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**Jan 20 2026**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM BEAUFORT COUNTY  
COURT OF COMMON PLEAS  
ROBERT J. BONDS, CIRCUIT COURT JUDGE

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Appellate Case No. 2025-000076

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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, Defendants,

Of which Merrill U. Barringer as Personal Representative of the Estate of Paul Brandon Barringer II, is a, .....Respondent,

--and--

IN THE MATTER OF: Estate of Paul Brandon Barringer II

Hampton Barringer Luzak, .....Appellant,

v.

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

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**HAMPTON LUZAK’S RETURN TO MERRILL BARRINGER’S  
MOTION/LETTER DATED JANUARY 14, 2026**

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Appellant Hampton Luzak (“Ms. Luzak”) replies to the letter of attorney Ashley Twombly that was sent to this Court on January 14, 2026 on behalf of Respondent Merrill Barringer (“Ms. Barringer”).

Ms. Barringer herself describes the “letter” as “unusual.” That is true. Less than a year ago, Ms. Barringer raised the exact same issues to this Court by a proper motion, which is addressed below, and the Court ruled on her request granting it *only to the extent* that “there shall be a presumption against granting extensions in this case.” For reasons known only to her, she now tries to revisit the same facts and issues using a different vehicle in the form of a letter instead of a proper motion, hoping for a different result.

Ms. Barringer seeks a mulligan without demonstrating any change, much less material and substantial change, since the Court addressed and ruled on her motion less than a year ago.

Ms. Luzak objects to Ms. Barringer’s use of that letter and asks the Court to disregard it. However, for purposes of response, Ms. Luzak necessarily must consider that letter to effectively be a motion pursuant to Rule 240, SCACR and files this Return to that Motion, using the Court’s proper procedure, form, and format.

To aid the Court, Ms. Luzak attaches the following relevant documents from the Court’s 2025 decision on these same issues and facts:

- Respondent Merrill Barringer’s Motion To Expedite Appeal filed February 27, 2025, without exhibits (Exhibit A).
- Ms. Luzak’s Return To Motion To Expedite Appeal filed March 5, 2025, without exhibits (Exhibit B).
- Order filed March 10, 2025 (Exhibit C).

Since all facts and issues are exactly the same as they were in the 2025 Motion To Expedite, Ms. Luzak simply incorporates by reference her Return To Motion To Expedite Appeal filed March 5, 2025 rather than burdening this Return with all of the same arguments contained therein.

Nevertheless, there are matters in the present letter/motion of Ms. Barringer that need to be highlighted and briefly addressed.

- Ms. Barringer's letter fails to note that the present appeal deals only with a couple of issues in the underlying case, designated as complex, with numerous other issues that will remain regardless of the disposition of the present appeal. Ms. Barringer is a defendant and counter-claim plaintiff in the underlying case.

- Ms. Barringer's letter fails to note that the present appeal deals not only with the partial summary judgment involving the power of appointment issues, but also, of critical importance, the failure of the trial judge to reconsider the separate bifurcation order, which the Supreme Court directed the trial court to do. Memorandum Opinion No. 2024-MO-003 Filed January 17, 2024.

- Ms. Barringer's actions are the cause for any delay in the underlying complex case, including the present issues on appeal. Throughout this litigation, her counsel has complained about her advancing age, yet she is the one responsible for delays. She alone, and also with other defendants, has sought a number of partial summary judgments, which necessitated appeals in this complex underlying case, and which are not dispositive of the underlying case. Of particular importance to this appeal, on several occasions she filed partial summary judgment motions on the power of appointment issues<sup>1</sup> and joined in the motion to bifurcate, both of which have caused complex appellate paths. Without her motions for partial summary judgment, the underlying case was likely headed for trial in the fall of 2021. She simply wants preferential treatment by this Court.

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<sup>1</sup> Judge Mullen denied her first attempt.

- Ms. Barringer is barred by *res judicata* or analogous preclusion/estoppel principles since this exact matter was addressed by this Court and resolved in this Court's Order filed March 10, 2025.

- Ms. Barringer did not even ask the trial court to address the motion for partial summary judgment on the power of appointment issues until October 14, 2024, more than eight (8) months after the remittitur. Time was apparently not urgent then although Ms. Barringer was then 92 years old. She is now 93. Moreover, Ms. Barringer states in her letter that, when the case was remitted back from the Supreme Court on February 5, 2024, she "promptly refiled her motion for summary judgment." That is not correct.

- This Court has alerted all counsel in this matter that oral arguments could be held in December, 2025, and then perhaps in February, 2026, or perhaps in April, 2026, and is now looking at May, 2026.

- At absolutely no time has counsel for Ms. Luzak expressed a single objection or conflict to the scheduling of oral argument and has stood ready to appear at the Court's direction.<sup>2</sup>
- At no time since her Motion To Expedite on February 27, 2025 has Ms. Barringer objected to the scheduling of the oral arguments.

There are very significant issues before this Court in this Appeal. There are novel issues for the State of South Carolina.

There are issues in the present appeal (including bifurcation) beyond Ms. Barringer's Motion for Summary Judgment and the resulting Order.

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<sup>2</sup> Her counsel will have a conflict on a couple of days in May but otherwise stands ready to appear on the other proposed days in May, 2026.

Rather than repeat all of the arguments already presented to the Court in her Return to Ms. Barringer's 2025 Motion To Expedite, Ms. Luzak refers this Court to her 2025 Return for a more complete argument.

This Court has already determined that this case deserves an oral argument, and Ms. Luzak agrees. Ms. Luzak respects this Court's orderly process and would urge this Court to proceed with oral arguments in accordance with its established procedures.

