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Via Electronic Mail

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Deputy Clerk
S.C. Court of Appeals
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RECEIVED
Jan 29 2026
SC Court of Appeals

RE: Luzak v. Barringer; Appellate Case No. 2025-000076

Dear Ms. Harrison:

I write to you today as counsel for Respondent, Mrs. Merrill U. Barringer (“Mrs. Barringer”), in the above-referenced appeal, in response to Appellant Hampton Luzak’s filing with the Court dated January 20, 2026.

If there was any question that Appellant’s strategy is to delay the resolution of her appeal, her recent filing confirms it. Despite the facts that (a) Appellant’s latest litigation campaign against her family in South Carolina has been pending for ten years, (b) Appellant’s mother, Mrs. Barringer, is now ninety-four years old, (c) this appeal involves the same order and the same issues that the parties fully briefed to this Court in 2023, (d) the briefing related to new appeal was completed in May of 2025, and (e) Mrs. Barringer’s letter simply requested that the Court proceed in accordance with its own rules, Appellant “objects” to Mrs. Barringer’s request for prompt resolution of the appeal. Mrs. Barringer seeks nothing more than to see this appeal resolved while she is still alive; Appellant seeks to avoid that outcome.

In addition, Appellant’s filing misses the core point of Mrs. Barringer’s January 14, 2026 letter, in both form and substance. Mrs. Barringer has not filed a new motion, nor did she need to. Her letter did not seek to litigate or re-litigate the merits or any issue, expand issues, or obtain a “mulligan” as Appellant claims. Mrs. Barringer’s letter made a practical, good faith, and narrow request: that the Court resolve Appellant’s appeal promptly if possible under the procedures provided for by the Court’s own rules, either on the briefs as allowed by Rule 215, SCACR, or— if oral argument is deemed necessary—following an argument scheduled as soon as practicable. Appellant’s filing does not substantively engage in addressing that simple request and tellingly

avoids it. Instead, Appellant uses her response as a vehicle for inflammatory rhetoric, accusations, and collateral complaints that do nothing to address the straightforward request of a ninety-four year old woman, who has been involuntarily made a respondent in an appeal twice over, and who would simply like the Court to respectfully consider using established rules to move resolution of the appeal along to a conclusion considering Mrs. Barringer's advanced age and the subject matter of the appeal (Appellant's attempt to prevent Mrs. Barringer from making future changes to her last will and testament, which the lower court has twice concluded that Appellant cannot do).

Appellant wrongly characterizes Mrs. Barringer's letter as an improper substitute for a motion, repeatedly insists the letter is "unusual," and even urges the Court to "disregard it." Appellant makes these arguments while simultaneously treating the letter as though it must be "effectively" re-classified as a Rule 240 motion, which I understand would only cause more (not less) delay. Mrs. Barringer already filed a motion to expedite, which the Court granted "to the extent that there shall be a presumption against granting extensions in this case." Appellant's filing tries to turn that context into a grievance. But Mrs. Barringer is only attempting to do what she understands the order to contemplate: move this appeal forward consistently with that presumption.

Appellant does not explain why any continued delay is necessary or desirable or identify any prejudice that she would suffer from a prompt resolution of the appeal. Appellant intimates that she needs more process, more argument, and more time, which is especially difficult to take seriously when this appeal was fully briefed years ago, only for the order to be vacated on a technicality and subsequently re-issued on the same grounds as before. When the parties appeared before the circuit court a second time on Mrs. Barringer's renewed motion for summary judgment, Appellant conceded there were no new facts or law for the Court to consider. Now, unable to articulate any reason for further delay, Appellant attempts to reframe Mrs. Barringer's letter as an improper procedural maneuver and then argue unrelated points involving bifurcation and "preferential treatment," concluding with allegations of docket manipulation. These arguments serve only to deflect from my client's respectful request, and the Court should treat it as such. There is simply no reason Appellant can cite to justify delay.

Appellant asserts that, should the Court affirm the lower court's grant of summary judgment, she plans to forge ahead with her litigation seeking money damages. Even if true, Appellant's creed to continue litigating with her family in the future does not diminish Mrs. Barringer's request that Appellant's "contract claims" – which again ostensibly seek to limit my client's ability to make changes to her last will and testament – be resolved as soon as practical.

Appellant asserts that Mrs. Barringer is at fault for moving for summary judgment. This argument is hollow because any litigant facing a baseless claim for which there is no factual or legal support whatsoever would move for summary judgment. And the lower court has now twice agreed Mrs. Barringer was justified in doing so.

Finally, Appellant does make one point that deserves an explanation. Appellant contends that Mrs. Barringer improperly waited eight months to refile her motion for summary judgment after the remittitur was issued. This characterization, however, is misleading. The Supreme Court

vacated the lower court's original summary judgment order and dismissed the prior appeal on procedural grounds. Because only the *order* granting summary judgment was vacated, Mrs. Barringer did not need to "re-file" her motion for it to be placed back on the lower court's roster for resolution. However, to ensure clarity, Mrs. Barringer re-filed her motion to clearly place the exact same issues back before the lower court for re-resolution, which was followed by a request that the lower court resolve the motion promptly.

In sum, given the age of this litigation, the age of Mrs. Barringer, the fact that the specific claims at issue in this appeal seeks to prevent Mrs. Barringer's from making further changes to her last will and testament, Mrs. Barringer's understandable desire to see this unique issue resolved while she is alive, and the fact that the summary judgment order on appeal was already fully briefed and ready for oral argument in 2023, Mrs. Barringer respectfully requests that the Court resolve the appeal as soon as practical, and under its existing rules. The lower court ruled that Appellant's claims at issue in the appeal raise threshold questions governed by longstanding and well-established South Carolina statutory law drawn from the Uniform Probate Code. Even if that were not the case, the lower court alternatively ruled that Appellant has no evidence at all to support them.

In any event, if oral argument is needed, at the Court's discretion, Mrs. Barringer requests that it be scheduled as soon as possible consistent with the Court's discretion. If oral argument is not needed, Mrs. Barringer requests the Court rule on the briefing, as provided by the rules, and for which the Court does not need Appellant's permission to do so.

Please let me know if you have any questions or if I can be of any further assistance.

With kindest personal regards, I remain,

Cordially,



J. Ashley Twombly

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