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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.

**REPLY TO RETURN TO THOMAS W. TRAXLER’S MOTION FOR PROTECTION
FROM COURT APPEARANCES AND TO CONTINUE ORAL ARGUMENT**

This Reply to the Return of the Respondents to Thomas W. Traxler’s Motion for Protection from Court Appearances and to Continue Oral Argument need not be long.

First, the Respondents really do not want to engage in a debate over the length of this case when it was they who chose a litigation strategy of piecemealing motions that resulted in mandatory appeals and delay instead of an earlier trial for all.¹

But that is a debate that serves only to detract from the immediate issue of whether Ms. Luzak gets to select her attorney who will present oral argument in this matter and his availability.

Very simply, Mr. Traxler’s heart surgery was scheduled before any proposed scheduling of oral arguments in these matters.

The March 28 surgery was first scheduled on February 9, 2023.

On February 10, 2023, word was first received from the Supreme Court about possibly scheduling oral argument during the May term. The email from Tamika Daniels on February 15, 2023 stated in part: “Please let me know if you will be arguing the matter and if you are available for arguments on these dates or if you have a conflict. Your prompt response is appreciated.” She wanted to know, and Mr. Traxler promptly responded. If the Respondents were right that any lawyer on Ms. Luzak’s team could argue the case, there would have been no need for the Supreme Court to ask about conflicts of the attorney who would argue the case

¹ Respondent Barringer inaccurately asserts that Ms. Luzak “seeks to preclude Mrs. Barringer from modifying her last will and testament.” Ms. Luzak simply asserts that Respondent Barringer does not have a testamentary power of appointment over voting stock in her father’s legacy company. Respondent Barringer has already attempted to appoint the voting stock in several of her wills, including her most recently-executed will.

Mr. Traxler was retained as lead counsel for Ms. Luzak. Ms. Ballard was retained to assist with appellate procedure. The other lawyers on Ms. Luzak's team have roles that do not include serving as lead counsel or arguing appellate matters.

Mr. Traxler is the attorney to present the oral arguments before the Supreme Court on these matters, which involve complex substantive law and procedural questions. Not only is he the attorney who must present the oral arguments, but his role in this case is to serve as the lead in the preparation of any such argument.²

Ms. Luzak has the right to select her lawyers and who will speak for her; the Respondents do not have the right to designate Ms. Luzak's attorneys for her. See Hagood v. Sommerville, 362 S.C. 191, 197-98, 607 S.E.2d 707, 710 (2005) (holding right to be represented by attorney of one's choosing is a substantial right which in effect could determine an action).

And Mr. Traxler can best advocate his client's cause when his sternum and heart have healed, and he has regained the stamina for the concentrated effort this will require.

s/ Thomas W. Traxler
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Greenville, South Carolina
March 13, 2023

² On March 13, 2023, the trial court, Judge Robert Bonds presiding, heard Mr. Traxler's Motion for Order for Secure Leave and Protection through September 30, 2023 filed in the trial court. Judge Bonds verbally granted Mr. Traxler's motion for protection and continuance of proceedings in that court, at least until on or about August 1, 2023, when he will review Mr. Traxler's status at that time and determine whether a further continuance of proceedings in the trial court is appropriate.