

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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S.C. SUPREME COURT

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
The Honorable Robert Bonds, Circuit Court Judge

Appellate Case No. 2021-001337

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

Hampton Barringer Luzak Appellant,

v.

Merrill U. Barringer.....Respondent.

**RETURN TO MOTION FOR PROTECTION FROM COURT APPEARANCES
AND TO CONTINUE ORAL ARGUMENT**

On February 15, 2023, this Court notified counsel in this appeal that Case No. 2021-001337 is being considered for oral argument in the Supreme Court during the May term. Counsel for all Respondents are available for argument during that term of Court.

However, the Court issued the attached Order on February 10, 2023 (the “February 10 Order”), which was filed in the related Case No. 2021-000837. After certifying the appeal in Case No. 2021-001337, and consolidating that appeal with Case No. 2021-000837 in a separate order,

the Court in the February 10 Order vacated the only circuit court order at issue in Case No. 2021-001337, which would appear to obviate the need for oral argument in that appeal.

The February 10 Order also clarified which circuit court orders remain on appeal in Case No. 2021-000837. Case No. 2021-000837 is also fully briefed and could be scheduled for oral argument during the May term if the Court is so inclined.

On February 22, 2023, Thomas Traxler, one of the several lawyers for Appellant, filed a motion requesting protection, and to continue oral argument for any appeals in these matters, through September 30, 2023. Although Respondents are very sympathetic to Mr. Traxler's medical issues -- and wish him a speedy and full recovery -- all Respondents and all of their counsel respectfully submit that the appeal in Case No. 2021-000837 should proceed notwithstanding his unfortunate absence. Respondent Merrill Barringer is 91 years old, and this litigation has been pending for nearly seven years. The litigation is extremely important to Mrs. Barringer as her youngest daughter (Appellant Hampton Luzak) seeks to preclude Mrs. Barringer from modifying her last will and testament. It would be unfairly prejudicial to Mrs. Barringer to further delay the oral arguments on appeal throughout most of 2023, which would likely have the ultimate effect of postponing oral arguments until 2024. Respondent would further note that there have been other significant and lengthy delays due to other protection requests from a single member of Petitioner's six-member legal team.

Further and with all due respect, Mr. Traxler's participation in the oral arguments on this appeal should not be necessary. Ms. Luzak has at least five other attorneys representing her in this case, and at least one of those lawyers—Desa Ballard—has decades of experience as an appellate lawyer. Mr. Traxler and Ms. Ballard have previously stated Ms. Ballard was brought into this case specifically to handle the appellate issues, *see* July 2, 2021 Hearing Transcript pp. 14 and 19

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