to self-deal and to inform and report trust activities. Merrill Light's fiduciary duty required her to inform Plaintiff of the transfer of CFRC voting stock from the Paul Barringer trust to herself.

(2) Merrill Light served as alternate then primary attorney-in-fact of Paul Barringer pursuant to his durable powers of attorney executed on December 15, 2011 and February 5, 2015. As the agent for Paul Barringer under his durable powers of attorney she owed a fiduciary duty to protect the assets of his estate and not to self-deal with distributions of Paul Barringer's voting stock to herself. Merrill Light's fiduciary duty required her to inform Plaintiff of the transfer of CFRC voting stock from the Paul Barringer trust to herself.

(3) At the time of the transfer of Paul Barringer's voting stock, Merrill Light was a director of CFRC while Plaintiff was a shareholder. As a director she owed a fiduciary duty of loyalty, honesty and good faith and fair dealing to the corporation and its shareholders including Plaintiff. Merrill Light's fiduciary duty required her to inform Plaintiff of the transfer of CFRC voting stock from the Paul Barringer trust to herself.

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(4) By virtue of the purported transfer of Paul Barringer's voting stock to Merrill Light from the Paul Barringer trust of which Merrill Light was a co-trustee, Merrill Light ostensibly became the controlling shareholder while Plaintiff was a minority shareholder. As the controlling shareholder, Merrill Light owed a fiduciary duty to the minority shareholders including the duty to inform and report. Merrill Light's fiduciary duty required her to inform Plaintiff of the transfer of CFRC voting stock from the Paul Barringer trust to herself.

(5) Around January of 2012, Merrill Light informed Plaintiff that she was getting involved with in her father's estate planning and would become an agent under Paul Barringer's power of attorney. At that time Merrill Light knew Plaintiff had long been a beneficiary of Paul Barringer's estate plans. Merrill Light thereby induced Plaintiff to repose special trust and confidence in her to help their father carry out his estate plan, which had always included treating Merrill Light and Plaintiff equally regarding CFRC stock. Merrill Light undertook responsibilities to Plaintiff by informing Plaintiff she would be acting to protect their father's estate plan which included Plaintiff as an equal beneficiary with Merrill Light. This special trust and confidence required Merrill Light to inform Plaintiff of the transfer of CFRC voting stock from the Paul Barringer trust to herself.

B. Merrill U. Barringer

(1) Merrill Barringer served as the primary attorney-in-fact of Paul Barringer pursuant to his durable power of attorney executed on December 15, 2011. As the agent for Paul Barringer under his durable powers of attorney she owed a fiduciary duty to protect the assets of his estate. This fiduciary duty required Merrill Barringer to inform Plaintiff of the transfer of CFRC voting stock from the Paul Barringer trust to herself which she purportedly witnessed.

C. Randy Light

(1) Randy Light served as the alternate attorney-in-fact of Paul Barringer pursuant to his durable power of attorney executed February 5, 2015. As the agent for Paul Barringer under his durable power of attorney, he owed a fiduciary duty to protect the assets of his estate and not to engage in or promote self-dealing such as the distributions of Paul Barringer's voting stock to his wife Merrill Light. These fiduciary duties required Randy Light to inform Plaintiff of the transfer of CFRC voting stock from the Paul Barringer trust to his wife.

(2) At the time of the transfer of Paul Barringer's voting stock, Randy Light was a director of CFRC while Plaintiff was a shareholder. As a director he owed a fiduciary duty of loyalty, honesty and good faith and fair dealing to the corporation and its shareholders including Plaintiff. These duties required Randy Light to inform Plaintiff of the transfer of CFRC voting stock from the Paul Barringer trust to his wife.

INTERROGATORY NO. 14: If you contend, assert, or otherwise believe that Merrill Light, Randolph Light, Merrill Barringer, or any other person(s) improperly used Paul Barringer's computer, email or other social media account, set forth all facts and identify all

Documents supporting your contention, assertion, or belief, including the time, place, and manner in which Paul Barringer's computer was allegedly improperly used.

RESPONSE:

The pictures posted on Paul Barringer's Facebook account consisted exclusively of photographs of Hampton, Kevin and Wade Luzak. According to the post from the Paul Barringer Facebook account, the pictures of the Luzak family were posted on or around February 13, 2014. (Hampton Luzak 2068-69). They remained on Paul Barringer's Facebook page as late as May 2018. Thereafter, they were deleted.

On September 27, 2016 Plaintiff's attorney sent anti-spoliation letters to counsel for all defendants in this case. The letters advised the defendants about deleting electronic evidence of any type during this litigation, among other matters.

Defendants Merrill Barringer, Merrill Light and Randolph Light have all denied deleting the Facebook posts of Hampton Luzak's family. Merrill Light testified that she had nothing to do with Paul Barringer's Facebook account and knew nothing about the deletion of the Facebook postings of the Luzak family from Paul Barringer's Facebook page. (Merrill Light dep. of 8/13/2019). Randolph Light likewise testified that he knew nothing about Paul Barringer's Facebook account and did not know who deleted Paul Barringer's postings of the Luzak family. Randolph Light responded to Plaintiff's Third Set of Interrogatories, No. 3, by stating he did not have any information on the user identification, password or any other information regarding Paul Barringer's Facebook account. Merrill Light responded in her answers to Plaintiff's Third Set of Interrogatories that she did not have any information on the user identification, password or other information regarding the Paul Barringer Facebook account in response to Plaintiff's Third Set of Interrogatories to Merrill Light. Sometime in May of 2018, Plaintiff viewed Paul Barringer's Facebook account and saw that the photographs of her family were still present on Paul Barringer's Facebook page. When Plaintiff viewed the Paul Barringer Facebook page sometime in July 2018, the photographs of the Luzak family had been removed from Paul Barringer's Facebook page. The Facebook photos of the Luzak family on Paul Barringer's Facebook page were still posted and viewable through May of 2018 and possibly later. The pictures were taken down or deleted by July 2018.

INTERROGATORY NO. 15: If you contend, assert, or otherwise believe any person(s) improperly signed any Document on behalf of Paul Barringer or otherwise forged his name to a document, set forth all evidence and all facts and identify all Documents supporting your contention, assertion, or belief, including the identity of the Document signed, the time and place the Document was signed and who you contend signed the Document.

RESPONSE:

Plaintiff objects to this interrogatory as premature as discovery is still ongoing. Plaintiff is in the process of trying to gain access to original documents for examination which documents are not in the possession of Plaintiff.

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The Circuit Court for the County of Gadsden, Florida recently issued an Order requiring CFRC to provide for inspection the originals of the unanimous written consents of CFRC dated October 31, 2013 and October 31, 2017, both purportedly signed by Paul B. Barringer, Randolph Light, Merrill Light and Travis Bryant. (CFRC 14 and 632).

INTERROGATORY NO. 16: If you contend, assert, or otherwise believe that Paul Barringer's Interrogatory responses in the Virginia Litigation were improperly submitted or improperly amended, set forth all facts and all evidence to support your contention, assertion or belief.

RESPONSE:

On October 19, 2015, Dr. Paul Mazzeo examined Paul Barringer, and as part of the examination, administered a Mini-Mental State Exam to him. Mr. Barringer scored a 10 out of 30. The Mini-Mental State Exam, along with other factors analyzed by Dr. Paul Mazzeo, led him to conclude on that date that "Mr. Barringer has severe senile dementia, Alzheimer's type." (Luzak-Coastal Neurology 14). Dr. Mazzeo, according to his notes, explained the diagnosis to Merrill Barringer and the rationale for his current treatment. (Id.). By document dated December 31, 2015, Paul Barringer allegedly executed a verification under oath that the Answers to Plaintiff's First Set of Interrogatories were true and correct to the best of his knowledge, information and belief. The office of Michael K. Kim of Stites & Harbison, PLLC submitted Paul Barringer's responses to Hampton B. Luzak's First Set of Interrogatories on December 31, 2015. Michael Kim signed and sent the Interrogatory Responses with a location of Alexandria, Virginia and dated December 31, 2015. On that same day a UPS package was sent from Paul Barringer's address in Hilton Head, South Carolina to Stites & Harbison in Alexandria, Virginia for next day delivery. (Merrill Light depo. Exhibit notebook, Vol. 1 at Tab 10).

On or about January 14, 2016, Michael K. Kim and Robert E. Scully, Jr. submitted on behalf of Paul Barringer, Paul Barringer II's Amended Responses and Objections to Hampton B. Luzak's First Set of Interrogatories on January 14, 2016. Among other changes, the Amended Responses revised the answer to Interrogatory No. 16 about the dividends paid to Paul Barringer after September 11, 2012. The First Amended Responses did not include an executed declaration and affirmation from Paul Barringer. (Hampton Luzak 2084-2105).

On January 14, 2016, Michael Kim, an attorney with Stites & Harbison, PLLC faxed a medical records request to Coastal Neurology (Luzak-Coastal Neurology 16). On January 15, 2016, Annette McBride with Coastal Neurology faxed to Michael Kim "an additional note attached to Mr. Barringer's chart this morning." The following note contains a message from Dr. Mazzeo regarding Paul Barringer: "He's an incapacitated person, so he can't be deposed." (Luzak-Coastal Neurology 18-20). On January 15, 2016, Dr. Mazzeo's office also submitted a 10-page fax which consisted of 9 pages of documents in addition to the 1 page cover page to the attention of Michael Kim at Stites & Harbison. (Luzak-Coastal Neurology 34).

By document dated January 20, 2016, Dr. Mazzeo executed a declaration regarding his evaluation of Paul Barringer making particular reference to his examination of him on October 19, 2015. In the declaration, Dr. Mazzeo stated:

> Mr. Barringer exhibits severe memory loss and expressive aphasia, (the inability to use language to express thoughts). . . .His memory loss and expressive aphasia make it practically impossible for him to recall past events with accuracy and then find the words to express whatever recollection he may have, without his wife's assistance. . . It is my professional medical opinion that Mr. Barringer currently lacks testimonial capacity . . . Because of Alzheimer's type dementia is a progressive disease, in my professional medical opinion, Mr. Barringer will not recover the capacity to testify in the future despite his ongoing treatment with appropriate medication. (Luzak – Coastal Neurology 36-38).

On January 20, 2016, attorneys Robert Scully and Michael Kim acting as counsel for Paul Barringer submitted the Declaration of Paul Mazzeo, M.D. to the Federal District Court for the Eastern District of Virginia in Luzak v. Light, et al., case no. 1:15-cv-00501-AJT-IDD (Document 314).

On February 1, 2016, Paul Barringer purportedly signed a declaration and affirmation under the penalties of perjury verifying the answers to interrogatories and true and correct to the best of his knowledge, information and belief. This declaration and affirmation was submitted by Michael Kim and Robert Scully, Jr. of Stites & Harbison on February 3, 2016 to Plaintiff and her counsel as part of the Paul B. Barringer II's Second Amended Responses and Objections to Hampton B. Luzak's First Set of Interrogatories.

INTERROGATORY NO. 17: If you contend, assert, or otherwise believe that the tax returns signed by Paul Barringer in 2016 contained inaccurate information or were otherwise improperly signed by Paul Barringer, set forth all facts and all evidence to support your contention, assertion and belief.

RESPONSE:

On April 12, 2016, Paul Barringer purportedly signed a Form 8879 for electronic filing of his 2015 income tax return with the IRS certifying under oath his examination of his tax returns prepared by Bobby Davis. Pursuant to the deposition of Bobby Davis, Cindy Sprouse of Wells Fargo delivered to Paul Barringer for his signature the tax returns with the Form 8879 authorizing electronic filing. (Bobby Davis dep. dated 10/18/2017)

Ten days later on April 22, 2016, Paul Barringer was administered a Mini-Mental State Exam by Dr. Paul Long. Mr. Barringer scored a "1" on the Mini-Mental State Exam (Hampton Luzak 323).

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INTERROGATORY NO. 18: Set forth all facts and identify all Documents supporting your contention that you were instructed that you could not sit with your family at Paul Barringer' s funeral as well as your contention that attorneys were allowed to sit with the family, including in your response who instructed you that you could not sit with the family, when they instructed you that you could not sit with the family, the specifics of the instruction given to you, where you were when the instruction was given to you and received by you, any and all witnesses to the alleged instruction, as well as the names of the attorneys who were allegedly allowed to sit with the family.

RESPONSE:

See e-mails between Pat Harrell and Peggy Boisselle dated June 2, 2016 regarding "Barringer/Luzak Funeral Arrangements" at Archer 10391-92. The attorneys seen by Hampton Luzak seated in the third row at the funeral services included Alan Wingfield, Charles Molster, and Robert Scully. Travis Bryant was also seated in the same area.

INTERROGATORY NO. 19: Set forth and identify the sign-in sheet or other Document John Jolley had showing that Paul Barringer, Merrill Barringer, and Merrill Light were in John Jolley's office on June 28, 2012 as described in your Deposition p. 191:23-25 ("Because in discovery from you, John Jolley had a sign-in sheet and it showed the three of them going to his office that day.").

RESPONSE:

See the e-mail of Merrill Light dated June 26, 2012 to Brad Herring stating that "Merrill will be available for the conference call at 3:30 and will be with her father at the McNair Law Firm." (Light 1374). Also see the transcript of the June 28, 2012 board meeting wherein John Jolley came into the room where Paul Barringer was attending the conference call. (Hampton Luzak 712-714).

INTERROGATORY NO. 20: Identify any and all estate planning documents, trusts, contracts, or other agreements ever executed or otherwise agreed to by Paul Barringer that provided for you to inherit or otherwise receive from Paul Barringer any CFRC voting stock he owned at the time of his death. Include in your response the date the estate planning document, trust, contract, or other agreement was executed or otherwise agreed to by Paul Barringer, all persons who have knowledge of the existence of the estate planning document, trust, contract, or other agreements agreed to by Paul Barringer, and any and all facts and evidence to support your assertion that Paul Barringer agreed to the same.

RESPONSE:

Plaintiff objects to this Interrogatory as premature as discovery in this case is still ongoing. The Court has ordered Defendant Merrill Barringer to produce relevant estate planning documents of hers that impact Paul Barringer's estate; however, she has failed to comply with the Court's orders of June 14 and September 5, 2019.

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Subject to the above objections, Plaintiff on a preliminary basis identifies the following estate planning documents, trusts, contracts or other agreements in response this interrogatory:

a. Paul B. Barringer, II Revocable Trust dated December 4, 1998. (MUB's 1st Document Production 1-49);
b. Last Will and Testament of Paul B. Barringer, II dated December 4, 1998. (MUB's 1st Document Production 172-184);
c. First Amendment and Restatement of Trust Agreement of Paul B. Barringer, II dated February 28, 2012.(MUB's 1st Document Production 50-79);
d. Last Will of Paul B. Barringer, II dated February 28, 2012 (MUB's 1st Document Production 185-192);
e. Paul Barringer e-mail to Travis Bryant dated November 6, 2011 (Hampton Luzak 938);
f. John Jolley sent to Paul and Merrill Barringer estate plan diagrams made by himself and Robert Slane showing each of the three children as equal beneficiaries of certain trusts (MUB's Suppl. to 1st Doc. Production 761-765);
g. See also documents produced from the files Robert Slane and The Wealth Transfer Group Inc. at MUB-Slane Subpoena Response 1- 2399, including but not limited to pp. 43-44 and 628-640;
h. See Assignment of Limited Partnership Interest in Sea Pines Limited Partnership assigning equal partnership interest in Sea Pines, LP to each of Paul Barringer's three children's trusts from the Paul B. Barringer Irrevocable Family Trust (Hampton Luzak 66-69);
i. See the Paul B. Barringer Family Trust under Agreement dated December 22, 1998 as modified by the Beaufort County Probate Court in case no. 2006-GC-07-00040 (MUB's 1st Document Production 245-247; Hampton Luzak 3-37, 43-65, 400-455) and all other documents related to the Irrevocable Paul B. Barringer Family Trust under Agreement dated December 22, 1998; and
j. See Agreement Regarding Right to Purchase Shares of Coastal Forest Resources Company entered February 1, 2010 among Merrill Light, Hampton Luzak, Victor Barringer, and CFRC. (Hampton Luzak 76-81).

INTERROGATORY NO. 21: Set forth all instances in which you (or someone on your behalf) have valued any CRFC stock, or represented a value of any CFRC stock to another individual or entity, including in your response the value placed on the stock, who prepared the valuation, how the valuation was prepared, to whom the valuation was submitted and the purpose of the valuation.

RESPONSE:

Please see the financial statements of Kevin and Hampton Luzak provided to BB&T on December 31, 2010 and December 31, 2007 found at KLUZAK 44607-614 and submitted to BB&T for the purposes of obtaining credit from BB&T.

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INTERROGATORY NO. 22: List each instance in which you saw or spoke to Mrs. Barringer in 2012, 2013, 2014, 2015 and 2016, including in your list the date of the conversation, how you spoke (e.g. on the telephone or in person), the substance of the communication and any other person who was present for the communication.

RESPONSE:

From the beginning of 2012 until approximately June 28, 2012, Plaintiff and Mrs. Barringer would speak on average about once per week. Kevin Luzak was frequently present when Plaintiff and Mrs. Barringer would speak on the phone though not on the phone with them but present in the room with Plaintiff. After Kevin Luzak was fired as an officer of CFRC on June 28, 2012, Merrill Barringer instructed Plaintiff that they should not talk until after the summer was over. In the fall of 2012 through December 2013, Plaintiff and Mrs. Barringer would speak about once every three months on average. Plaintiff also called Mrs. Barringer on Christmas and on Mrs. Barringer's birthday. In early fall of 2012, Mrs. Barringer instructed Plaintiff not to call the home number but to call her cell number. In November 2013, Plaintiff had difficulty getting her calls to Mrs. Barringer to go through to her cell number. After repeated attempts of calling her cell number, Plaintiff had her assistant Peggy Boisselle e-mail Pat Harrell, administrative assistant for the Barringers, informing Mrs. Harrell that Plaintiff had been trying to call her mother but could not get through on her mobile phone. She then asked if Mrs. Barringer had a new phone number. Pat Harrell responded to the e-mail but gave no information about Mr. Barringer's phone. (Archer 10393-94).

In December 2013, Plaintiff learned that Merrill Barringer was planning to undergo eye surgery at that time when Plaintiff called Mrs. Barringer to inform her that Kevin Luzak had suffered a heart attack. During the time of Mrs. Barringer's eye surgery and her recuperation, Plaintiff called more frequently around once or twice a week. After Mrs. Barringer had recovered from her eye surgery, Plaintiff and Mrs. Barringer resumed talking by telephone about once every three months.

On or about March 12, 2015, Mrs. Barringer returned a birthday gift that Hampton Luzak sent her. After that point, Plaintiff and Mrs. Barringer never spoke to each other or saw each again.

The substance of the communications described above varied, but often centered how each one was doing as well as how Paul Barringer and Wade Luzak were doing. They would also discuss plans for meeting up with each other and for Wade Luzak to meet with them. Mrs. Barringer would also initiate calls to cancel planned visits.

For the phone calls after June 28, 2012, Plaintiff does not recall having anyone present with her during the phone conversations.

INTERROGATORY NO. 23: If you contend, assert of otherwise believe that Paul Barringer ever entered into any agreements with any other person regarding his estate plan, set

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forth the date of the agreement, any witnesses to the agreement, and all facts and evidence to support your contention, assertion or belief that any such agreement ever existed.

RESPONSE:

Plaintiff objects to this Interrogatory since discovery into this matter is still ongoing. The Court has ordered Defendant Merrill Barringer to produce relevant estate planning documents of hers that impact Paul Barringer's estate; however, she has failed to comply with the Court's orders of June 14 and September 5, 2019. Defendant's own non-compliance with Plaintiff's discovery requests and the Court's orders on the matter have prevented the development of the record on this issue.

INTERROGATORY NO. 24: If you contend, assert or otherwise believe that any other person owed a fiduciary duty to Paul Barringer to take or not to take any certain action related to his estate plan, set forth the source of the fiduciary or other duty, when the fiduciary or other duty arose, how and why the fiduciary duty arose, and facts or evidence to support your contentions, assertions or belief.

RESPONSE:

Plaintiff incorporates by reference all the responses stated above in response to this interrogatory. In addition, Plaintiff further responds as follows:

a. Merrill Light owed a fiduciary duty to Paul Barringer as a result of her agreeing to serve as trustee of the Paul B. Barringer Revocable Trust beginning February 28, 2012. See the First Amendment and Restatement of Trust Agreement of Paul B. Barringer, II dated February 28, 2012 (MUB's 1st Document Production 50-79); Second Amendment and Restatement of Trust Agreement of Paul B. Barringer, II dated July 20, 2012 (MUB's 1st Document Production 80-108); Third Amendment and Restatement of Trust Agreement of Paul B. Barringer, II dated June 12, 2014 (MUB's 1st Document Production 109-140); and Fourth Amendment and Restatement of Trust Agreement of Paul B. Barringer, II dated February 5, 2015 (MUB's 1st Document Production 141-171).

Merrill Light served as the alternate attorney-in-fact under the Power of Attorney executed on December 15, 2011 recorded in Beaufort County Register of Deeds Office in book 3141, pages 3168-3177. (MUB's 1st Doc. Produc. 306-315). Merrill Light was also named as his primary attorney-in-fact in the Power of Attorney executed February 5, 2015 (Hampton Luzak 295-304).

Merrill Light also purportedly served as Paul Barringer's proxy for voting at CFRC shareholder meetings including but not limited to the special shareholder meeting of August 3, 2012. Paul Barringer purportedly signed a proxy in her favor on or about August 1, 2012. (Light 122).

b. Merrill U. Barringer owed a fiduciary duty to Paul Barringer by virtue of the confidential relationship between Paul Barringer and Merrill Barringer in which Paul Barringer reposed his trust and confidence in her as his wife and also a fiduciary duty as Paul B. Barringer's attorney-in-fact under the Power of Attorney executed by Paul Barringer naming Merrill Barringer as his agent on December 15, 2011 (Power of Attorney recorded in the Beaufort County Register of Deeds Office in book 3141, pages 3168-3177) (MUB's 1st Doc. Produc. 306-315).

c. Randy Light purportedly handled the tax matters of Paul Barringer after March 28, 2013 on the alleged direction of Paul Barringer to Bobby Davis, CPA when Randy Light flew with Paul Barringer to Columbia, SC to meet with Bobby Davis. See Bobby Davis deposition of October 18, 2017 and Exhibit 3 thereto; Bobby Davis Memorandum To: Paul B. Barringer Gift Tax File dated 5/21/15. (Davis 59). Randy Light served as the alternate attorney-in-fact under the Power of Attorney executed on February 5, 2015 (Hampton Luzak 295-304).

Randy Light also assisted in the creation and implementation of Paul Barringer's estate planning documents. (9-22-17 McNair Subpoena Response 235). See also e-mail of Randy Light to John Jolley instructing Mr. Jolley on distribution of Paul Barringer's latest estate planning documents. (9-22-17 McNair Subpoena Response 14). On February 3, 2015 Victor Barringer e-mailed the e-mail address used by both Randy and Merrill Light and received update on status of Paul Barringer executing the latest set of estate documents being presented to Mr. Barringer. (Victor Barringer 9). See also Cindy Sprouse of Wells Fargo e-mail of Feb. 3, 2015 to Randy Light about titling of assets and possibility of PBB's resignation as co-trustee. (9-22-17 McNair Privilege Log 9).

As set forth in the last paragraph in Plaintiff's Response to Interrogatory No. 8 above, Randy Light spearheaded and carried out the plan to transfer Paul Barringer's CFRC voting shares to his wife Merrill Light. See also Stephanie Chapman of CFRC e-mail to Randy Light stating "We received confirmations of the transfer of Mr. Barringer's shares to you… Do you want this [shareholder distributions] wired to the Northern Trust account below?" (Coastal 74).

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ATTORNEYS FOR PLAINTIFF
HAMPTON B. LUZAK

Dated: October 22, 2019
Greenville, South Carolina.

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STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

IN THE MATTER OF:
Estate of Paul Brandon Barringer, II.

Hampton B. Luzak,

Plaintiff,

vs.

Merrill B. Light, Merrill U. Barringer, as Personal Representative of the Estate of Paul Brandon Barringer, II, J. Randolph Light, Jr., Merrill B. Light as Putative Trustee of the Paul B. Barringer, II Revocable Trust dated December 4, 1998, and Merrill B. Light as Trustee of the Merrill Barringer Light Revocable Trust,

Defendants.

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT

C/A Case No.: 2016-CP-07-1919

CERTIFICATE OF SERVICE

The undersigned attorney for the Plaintiff Hampton B. Luzak certifies that he served a true copy of **Plaintiff's Response to Defendant Merrill U. Barringer's Third Set of Interrogatories to Plaintiff Hampton Luzak** regarding the above-captioned matter by the following means:

____	Hand Delivery	____	Facsimile
_X_	United States Mail	____	Overnight Delivery
_X_	Other: Electronic Mail		

with adequate payment or arrangements for payment to insure delivery thereof to the following opposing counsel of record:

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Date: October 22, 2019
Greenville, South Carolina.

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Exhibit 7

Merrill Light's Answers to Plaintiff's Third Set of Interrogatories

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THE FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT	)	
	)	CIVIL ACTION NO. 2016-CP-07-1919
IN THE MATTER OF: ESTATE OF PAUL B. BARRINGER, II	)	
HAMPTON BARRINGER LUZAK, Plaintiff,	)	**DEFENDANT MERRILL B. LIGHT'S ANSWERS TO PLAINTIFF'S THIRD SET OF INTERROGATORIES**
vs.	)	
MERRILL B. LIGHT, MERRILL U. BARRINGER, as Personal Representative of the Estate of Paul Brandon Barringer, II, J. RANDOLPH LIGHT, JR., MERRILL B. LIGHT as putative trustee of the Paul B. Barringer, II, Revocable Trust dated December 4, 1998, and MERRILL B. LIGHT as Trustee of the Merrill Barringer Light Revocable Trust, Defendants.	)	

TO: JAMES R. GILREATH, ESQUIRE, WILLIAM M. HOGAN, ESQUIRE, S. ALAN MEDLIN, ESQUIRE, AND CHARLES B. MACLOSKIE, ESQUIRE, ATTORNEYS FOR PLAINTIFF HAMPTON B. LUZAK

Defendant Merrill B. Light ("Merrill Light"), by and through her undersigned counsel hereby responds to Plaintiff's Third Set of Interrogatories as follows:

PREFATORY STATEMENT AND OBJECTIONS

A. Merrill Light objects to Plaintiff's definitions and instructions to the extent they seek to impose obligations upon Merrill Light beyond those required by the South Carolina Rules of Civil Procedure.

B. Merrill Light objects to each of Plaintiff's interrogatories to the extent they seek documents or information protected from discovery by the attorney–client privilege, the

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accountant–client privilege, the work product doctrine, or any other applicable privilege or immunity.

C. Merrill Light objects to each of Plaintiff's interrogatories to the extent they seek to require the identification of documents or the supplying of information which would not be admissible at trial and are not reasonably calculated to lead to the discovery of admissible evidence.

D. Merrill Light objects to each of Plaintiff's interrogatories to the extent they are unduly vexatious or burdensome or are calculated to annoy, embarrass, oppress, unduly burden or cause undue expense to Merrill Light.

E. Merrill Light objects to each of Plaintiff's interrogatories to the extent they seek documents or information which is unreasonably cumulative or duplicative, or which is obtainable from some other source or some other manner that is more convenient, less burdensome, and less expensive.

F. Merrill Light's objections and responses herein are made without waiver of and with preservation of all objections as to competency, relevancy, materiality, privilege, and admissibility of any document produced.

G. The objections and responses set forth below constitute the best information presently available to Merrill Light. Merrill Light has not completed discovery and/or investigation of the facts relevant to this proceeding, nor has Merrill Light completed preparation of this case for trial. Accordingly, the following objections and responses are provided without prejudice to Merrill Light's right to amend, supplement, or change her objections and responses if and when additional, different, or more accurate information becomes available.

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INTERROGATORIES

1. You previously produced on July 19, 2017 an e-mail from Victor Barringer to Lewis McHenry dated July 1, 2012 Bates numbered LIGHT 000096 (Exhibit A hereto). The e-mail references an attachment as "Scan0020.pdf'. No attachment has been provided by you in your responsive document productions. Please explain why you have a copy of the e-mail produced at LIGHT 000096 but have not produced a copy of the attachment attached to that email.

ANSWER: Merrill Light has no specific recollection of receiving this email but does not deny that she received it. Based on investigation by Merrill Light's counsel thus far, it is believed that the attachments to the July 1, 2012 email from Victor Barringer to Lewis McHenry were copies of the documents produced as Light 000087 and Light 000092.

2. If the attachment "Scan0020.pdf' to the e-mail in Exhibit A has been deleted, please address the following:

(a) On what date was the attachment deleted;

(b) Explain why the e-mail itself was retained and produced but the attachment was not;

(c) Identify the computer or other electronic device used on which you received the e-mail attached as Exhibit A

(d) If the computer or other electronic device is no longer in your possession, identify to whom you transferred it and the date of transfer

ANSWER: Not applicable. See response to Interrogatory No. 1.

3. Please provide the user identification, password and other information necessary for accessing the Facebook account of Paul B. Barringer, II as the account owner or administrator.

ANSWER: Merrill Light objects to this Interrogatory as vague and ambiguous to the extent that it seeks to imply that Mrs. Light is the "account owner or administrator" of the Facebook account of Paul B. Barringer, II. Without waiving these objections, Merrill Light states that she does not have the information requested.

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Dated: September 5, 2018

ELECTRONICALLY FILED - 2020 Aug 03 4:48 PM - BEAUFORT - COMMON PLEAS - CASE#2019CP0701253

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THE FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT	)	
	)	CIVIL ACTION NO. 2016-CP-07-1919
IN THE MATTER OF: ESTATE OF PAUL B. BARRINGER, II	)	
HAMPTON BARRINGER LUZAK, Plaintiff,	)	
vs.	)	**CERTIFICATE OF SERVICE**
MERRILL B. LIGHT, MERRILL U. BARRINGER, as Personal Representative of the Estate of Paul Brandon Barringer, II, J. RANDOLPH LIGHT, JR., MERRILL B. LIGHT as putative trustee of the Paul B. Barringer, II, Revocable Trust dated December 4, 1998, and MERRILL B. LIGHT as Trustee of the Merrill Barringer Light Revocable Trust, Defendants.	)	

I hereby certify that I have this 5th day of September, 2018, served a copy of the foregoing **DEFENDANT MERRILL B. LIGHT'S ANSWERS TO PLAINTIFF'S THIRD SET OF INTERROGATORIES** by mailing copies of same, electronically and/or postage prepaid, in the United States mail, with sufficient postage affixed as follows:

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Co-Counsel for Defendants Merrill B. Light, and J. Randolph Light, Jr.

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Kevin Johnson, Esquire
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311 Carteret Street
Beaufort, SC 29902
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Attorneys for Defendant Merrill U. Barringer, as PR of the Estate of Paul Brandon Barringer, II

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and

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and

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Attorneys for Plaintiff Hampton B. Luzak

Ensley Mahoney

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Exhibit 8

Randy Light's Answers to
Plaintiff's Third Set of Interrogatories

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THE FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT	)	
	)	CIVIL ACTION NO. 2016-CP-07-1919
IN THE MATTER OF:	)	
ESTATE OF PAUL B. BARRINGER, II	)	
	)	
HAMPTON BARRINGER LUZAK,	)	
	)	**DEFENDANT J. RANDOLPH LIGHT, JR.'S ANSWERS TO PLAINTIFF'S THIRD SET OF INTERROGATORIES**
Plaintiff,	)	
	)	
vs.	)	
	)	
MERRILL B. LIGHT, MERRILL U. BARRINGER, as Personal Representative of the Estate of Paul Brandon Barringer, II, J. RANDOLPH LIGHT, JR., MERRILL B. LIGHT as putative trustee of the Paul B. Barringer, II, Revocable Trust dated December 4, 1998, and MERRILL B. LIGHT as Trustee of the Merrill Barringer Light Revocable Trust,	)	
	)	
Defendants.	)	

TO: JAMES R. GILREATH, ESQUIRE, WILLIAM M. HOGAN, ESQUIRE, S. ALAN MEDLIN, ESQUIRE, AND CHARLES B. MACLOSKIE, ESQUIRE, ATTORNEYS FOR PLAINTIFF HAMPTON B. LUZAK

Defendant J. Randolph Light, Jr. ("Randy Light"), by and through his undersigned counsel hereby responds to Plaintiff's Third Set of Interrogatories as follows:

PREFATORY STATEMENT AND OBJECTIONS

A. Randy Light objects to Plaintiff's definitions and instructions to the extent they seek to impose obligations upon Randy Light beyond those required by the South Carolina Rules of Civil Procedure.

B. Randy Light objects to each of Plaintiff's interrogatories to the extent they seek documents or information protected from discovery by the attorney–client privilege, the

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accountant–client privilege, the work product doctrine, or any other applicable privilege or immunity.

C. Randy Light objects to each of Plaintiff's interrogatories to the extent they seek to require the identification of documents or the supplying of information which would not be admissible at trial and are not reasonably calculated to lead to the discovery of admissible evidence.

D. Randy Light objects to each of Plaintiff's interrogatories to the extent they are unduly vexatious or burdensome or are calculated to annoy, embarrass, oppress, unduly burden or cause undue expense to Randy Light.

E. Randy Light objects to each of Plaintiff's interrogatories to the extent they seek documents or information which is unreasonably cumulative or duplicative, or which is obtainable from some other source or some other manner that is more convenient, less burdensome, and less expensive.

F. Randy Light's objections and responses herein are made without waiver of and with preservation of all objections as to competency, relevancy, materiality, privilege, and admissibility of any document produced.

G. The objections and responses set forth below constitute the best information presently available to Randy Light. Randy Light has not completed discovery and/or investigation of the facts relevant to this proceeding, nor has Randy Light completed preparation of this case for trial. Accordingly, the following objections and responses are provided without prejudice to Randy Light's right to amend, supplement, or change his objections and responses if and when additional, different, or more accurate information becomes available.