All of which is reluctantly but necessarily submitted,

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January 20, 2026

**EXHIBIT A**  
**TO HAMPTON LUZAK'S RETURN TO MERRILL**  
**BERRINGER'S LETTER DATED JANUARY 14, 2026**

**Respondent Merrill Barringer's Motion To Expedite Appeal**  
**filed February 27, 2025**

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THE STATE OF SOUTH CAROLINA  
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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, Defendants

Of which Merrill U. Barringer, as Personal Representative of the Estate of Paul Brandon Barringer, II, is a Respondent .....Respondent.

AND

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

Hampton Barringer Luzak..... Appellant,

v.

Merrill U. Barringer .....Respondent.

**RESPONDENT MERRILL BARRINGER’S MOTION TO EXPEDITE APPEAL**

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Pursuant to Rule 240, SCACR, and for the reasons set forth below, Respondent Merrill U. Barringer (“Mrs. Barringer”) respectfully requests that the Court expedite this appeal. *See, e.g., Denman v. City of Columbia*, 387 S.C. 131, 691 S.E.2d 465 (2010).

Mrs. Barringer is now ninety-three (93) years old. She has been involved in this consolidated litigation for almost a decade. For years, Mrs. Barringer has attempted to resolve with finality, while she is alive, a single, straightforward legal issue: Has Appellant Hampton Luzak presented any evidence of a “contract concerning succession” between Mrs. Barringer and her late husband as required by S.C. Code Ann. § 62-2-701? Mrs. Barringer is now requesting that this Court expedite the appeal to answer this question, which the parties previously briefed in full to this Court, while she is alive. As shown below, there is no reason to delay resolution of the single issue presented in this appeal, which the circuit court ruled is controlled by clear, long standing, and well settled statutory law.

### ARGUMENT

A brief history of this litigation will provide helpful context for this motion. Paul B. Barringer (hereinafter “Mr. Barringer”) and his wife, Mrs. Barringer, had three children, Merrill Light, Hampton Luzak (hereinafter “Luzak”), and Victor Barringer. After sixty (60) years together as husband and wife, Mr. Barringer passed away as a resident of South Carolina in 2016.

Shortly after Mr. Barringer’s death in 2016, Luzak brought a lawsuit in South Carolina against her family challenging, among other things, the estate planning Mr. Barringer engaged in between 2012 and 2016. Luzak asserted that Mr. Barringer was incapacitated from 2012 to 2016, and further, that the estate planning documents he executed during this time should be set aside—or, as Luzak testified, “unwound”:

I can tell you that all the amendments to my father's will should be unwound. Anything that happened **as of 2012** should be unwound.

Hampton Luzak Dep. 253 (attached as Ex. A) (emphasis added).

Discovery showed that Mr. Barringer's estate plan prior to 2012 was, in all material respects, identical to the estate planning documents he executed between 2012 and 2016. Specifically, since at least 1998—nearly fourteen (14) years prior to the time Luzak alleged Mr. Barringer became ill—Mr. Barringer's estate plan provided that any assets he owned at the time of his death were to be held in a trust and used for the sole benefit of his wife, Mrs. Barringer, while she was alive. At her death, Mrs. Barringer is expressly empowered to decide/appoint in her final will and testament who among the Barringers' decedents will receive any assets that remain from Mr. Barringer's estate.<sup>1</sup>

Simply put, even if Luzak's South Carolina litigation was successful, and even if she were to prevail in setting aside all of Mr. Barringer's 2012–2016 estate planning documents, Luzak would still inherit nothing from her father. Under Mr. Barringer's 1998 estate planning documents, not only Luzak, but all of the Barringer decedents, would have to wait until Mrs. Barringer's death to see what, if anything, Mrs. Barringer might leave them from Mr. Barringer's estate. In other words, Luzak's efforts to unwind Mr. Barringer's 2012 to 2016 estate planning would have no practical effect for her.

In 2019, Luzak brought a new, second lawsuit in South Carolina against Mrs. Barringer. For the first time, Luzak asserted that, prior to the execution of the **1998** estate planning documents, which was fourteen (14) years before Luzak alleged Mr. Barringer became ill, her mother and

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<sup>1</sup> Mr. Barringer's estate plan is a typical estate plan for a married person with children. *See, e.g.*, Robert H. Sitkoff & Jesse Dukeminier, *Wills, Trusts, and Estates* 807 (10th ed. 2017) (“Consider a typical example: *H* devises property to *X* in trust to distribute the income quarterly to *W* for life, and on *W*'s death to distribute the principal to one or more of *H*'s descendants as *W* shall appoint in her will . . . . By this power, which *W* holds in a nonfiduciary capacity, *W* may decide who among *H*'s descendants will take the trust property at her death. In this way, *H* empowers *W* to deal flexibly with changing circumstances in the interim between their deaths.”).

father entered into a contract with one another in which they agreed that, in their estate planning, they would always treat Luzak equally with their other children, no matter what transpired after 1998 (e.g., marriages, divorces, medical diagnoses, substance abuse, etc.). Luzak’s new claims (the “contract claims”), guaranteeing her a one third inheritance, were diametrically at odds with the expressed terms of Mr. Barringer’s 1998 estate planning documents, which again provided that Mrs. Barringer was to decide in her final will and testament—in any way she saw fit—which of the Barringer decedents received what (if anything) from Mr. Barringer’s remaining estate at the time of her death.

