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Mar 06 2023

S.C. SUPREME COURT

The Supreme Court of South Carolina

In the Matter of Estate of Paul B. Barringer, II

Hampton Barringer 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.

Appellate Case No. 2021-000837

AND

In the Matter of the Estate of Paul Brandon Barringer, II

Hampton Barringer Luzak, Appellant,

v.

Merrill U. Barringer, Respondent.

Appellate Case No. 2021-001337

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ORDER

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In Appellate Case No. 2021-000837, this Court issued an order on April 29, 2022 certifying that appeal to this Court and vacating Judge Bonds' August 20, 2021 order granting partial summary judgment to Merrill U. Barringer (Wife's Summary Judgment Order) because the order granted summary judgment on claims at issue in a December 20, 2020 bifurcation order (Bifurcation Order) while the appeal of the Bifurcation Order was pending. Accordingly, the Court dismissed Appellate Case No. 2021-000837 as moot (Vacating Order). This order was in error because the appeal of Wife's Summary Judgment Order was not before the Court.

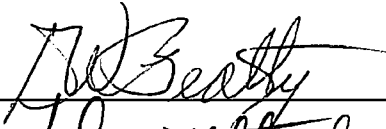
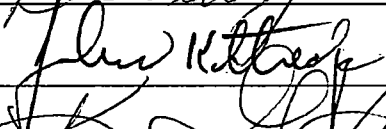
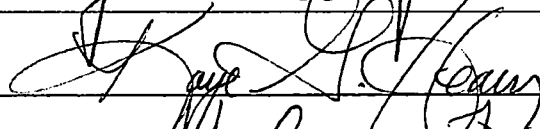
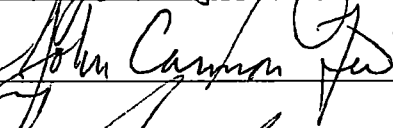
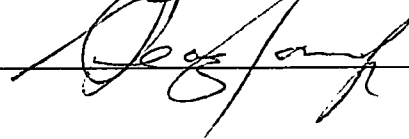
On September 14, 2022, the Court granted Respondents' petition for rehearing regarding the Vacating Order, vacated Judge Price's July 7, 2021 order granting partial summary judgment to Merrill Light (Light's Summary Judgment Order), vacated Wife's Summary Judgment Order, and clarified Petitioner's appeal of Judge Price's June 7, 2021 order regarding certain derivative damages (Derivative Damages Order) was to proceed because it was unaffected by the appeal of the Bifurcation Order (Revised Vacating Order). The Revised Vacating Order did not address Petitioner's attempt to "re-appeal" the Bifurcation Order or Judge Price's June 7, 2021 order ruling on several motions of the parties (Motions Order). The Revised Vacating Order was also partially in error because the appeal of Wife's Summary Judgment Order was not before the Court.

Respondents have now filed a petition for rehearing of the Vacating Order and the Revised Vacating Order. We grant that petition, vacate the Vacating Order and the Revised Vacating Order, and rule as follows:

- (1) In Appellate Case No. 2021-001022, this Court held the Bifurcation Order was not immediately appealable and denied Petitioner's petition for a writ of certiorari seeking review of the court of appeals' dismissal of Petitioner's appeal of the Bifurcation Order. To the extent Petitioner attempts to "re-

appeal" the Bifurcation Oder, we reiterate our prior ruling that the Bifurcation Order was interlocutory and not immediately appealable.

- (2) In a separate order, this Court certified Appellate Case No. 2021-001337 and consolidated that case with Appellate Case No. 2021-000837. Accordingly, the appeal of Wife's Summary Judgment Order is now properly before this Court.
- (3) In Appellate Case No. 2021-000837, we vacate Light's Summary Judgment Order because the circuit court did not have the authority to grant Light's motion for summary judgment while Petitioner's appeal of the Bifurcation Order was still pending.
- (4) In Appellate Case No. 2021-001337, we vacate Wife's Summary Judgment Order because the circuit court did not have the authority to grant Wife's motion for summary judgment while Petitioner's appeal of the Bifurcation Order was still pending.
- (5) Appellate Case No. 2021-000837, which now consists of the appeal of the Derivative Damages Order and the Motions Order, remains certified to this Court and is proceeding in compliance with the South Carolina Appellate Court Rules.

	_____	C.J.
	_____	J.
	_____	J.
	_____	J.
	_____	J.

Columbia, South Carolina  
February 10, 2023

cc:

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The Honorable Jenny Abbott Kitchings