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INTERROGATORIES

1. You previously produced on July 19, 2017 an e-mail from Victor Barringer to Lewis McHenry dated July 1, 2012 Bates numbered LIGHT 000096 (Exhibit A hereto). The e-mail references an attachment as "Scan0020.pdf'. No attachment has been provided by you in your responsive document productions. Please explain why you have a copy of the e-mail produced at LIGHT 000096, but have not produced a copy of the attachment attached to that e-mail.

ANSWER: Randy Light has no specific recollection of receiving the referenced email but does not deny that he received it. Based on investigation by Randy Light's counsel thus far, it is believed that the attachments to the July 1, 2012 email from Victor Barringer to Lewis McHenry were copies of the documents produced as Light 000087 and Light 000092.

2. If the attachment "Scan0020.pdf' to the e-mail in Exhibit A has been deleted, please address the following:

(a) On what date was the attachment deleted;

(b) Explain why the e-mail itself was retained and produced but the attachment was not;

(c) Identify the computer or other electronic device used on which you received the e-mail attached as Exhibit A;

(d) If the computer or other electronic device is no longer in your possession, identify to whom you transferred it and the date of transfer.

ANSWER: Not applicable. See response to Interrogatory No. 1.

3. Please provide the user identification, password and other information necessary for accessing the Facebook account of Paul B. Barringer, II as the account owner or administrator.

ANSWER: Randy Light objects to this Interrogatory as vague and ambiguous to the extent that it seeks to imply that Mr. Light is the "account owner or administrator" of the Facebook account of Paul B. Barringer, II. Without waiving these objections, Randy Light states that he does not have the information requested.

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Dated: September 5, 2018

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THE FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT	)	
	)	CIVIL ACTION NO. 2016-CP-07-1919
IN THE MATTER OF:	)	
ESTATE OF PAUL B. BARRINGER, II	)	
	)	
HAMPTON BARRINGER LUZAK,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CERTIFICATE OF SERVICE
	)	
MERRILL B. LIGHT, MERRILL U. BARRINGER, as Personal Representative of the Estate of Paul Brandon Barringer, II, J. RANDOLPH LIGHT, JR., MERRILL B. LIGHT as putative trustee of the Paul B. Barringer, II, Revocable Trust dated December 4, 1998, and MERRILL B. LIGHT as Trustee of the Merrill Barringer Light Revocable Trust,	)	
	)	
Defendants.	)	

I hereby certify that I have this 5th day of September, 2018, served a copy of the foregoing **DEFENDANT J. RANDOLPH LIGHT, JR.'S ANSWERS TO PLAINTIFF'S THIRD SET OF INTERROGATORIES** by mailing copies of same, electronically and/or postage prepaid, in the United States mail, with sufficient postage affixed as follows:

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Exhibit 9

Merrill U. Barringer's deposition excerpts

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IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE MATTER OF:
ESTATE OF PAUL B. BARRINGER II

HAMPTON BARRINGER LUZAK.,

Plaintiff,

vs. CIVIL ACTION NUMBER
2016-CP-07-1919

MERRILL B. LIGHT, MERRILL U. BARRINGER, as Personal Representative of the Estate of Paul Brandon Barringer, II, J. RANDOLPH LIGHT, JR., MERzuLL B. LIGHT as putative trustee of the Paul B. Barringer, II, Revocable Trust dated December 4,1998, and MERRILL B. LIGHT as Trustee of the Menill Barringer Light Revocable Trust,,

Defendant.

----------/

The videotaped deposition of MERRILL UNDERWOOD BARRINGER, a witness in the above-entitled cause, taken pursuant to Notice and agreement, before Kyle J. Saniga, Certified Court Reporter and Notary Public, David Delaney, Videographer, at the Sabal 2 Room, at the Omni Resort, 23 Ocean Lane, Hilton Head Island, South Carolina on the 14th day of March 2019, commencing at or about the hour of 10:24 a.m.

it?

A I don't remember that he did and he -- I don't remember that he did but that's -- really wasn't very important to me. He was going to attend to it however and he was -- however he wanted to.

Q Were you aware that at one time Wade's picture was on Paul's Facebook page?

A On -- you mean that --

Q There was a picture of Wade on Paul's Facebook page.

A Oh I see it. Did Paul put that there? Would he have put that there? Can anybody else put a picture on --

Q Well it -- you were aware of that, weren't you?

A I don't -- I don't know. I hate Facebook. And Paul --

Q I'm with you.

A Paul did a few things with Facebook for a couple of days and then he and I -- I said you shouldn't do. You just shouldn't do it.

Q Were you aware --

A No. No. No. No, I wasn't.

Q So are you aware that when I started

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this litigation I wrote a letter to all the lawyers and told them not to destroy any evidence. You ever know that?

A No.

Q Are you aware that after I wrote that letter somebody took that evidence, i.e. the picture of Wade off his Facebook?

MS. PAYLOR: Object to the form.

THE WITNESS: That -- after that letter?

BY MR. GILREATH:

Q Yeah, that's correct?

A That this was put on there?

Q Yeah.

A No, I don't know any --

Q You didn't have anything to do with that?

A No. Gracious.

Q Well can you tell me who did?

A No.

Q I want to know if it's somebody in this room.

A I don't --

Q You've already said it wasn't you and it wasn't me and it's not anybody on this side

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of the table so there's some people going around that way.

MS. PAYLOR: Object to the form.

BY MR. GILREATH:

Q I want to know if anybody on your side took it off. You've told me you didn't. Do you know --

A Not to my knowledge.

Q You ever had a conversation with Randy or Merrill about that?

A No, I haven't.

Q Okay. Now did you and Mr. Barringer know when you needed to file gift tax returns?

A I think it was a couple of weeks late -- later he realized it.

Q Well no I'm just talking about gift tax returns in general.

A Oh what did you say? What was your question.

Q You knew and Mr. Barringer knew that if you made a gift --

A Oh yes of course we knew.

Q -- you had to file a gift tax return, correct.

MS. PAYLOR: Object to the form.

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Exhibit 10

Merrill Light's deposition excerpts

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT

IN THE MATTER OF:
ESTATE OF PAUL BRANDON BARRINGER, II.

HAMPTON B. LUZAK,

Plaintiff,

vs. CASE NO. 2016-CP-07-1919

MERRILL B. LIGHT, MERRILL U. BARRINGER, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF PAUL BRANDON BARRINGER, II, J. RANDOLPH LIGHT, JR.,

(Case caption continued on Page 2.)

VIDEO
DEPOSITION OF: MERRILL BARRINGER LIGHT, VOLUME II

DATE: August 13, 2019

TIME: 9:33 AM

LOCATION: Home2 Suites by Hilton
3658 Trask Parkway
Beaufort, SC

TAKEN BY: Counsel for the Plaintiff

REPORTED BY: KELLY B. BAEKELANDT, Court Reporter

A. WILLIAM ROBERTS, JR., & ASSOCIATES

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your attorneys' fees related to the defense of the Eastern District of Virginia contract claim by stating there were no such records --

MS. PAYLOR: Object to the form.

BY MR. GILREATH:

Q. -- because you were responsible for the fees?

A. I do not know.

Q. You don't know anything about that?

A. No.

Q. Do you realize it took my client three separate requests to get to the bottom of that issue?

MS. PAYLOR: Object to the form.

BY MR. GILREATH:

Q. Do you know anything about that?

A. I do not -- not -- I'm not -- I do not know that.

Q. Can you tell me why the Facebook postings of Paul Barringer with pictures of Hampton's family were deleted after his death?

MS. PAYLOR: Object to the form.

THE WITNESS: Is -- I've never been on Facebook. I've never -- never been on Facebook in my life.

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ROA 001185

BY MR. GILREATH:

Q. Welcome to the crowd.

A. What? Oh.

Q. I said welcome to the crowd, neither have I. So -- so you -- did you -- did you have anything to do with it, if it, in fact, happened?

MS. PAYLOR: Object to the form.

THE WITNESS: I've never been on Facebook and I've never -- where -- where is that -- I never saw the photo until litigation. I know nothing about that.

BY MR. GILREATH:

Q. Does Randy do Facebook?

A. He does not.

Q. So -- so your testimony is you don't know anything about the deletion of those Facebook postings on Paul Barringer's Facebook page, correct?

MS. PAYLOR: Object to the form.

THE WITNESS: I do not know anything about that Facebook photo.

BY MR. GILREATH:

Q. Do you remember hearing your mother testify I believe that she didn't take the pictures down?

ROA 001185

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A. I don't remember that. Where are the photos? Are they in this exhibit?

Q. Well, that's what we want to know. They've been taken off of Facebook. Tab -- look -- look at Tab 130. They're at Tab 130. I think I'm right. Yeah, Tab 130 is the Facebook posting that was on his Facebook page, and it's a picture of Hampton and Kevin and -- and Wade and it shows Paul Barringer's Facebook page. Have you ever seen that before?

A. I've seen it during the litigation.

Q. Did you ever see it before the litigation started?

A. No.

Q. And -- and your testimony is you don't know what happened to it?

MS. PAYLOR: Object to the form.

BY MR. GILREATH:

Q. Correct?

A. I -- I have no idea what happened to it.

Q. Have you ever had any conversations with your mother about that?

A. No, I -- I don't know --

Q. Have you had any conversations with

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either one of your twin sons about that?

A. No.

Q. So your testimony is you don't know anything about that happening, correct?

A. I know nothing about this happening.

Q. Okay. Do -- do -- do you know whether your dad had any pictures on Facebook of you and your children?

MS. PAYLOR: Object to the form.

THE WITNESS: I never knew Dad to be a Facebook user. I know that he -- I asked Mom when he got on Facebook and he got on for a -- a -- a friend Michael Jarvis who was very ill and he joined Facebook to be able to correspond with Michael Jarvis and that's all I know. I never saw him go on Facebook, never helped him with Facebook, I don't -- I don't even know what Facebook is. I've never --

BY MR. GILREATH:

Q. So --

A. -- been on it.

Q. -- would I be correct to presume then since you don't do Facebook, your mother -- your mother doesn't do Facebook, does she?

A. Not to my knowledge.

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Exhibit 11

Randy Light's deposition excerpts

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT

IN THE MATTER OF:
ESTATE OF PAUL BRANDON BARRINGER, II.

HAMPTON B. LUZAK,

Plaintiff,

vs. CASE NO. 2016-CP-07-1919

MERRILL B. LIGHT, MERRILL U. BARRINGER, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF PAUL BRANDON BARRINGER, II, J. RANDOLPH LIGHT, JR.,

(Case caption continued on Page 2.)

VOLUME II

VIDEO
DEPOSITION OF: JAMES RANDOLPH LIGHT, JR.

DATE: August 21, 2019

TIME: 9:33 AM

LOCATION: Home2 Suites by Hilton
3658 Trask Parkway
Beaufort, SC

TAKEN BY: Counsel for the Plaintiff

REPORTED BY: KELLY B. BAEKELANDT, Court Reporter

A. WILLIAM ROBERTS, JR., & ASSOCIATES

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ROA 001190

Q. Do you know how much, if any, your wife paid back for her defense of the contract claim in the Eastern District of Virginia?

MS. PAYLOR: Object to the form.

THE WITNESS: She paid her own fees.

BY MR. GILREATH:

Q. Okay. Was it paid off by offsets to shareholder distributions or did she pay it direct?

MS. PAYLOR: Object to the form.

THE WITNESS: She used her own assets, her own funds.

BY MR. GILREATH:

Q. Do you know who paid Paul Barringer's legal expenses involving his intervention intervening in the Eastern District of Virginia?

A. No, I don't.

Q. Is CFRC paying your expenses in this lawsuit we're in now?

MS. PAYLOR: Object to the form.

THE WITNESS: No -- no.

BY MR. GILREATH:

Q. Do you know anything about the Facebook postings of Paul Barringer with pictures of Hampton's family being deleted after his death?

MS. PAYLOR: Object to the form. Asked

ROA 001190

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and answered.

THE WITNESS: I don't know anything about a Facebook account that he had.

BY MR. GILREATH:

Q. You don't do Facebook, right?

A. I don't even know how to begin, no.

Q. Welcome to the crowd. Let's see. You don't have any idea who may have done that?

A. I wouldn't have a -- I -- I have no idea.

Q. Can you tell me why the firm of Frazier & Deeter took over as independent auditors of CFRC in 2017 in place of Lanigan & Associates?

A. Lanigan & Associates had been representing CFRC for quite some time. Mrs. Luzak had expressed her displeasure I guess is the word with the company using Lanigan which Travis Bryant who -- who was originally a partner in Lanigan and at the same time they did the Luzaks' accounting from what I understand. And so they switched firms for two reasons, one, to appease her and, two, because the company was getting considerably larger and we went to a -- a larger accounting firm in Atlanta that -- because they had -- they had -- we just went to a larger accounting firm in Atlanta.

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Exhibit 12

Twombley letter of May 7, 2020

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May 7, 2020

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Via Electronic Mail

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University of South Carolina School of Law
1713 Phelps Street
Columbia, SC 29205
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RE: Luzak v. Light, et al., Civil Action No.: 2016-CP-07-1919
Luzak v. Barringer, Civil Action Nos.: 2019-CP-07-1253 and 2019-CP-07-1294

Dear Jim, Bill, Mike and Alan:

I hope this letter finds you all well. I write to address several ongoing issues in these cases.

First, regarding your letter dated April 23, 2020, I respond as follows:

- I do not know who has replaced David Mills. If you want to depose these witnesses, we will do what we can to help with coordination.

- We stand by our objection to Interrogatory No. 3.

- Mrs. Barringer testified in her deposition that she does not know anything about the Facebook post you reference, so that issue has been addressed. We stand by our objection to Interrogatory Number 10 as overbroad, unrelated, and harassing. Nevertheless, I can agree for Mrs. Barringer to provide any responsive information she has in response to this Interrogatory if Plaintiff will agree to provide the same. To that end, please find attached Defendant's Second Set of Interrogatories to Plaintiff which we hereby serve upon you as attorney for Plaintiff.

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- Interrogatory Numbers 11 and 12 do not request cell phone carrier information.

There are some other discovery matters that need to be addressed. As you know, on April 6, 2020, Alan Medlin and I agreed not to press each other on discovery matters for 30 days. I honored that agreement, and I only asked that Plaintiff's *experts* comply with subpoenas served on them, which at that time were 4 months old. I did not ask that Plaintiff provide any other information or meet any other deadlines. Unfortunately, Plaintiff's counsel did not honor this agreement.

- On April 23, 2020, Jim demanded supplemental responses to discovery and threatened to file a Motion to Compel if not complied with in 14 days. I find this demand remarkable, as the initial responses we voluntarily provided were not even due according to the terms of the stand down agreement, yet I receive a letter from Jim threatening to file a motion if supplemental responses were not provided by May 6. In any event, our response to the same is above.

- On April 29, 2020, Plaintiff noticed 27 depositions, giving me a deadline of May 6, 2020 to let you know if I could accept service of all 27 subpoenas.

Considering the above, I presume the agreed upon stand down is now over and that we may proceed with the case. To that end, please note that the following:

- I am not able to tell you now whether I can accept service for any of the 27 witnesses for which you sent subpoenas. Certainty I cannot accept service for any of the CFRC employees as they are represented by Ed Fuhr. Likewise, I cannot accept service for the Wells Fargo employees, who are represented by Laurel Blair. I will get back with you next week on the other witnesses as I am able. The 7-day deadline is unrealistic, and we need more time to address these issues.

- My office served Defendant's First Set of Interrogatories in the 2019 cases on February 26, 2020. These Interrogatories were very specific and go to the heart of Plaintiff's claims against Merrill Barringer as alleged in Plaintiff's Complaint. Please provide these responses by Tuesday, May 11, 2020.

- We object to your claim of work product protection for documents created (in whole or in part) by or shared with a testifying expert or your communications with a testifying expert. Those documents are discoverable under Rule 26(b)(4)(A). Please provide the documents identified in your privilege log related to the Subpoena issued to Plaintiff's expert, W. Ellison Thomas.

- We need dates to depose Kevin Luzak.

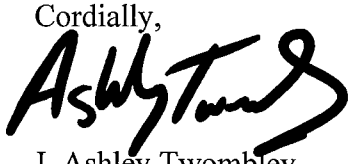
- We need dates to depose Peggy Boisselle.

- We need dates to depose all of your expert witnesses.

- We need a briefing schedule for Defendant's Motion for Summary Judgment. Please provide proposed dates by Tuesday of next week, or I plan to file a motion asking the Court to set deadlines for the same. If we agree on a schedule before the Court sets a deadline, I will withdraw the motion requesting a briefing schedule.

With kindest regards, I remain,

Cordially,



J. Ashley Twombley

cc: Alice Paylor, Esquire (apaylor@rosenhagood.com)
Bijan Ghom, Esquire (bghom@rosenhagood.com)
Charles B. Molster, III, Esquire (cmolster@molsterlaw.com)

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STATE OF SOUTH CAROLINA COUNTY OF BEAUFORT	)))	IN THE COURT OF COMMON PLEAS CIVIL ACTION NO: 2019-CP-07-01253 2019-CP-07-01294
	)	
IN THE MATTER OF ESTATE OF PAUL BRANDON BARRINGER, II HAMPTON BARRINGER LUZAK, Plaintiff, v. MERRILL U. BARRINGER, Defendant	)))))))))))))	**DEFENDANT'S SECOND SET OF INTERROGATORIES TO PLAINTIFF**

TO: JAMES R. GILREATH, ESQUIRE, WILLIAM M. HOGAN, ESQUIRE, CHARLES B. MACLOSKIE, ESQUIRE, AND S. ALAN MEDLIN, ESQUIRE, ATTORNEYS FOR PLAINTIFF, HAMPTON BARRINGER LUZAK:

Merrill U. Barringer, (hereinafter "Defendant") requests that Hampton Barringer Luzak (hereinafter "Plaintiff") answer under oath the Second Set of Interrogatories to Plaintiff hereinafter set forth within thirty (30) days after the serving thereof in accordance with Rule 33 of the South Carolina Rules of Civil Procedure.

I. INSTRUCTIONS

A. These Interrogatories shall be deemed continuing so as to require supplemental answers if you or your attorneys obtain further information between the time answers are served and the time of trial.

B. All answers should be made separately, fully, and completely. When an interrogatory calls for an answer in more than one part, each part should be separated so that the answer is clearly understandable.

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C. If any of these interrogatories cannot be answered in full, you must answer to the fullest extent possible, specifying the reasons for your inability to answer the remainder, and stating whatever information, knowledge or belief you do have concerning the unanswered portion.

II. DEFINITIONS

The following terms shall have the meanings stated below:

A. "Document" means every writing or record (whether an original or a copy) of every type and description that is or has been in your possession, custody, or control or of which you have knowledge, **including those in electronic form**; and every copy of every such writing or record where such copy is not an identical copy of an original or where such copy contains any commentary or notation whatsoever that does not appear on the original. The term "documents" shall also include any summary of a document or documents called for hereinafter.

B. "Plaintiff" or "you" means Hampton Barringer Luzak, the named Plaintiff in this action.

C. "Defendant" means Merrill U. Barringer, the named Defendant in the action.

D. "And" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this request any document that otherwise might be outside the scope of this request.

E. "Referring to," "relating to," "regarding," and "evidencing," as used herein mean in whole or in part discussing, describing, reflecting, memorializing, containing, comprising, analyzing, studying, reporting on, commenting on, evidencing, constituting, embodying, identifying, stating, considering, recommending, setting forth, concerning, dealing with, or in any way pertaining to.

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III. INTERROGATORIES

1. List every "Social Networking Website" ("SNW") utilized or accessed by you since January 1, 2012. For any SNW identified in response to this or any other interrogatory, provide the following information:

(a) Name, physical address, and internet address of the SNW;

(b) Name, address, social security number, and date of birth of the SNW account holder, and if different, the individual financially responsible for the SNW account;

(c) Each and every user name, screen name, "friend", e-mail address, or alias affiliated with the SNW account; and

(d) Password for accessing the SNW account.

TWENGE + TWOMBLEY LAW FIRM

BY: _____

J. ASHLEY TWOMBLEY
S.C. Bar #72916
311 Carteret Street
Beaufort, SC 29902
Telephone: (843) 982-0100
twombley@twlawfirm.com
Attorneys for Defendant, Merrill U. Barringer

Beaufort, South Carolina

May 7, 2020

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CERTIFICATE OF SERVICE

The undersigned, J. Ashley Twombley of TWENGE + TWOMBLEY LAW FIRM Attorneys for Defendant, Merrill U. Barringer, hereby avers that on the 7th day of May 2020 a true and accurate copy of the attached was served via electronic mail to the following:

James R. Gilreath, Esquire
William M. Hogan, Esquire
The Gilreath Law Firm, P.A.
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Attorney for Plaintiff, Hampton Barringer Luzak

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Attorneys for Plaintiff,
Hampton Barringer Luzak

BY:

J. ASHLEY TWOMBLEY
S.C. Bar #72916

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THE FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT	)	
	)	CIVIL ACTION NO. 2016-CP-07-1919
IN THE MATTER OF: ESTATE OF PAUL B. BARRINGER, II	)	
HAMPTON BARRINGER LUZAK, Plaintiff, vs.	)	**DEFENDANT MERRILL LIGHT'S MEMORANDUM IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**
MERRILL B. LIGHT, MERRILL U. BARRINGER, as Personal Representative of the Estate of Paul Brandon Barringer, II, J. RANDOLPH LIGHT, JR., MERRILL B. LIGHT as putative trustee of the Paul B. Barringer, II, Revocable Trust dated December 4, 1998, and MERRILL B. LIGHT as Trustee of the Merrill Barringer Light Revocable Trust, Defendants.	)	

Plaintiff Hampton Luzak filed this action on August 26, 2016, more than four (4) years ago, alleging nineteen (19) causes of action against her sister and now deceased brother-in-law, the Defendants Merrill and Randy Light, arising out of the Decedent Paul Barringer's estate planning decisions that intentionally excluded Plaintiff.[1] In accordance with Rule 56, SCRCP, because there is not a material issue of fact as to any of Plaintiff's causes of action, Defendant Merrill Light is entitled to judgment as a matter of law as to all of the causes of action.[2] [3]

[1] Randy Light passed away on March 16, 2020.

[2] Rule 56(b), SCRCP, provides: "A party against whom a claim, counterclaim, or cross-claim is asserted or a declaratory judgment is sought may, at any time, move with or without supporting affidavits for a summary judgment in his favor as to all or any part thereof."

[3] In this motion, Defendant is not moving for summary judgment as to any of her affirmative defenses, including res judicata and statute of limitations, and Defendant reserves all rights to make additional summary judgment motions if this motion is denied.

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RELEVANT LAW

South Carolina law highly disfavors "restrictions upon a man's right to dispose of property in any way his partialities, pride, or caprice may prompt him." Hellams v. Ross, 268 S.C. 284, 290, 233 S.E.2d 98, 101 (1977). As such, Section 62-3-407 of the Probate Code further establishes the burden that Plaintiff must meet:

> …Contestants of a will have the burden of establishing undue influence, fraud, duress, mistake, revocation or lack of testamentary intent or capacity. Parties have the ultimate burden of persuasion as to matters with respect to which they have the initial burden of proof.

In In re Estate of Weeks, 329 S.C. 251, 495 S.E.2d 454 (Ct. App. 1997), the South Carolina Court of Appeals heard an appeal from the decedent's son that his mother did not have capacity to execute the will filed for probate. The Court stated the applicable law in South Carolina:

> The test of whether the testatrix had the capacity to make a will is whether she knew (1) her estate, (2) the objects of her affections, and (3) to whom she wished to give her property…. However, the legal test for determining whether or not a person has sufficient mental capacity to dispose of her property by will does not include the proviso that she must have a reasonable basis on which to found her like or dislike of the natural objects of her bounty…. Further, the "capacity to know or understand, rather than the actual knowledge or understanding, is sufficient." 94 C.J.S. Wills § 15(c) (1956).

329 S.C. at 263, 495 S.E.2d at 461 (citations omitted). In sum, Plaintiff needs to prove that Mr. Barringer did not have the ability to know or understand his estate, the objects of his affections, and to whom he wished to give his property. The case of Lee's Heirs v. Lee's Executors, 4 McCord 183, 17 Am. Dec. 722 (1827), is an example of the high bar that Plaintiff must meet to prove incapacity. In that case, our Supreme Court was asked to invalidate a will executed by a man who believed in witches, devils and evil spirits, wore unusual clothes, slept in a hollow log, and exhibited other extreme behavior. The Court found that he had capacity to execute a will, noting that to void a will by insanity, the proponent had to show that the testator was insane at the time

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of execution of the will despite the fact that the will was unjust to his family. The Court further found that the fact or belief that a will is unjust to the family is not a legal reason to consider its execution an irrational act.

Similarly, for Plaintiff to meet her burden to prove that the testator was unduly influenced, it is not enough for Plaintiff to show the mere existence of influence. Hembree v. Estate of Hembree, 311 S.C. 192, 196, 428 S.E.2d 3, 5 (Ct. App. 1993). Rather, she must show that Defendant unmistakably and convincingly destroyed the free will of the testator and supplanted her own. Id. Typically, evidence of undue influence includes "threats, force, restricted visitation, or an existing fiduciary relationship at the time of or before the will's execution." Id. Crucially, "[a] contestant must show that the influence was brought directly to bear upon the testamentary act." Mock v. Dowling, 266 S.C. 274, 277, 222 S.E.2d 773, 774 (1976). "General influence is not enough." Id. While the existence of a fiduciary relationship between a testator and beneficiary raises a presumption of undue influence, the proponents of the will must offer rebuttal evidence; however, the proponents of the will do not have to affirmatively disprove the existence of undue influence. Howard v. Nasser, 364 S.C. 279, 288, 613 S.E.2d 64, 68-69 (Ct. App. 2005). Instead, **the contestants of the will still retain the ultimate burden of proof to invalidate the will**." Id. (emphasis added). In sum, Plaintiff must put forth unmistakable and convincing evidence of undue influence that must be shown to have existed *at the time of* the testamentary act to withstand a motion for summary judgment. Swiger v. Smith, 426 S.C. 408, 415-417, 827 S.E.2d 200, 203-206 (Ct. App. 2019).

UNDISPUTED MEDICAL TESTIMONY

The records and testimony of Mr. Barringer's medical providers, which establish that Mr. Barringer had the requisite mental capacity to sign legal documents and make certain changes to

his estate plan, prevent Plaintiff from withstanding summary judgment. On April 28, 2016, Dr. Long, Mr. Barringer's long time internal medicine doctor and treating physician, testified that Mr. Barringer had the mental capacity to execute legal documents, including a will, until the fall of 2015. See Hearing Transcript, Beaufort County Probate Court, April 28, 2016, pp. 83-96. Even Plaintiff's medical expert, Dr. Sanders, who never examined Mr. Barringer in person, has not opined that Mr. Barringer was actually incapacitated or lacked the capacity to form a donative intent on September 11, 2012, or at any other relevant time, and Dr. Sanders could not give such an opinion because she never examined him, and no medical professional who did examine him gave any such opinion. To the contrary, Dr. David Bachman, former head of neurology for the Medical University of South Carolina – who Plaintiff insisted examine Mr. Barringer – stated on March 27, 2013: "In my opinion, he has capacity at this time to make decisions regarding his personal affairs."[4] Because of the strong medical testimony and records of Mr. Barringer, which Plaintiff has not and cannot rebut, there is no factual dispute as to Mr. Barringer's capacity at the time of the relevant testamentary acts and, therefore, there is no genuine factual dispute as to Mr. Barringer's capacity at the relevant times.

FIRST CAUSE OF ACTION

The First Cause of Action of Plaintiff's Amended Complaint alleges, at Paragraph 119, that "[u]pon information and belief, at the time of Decedent Paul Barringer's purported execution of the alleged February 5, 2015 will, Decedent Paul Barringer was mentally incompetent and suffering from Alzheimer's disease and/or dementia and lacked the requisite mental capacity to make a will." Plaintiff has the burden of proving this claim, but she has no competent summary

[4] LUZAK-MUSC 252.

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judgment evidence to prove lack of testamentary capacity on the part of Paul Barringer at the time that he executed this will as required by South Carolina law.[5]

The undisputed facts from Plaintiff's sworn testimony are that Plaintiff did not have any personal contact with the Decedent Paul Barringer between May 30, 2012, and April of 2016.[6] Her husband Kevin Luzak did not have any personal contact with Mr. Barringer after a telephonic CFRC Board meeting on June 28, 2012.[7] Mr. Barringer passed away on May 30, 2016. Neither Mr. nor Mrs. Luzak can provide any competent evidence concerning Mr. Barringer's mental capacity to sign a will on February 5, 2015, or any of his other wills, trusts and stock assignments at issue in this litigation, because neither of them had contact with Mr. Barringer after mid-2012.

Mr. Barringer discussed with his attorney, John Jolley, the changes in the will, executed on February 5, 2015, prior to its execution. See Deposition of Merrill Barringer. Merrill Barringer, the wife of Paul Barringer, testified that he was competent to sign this will on February 5, 2015, that he knew the assets that he owned, that he knew who is children were, and that he knew the persons to whom he wanted to leave his assets.[8] In a letter to Plaintiff, dated February 15, 2015, Mrs. Barringer wrote to her younger daughter, "Daddy and I are very disappointed in you. You have crossed the line in bringing legal action against your family company and for your astounding ungratefulness to your father for all that he has done to make you more than financially

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5 "Contestants of a will have the burden of establishing undue influence, fraud, duress, mistake, revocation or lack of testamentary intent or capacity. Parties have the ultimate burden of persuasion as to matters with respect to which they have the initial burden of proof." S.C. Code § 62-3-407.

6 Hampton Luzak Deposition ("HL Dep."), Day 2, p. 10.

7 Mr. Luzak's last words in the presence of Mr. Barringer concerned his son and Mr. Barringer's grandson, Wade, whom Mr. Luzak told to say "good-bye" to his grandfather because Wade "would never see him again," a promise which Mr. Luzak (and Mrs. Luzak) kept. Merrill Light Deposition ("ML Dep."), p. 287; and Merrill Barringer Deposition ("MB Dep."), pp. 76-77.

8 Merrill Barringer Deposition ("MB Dep."), pp. 57-59.

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comfortable. This will not be easily forgiven nor forgotten." Mrs. Barringer testified that she had discussed the letter with her husband, Mr. Barringer, prior to sending it to their daughter Hampton.[9]

By letter, dated February 26, 2015, from Mr. Barringer to Plaintiff, Mr. Barringer told her how disappointed he was with her.[10] In a separate document handwritten by Mr. Barringer on March 22, 2015, Mr. Barringer stated:[11]

> To whom it may concern:
> I was not coerced or otherwise forced into giving my CFRC stock to our daughter, Merrill Light – It was my desire to do so.
> I also supported Travis Bryant as the CEO of our company, to replace Kevin Luzak, who I fired.
> I am also supported [sic] of our Board of Directors.
> /s/ Paul B. Barringer II

Dr. Paul Long, Mr. Barringer's long time internal medicine doctor and treating physician, also testified that Mr. Barringer had the mental capacity to execute legal documents, including a will, until the fall of 2015.[12] And further, even if Mr. Barringer lacked testamentary capacity on the date the will was executed, which Plaintiff has no evidence of, Mr. Barringer had multiple opportunities to change his will any time thereafter, and had unhampered access to counsel. See Smith v. Whetstone, 209 S.C. 78, 39 S.E.2d. 127 (1946); Calhoun v. Calhoun, 277 S.C. 527, 290 S.E.2d 415, 419 (1982) ("The evidence reflects that the testator had made several previous wills; therefore, he knew he could alter or revoke this one. The testator continued to transact other business until his death so that had he desired, he could have changed his will."); Hembree v. Hembree, 311 S.C. 192, 428 S.E.2d 3 (Ct. App. 1993) ("Moreover, the testator had plenty of time, unhampered by the presence and operation of undue influence, to change or revoke his will. His

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9 MB Dep., pp. 60-61.
10 MB Dep., pp. 61-64 and Exhibit 11.
11 MB Dep., pp. 64-65 and Exhibit 12.
12 Hearing Transcript, Beaufort County Probate Court, April 28, 2016, pp. 83-96.

death was not until almost one year after the will's execution. During this time, he remained active. He played golf, drove a car, and handled his business affairs.").

Plaintiff has no evidence to support her claim in Paragraph 119 of her Amended Complaint alleging that Decedent lacked the requisite mental capacity to make the Will, dated February 5, 2015. In Hairston v. McMillan, 387 S.C. 439, 445, 692 S.E.2d 549, 552 (Ct. App. 2010), the Court held "a testator's insanity should be established at the time of execution, unless the insanity is of a permanent or chronic nature." In that case, the plaintiff presented evidence from a toxicologist and a doctor, both of whom had reviewed the decedent's medical records and testified that the decedent did not have capacity to make the will, but the Court held instead that, because the **plaintiff had no evidence of the decedent's mental condition at the time that he signed the will,** the plaintiff did not meet her burden when a witness to the execution testified that the decedent understood the extent of his estate, the potential beneficiaries of his estate and what he was doing in changing his will. Id. at 553. Moreover, in Hairston, the Court found that the plaintiff did not have competent evidence of incapacity even though her expert testified that the decedent was incompetent at the time of executing the will. Id. The same scenario is present in the case before the Court.

Defendant Merrill Light is entitled to summary judgment as to the First Cause of Action.

SECOND CAUSE OF ACTION

Plaintiff's Second Cause of Action alleges, at Paragraph 125 of her Amended Complaint:

> On information and belief, Defendant Merrill Light, with the aid and assistance of Defendant Randy Light, exercised undue influence on Decedent Paul Barringer, to wit: Decedent Paul Barringer was in a weakened mental state and susceptible to undue influence; Decedent Paul Barringer was subject to Defendant Merrill Light's control; Defendant Merrill Light directed Decedent Paul Barringer to Defendant Merrill Light's attorney for execution of the alleged will; Defendant Merrill Light arranged, participated in, and/or controlled estate planning meetings among Decedent Paul Barringer, Defendant Merrill Light's own estate planning

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> attorney and Decedent Paul Barringer's insurance agent to devise an estate plan favorable to Defendant Merrill Light; Defendant Merrill Light did not communicate truthfully with Plaintiff Hampton Luzak regarding the substance of Decedent Paul Barringer's estate plans or actions; and Defendant Merrill Light was never the sole or primary beneficiary of any previously valid will of Decedent Paul Barringer regarding CFRC stock while the alleged 2015 will purports to name Defendant Merrill Light, as trustee of Decedent Paul Barringer's Revocable Trust, as sole beneficiary.

