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Feb 22 2023

S.C. SUPREME COURT

IN THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

The Honorable Bentley Price, Circuit Court Judge
The Honorable Robert J. Bonds, Circuit Court Judge

Appellate Case Nos. 2021-000837, 2021-001337

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,

—and—

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

AND

IN THE MATTER OF: Estate of Paul Brandon Barringer II

Hampton B. Luzak,Appellant,

v.

Merrill U. Barringer,
..... Respondent.

AFFIDAVIT OF THOMAS W. TRAXLER

PERSONALLY APPEARED BEFORE ME, Thomas W. Traxler, who swears the following to be true:


I am scheduled to go to the Cleveland Clinic for open heart surgery on March 28, 2023. The short version of the problem is that I have a congenital heart defect that gives me a compromised aortic valve and an ascending aortic aneurysm. The valve condition has deteriorated to the point where the cardiac surgeon says he needs to go ahead and replace the valve and do an aortic graft. I have to be at the hospital in Cleveland on March 24, 2023 for certain pre-op procedures. Assuming all goes as planned, I expect to be in the hospital in Cleveland for about a week after the surgery, followed by several months of recovery at home. I am expecting that recovery to be up to 6 months. My Greenville cardiologist has told me that he will be very conservative about limiting my activity and that I can expect to be limited in my activities for 6 months. This is a long surgery lasting about 5 1/2 hours.

Complicating matters is that I fell last November and injured my shoulder. It has been preliminarily diagnosed as a partially torn ligament, which is giving me a lot of pain. The orthopedist cannot operate on it until my heart situation has been fixed, which means that it cannot be operated on until I have been cleared by the Cleveland heart people and, presumably, my Greenville cardiologist after my heart surgery. I do not intend to wait until I am completely recovered from the heart surgery to have the shoulder surgery. I hope to have the shoulder surgery done about 3 months after the heart surgery and let the recovery time for each overlap, but it will be the doctors' call and not mine.

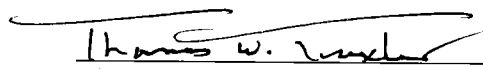
The new Supreme Court procedure for Secured Leave does not cover this scenario because a lawyer can use it only for a total of 3 weeks a year and must secure the leave no less than 3 months before the leave is needed. I do not fit in either scenario. I was notified of this medical scheduling on February 9, 2023. In full disclosure, I have secured leave from the Supreme Court for the last two weeks of October, 2023 for vacation. My wife had booked a beach house for this prior to the Cleveland Clinic scheduling the surgery. It took the Cleveland Clinic two months to get to me with their schedule, and, in the meantime, we needed to book a vacation so that my grown children and their families could make their plans accordingly.

In 2021, I was hired by Ms. Luzak to be lead trial and, as needed, appellate counsel in the issues presently before the Court in these cases because of Mr. Gilreath's health issues, and I have acted in that capacity and continue to act in that capacity in these matters. I have been the counsel primarily involved in the hearings and appeals on these issues. (Co-counsel Desa Ballard was brought into these cases to assist with appellate procedures because of her appellate experience, but she has not been significantly involved in the substantive matters for the issues in this appeal). Absent unforeseen developments, I will be delivering the oral arguments on these appeals.

SWORN TO BE FORE ME this 20th day
of February, 2023.



Notary Public for South Carolina
My Commission Expires: 7-30-24



Thomas W. Traxler (Bar #5624)