In 2021, Mrs. Barringer moved for summary judgment on Luzak’s contract claims. In short, Mrs. Barringer argued that S.C. Code Ann. § 62-2-701 mandates that “contracts concerning succession” can “only” be established by certain forms of evidence, and further, that Luzak had no such evidence.<sup>2</sup> Indeed, Mrs. Barringer argued that Luzak had no evidence of any kind, much less the “only” type of evidence dictated by S.C. Code Ann. § 62-2-701. After the issue was briefed and a hearing was conducted, the circuit court granted Mrs. Barringer’s motion, concluding there was no evidence at all to support the existence of a contract, much less any evidence required by S.C. Code Ann. § 62-2-701. In its fifteen-page (15) order, the circuit court concluded:

Because Section 62-2-701 [of the South Carolina Code of Laws] provides the “only” way for Plaintiff to establish a contract not to revoke a will, and because Plaintiff has not identified any document that satisfies Section 62-2-701, Mrs. Barringer is entitled to summary judgment . . . . In sum, Plaintiff has not identified any evidence to support her claim. . . . Plaintiff has not created a genuine issue of material fact as to whether she is entitled to recover under her [secret contract] causes of action. Thus, the Court hereby **GRANTS** Mrs. Barringer’s motions for summary judgment on Plaintiff’s second and third causes of action.

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<sup>2</sup> S.C. Code Ann. § 62-2-701 provides that contracts regarding succession “**can be established only** by (1) provisions of a will of the decedent stating material provisions of the contract; (2) an express reference in a will of the decedent to a contract and extrinsic evidence proving the terms of the contract; or (3) a writing signed by the decedent evidencing the contract and extrinsic evidence proving the terms of the contract” (emphasis added).

*In re Estate of Paul Brandon Barringer, II*, Civil Action Nos. 2019-CP-07-01253 & 2019-CP-07-01294 (S.C. Com. Pl. order filed on August 20, 2021) (attached as Ex. B).

At the time the circuit court entered summary judgment on Luzak's contract claims, Luzak had already appealed two other orders previously entered by the circuit court, and Luzak's appeal of the contract claims summary judgment order was joined with her prior appeals. All affected parties fully briefed all the issues on appeal, including the contract claims summary judgment order. See Luzak's Final Brief (filed May 25, 2022) (attached as Ex. C); Mrs. Barringer's Final Brief (filed May 26, 2022) (attached as Ex. D); and Luzak's Final Reply Brief (filed May 25, 2022) (attached as Ex. E). The Supreme Court certified the appeal of the contract claims summary judgment order with Luzak's other appeals and set the appeals for oral argument. However, before oral argument was held, the contract claims summary judgment order was vacated on the ground that, procedurally, the circuit court lacked jurisdiction to enter the order at the time that it did. Accordingly, Luzak's appeal of the contract claim summary judgment order was dismissed as moot. *In re Estate of Paul B. Barringer, II*, Appellate Case Nos. 2021-000837 & 2021-001337 (S.C. Sup. Ct. order filed Feb. 10, 2023).

Luzak's remaining appeals proceeded to oral argument before the Supreme Court. By February of 2024, all issues remaining on appeal were resolved, and these cases were remitted to the circuit court for further proceedings. See *In re Estate of Paul B. Barringer, II*, Op. No. 2024-MO-003 (S.C. Sup. Ct. filed Jan. 17, 2024).

With the removal of the procedural impediment which caused the contract claims summary judgment order to be vacated, Mrs. Barringer promptly re-moved for summary judgment on the same grounds as she relied on before. Another hearing was scheduled, and Luzak was given the opportunity to re-argue her opposition to the renewed motion. Luzak conceded there were no new

facts or law for the court to consider and stood on her 2021 briefing filed with the circuit court to oppose the renewed motion for summary judgment:

But, in any event, Your Honor, Ashley, we agree, no facts, no evidence, nothing has changed since we began the appellate process.

December 13, 2024 Hr'g Tr. 17 (attached as Ex. F).

On December 31, 2024, the circuit court re-entered summary judgment on Luzak's contract claims, incorporating and attaching the order it entered in 2021:

For the same reasons identified in the Summary Judgment Order, attached as **Exhibit A** and incorporated here by reference as if stated verbatim, the Court again **GRANTS** Mrs. Barringer's refiled Motions for Summary Judgment on Plaintiff's Contract Claims because there is no genuine issue of material fact for a jury to decide.

*In re Estate of Paul Brandon Barringer, II*, Civil Action Nos. 2016-CP-07-01919, 2019-CP-07-01253, & 2019-CP-07-01294 (S.C. Com. Pl. order filed Dec. 31, 2024) (attached as Ex. G). In this order, the circuit court noted that nothing had changed to cause the court to revisit its original decision from 2021. Luzak's motion to reconsider was denied. Luzak then re-appealed the contract claims summary judgment order, which is now the sole issue before this court, bearing Appellate Case Number 2025-000076.

The question now before this Court is a simple one: Has Luzak presented any evidence of a contract between Mrs. Barringer and Mr. Barringer as required under section 62-2-701 of the South Carolina Code of Laws? Mrs. Barringer deserves to have this simple and straightforward question answered while she is alive.

Moreover, and regardless of the ultimate answer to the question, this appeal is ripe for expedited review because a) this exact issue was fully briefed before this Court years ago and ready for oral argument before the Supreme Court in 2023, b) the circuit court re-entered the same

order it first entered in 2021, and c) Luzak stipulated that “no facts, no evidence, nothing has changed.”