Plaintiff has no evidence to support any of these statements in Paragraph 125 and no evidence to support her claim that undue influence somehow invalidates the will.

Instead, the undisputed facts clearly show that no one, including the Defendant Merrill and the now deceased Randy Light, influenced Paul Barringer to do anything against his own free will, and that he made all of his own decisions with regard to his testamentary bequests to his children throughout his long life, including in his last will, executed on February 5, 2015, without influence from anyone. See Deposition testimony of Victor Barringer,[13] Merrill Barringer,[14] and Merrill Light,[15] in addition to the testimony of Dr. Paul Long cited above.

At Mr. Luzak's last meetings with Mr. Barringer in June of 2012, as set forth in transcripts of recordings secretly made by Mr. Luzak, Mr. Luzak was the person attempting to influence Mr. Barringer to not fire Mr. Luzak and, instead, to allow Mr. Luzak to take CFRC in a direction that Mr. Barringer did not want it to go.[16] In other words, the only person in this matter who tried to unduly influence Mr. Barringer and get him to do something against his will was Mr. Luzak, Plaintiff's husband.

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[13] Victor Barringer Deposition, pp. 129-130 ("Nobody influenced – my father did what he wanted to do, and nobody unduly influenced him at all. Nobody unduly influenced him to do anything unless he wanted to do it … in his whole life.

[14] MB Dep., pp. 72, 81-82, 119-120.

[15] ML Dep., pp. 34, 36, 46-47, 97, 141-142, 191-193, 206, 208-210, 212-213, 215 and 225 ("He knew exactly what he wanted to do. He always made up his own mind, he made his own decision…. He ran his own business the way he wanted to. He had done it his whole life.")

[16] See Transcript of June 14, 2012 telephonic conference between Paul Barringer and Victor Luzak attached hereto as Exhibit 2 (Hampton Luzak 644); and Transcript of June 18, 2012 CFRC Board of Directors Meeting attached hereto as Exhibit 2.

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The South Carolina Court of Appeals has explained the requisite proof of "undue influence" needed for a plaintiff to set aside a will in South Carolina:

> "The mere existence of influence is not enough to void a will as all influences are not unlawful. For influence to vitiate a will, it must destroy free agency and amount to force and coercion." Hembree v. Estate of Hembree, 311 S.C. 192, 196, 428 S.E.2d 3, 5 (Ct. App.1993). "Circumstances must unmistakably and convincingly point to the substitution of another's will for that of the testator." Id. Evidence of undue influence may include "threats, force, restricted visitation, or an existing fiduciary relationship at the time of or before the will's execution." Id. "**A contestant must show that the influence was brought directly to bear upon the testamentary act."** Mock v. Dowling, 266 S.C. 274, 277, 222 S.E.2d 773, 774 (1976). "General influence is not enough." Id.
>
> The existence of a fiduciary relationship between a testator and beneficiary raises a presumption of undue influence. Howard v. Nasser, 364 S.C. 279, 288, 613 S.E.2d 64, 68–69 (Ct. App. 2005). If evidence of such a relationship is presented, the proponents of the will must offer rebuttal evidence. *Id.* "We emphasize that although the proponents of the will must present evidence in rebuttal, they do not have to affirmatively disprove the existence of undue influence. Instead, **the contestants of the will still retain the ultimate burden of proof to invalidate the will**." Id. (Emphasis added.)

Hairston v. McMillan, 387 S.C. 439, 446-47, 692 S.E.2d 549, 553. (Ct. App. 2010).

Our appellate courts also have defined the burden of proof required to prevail in an undue influence case:

> "[I]n cases requiring a heightened burden of proof . . . the non-moving party must submit more than a mere scintilla of evidence to withstand a motion for summary judgment." Hancock v. Mid-South Mgmt. Co., Inc., 381 S.C. 326, 330–31, 673 S.E.2d 801, 803 (2009). "Since **the standard of proof in an undue influence case is unmistakable and convincing evidence, there must be more than a scintilla of evidence in order to defeat a motion for summary judgment**." Russell v. Wachovia Bank, *N.A.*, 353 S.C. 208, 218, 578 S.E.2d 329, 334 (2003) (emphasis added).

Swiger v. Smith, 426 S.C. 408, 415, 827 S.E.2d 200, 203 (Ct. App. 2019). Thus, Plaintiff must submit "more than a scintilla of evidence" to defeat this motion and must come forward with "unmistakable and convincing" evidence to defeat summary judgment. Because Plaintiff did not list any witnesses other than defense witnesses and has no evidence of undue influence "**was**

brought directly to bear upon the testamentary act"—Defendant is entitled to summary judgment as to the Second Cause of Action alleging undue influence regarding Mr. Barringer's execution of his last will on February 5, 2015. Moreover, because Mr. Barringer had ample opportunity to change his estate planning at a later date, Plaintiff's claim of undue influence fails as a matter of law. Smith v. Whetstone, 209 S.C. 78, 39 S.E.2d. 127 (1946); Calhoun v. Calhoun, 277 S.C. 527, 290 S.E.2d 415, 419 (1982).

THIRD CAUSE OF ACTION

Plaintiff's Third Cause of Action alleges at Paragraph 125:

> On information and belief, Decedent Paul Barringer would not have executed the alleged 2015 will unless he was mistaken about its contents or even that it was a will because it completely and suddenly changed his dispositive intent, as demonstrated by his prior representations about the content of his estate plan including prior valid wills, for no reason.

First, there is no cause of action for "mistake" under South Carolina law separate from the other claims of Plaintiff in this case, and the Third Cause of Action should be dismissed for this reason alone. See Page v. Lewis, 209 S.C. 212, 39 S.E.2d 787 (1946).

Second, the validity of a will is not affected by a mistake of either law or fact unless the mistake goes to the identity of an instrument or to a fundamental error, as where, for example, two wills are drafted for different persons and one party signs the will intended for another. A mistake as to the legal effect of language in a will is no basis for refusal of probate, even if it is caused by incorrect legal advice. 32 S.C. Jur. Wills § 41; Hanahan v. Simpson, 326 S.C. 140, 485 S.E.2d 903 (1997) (superseded by statute on other grounds); In re King's Will, 132 S.C. 63, 128 S.E. 850 (1925).

Plaintiff has no evidence whatsoever that Mr. Barringer executed the wrong instrument, and Defendant Merrill Light is entitled to summary judgment as to the Third Cause of Action.

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FOURTH CAUSE OF ACTION

Plaintiff's Fourth Cause of Action asserts that Paul Barringer "was mentally incompetent and suffering from Alzheimer's disease and/or other dementia and lacked the requisite capacity to make a gratuitous or partially gratuitous transfer," and, therefore his "transfer of CFRC voting stock commenced on September 11, 2012 is invalid and of no legal force and effect."

Plaintiff has no competent evidence to support these allegations. In order to make a valid gift of the CFRC voting stock on September 11, 2012, Paul Barringer had to possess the mental capacity to form an intent to give the object of the gift to the done. See Eagles v. South Carolina Nat. Bank, 301 S.C. 402, 392 S.E.2d 187 (Ct. App. 1990); see generally 38 Am. Jur. 2d Gifts § 11 ("A donor has sufficient mental capacity to make a gift when the donor understands and comprehends in a reasonable manner the nature and effect of the gift."); see also Flynn v. Union Nat. Bank of Springfield, 378 S.W.2d 1 (Mo. Ct. App. 1964) (explaining that the capacity to make a gift is not as high as the capacity to engage in a business or to contract). Generally, any person of legal age having the mental capacity to comprehend the nature and consequences of the transaction may be a competent donor so long as he or she is legally or equitably the owner of the property. 9 S.C. Jur. Gifts § 8. The donor's mental capacity at the time of the gift is controlling. Id. The donor must, as with all legal acts, possess the legal capacity to enter into the transaction, including having a sound mind and being at least 18 years of age. Id.

Plaintiff has not come forth with any evidence that Paul Barringer lacked the ability to understand the nature, scope and effect of the gift that he made to his older daughter, Merrill Light, on September 11, 2012. Hampton Luzak testified that her claim is based on her belief that once her father was diagnosed with Alzheimer's Disease in 2012 (which is not true – Dr. Bachman

opined that he might have mild Alzheimer's Disease on May 30, 2012),[17] he immediately lacked the mental capacity to transfer any of his assets or execute estate planning documents ever again.[18] There is no legal or factual basis for this position.

In her reports, Plaintiff's medical expert, Dr. Sanders, who never examined Mr. Barringer in person, has not opined that Mr. Barringer was incapacitated on September 11, 2012, when he signed the Assignment of Shares and the Stock Power transferring the CFRC stock to Merrill Light.[19] In fact, Dr. Sanders stated in both reports: "[t]he pace and rate due to progression of [Alzheimer's] disease is different for each individual: the disease itself has no 'universal playbook,' and thus it affects each person in a unique manner." In her first report, dated December 10, 2019, Dr. Sanders made no findings concerning Mr. Barringer's mental capacity other than to citation to a medical report of Dr. Mazzeo from January 23, 2016, shortly before Mr. Barringer's death, that described him as an "incapacitated person."[20] In her latest report, dated July 2, 2020, Dr. Sanders relied on medical records from Mr. Barringer's hospital stay in early May 2012, due to urinary tract issues and Dr. Bachman's medical records from Mr. Barringer's visits to him on May 30, 2012, and September 19, 2012, to opine that, "within a reasonable degree of medical certainty, that by mid-2012, Mr. Barringer was cognitively compromised not only by Alzheimer's disease, as diagnosed by multiple neurologists, but also on the grounds of deficit in abstract reasoning and inability to understand concepts and language . . . . As such, he would have been susceptible to undue influence, coercion, and mistakes in judgment." Dr. Sanders has not offered any opinion that Mr. Barringer was actually incapacitated or lacked the capacity to form a donative

[17] LUZAK-MUSC 20.
[18] HL Dep., pp. 224-226.
[19] See December 10, 2019 and July 2, 2020 reports of Dr. Amy Sanders attached hereto as Exhibit 1 respectively.
[20] See statement from Dr. Mazzeo, Luzak-Coastal Neurology 19.

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intent on September 11, 2012, or at any other relevant time, and Dr. Sanders could not give such an opinion because she never examined him, and no medical professional who did examine him gave any such opinion. To the contrary, Dr. David Bachman, former head of neurology for the Medical University of South Carolina – who Plaintiff insisted examine Mr. Barringer – stated on March 27, 2013: "In my opinion, he has capacity at this time to make decisions regarding his personal affairs."[21]

The Plaintiff -- and possibly her husband, Kevin Luzak -- are the only fact witnesses in Plaintiff's case who assert that they believe that Mr. Barringer did not have donative capacity on September 11, 2012, but neither of them had any in person contact with Paul Barringer after June 19, 2012. Plaintiff's last contact with her father (prior to seeing him in April of 2016, shortly before his death) was in late May of 2012.[22] Nevertheless, Plaintiff testified that it was her belief that once her father was diagnosed with Alzheimer's, he no longer had the mental capacity to make a gift or to execute an estate planning document ever again.[23] That is her sole basis for her incapacity claim.[24] Even Plaintiff's hired medical expert does not agree with Plaintiff's opinion. See December 10, 2019 and July 2, 2020 reports of Dr. Amy Sanders attached hereto as Exhibit 1, respectively. Plaintiff's self-serving and baseless opinion is not competent summary judgment evidence sufficient for Plaintiff to survive the instant motion for summary judgment. Hansen v. DHL Labs, 450 S.E. 224 (S.C. Ct. App. 1994) (explaining that only admissible evidence can be considered to avoid summary judgment).

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21 Luzak -MUSC 0252

22 HL Dep., p. 26.

23 HL Dep., pp. 236-237.

24 Plaintiff actually testified that Mr. Barringer could not have known what he was doing if he had "dementia and Alzheimer's." HL Depo., pp. 225-226.

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Plaintiff was not present when her father signed the documents to transfer the stock to Merrill Light.[25] Thus, Plaintiff has no personal knowledge of her father's mental capacity on the date of the transfer, and her entire case is built on her purported "belief" that a person diagnosed with even mild Alzheimer's Disease no longer has mental capacity ever again. Plaintiff has not—and cannot—present even a scintilla of evidence to support her position that Paul Barringer lacked the mental capacity to make this gift of CFRC voting stock to his elder daughter on September 11, 2012.

Instead, the evidence is overwhelming that, when he was considering making the gift and when he executed the transfer paperwork on September 11, 2012, Paul Barringer clearly understood the nature, scope and effect of his decision to transfer his voting stock to Merrill Light and that it was his decision alone to make that gift of stock. Paul Barringer spent hours talking to those close to him about this stock transfer, and he did not make the decision until after serious deliberation with his remaining family (which no longer included Hampton who had ostracized herself after making unsubstantiated allegations about her father's mental health),[26] as well as with the long time senior management of his company, CFRC.[27] In fact, Paul Barringer had already amended his revocable trust on July 20, 2012, to leave all of his CFRC stock to his daughter Merrill Light upon his death, and he took this additional action to give the stock to Merrill Light while he was still alive to ensure that his son-in-law, Kevin Luzak, could never gain control of CFRC. In addition, the people who were actually with Paul Barringer around the time of his signing the

[25] HL Dep, p. 299.

[26] See letter, dated July 6, 2012, from Hampton Luzak concerning her father. Light 100-103, attached hereto as Exhibit 3.

[27] VB Dep., pp. 37-44; MB Dep., pp. 9-14, 31-35, 75-76, 84-87, 155-57, and 178-79.

transfer documents all testified that he was deliberate, had mental capacity, knew what he owned, knew what he wanted to do, and did exactly what he wanted to do.[28]

There is no question of fact as to whether Paul Barringer had donative capacity on September 11, 2012. According to all those who interacted with him regarding the transfer of the voting stock, Mr. Barringer carefully thought about his decision and determined that, by gifting the CFRC voting stock to his daughter, Merrill Light, he would forever keep the stock out of Kevin Luzak's hands, meaning that Mr. Luzak could never take over Mr. Barringer's company, CFRC. Mr. Barringer's son Victor, who had no personal interest in what his father did with the stock, also testified that his father told him, before the transfer, that Mr. Barringer was going to transfer the stock to Merrill Light because he wanted "to keep the company … from Kevin getting his hands on it."[29] When asked why his father was worried about Kevin getting the stock, Victor Barringer testified as follows:

> A. Because of what he was scared [Kevin] would do to it, his plans to -- my father had his view of the world, and you toed the rope -- you either accepted his views of the world and you toed the rope or you got out of there, he got you out of there, period. I knew that when I was running the company, and everybody that worked for him knew it at the same damn time.
> Q. Right.
> A. You either got with the program or you got out.
> Q. Right.
> A. And if you veered off the path, you didn't last long.
> …
> Q. Tell me, if you can, just summarize what exactly his criticism was of [Kevin]?
> A. He felt like he, just, he was not interested in the forest products business, which is what he – that's what his DNA, his whole makeup was. He felt like he wanted to do things that were self-serving. He thought that they were going to do things that were not in his way of thinking.
> …

[28] ML Dep, pp. 34-36, 141-42; 171-72, 191-93, 205-15, 218-21, 233-37, 247-50, 278-79, 285-86, 295-98, 302-05, 310, 314, 317-18, 323, 475-76, 480-87; MB Dep., pp. 9-14, 31-35, 75-76, 84-87, 155-57 and 178-79; testimony of Dr. Paul Long, Probate Court Hearing, April 28, 2016, pp. 83-96 (Dr. Long made no restrictions on Mr. Barringer's activities until the fall of 2015. As the testimony showed, Mr. Barringer had organic dementia which is a progressive disease that can take many years until the person is incapacitated. Prior to the fall of 2015, he was capable of making a contract according to Dr. Long, his long-time family doctor.).

[29] VB Dep., pp. 37-38.

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> A. … I didn't care. I mean, it was not my – I listened to my father. I've talked to him two or three times a week. I was there, he vented to me, and that was it. It was not my fight.[30]

When Victor was asked if he knew of anyone who would agree with Hampton's testimony that in 2012, 2013 and 2014, their father lacked legal capacity, Victor unequivocally answered "No."[31]

In summary, the evidence is clear that Paul Barringer decided to make a gift of his CFRC voting stock to his daughter, Merrill Light. Mr. Barringer clearly knew the nature, scope, and effect of his making this gift of CFRC stock to Merrill Light, and Plaintiff does not have any evidence to the contrary.

The South Carolina Court of Appeals has held that it is the plaintiff's burden to prove lack of capacity:

> [T]he party challenging [a person's] capacity has the burden of proving [the person] lacked capacity at the time [he] signed the [transfer document]…. The concept of mental capacity is one of degree. A person may have sufficient mental capacity to transact some types of business and not others…. The mere fact that a person's mind has been weakened by old age, accident or disease is not sufficient to show that he or she lacks mental capacity . . . . In order to warrant the cancellation of a legal transaction on the basis of the grantor's mental incapacity, it must appear that the grantor was so incompetent as to fail to comprehend the nature of his act.

Ballenger v. City of Inman, 336 S.C. 126, 131, 518 S.E.2d 824, 827 (Ct. App. 1999). In Ballenger, the plaintiff sought a determination that a person who had signed an annexation petition lacked mental capacity when she signed the petition. The only evidence of the person's capacity at the time she "placed her mark on the annexation petition" was the testimony of her daughter, Rookard:

> Rookard stated several times that her mother's mind "was going." She also explained that her mother was worried a lot because of several deaths in the family. Rookard testified that she explained the petition to her mother and her mother "[sat] there and listened." [Her mother] nodded at the explanation, but did not comment on the petition. When asked if her mother understood the explanation, Rookard responded, "Well I thought that she did. I explained it to her real good." Rookard later testified that she did not know if her mother understood her explanation. Ms.

[30] VB Dep., pp. 38-41.
[31] VB Dep., pp. 130-131.

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> Rookard was 79 years old at the time of the hearing and admitted to having a hard time remembering.

336 S.C. at 131-132, 518 S.E.2d at 827. The master determined that "Rookard's testimony was inconclusive regarding her mother's capacity to understand the petition for annexation." Based on this inconclusive evidence, the Court found that the plaintiff "failed to meet her burden of proving . . . lack of capacity . . . ." 33 S.E. at 132, 518 S.E. 2d at 827-28.

Here, Plaintiff does not merely have insufficient evidence regarding Mr. Barringer's mental capacity on the date of the signing of the relevant transfer documents; rather, Plaintiff has *no evidence* regarding his capacity on that date.

Defendant Merrill Light is entitled to summary judgment as a matter of law on the Fourth Cause of Action alleging that Paul Barringer did not have the requisite donative capacity to make the gift of CFRC stock to Merrill Light. Plaintiff has not brought forth even a scintilla of evidence to support her "belief" that, because a doctor had diagnosed Mr. Barringer with mild Alzheimer's disease in May of 2012, he no longer had capacity to execute or enter into a contract ever again. In fact, the law clearly provides to the contrary.

FIFTH CAUSE OF ACTION

Plaintiff's Fifth Cause of Action alleges that Merrill Light and the now deceased Randy Light used undue influence to cause the transfer of the CFRC voting stock from Paul Barringer to Merrill Light on September 11, 2012. The allegations of the Amended Complaint, at Paragraph 138 are:

> Defendant Merrill Light, with the aid and assistance of Defendant Randy Light and while in a relationship of trust and confidence with Plaintiff Hampton Luzak, exercised undue influence on … Paul Barringer, to wit: … Barringer was in a weakened mental state and susceptible to influence; … Barringer was subject to Defendant Merrill Light's control; Defendant Merrill Light directed … Barringer to Defendant Merrill Light's attorney for execution of the stock transfer documents, including the stock certificates, and/or for Defendant Merrill Light's attorney to

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> carry out and effect the transfer of the stock to her; Defendant Merrill Light concealed from Plaintiff Hampton Luzak the transfer of CFRC voting control stock; and Defendant Merrill Light was never the primary or sole beneficiary of the ultimate disposition of the 38,272 [shares] of CFRC voting stock owned or controlled by … Barringer.

Plaintiff has no competent evidence to support her claim that Merrill Light exercised undue influence on her father to persuade him -- against his free will -- to transfer his CFRC voting stock to Merrill Light. Plaintiff has failed to put forth any evidence that shows that Merrill Light influenced her father to give her the voting stock, let alone *unduly* influenced him to do so. As Plaintiff admitted, she has no firsthand knowledge of anything that happened regarding the gifting of the stock.[32] The evidence is clear that Paul Barringer had the requisite mental capacity to determine what he wanted to do with his property, which he did. There is no evidence that Merrill Light even asked her father for the stock. How can Merrill Light be found to have unduly influenced her father with respect to his decision to transfer the stock when she did not even ask him for the stock?

The evidence is also clear that Merrill Light did not even know how many shares there were prior to receiving the stock gift (she thought there was only one (1) voting share, when in fact her father held 38,272 voting shares, which made up 20% of the voting stock of CFRC); that she had no desire to be in control of the company; and that she only accepted the stock and the obligations that accompanied the transfer because her father asked her to take the stock and to make sure that Kevin Luzak was not able to be part of the company.[33] There is no contrary evidence.

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[32] HL Dep., p. 26 (she had no contact with her father after May of 2012).

[33] ML Dep., pp. 46, 142, 170-171, 206, 208-09, 210, 248-49, 303-05, 310, 317-18, 323, 475-76, 481-87; and VB Dep., previous citations.

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Defendant Merrill Light is entitled to summary judgment as to the Fifth Cause of Action of the Amended Complaint alleging that the transfer of voting stock to Merrill Light should be set aside due to undue influence.

SIXTH CAUSE OF ACTION

In her Sixth Cause of Action, Plaintiff alleges that Paul Barringer was mistaken when he made the transfer of stock to Merrill Light on September 11, 2012. See argument supra regarding the Third Cause of Action. For those same reasons, Defendant Merrill Light is entitled to summary judgment as the Sixth Cause of Action.

SEVENTH CAUSE OF ACTION

In her Seventh Cause of Action, Plaintiff alleges that Paul Barringer lacked mental capacity to execute amendments and restatements of his revocable trust on February 28, 2012, July 20, 2012, and February 5, 2015. A revocable trust amendment or restatement is a testamentary act, and under South Carolina law, the level of mental capacity required to execute a valid trust amendment or restatement is the same as the level of mental capacity required to execute a valid will.[34] . Thus, for the same reasons that Defendant is entitled to summary judgment on Plaintiff's First Cause of Action, which seeks to invalidate the February 5, 2015 will, Defendant is also entitled to summary judgment as to Plaintiff's Seventh Cause of Action to the extent Plaintiff challenges the February 5, 2015 revocable trust amendment that Paul Barringer executed at the same time as his will. Because Plaintiff has no witnesses to the executions of these trust amendments and no knowledge of Mr. Barringer's capacity at the time he executed these documents, Defendant Merrill Light is entitled to summary judgment as to the Seventh Cause of

[34] S.C. Code § 62-7-601.

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Action with regard to all of the trust amendments. See argument supra as to Plaintiff's First Cause of Action, which claimed that the February 5, 2015, will was invalid for lack of capacity.

EIGHTH CAUSE OF ACTION

In her Eighth Cause of Action, Plaintiff alleged that "Defendant Merrill Light, with the aid and assistance of Defendant Randy Light, exercised undue influence" on Paul Barringer to go against his free will and execute the trust amendment and restatements on February 28, 2012, July 20, 2012, and February 5 2015. For the same reasons and legal precedent set forth regarding the Second Cause of Action above, Defendant Merrill Light is entitled to summary judgment as to the Eighth Cause of Action.

NINTH CAUSE OF ACTION

In her Ninth Cause of Action, Plaintiff claims that the February 28, 2012, July 20, 2012 and February 5, 2015 Paul Barringer, II Revocable Trust amendments are invalid due to mistake. For the same reasons and legal precedent set forth above regarding Plaintiff's Third Cause of Action, Defendant Merrill Light is entitled to summary judgment as to Plaintiff's Ninth Cause of Action.

TENTH CAUSE OF ACTION

Plaintiff's Tenth Cause of Action alleges that "Decedent Paul Barringer purportedly executed documents, either directly or through his putative agent, attempting to deliver Decedent Paul Barringer's voting stock to Decedent Paul Barringer's Revocable Trust in May 2012" when he was mentally incompetent and lacked the mental capacity to execute and deliver such instruments of transfer, was unduly influenced and/or suffering from mistake. Plaintiff asserts that

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"all instruments" related to the transfer of the voting share of CFRC stock in 2012 and/or 2013 to Paul Barringer's Revocable Trust are invalid.

First, Defendant is entitled to summary judgment because Paul Barringer did not execute any instruments in 2012 relative to the transfer of his voting stock from his individual ownership to ownership by his revocable trust, other an Affidavit of Lost Certificate. Instead, Mr. Barringer instructed his agents, John Jolley, Robert Slane and Travis Bryant, to take the necessary steps to retitle all of Mr. Barringer's substantial assets, including his CFRC stock, into his revocable trust.[35] The transfer was merely a transfer of stock individually owned by Mr. Barringer to Mr. Barringer's Revocable Trust, which he had the power to amend up until his death. Kevin Luzak actually signed the stock certificate titling the stock in the name of the Paul Barringer, II Revocable Trust.[36] This retitling did nothing to Mr. Barringer's ownership rights as he continued to have the right to amend his trust or to remove the stock from his trust, and Plaintiff was not injured in any way by this retitling of ownership.

As set forth above, Mr. Barringer had capacity to transfer his stock in 2012, and there is no evidence that he did not have capacity to retitle his stock (Mr. Barringer made the decision in February of 2012), that Merrill and/or Randy Light did anything to influence Mr. Barringer to retitle his stock (the evidence is uncontradicted that they had no knowledge of this event), or that he made a mistake when he transferred the stock in May of 2012 to his revocable trust (the evidence is uncontradicted that Mr. Slane and Mr. Jolley advised Mr. Barringer to transfer his stock to his revocable trust).[37] Indeed, even if Mr. Barringer had not transferred the stock to his revocable trust in May of 2012, he certainly had the right and the capacity to transfer the stock to Merrill Light in

[35] Slane Dep., pp. 68-70; 129-131.
[36] CFRC_SC-000000831
[37] Robert Slane Deposition, pp. 68-70, 129-131.

September of 2012 for the reasons explained above, so this cause of action is moot if the September 11, 2012 transfer was valid.

Defendant Merrill Light is entitled to summary judgment as to the Tenth Cause of Action.

ELEVENTH CAUSE OF ACTION

In her Eleventh Cause of Action, Plaintiff alleges that Merrill and Randy Light defrauded Plaintiff.

To prove a case of fraud, Plaintiff must prove nine elements by clear and convincing evidence: (1) a representation to Plaintiff; (2) its falsity; (3) its materiality; (4) either knowledge of its falsity or a reckless disregard of its truth or falsity; (5) intent that the representation be acted upon; (6) Plaintiff's ignorance of its falsity; (7) Plaintiff's reliance on its truth; (8) Plaintiff's right to rely thereon; and (9) Plaintiff's consequent and proximate injury. M.B. Kahn Constr. Co. v. S.C. Nat'l Bank of Charleston, 275 S.C. 381, 384, 271 S.E.2d 414, 415 (1980).

Paragraph 156 (a) and (b) of the Amended Complaint purport to set forth alleged false representations that were made to, and information that was withheld from, Paul Barringer. Plaintiff, who is not the real party in interest, does not have standing to sue on behalf of anyone but herself, and she cannot bring a claim for fraud on behalf of Paul Barringer. Fisher v. Huckabee, 422 S.C. 234, 238, 811 S.E.2d 739, 741 (2018), reh'g denied (Apr. 17, 2018) (quoting Bank of Am., N.A. v. Draper, 405 S.C. 214, 220, 746 S.E.2d 478, 481 (Ct. App. 2013)); see also Rule 17(a), SCRCP ("[e]very action shall be prosecuted in the name of the real party in interest."). Nor does Plaintiff have statutory standing to assert claims on behalf of the Estate of Paul Barringer. See S.C. Code Ann. § 62-3-715(20); § 62-3-703(c); § 62-3-715(24); § 15-5-90; see also Carson v. CSX Transp., Inc., 400 S.C. 221, 242, 734 S.E.2d 148, 159 (2012) (recognizing that "a survival claim may only be filed by the personal representative of the decedent's estate").

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Paragraph 156(d) alleges that Merrill Light "failed to inform Plaintiff Hampton Luzak … that she had purportedly acquired the voting stock of Decedent Paul Barringer." Because Merrill Light had no duty to inform Plaintiff that her father had transferred his voting stock to Merrill Light, this allegation cannot form the basis for a valid fraud claim under South Carolina law. In fact, by the time of the stock transfer on September 11, 2012, Mrs. Luzak had cut off all communications with all of the members of her family, except for her occasional conversations with her mother, and, shortly after the transfer, had even told Mrs. Light in a letter not to communicate further with her.[38] Plaintiff has shown no injury that she suffered because she did not know about the stock transfer for several years, because she had no ownership interest in the stock, and her father was free to dispose of it as he wished.

Paragraph 156(e) alleges that Mrs. Light "purposely hid […] from Hampton Luzak that she was purportedly a trustee or co-trustee of Paul Barringer's Revocable Trust" and further states that Merrill Light "also represented to Hampton Luzak, as set forth in paragraph 31 above, that she was getting involved in their father's estate planning and administration . . . ." If Mrs. Light represented to Plaintiff that she was getting involved in her father's estate planning and administration, that was a true statement, because it is undisputed that Merrill Light was named as a co-trustee on February 20, 2012. There can be no fraud without a false statement. Again, Plaintiff showed no adverse reliance on her failure to know that Merrill Light was a co-trustee as there were no actions that she would have taken to undo that.

In her deposition, Plaintiff claimed that Merrill Light had a scheme and "transferred the [Paul Barringer voting] stock to irrevocable trust on May 11, 2012."[39] This statement is based on Plaintiff's pure conjecture and not on any facts. Plaintiff outlined the alleged scheme, as follows:

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38 HL Dep., pp.110, 214, ; ML Dep., pp.178-79, 272-273. .

39 HL Dep., pp. 138-139.

- Merrill Light became co-trustee of the Paul Barringer Revocable Trust on February 28, 2012.
- At that time, Paul Barringer owned voting stock in his individual name.
- On May 7, 2012, while Paul Barringer was in the hospital in Savannah, Georgia, Merrill Light moved the voting stock into Paul Barringer's Irrevocable Trust and, on May 11, 2012, from the Irrevocable Trust to Paul Barringer's Revocable Trust, for which she was co-trustee.
- Merrill Light hid the fact of her being co-trustee from Hampton Luzak.
- Although Hampton has no knowledge that Merrill Light did these things, "when you hide something, then you are the person doing something in the wrong."
- Hampton's alleged scheme is based on her strong belief that Merrill "hid the fact of the co-trustee from me."[40]

In fact, there is no evidence or basis to assert that Merrill Light had any duty to inform Plaintiff that Merrill Light had become a co-trustee on February 28, 2012. Nor is there any evidence that Merrill Light moved any of her father's voting stock on May 7 or May 11, 2012 – in fact these were ministerial acts carried out by CFRC employees and counsel for CFRC, including Plaintiff's husband, Kevin Luzak, who was the CEO of CFRC in May of 2012 and actually signed the stock certificate at issue on behalf of CFRC.

There is also no evidence that anyone hid anything from Plaintiff. She had no interest in, or involvement with, CFRC, other than receiving stock dividends from it every year and having her husband employed there until he was fired in June of 2012.

Also, Plaintiff admits in Paragraph 31 of her Amended Complaint that Merrill Light told Plaintiff that Merrill Light was getting involved in her father's estate planning in early 2012. Moreover, on September 17, 2012, CFRC offered Plaintiff a seat on its Board of Directors -- where she would have been privy to all of the company's information -- but Plaintiff inexplicably turned down the offer.

[40] HL Dep., pp. 180-181.

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Plaintiff's alleged scheme fails as a matter of law because the undisputed facts show that Paul Barringer, on the advice of Robert Slane and John Jolley, who were assisting him with estate planning, decided to transfer his voting stock to his revocable trust, and Paul Barringer had Travis Bryant take care of that on the books and records of the corporation. There is no competent evidence to show that Merrill Light had any scheme to transfer her father's voting stock to his revocable trust.

Plaintiff further testified in her deposition that the May 2012 stock certificate was not valid because it did not name Merrill Light as co-trustee and did not state that her father was co-trustee of Mr. Barringer's revocable trust. However, no duty was owed by either Mr. Barringer or Merrill Light to inform Plaintiff that there was a co-trustee, and the Trust Agreement provided: "During the Settlor's lifetime, during such period as the Settlor and Merrill Barringer Light shall be serving as Co-Trustees, either shall have the express authority to act alone on behalf of the Trust or any subtrusts created hereunder."[41] Thus, either co-trustee could act and bind the trust. Paul Barringer was the trustee who made the change to his trust and subsequently transferred the stock to Merrill Light.

Plaintiff can prove none of the elements of fraud, and Merrill Light is, therefore, entitled to summary judgment as to the Eleventh Cause of Action.

TWELFTH CAUSE OF ACTION

Plaintiff's Twelfth Cause of Action alleges that Defendants wrongfully took property from Decedent Paul Barringer and that they are liable to the Plaintiff for conversion. Conversion is defined as the unauthorized assumption and exercise of the right of ownership over goods or

[41] See First Amendment and Restatement of Trust Agreement of Paul B. Barringer, II, dated February 28, 2012.

personal chattels belonging to another to the exclusion of the owner's rights. SSI Med. Servs., Inc. v. Cox, 301 S.C. 493, 498, 392 S.E.2d 789, 792 (1990).

Plaintiff claims that Merrill and Randy Light converted property of Paul Barringer to their personal use. However, Plaintiff was not the owner of the alleged converted property, and, therefore, she does not have standing to bring this claim. Carson v. CSX Transp., Inc., 400 S.C. 221, 242, 734 S.E.2d 148, 159 (2012). In addition, there is no evidence that the Lights wrongfully took any property from Paul Barringer. As set forth above, the undisputed, competent evidence is that Paul Barringer gifted the CFRC voting stock to Merrill Light on September 11, 2012.

Defendant Merrill Light is entitled to summary judgment as to the Twelfth Cause of Action.

