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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

Brian M. Gibbons, Circuit Court Judge

Appellate Case No. 2020-000021

In the Matter of the Estate of Chris Combis,

Desa Ballard, as Personal Representative of the Estate of Chris Combis,
Respondent

v.

George Combis, Diane Combis, and Chris Combis,
Defendants,

Of Whom, George Combis and Chris Combis are the
Appellants,

**RETURN TO
PETITION FOR REHEARING**

Respondent Desa Ballard (“Ballard”), as Personal Representative of the Estate of Chris Combis, submits this Return to Petition for Rehearing as follows:

ISSUE ONE

The Court of Appeals properly addressed the issues raised by Chris¹ on appeal. The

¹ This Court refers to Chris 'Pop' Combis as Pop, George Combis as George, Chris Combis as Chris, and Diane Combis as Diane. (Op. No. 5984, p.2).

argument that the Court failed to consider the case of *Whelchel v. Boyter*, 260 S.C. 418, 196 S.E.2d 496 (1973) says nothing more than the multiple other cases cited by the Court in its opinion, which is that the matter to be produced must be described with sufficient detail so as to know what is required to be produced. Moreover, the first case cited in that portion of its opinion regarding Chris's contempt is the *Whelchel* case. (Op. No. 5984, pp. 15-16).

As this Court found, at the time the subpoena and order to compel were issued, there was only one gold Rolex watch that had been gifted, or allegedly gifted, to Chris as referenced in Pop's trust. The term "original Rolex" was obviously used to avoid confusion about which Rolex watch was being discussed, because only the one gold Rolex watch was described in Pop's trust document. Pop initially gifted the gold Rolex to Chris, but later omitted that from a later version of the trust.

Chris and his counsel played switch and bait by producing the actual gold Rolex during the hearing, when counsel slyly pulled it from his jacket pocket and held it in the air. That is clearly the gold Rolex watch that Chris knew all along was the "*original Rolex*". Chris's ex-wife, Lauren, testified that the watch that was reluctantly revealed by Chris's counsel during the hearing on the Rule to Show Cause was the watch that had been Pop's and that Chris had resized to fit her (before later taking it back, saying he needed it "for court").²

The trial court didn't buy Chris's insincere testimony and lack of candor in playing

² Since Chris's counsel slid the real gold Rolex watch out of his jacket pocket after Chris had testified, Ballard's counsel was unable to question Chris about it. Chris was assisted in this subterfuge by his own counsel, who intentionally prevented any inquiry into where the real gold Rolex had been all this time, and how and why it just happened to appear during the hearing without explanation from Chris's counsel's jacket pocket. Chris may think Ballard is stupid, but he is apparently suggesting this Court should fall for his own meager explanations for which watch he was supposed to produce. Chris may not have started the testimony that there were multiple Rolex watches; George did that. But then Chris joined the chorus of lies.

along with the game that George created after the order to compel the original Rolex was issued. ‘Oh, we forgot, Pop had lots of Rolexes, so let’s create confusion.’ Recall, that was the same deposition where George did not wear his own gold Rolex, so prominently displayed on his arm during Part 1 of the deposition, claiming he had gifted it to a grandson.

The story about multiple Rolexes was born only after the Court ordered the “original Rolex” allegedly gifted to Chris was produced. The Rolex that was so obviously fake that these proceedings followed. No one argued at the time of the subpoena or order to compel that they didn’t know which watch was commanded by the subpoena or the order of production. Only when the group of defendants³ produced various items *en masse*, and one of them chose to include a fake Rolex (as well as everything else in the box, all garbage likely from a pawn shop) did the story change. Prior to that, there was only one gold Rolex watch, the “original” given by Pop to Chris, as confirmed by counsel who represented all three of them.

This Court’s opinion clearly pointed out that the confusion about which watch was which occurred only after Ballard was given a fake Rolex and called Chris on it by filing the Petition for Rule to Show Cause. The Court attributes the “confusion” to George’s deposition testimony where he decided to create confusion after the Rule to Show Cause was issued. This Court was not fooled. Ballard was not fooled. Chris’s own counsel told Ballard that Chris had Pop’s gold Rolex immediately after she was appointed personal representative of the estate.

³ The Rule to Show Cause was issued against George, Chris and Diane, and the three of them produced the items collectively in a box (by the counsel who represented all three of them), by delivery to Ballard, so it is impossible to say Chris produced the watch that came in the box that was delivered, although Chris was the one ordered to produce it. Only when Ballard instantly realized the Rolex produced was fake and filed the Motion for Rule to Show Cause did George invent the story about multiple watches, and Chris joined right along. The trial court’s conclusion that Chris and George lacked credibility on these issues screams from the pages of this record, and the Motion for Reconsideration clearly asserts this Court should let George and Chris continue to ignore the orders of the Court.

The story about Rolex watches was manufactured only after Chris was caught producing a fake Rolex to try to fool the Court.

To suggest the subpoena did not sufficiently describe the only Rolex that had ever been discussed throughout the litigation and in the estate planning documents is to suggest this Court can be easily fooled. “. . . we conclude that, *viewed in that context*, the language was sufficiently descriptive to inform Chris of what he must do.” *Id.* at p. 15.

ISSUE TWO

This Court also found that Chris’s testimony that he didn’t know the difference between a real Rolex watch and a fake one “was not credible.” As astutely noted by the Court, since Chris apparently had both watches, it would be obvious and apparent which one was real, and which one was fake. While Chris argues on rehearing that the jeweler’s expert testimony that he “would not be surprised” if a layperson did not know the difference, Chris was not a layperson. He was the owner of the real gold Rolex when, compared to the fake, was obviously a different watch.

As Ballard pointed out by in her final brief on appeal Chris’s “familiarity with the watches became apparent when he demonstrated to Ballard’s counsel how to open the bank on the watches and pointed out what Chris said was engraving on the watch. . . Chris admitted the real Rolex was heavier because ‘gold weight.’” (Respondent’s Final Brief p. 15).

CONCLUSION

Chris voluntarily injected himself into this litigation when he let his father George and their joint counsel produce a fake Rolex, attributing the production to Chris. Chris admitted he

never saw the subpoena or the order to compel. Footnote 14, Respondent's final brief. Chris let George lure him into a trap, where he remains.

Chris's petition for rehearing should be denied.

Respectfully Submitted,

Truslow & Truslow Law Firm

s/Douglas N. Truslow

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CERTIFICATE OF SERVICE

I, Douglas Truslow, Esquire, attorney for Respondent, certify that a true and correct copy of the foregoing document(s) was served upon all parties of record listed below by e-mail listed on the Attorney Information System:

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DOCUMENT(S): 1. **RETURN TO PETITION ON REHEARING**

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