Nevertheless, Luzak recently requested an extension of time to re-file her initial brief on this issue. Ex. H. In essence, Luzak requests that she have additional time to brief the same issue fully briefed three (3) years ago, in cases that are now over eight (8) years old. To date, an appellate court has not resolved the simple yet fundamental question of whether Luzak has the evidence of a contract required under S.C. Code Ann. § 62-2-701. There is no known reason why the parties need more time to refile briefs on an issue previously briefed to this Court years ago. This is especially true considering there are no new facts, law, or evidence, and “nothing has changed.” Mrs. Barringer now faces more months of delay, all while waiting and hoping to be alive to see the resolution of Luzak’s contract claims, which notably seek to prevent her from carrying out her late husband’s estate planning wishes, and further, seeks to impact her own estate planning wishes.

The South Carolina Rules of Civil Procedure mandate that the Rules “shall be construed to secure the just, speedy, and inexpensive determination of every action.” Rule 1, SCRCP. Yet, these challenges to Mr. Barringer’s estate plan began in 2016, over eight (8) years ago. Luzak’s brother-in-law, whom Luzak originally named as a defendant, passed away years ago while the litigation was pending. Her mother, Mrs. Barringer, at ninety-three (93) years old, recognizes that she may not have many years left. Regardless of how this Court rules on the underlying issue, Mrs. Barringer deserves an efficient resolution of Luzak’s contract claims, if for no other reason than so she can engage in further estate planning (if needed) without the contract claims ostensibly hanging over her, and with the comfort of knowing that this litigation will not impact her own final estate planning wishes. In any event, there is simply no need for extensions to re-file a brief on an issue that was fully briefed in the past, with no intervening changes of law or fact.

## CONCLUSION

Because a) the sole issue before the Court is straightforward and the evidence that can be used to support such a claim is circumscribed by long standing South Carolina statutory law, b) the issue was fully briefed years ago, c) the parties agree nothing has changed, and d) the cases and Mrs. Barringer have only grown older with this basic yet fundamental issue remaining unresolved, resolution of this appeal should be expedited. This Court can and should review the record to confirm that Luzak has presented no competent evidence of a contract between her parents. Mrs. Barringer is confident that no extension or new brief will change the irrefutable fact that such a contract never existed.

For the foregoing reasons, Mrs. Barringer respectfully moves for one of the following forms of relief:

- 1) An order expediting this appeal, dispensing with any additional briefing, and deciding the issue on the briefs previously filed;
- 2) An order expediting this appeal, dispensing with any additional briefing, and scheduling oral argument as soon as possible; or
- 3) An order expediting this appeal by ordering a) no further extensions are allowed (including to respond to this Motion); b) shortening the time for Mrs. Barringer to file her response brief to two (2) business days; c) shorten the time for Luzak to file any reply to two (2) business days thereafter; and d) either decide the issue on those briefs or schedule oral argument (if necessary) as soon as possible.

Mrs. Barringer further requests that this motion **not** toll any current briefing deadlines.

Respectfully submitted,

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February 27, 2025

**EXHIBIT B**  
**TO HAMPTON LUZAK'S RETURN TO MERRILL**  
**BERRINGER'S LETTER DATED JANUARY 14, 2026**

**Ms. Luzak's Return To Motion To Expedite Appeal**  
**filed March 5, 2025**

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Of which Merrill U. Barringer as Personal Representative of the Estate of Paul Brandon Barringer II, is a, .....Respondent,

--and--

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v.

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

**RETURN TO MOTION TO EXPEDITE**

Appellant Hampton B. Luzak (Ms. Luzak) files this Return to the Motion to Expedite Appeal (Motion to Expedite) submitted by the Respondent Merrill U. Barringer (Ms. Barringer) on February 27, 2025.

Ms. Barringer has cited her age with nothing more as the reason to expedite the appeal. No other reason is given for the Motion to Expedite.

Her Motion seeks to expedite the appeal simply because of her age,<sup>1</sup> and it is predicated on the assertion that this appeal is nothing more than a mere re-run of the appeal in the earlier case of *Luzak v. Barringer*, Appellate Case No. 2021-001337.

That assertion simply is not true.

**Ms. Barringer seeks to expedite the appeal, including dispensing with briefing before she even knows what the issues on appeal are:**

No appellant is required to identify issues on appeal until their Initial Briefs are filed. The current Appellant, Ms. Luzak, filed her Notice of Appeal in this case on January 13, 2025. Ms. Luzak's Initial Brief is due March 12, 2025, at which time her issues on appeal will be identified by her. The issues she raises on appeal are her decision and her decision alone. Ms. Barringer's Motion to Expedite seeks to limit the issues on appeal to a mere re-run of the earlier appeal that was dismissed because partial summary judgment had been granted in violation of various appeals stays. (There might even be issues raised by cross-appeal, but that lies within discretion of the Respondents, and, as the Respondents have no control over the issues appealed by Ms. Luzak, so, too, does she not have any control over any issues raised by any of the Respondents on cross-appeal.)

**The present appeal is not a mere re-run of an earlier appeal:**

It is simply not a true statement for Ms. Barringer to try to convince the Court of Appeals that the current appeal is a mere re-run of the appeal in *Luzak v. Barringer*, Appellate Case No.

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<sup>1</sup> Ms. Barringer's Motion to Expedite does not cite any health issues or problems for her and hopes that her age alone will suffice for the appellate courts.