THIRTEENTH CAUSE OF ACTION

The Thirteenth Cause of Action alleges that Hampton Luzak is entitled to a constructive trust, because Merrill Light has been unjustly enriched "by her appropriation of Decedent's assets and Hampton Luzak's interests and expectancy and that it is inequitable for [Mrs.] Light to retain such assets without fully paying for their value." These were not Plaintiff's assets that she claims were misappropriated. Again, Plaintiff has no standing to bring any action on behalf of Paul Barringer. Carson v. CSX Transp., Inc., 400 S.C. 221, 242, 734 S.E.2d 148, 159 (2012).

In addition, Plaintiff's *constructive trust* argument fails because she has not shown that Merrill Light did anything inequitable to obtain legal title to property—much less met her burden of supporting her constructive trust claim through "clear, definite, and unequivocal" evidence. Lollis v. Lollis, 291 S.C. 525, 529, 354 S.E.2d 559, 561 (1987). Bald accusations that Mr. Barringer was incapacitated or subject to undue influence, all of which go against the only competent evidence in the case, testimony[42] and medical records, do not prove that the Lights did

[42] Plaintiff does not have any personal knowledge of Mr. Barringer's mental capacity at the time of the testamentary acts. Instead, she relies exclusively on her own testimony to attempt to establish that Paul Barringer was

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anything inequitable. The mere fact that Mrs. Light ended up with more voting stock than Plaintiff is not "clear, definite, and unequivocal" evidence sufficient to support imposing a constructive trust. Id. at 530.

As set forth above, Merrill Light was the designated beneficiary of transfers and bequests from Paul Barringer, and there is no evidence that Merrill Light was unjustly enriched. Defendant Merrill Light is entitled to summary judgment as to the Thirteenth Cause of Action.

FOURTEENTH CAUSE OF ACTION

This cause of action appears to be requesting the same relief as the Thirteenth Cause of Action, and Defendant Merrill Light is entitled to summary judgment as to this duplicative cause of action as well.

FIFTEENTH CAUSE OF ACTION

This cause of action requests a resulting trust. For the same reasons and legal precedent set forth above relating to the Thirteenth and Fourteenth Causes of Action, Defendant Merrill Light is entitled to summary judgment as to the Fifteenth Cause of Action.

SIXTEENTH CAUSE OF ACTION

Plaintiff's Sixteenth Cause of Action alleges a breach of fiduciary duty, self-dealing, and conflict of interest by the Lights. Plaintiff claims that, as co-trustee of Paul Barringer, II Revocable Trust, Merrill Light owed a fiduciary duty to Paul Barringer and to the beneficiaries of his revocable trust. Merrill Light acknowledges that she owed a fiduciary duty to Paul Barringer, the Settlor, during his lifetime, and that she abided by his wishes at all times

Plaintiff's claim of breach of fiduciary duty against Merrill Light as a co-trustee of Mr. Barringer's revocable trust is barred by a well-established principle of trust law: the trustee of a

incapacitated at the time of execution of the relevant documents, but this is insufficient to withstand summary judgment under South Carolina law.

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revocable trust does not owe duties to the beneficiaries during the life of the Settlor. See S.C. Code Ann § 62-7-603. Thus, Plaintiff has no viable claim for Merrill Light's handling of her duties as co-trustee prior to Mr. Barringer's death on May 30, 2016, the time period in which all of the alleged actions took place.

Plaintiff also seems to claim that Merrill Light somehow owed Plaintiff a fiduciary duty, because Plaintiff "fortuitously met [Merrill] Light while standing in their parents' driveway [and Merrill Light] informed Plaintiff that …she was getting involved in her father's estate planning." If this statement was in fact made, it is undisputed that it was accurate, and in any event, it certainly did not somehow create a fiduciary responsibility to Plaintiff from Merrill Light.

Defendant Merrill Light is entitled to summary judgment as to the Sixteenth Cause of Action.

SEVENTEENTH CAUSE OF ACTION

The Seventeenth Cause of Action claims that the Lights intentionally interfered with "inheritancy and gift." No South Carolina appellate court has adopted such a cause of action, so Defendant Merrill Light is entitled to summary judgment as to this claim.

A South Carolina District Court has issued an opinion predicting that, if the South Carolina Supreme Court were given the opportunity to adopt such a cause of action in the right case, it would do so. Wellin v. Wellin, 135 F. Supp. 3d 502, 517 (D.S.C. 2015). The District Court opined that the elements of an Intentional Interference with Inheritance (IIWI) cause of action are: (1) the existence of an expectancy (2) an intentional interference with that expectancy through tortious conduct (3) a reasonable certainty that the expectancy would have been realized but for the interference and (4) damages. Id.

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As set forth above, Plaintiff does not have even a scintilla of evidence to support a finding of tortious conduct by Merrill Light—let alone one that interfered with her inheritance.

In addition, Plaintiff has no evidence to support any of her "on information and belief" allegations in the Seventeenth Cause of Action, and the only competent evidence is that Paul Barringer made his own testamentary and gift decisions without input from Defendant Merrill Light.

Defendant Merrill Light is entitled to summary judgment as to the Seventeenth Cause of Action.

EIGHTEENTH CAUSE OF ACTION

Plaintiff's Eighteenth Cause of Action seeks attorneys' fees and costs. Plaintiff has given no basis for such an award to her, and she has no evidence to support such an award. Defendant Merrill Light is entitled to summary judgment as to the Eighteenth Cause of Action.

NINETEENTH CAUSE OF ACTION

In her last cause of action, Plaintiff attempts to set forth a claim of civil conspiracy against the Lights.[43] Her allegations claim that the Lights, with "Robert Slane and various agents or representatives of CFRC, including but not limited to Travis Bryant, conspired among themselves for the purpose of injuring Plaintiff Hampton Luzak."[44] Plaintiff then claims that CFRC, under the "control" of Mrs. Light, "has made plans to sell, and has sold, integral portions of the business" and, because of that, Plaintiff "will be unable to continue participating in the Barringer family

[43] The tort of civil conspiracy has three elements: (1) a combination of two or more persons, (2) for the purpose of injuring the plaintiff, and (3) causing special damage. Vaught v. Waites, 300 S.C. 201, 208, 387 S.E.2d 91, 95 (Ct. App. 1989).

[44] Robert Slane testified that he knew of no conspiracy and has not participated in any conduct to injure Plaintiff. RS Dep., pp, 133-135.

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business and will be unable to enjoy the lifetime benefits of having one's own business for her family, including her husband and son, to work in." Amended Complaint, Para. 192.

As Plaintiff has admitted under oath, the only involvement that she ever had with CFRC was serving as an intern while she was in high school.[45] In response to questions concerning her ever wanting to work at CFRC, she repeatedly testified, "I don't know."[46] In any event, Plaintiff never worked for CFRC other than a high school internship, and she never served on the Board of Directors even though she was offered such position. Her only participation in her family business was to receive dividends and have her husband be paid a salary.

As Plaintiff admitted in her deposition, at the time, seven years had passed, and no one had sold CFRC, so there is no basis for her claim of Merrill Light "selling the company."[47] As with all of Plaintiff's claims, there is no factual basis for her civil conspiracy claim. Any sale of CFRC would have to be conducted in accordance with CFRC's governing documents and Virginia law, and the Court should grant summary judgment with respect to this throw-away allegation at the end of Plaintiff's nineteen (19) count Amended Complaint.

Hampton Luzak's spinning of supposed facts to attempt to create circumstantial evidence of a "scheme" or conspiracy on the part of her sister would only work if there were some factual basis for her spin. In this case, there is no such factual basis, and thus, Plaintiff cannot avoid summary judgment. Plaintiff admitted at her deposition that she knew of no information supporting her alleged scheme other than Merrill Light failing to disclose to Plaintiff that Merrill Light was a co-trustee of her father's trust.[48] When asked if there were any witnesses who could

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[45] HL Dep., p. 84.
[46] HL Dep., pp. 84-85, 95
[47] HL Dep., pp. 65-67.
[48] HL Dep., pp. 130-135. See, also, RS Dep., pp. 131-133 (there is no obligation on a parent to disclose an estate plan to his children).

testify about this alleged scheme, Plaintiff gave the names of Merrill Light, John Jolley and "possibly Travis Bryant."[49] Merrill Light has testified that she had nothing to do with Paul Barringer's decision to give her the voting stock.[50] Plaintiff has not produced even a scintilla of evidence of a scheme by Merrill Light to unduly influence or make Paul Barringer give his voting stock to her.

Defendant has presented uncontradicted evidence that Paul Barringer made his own decisions relative to the running of his business CFRC, as well as the manner in which he wanted his assets disbursed on his death in his amendments to his revocable trust and his transfer of the voting stock to Merrill Light. There is no evidence that anyone threatened or coerced Mr. Barringer to sign these documents or that anyone exercised power over Mr. Barringer to make him do something that he did not want to do. The only evidence is that Mr. Barringer had unrestricted ability to talk to whomever he chose to talk to, and that he made the decisions set forth in the documents executed by him, in part because of the way Plaintiff attacked him in early July of 2012 and continuing thereafter.

Defendant Merrill Light is entitled to summary judgment as to the Nineteenth Cause of Action.

CONCLUSION

Plaintiff brought this action over four (4) years ago based "upon information and belief." During the subsequent four years, Plaintiff has been unable to present even a scintilla of competent evidence to support ***any*** of her 19 claims. This is a frivolous action brought to harass and intimidate Plaintiff's remaining family members because her father elected to cut her and her husband out of the operation of the company that he founded and ran for fifty (50) years. The only

[49] HL Dep., p. 137.
[50] ML Dep., see prior citations.

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person who ever tried to influence Paul Barringer to do something that he did not want to do was Kevin Luzak, and he failed, because at the time, Mr. Barringer knew what he wanted to do and did it. Defendant Merrill Light is entitled to summary judgment as to all causes of action.

Respectfully submitted,

s/ Alice F. Paylor
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Attorneys for Defendants Merrill B. Light, individually and as Trustee

September 8, 2020

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STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

IN THE MATTER OF:
Estate of Paul Brandon Barringer, II.

Hampton B. Luzak,
Plaintiff,

vs.

Merrill B. Light, Merrill U. Barringer, As Personal Representative of the Estate of Paul Brandon Barringer, II, J. Randolph Light, Jr., Merrill B. Light as putative trustee of the Paul B. Barringer, II, Revocable Trust dated December 4, 1998, and Merrill B. Light as Trustee of the Merrill Barringer Light Revocable Trust,
Defendants.

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT

Case No.: 2016-CP-07-1919

REPORT OF
AMY E. SANDERS, MD, MS, FAAN

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I, Amy Elaine Sanders, state as follows:

1. I am licensed physician practicing in geriatric neurology. Currently I am the Director of the Hartford Healthcare Memory Care Center in Wethersfield, CT. Previously I was the Director of Cognitive and Behavioral Neurology at SUNY Upstate Medical University in Syracuse, New York. My primary clinical and research interests focus on neurocognitive function in older adults, including evaluation and management of Alzheimer's disease and related disorders. I earned my medical degree at SUNY Downstate College of Medicine in Brooklyn, New York in the spring of 2002. I completed a medical internship at St. Luke's-Roosevelt Hospital Center in Manhattan followed by a three-year neurology residency at Albert Einstein College of Medicine/Montefiore from 2003 to 2006. I then completed a two-year clinical research fellowship in aging and dementia at the Einstein Aging Study in the Bronx, New York. I am board-certified in Neurology by the American Board of Psychiatry and

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Neurology. In addition, I completed a Master of Science, with distinction, in clinical research methods, at the Albert Einstein School of Medicine in the Bronx, New York. I am a 2016 graduate of the American Academy of Neurology's Palatucci Advocacy Leadership Forum. I have served as site Principal Investigator for numerous clinical trials in Alzheimer's disease, including the recently-concluded IDEAS trial of amyloid PET imaging in the clinical management of Alzheimer's disease. Additionally, I am a member of the International Society to Advance Alzheimer's Research and Treatment (ISTAART) and the American Geriatrics Society. I am a Fellow of the American Academy of Neurology (AAN). I served as Chair of the AAN's subcommittee on Quality and Safety from 2017-2019; beginning in 2019, I became a member of the AAN's new Quality Committee. I was recently appointed to the Medical and Scientific Advisory Council of the Connecticut chapter of the Alzheimer's Association. I have been an invited reviewer for numerous scientific journals, including Neurology, Alzheimer's Disease and Associated Disorders, the American Journal of Geriatric Psychiatry, and the American Journal of Psychiatry. I have authored or co-authored more than 60 peer-reviewed publications, abstracts, and book chapters. Since 2011, I have been an active contributor to quality measure development and stewardship in Neurology, most especially on quality measure sets on the management of dementia.

2. I am associated with the following Professional Organizations, as indicated: American Academy of Neurology, Fellow; American Neuropsychiatric Association, Member; International Society to Advance Alzheimer Research & Treatment, Member; American Geriatric Society, Member; and Society for Behavioral & Cognitive Neurology, Member.

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3. I have been retained by the attorneys for the Plaintiff to offer my neurologically related opinions regarding Paul B. Barringer, II. My billing rate for nontestimonial work is $_____ per hour.

4. Attached as **Exhibit A** is a copy of my curriculum vitae.

5. I have received and reviewed the following records submitted to me from Plaintiff's counsel: Report of Examiner Dr. Paul Long regarding his evaluation of Paul Barringer and Dr. Long's Mini-Mental State Examination (MMSE) administered to Paul Barringer and submitted to the Beaufort County Probate Court by letter of J. Ashley Twombley dated April 25, 2016; Plaintiff Hampton Luzak's Amended Complaint; e-mails of February 21, 2011 between Randy Light and Kevin Luzak (Hampton Luzak 1-2); e-mails of Tom Evans and Kevin Luzak dated September 9, 2011 (Hampton Luzak 924); e-mail of Randy Light to Robert Slane dated January 3, 2012 (12-19-17 Slane Subpoena Response 758); e-mail of Randy Light dated May 3, 2012 (Hampton Luzak 127); e-mails of Brad Herring and Kevin Luzak dated June 15, 2012 (Hampton Luzak 925); Coastal Forest Resources Company (CFRC) Board of Directors Meeting Minutes dated June 28, 2012 (Hampton Luzak 200-202); letter of Michael Hagler to Bradley Herring dated June 28, 2012 (Hampton Luzak 203); letter of Bradley Herring to Michael Hagler dated June 29, 2012 (Hampton Luzak 204-205); e-mail of Michael Hagler to Merrill Light dated July 1, 2012 (Hampton Luzak 1830-1831); letter of Michael Hagler to Paul Barringer, Merrill Light and Kevin Luzak dated July 12, 2012 (Hampton Luzak 226-227); Michael Hagler e-mail to John Jolley and CFRC Board of Directors Meeting records of August 3, 2012 (Hampton Luzak 241-245); Declaration of Paul Mazzeo, M.D. dated January 20, 2016; testimony of Dr. Paul Long of April 28, 2016 in the Beaufort County, SC Probate Court; medical records of Atlantic Radiology dated December 2, 2011 (Hampton Luzak 940-941); medical notes of Dr. Paul Long

from April 3, 2012 and May 8, 2012 (Hampton Luzak 493 and 504); records of St. Joseph's Hospital from May 2-4, 2012 (Hampton Luzak -503); records of Paul Barringer from the Medical University of South Carolina (MUSC 1-347); records of Paul Barringer from Coastal Neurology (Luzak – Coastal Neurology 1-69); rough draft deposition transcript of Victor Barringer from November 4, 2019; memo from Paul Barringer to Pat dated October 2, 2012 (CFRC_HARRELL 286); and additional records of Dr. Paul Long (subsequently Bates numbered LUZAK – Paul Long, MD 1-107).

6. I offer the following opinion regarding Paul B. Barringer, II to a reasonable degree of medical certainty:

I declare that the foregoing is true to the best of my knowledge.

Signed: _____
Amy E. Sanders, M.D.

Date: December _____, 2019

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Defendants.

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT

Case No.: 2016-CP-07-1919

REPORT OF
AMY E. SANDERS, MD, MS, FAAN

I, Amy Elaine Sanders, state as follows:

1. I am a licensed physician practicing in geriatric neurology. Currently, I am the Director of the Ayer Neuroscience Institute (Hartford Healthcare) Memory Care Center in Wethersfield, CT. Previously, I was the Director of Cognitive and Behavioral Neurology at SUNY Upstate Medical University in Syracuse, NY. My primary clinical and research interests focus on neurocognitive function in older adults, including evaluation and management of Alzheimer's disease and related disorders. I earned my medical degree at SUNY Downstate College of Medicine in Brooklyn, NY in the spring of 2002. I completed a medical internship at St. Luke's-Roosevelt Hospital Center in Manhattan, followed by a three-year neurology residency at Albert Einstein College of Medicine/Montefiore from 2003 to 2006. I then completed a two-year clinical research fellowship in aging and dementia at the Einstein Aging Study in the Bronx, NY. I am board-certified in Neurology by the American Board of Psychiatry

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3. I have been retained by the attorneys for the Plaintiff to offer my neurologically related opinions regarding Paul B. Barringer, II. My billing rate for non-testimonial work is $_500__ per hour.

4. Attached as **Exhibit A** is a copy of my curriculum vitae.

5. I have received and reviewed the following records submitted to me from Plaintiff's counsel: Report of Examiner Dr. Paul Long regarding his evaluation of Paul Barringer and Dr. Long's Mini-Mental State Examination (MMSE) administered to Paul Barringer and submitted to the Beaufort County Probate Court by letter of J. Ashley Twombley dated April 25, 2016; Plaintiff Hampton Luzak's Amended Complaint; e-mails of February 21, 2011 between Randy Light and Kevin Luzak (Hampton Luzak 1-2); e-mails of Tom Evans and Kevin Luzak dated September 9, 2011 (Hampton Luzak 924); e-mail of Randy Light to Robert Slane dated January 3, 2012 (12-19-17 Slane Subpoena Response 758); e-mail of Randy Light dated May 3, 2012 (Hampton Luzak 127); e-mails of Brad Herring and Kevin Luzak dated June 15, 2012 (Hampton Luzak 925); Coastal Forest Resources Company (CFRC) Board of Directors Meeting Minutes dated June 28, 2012 (Hampton Luzak 200-202); letter of Michael Hagler to Bradley Herring dated June 28, 2012 (Hampton Luzak 203); letter of Bradley Herring to Michael Hagler dated June 29, 2012 (Hampton Luzak 204-205); e-mail of Michael Hagler to Merrill Light dated July 1, 2012 (Hampton Luzak 1830-1831); letter of Michael Hagler to Paul Barringer, Merrill Light and Kevin Luzak dated July 12, 2012 (Hampton Luzak 226-227); Michael Hagler e-mail to John Jolley and CFRC Board of Directors Meeting records of August 3, 2012 (Hampton Luzak 241-245); Declaration of Paul Mazzeo, M.D. dated January 20, 2016; testimony of Dr. Paul Long of April 28, 2016 in the Beaufort County, SC Probate Court; medical records of Atlantic Radiology dated December 2, 2011 (Hampton Luzak 940-941); medical notes of Dr. Paul Long

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from April 3, 2012 and May 8, 2012 (Hampton Luzak 493 and 504); records of St. Joseph's Hospital from May 2-4, 2012 (Hampton Luzak -503 and Luzak-St. Joseph 1-292); records of Paul Barringer from the Medical University of South Carolina (MUSC 1-347); records of Paul Barringer from Coastal Neurology (Luzak – Coastal Neurology 1-69); records of Paul Barringer from Dr. William Garrett, a neurologist in Savannah, GA (Luzak- Wm. Garrett MD 1-213); rough draft deposition transcript of Victor Barringer from November 4, 2019; memo from Paul Barringer to Pat dated October 2, 2012 (CFRC_UARRBLL 286); and additional records of Dr. Paul Long (subsequently Bates numbered LUZAK – Paul Long, MD 1-107); and documents Bates numbered 2-12-20 MUB's Suppl Document Production 1-768.

6. I reserve the right to amend or supplement this Report upon receipt of additional records or other evidence pursuant to the matter.

I offer the following opinion regarding Paul B. Barringer, II to a reasonable degree of medical certainty: "Dementia," an oft-misunderstood term, defines a syndrome that occurs when an individual has impairment in more than one kind of thinking and such impairment is severe enough that it impedes the individual's ability to function at the level established by prior ability, occupation, and education. Alzheimer's disease is a form of dementia, and it is the most commonly-occurring dementia in epidemiologic terms, by a considerable margin. Patients can become "vulnerable persons" even in the early stages of the disease, meaning that they are susceptible to undue influence in decision-making. The disease is inexorably progressive, so this situation only worsens over time. The pace and rate at which worsening of vulnerability due to progression of disease is different for each individual: the disease itself has no "universal playbook," and thus it affects each person in a unique manner. Persons with AD may have

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trouble reasoning, following chronologies, making decisions, and evaluating complex information. This can occur as early as the mild stage of the disease and is expected by the time the moderate disease stage is reached. "Processing speed," or the rate at which an individual can process information being presented to them, is often affected early in the disease course and it can be difficult to ascertain whether and to what degree impaired processing speed might impede understanding of complex and interrelated concepts.

Mr. Barringer's medical records depict an elderly man with progressive cognitive impairment over a period of at least six years, beginning in 2009 or 2010 and culminating in 2016. In mid-September 2011, Mr. Barringer's then-primary care physician, Dr. Daniel Becker, noted "a lot of word finding difficulty." In November 2011, Dr. Paul Long, an internist in Hilton Head, opined that Mr. Barringer had "dementia" and that he had informed Mr. Barringer that "he really cannot calculate or do anything much with short-term memory;" Dr. Long initiated therapy for moderate Alzheimer's disease with donepezil and memantine at that time. In December 2011, Dr. William Garrett, a general neurologist then in Savannah, GA, eported a decline in abstract reasoning (Mr. Barringer could not explain the similarity between a watch and a ruler) and thought it likely that Mr. Barringer suffered from mild cognitive impairment, a prodromal dementia state.

In February 2012, Dr. Long again opined that Mr. Barringer "has dementia" and in April 2012 specified his opinion further by noting "expressive aphasia," describing Mr. Barringer as "missing words. He cannot think of words. He knows what he wants to say but he cannot express the word. It is very frustrating to him." On 05/02/2012, during Mr. Barringer's hospitalization at

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St. Joseph's Hospital in Savannah, GA, he was seen in neurological consultation by Jessica F. Carter, MD, who noted that "he is aphasic. He has difficulty following two-step commands….When I ask him to show my [sic] two fingers, he does have difficulty with this. He can start to give a reasonable history about his past work experience; however, he does have paraphasic errors throughout." Dr. Carter feared for an acute infarct, which was subsequently ruled out by magnetic resonance imaging (MRI). The MRI did reveal a moderate degree of atrophy for age, especially in the temporal lobes, which is consistent with a neurodegenerative process but not specific as to etiology. Of note, she also wondered about the possibility of primary progressive aphasia, which is a type of frontotemporal lobar degeneration, an uncommon cause of the dementia syndrome. The primary urologist in charge of Mr. Barringer's care during the hospitalization described him as confused and largely unable to give his own medical and urological histories. Mr. Barringer was ultimately discharged on donepezil, a cholinesterase inhibitor used most commonly in the treatment of Alzheimer's disease, and quetiapine, an antipsychotic medication.

Mr. Barringer was evaluated by Dr. David L. Bachman, an MUSC Professor of Neurology specializing in cognitive impairment and dementia, in late May 2012. Dr. Bachman assessed Mr. Barringer as having a 'pre-existing dementia with prominent word finding difficulty….most likely… mild Alzheimer's disease". Dr. Bachman also documented other changes: Mr. Barringer had "….became very angry and upset with business associates. Suspiciousness has increased within the last week…..forgetting significant issues – such as buying a building or forgetting a bank deposit." At the time of Dr. Bachman's evaluation, Mr. Barringer's mini-mental state exam (MMSE) score was 24 out of a possible 30 points. This is

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just below the formal cutoff of 26 for normal performance. However, it is recognized that the MMSE has a "ceiling effect," meaning that the test is so easy that most people with intact cognition will attain a maximal score. Thus, in someone of Mr. Barringer's accomplishments and high occupational complexity, a score of 24 would be consistent with a moderate degree of cognitive decline. It is my opinion, within a reasonable degree of medical certainty, that by mid-2012, Mr. Barringer was cognitively compromised not only by Alzheimer's disease, as diagnosed by multiple neurologists, but also on the grounds of deficits in abstract reasoning and inability to understand concepts and language: Mr. Barringer was an entrepreneur who had built a family empire, yet by this time he was unable to follow a simple command to show two fingers and he could not figure out what features are shared by a watch and a ruler. As such, he would have been susceptible to undue influence, coercion, and mistakes in judgment. By September 2012, Dr. Bachman was describing Mr. Barringer as having "probable" Alzheimer's disease and his donepezil dose was increased to 10 mg daily. Dr. Bachman referred Mr. Barringer for an FDG PET scan (0919/2012), which revealed "significant hypometabolic activity…in the bilateral parietotemporal cortices most compativel [sic] with Alzheimers [sic]."

In March of 2013, Dr. Bachman expressed his "concern regarding patient's role in his company…I am concerned about the stress of having to keep up with the demands of a complex business." In April of 2013, Mr. Barringer was evaluated at the Greenbrier Clinic (White Sulphur Springs, WV), an "executive" concierge clinic; again the diagnostic impression was of "progressive dementia which [sic] is probably of the Alzheimer's variety" and memantine was added to donepezil. In September of 2013, when Mr. Barringer saw neurologist Garrett in Savannah, GA, he admitted to "short term memory loss, some mild disorientation at times and

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some trouble with names….his wife has noted this as well and does feel that this is slowly progressive.".

In January 2014, Mr. Barringer returned to see Dr. Garrett, who described anosognosia, or inability to perceive one's illness: "Mr. Barringer tells me the only change in the last few months is that he is now 'older.'" Dr. Garrett noted a different perspective from Mr. Barringer's wife, whom he described as noting "that he seems 'a little worse.' She notes that he often forgets a lot of his friend's [sic] names and appointments they make." By this time, Mr. Barringer's MMSE score had declined to 13/30, prompting Dr. Garrett to describe Mr. Barringer's dementia as having reached the moderate stage. In December of 2014, Dr. Garrett noted an interval "obvious decline in his cognitive ability."

By early 2015, when Mr. Barringer signed a new durable power of attorney document, Mr. Barringer was on maximal AD therapy with a 13.3 mg Exelon patch and 28 mg XR memantine daily and had reached the moderate-severe stage of disease; in September his MMSE score was 4/30. By October of 2015, he appears to have been admitted to a secure adult day care program or Memory Unit, where his "Level of Dementia" was graded as "Mod/Adv" (moderate/advanced). He was described as "exit seeking….He struggles with explaining and answering questions. He has also been unshaven and wearing dirty clothes."

By January of 2016, Mr. Barringer was no longer independent even in the most basic activities of daily living and he was described by Dr. Mazzeo of Coastal Neurology as an "incapacitated person." In February of 2016, he was noted by Dr. Paul Long, his primary care

ROA 001243

physician, to be anxious and to be having "outburst psychosis dementia." In April of 2016, Mr. Barringer scored only a single point on the MMSE. He died a month later, in May of 2016.

I declare the foregoing to be true to the best of my knowledge.

Signed: _____

Amy R. Sanders, MD, MS, FAAN

Date: July 2, 2020

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STATE OF SOUTH CAROLINA)
: IN THE COURT OF COMMON PLEAS
COUNTY OF BEAUFORT)

Hampton B. Luzak,)
)
Plaintiff,)
)
-vs-) C.A. No.: 2016-CP-07-1919
)
Merrill B. LIght, Merrill U.)
Barringer, as Personal)
Representative of the Estate)
of Paul Brandon Barringer, II,)
J. Randolph Light, Jr.,)
Merrill B. Light as putative)
trustee of the Paul B.)
Barringer, II Revocable Trust)
dated December 4, 1998, and)
Merrill B. Light as trustee)
of the Merrill Barringer Light)
Revocable Trust,)
)
Defendants.)

The following transcript was transcribed from audio tape provided by William M. Hogan.

SUE N. HAYNIE, Court Reporter

PARTIES INVOLVED:

Paul Barringer

Kevin Luzak

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PAUL B. BARRINGER: I'll just tell you what the problems are. And I've got it sort of been working on it today all day. We've got some problems, as you know, and I was talking to Merrill about it, you know, over time and this afternoon. I mean, but she's like I am, she's shocked that we haven't been kept apprised of all this stuff.

KEVIN LUZAK: Who's shocked?

PAUL B. BARRINGER: Huh?

KEVIN LUZAK: Who, which Merrill, your wife or daughter?

PAUL B. BARRINGER: Well, everybody to tell you the truth.

KEVIN LUZAK: What haven't you been kept apprised of?

PAUL B. BARRINGER: Okay, I'll tell you. Let's start with just zero. And, you know, these things of you've brought them out and things mean nothing to me. I mean, I didn't approve them, I don't even remember them. I've gone through all my, I have all of these, I'm not going to go through, dig down. It took me half an hour yesterday to get that on. But the big problem I'm having is I'm not being informed of anything. And I don't want to have every little old thing brought in to me, but I am, it is my company and I want you to remember that.

KEVIN LUZAK: What haven't you been informed of?

PAUL B. BARRINGER: Huh?

KEVIN LUZAK: What haven't you been informed of?

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PAUL B. BARRINGER: Well, I'll go through them all.

KEVIN LUZAK: Okay.

PAUL B. BARRINGER: And, you know, that's just not going to work. I'll just tell you that. Alright. First thing I'm thinking about, this Coastal holdings, it ain't working. It's, you know, it's losing their ass off. As far as I know, we're going to continue to. I've talked to Travis a little bit about it. It's just not working. I don't know what we're doing. I think the Alexandria deal was just a, how we did it. By the way, that was in Washington, just was not going to have it in Washington.

KEVIN LUZAK: What was in Washington?

PAUL B. BARRINGER: The one that you were going to buy. Do you know what I'm talking about?

KEVIN LUZAK: No.

PAUL B. BARRINGER: Huh?

KEVIN LUZAK: No.

PAUL B. BARRINGER: You know the Washington ...

KEVIN LUZAK: That's Alexandria.

PAUL B. BARRINGER: Huh?

KEVIN LUZAK: That's Alexandria.

PAUL B. BARRINGER: No, no, the Washington Heights.

KEVIN LUZAK: Yeah, that's just something that we were looking at.

PAUL B. BARRINGER: Huh?

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KEVIN LUZAK: That's something they were looking at.

PAUL B. BARRINGER: But it's dead.

KEVIN LUZAK: It was never looked at, just something they were looking at.

PAUL B. BARRINGER: Okay. It ain't working. I mean, we are tied to these things. Tell me, let's just go through these things and just tell me what you are talking about. And these are things that came out I had never seen them.

KEVIN LUZAK: Is that the papers you sent me yesterday?

PAUL B. BARRINGER: These are the same ones. They're not marked. I don't know which, I don't know what Cramp, Christ, I've never heard of that.

KEVIN LUZAK: That's an entity that was going to be formed to get fees from third party investors.

PAUL B. BARRINGER: Well, I mean, you did it ...

KEVIN LUZAK: No, Paul.

PAUL B. BARRINGER: Huh?

KEVIN LUZAK: Paul.

PAUL B. BARRINGER: I don't know what ...

KEVIN LUZAK: Nothing has been done.

PAUL B. BARRINGER: Well, what was this? What was this? I mean, it just says 80 percent employees, Coastal Forest Holdings, and then Cramp and I don't know what that is.

KEVIN LUZAK: It's an entity that was going to be formed to earn fees from third party investors.

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PAUL B. BARRINGER: Well, it's ownership structured.
KEVIN LUZAK: Yeah, of this entity.
PAUL B. BARRINGER: Huh?
KEVIN LUZAK: Of this entity that was going to be formed.
PAUL B. BARRINGER: Well, that's, that's ownership ...
KEVIN LUZAK: Paul?
PAUL B. BARRINGER: Huh?
KEVIN LUZAK: Paul, Paul. If you want to ask me questions and if you want me to answer things, I'm happy to do it. You're not listening to anything I'm saying, okay.
PAUL B. BARRINGER: Well, I don't know what to ...
KEVIN LUZAK: You're not listening to anything I'm saying.
PAUL B. BARRINGER: Okay.
KEVIN LUZAK: And you haven't for a long time, Paul.
PAUL B. BARRINGER: Well.
KEVIN LUZAK: You're not listening to anything I'm saying to you. You have a view on what's going on. You think I'm doing all kinds of stuff behind your back, which I am absolutely ...
PAUL B. BARRINGER: Well, I, you did not tell me what ...
KEVIN LUZAK: I've kept nothing. You were completely informed. All this stuff, anything that is discussed with

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you is discussed way ahead of any kind of execution for your approval and your consideration, the same with all the shareholders.

PAUL B. BARRINGER: No way. No way. It's not. It's not.

KEVIN LUZAK: Okay.

PAUL B. BARRINGER: It's not, it's not. I never heard of it.

KEVIN LUZAK: I know you believe that and that's, you know.

PAUL B. Now, yeah, I do. But if that's the way it's going to be, it ain't going to work.

KEVIN LUZAK: Paul, you haven't even, you didn't listen to what I just said.

PAUL B. BARRINGER: Yes, I did.

KEVIN LUZAK: No, you didn't. No, you didn't. What I just told you was everything that's ever done is discussed with you ahead of time for your approval ...

PAUL B. BARRINGER: Well, I'm saying it was not.

KEVIN LUZAK: Everything, first of all, nothing has been done. The only thing that's been done is the Five Guys' investment and the Alexandria investment, both of which you approved.

PAUL B. BARRINGER: I didn't have anything about all these people, these Davids and all that stuff. I never was

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involved.

KEVIN LUZAK: You met David King.

PAUL B. BARRINGER: Well, I saw him after he was here. I don't like him either.

KEVIN LUZAK: Okay.

PAUL B. BARRINGER: Personally, because, I mean, he didn't even know who I was and said, you know, Trump something. I forgot what it was.

KEVIN LUZAK: Was that David King or Steve Jones?

PAUL B. BARRINGER: David King, I think.

KEVIN LUZAK: David King is the real estate guy, Steve Jones is the ...

PAUL B. BARRINGER: I didn't know any of them. The worst thing you did, you have done in a long time, is when we got up you said, "We're going to continue this without the ..."

KEVIN LUZAK: Paul, Paul. That never happened. That never happened.

PAUL B. BARRINGER: It made little Merrill so ...

KEVIN LUZAK: Call Merrill up on the phone right now on the speaker phone and ask her, right now.

PAUL B. BARRINGER: I'm not going to do it. I'm not going to ...

KEVIN LUZAK: Well then I will. What's her number? What's her number? What's her number? Let's call her. It

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never happened. You're worrying about this thing that never happened. You were never excused. You got up and left after lunch.

PAUL B. BARRINGER: What?

KEVIN LUZAK: Oh, Paul. You got up and abruptly left right after lunch. You finished your sandwich and you got up and left.

PAUL B. BARRINGER: No.

KEVIN LUZAK: Yes.

PAUL B. BARRINGER: No. You mean you're talking about in Charleston?

KEVIN LUZAK: Yes.

PAUL B. BARRINGER: At that thing?

KEVIN LUZAK: At the Board Meeting.

PAUL B. BARRINGER: You said we will not, we will continue this without the, and all of them got up.

KEVIN LUZAK: It never happened. It never happened. Paul, it never happened. Listen to me. Listen.

PAUL B. BARRINGER: Well, that ain't what everybody said.

KEVIN LUZAK: Listen to me. Listen. Who is everybody? I'm asking you to call Merrill and ask her, she was there.

PAUL B. BARRINGER: I don't, to tell you the truth, I don't want to get her involved.

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KEVIN LUZAK: You said she's already infuriated about this.

PAUL B. BARRINGER: I have talked to her. I've already talked to her about it. I've talked to her.

KEVIN LUZAK: Paul, Paul, it didn't happen.

PAUL B. BARRINGER: The guy through this thing ...

KEVIN LUZAK: It never happened. Paul, it never happened.

PAUL B. BARRINGER: Don't you remember that ...

KEVIN LUZAK: It never happened. The only thing that happened, please listen to me and don't talk, okay.

PAUL B. BARRINGER: Okay.

KEVIN LUZAK: Please listen to what I'm saying. The only thing, you ate your sandwich, you got up and you left. That's what happened. And Merrill looked at me because you got up abruptly and walked out. That's what happened.

PAUL B. BARRINGER: Well, you said ...

KEVIN LUZAK: That's what happened.

PAUL B. BARRINGER: You said ...

KEVIN LUZAK: I never said that.

PAUL B. BARRINGER: Mark Sanford told me about it. He said, "Why didn't you get to ...

KEVIN LUZAK: Mark Sanford, Paul ...

PAUL B. BARRINGER: Mark Sanford even knew about it.

KEVIN LUZAK: Paul, it did not happen.

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PAUL B. BARRINGER: I remembered Tom ...

KEVIN LUZAK: Paul, it didn't happen.

PAUL B. BARRINGER: ... tom and all of them looking at me sort of why and we all left.

KEVIN LUZAK: Paul, it didn't happen. It didn't happen.

PAUL B. BARRINGER: You know ...

KEVIN LUZAK: And, again, if you believe it happened, why don't we call Merrill and ask her.

PAUL B. BARRINGER: Well, I don't want to get ...

KEVIN LUZAK: Why don't we call Mark Sanford and ask him? Why don't we call Tom Evans and ask him?

PAUL B. BARRINGER: Well, what do you think I did. We all went out.

KEVIN LUZAK: You got up and walked out. That's what happened.

PAUL B. BARRINGER: And you didn't say anything like ...

KEVIN LUZAK: No. Of course not.

PAUL B. BARRINGER: We're going to get up and management is going to take 80 percent and ...

KEVIN LUZAK: Paul, I just explained to you what that was.

PAUL B. BARRINGER: And y'all will get 20 percent.

KEVIN LUZAK: I have just explained to you what that was. That was were respect to a very small entity that was going to be dealing with third party investors. I've

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already explained that to you.

PAUL B. BARRINGER: Alright, that's another thing. Let's just go through the things.

KEVIN LUZAK: Paul, I mean, you're ...

PAUL B. BARRINGER: Let's just go through them, go threw them to see what you say. Real Estate vehicle. I had never heard of it. And then I had no explanation of it. What I heard, I don't like, basic structure. CFRC commits to dividends, $28 million of timber land to CH over five years pro rata with contributions of third party investors. And we're not going to do that. I'm not going to do it. You can do it with somebody else.

KEVIN LUZAK: Paul, on all these things?

PAUL B. BARRINGER: Huh?

KEVIN LUZAK: On all these things and we don't need to ...

PAUL B. BARRINGER: Just about.

KEVIN LUZAK: Wait, wait, wait. Again, you're not listening to what I'm saying.

PAUL B. BARRINGER: Okay.

KEVIN LUZAK: I'm going to make a statement, okay.

PAUL B. BARRINGER: Okay.

KEVIN LUZAK: On all these things, you and the shareholders tell me what you want to do and that's what we're going to do.

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PAUL B. BARRINGER: Okay.

KEVIN LUZAK: Okay. So we don't need to go through chapter and verse because you've already been through every single one of these, okay. You guys tell me, you go back and you guys, you and the girls and whoever else you want to involve in that decision ...

PAUL B. BARRINGER: It just has to be everybody.

KEVIN LUZAK: Okay. Then you guys tell me what you want to do and I will do it. I don't care. It's not my company. It's not my money. I'm trying to do the right thing for you guys.

PAUL B. BARRINGER: If you're thinking that way, why do you come out here timber lands? Nothing. Own your own mineral rights or whatever it is, own mineral rights on 61 acres and ...

KEVIN LUZAK: Okay. Paul, okay ...

PAUL B. BARRINGER: And we have all that. Why did you tell anybody about that, particularly the employees?

KEVIN LUZAK: This was from a Board Meeting. This is from the February Board Meeting.

PAUL B. BARRINGER: It wasn't, I don't ...

KEVIN LUZAK: Paul, I've already, wait, wait, wait. Wait, wait, wait. Paul, again, please listen to me. I've gone through every one of these pages. They are from two presentations.

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PAUL B. BARRINGER: I ...

KEVIN LUZAK: You're not listening.

PAUL B. BARRINGER: I heard ...

KEVIN LUZAK: You're not listening.

PAUL B. BARRINGER: Okay.

KEVIN LUZAK: I've gone through everyone of these pages for you. These pages with the Coastal Lumber Company logo are from the February Board Meeting.

PAUL B. BARRINGER: Right.

KEVIN LUZAK: The pages without the logo are from the March 2011 Executive Management Committee Meeting with you, Tom, and Travis.

PAUL B. BARRINGER: Well, I'm not going to look ...

KEVIN LUZAK: I'm telling you that's what they are.

PAUL B. BARRINGER: I have every one we've done.

KEVIN LUZAK: Then they're in there.

PAUL B. BARRINGER: Every single one. I'm not going to spend all day trying to go ...

KEVIN LUZAK: Paul, let me ask you a question. Do you think I'm lying?

PAUL B. BARRINGER: No.

KEVIN LUZAK: Okay. Then don't bother ...

PAUL B. BARRINGER: I think ...

KEVIN LUZAK: Do you think you didn't these? Because I'm telling you ...

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PAUL B. BARRINGER: I'm ...

KEVIN LUZAK: Listen to me. Again, please listen to me. I ama telling you you received both of these presentations. I have done the research, I am telling you ...

PAUL B. BARRINGER: What was the presentation?

KEVIN LUZAK: This was from the February 2012 Board Meeting.

PAUL B. BARRINGER: Well, I've got it right here, but I'm not going to go through these.

KEVIN LUZAK: You received it. So it was not given to the employees, it was discussed with the Board and the Shareholders at the Board Meeting and it is totally appropriate to talk to the Board about what we have, right?

PAUL B. BARRINGER: Not really.

KEVIN LUZAK: No?

PAUL B. BARRINGER: Not really.

KEVIN LUZAK: Well then why do we have a Board, Paul?

PAUL B. BARRINGER: Well, we have a Board ...

KEVIN LUZAK: We have to talk to these people about what we're doing.

PAUL B. BARRINGER: You don't talk to them. They all say you don't talk to them.

KEVIN LUZAK: Who?

PAUL B. BARRINGER: All the Board members.

KEVIN LUZAK: Paul, you're right now criticizing me for

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telling the Board too much, and then you tell me ...

PAUL B. BARRINGER: I didn't know who it went to.

KEVIN LUZAK: That was for the Board. It was for the Board.

PAUL B. BARRINGER: No.

KEVIN LUZAK: Yes.

PAUL B. BARRINGER: No.

KEVIN LUZAK: Yes, Paul. I've researched it. I've gone through to find where everyone of these pages comes from.

PAUL B. BARRINGER: Why was this with it?

KEVIN LUZAK: That was given to the Board, too, to show them where the timber land is and they have to know where the timber land is, Paul. That's our job.

PAUL B. BARRINGER: Okay, so they know about it?

KEVIN LUZAK: The Board. Of course the Board does.

PAUL B. BARRINGER: That's still, I wouldn't ...

KEVIN LUZAK: Paul, it's the Board. It's the Board. They're there to help us, they're not going to steal from us.

PAUL B. BARRINGER: We're so far apart. We are so far apart.

KEVIN LUZAK: Paul, you're not listening to me.

PAUL B. BARRINGER: I am.

KEVIN LUZAK: No, you're not.

PAUL B. BARRINGER: You're not listening to me.

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KEVIN LUZAK: I am listening to you and I'm ...

PAUL B. BARRINGER: I'm telling you, I have never seen this thing.

KEVIN LUZAK: Okay.

PAUL B. BARRINGER: Now, you don't believe it? You think I'm lying to you?

KEVIN LUZAK: I was in the meeting where I went through that and you were sitting right to my left. I'm not saying you're lying, I'm saying you don't recall it, but it happened. And similarly, Paul, I'm saying you recall a situation where I kicked you out of a meeting. When would I ever in the 20 years that you have known me, when have you ever known me to do anything disrespective toward you, much less like that? I mean, I would be shocked, too, if I were you.

PAUL B. BARRINGER: Well, the whole thing is you haven't given a damn about the Board.

KEVIN LUZAK: Paul, but they're, these are Board materials and you're telling me I told them too much.

PAUL B. BARRINGER: No, I'm not saying that at all. I'm saying if this is what it was, nobody else seemed to know about it.

KEVIN LUZAK: Okay.

PAUL B. BARRINGER: I mean, I can get it in a minute. I'm not going to go through digging all these damn things

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up. Just take it and let's go.

KEVIN LUZAK: Okay.

PAUL B. BARRINGER: Okay, timber economics investor.

KEVIN LUZAK: Right.

PAUL B. BARRINGER: I have probably not given you enough I think. We don't have investors. I don't want investors.

KEVIN LUZAK: Paul, what we were talking about doing was setting up a TIMO ...

PAUL B. BARRINGER: It was in third party things.

KEVIN LUZAK: We were going to set up a TIMO so that our foresters would have more to do. We could take advantage of how good they are and we could earn fee income on top of whatever we make from our land.

PAUL B. BARRINGER: Well, I wouldn't, I do not go to any investor. And then we're not, this Coastal Holdings, I'm canceling it right now.

KEVIN LUZAK: Paul, let me just again, let me just explain something to you.

PAUL B. BARRINGER: Yeah.

KEVIN LUZAK: I'm not talking and never would talk about having investors come in and buy our land. I'm talking about going out and getting investor money to buy more land and put it in a separate box.

PAUL B. BARRINGER: Do what now?

KEVIN LUZAK: Yeah.

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PAUL B. BARRINGER: You're going to get investors to invest with you or us into other things than timber.

KEVIN LUZAK: Uh-huh.

PAUL B. BARRINGER: Never ever would I have agreed to that.

KEVIN LUZAK: Okay.

PAUL B. BARRINGER: Never. You think I'd go in and cohort with somebody else on timber?

KEVIN LUZAK: Uh-huh.

PAUL B. BARRINGER: Are you really thinking that?

KEVIN LUZAK: We've done it.

PAUL B. BARRINGER: We have not.

KEVIN LUZAK: We did it with Hancock.

PAUL B. BARRINGER: No, we didn't.

KEVIN LUZAK: Yes, we did.

PAUL B. BARRINGER: Come on, they didn't buy into that. I mean, Jesus ...

KEVIN LUZAK: They owned stock in it. They had preferred stock.

PAUL B. BARRINGER: They don't. Well, preferred stock. They don't have ownership of the land.

KEVIN LUZAK: Paul, this would be, this would be land that we would not otherwise own. This isn't our land. This is, you know, a thousand acres in Ohio.

PAUL B. BARRINGER: What is it? I mean ...

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KEVIN LUZAK: We don't own it. We never did anything. This was discussion. This is something that we were talking about doing. We haven't done anything.

PAUL B. BARRINGER: We're on big wave lengths. Okay. Remember, I do not take investing partners. Is that clear? I never have, never will, on timber land. Are you clear on that?

KEVIN LUZAK: Yes, Paul.

PAUL B. BARRINGER: I do not take ...

KEVIN LUZAK: Paul, I got it. I got it. I got it. Go to the next one.

PAUL B. BARRINGER: Okay. Already. Timber land economics.

KEVIN LUZAK: That's the same thing. Go to the next one. We're not talking about timber land. We're not getting any other investors, we're not doing anything in holdings.

PAUL B. BARRINGER: And the CF and the CF ...

KEVIN LUZAK: No, that's from the Board Meeting.

PAUL B. BARRINGER: This probably was. I mean, I don't remember.

KEVIN LUZAK: It is because I can see the thing at the bottom.

PAUL B. BARRINGER: But right here, I've got it underlined, "Developing permanent capital model akin to a

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private ret."

KEVIN LUZAK: Right.

PAUL B. BARRINGER: I would never ...

KEVIN LUZAK: Wait, wait. That's on the timber land thing with the outside investors. We're not doing it. Put it on the pile. Let's not even talk about it, we're not doing it. Haven't done it and won't do it.

PAUL B. BARRINGER: Why was it put in there?

KEVIN LUZAK: Because it was something we were discussing as an idea.

PAUL B. BARRINGER: Okay, economics, real estate vehicle.

KEVIN LUZAK: We're not doing that, so put it on the, that's outside investors. I heard you, put it on the pile.

PAUL B. BARRINGER: You've got it, debt, personnel ...

KEVIN LUZAK: Paul, there's nothing to talk about.

PAUL B. BARRINGER: ... funding.

KEVIN LUZAK: Don't get yourself upset about it.

PAUL B. BARRINGER: Yeah, but you were going to do it.

KEVIN LUZAK: These are things that I discussed with the Board as concepts and ideas after having discussed them with you.

PAUL B. BARRINGER: At the beginning, that was true. Timber land vehicle, same thing?

KEVIN LUZAK: Throw it on the pile.

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PAUL B. BARRINGER: Alright. Outside capital.

KEVIN LUZAK: Throw it on the pile. Throw it on the pile.

PAUL B. BARRINGER: Target, $100 million outside capital and $20 million. You know what, Kevin, I've been thinking a lot about this. And I have a lot of friends in my forum, a lot of New York people, Bill Whitman Thorn who has done very well in New York. Now, you know, they've gotten into trouble. Most of them have, you know, the investment --- Most of them have, you know, investment --- I'm having trouble talking here now.

KEVIN LUZAK: No, I know what you mean. I know what you mean.

PAUL B. BARRINGER: And they have it and I would go, Whitman we had, he went public.

KEVIN LUZAK: Right.

PAUL B. BARRINGER: He had this huge, it did very well. When he went public, he told all of us in the forum and he was probably breaking, but he was this thing here. I did very well. I had a big hunk of it and we made a lot of money. And that is, that convinced me. And then all of these other people in my forum, I think it's four of them that have moved down here, and all of them, in New York has been my impression that all they, they really want a deal. They want to do a really good deal and buy out a bunch of

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stock somewhere just like this, and that's what gets them off. And you've got that. That's the way you do, you want to get a deal. You want to borrow money and get a deal and make a lot of money so you can drive around in big cars and do all the standard stuff. And that's New York to me. They're all, and a lot of them are not quite honest. But in any event, that's just what my impression of New York and Wall Street.

KEVIN LUZAK: Okay.

PAUL B. BARRINGER: And so I can't blame you to want to go through all of this just like that, thinking it's sort of the same thing. It isn't. I never do things like that.

KEVIN LUZAK: Okay.

PAUL B. BARRINGER: Alright. Outside capital, pledge fund.

KEVIN LUZAK: No reason to talk about it. Just throw it in the pile.

PAUL B. BARRINGER: Fund raising commences immediately. Consider retaining third party fund raiser. Man. When I heard that, when I saw that, I thought, my God, you know, what have we got. And I know now it's probably New York training. Alright, other opportunities. Wealth management vehicle.

KEVIN LUZAK: No, that's from, that's March 2011, the EMC meeting.

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PAUL B. BARRINGER: The what?

KEVIN LUZAK: The EMC meeting at Upper Brand.

PAUL B. BARRINGER: I've never heard, I know a wealth management vehicle, but I would be laughing all the way out of the office. What in the hell is a wealth management vehicle?

KEVIN LUZAK: Throw it on the pile. It doesn't matter. Throw it right on that pile.

PAUL B. BARRINGER: Alright, real estate partnership overview.

KEVIN LUZAK: That's the Board presentation.

PAUL B. BARRINGER: Well, I think I probably, it was ...

KEVIN LUZAK: I can see from the thing on the bottom. I can see from that thing on the logo on the bottom.

PAUL B. BARRINGER: Well, I don't know. I don't know whether that's ...

KEVIN LUZAK: I do though. I already went through it.

PAUL B. BARRINGER: Huh?

KEVIN LUZAK: I went through it. I know that was from the Board presentation.

PAUL B. BARRINGER: Well, I don't like it. I didn't know what the Coastal Point was in the first place, form a JV Coastal Point with the First Point Real Estate Partners, Joint Partners. Throw that away. Timber land vehicle.

KEVIN LUZAK: Throw that one away.

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PAUL B. BARRINGER: Base structure. CFRC dividends, $200 million of timber land to CH.

KEVIN LUZAK: Let me see. Twenty.

PAUL B. BARRINGER: That's what I said $20 million of timber land. We'd crack off ...

KEVIN LUZAK: Let me just see. Yeah, that's that EMC meeting.

PAUL B. BARRINGER: Well, I don't know what.

KEVIN LUZAK: March 2011.

PAUL B. BARRINGER: I'd never seen it. I would not, I would have kicked you out of the room.

KEVIN LUZAK: Okay.

PAUL B. BARRINGER: I mean, that's why I'm saying, all of these things ...

KEVIN LUZAK: We went through that March 2011 at the EMC meeting.

PAUL B. BARRINGER: Huh?

KEVIN LUZAK: We went through that at that March 2011 EMC meeting.

PAUL B. BARRINGER: It's right there. You can look through all of these things you want. Everyone of them is up there.

KEVIN LUZAK: I already went through them.

PAUL B. Huh?

KEVIN LUZAK: I already went through them.

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PAUL B. BARRINGER: Okay. I didn't. I'm not going to either.

KEVIN LUZAK: Okay.

PAUL B. BARRINGER: I've had them or read them. Alright. But just what do you mean, basic structure, CFR dividends of $20 million of timber land to go to CH?

KEVIN LUZAK: Yeah, we ultimately didn't do that.

PAUL B. Huh?

Kevin Luzak: That was an early iteration of a structure that we were discussing.

PAUL B. BARRINGER: CH contributes this timber land to an LLC of which it owns 10 plus 20 plus X and the X is third parties.

KEVIN LUZAK: The idea was that when we put this entity together, we would invest something along side of it just to get it going before we got the outside capital into it. And we would own a pro rata share of that plus management.

PAUL B. BARRINGER: Well, how would we know, I mean, $100 million. We dividend $20 million of timber land.

KEVIN LUZAK: Right.

PAUL B. BARRINGER: You're crazy, if you think we're going to do that.

KEVIN LUZAK: Okay.

PAUL B. BARRINGER: Timber land vehicle.

KEVIN LUZAK: Let me just see what the ...

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PAUL B. BARRINGER: Yeah, that's Wells Fargo.
KEVIN LUZAK: That's EMC.
PAUL B. BARRINGER: Huh?
KEVIN LUZAK: That's the EMC meeting.
PAUL B. BARRINGER: When you went to Wells Fargo, what were you trying to do? Who are you going to assist in setting up structuring meetings with groups who have entities like this one, Wells Fargo?
KEVIN LUZAK: That's people, that's other TIMOs.
PAUL B. BARRINGER: Huh?
KEVIN LUZAK: That's other TIMOs.
PAUL B. BARRINGER: Which TIMO? What do you mean, other TIMOs?
KEVIN LUZAK: Other TIMOs.
PAUL B. Huh?
Kevin Luzak: Other TIMOs. Other people who've set up TIMOs like the one we were thinking about setting up so we could learn how they did it and what the technology was.
PAUL B. BARRINGER: We've tried it. We've had TIMOs. I've had two of them. Both of them sort of went broke. You had one of them.
KEVIN LUZAK: Okay.
PAUL B. BARRINGER: Is that what you're trying?
KEVIN LUZAK: Some very similar thing, yeah.
PAUL BARRINGER: Huh?

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Kevin Luzak: Yeah, a similar thing.

PAUL B. BARRINGER: Well, let me tell you something. If we continue this thing, these are not going to happen and I want to know everything about any little things you're going to do like that.

KEVIN LUZAK: Right. Well, that was a presentation where I was discussing it with you when it was in a very, very early idea stage.

PAUL B. BARRINGER: Well, I don't think so, because begin discussions with potential investors with the help of Wells Fargo.

KEVIN LUZAK: I haven't done it.

PAUL B. BARRINGER: Begin discussion with potential investors.

KEVIN LUZAK: Right.

PAUL B. BARRINGER: For us?

KEVIN LUZAK: People who would invest in the TIMO.

PAUL B. BARRINGER: In the TIMO?

KEVIN LUZAK: That's what we were talking about.

PAUL B. BARRINGER: You're saying ...

KEVIN LUZAK: There was never, obviously, any discussion about investors in any of our assets. It's all new stuff that we were going to do outside.

PAUL B. BARRINGER: Well, it's hard for me because, you know, you have all these things. CFRC commits to dividends

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of $20 million of timber land.

KEVIN LUZAK: Yeah, that was from that EMC meeting, so it's the same structure.

PAUL B. BARRINGER: I never heard of it. Never heard of it. I never heard of this thing right here. I mean, I didn't have any idea of exactly what it is. It's just an X. How do you know whether capital is raised from third parties? Will you tell me this one thing. Were you in with David and, this David and all of those, were y'all getting X from third parties? I mean, were they third parties?

KEVIN LUZAK: No. I don't know what you mean though.

PAUL B. BARRINGER: Well, were they involved?

KEVIN LUZAK: We were going to raise money with them, yeah.

PAUL B. BARRINGER: Yeah, so it would be third parties.

KEVIN LUZAK: Well, but we'd get outside money for what they were trying to do and we'd get ownership ...

PAUL B. BARRINGER: But here you say you want a commitment to dividends of $20 million of timber land.

KEVIN LUZAK: Yeah, the idea was we would invest money in these vehicles ...

PAUL B. BARRINGER: And that's money into an LLC.

KEVIN LUZAK: Yeah, the LLC thing is not, that's just a structure. That doesn't mean anything. What I was saying was we would take a total of $60 million globally and spread

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it around into these other vehicles and ...

PAUL B. BARRINGER: Why would, if you gave it to us at this thing ...

KEVIN LUZAK: Well, wait. Let me just make this one comment to try and clarify it.

PAUL B. BARRINGER: Alright.

KEVIN LUZAK: And this ties back to the meeting that we had with the girls in the living room in, I guess, January, when we went through that whole discussion of what, you know, any kind of tactically and strategically what we wanted to do. We wanted to take a total of $60 million of timber land over a number of years and create diversification by investing in some of these real estate entity and outside timber vehicle, you know, a couple of other things. And then raise outside capital to come in on top of those investments so we could get, essentially, own a big vehicle without risking much of our assets at all.

PAUL B. BARRINGER: Well, a real estate vehicle then is a permanent thing you have ...

KEVIN LUZAK: It's totally outside of everything we're doing today.

PAUL B. BARRINGER: ... third parties. Xs is the total amount of that capital. Who decides that?

KEVIN LUZAK: It's however much we raise.

PAUL B. BARRINGER: Huh?

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KEVIN LUZAK: It's however much we're able to raise. You don't know initially. You know when you get it done.

PAUL B. BARRINGER: LLC would in turn exchange timber land for commercial or residential real estate.

KEVIN LUZAK: Yeah, due 10/31.

PAUL B. BARRINGER: Yeah, again, target.

KEVIN LUZAK: Uh-huh.

PAUL B. BARRINGER: Well, we're on the wrong page on that.

KEVIN LUZAK: Throw it in the pile.

PAUL B. BARRINGER: No way.

KEVIN LUZAK: Throw it in the pile.

PAUL B. BARRINGER: No way. We've talked about this which is still I don't understand.

KEVIN LUZAK: Well, basically, what that's designed to do is give us the ability to get people in to do these things for us without having to pay out.

PAUL B. BARRINGER: Was this going to other people, too, that you would show, I mean, like these Davids and ...

KEVIN LUZAK: No, that was just you, me, Tom, and Travis.

PAUL B. BARRINGER: This one?

KEVIN LUZAK: Yeah. That was the EMC.

PAUL B. Huh?

KEVIN LUZAK: It was the March 2011 EMC meeting.

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PAUL B. BARRINGER: I don't remember it. Never seen it. Coastal Timberlines Company.

KEVIN LUZAK: That's from the Board Meeting.

PAUL B. BARRINGER: Huh?

KEVIN LUZAK: That's from the Board Meeting, February 2012 Board Meeting.

PAUL B. BARRINGER: Kevin, I don't care whether it came at the Board Meeting or not. It should never have been told. It should never have been spoken to them or to anybody. It shows what type of person. You're used to these kind of ...

KEVIN LUZAK: Paul, again. Let's just look at what this is.

PAUL B. BARRINGER: Well, I'm ...

KEVIN LUZAK: So what you're looking at right here is extraction, property rental, lease, and fixed assets sale. I don't know what those are. So these are all the areas that, these are other income opportunities on all of our timber land.

PAUL B. BARRINGER: Yeah, I saw that.

KEVIN LUZAK: Now, why can't we show that to the, why don't you want to show that to the Board.

PAUL B. BARRINGER: You would. And I'm saying that as it's just saying ...

KEVIN LUZAK: Well, you just said you shouldn't.

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PAUL B. BARRINGER: I don't think it should have been.
KEVIN LUZAK: But why wouldn't you want to show that to the Board?
PAUL B. BARRINGER: We would have showed it probably to the Board.
KEVIN LUZAK: Well, that's who saw that, Paul.
PAUL B. BARRINGER: Huh?
KEVIN LUZAK: That was the Board Presentation.
PAUL B. BARRINGER: I have never seen it.
KEVIN LUZAK: Okay.
PAUL B. BARRINGER: Well, I probably have because I know all of this. I mean, this is all known to me. I just don't, I didn't know who had seen it and I don't think it's as smart thing to say that we have hunting leases and we're getting that much in property rentals, that we're getting that much in hunting leases and gain of sale of fixed assets. I don't think it's smart to show that out.
KEVIN LUZAK: Okay.
PAUL B. BARRINGER: Real estate vehicle. Long term investment vehicle set up and managed by a family for families, permanent vehicle. I have no idea what you're talking about. Never seen this. I'm just shocked at them.
KEVIN LUZAK: Okay.
PAUL B. BARRINGER: Okay, initial target, $100 million, raise additional funds thereafter. And I don't know what

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you've, you've evidently got this, you've been sneaking it to somebody.

KEVIN LUZAK: No, that was for the EMC Presentation.

PAUL B. BARRINGER: EMC Presentation?

KEVIN LUZAK: That was the upper branding in March of 2011. That was just us.

PAUL B. BARRINGER: Well, you said something about the second and I've got the lawyer was here and he took all of these things. Were all of them taken by somebody and put on a page and this is what we talked about and all that stuff?

KEVIN LUZAK: Oh, the Minutes?

PAUL B. BARRINGER: Yeah, the Minutes.

KEVIN LUZAK: You have the Board Minutes from the 2012, from the February 2012 Meeting, and we don't keep Minutes on the EMC Meetings. It's just the four of us.

PAUL B. BARRINGER: Well, we have a few of them. I have all of them right here. Okay. Initial target $100 million, raise additional funds thereafter, so on and so on, sell timber land. CH would be an investor and the manager of the vehicle. Which would never, how could you think I would ever do anything like that?

KEVIN LUZAK: Just throw it on the pile.

PAUL B. BARRINGER: Well, I'm concerned that you would think this. Alright, timber land, timber land vehicle, the same thing, except a different one. Rationale. Access to

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deal flow which can be amplified from the current level of ... This was one. Monetize the value of 65 years of experience and the platform that has been built over that time.

KEVIN LUZAK: Right. Why does that trouble you?

PAUL B. BARRINGER: Huh?

KEVIN LUZAK: Why does that trouble you?

PAUL B. BARRINGER: I don't believe in monetizing 65 years of ...

KEVIN LUZAK: Well, what that's saying is that we have a fantastic platform ...

PAUL B. BARRINGER: And the platform, I didn't know what the platform was.

KEVIN LUZAK: Well, the platform is the business that has been built over a long period of time and the expertise and the knowledge and the discipline ...

PAUL B. BARRINGER: Yeah, I can see that. I mean ...

KEVIN LUZAK: ... and the system. And it's an opportunity to use that to make more money for the shareholders.

PAUL B. BARRINGER: Will create steady revenue stream that is not tied to assets.

KEVIN LUZAK: Right.

PAUL B. BARRINGER: And hire smart people who can help in other areas of the businesses. These I could see some of

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these. In fact, some of them I have a good idea, so. Provide a product for which the market has demonstrated demand.

KEVIN LUZAK: They like timber land. That just means the market likes timber land.

PAUL B. Huh?

KEVIN LUZAK: That means the market likes timber land.

PAUL B. BARRINGER: Oh, yeah. Okay. Coastal Timber Lands Company. That's it.

KEVIN LUZAK: Okay.

PAUL B. BARRINGER: So you see why I get mad, I hope.

KEVIN LUZAK: You certainly are mad. That's pretty clear.

PAUL B. BARRINGER: You ain't seen nothing yet.

KEVIN LUZAK: You are not hiding that very well.

PAUL B. BARRINGER: You ain't seen anything yet.

KEVIN LUZAK: Okay.

PAUL B. BARRINGER: You know, when I get mad. Okay. It's two or three things. You're CEO. I think I'm going to take my CEO thing back. I don't like going with other people like Wells Fargo.

KEVIN LUZAK: So you want to become the CEO of the Company?

PAUL B. BARRINGER: For the time being. I was until a year ago or two years ago. I was Chairman and CEO and I'm

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not going to put, it's not permanent and, of course, I'm not going to live forever. Maybe not even ever, I mean, the crooked thing. I'm not going to do that. I'm not going to have a CEO or I don't know about the strict financial or not. Let's see if we go back to you're President and Treasurer. I am ...

KEVIN LUZAK: Travis is the Treasurer.

PAUL B. BARRINGER: Huh?

KEVIN LUZAK: Travis is the Treasurer.

PAUL B. BARRINGER: He's the ...

KEVIN LUZAK: He's the Treasurer.

PAUL B. BARRINGER: No, Chief Financial Officer.

KEVIN LUZAK: He's the Treasurer too.

PAUL B. BARRINGER: Huh?

KEVIN LUZAK: He's the Treasurer too.

PAUL B. BARRINGER: Well, Chief Financial Officer ...

KEVIN LUZAK: That doesn't matter.

PAUL B. BARRINGER: Kevin, do you know, I've done this with a lawyer. Do you know if you had sold one of these things without my permission, without the other people, the other owners' permission, that you'd go to jail?

KEVIN LUZAK: Well, I'm not sure about that, but it doesn't matter.

PAUL B. BARRINGER: Well, I'm sure. It happens all the time.

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KEVIN LUZAK: Okay.

PAUL B. BARRINGER: And you have to tell everybody, the owners anyway, or whoever you report to, which I don't ask anybody to report to me, but I am now. So I think we're going to have to go back and get ourselves straightened out and with my ideas of what I think we're going to do. And you don't have to take it. I don't care. I don't give a damn really.

KEVIN LUZAK: Okay.

PAUL B. BARRINGER: I'll tell you, the only reason, Kevin, you're here right now is the fact of your wife and your family. That's the only. And the next time you have a blow like this, you're gone. Because all you've got to do is ask me or whoever I have, do you think it would be smart if we have something on this? Do you think it would be smart? And if he says, no, it's not, then you'd better not do it, whoever it is. But you're going to have an ownership of this Company to speak for and ask all the questions that should be asked. If you don't, and if you do it in this way, you can go to jail. Get your lawyers. Get your legal thing and check that.

KEVIN LUZAK: Paul, Paul, I mean, again, please listen to me, and don't think about what you're going to say before you listen to what I'm saying.

PAUL B. BARRINGER: Alright.

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KEVIN LUZAK: The EMC Presentation that was made to you and the other officers was a preliminary strategy piece that was meant for discussion and disclosure. You're not listening right now. You're not listening.

PAUL B. BARRINGER: I am.

KEVIN LUZAK: You're not listening.

PAUL B. BARRINGER: No, I'm ...

KEVIN LUZAK: You're not listening.

PAUL B. BARRINGER: No, I'm ...

KEVIN LUZAK: You're not listening.

PAUL B. BARRINGER: I'm listening.

KEVIN LUZAK: Listen to me. It was meant for discussion and particularly with you to get your views.

PAUL B. BARRINGER: Yeah.

KEVIN LUZAK: The Board Presentation is a disclosure document made to Directors and Shareholders who are on the Board. Nothing has ever been done other than in the bright light of day. The idea that, number one, the idea that I would do anything of any significance without consultation and approval is completely off base.

PAUL B. BARRINGER: Well, you're not ...

KEVIN LUZAK: You're not listening. You're not listening.

PAUL B. BARRINGER: I'm listening.

KEVIN LUZAK: No, you know you're not.

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PAUL B. BARRINGER: Alright.