2021-001337. The Order on appeal presently is the trial court's Order dated December 31, 2024<sup>2</sup>. That Order included rulings on (1) Ms. Barringer's Motion for Partial Summary Judgment as well as (2) Ms. Luzak's Motion to Reconsider and to Vacate an earlier 2020 Order to Bifurcate the trial (Bifurcation Order) (Attached as Ex. A). Also, subsumed in the Order granting Ms. Barringer's Motion for Partial Summary Judgment is the issue that the trial court was granting summary judgment to Ms. Barringer when she herself terminated her deposition and secured a trial court Order barring further deposition...all before she was even asked any questions about her power of appointment and any promises she made to her husband about that power. And she has never presented any affidavit from herself on any issues, including the power of appointment issue.

The issue of the Court's failure to address the bifurcation issue is certainly a new issue that was not addressed in *Luzak v. Barringer*, Appellate Case No. 2021-001337. That issue is not a mere re-run of any earlier appeal and is part of the current appeal that Ms. Barringer wishes to have expedited.<sup>3</sup>

**This appeal, expedited or not, will not end the case for Ms. Barringer:**

The Court should not be fooled: Ms. Barringer says she wants resolution of the discrete issue of her power of appointment because of her age, but the outcome of the current appeal cannot possibly change the fact that she will still go to trial on other causes of action regardless of the outcome of this appeal. She does not seek an expedited result of the case to end it; she has

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<sup>2</sup> Including the Order denying Ms. Luzak's Motion to Reconsider filed January 9, 2025.

<sup>3</sup> Although no appellate court has ever ruled on the merits, the Bifurcation Order has been subject to previous appeals, but the issue of the trial court declining to reconsider the Bifurcation Order after a clear directive from the Supreme Court is a different and new issue. Also, other than this directive from the Supreme Court, there has not been any appellate review of the Bifurcation Order on its merits.

cherry-picked the single power of appointment issue that she wants a hurry-up decision on. In fact, Ms. Barringer's motions for summary judgment have delayed and continued to delay the trial she will have to ultimately participate in — these delays that she caused contradict her rationale for requesting an expedited appeal.

Ms. Barringer will still face trial for intentional interference with inheritancy and gifts and civil conspiracy, regardless of the outcome of this appeal, expedited or not.

To the extent that Ms. Barringer may be seeking isolation of her power of appointment issue from the rest of the appeal, that further makes no sense since the rest of the appeal would proceed forward. Ms. Barringer is a party to the appeal of the trial court Order declining to reconsider and vacate the Bifurcation Order. She is a party to the entire appeal. Bifurcating the trial and trying the case piecemeal was error; bifurcating an appeal serves no purpose and is error.

**Ms. Barringer wants preferential treatment on the appeals docket:**

In short, Ms. Barringer wants preferential treatment on the appeals docket ahead of other litigants in other cases, citing her age. She will still be facing trial on many other causes of action regardless of whether this appeal is expedited and regardless of the outcome of the appeal. This is simply legal “posing and posturing” that will ultimately expedite nothing.

There is no precedent for granting a Motion to Expedite based solely on age, even if it were a mere “re-run,” and any court that prioritizes the scheduling of hearings simply because of age (especially with no other showing) starts to slide down a slippery slope of giving preferential treatment on the docket simply because a litigant of older age wishes to be heard first. Such a

precedent from this Court would invite a wave of Motions in other appeals to be heard first simply because of age. Age alone provides no basis for expediting this matter, re-run or not.

To compound the error, Ms. Barringer wants this Court to not only give her preferential treatment over other litigants but also limit Ms. Luzak's right to fully define her issues on appeal and dispense with briefing or impair her right to fully brief and be heard on her issues. Ms. Barringer wants to limit the current appeal to a re-run; there are issues well beyond that.

This case is factually and legally extremely complicated. All parties are entitled to a full airing of their issues and full and thoughtful deliberation by every court.

**Ms. Barringer does not want any appellate review of the Bifurcation Order:**

The Bifurcation Order has been challenged by Ms. Luzak since it was entered on December 31, 2020. Ms. Barringer and the other Defendants/Respondents have fought against any appellate review of that Order. She and they still fight against any review of that decision by the trial court and by the appellate courts despite the Supreme Court's express directive to the trial court on January 17, 2024: "In light of everything that has elapsed in this case—particularly the clarification that Luzak will not pursue any derivative claims—we direct that all matters regarding mode of trial, including the order bifurcating trial, shall be reconsidered by the circuit court on remand." *Luzak v. Light et al.*, Op. No. 2024-MO-003 (S.C. Supreme Court (filed January 17, 2024)) (Attached as Ex. B).

Ms. Luzak challenged the trial court's Bifurcation Order of December 30, 2020 in her stand-alone appeal in Appellate Case Nos. 2021-000159 and 2021-001022. She also sought review of the Bifurcation Order as a joining issue with appealable orders under §14-3-330(1) in

case numbers 2021-000837, 2022-000784 and 2022-001327. Ms. Barringer opposed appellate review of the bifurcation order on its merits in each of those cases.<sup>4</sup>

The only case in which Ms. Luzak did not initially include the Bifurcation Order in her appeal was in Appellate Case No. 2021-001337.<sup>5</sup> Ms. Barringer now seeks “[a]n order expediting this appeal [and] dispensing with any additional briefing” in her first two requests for relief, thereby limiting this appeal to the issues raised in 2021-001337. Since the briefs filed in case number 2021-001337 did not include review of the bifurcation order, such an order would block review of the merits of the bifurcation order which is contrary to what the Supreme Court has directed to be done.