KEVIN LUZAK: I know when you stop listening because you look away. The notion that I would ever do anything without discussion, a bright light on it, and approval is absurd. And the concept that I there's anything involved in any of this that comes within a thousand miles of a legal problem ...

PAUL B. BARRINGER: Why did you ...

KEVIN LUZAK: You're not listening. You're not listening.

PAUL B. BARRINGER: Why did you ...

KEVIN LUZAK: There you go, you stopped.

PAUL B. BARRINGER: Well, I just want to know.

KEVIN LUZAK: No, no, no. I want you to listen.

PAUL B. BARRINGER: Alright.

KEVIN LUZAK: The notion that there is any legal issue whatsoever in any of this is a million miles from the truth, okay. So let's just be very clear about that.

PAUL B. BARRINGER: Okay.

KEVIN LUZAK: You can be ...

PAUL B. BARRINGER: I wouldn't think so.

KEVIN LUZAK: You're not listening anymore.

PAUL B. BARRINGER: Okay.

KEVIN LUZAK: You can be mad at me, you can yell at me, whatever you want to do, okay.

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PAUL B. BARRINGER: Uh-huh.

KEVIN LUZAK: I just want you to be very clear at some level that the idea that I would ever do anything that, number one, is not directed at the best interest of you and your family and company that I love and am committed to, right? Or would be done behind anybody's back without full and complete disclosure is ...

PAUL B. BARRINGER: Well, I believe that.

KEVIN LUZAK: ... is absurd. You don't believe it, though, because we've been spending the last 45 minutes talking about how I'm ...

PAUL B. BARRINGER: Well, I see this, I see this created. What the hell would you think? I see these things, somebody gives them to me.

KEVIN LUZAK: Those were all done --- But I've already gone through it with you, Paul, you've seen it before.

PAUL B. BARRINGER: I know. No, I haven't.

KEVIN LUZAK: Yes, you have.

PAUL B. BARRINGER: No, I haven't.

KEVIN LUZAK: Paul, they were created for you so that you could look at what I was thinking about.

PAUL B. BARRINGER: Well, I was looking. Maybe I couldn't see it.

KEVIN LUZAK: Just listen to me, Paul. They were created so that you could see what I was thinking about way

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before I did anything, way before I made any commitments to do anything and way before I considered doing anything. Because I want to know what you think and I want your approval. And I have treated you like a 100 percent partner of mine from day one, from day one, Paul. And it all went off the rails on April 22. I don't know what the hell happened. I don't know what the hell has been happening, but on April 22 at about 3 o'clock in the afternoon a nuclear war head went off and completely blind sided me. And, you know, I'll do whatever I can to help you out. I will do whatever I can to help your family.

PAUL B. BARRINGER: Do you know why you're here still?

KEVIN LUZAK: Because of my wife. You've made that clear.

PAUL B. BARRINGER: No, family, the family. You've got all of the, I shouldn't say they all, you've got some people that, Merrill, for example. She was with this, when she was chased out of the shareholders ...

KEVIN LUZAK: Paul, I will never let that be said without telling you it didn't happen.

PAUL B. BARRINGER: Okay. Alright. Okay.

KEVIN LUZAK: You're going to say it, I'm going to tell you it didn't happen. I'm going to see Merrill in, you know, a half an hour and I'm going to confirm with her that it didn't happen. I'm going to ask her to make sure that

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she tells you it didn't happen.

PAUL B. BARRINGER: I'm fine, because I was standing right with her.

KEVIN LUZAK: Okay.

PAUL B. BARRINGER: And that's, you know, that's how I got some of these things. I'd never seen them.

KEVIN LUZAK: Hey, Paul.

PAUL B. BARRINGER: I think, I think David threw them.

KEVIN LUZAK: Paul, David wasn't even there.

PAUL B. BARRINGER: His name's on it.

KEVIN LUZAK: Paul, can we, can we, can you and I just acknowledge that you weren't feeling too well that day?

PAUL B. BARRINGER: Well, yeah, and that I might be, I might have been ....

KEVIN LUZAK: I mean, could we just acknowledge that point.

PAUL B. BARRINGER: Been under the weather too.

KEVIN LUZAK: Right. I know you have. So can we just acknowledge that if I'm telling you, and I felt fine ...

PAUL B. BARRINGER: I'm not going to go around saying I was sick.

KEVIN LUZAK: I'm not going to say it either, but can we just you know, between me and you, you know me, I haven't changed. I was there, I felt fine. If anything like that had happened, I would know it and I would acknowledge it.

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It didn't happen. I would never.

PAUL B. BARRINGER: Well, I ...

KEVIN LUZAK: Listen to me. I would never do that to you. And I have never done anything to you, Paul, I have never done anything to you that would ever indicate to you that I have anything other than complete respect and admiration for you.

PAUL B. BARRINGER: This is the first one.

KEVIN LUZAK: That was done as a discussion piece with you, not around you.

PAUL B. BARRINGER: It was not done with me.

KEVIN LUZAK: Paul, again, I'm telling you, I'm telling you it was.

PAUL B. BARRINGER: Well, if it was, I didn't read it or something.

KEVIN LUZAK: Then you weren't paying attention. You weren't paying attention. You didn't focus on it. I'll give you that, that's fine.

PAUL B. BARRINGER: Well, I've got one of them here that you got that this thing came out of and we broke up. It didn't go.

KEVIN LUZAK: What do you mean?

PAUL B. BARRINGER: I mean, these were done and there was nothing on any of the things. We broke these ...

KEVIN LUZAK: I don't know what you mean.

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PAUL B. BARRINGER: I don't know. I'm not going to go through all those meeting things.

KEVIN LUZAK: No, I mean, there's no reason to. But I'm just telling you ...

PAUL B. BARRINGER: I will tell you that it's a lot of them in there that don't have what you're saying, these things.

KEVIN LUZAK: No, just there are two presentations.

PAUL B. BARRINGER: No, no. It's a lot more than that.

KEVIN LUZAK: No, those are from two presentations. I've gone through it all, Paul.

PAUL B. BARRINGER: Well ...

KEVIN LUZAK: I've gone through every page. I know where every page came from.

PAUL B. BARRINGER: Well, I just, I've got them right there.

KEVIN LUZAK: It's alright, Paul. I'm just telling you ...

PAUL B. BARRINGER: Just as a quirk, just tell me one thing, tell me one. Give me a, give me one. It is a whole card of them.

KEVIN LUZAK: We don't need to go through them. It's not going to do anything.

PAUL B. BARRINGER: And everyone of them had, that we had a, it has a lawyer saying what we covered.

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KEVIN LUZAK: No, the Minutes, the Minutes are on all the Board Meetings.

PAUL B. BARRINGER: Huh?

KEVIN LUZAK: The Minutes are on the Board Meetings ...

PAUL B. BARRINGER: I know.

KEVIN LUZAK: ... not on the EMC.

PAUL B. BARRINGER: No, I know that.

KEVIN LUZAK: Okay. Yeah, you sent me the, I think you sent me the Minutes and I ...

PAUL B. BARRINGER: Yeah, the one that you said if it was ...

KEVIN LUZAK: On February, 2012, Meeting.

PAUL B. BARRINGER: Yep. Yeah, I sent you a copy of it.

KEVIN LUZAK: Right, the Minutes.

PAUL B. BARRINGER: It didn't say anything about it.

KEVIN LUZAK: I didn't read it. I wasn't going to read it.

PAUL B. BARRINGER: Okay. It's a lot of others. Anyone at the Herring, Brad Herring, you know, copied. I mean, I take his word for it. It's a lot of them that don't cover these in there.

KEVIN LUZAK: Okay.

PAUL B. BARRINGER: A lot of them. Alright, I'll tell you what let's do. Let's break in good faith. I'm going to go back to CEO and we're going to go back to what we had two

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years ago. I'm not going to be here forever and if this thing encourages you, continues with you, you'll run it. I don't know. I'm going to take you, you have made a bad blow with all the members, all the shareholders. You probably would have to discuss it with Hampton, although she's very concerned. So and ...

(Knocking at door)

PAUL B. BARRINGER: But that's, it's a second chance. I have great respect for you. I like you as you well know or you wouldn't be here right now. I was devastated when I read this trash that to me things. And I was devastated. I have not slept in, since then. And it's a good thing we've got sort of common sense and, you know, we'll take it like back to where it was with a few changes. I'm going to change the, I just don't trust. I think you go overbound with this CH, Coastal Holdings. I've been reading this whole thing, Coastal Holdings and the way we started it and the whole deal and it's sort of gotten out of whack. It ain't what it's supposed to be. I think you have these same things I'm showing you.

KEVIN LUZAK: I probably don't.

PAUL B. BARRINGER: This is the, CFRC Coastal Holdings and this was when we were doing Atlantic, Atlanta. That's another thing. Why did you have this thing for Alexandria? Didn't I send it to you?

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KEVIN LUZAK: No. Those were pages that you didn't send.

PAUL B. BARRINGER: Huh?

KEVIN LUZAK: There were three or four pages that you didn't send.

PAUL B. BARRINGER: No, but this was one, this was to somebody, because it's a full offer.

KEVIN LUZAK: That was the Investment Committee or Notional Investment Committee Report for internal people to see what the deal was.

PAUL B. BARRINGER: No, it wasn't that.

KEVIN LUZAK: I had them put together a very formal, a very full presentation for you guys so everyone knew exactly. I assume that's what it is. I mean, I haven't seen it.

PAUL B. BARRINGER: No, no, it was some, it offers it for sale.

KEVIN LUZAK: It's not for sale, so I don't know what, I don't know what that was.

PAUL B. BARRINGER: Well, it offers it for sale.

KEVIN LUZAK: It's never been offered for sale, so I don't know what it was.

PAUL B. BARRINGER: So you can make $375,000, I think. It was an e-mail, it was a typewriter written or maybe e-mail, a long sheet. I've got it. I just, I don't

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understand it. I mean, why would we all be in this thing and you're offering to sell it to somebody?

KEVIN LUZAK: Well, we wanted to get outside investors into and you said you didn't want that.

PAUL B. BARRINGER: Yeah, I don't. I don't. I don't. You know, we want ...

KEVIN LUZAK: I didn't get that in my stuff.

PAUL B. BARRINGER: Incidently, you got the footage, the acreage. And, listen, on this timber land thing, I told you about it and you said we ought not to do that or something like that.

KEVIN LUZAK: Do what?

PAUL B. BARRINGER: Go into, put it all into one company. I went to the two, to John Higgins and to Ed McCoy for nothing, but I didn't tell them, I didn't want them to get all excited over something. I did not tell them that you were involved. I have never told anybody.

KEVIN LUZAK: Well, you asked Ed not to discuss this with me or Tom or Travis.

PAUL B. BARRINGER: No, I didn't say with you. I said ...

KEVIN LUZAK: That's what Ed said.

PAUL B. BARRINGER: I said Travis. I said Travis. I was careful never to say you and I don't think I said it to Travis, because I said we don't want the employees. And

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then I said, I got involved and another thing, I'm going to do it. I'm going to --- You know why? Because we are not running it right, terribly. We have not in four years, we have not purchased a handful of acreage and John Crights or whoever it is, has sold all of his 50 acres to stay alive. He's bought back 13,000 acres in West Virginia and I'm not going to put up with that. We're going to get another good timber buyer like me. We haven't copied any, John Higgins, I mean, I don't know. And that's the reason. And then the other reason is you or these things, whatever you were putting on. Yeah, that's your New York come out is you can't stand to see all of that stuff without doing something with it. And it's, you know, it's not for sale. Those are trees and we're going to continue to, we'll sell some if we have to. If we're going broke or something like that, we have sold a lot during the big failure that we had. Everybody was going broke and it was 2007, or whatever. It was terrible. And we sold a lot of land. We sold 28,000 acres of land and it kept us alive. I bought 20 of them back. It was just a rat race. So that's the deal. You know, I'm certainly not going to increase your salaries or anything like that. I might do it later on, but not at this that I see.

KEVIN LUZAK: Well, you're demoting me, so you can't really increase my salary.

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PAUL B. BARRINGER: Huh?
KEVIN LUZAK: You're demoting me, so you can't really increase my salary.
PAUL B. BARRINGER: Demoting you?
KEVIN LUZAK: Yeah.
PAUL B. BARRINGER: Do what? What do you mean demoted?
KEVIN LUZAK: You're removing me as CEO.
PAUL B. BARRINGER: Removing you as CEO. I don't know.
KEVIN LUZAK: Well, you can't, can't really increase my salary if you do that.
PAUL B. BARRINGER: I can do anything I want to.
KEVIN LUZAK: Okay. Okay.
PAUL B. BARRINGER: I'm not planning on it or whatever. I don't even know what your total pay is.
KEVIN LUZAK: I'm sure it's too much.
PAUL B. BARRINGER: Huh?
KEVIN LUZAK: I'm sure it's too much.
PAUL B. Oh, I'm sure.
Kevin Luzak: You haven't gotten any value out of me.
PAUL B. BARRINGER: I haven't seen a New Yorker yet that didn't want more money.
KEVIN LUZAK: Yeah.
PAUL B. BARRINGER: The office is going, as you know, when is that going to happen?
KEVIN LUZAK: I don't know what you're talking about.

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PAUL B. BARRINGER: The New York office.
KEVIN LUZAK: What about it?
PAUL B. BARRINGER: Well, we're not going to pay for it. They told me that that's ...
KEVIN LUZAK: We've never discussed that, Paul.
PAUL B. BARRINGER: Huh?
KEVIN LUZAK: We've never discussed that.
PAUL B. BARRINGER: Well, they told me that they were doing away with it.
KEVIN LUZAK: Who told you that?
PAUL B. BARRINGER: Travis, I think. I don't know.
KEVIN LUZAK: We've never discussed that.
PAUL B. BARRINGER: Well, you can ...

(END OF TAPE)

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STATE OF SOUTH CAROLINA)

: C E R T I F I C A T E

COUNTY OF GREENVILLE)

Be it known that I transcribed the provided tape recording;

That I was then and there a Notary Public in and for the State of South Carolina-at-Large;

That the foregoing transcript of 51 pages is a true and correct transcript of the conversations in this matter;

That I am not related to nor an employee of any of the parties hereto, nor a relative or employee of any attorney or counsel employed by the parties hereto, nor interested in the outcome of this action.

WITNESS MY HAND AND SEAL this 13th day of July, 2017.

_____

Sue N. Haynie
Notary Public for South Carolina
My Commission Expires: 9/16/21

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STATE OF SOUTH CAROLINA)
: IN THE COURT OF COMMON PLEAS
COUNTY OF BEAUFORT)

Hampton B. Luzak,)
)
Plaintiff,)
)
-vs-) C.A. No.: 2016-CP-07-1919
)
Merrill B. LIght, Merrill U.)
Barringer, as Personal)
Representative of the Estate)
of Paul Brandon Barringer, II,)
J. Randolph Light, Jr.,)
Merrill B. Light as putative)
trustee of the Paul B.)
Barringer, II Revocable Trust)
dated December 4, 1998, and)
Merrill B. Light as trustee)
of the Merrill Barringer Light)
Revocable Trust,)
)
Defendants.)

The following transcript was transcribed from audio tape provided by William M. Hogan of the June 28, 2012 Board of Directors Meeting of Coastal Forest Resources Company, Inc.

SUE N. HAYNIE, Court Reporter

PARTIES INVOLVED:

Paul B. Barringer:

Merrill Light

Kevin Luzak

Unknown Parties

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(tape starts) ... chose that ...

PAUL B. BARRINGER: I found papers which signified that he was trying to sell the pieces of the company.

KEVIN LUZAK: Let's go through them.

UNKNOWN: The best to get an independent party could get those papers and look at them and show them to the rest of us.

KEVIN LUZAK: Let's go through them.

PAUL B. BARRINGER: He never told us a word. He had one thing on a track of timber. I didn't bring all those things. I finally gave up because he was so greedy.

KEVIN LUZAK: Paul, bring it out. If I'm greedy ...

PAUL B. BARRINGER: I was trying to get him to run the company when I, I was trying to retire. And, God, he come, you know at the last Board Meeting what he said? The only words he said, you know at the last Board Meeting on April 25, 2012, he said, did all these things and here comes Luzak next to the so forth and so on with CERAM would act as advisor and that includes Kevin now, advisor or manager, related to investments and would be paid a fee from the income stream. That was in the last Board Meeting. Then he says he needs to address, the Board needs to address his compensation as Chief Executive Officer. I thought, what? You're going to pay him more. He said he wanted a more formal arrangement and, let's see, let me get this thing.

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And he wanted a more formal arrangement and he believes a committee of the Board needs to approve the arrangement. He also indicated he wanted to consider a phantom stock arrangement. And that's all he talked about at the damn meeting.

UNKNOWN: Look, Paul, my recollection is he talked about that about the last five minutes because that's when I found out that I was going to be called upon between two meetings.

PAUL B. BARRINGER: Well, it could be.

UNKNOWN: And to make sure I had time and my health was good enough to attend those meeting. Which I haven't been called yet, but that was just the last couple of minutes of the meeting. Again, I don't mean to disagree with you, I just recall it differently.

PAUL B. BARRINGER: Alright, we're through talking. I have something I have to do. Brad, please call for, it's no way he's going to win it anyway.

KEVIN LUZAK: I move that we retain an independent third party qualified to do such an investigation to look at the allegations that you have raised about my conduct with respect to my involvement with Coastal Forest Resources Company. Is there a second?

UNKNOWN: I will second that motion.

KEVIN LUZAK: All in favor. I.

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SEVERAL SPEAKERS: I, I.

UNKNOWN: Wait a minute. This is in favor of retaining an independent qualified third party. All in favor, Kevin and Mike I heard.

KEVIN LUZAK: That's right.

UNKNOWN: Both voted favorably. Sorry, it's just when you're doing it on the telephone, it kind of gets kind of difficult.

KEVIN LUZAK: Yep. All opposed.

MERRILL B. LIGHT: Aye.

PAUL B. BARRINGER: Aye. It's locked.

KEVIN LUZAK: Okay.

UNKNOWN: I mean, with us deadlocked, you've got two choices from my understanding, at least in Georgia. You've now got to take it to Shareholders or if it's deadlocked enough, you're going to end up in court with the court deciding on the deadlock. I don't think you want to be there. I think we need to be investigating so we can put this behind us.

UNKNOWN: Well, Mike, I think, I think that if a Motion is made, it requires the affirmative vote of the majority, so I ...

UNKNOWN: But then what you have is you now have a President who's been fired.

UNKNOWN: Well, not ...

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UNKNOWN: And from what I've seen of the By-laws, there's no authority for that unless the Board votes to do that.

UNKNOWN: Well, I agree. I don't believe that has occurred. I think the only thing we've voted, obviously, the only thing we've voted out is this Motion. It did not pass by the affirmative vote of authority.

UNKNOWN: And so what I'm talking about deadlock is now we have a company that the discussion needs to move towards has the President and CEO been relieved of his duties, since the Board never voted on that. So if that Motion is made, I suspect that's going to deadlock, but I guess somebody ought to make that motion.

PAUL B. BARRINGER: I would like to resolve that Kevin Luzak is removed from all offices of corporation held or whatever we need to do, the corporation held by him effective immediately. And I'd also like his as President and the Chief Executive Officer of company, we resolve that he is taken out of the office in the entire office. Let's have a vote on it, those two things. Kevin is hereby removed from all offices with the corporation and that ...

UNKNOWN: Paul, why don't you make two separate Motions so then it's not a compound Motion.

PAUL B. BARRINGER: I think I'm going to, what I'll do is I'm going to put Paul Barringer as appointed President

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and Chief Executive Officer of the Corporation and we get those two. I'll have to say that for 50 something years I was President and Chief Executive Officer of the corporation and I cannot see Mr. Luzak as continuing in that position. Take a vote, have a vote on it.

UNKNOWN: I just don't understand the Motion, whether there are three Motions, one.

PAUL B. BARRINGER: The Motion is to take Kevin Luzak to be removed from all the offices of the corporation effectively immediately, and further, that I be appointed, because that's the way to get it out, that I be appointed President and CEO again. He's only been in there for about a year, something like that.

UNKNOWN: So you're going to make that as one Motion, a compound Motion that all has to happen at the same time.

PAUL B. BARRINGER: Right.

UNKNOWN: Let me say one thing, and this deals with conflict of interest of the Directors. And I've given this a lot of thought and I've not found any case law directly on point, but I've kind of reached a conclusion in my mind after discussing with some of my partners that if a Board member that votes for himself as an Officer, I view that as a conflict of interest transaction. A Board member that votes against his removal, I view that as a conflict of interest. In short, I think what I'm saying is, Paul, the

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way this Motion you've made, essentially, I think you and Kevin both have conflict of interest personally and for the Motion to carry it would require the affirmative vote of disinterested Directors which is Merrill and Mike Hagler.

UNKNOWN: Brad, let me ask you a question. Is that true under, what state law are we talking?

BRAD: Virginia.

UNKNOWN: Is that true under Virginia law even after all of the conflicts are disclosed to all the Board members? I don't know the answer to that is why I'm asking.

BRAD: Yeah, I believe so. I mean, I don't believe it's like a, and I don't think it's a waiveable type of conflict if that's what you're saying.

PAUL B. BARRINGER: What happened to the good old days when you could fire somebody who was doing something wrong and when you couldn't fire them for being in your company?

UNKNOWN: Paul, the Board can still do that and I'm not saying that I wouldn't vote to do that. I cannot vote to do that until that investigation just didn't pass.

PAUL B. BARRINGER: Delve down into a much more, much dirtier and we are, this is my family that he's tearing apart my family; my son, my two daughters, and I'm getting mad with it. It's just ridiculous. The guy's no good. He's not going to ...

UNKNOWN: Paul, I mean, I think if, you basically made

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two Motions, it was a compound Motion, you made two Motions. It can be voted on in two separate Motions. I think, I still think you've got the conflict of interest in both of the separate motions, but you would at least, you wouldn't have only two disinterested Directors voting on a compound Motion, if that makes any sense.

MERRILL LIGHT: Why don't we vote on it as singularly then?

PAUL B. BARRINGER: Why don't we do them one at a time. We make a Motion that Kevin M. Luzak be hereby removed from the offices of corporation. And what else do we want to do? And make that effective immediately. Do you want to take that one?

UNKNOWN: That's the Motion.

PAUL B. BARRINGER: That's the Motion.

UNKNOWN: Is there a second?

MERRILL LIGHT: Second.

PAUL B. BARRINGER: Second.

UNKNOWN: All in favor, say Aye.

PAUL B. BARRINGER: Aye.

MERRILL LIGHT: Aye.

UNKNOWN: All opposed.

UNKNOWN: I'm opposed.

KEVIN LUZAK: I'm opposed too. I'm not sure whether your opinion is going to carry on this matter.

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UNKNOWN: Well, yeah, I understand. I mean ...

KEVIN LUZAK: Just mark my opposition and we can sort it out later.

UNKNOWN: Matter of fact, I will make a note in the Minutes that you disagree with my opinion regarding the conflict of interest and it'll be in the Minutes.

KEVIN LUZAK: Okay.

PAUL B. BARRINGER: Is it or not?

UNKNOWN: The Motion has carried because it was 2, 2. But I believe it's a conflict of interest transaction under the Virginia Statutes. So Kevin's vote ... it was effectively 2 to 1 so the Motion carried. Kevin is disagreeing with my conclusion that is a conflict of interest and I'm going to make a note in the Minutes that he's disagreed with my opinion.

PAUL B. BARRINGER: Well, then, is he removed from the voting?

UNKNOWN: Well, effectively. I mean, his vote, essentially doesn't count, Paul, so it was 2 to 1 and the Motion carried.

PAUL B. BARRINGER: On that we could change that to Kevin Luzak be removed from all offices of the corporation effectively immediately.

UNKNOWN: Okay. That's the Motion that was just made and it carried.

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PAUL B. BARRINGER: Is what?
UNKNOWN: It was approved.
PAUL B. BARRINGER: Okay. The second one is that I be, just get my job I had before. I may be appointed President and Chief Executive Officer of the corporation. That's another Motion.
UNKNOWN: Okay, is there a second to that one?
MERRILL LIGHT: Second.
PAUL B. BARRINGER: Second.
UNKNOWN: Okay. All in favor?
PAUL B. BARRINGER: Aye.
MERRILL LIGHT: Aye.
UNKNOWN: All opposed?
KEVIN LUZAK: Aye.
UNKNOWN: I am opposed.
UNKNOWN: Okay. I think that does not carry. Paul, for one reason, it was 2 to 2, so it didn't get the affirmative vote of the Board and, Paul, I believe you were probably conflicted at that one, so it's probably 1 to 2 in reality but either way it didn't carry.
PAUL B. BARRINGER: Brad, as you know, we're going to, I'll get a Stockholders Meeting, Shareholders Meetings. You know we've got it blocked on that. Why are we dragging this thing out? In ten days we're going to do all of these things.

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UNKNOWN: I understand, Paul, and we've got to do, you know, we got the Board to comment, doing as comments during the shareholders. We've got to jump threw those hoops.

PAUL B. BARRINGER: You can probably see why I don't like ... well, maybe not. Let's just don't get into all this stuff.

MRS. BARRINGER: Meeting adjourned. Meeting adjourned.

PAUL B. BARRINGER: Let's just have Merrill ...

UNKNOWN: Merrill, I'm curious. Again, I'm stuck in the middle of this. Why are we having to whisper to Paul everything that he's being asked to do. My observation of the last meeting is not pretty.

PAUL B. BARRINGER: Say hello.

MRS. BARRINGER: Hello.

PAUL B. BARRINGER: I hate these things. Just like me.

UNKNOWN: Just like the confusion.

PAUL B. BARRINGER: All we have in it is families, family people right here, everybody in this room. Thank you, Kevin. Okay.

MERRILL LIGHT: Adjourned?

UNKNOWN: If there's no other Motions or no other business to discuss, is there a Motion to adjourn?

PAUL B. BARRINGER: Meeting adjourned.

MERRILL LIGHT: Second.

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UNKNOWN: That's it. You don't have to vote to adjourn this.

UNKNOWN: I was going to ask another question.

UNKNOWN: Well, he didn't.

UNKNOWN: I mean, it doesn't have to be in a Board meeting but we can all be listening. I am, of course, concerned that everybody has got a lawyer but me. I'm concerned, if I've got to call a spade a spade, that Paul sounds confused both in the last meeting and in this meeting and he's casting a vote. And I'm not sure what the corporate counsel's position is on that. And so I've got these concerns as a Director with no advice being given to me, and I'm concerned about what is the result of a vote where one person seems to be confused as to the facts, almost like monomania and a little.

MERRILL LIGHT: We're not voting on all that, Bobby.

UNKNOWN: But we did vote.

MERRILL LIGHT: What we voted on is what we voted upon.

BOBBY: Which we did note.

MERRILL LIGHT: I mean, we're not voting on that.

BOBBY: And I'm concerned about the ability to vote votes.

PAUL B. BARRINGER: We're not going ...

MERRILL LIGHT: We already adjourned the meeting.

PAUL B. BARRINGER: We're not going ...

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UNKNOWN: I mean, the Motion to adjourn is on the floor and it's been made, it's been seconded.

UNKNOWN: I would like the Minutes to reflect my comments before the adjournment happened.

UNKNOWN: The meeting has not been adjourned because it hadn't been approved. We've got 2 in favor. All opposed?

PAUL B. BARRINGER: Yes.

MERRILL LIGHT: Opposed to adjourning or opposing ...

UNKNOWN: Opposed to adjourning the meeting at this point.

PAUL B. BARRINGER: Well, we want to adjourn, want to adjourn.

UNKNOWN: Well, the Motion has been made to adjourn by Paul, I believe, or Merrill, and it was seconded by Paul, I can't recall. And then the vote is good. It is all in favor of adjourning?

UNKNOWN: Yes.

UNKNOWN: All opposed to adjourning?

UNKNOWN: I'm opposed, but I don't know where that gets us.

UNKNOWN: Well, if Kevin, it's 2 to 2, then the floor is still open for discussion for the business.

KEVIN LUZAK: I'm opposed. I'm opposed.

PAUL B. BARRINGER: Alright.

UNKNOWN: And, again, as uncomfortable as this is, as

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much as I don't want to bring it up, I'm concerned about confusion mentally. I'm concerned about misunderstanding of facts and I'm concerned that we've got two votes that have been taken, both times of which even while voting there was confusion on the yays or the nays, and that there are people discussing how to do A and B with Paul who seemed to be confused before he makes his vote or his discussion. I'm just concerned as to what's going on here. And, again, I've got no skin in this game. I just want facts. And if it has to go to the Shareholders then that's where it goes.

PAUL B. BARRINGER: That's where it's going.

UNKNOWN: But right now, the Directors have got a couple of pretty bad sessions.

PAUL B. BARRINGER: We adjourned the meeting.

UNKNOWN: Well, it did not pass, Paul, so the meeting has not been adjourned. It was 2 to 2 and it didn't carry, so that opens the floor back up for business of the Board.

PAUL B. BARRINGER: Why would that be?

UNKNOWN: Well, a Motion requires the affirmative vote of the majority and it was 2 to 2, so it didn't carry, so it opened the floor back up for further discussion. I think Mike, I've made notes of your concerns. At this point I don't believe there's any Motion to be made. I think you were just airing some concerns. What I'm hearing, and don't let me put words in your mouth, if there's any other

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business or concerns that need to be raised, do so now. Otherwise, I think it would be appropriate for a Motion to Adjourn at this point.

PAUL B. BARRINGER: We came here for one thing which was we got that. And I don't know why we're, I mean, we could do this thing. The vote was on hiring an independent third party to investigate and we voted on that. Well, it's hung. So, I mean, you know, what else is there to do? That's what we came here for.

UNKNOWN: Well, obviously, the other Motion was to remove Kevin, which passed due to the conflict of interest issue subject to Kevin's objection to my conclusion that it is a conflict of interest. And then the third Motion was to, Paul, to have you appointed as President and CEO, which did not pass because it was a 2, 2 vote, and it did not receive the affirmative vote of the majority. So at this point, the office of President and CEO is actually vacant.

PAUL B. BARRINGER: I don't know. You're bringing in lawyers and so I'm going talk with ours or go get him.

MERRILL LIGHT: Yeah, go get him.

PAUL B. BARRINGER: Just hold on.

UNKNOWN: Brad, are we going to get some sort of opinion to the Board about the conflict of interest and code sections and the codes?

UNKNOWN: Sure, I can ..

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UNKNOWN: If y'all's opinion is and, again, if y'all's opinion is incorrect, then all the votes so far have been tied and Kevin is still President.

BRAD: That is correct.

PAUL B. BARRINGER: Well, I tell you, it's a whole group of people out there in my company that are glad to see him gone and they're going to, I'm going to have problems if Kevin comes back into, I mean, really, we're going to have problems.

BRAD: But, Paul, let me make you a promise. And, again, I know we voted and it didn't pass, it tied, but if you would allow the investigation and if those people, the independent investigators show to me that you are right, I will vote with you.

PAUL B. BARRINGER: I'm not going to have a fish hunting thing.

UNKNOWN: But think about it. If we can have an investigation and so we avoid a deadlock, we avoid all those legal issues.

PAUL B. BARRINGER: All I've got to do is get all the Shareholders and it's all over. I mean, it's no problem. Merrill and I, even us single handedly can out do any of them. Anyway, we're just wasting time and we all get mad, or I am, madder. Do whatever y'all, if y'all want to sit around here for awhile, go ahead, think it through. I guess

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you can walk away from a ...

UNKNOWN: Unless there's any further business, I think it's fine to make a Motion to adjourn at this point. Was somebody going to go get John Jolley to discuss anything any further. I wasn't clear on that from just a moment ago.

PAUL B. BARRINGER: It's very important that I have Kevin, I mean, I have a lot of people in this company and I've got to do something about that.

MRS. BARRINGER: Adjourn the meeting.

PAUL B. BARRINGER: The meeting I'd say is adjourned.

MRS. BARRINGER: It sure is adjourned.

UNKNOWN: Okay. Well, I guess do we have a second and then let's vote again. Is there a second?

MERRILL LIGHT: I second.

UNKNOWN: All in favor say aye.

PAUL B. BARRINGER: Aye.

Kevin Luzak: Aye.

UNKNOWN: All opposed?

UNKNOWN: I think Kevin said "aye" there?

KEVIN LUZAK: I do.

PAUL B. BARRINGER: It's hard to hear. I'm asking? Kevin did you say aye?

KEVIN LUZAK: Yes, I did.

UNKNOWN: Alright, well, then, my votes not important.

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UNKNOWN: Well, okay. The meeting is now adjourned. I will distribute Minutes of this meeting tomorrow. If you have any comments, I'd say please try to get them back to me by maybe Monday if possible so we can get, I want to make sure these are accurate.

PAUL B. BARRINGER: Let me get my attorney because he'll give you dated on when we're going to have the Shareholders. ... when you've got two people standing right here that are ...

UNKNOWN: We do, Paul, we do. I think, I think it's got to be 10 days notice. It's got to describe any actions the Shareholders need to take. It needs to go to all the Shareholders. So we certainly need to comply with the formalities.

MERRILL LIGHT: Here comes Jolley.

PAUL B. BARRINGER: Right, okay. But I thought we could have, in the old days we'd just make a decision right now and leave, you know. Whatever you have to do. I'm sorry we've got all these lawyers though.

MERRILL LIGHT: Here comes Jolley.

UNKNOWN: Like I said, I'll get those Minutes out tomorrow and please get your comments back.

PAUL B. BARRINGER: I've got my lawyer. We had to get him. It's John Jolley.

MR. JOLELY: Good afternoon.

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UNKNOWN: I remind you, we're adjourned. Do you want to reconvene?

PAUL B. BARRINGER: No.

MR. JOLLEY: I,m sorry, what was the question?

UNKNOWN: The meeting is now adjourned. Unless there is any further discussion, I think we can hang up the phone now.

MR. JOLLEY: Okay, thank you.

UNKNOWN: Thanks everybody. Okay.

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STATE OF SOUTH CAROLINA)

: C E R T I F I C A T E

COUNTY OF GREENVILLE)

Be it known that I transcribed the provided tape recording;

That I was then and there a Notary Public in and for the State of South Carolina-at-Large;

That the foregoing transcript of 19 pages is a true and correct transcript of the conversations in this matter;

That I am not related to nor an employee of any of the parties hereto, nor a relative or employee of any attorney or counsel employed by the parties hereto, nor interested in the outcome of this action.