Ms. Luzak’s Motion before the trial court in December 2024 sought that “reconsideration.” Ms. Barringer fought against that. The trial court addressed the issue by declining to rule on it prior to the exhaustion of the present appeal. That was error that is part of the present appeal. The Motion to Expedite the appeal and to dispense with briefing is a continuing effort to resist any appellate review of that Bifurcation Order. Nor has any appellate court previously addressed the merits of the power of appointment issue or the Bifurcation Order (beyond the Supreme Court’s directive on the Bifurcation Order in its Memorandum Opinion of January 17, 2024).

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<sup>4</sup> To prevent review of the bifurcation order on its merits, Ms. Barringer took the extraordinary step of filing with the Supreme Court an unsolicited Motion for Leave to File Return to, and for Expedited Resolution of, Appellants Petition for Rehearing in response to Ms. Luzak’s petition for rehearing seeking inclusion of the merits of the bifurcation order in case no. 2021-000837 even though the Supreme Court had requested no return from Ms. Barringer under Rule 221(a).

<sup>5</sup> Ms. Luzak had joined the bifurcation issue under §14-3-330(1) in her appeal of co-defendant Merrill Light’s summary judgment order that was part of case no. 2021-00837. When the Supreme Court vacated Merrill Light’s summary judgment order, Ms. Luzak attempted to move the bifurcation issue over to appellate case no. 2021-001337 by filing a Supplemental Notice of Appeal. This Court denied the request as untimely in case no. 2022-000784, and the Supreme Court declined to take up the issue in that posture in Ms. Luzak’s petition for writ of certiorari in Case No. 2022-001327 but did so later in its order of January 17, 2024.

**Ms. Barringer's alleged predicament of time and age are the result of her deliberate approach to piecemeal litigation:**

And Ms. Barringer must be reminded that this is a predicament of time and her age that she deliberately and knowingly put herself in.

Repeatedly, she and the other Respondents have falsely accused criticized Ms. Luzak of delay in these legal proceedings, and Ms. Luzak has repeatedly pointed out that the Respondents, including Ms. Barringer herself, have intentionally chosen to litigate this case piecemeal by seeking piecemeal rulings that Ms. Luzak has been compelled to appeal. It is the piecemeal Motions that have all served, and perhaps been intended, to delay a trial of this case; the Motions leading to the necessary appeals are what have delayed the trial in this matter. Every appeal of Ms. Luzak has been mandated by the rules and law of the South Carolina unless she was willing to sacrifice and surrender valuable legal and procedural rights. She has refused to surrender her rights in earlier appeals; she refuses to surrender them in this appeal.

By her Motion to Expedite the appeal, Ms. Barringer pursues that piecemeal litigation into the appellate courts by seeking appeal of only the discrete issue of any power of appointment that she might have.

The piecemeal litigation (and then appeal) pursued by the Respondents have included the following----ALL initiated by Ms. Barringer and the other Respondents:

1. Ms. Barringer's Motion to Bifurcate the proceedings filed on October 23, 2020, forcing an appeal by Ms. Luzak on February 12, 2021. The Supreme Court directed that order be reconsidered on remand.

2. Merrill Light's (Ms. Light) Motion for Partial Summary Judgment filed on May 14, 2021 necessitating an appeal by Ms. Luzak on August 6, 2021. Order vacated by the Supreme Court.
3. Motion To Intervene by CFRC filed on May 14, 2021, necessitating an appeal by Ms. Luzak on August 6, 2021. Order affirmed in part and reversed in part by the Supreme Court.
4. Ms. Barringer's second Motion for Partial Summary Judgment filed on June 14, 2021, necessitating an appeal by Ms. Luzak on November 8, 2021. Order vacated by the Supreme Court.

Ms. Luzak advised the Respondents, and also the courts, that Nos. 2 and 4 above were stayed by the appeal of the Bifurcation Order, which was filed on February 12, 2021. The Respondents did not listen, and, so, those appeals proceeded, and those Orders were ultimately vacated by the Supreme Court in 2023 since they were issued in violation of the appeal stay created by the appeal of the Bifurcation Order.

That was time wasted because Ms. Barringer and the Respondents opted for piecemeal litigation to delay facing a jury on the trial of their misconduct and opted to secure Orders that would later be vacated.

Now she moves to expedite that which she chose to delay, demonstrating the disingenuity of her Motion to Expedite.

**Ms. Barringer misstates the legal issues in this case:**

To support her position, she states in her Motion: "For years, Mrs. Barringer has attempted to resolve with finality, while she is alive, a single, straightforward legal issue: 'Has

Appellant Hampton Luzak presented any evidence of a ‘contract concerning succession’ between Mrs. Barringer and her late husband as required by S.C. Code Ann. § 62-2-701?’”

That statement is not true.

Ms. Luzak has continually stated that this is simply a misdirection play by Ms. Barringer, who apparently does not understand that the enforceability of Ms. Barringer’s promise to Mr. Barringer involves far more than this mere “single, straightforward legal issue.”<sup>6</sup> Ms. Barringer’s misdirection play attempts to divert attention from three (3) other issues directly affecting the enforceability of her promises to Mr. Barringer beyond this “single, straightforward legal issue.” The trial court erroneously focused on the issue of a “contract” (and still got it wrong), and erroneously couched its decision all within the framework of a “contract” and S.C. Code §62-2-701 and failed to recognize that those issues and grounds for enforcement of Ms. Barringer’s promises exist independently of S.C. Code §62-2-701.

Ms. Luzak challenged before the trial court that Ms. Barringer did not even have a power of appointment (testamentary or otherwise) over the voting stock of Mr. Barringer in the family corporation, Coastal Forest Resources Company (CFRC). That is an issue where Ms. Barringer’s misdirection play had an impact on the trial court when it failed to even address that issue.

Ms. Luzak has also asserted since the very outset that Ms. Barringer is bound by her promises to Mr. Barringer to treat Ms. Light and Ms. Luzak (the Barringers’ daughters) equally even if she had a valid power of appointment over the CFRC voting stock.

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<sup>6</sup> Ms. Luzak has produced ample evidence for enforcement of her contract with Mr. Barringer under S.C. Code § 62-2-701.

She is bound by contract (and the requirements of S.C. Code §62-2-701 have been met) as well as by promises made to Mr. Barringer because of her fiduciary or confidential relationship with him. Such promises made in a fiduciary or confidential relationship are not “contracts” which are grounded on mutual bargained-for consideration but are instead grounded upon and are enforceable by the very nature of a fiduciary or confidential relationship. Those promises may be express as well as implied. They made even be made by silence.

The misdirection play by Ms. Barringer appears to have worked...until now...now that South Carolina’s appellate courts can make a more deliberate analysis of the facts and law on all of the issues.

So, despite Ms. Barringer’s proclamation that there is a “single, straightforward legal issue,” there is a multitude of issues on this appeal. To date, there has not been any argument before any appellate court on these issues.

**Ms. Luzak’s success at trial will indeed restore her inheritance to her despite what Ms. Barringer represents to this Court:**

The “end sweep” of Ms. Barringer’s misdirection play comes when she states in her Motion: “Simply put, even if Luzak’s South Carolina litigation was successful, and even if she were to prevail in setting aside all of Mr. Barringer’s 2012–2016 estate planning documents, Luzak would still inherit nothing from her father.”

Yet again, that is simply not a true statement.

The relief sought by Ms. Luzak will indeed restore her inheritance. Again, since the outset of this litigation, Ms. Luzak has steadfastly maintained that the testamentary instruments of Mr. Barringer after 1998 should be declared as invalid, leaving in effect Mr. Barringer’s 1998

instruments. Under those instruments, Ms. Barringer purportedly has a testamentary power of appointment but it was never Mr. Barringer's intent for her to have any power of appointment over his CFRC voting stock, and, even if she had such a power, she agreed not to exercise it. That agreement was enforceable by contract under S.C. Code §62-2-701, by a promise (express as well as implied and even silence) made in a fiduciary or confidential relationship with her husband, and by estoppel. Any one of these grounds will be sufficient to restore Ms. Luzak's inheritance, and they are not bound up in a simple "contract" analysis under S.C. Code §62-2-701.

For these reasons, when Ms. Barringer tells this Court: "Simply put, even if Luzak's South Carolina litigation was successful, and even if she were to prevail in setting aside all of Mr. Barringer's 2012–2016 estate planning documents, Luzak would still inherit nothing from her father," she flatly ignores these issues and wishes them away.

Similarly, "Luzak's efforts to unwind Mr. Barringer's 2012 to 2016 estate planning would have no practical effect for her" is a patently wishful, if not false, statement, for which there is plenty of evidence to the contrary.

**Conclusion:**

Ms. Barringer is going to trial, regardless of this appeal. There is a plethora of other issues for which she faces trial, including legal and equitable relief. The purpose of her Motion to Expedite is that she wants preferential treatment on the appeals docket before other litigants. She also wants to avoid appellate review of the trial court's decision to defer reconsidering the Bifurcation Order. She has not demonstrated why she, as a litigant, is entitled to preferential treatment before other litigants, and expediting this appeal or any singular issue will not expedite the resolution of this case in any form or fashion.

Importantly, no appellate court has considered the power of appointment summary judgment orders because the previous power of appointment summary judgment was vacated because the trial court attempted to rule despite a stay. Ms. Luzak is entitled to finally make her case on appeal, in appellate briefs that she can now determine how to fashion based on the current power of appointment summary judgment motion, which is not a re-run of the prior summary judgment motion that was vacated, especially because this appeal will also include the Bifurcation Order issue. Ms. Barringer cannot take that right away from Ms. Luzak, especially based on her empty claim of age with nothing more when she will nevertheless have to eventually participate in a trial that would have happened sooner if Ms. Barringer and her co-Defendants had not filed so many discrete summary judgment motions that were ultimately rejected but nevertheless caused substantial delay.

Respectfully submitted,

s/ Desa Ballard  
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ATTORNEYS FOR APPELLANT

March 5, 2025

**EXHIBIT C**  
**TO HAMPTON LUZAK'S RETURN TO MERRILL**  
**BERRINGER'S LETTER DATED JANUARY 14, 2026**

**Order filed March 10, 2025**

# The South Carolina Court of Appeals

In the Matter of the Estate of Paul Brandon 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, Defendants,

of which Merrill U. Barringer, as Personal Representative of the Estate of Paul Brandon Barringer, II, is a Respondent,

AND

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

Hampton Barringer Luzak, Appellant,

v.

Merrill U. Barringer, Respondent.

Appellate Case No. 2025-000076

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ORDER

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On February 27, 2025, Respondent moved to expedite this appeal. Respondent explains that the circuit court granted summary judgment in Respondent's favor in

2021, Appellant appealed the 2021 order, and the appeal was fully briefed; however, the 2021 order was later vacated when our supreme court held that at the time the 2021 order was entered, another, separate order that was on appeal deprived the circuit court of jurisdiction. Respondent contends that when she was permitted to re-file her motion for summary judgment, no new facts or evidence were presented, and the circuit court issued an order in December 2024 "incorporating by reference as if stated verbatim" the 2021 order. Respondent therefore contends, among other things, that normal briefing times are not necessary. Appellant filed a return, opposing the motion, arguing, among other things, that an appellant determines the issues on appeal and that the December 2024 order also addressed additional issues. Respondent filed a reply. After careful consideration, we grant Respondent's motion to expedite to the extent that there shall be a presumption against granting extensions in this case.