WITNESS MY HAND AND SEAL this 13th day of July, 2017.

_____

Sue N. Haynie

Notary Public for South Carolina

My Commission Expires: 09/16/21

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6 July 2012

Mr. Paul B. Barringer, II
14 South Calibogue Cay Rd.
Hilton Head, SC 29928

Mrs. Merrill B. Light
9 Wild Heron Point
Hilton Head, SC 29928

Mr. Michael B. Hagler
Fulcher Hagler LLP
One 10th Street
Augusta, GA 30901

Mr. Kevin M. Luzak
167 East 71st Street
New York, NY 10021

Dear Dad, Merrill, Mike, and Kevin,

I write this letter as a shareholder of Coastal Forest Resources Company ("Coastal") to demand that the board take immediate action to address my father's incapacity due to illness to serve as a Coastal board member or officer, and to remedy the breaches of fiduciary duty which occurred at the June 28, 2012 board meeting. This includes postponing the shareholder's meeting noticed (although deficiently) for July 16, 2012, and taking steps to assure that Coastal has leadership during this period of transition by affirming that Kevin Luzak continues to serve as President and CEO until the board can act on an informed basis to determine whether Coastal's best interests are served by a change.

The past several weeks have been very difficult for my family and, I would imagine, for Coastal. I have been in a nightmare that won't seem to end. I am watching my father's illness progress at a shocking pace, I see my family making terrible decisions with respect to taking care of him, and I see the effect that these misguided decisions are having on Coastal and everyone involved with it. The last thing that I ever wanted to do was write a letter discussing what could and should have been handled as a private family matter. Kevin and I have made every effort to convince my family to confront my father's disease in a way that is best for his health while preserving his dignity and preventing damage to Coastal, but my family appears unable or unwilling to do the right thing here. I am therefore forced to

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make this formal demand for action and to lay out the facts which can no longer be ignored.

My father has been undergoing treatment for dementia for quite some time. We recently learned in a meeting that I attended with an MUSC neurologist that my father has been diagnosed as suffering from a form of Alzheimer's Disease. I, my mother, and my sister have been aware of his condition for several months.

As a family, we have had every opportunity to address my father's health, and to make the changes that it necessitates in his everyday life, privately. One of these changes is the need to transition him, with all of the dignity and respect that he deserves, out of his role as a fiduciary for the company that he created and built with such success. A man who is suffering from Alzheimer's Disease is not capable of serving as a fiduciary or officer making decisions that impact the lives of hundreds of employees or the financial the position of and shareholders.

We have, as a family, unfortunately found it impossible to come to grips with the reality of his illness. We have not been able to make a decision that is excruciatingly painful but absolutely and clearly necessary – the decision to confront my father with his disease and to focus his attention away from business and toward taking steps to protect his health and wellbeing.

The results of this failure to act promptly and appropriately are becoming vividly clear. My family voted at the June 28 board meeting to fire Kevin on the basis of a combination of delusion, deep confusion, and ridiculous and unfounded challenges to his character. My family voted down a motion that the board obtain an independent third party to investigate these allegations so the board could make responsible decisions on an informed basis. Worse, my family voted in favor of a motion to install my father, who has Alzheimer's Disease, as President and CEO of the company. The shareholders are now being asked to elect a board designed to ensure that my father, despite his condition, is elected to replace Kevin as President and CEO. These actions constitute serious breaches of fiduciary duty that must be remedied immediately.

I cannot allow my family to jeopardize my father's reputation and his stature by putting him in a position to unknowingly cause extraordinary damage to his life's work and to the people and the institutions that are its stakeholders. Moreover, I cannot permit my sister to assume the extraordinary liability that will rest with her and her husband for any damage that occurs as a result of their electing my father as President and CEO with knowledge of his impaired condition. My parents have placed her in an unimaginably difficult position that is simply not fair.

My husband is an honest and honorable man who has been involved with Coastal for more than 18 years. He has been a strong and loyal partner to my father, and has taken greater and greater responsibility over the past eight years, when he has been president and later CEO of the company. My father has thrown out a laundry list of

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delusions. Having done so, it was Kevin's hope that everybody would be able to move on to confront and deal with the illness. This request was refused.

I then made the same request, privately, to my sister and my father. My motivation was the same. I wanted to get the facts on the table so that we would all be able to confront them and make the right decisions. I did not receive an answer from either of them. It is not fair to Kevin or Coastal's shareholders to leave these allegations of wrongdoing unaddressed, or to bury the truth of my father's mental impairment when so much is at stake.

Finally, Kevin called a board meeting on June 28 to formally request that the board authorize an independent investigation into my father's allegations. This board meeting was the first instance in which a person outside of the family, Mike Hagler, was made aware of my father's actions and his intent. Mike responded as any director who is aware of his fiduciary obligation to stakeholders must respond in this situation. He agreed an investigation should take place so that the board could act on an informed basis. In the email he sent to Merrill after the board meeting, he made note of my father's obvious confusion and his inability to distinguish fact, and was uncomfortable about what he thought was a great deal of "coaching" of my father during the board call by my mother and my sister. Mike and Kevin voted for the investigation, my father voted against it. My sister joined my father in voting against Kevin's proposal, which was therefore set aside.

Merrill's vote was extremely upsetting to me because she is very aware of the reality of our situation. She has told me many times, though, that she feels she cannot go against my father's wishes. She has had a great deal of guilt placed on her, and she also feels that it's my father's company to do with as he wants. However, despite my father's enormous past contributions, Coastal is the shareholder's company, not my father's, and Merrill's fiduciary responsibility requires her to act in accordance with the best interests of the company and its shareholders, rather than from a sense of parental loyalty that is misguided even if well intended.

The idea that the family does not want my father's allegations against Kevin to be examined speaks volumes. They will apparently go to any length to hide my father's illness. They will sacrifice my husband despite his unqualified success at building and running CFRC, which just enjoyed what I am told are its highest monthly and highest quarterly earnings ever. They will jeopardize the livelihood and financial condition of all of the company's employees and stakeholders. These actions will place my sister in a position where she will bear liability for any financial damage done to these stakeholders by my father should he gain control of the company. And finally, they will abandon me and my son, throwing us to the curb with Kevin.

And to what end? To keep a secret for a few weeks or months? I cannot not permit this to happen. There is too much at stake for all concerned.

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I have presented the facts to all of you to consider once more before you move a single step further down this path. My family is making a huge mistake that is literally unbelievable. They must stop and consider what they are doing and they must address my father's health issues rather than try to hide from them.
I therefore demand that the board take immediate and appropriate action to remedy the breaches of fiduciary duty which occurred at the June 28 board meeting, and to stop any further breaches of fiduciary duty from occurring. First, the board should take all necessary steps to address my father's incapacity to serve as a Coastal board member or officer. The shareholder meeting deficiently noticed for July 16 should be postponed, and a suitable replacement for my father should be identified to take his place on the board. Until this board transition occurs, the board should affirm that Kevin continues to serve as President and CEO until the board can act on an informed basis to determine whether Coastal's best interests are served by a change. (The vote on Kevin's removal at the June 28 board meeting deadlocked 2-2, and Mr. Herring was not authorized by the board or qualified to render an opinion on Virginia law or to nullify the vote. Further, Mr. Herring has acknowledged in a letter to Mr. Hagler that his opinion nullifying Kevin's vote has no support in the case law, and that his position may be incorrect.) If an independent board acting solely in the best interest of Coastal determines that a leadership change is warranted, Kevin will assist, if requested, in identifying a person suitable to take his place, which he would do as quickly as possible. If the board has any doubt about Kevin's performance based upon my father's allegations, I (and he) would continue to welcome a thorough and independent review of each and every one of these allegations and would ask that you authorize it immediately.

It is time to make the right decision, and to do what is right for my father and his legacy. As a shareholder, I must and will hold the board accountable for their actions as fiduciaries for the Coastal shareholders.

Sincerely,

Hampton

cc: Mr. Bradley J. Herring
Poyner & Spruill LLP
P.O. Box 353
Rocky Mount, NC 27802

Mr. Michael R. Smith
King & Spalding LLP
1180 Peachtree Street, NE
Atlanta, GA 30309

MUSC Health
Medical University of South Carolina

MEDICAL RECORDS
169 Ashley Ave Suite H102
MSC 250
Charleston SC 29425-3490
Ambulatory Encounter Report

Barringer, Paul
MRN: 001865746, DOB:
Acct #: 11870142
Visit date: 5/30/2012

Sex: M

All Notes (continued)

Progress Notes by David L. Bachman, MD at 5/30/2012 11:35 AM (continued)

Assessment / Plan:

The patient likely has a mild preexisting dementia with prominent word finding difficulty with symptom exacerbation due to acute surgical/radiation treatment stressors and polypharmacy. He is improved since some of these conditions have been corrected. Most likely the patient has mild Alzheimer's disease.

We are going to obtain a variety of metabolic studies to exclude other exacerbating factors. We are also going to start the patient on donepezil at 5mg in the am. The family will contact me in about a month to let me know how the patient is doing. The family had adequate time to have their question answered.

Lab - All Orders and Results

COMPREHENSIVE METABOLIC PANEL [9442188]
Electronically signed by: **David L. Bachman, MD on 05/30/12 1302** — Status: **Completed**
Ordering user: David L. Bachman, MD 05/30/12 1302 — Ordering provider: David L. Bachman, MD
Frequency: 05/30/12 -

FOLATE [9442189]
Electronically signed by: **David L. Bachman, MD on 05/30/12 1302** — Status: **Completed**
Ordering user: David L. Bachman, MD 05/30/12 1302 — Ordering provider: David L. Bachman, MD
Frequency: 05/30/12 -

VITAMIN B12 [9442190]
Electronically signed by: **David L. Bachman, MD on 05/30/12 1302** — Status: **Completed**
Ordering user: David L. Bachman, MD 05/30/12 1302 — Ordering provider: David L. Bachman, MD
Frequency: 05/30/12 -

VITAMIN B1, WHOLE BLOOD [9442191]
Electronically signed by: **David L. Bachman, MD on 05/30/12 1302** — Status: **Completed**
Ordering user: David L. Bachman, MD 05/30/12 1302 — Ordering provider: David L. Bachman, MD
Frequency: 05/30/12 -

TESTOSTERONE [9442192]
Electronically signed by: **David L. Bachman, MD on 05/30/12 1302** — Status: **Completed**
Ordering user: David L. Bachman, MD 05/30/12 1302 — Ordering provider: David L. Bachman, MD
Frequency: 05/30/12 -

TESTOSTERONE, FREE, TOTAL [9442193]
Electronically signed by: **David L. Bachman, MD on 05/30/12 1302** — Status: **Completed**
Ordering user: David L. Bachman, MD 05/30/12 1302 — Ordering provider: David L. Bachman, MD
Frequency: 05/30/12 -

VITAMIN D 25 HYDROXY [9442194]
Electronically signed by: **David L. Bachman, MD on 05/30/12 1302** — Status: **Completed**
Ordering user: David L. Bachman, MD 05/30/12 1302 — Ordering provider: David L. Bachman, MD
Frequency: 05/30/12 -

TSH [9495082]
Electronically signed by: **David L. Bachman, MD on 05/30/12 1302** — Status: **Completed**
Ordering user: David L. Bachman, MD 05/30/12 1302 — Ordering provider: David L. Bachman, MD
Frequency: 05/30/12 -

T4, FREE [9495083]
Electronically signed by: **David L. Bachman, MD on 05/30/12 1302** — Status: **Completed**

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MUSC Health
Medical University of South Carolina

MEDICAL RECORDS
169 Ashley Ave Suite H102
MSC 250
Charleston SC 29425-3490
Ambulatory Encounter Report

Barringer, Paul
MRN: 001865746, DOB: Sex: M
Acct #: 12565944
Visit date: 3/27/2013

All Notes (continued)

Progress Notes by David L. Bachman, MD at 3/27/2013 11:03 AM (continued)

Plan
We are going to increase his donepezil to 10mg in am and 5mg in early pm
Wife feels his driving is good at this time; she will continue to monitor
I expressed my concern regarding patient's role in his company. In my opinion, he has capacity at this time to make decisions regarding his personal affairs.
I am concerned about the stress of having to keep up with the demands of a complex business, however. He discussed his plans to transition his company under his daughter's supervision.
He will be seen in routine follow up

Total visit time more than 25 minutes
Counseling and coordination of care more than 50% of visit time

Medications - All Orders and Results

mirabegron (MYRBETRIQ) 50 mg Tb24 [14729983]
Electronically signed by: **Tiffanay Berry, CMA on 03/27/13 1017** Status: **Active**
Ordering user: Tiffanay Berry, CMA 03/27/13 1017
Frequency: - Until Discontinued
Admin instructions:

DABIGATRAN ETEXILATE MESYLATE (PRADAXA ORAL) [19489053]
Electronically signed by: **Tiffanay Berry, CMA on 03/27/13 1017** Status: **Active**
Ordering user: Tiffanay Berry, CMA 03/27/13 1017
Frequency: - Until Discontinued
Admin instructions: Unsure of dosage

donepezil (ARICEPT) 10 MG tablet [19489054]
Electronically signed by: **David L. Bachman, MD on 03/27/13 1121** Status: **Active**
Ordering user: David L. Bachman, MD 03/27/13 1121 Ordering provider: David L. Bachman, MD
Frequency: 03/27/13 - Until Discontinued
Admin instructions: 1 tab in am and 1/2 tab in early afternoon

Result Summary

Follow-up and Disposition History

03/27/2013 1122 - David L. Bachman, MD
Disposition: Return in about 6 months (around 9/27/2013).

To-Do List

Follow-Up
Return in about 6 months (around 9/27/2013).

Encounter-Level Documents:

There are no encounter-level documents.

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IN THE COURT OF COMMON PLEAS **ROA 001323**
FOR THE FOURTEENTH JUDICIAL CIRCUIT
FOR THE STATE OF SOUTH CAROLINA
BEAUFORT COUNTY

IN THE MATTER OF:
ESTATE OF PAUL B. BARRINGER, II,

HAMPTON BARRINGER LUZAK,

Plaintiff,

vs. CASE NO. 2016-CP-07-1919

MERRILL B. LIGHT, MERRILL U. BARRINGER, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF PAUL BRANDON BARRINGER, II, J. RANDOLPH LIGHT, JR., MERRILL B. LIGHT AS PUTATIVE TRUSTEE OF THE PAUL B. BARRINGER, II, REVOCABLE TRUST DATED DECEMBER 4, 1998 AND MERRILL B. LIGHT AS TRUSTEE OF THE MERRILL BARRINGER LIGHT REVOCABLE TRUST,

Defendants.

DEPONENT: HAMPTON BARRINGER LUZAK

DATE: JUNE 12, 2019

TIME: 9:39 A.M.

LOCATION: ROSEN HAGOOD, LLC
151 MEETING STREET
SUITE 400 HARBOR ROOM
CHARLESTON, SC 29401

REPORTED BY: GLORIA ANZALONE, RPR
CLARK & ASSOCIATES, INC.
P.O. BOX 73129
CHARLESTON, SC 29415
843-762-6294
WWW.CLARK-ASSOCIATES.COM

ROA 001323

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correct. I have made money on my own. **ROA 001324**

Q. You made a lot of statements about the actions of your family over the time period between June of 2012 and April of 2016, correct?

A. June of 2012 to April of '16?

Q. That's when you testified, was April the 16th.

A. Right, but why are you bringing June of 2012? I'm sorry, can you be more specific with the question?

Q. Right. Prior to you seeing your father just before he died, when was the last time you saw him?

A. The last time I saw him was in 2012.

Q. In what month?

A. It was definitely late May.

Q. So I'm asking you, did your claims against your sister, your brother-in-law and your mother, did they start really in around, really in June of 2012?

A. No.

Q. When did they start?

A. They started right after the board sued me on April 15th, then everything started moving forward with the claims. **ROA 001324**

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ROA 001325

Q. That was in 2016 they sold, is that correct?

A. Yes. But also two other times, right after I found the Travis stock transaction, roughly a month and a half later they told me as a courtesy they were selling the company immediately. And a Tombstone From Lanigan came out where Travis Bryant worked as an account, the same day they had an emergency board meeting and they were going to sell the company as quickly as possible, and this was immediately after they removed my father as chairman of the board.

Q. So that was in 2015?

A. It was in March 2015.

Q. That the company has not been sold, has it?

A. I think there is probably a cast of doubt over the stock register as they said when they sued me in April of 2015.

Q. CFRC, no one has bought CFRC, is that correct?

A. I don't know.

Q. You don't know? Now you're still a shareholder, aren't you?

A. Yes.

ROA 001325

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RQA-001326

Q. Are you still getting distributions from CFRC?

A. Yes.

Q. You think you would have gotten distributions if it had been sold?

A. Well, there are many assets to the company, so I think I would be getting distributions.

Q. Not if the entire company was sold, would you?

A. Not if the entire company was sold, but she's piece selling it. So I'm still getting distributions but I'm finding out after the fact that she's selling off assets.

Q. The company is selling assets.

A. The board of directors is selling the assets.

Q. Well, the assets are owned by the company, correct?

A. Right, but the board of directors is the ones having the meeting, deciding to sell the assets.

Q. And you were offered a seat on the board of directors, weren't you?

A. I was.

Q. And you turned it down, didn't you?

RQA-001326

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ROA 001327

A. I did.

Q. So you could have been participating in these decisions if you sat on the board, correct?

A. I could have been participating, I had no idea that they would be selling off these assets because I told my sister I did not want to do that.

Q. When did you tell her that?

A. When she was telling me she wanted to sell when my husband was working at the company as CEO, I was telling her I do not want to sell the company.

Q. But when your husband worked at the company, the company sold assets, didn't it, and bought assets at the same time?

A. Um-hum.

Q. Did you tell your husband he shouldn't be selling any assets?

A. I don't know, we didn't talk about it.

Q. CFRC is doing very well, isn't it?

A. I'm not a lawyer.

Q. I'm not asking you a legal question. Isn't the company making a lot of money?

A. Actually, a year ago the company sent out a letter saying they were going to have a bad year this year and to get ready for it, prepare for

ROA 001327

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ROA 001328

Q. Yeah, what did you think he did?

A. He was in the lumber business.

Q. Did you ever have any interest in the company or what it produced?

A. I did an internship during high school at the main mill in Weldon, and then I went off to school and just did different things. We were mostly in South Carolina in the summertime or I was off at boarding school.

Q. Did you ever have any personal interest in working for CFRC?

A. I don't know.

Q. Did you ever ask your dad for a job?

A. I did the internship.

Q. And after that did you ever ask him?

A. Well, I was off at school for, like, the next eight years.

Q. And then you got out of school. Did you ever ask him for a job at CFRC?

A. I don't know. I don't know.

Q. You don't know whether you asked him or not?

A. I don't know. I can't remember.

Q. Did you ever think you wanted to work there?

ROA 001328

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A. I don't know, I don't know. **ROA 001329**

Q. Did Victor go to work for CFRC?

A. Yes.

Q. How old was he when he started working there?

A. I don't remember.

Q. Was your father easy to manipulate?

A. I don't know. You would have to be specific about it.

Q. Did your father get angry often?

A. No, uh-uh.

Q. Describe your father as you knew him when you were growing up, up until when you were in college. So how would you describe him?

A. A strong disciplinarian, soft heart, incredibly generous to strangers, hard working and an incredible imagination.

Q. Was he confident? Did he have a lot of self-confidence?

A. Being an alpha male, I would say yes.

Q. Was he decisive?

A. I don't know, I don't know.

Q. Did you consider him to be intelligent?

A. Yes.

Q. Did you think he was fair? **ROA 001329**

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ROA 001330

Q. Third line down, at the end of the line is Hampton. Have you got that?

MR. GILREATH: It says has never been involved in the business, is what you're talking about, right?

MS. PAYLOR: Correct.

MR. GILREATH: Do you see that, Hampton?

THE WITNESS: Um-hum, I do.

BY MS. PAYLOR:

Q. Do you agree with that statement?

A. I would need to read the whole thing.

Q. Basically, Hampton has never been involved in the business of Coastal. Is that a true statement?

A. I don't know. Because I did the internship, I don't know.

Q. Other than that you've never been involved, correct?

A. Not during this year.

Q. And has never had financial responsibility beyond her personal and household expense management. Do you agree with that?

A. I don't know. Yes, I guess I would. Let me just take a minute to read it over. Okay,

ROA 001330

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RQA 001331

Q. You think that was the last time?

A. It would have to have been the last time.

Q. As an adult prior to 2012, had there ever been a time when you had not gotten along with your sister Merrill?

A. I don't remember.

Q. Were you ever close as sisters?

A. Not particularly.

Q. And when was the last time that you had any communication with Merrill?

A. I don't remember. It would have been in 2012.

Q. Was it the letter you sent her after getting the gift for Wade?

A. Well, that was my communication to her, but with the two of us communicating, I don't know.

Q. Did you ever talk to her after the board votes and shareholder votes regarding your husband?

A. After the board meeting late June, June 28th?

Q. Yes.

A. I don't think so.

MS. PAYLOR: Off the record.

RQA 001331

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ROA 001332

A. (The witness gave no response.)

Q. If you look at the next page it will tell you what it is.

A. Yes, it is.

Q. And did you review this before it was filed?

A. Yes.

Q. And do you believe that everything stated in here is accurate?

A. I believe so. I'm not a lawyer, though.

Q. Let's go to page 3, I'm going to ask you about some of your allegations, okay?

A. Um-hum.

Q. Paragraph 6 on page 3 at the bottom. And Paragraph 6 states: On information and belief, while Decedent Paul Barringer was alive, Defendant Merrill Light undertook a scheme to effect a transfer of Decedent Paul Barringer's voting stock in Coastal Forest Resources Company, Inc., to a revocable trust under her control and for her benefit and of which she is trustee. So you're stating this on information and belief, correct?

A. On information and belief.

Q. So what information do you have that

ROA 001332

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supports this allegation? **ROA 001333**

A. The transfer out of an irrevocable trust, the stock certificate which does not list Merrill Light as a co-trustee which was hidden from me, and she is a co-trustee, but it was not put on the stock certificate.

Q. So the stock certificate does not list her as a co-trustee?

A. No.

Q. And what does that inform you?

A. That something is being hidden about Merrill Light being a co-trustee.

Q. And do you know who prepared these stock certificates?

A. I believe John Jolley.

Q. And do you know who instructed him to prepare the stock certificate?

A. I believe -- well, my dad was very ill and confused at the time; it would have to have been Merrill Light.

Q. And which stock certificate are you referring to, at what time --

A. I believe it's the one that you sent a day ago, either 13 or 14.

Q. Look at Exhibit 10. **ROA 001333**

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A. I'm sorry, on what page? **ROA 001334**

Q. It's behind Tab 10.

A. Okay.

Q. Is this the stock certificate to which you were referring?

A. Yes, May 11th, Stock 14.

Q. And it says that Paul B. Barringer, Trustee of the Paul P. Barringer Revocable Trust under agreement dated September 4, 1990 (sic). This certifies that Paul Barringer in this trust is the owner of these shares.

A. Yes, but Merrill was the co-trustee, as well.

Q. And you think she had to be listed in this?

A. Yeah, I do.

Q. Why is that?

A. Because she is a co-trustee controlling these shares of my father.

Q. Can't one trustee act without the other?

A. Well --

MR. GILREATH: Object to the form of that question.

BY MS. PAYLOR: **ROA 001334**

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RQA 001335

Q. Do you have an understanding whether one trustee can act without the other?

A. I don't believe that's -- I think if daddy was a, if he was a co-trustee, which he was at this time, he should not be saying trustee on this certificate. He's not a trustee, he is a co-trustee.

Q. Aren't they both trustees?

A. They are co-trustees.

Q. Have you looked at that agreement?

A. Which agreement?

Q. The Paul B. Barringer Revocable Trust agreement dated December 4 --

A. I don't remember.

Q. -- 1998. Hum?

A. I don't remember.

Q. But you think in your opinion she should have been listed on there as co-trustee, correct?

A. Or my father should have been listed as a co-trustee.

Q. Okay. Do you have any other information that supports your research in here that Merrill Light undertook a scheme to effect a transfer of Paul Barringer's voting stock?

MR. GILREATH: Object to the form.

RQA 001335

ROA 001336

of the question under the authority of the Rifkind case. If you want -- that calls for a legal conclusion, and if you want to send us something on that, we'll send you an interrogatory.

BY MS. PAYLOR:

Q. You can still answer the question.

MR. GILREATH: Yeah, but I'm going to instruct her not to answer that question.

MR. HOGAN: She can answer that.

MR. GILREATH: She can go ahead -- all right, go ahead and answer subject to my objection. Go ahead.

THE WITNESS: Yes, there was another, shortly thereafter another incident where -- actually two more incidences where she hid the fact that she was co-trustee of the stock. One would have been in July when she was rearranging a shareholders meeting, and the other time was on that supposed date of September 11th, there was no co-trustee, as well, on the stock power.

BY MS. PAYLOR:

ROA 001336

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RQA 001337

Q. Okay. So everything you told me about has to do with her being a co-trustee?

A. Hiding the fact that she's a co-trustee.

Q. Do you have any other information that supports your assertion in Paragraph 6?

MR. GILREATH: Object to the form of that question.

THE WITNESS: I don't know.

BY MS. PAYLOR:

Q. That's all you know right now, is that correct?

A. As of this moment all I know, but we're still trying to get to the bottom of things.

Q. What are you trying to get to the bottom of?

A. I'm just saying what was happening for all these years.

Q. What do you mean?

A. There was a lot of moving around of assets and we've been trying to get discovery from Ashley Twombley which has been extremely difficult, so we're just trying to get to the bottom of certain questions we have.

Q. Do you have any witnesses who will

RQA 001337

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MS. PAYLOR: Go for it. **ROA 001338**

BY MS. PAYLOR:

Q. Are you aware of anyone who will testify with firsthand knowledge that Defendant Merrill Light undertook a scheme to effect a transfer of her father's voting stock?

A. Anyone who will testify?

Q. Yes.

A. Merrill Light.

Q. Any other witnesses?

A. I don't know.

Q. That's the only person you know of who can testify about that?

A. And John Jolley.

Q. Anyone else?

A. And possibly Travis Bryant.

Q. Anybody else?

A. Not at the moment, I don't --

MR. GILREATH: Object to the form of all those questions.

BY MS. PAYLOR:

Q. Are you aware of any, other than what you've already said about the stock certificate, do you have any other documents that you believe supports your assertion about this scheme? **ROA 001338**

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ROA 001339

MR. GILREATH: Object to the form of that question.

THE WITNESS: Well, there would be the amended trust on July 20th and there would be -- that's interesting. I believe there would be documents around the true transfer of the voting stock. We have three different dates on the voting stock transfer and different years, so Randy, John Jolley, Travis Bryant, Merrill Light.

BY MS. PAYLOR:

Q. Do you have any knowledge of any actions that Merrill Light took to effect this transfer of stock?

A. Can you be more specific?

Q. Well, you say that, that Merrill Light -- you're very specific. Merrill Light undertook a scheme to effect a transfer of Decedent Paul Barringer's voting stock.

A. Right.

Q. What did she do?

MR. GILREATH: Object to the form of that question on the Rifkind case.

BY MS. PAYLOR:

Q. Go ahead.

ROA 001339

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ROA 001340

A. My father was being hospitalized and she took action while he was being hospitalized in and out, before and after.

Q. What did she do?

MR. GILREATH: Object to the form.

BY MS. PAYLOR:

Q. You have to answer.

A. Transfer the stock to an irrevocable trust where she was co-trustee on May 11th, and he was, he had dementia and he did not know what he was doing. Okay?

Q. Let's go to Paragraph 11 which is on page 4 of the complaint. In here you talk about having a close family relationship with your father and mother until recent years, and I believe you've already said that was really until June of 2012, is that correct?

A. Yes.

Q. And that you always maintained great respect for your father including his lifetime of work. Did you ever lose respect for your father?

A. Before or after 2012?

Q. At any time.

A. At any time? I don't know how to answer that about losing respect.

ROA 001340

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ROA 001341

Q. Did you lose respect for him after that in 2012?

A. No.

Q. No? And you would agree that CFRC was your father's business, correct?

A. Yes.

Q. And throughout his life he ran that business, didn't he?

A. Throughout his life?

Q. Yes, ma'am.

A. I believe in his last few years he had removed himself somewhat and slowed down and Kevin was taking over more responsibility.

Q. Did he still make the important decisions for the business even in the last few years?

A. I would say Kevin made most of the decisions.

Q. And what do you know about what decisions were made?

A. Direction of the company. It was Kevin's idea on the direction of the company which was approved at a family meeting and at a board meeting.

ROA 001341

Q. And how do you know it was approved at

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a board meeting? **ROA 001342**

A. Kevin told me.

Q. So you don't have firsthand knowledge of that, is that correct?

A. I have firsthand knowledge because he's my husband.

Q. But you were not present at the board meeting?

A. No.

Q. So you're relying on what he said?

A. And the minutes, which we should take a look at.

Q. So you think there are some minutes that say they approved of diversifying the business?

A. I know that Ashley Twombley has been very late in discovery and there are minutes we are missing.

Q. What minutes are you missing?

A. Over the years? I don't know right at the moment off the top of my head.

Q. Have you looked at all the minutes?

A. I've seen them over the years.

Q. Did you ever see --

A. Bits and pieces.

Q. -- any minutes where it approved **ROA 001342**

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ROA 001343

forming Coastal Holdings or selling Timberland to raise $100 million to fund Costal Holding?

A. The minutes I get from Ashley Twombley are so heavily redacted that I don't know if it's there or not.

Q. But you haven't seen it, correct?

A. I have not seen those, seen it in words because of the redactions.

Q. Okay. So you don't know what's under the redactions, is that correct?

A. They are fusing to disclose discovery, so I don't, no.

Q. What year were these minutes?

A. Well, I think the minutes you're talking about would be in February of 2012.

Q. And you don't have those?

A. If I had them, they're so heavily redacted, I can't, I don't have any language on them.

Q. I think we got them in here (indicated).

A. Okay.

Q. Did your father ever totally relinquish control of CFRC while your husband was president and CEO?

A. He did verbally to Kevin, and I actually

ROA 001343

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RQA 001344

through business. I don't believe I've met him, though.

Q. Do you know if Kevin was using him to talk about the family issues?

A. I don't recall, I don't know.

Q. In Paragraph 48 you say: While Plaintiff Hampton Luzak was helping Paul Barringer through treatments at MUSC, Defendant Merrill Light was involved in moving Decedent Paul Barringer's voting stock in CFRC into Decedent Paul Barringer's Revocable Trust for which Merrill Light purportedly became a co-trustee. What is it that she did?

A. With all due respect, Miss Paylor, we talked about this probably two hours ago, but she moved his voting stock from the irrevocable on May 7th and May 11th to a revocable where she was a co-trustee and she hid the fact that she was a co-trustee.

Q. So are you stating that Merrill Light and not Paul Barringer instructed John Jolley to make the transfer?

A. I know my father was very confused at the time, in and out of hospitals, and I would have to think it would be Merrill Light.

Q. But you don't know that for a fact,

RQA 001344

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correct? **ROA 001345**

A. I believe strongly the fact that she hid the fact of the co-trustee from me. When you hide something, then you are the person doing something in the wrong.

Q. Did you ever ask her if she was a co-trustee on his trust?

A. No, it was hidden from me.

Q. Did you know he had a trust?

A. I knew he had lots of trusts.

Q. And why, why are you thinking that she had to tell you when he named her as a co-trustee on this trust?

A. Because my father treated all three of us equally our entire lives, and if she's doing something like moving stock around and she and I are equal shareholders and we were treated equally throughout my dad's entire life, you would assume she would mentioned something.

Q. What if she wasn't moving stock around, why would she tell you that?

A. I don't know. I guess the same way a lot of other things happened that weren't told to me.

Q. On Paragraph 54 states that: Decedent Paul Barringer was confused about a memorandum of [illegible] **ROA 001345**

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ROA 001346

Q. And then he says, Merrill, you have to wait for Merrill to decide that he gets off. You have to wait for Merrill to decide that it's time for him to stop running the company. And then he talks about you talking to Merrill. You never did, did you?

A. Where is he talking about me talking to Merrill?

Q. On the bottom of page 12. I think you need to make it very clear right now to Merrill. Say, "Merrill, this has been your decision and your decision only." And be very clear, "You're responsible for whatever happens to this company personally."

A. Right. I don't remember.

Q. You never did that, right?

A. We never spoke after June 28th.

Q. And then you said, Should we get Michael Smith involved? And that's the lawyer from King & Spalding, is that right?

A. Um-hum. But I'm glad you brought this forward because Merrill had co-trustee of my father's revocable trust and was, had that knowledge and knew this. And Merrill herself said, This is all going to be over in six months, Hampton. I have a doctor's

ROA 001346

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June 2014. **ROA 001347**

Q. Right. You said there was a document showing that Randy was right there with him.

A. Yeah. I can't recollect what it is right now, but I believe we'll get to the bottom of it.

Q. I would like to know what it is.

A. Yeah.

Q. Okay. Well, the document will speak for itself if and when you find it.

A. Yes.

Q. You state that your father was in a state of confusion and exhibiting irrational and erratic behavior when he purportedly executed a second amendment of his revocable trust on July 20th, 2012, correct, Miss Luzak?

A. I'm sorry, where are you at, Miss Paylor?

Q. That's in your complaint, Paragraph 75, Exhibit 3. It's based on what you just said.

A. Paragraph 75. Right.

Q. And do you recall what that amendment provided in his trust?

A. I believe it was giving Merrill his stock upon his death. **ROA 001347**

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Q. And you were not present when he was ROA 001348
signing that, correct?
A. Correct.
Q. So how do you know that he was in a state of confusion and exhibiting irrational and erratic behavior?
A. Because I had been with him to his doctor's appointment in South Carolina two months earlier when he was diagnosed with Alzheimer's.
Q. So is it your opinion that he would never be any different from the way you think he was at that time?
A. I don't understand the question.
Q. Well, you saw him two months before.
A. Um-hum.
Q. And you're basing this statement on what you saw two months before, is that correct?
A. Or his diagnosis of Alzheimer's.
Q. So is it your opinion that if you have Alzheimer's you can never give away anything again?
A. I believe when you have dementia, which he had been diagnosed with for at least a year, and you have someone suddenly signing documents over to a co-trustee who can't benefit as fiduciary, I think it's suspicious and problematic. ROA 001348

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RQA-001349

Q. But if he knew what he was doing and he was competent and he signed it, then it's valid, correct?

A. Not if he has dementia and Alzheimer's.

Q. So where do you get that from?

A. Well, I had a conversation with Dr. Bachman, and my father did not even remember that he owned a building in Virginia.

Q. Well, he owns a lot of property, doesn't he, your father?

MR. GILREATH: I'm going to object to that last question you asked.

MS. PAYLOR: She's already answered.

BY MS. PAYLOR:

Q. You think legally if you have Alzheimer's you cannot ever sign a will again, is that correct?

MR. GILREATH: Object to the form. Counsel --

THE WITNESS: I don't know.

BY MS. PAYLOR:

Q. Look at behind Tab 17, please. This is, if you look down, it's an email from Travis Bryant to Randy Light and Merrill Light, correct?

RQA-001349

ROA 001350

a responsibility to her still. And I was trying to be courteous and respond to her. I'll be happy to talk about that some other time but --

MR. MEDLIN: As part of being courteous as an officer of the court, do you want to make the statement she's operating with only about half the facts when you don't know what she's operating with? Why don't we just move on --

BY MR. TWOMBLEY:

Q. It appears to me that there are some facts that you don't know about that deposition in which, in line with some other things, but I'll be happy to talk about that another time. Let's move on to --

A. I agree.

Q. -- to your deposition. Miss Luzak, is it your position that when someone is diagnosed with dementia or Alzheimer's disease that they no longer have the right to make decisions for themselves?

MR. GILREATH: Object to the form of that question. It calls for a legal conclusion, but you can answer it if you can.

ROA 001350

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ROA 001351

THE WITNESS: I don't know my belief personally, I'm not a doctor, is yes.

BY MR. TWOMBLEY:

Q. And how did you come to form that belief, that if someone is diagnosed with dementia or Alzheimer's disease, that from that day forward they can no longer make decisions for themselves?

A. Mostly because their mind is not functioning properly.

Q. Did you have any factual basis for that or is that just...

A. I don't know.

Q. Do you have any factual basis to support that that you can tell us about today?

A. Today in this moment, I don't know. I don't know the answer to that.

Q. All right. Now, again, I told you I was going to jump around, so I'm going to jump around. You testified you have three different houses, is that correct?

A. Right.

Q. The one in Nantucket, one in Charleston and one in Wyoming, is that correct?

A. Correct, but I'm a resident of Wyoming.

ROA 001351

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conclusion. **ROA 001352**

THE WITNESS: Texts between the three of them talking about my dad saying how hard can it be to get him to sign it over. I've got it, I've got it. Why can't you get it? How hard can it be? I got it, I got it.

BY MR. TWOMBLEY:

Q. Are these text messages?

A. They are emails between the three of them.

Q. All right. Anything other than --

A. John Jolley won't return my phone call. Can you work on him, those kind of threats.

Q. Okay. Anything else other than those emails?

A. I can't recollect anything right now.

Q. And isn't it true, Hampton, that when your father transferred that stock or whatever day --

A. Transferred to his irrevocable --

Q. Transferred it to Merrill Light.

A. To his Paul Barringer on May 11th revocable?

Q. When your father transferred the stock to Merrill Light -- **ROA 001352**

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IN THE COURT OF COMMON PLEAS **ROA 001353**
FOR THE FOURTEENTH JUDICIAL CIRCUIT
FOR THE STATE OF SOUTH CAROLINA
BEAUFORT COUNTY

IN THE MATTER OF:
ESTATE OF PAUL B. BARRINGER, II,

HAMPTON BARRINGER LUZAK,

Plaintiff,

vs. CASE NO. 2016-CP-07-1919

MERRILL B. Light, MERRILL U. BARRINGER, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF PAUL BRANDON BARRINGER, II, J. RANDOLPH Light, JR., MERRILL B. Light AS PUTATIVE TRUSTEE OF THE PAUL B. BARRINGER, II, REVOCABLE TRUST DATED DECEMBER 4, 1998 AND MERRILL B. Light AS TRUSTEE OF THE MERRILL BARRINGER Light REVOCABLE TRUST,

Defendants.

DEPONENT: HAMPTON BARRINGER LUZAK

DATE: JUNE 13, 2019

TIME: 10:04 A.M.

LOCATION: ROSEN HAGOOD, LLC
151 MEETING STREET
SUITE 400 HARBOR ROOM
CHARLESTON, SC 29401

REPORTED BY: GLORIA ANZALONE, RPR
CLARK & ASSOCIATES, INC.
P.O. BOX 73129
CHARLESTON, SC 29415
843-762-6294
WWW.CLARK-ASSOCIATES.COM

ROA 001353

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ROA 001354

and Wade. We usually came down, so I assume that was our understanding. And I don't know, I don't recollect at this time. I just know that she canceled with me but I have to think about -- and I believe we were coming down to see her but she was cancelling.

Q. And you never visited or spoke with your father after, after 2012, right?

A. Correct.

Q. I think you may be forgetting the one court ordered visitation, but aside from that you don't --

A. There was a court-ordered visitation a month before he passed away, but I also tried to see him the weekend before he passed away and she refused, and you know this, and then you had to call her up and tell her she was court ordered to allow me to see my dad.

Q. Well, actually, I don't know that, and I want to correct my question. I don't think that visitation was court ordered a bit, I think it was voluntarily agreed to, but the records will speak for themselves.

A. Yes, of course. But she did not want me coming the weekend before he passed away

ROA 001354

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IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE MATTER OF:
ESTATE OF PAUL B. BARRINGER II

HAMPTON BARRINGER LUZAK.,

Plaintiff,

vs. CIVIL ACTION NUMBER
2016-CP-07-1919

MERRILL B. LIGHT, MERRILL U. BARRINGER, as Personal Representative of the Estate of Paul Brandon Barringer, II, J. RANDOLPH LIGHT, JR., MERzuLL B. LIGHT as putative trustee of the Paul B. Barringer, II, Revocable Trust dated December 4,1998, and MERRILL B. LIGHT as Trustee of the Menill Barringer Light Revocable Trust,,

Defendant.

----------/

The videotaped deposition of MERRILL UNDERWOOD BARRINGER, a witness in the above-entitled cause, taken pursuant to Notice and agreement, before Kyle J. Saniga, Certified Court Reporter and Notary Public, David Delaney, Videographer, at the Sabal 2 Room, at the Omni Resort, 23 Ocean Lane, Hilton Head Island, South Carolina on the 14th day of March 2019, commencing at or about the hour of 10:24 a.m.

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Q Are you aware of Randy or Merrill Light or anyone else improperly influencing your husband, Paul Barringer, to change his estate plans so that he removed Hampton as a beneficiary?

A Would you repeat that, please?

Q Yeah. Are you aware of Randy or Merrill Light influencing Paul to change his will so that Hampton was not a beneficiary?

A No, they did not do that.

Q And what is your understanding of why he changed his estate planning documents?

A Well there were lots of reasons but let me see where to start. He wanted to leave our daughter Hampton out of it.

Q And why was that?

A Because she had alienated him and the family. He wanted -- he gave that portion to Wade, Hampton's son.

Q And then he took Wade out also, didn't he, at the end?

MR. GILREATH: Object of that form. Leading question.

BY MS. PAYLOR:

Q Did he make another change -- did he

make another change to his will with regard to Wade?

A He gave him some money.

Q Hampton claims that all of the actions that ultimately removed her as a beneficiary and from getting the voting shares of the stock were actually a big conspiracy between Randy Light, Merrill Light, Travis Bryant and John Jolley.

A That's ridiculous. That's not true.

Q Okay. And who was the moving force in all of the decisions that were made?

A My husband.

Q Was your husband a strong-willed person?

A Very.

Q Did he get his way often?

A Yes, he did.

MR. GILREATH: Object to the form of that last question, too as leading.

BY MS. PAYLOR:

Q When your husband made all of these decisions, in your opinion based on living with him for over sixty years was he mentally competent to make the decisions he made?

MR. GILREATH: Object to the form

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of the question, leading question.
THE WITNESS: Yes.
BY MS. PAYLOR:
Q Were these decisions what Paul Barringer wanted to do?
A Yes.
Q Did anyone ever tell Paul Barringer what to do with his company's stock?
MR. GILREATH: Object to the form of the question.
THE WITNESS: That's almost ridiculous.
BY MS. PAYLOR:
Q Okay. To your knowledge, did anyone ever tell Paul Barringer --
A Nobody ever told him what to do.
Q To your knowledge, did anyone ever tell Paul what to do with his substantial assets outside of the company?
MR. GILREATH: Object to the form of the question.
THE WITNESS: Outside of the company people he hired to assist him suggested to him but they were suggestions from those type of people.

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BY MS. PAYLOR:
Q Okay. Like -- and would one of those people be Robert Slane?
A Yes, early on.
MR. GILREATH: Object to the form of the question.
BY MS. PAYLOR:
Q Did you have any question, when Paul took these actions, that he knew what he wanted to do and was doing what he, Paul Barringer, wanted to do?
MR. GILREATH: Object to the form of the question.
THE WITNESS: Yes.
BY MS. PAYLOR:
Q So did you believe that he was doing what he wanted to do?
A Yes.
MR. GILREATH: Object to the form.
BY MS. PAYLOR:
Q Did your husband want Kevin Luzak to have any involvement in the management an operations of CFRC after June of 2012?
MR. GILREATH: Object to the form.
THE WITNESS: I'm not sure about

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the date but Kevin only had at the beginning, at the beginning and then after 2012 I think it was that my husband did not want him to be involved.

BY MS. PAYLOR:

Q What's your birthday? I think it was the day before yesterday, correct?

A Yes, it was.

Q And how old are you?

A 87.

Q Congratulations. Happy birthday.

A Thank you.

Q Where do you currently live?

A I live -- you mean street and all that?

Q Hilton Head?

A Oh yes.

Q Thank you. How long have you lived in Hilton Head?

A We came to Hilton Head in 1973 and we were not living there full-time but we spent a good bit of time there.

Since then and then we went from condominium to a small house and then to a little bit bigger house and finally into a

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community center.

Q Okay. And is that Tide Point where you live now?

A Uh-huh, yes.

Q How long were you and your husband married?

A 59 years.

Q Congratulations on that also. And what are the names of your children?

A There's Ann Hampton Luzak and Merrill Barringer Light and Victor Clay Barringer.

Q Thank you. And how many grandchildren do you have?

A Five.

Q Does -- what is Hampton's son's name?

A Wade, Wade Hampton.

Q Is there anything about your physical or mental well-being today that would prevent you from understanding my questions and providing truthful answers?

A No.

Q I'm going to ask you some questions now about Mr. Barringer's decision to fire Kevin Luzak.

Do you recall when that happened?

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A My estate plan?
Q Well, both of yours or his.
MR. TWOMBLEY: I'm going --
THE WITNESS: Or his estate plans?
BY MS. PAYLOR:
Q Well his?
A Yes.
Q Okay. And in 2012 who was Mr. Barringer using for estate planning?
A I guess John Jolley.
Q And when did he start using Mr. Jolley, do you remember?
A No.
Q And whose decision was it to start using Mr. Jolley?
A His.
Q And did he make that decision himself?
A Yes.
Q And how did you know about Mr. Jolley?
A I don't remember where we met him.
Q And have you met with him also?
A Yes.
Q Did you and your husband meet with Mr. Jolley to discuss wills and revocable trusts and those types of things?

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A Yes.
Q When you met with Mr. Jolley did Merrill Light meet with you?
A I don't remember that.
Q Okay. Do you ever -- do you remember Randy Light ever meeting with you with Mr. Jolley?
A He did not.
Q Do you recall anyone else who was in these meetings besides --
A No.
Q -- you and your husband --
A No.
Q -- and Mr. Jolley?
From your observations and close relationship with your husband did the Lights ever do anything to influence your husband to give his CFRC voting stock to your daughter Merrill?
MR. GILREATH: Object to the form.
THE WITNESS: They did not.
BY MS. PAYLOR:
Q And who made the decision to transfer Mr. Barringer's voting stock to Merrill Light?
A He did.

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Q Mr. Barringer?
A Yes.
Q And did the two of you discuss the fact that he was going to transfer the stock to Merrill?
A Yes.
MR. GILREATH: Object to the form.
BY MS. PAYLOR:
Q And did he tell you why he wanted her to have it?
A Yes.
Q And what -- why is that?
A She was the more responsible person to have it. He wanted her to have more control.
Q Were you present when Mr. Barringer told John Jolley what he wanted to do with his voting stock?
A I don't remember.
Q In your opinion was Mr. Barringer confused about that decision?
A He was not confused at all.
MR. GILREATH: Object to the form.
BY MS. PAYLOR:
Q Based on your time and your close relationship with your husband do you believe

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that he was competent to make a gift of the voting stock to your daughter Merrill?

MR. GILREATH: Object to the form.

THE WITNESS: Absolutely he was.

BY MS. PAYLOR:

Q You and your husband did no; t file a gift tax return in 2013 showing the gift of that stock in 2012. Do you know why you didn't file that return in 2012?

A We just forgot to.

Q When it came to your attention that you hadn't filed one did you file it then?

A Yes.

Q Are you aware that CFRC invited Hampton to join the Board of Directors?

A Yes, I am.

Q And do you know what Hampton's response was?

A Yes.

Q And what did she decide?

A Well she said it was just too far to travel and too much trouble and she was taking care of children and that was her response.

Q Okay. So did she join the Board?

A No.

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Q Did she talk to you about the fact that she was not going to join the Board?
A No, she didn't.
Q Now, after Kevin was fired did you talk to your daughter?
A I don't know.
Q You don't remember?
A I think so.
Q You think you did?
A But I'm not -- uh-huh but --
Q Did you see her in person after that?
A I don't know.
Q You can't remember?
A No.
Q Look in that notebook behind Tab 2 and this is Exhibit 2. Do you recognize this handwriting?
A Yes.
Q Whose is it?
A My husband's.
Q And it's dated December 15, 2012, right?
A Uh-huh, yes.
Q Were you aware that your husband was writing to your daughter Hampton?

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BY MS. PAYLOR:
Q And in this letter he's making a demand for copies of CFRC corporate and accounting records, correct?
A Yes.
MR. GILREATH: Object to the form.
BY MS. PAYLOR:
Q What was your husband's reaction to this letter when he saw it?
A He was angry and disgusted.
Q Do you recall that your husband changed his will another time after this letter came in?
A Well --
MR. GILREATH: Object to the form of that question.
THE WITNESS: No. I'm not sure whether he changed it after that.
BY MS. PAYLOR:
Q But do you remember that he did change it again?
MR. GILREATH: Object to the form.
THE WITNESS: He changed it a couple of times.
BY MS. PAYLOR:
Q Okay. And in the last will that he

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signed did he leave anything to Hampton?
A He did not.
MR. GILREATH: Object to the form.
BY MS. PAYLOR:
Q Did he leave anything to her son Wade?
A Yes.
Q What did he leave to him?
A He left him it was either 25 or $50,000.
Q And who made the decision to make that change?
A He did.
Q Was Merrill Light or Randy Light involved in any way in making that decision?
A No, they were not.
Q Based on your observation of your husband did he know what he was doing when he made that decision with that will?
A Yes, he did.
Q Did he know what assets he owned in general?
MR. GILREATH: Object to the form of the question.
THE WITNESS: Yes.
BY MS. PAYLOR:

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Q Did he know who his children and loved ones were at that time?
A Yes.
MR. GILREATH: Object to the form.
BY MS. PAYLOR:
Q And did he know to whom he wanted to leave his assets?
A Yes.
MR. GILREATH: Object to the form.
BY MS. PAYLOR:
Q And were you present when he signed his will and trust amendment?
MR. GILREATH: Object to the form.
THE WITNESS: I don't remember.
BY MS. PAYLOR:
Q Look at Exhibit 10 and is this a letter from you to Hampton?
A Yes, it is.
Q And is that your handwriting?
A Yes.
Q And it's got the date of February 15, 2015 on it.
A It is.
Q Okay. And so that would have been a couple of -- several weeks after this January 21

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letter, is that right?
A I'm -- need to look at this letter to see.
Q Okay.
A Yes. And what was your question?
Q This followed the letter we just looked at, correct?
A Yes.
Q And you state in here 'Daddy and I are very disappointed in you.'
So had you and Mr. Barringer had discussions about Hampton?
A Yes.
Q 'You have crossed the line in bringing legal action against your family company and for your astounding ungratefulness to your father for all that he has done to make you more than financially comfortable.'
Were those your words?
A Yes, they -- yes.
Q And when you say 'legal action' are you referring to this letter from the lawyer?
A Yes.
MR. GILREATH: Object to that question, object to the form I mean.

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BY MS. PAYLOR:

Q And you last say 'This will not be easily forgiven nor forgotten.'

And where were you at this time in your feelings with Hampton?

A I was very angry and very disappointed in her and I thought she was very greedy.

Q Did Randy or Merrill Light influence is you or ask you to write this letter or influence your feelings about Hampton?

A No, they did not.

MR. GILREATH: Object to the form of the question.

BY MS. PAYLOR:

Q And you talk about that Mr. Barringer had done -- had done a lot to make her more than financially comfortable. When had that occurred?

A It occurred over a period of time not just one time.

Q Do you know what the value of the stock was that he had given to her?

A No.

Q Look at Exhibit 11 and this is dated February 26th 2015 and it's signed 'Best of

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her. I'm assuming that he did.
BY MS. PAYLOR:
Q And when did your husband die?
A May 16th. Almost three years ago.
Q Hampton has alleged that your daughter Merrill and her husband Randy unduly and improperly influenced your husband to take actions that he would not have taken except for that influence.
A That's not true.
MR. GILREATH: Object to the form of the question.
BY MS. PAYLOR:
Q And based on what you observed and what you knew about your husband what do you think of Hampton's claims?
A I think it is -- it's based on greed and certainly not family affection.
Q Did Merrill or Randy Light influence you to use John Jolley as a lawyer?
MR. GILREATH: Object to form to the form of the question.
THE WITNESS: No, they didn't. Well they probably said he's a really nice man. Have you met him?

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of the question.
BY MS. PAYLOR:
Q Did he make that transfer without influence from Randy or Merrill Light?
MR. GILREATH: Object to the form of the question.
THE WITNESS: Absolutely.
BY MS. PAYLOR:
Q Hampton claimed that she only -- in probate court that she only took actions to protect her father.
Do you think that Hampton's actions have in any way protected Mr. Barringer?
A I think that allegation is totally absurd.
MR. GILREATH: Object to the form of the question.
BY MS. PAYLOR:
Q Do you think that's Hampton's alienating herself from her family was beneficial to your husband during the last years of his life?
A It was definitely not --
MR. GILREATH: Object to form of the question.

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THE WITNESS: -- beneficial.
MS. PAYLOR: That's all the questions I have. Thank you Mrs. Barringer.

CROSS-EXAMINATION

BY MR. TWOMBLEY:

Q Ms. Barringer, I'm going to ask you a few questions now.

A Okay.

Q Alice has covered some of them so I'm going to jump around.

I want to first ask you about a time when Mr. Barringer and Kevin and Wade and yourself were at the Calabogie house on Hilton Head and this is before the time that Kevin got fired.

Do you remember a meeting that took place between Kevin and your husband at the Calabogie house on Hilton Head?

A Yes, I do.

Q Okay. And I want to talk about what happened after that meeting. Can you tell us what happened after that meeting.

A Well, I think what you're referring to is that Kevin was angry and when he left the

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house Kevin he said to his son, Wade, he said, Wade give pops my -- Paul, give pops a hug because you will never see him again.

Q Was that in fact -- was that in fact the last time that Wade ever saw Mr. Barringer?

A Yes.

Q Okay. How did it make you feel when Kevin said that to Wade?

A It was terrible. It was awful.

Q And Ms. Barringer, did you hear that with your own ears?

A I did.

Q Okay.

A I did. Cruel.

Q Why was it cruel?

A To try to keep a grandson from his grandfather is cruel.

Q I want to next talk about Kevin's salary while he was working at Coastal.

Tell me in your own words what you remember, if anything, about Kevin asking for any type of particular salary.

A I remember it very clearly because I heard it. He asked my husband, he said he thought he deserved a million dollars a year

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A Yes.
Q And I think there was some dispute about whether or not Mr. Barringer knew they were coming but your testimony is Mr. Barringer did not?
A Did not.
Q Okay.
MR. GILREATH: Object to the form.
THE WITNESS: To my best recollection.
BY MR. TWOMBLEY:
Q Okay. Can you describe for me in your own words what you believe Mr. Barringer's state of mind was in June of 2012 when Kevin was fired.
A It was fine.
Q Did you believe that he, Mr. Barringer, was able to make decisions for himself?
A Yes, I did. Yes, I did.
MR. GILREATH: Object to the form.
BY MR. TWOMBLEY:
Q Ms. Barringer, you were asked about in general whether or not Mr. Barringer was easily influenced.
Tell us a little more, please, about

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Mr. Barringer's personality and whether or not someone could easily influence him.

A I will say that someone could not easily, definitely not easily influence him. He made his own decisions and if he wanted advice from people he would ask for it. Sometimes people gave him advice but he was -- he made his own decisions.

Q Ms. Barringer, in 2012 when Mr. Luzak was fired was Paul able to use the telephone at that point in time?

A 2012? Yes.

MR. GILREATH: Object to the form.

BY MR. TWOMBLEY:

Q He was able to write letters and communicate with people?

A Yes.

MR. GILREATH: Object to the form.

THE WITNESS: Yes.

BY MR. TWOMBLEY:

Q Because we know he went to see his lawyer, right?

A Yes.

MR. GILREATH: Object to the form.

BY MR. TWOMBLEY:

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of 2012 when he transferred his voting stock to Merrill Light.

A He wanted to make sure --

MR. GILREATH: Object to the form of the question.

THE WITNESS: -- that she would have controlling stock in the company over her sister Hampton because she wanted -- he wanted her to be in control.

BY MR. TWOMBLEY:

Q What was Mr. Barringer's state of mind at that point in time? How was he doing?

A I -- well he was very clear about it. He knew what he was doing.

Q Do you have any concern that that may not have been what he wanted?

A No. I talked to him about it.

MR. GILREATH: Object to the form.

THE WITNESS: We talked considerably and --

BY MR. TWOMBLEY:

Q When you talked about it were you alone? I mean you and Mr. Barringer --

A Yes.

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Q -- were you alone?
A Uh-huh.
Q I know this may seem like an obvious question but you and Mr. Barringer were living in the same house at the same time?
A Yes.
Q And y'all saw each other, you know, everyday multiple times a day unless one of you were traveling, is that fair?
A Right, yes.
Q Okay.
MR. GILREATH: Object to the form.
THE WITNESS: Yes.
BY MR. TWOMBLEY:
Q You were asked a question about meetings between you and your husband and Mr. Jolley and whether or not anyone was present at those meetings other than the three of y'all and I want to make sure your testimony is clear that when you and Mr. Barringer would go to Mr. Jolley to talk about your estate plans and your -- his will and his trust, to the best of your memory was anyone else there other than you, Mr. Barringer and Mr. Jolley?
MR. GILREATH: Object to the form.

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THE WITNESS: If that's what we were doing to go discuss that we were the only ones there.

BY MR. TWOMBLEY:

Q Okay. Why would you have been the only ones there?

A Because we were discussing what we were going -- what he was going to do with his estate probably is why he didn't want to have other people there listening in.

Q Okay.

A He might not have wanted to leave them a single thing.

Q Okay. Let's turn back to Exhibit 1.

A Okay.

Q And just to orient you, this is a letter that you wrote Hampton.

A Uh-huh.

Q And you say at the bottom of the first page going to the second 'We got your e-mail but we don't want to get a lawyer or counselor.'

If you had wanted to get a lawyer or counselor at that point in time or let me rephrase that, if Mr. Barringer had wanted to get a lawyer would he have been able to do it?

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A Of course.
MR. GILREATH: Object to the form.
THE WITNESS: Of course.
BY MR. TWOMBLEY:
Q You say at the end of this, disaster happen. Do you see that?
A Yes.
Q What do you mean by as disaster happen?
A I -- I should have put an s on the end of that word. Not disaster, disasters happen.
Q Okay.
A And this is one of them.
Q And what was the disaster you were talking about?
A Well there are a number of disasters but Hampton trying to change her husband's (sic) will I guess and take things for herself. That's was the -- those were the disasters.
Q Okay. I'd like for you to look again at Exhibit 2, please.
Ms. Barringer what was Mr. Barringer's state of mind or condition at the time he wrote this letter?
A It was -- he was clear. I was with him and he told me he was going to write this letter

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clear up his objection and ask the question in a different way.

THE WITNESS: I don't remember anybody else being there.

BY MR. TWOMBLEY:

Q Okay, all right.

Ms. Barringer, I've just got a couple of followup questions.

You are aware that in this lawsuit that Hampton alleges that the gift of stock to daughter Merrill, Paul changing his estate plan, firing Kevin is all part of a conspiracy between your daughter, Merrill and Randy alike and others. Are you aware of that?

MR. GILREATH: Object to the form of the question.

THE WITNESS: I'm aware of -- that's totally untrue.

BY MR. TWOMBLEY:

Q Well to -- today's our chance to hear from you and we -- I think you're going to be around for about 15 more years but-

A That's may be good or bad.

Q Right.

A Mostly bad. Go ahead.

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Q But I want to hear from you today on the record whether or not you believe that's true and why, if you don't think it's true why not?

A What's -- what are you talking about? What's -- did Merrill and Randy try to influence? Is that what -- is that your question?

Q Yes, ma'am.

A It's not true at all.

Q How do you know that?

A Because I was there. I was -- lived with him, my husband. She never approached him. She never -- they never talked about it. He never mentioned it to me. It was -- it didn't happen. They did not try to influence him.

Q Why do you think Hampton would bring a lawsuit like this and say these things?

A Well, she was thinking of everything she could think of to cause trouble and she also had a very smart lawyer who was advising her about all these things and she was -- she was greedy and she was looking forward to getting a big share and he was looking forward, too, to them.

A All right. Because he thought that she was the most reliable of the two to do this and that's what he wanted.

Q Okay. And it's your testimony that he told you that?

A Yes.

Q Okay. Can you tell me why he thought she was more reliable than Hampton?

A It was his opinion.

Q Okay. What if his reasons weren't true, would that change your mind?

MS. PAYLOR: Object to the form.

THE WITNESS: I'm so stunned at your questions. When he says she's reliable I know she's reliable. I mean I know exactly what he was saying and I agreed with him.

BY MR. GILREATH:

Q Well can you tell me what -- what was it that y'all thought wasn't reliable about Hampton?

A Maybe there's more words to describe the sisters than just reliable. I think so. There are a whole lot more words; trustworthy, reliable, honest, working hard, nice, capable,

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all those words not just reliable. We wanted somebody upstanding who could do the job and represent us and she was the one -- she was our pick.

Q But can you tell me why Hampton wasn't all those things?

A Because she wasn't. She just wasn't.

Q Well can you give me particular reasons why she wasn't, an example.

A Well she had made many bad judgements in the past.

Q Well can you give us an example of some of the bad judgements?

A She married the wrong person, that was number one.

Q Okay. Number two?

A Oh dear.

Q I know you're not enjoying this and I'm sorry I'm having to do it but I'm her lawyer and we're just trying to get all the facts because she unfortunately was not given all the facts so can you give me anymore facts?

MS. PAYLOR: Object to the form.

THE WITNESS: What facts was she not given?

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MR. TWOMBLEY: You don't get to ask him questions.

THE WITNESS: Oh I don't get to ask you anything, you just get to ask me.

BY MR. GILREATH:

Q Well the biggest fact -- and I'm not supposed to answer questions but I'll assert that the biggest fact she wasn't given was that her sister got half of the voting stock which should have come to her and she would have --

MS. PAYLOR: Object to the form.

BY MR. GILREATH:

Q And she wasn't told --

A Well I --

MR. TWOMBLEY: Object to the form.

MS. PAYLOR: There was no greedy established that she -- had to do it.

MR. GILREATH: Quit testifying.

MS. PAYLOR: Well you're saying she did something wrong when -- that's what you're trying to tell her mother and that's not true.

THE WITNESS: I've asked you to be very truthful.

it?

A I don't remember that he did and he -- I don't remember that he did but that's -- really wasn't very important to me. He was going to attend to it however and he was -- however he wanted to.

Q Were you aware that at one time Wade's picture was on Paul's Facebook page?

A On -- you mean that --

Q There was a picture of Wade on Paul's Facebook page.

A Oh I see it. Did Paul put that there? Would he have put that there? Can anybody else put a picture on --

Q Well it -- you were aware of that, weren't you?

A I don't -- I don't know. I hate Facebook. And Paul --

Q I'm with you.

A Paul did a few things with Facebook for a couple of days and then he and I -- I said you shouldn't do. You just shouldn't do it.

Q Were you aware --

A No. No. No. No, I wasn't.

Q So are you aware that when I started

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this litigation I wrote a letter to all the lawyers and told them not to destroy any evidence. You ever know that?

A No.

Q Are you aware that after I wrote that letter somebody took that evidence, i.e. the picture of Wade off his Facebook?

MS. PAYLOR: Object to the form.

THE WITNESS: That -- after that letter?

BY MR. GILREATH:

Q Yeah, that's correct?

A That this was put on there?

Q Yeah.

A No, I don't know any --

Q You didn't have anything to do with that?

A No. Gracious.

Q Well can you tell me who did?

A No.

Q I want to know if it's somebody in this room.

A I don't --

Q You've already said it wasn't you and it wasn't me and it's not anybody on this side

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

HAMPTON B. LUZAK, **Plaintiff,** **v.** **MERRILL B. LIGHT, *et. al.*,** **Defendants.**	**Case No. 1:15-cv-00501-AJT-IDD**

DECLARATION OF PAUL MAZZEO, M.D.

I, Paul Mazzeo, declare as follows:

1. I am a Doctor of Medicine and Board Certified Neurologist, practicing adult and pediatric neurology.

2. I received my medical degree from Georgetown University, where I also received a B.S. in Biochemistry, and an M.S. in Physiology and Biophysics.

3. I currently practice with Coastal Neurology, PA, located in Port Royal, South Carolina. I am also the Medical Director of Beaufort Memorial Memory Center and the Beaufort Memorial Acute Rehabilitation Unit.

4. Paul Barringer, II, has been under my care since October of 2015. Mr. Barringer was previously followed by Dr. William Garrett for his neurological care. However, Dr. Garrett recently retired.

5. My evaluation of Mr. Barringer is based on the history of his symptoms of memory loss provided by his wife, my physical examination of the patient, and my administration of a Mini Mental State Examination ("MMSE") to Mr. Barringer on October 19, 2015 in my office.

ROA 001391

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6. Mr. Barringer scored 10 out of 30 points on the MMSE on October 19, 2015. The scale for classifying the severity of the cognitive impairment demonstrated on the MMSE is: (a) ~~2430~~ 24-30, no cognitive impairment; (b) 18-23, mild cognitive impairment; (c) 0-17, severe cognitive impairment. DM 1/20/2016

7. Based on the foregoing I have diagnosed Mr. Barringer with severe senile dementia, Alzheimer's type.

8. Mr. Barringer exhibits severe memory loss and expressive aphasia (the inability to use language to express thoughts).

9. His memory loss and expressive aphasia make it practically impossible for him to recall past events with accuracy and then find the words to express whatever recollection he may have, without his wife's assistance.

10. Mr. Barringer's counsel has asked me to assume that the applicable legal standard for capacity to testify in a United States District Court is:

> "(1) First, it involves as capacity mentally to understand the nature of questions put and to form and communicate intelligent answers.
>
> (2) Secondly, [] it involve[s] a sense of moral responsibility, of the duty to make the narration correspond to the recollection and knowledge, i.e. to speak the truth as he sees it[.]"

Helge v. Carr, 212 Va. 485, 488 (Va. 1971) (quoting 2 Wigmore, Evidence § 495 at 587 (3rd ed. 1940)) (emphasis added).. *Accord D.C. v. Armes*, 107 U.S. 519, 521-522 (U.S. 1883).

11. Under that standard, it is my professional medical opinion that Mr. Barringer currently lacks testimonial capacity.

12. Because Alzheimer's type dementia is a progressive disease, in my professional medical opinion Mr. Barringer will not recover the capacity to testify in the future despite his ongoing treatment with appropriate medication.

I declare under penalty of perjury that the foregoing statements are true and correct.

Paul Mazzeo, M.D.
1/20/2016

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Mini-Mental State Examination (MMSE)

Patient's Name: Paul Bosswell Date: 4.22.2016

Instructions: *Ask the questions in the order listed. Score one point for each correct response within each question or activity.*

Maximum Score	Patient's Score	Questions
5	0	"What is the year? Season? Date? Day of the week? Month?"
5	0	"Where are we now: State? County? Town/city? Hospital? Floor?"
3	0	The examiner names three unrelated objects clearly and slowly, then asks the patient to name all three of them. The patient's response is used for scoring. The examiner repeats them until patient learns all of them, if possible. Number of trials: _____
5	0	"I would like you to count backward from 100 by sevens." (93, 86, 79, 72, 65, ...) Stop after five answers. Alternative: "Spell WORLD backwards." (D-L-R-O-W)
3	0	"Earlier I told you the names of three things. Can you tell me what those were?"
2	0	Show the patient two simple objects, such as a wristwatch and a pencil, and ask the patient to name them.
1	0	"Repeat the phrase: 'No ifs, ands, or buts.'"
3	0	"Take the paper in your right hand, fold it in half, and put it on the floor." (The examiner gives the patient a piece of blank paper.)
1	1	"Please read this and do what it says." (Written instruction is "Close your eyes.")
1	0	"Make up and write a sentence about anything." (This sentence must contain a noun and a verb.)
1		"Please copy this picture." (The examiner gives the patient a blank piece of paper and asks him/her to draw the symbol below. All 10 angles must be present and two must intersect.)
30	1	TOTAL

(Adapted from Rovner & Folstein, 1987)

PAUL COOK MD
4.22.16
8433845205

Source: www.medicine.uiowa.edu/igec/tools/cognitive/MMSE.pdf

Provided by NHQCF, 0106-410

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