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FOR THE COURT

Columbia, South Carolina

cc:

Desa Ballard, Esquire  
James R. Gilreath, Esquire  
William Mitchell Hogan, Esquire  
S. Alan Medlin, Esquire  
Charles B. Macloskie, Esquire  
Thomas W. Traxler, Esquire  
James Ashley Twombly, Esquire  
Harley Delleney Ruff, Esquire  
Thomas Blase Iandoli, Esquire

**FILED**  
**Mar 10 2025**

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STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

RECEIVED

Jan 20 2026

SC Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
COURT OF COMMON PLEAS  
ROBERT J. BONDS, CIRCUIT COURT JUDGE

Appellate Case No. 2025-000076

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, Defendants,

Of which Merrill U. Barringer as Personal Representative of the  
Estate of Paul Brandon Barringer II, is a, ..... Respondent,

--and--

IN THE MATTER OF: Estate of Paul Brandon Barringer II

Hampton Barringer Luzak, ..... Appellant,  
v.

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

**PROOF OF SERVICE**

I, William M. Hogan, an attorney with the Gilreath Law Firm and co-counsel with  
Thomas W. Traxler and others for Appellant, do hereby certify that on January 20, 2026 I served  
a copy of **Hampton Luzak's Return to Merrill Barringer's Motion/Letter dated January 14,**

2026, in the above-captioned case on the following individuals by electronic mail using their e-mail address:

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Alice Paylor, Esquire  
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Charles Molster, Esquire  
The Law Offices of Charles B. Molster, III, PLLC  
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J. Ashley Twombly, Esquire  
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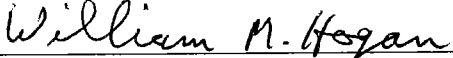
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\_\_\_\_\_  
William M. Hogan, Attorney for Appellant

January 20, 2026

## Kathie Kohlmayer

---

**From:** Kathie Kohlmayer <kathie@gilreathlaw.com>  
**Sent:** Tuesday, January 20, 2026 4:05 PM  
**To:** Alice F. Paylor (AFP@saxtonstump.com); 'Bijan K. Ghom'; Molster, Charles B. (cmolster@molsterlaw.com); 'Ashley Twombly'; 'Thomas landoli'; Harley D. Ruff (hruff@ruffllc.com); 'Edward Fuhr'; Johnathon Schronce (jschronce@HuntonAK.com); Erin D. Dean (erindean@tgdcpa.com); Thomas W. Traxler (tom.traxler@carterlawpa.com); Alan Medlin (amedlin@sc.rr.com); Macloskie Law Firm (macloskielaw@outlook.com); 'Bill Hogan (bhogan@gilreathlaw.com)'; Desa Ballard (desab@desaballard.com); 'Jim Gilreath (jim@gilreathlaw.com)'  
**Cc:** 'Andrea Smith'; 'Beth Cogan'  
**Subject:** In the Matter of the Estate of Paul Brandon Barringer, II (3) (2025-000076)  
**Attachments:** 2026.01.20 Ltr to COA sending App response to 01.14.2026 letter.pdf; 2026.01.20 App response to MUB 01.14.2026 letter.pdf; Exhibit A - 2025.02.27 MUB Motion to Expedite Appeal w.o exhibits A-H.pdf; Exhibit B - 2025.03.05 App Return to MUB Motion to Expedite w.o exhibits.pdf; Exhibit C - 2025.03.10 ORDER - MUB Motion to Expedite granted.pdf; POS - App response to MUB 01.14.2026 letter.pdf

Please see the attached Return to Merrill Barringer's Motion/Letter dated January 14, 2026 for the above-referenced matter that is being filed today with the Court of Appeals.

Sincerely,

Kathie Kohlmayer  
Legal Secretary/Paralegal  
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**Jan 20 2026**  
**SC Court of Appeals**

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January 20, 2026

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VIA EMAIL (ctappfilings@sccourts.org)

The Honorable Jenny Abbott Kitchings  
Court of Appeals Clerk of Court  
Post Office Box 11629  
Columbia, South Carolina 29211

**RECEIVED**  
**Jan 20 2026**  
**SC Court of Appeals**

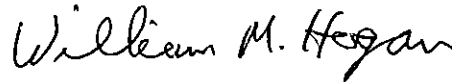
RE: In The Matter of the Estate of Paul Brandon Barringer, II  
Appellate Case No.: 2025-000076

Dear Ms. Kitchings:

Enclosed for filing please find Hampton Luzak's Return to Merrill Barringer's Motion/Letter dated January 14, 2026 and Proof of Service for the above-referenced matter.

By copy of this letter and as evidenced by the Proof of Service, this filing has been served upon counsel for the Respondent. Thank you for your time in this matter. If you have any questions, please do not hesitate to contact our office or the office of Thomas Traxler.

Sincerely,



William M. Hogan  
bhogan@gilreathlaw.com

WMH/kmk  
cc (w/attachments - via electronic mail):

Alice Paylor, Esquire  
Bijan Ghom, Esquire  
Charles B. Molster, III, Esquire  
J. Ashley Twombly, Esquire  
Thomas Iandoli, Esquire  
Harley D. Ruff, Esquire  
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Thomas W. Traxler, Esquire  
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Charles B. Macloskie, Esquire  
Hampton Luzak