

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

Case No. 2014-CP-29-00306

RECEIVED

Nov 05 2020

SC Court of Appeals

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,

**REPLY TO RETURN TO
MOTION FOR RETRIEVAL OF
PHYSICAL EVIDENCE FOR APPEAL**

Pursuant to SCACR 240(f), Respondent Desa Ballard (“Ballard”), as Personal Representative of the Estate of Chris Combis, submits this Reply to the Return to the Motion for Retrieval of Physical Evidence as follows:

1. Appellants oppose a motion which designates a piece of demonstrative evidence that was before the trial court and could not be included in the Record on Appeal. This objection gives this Court the first look at the obstinance and obfuscation Appellants

- have displayed throughout these (and other) proceedings¹.
2. Appellant has no ability or standing to object to something Respondent wishes to include in the Record on Appeal².
 3. Indeed, “[t]he Record on Appeal shall include all matter designated to be included by any party . . . and shall comply with the requirements of Rule 267.” Rule 210(c), SCACR.
 4. Respondent has an unqualified right to include in the record before this Court anything that was before the trial court which rendered the decision which is on appeal.
 5. The gist of this appeal is the contemptuous conduct of Appellants which arose from their unsuccessful attempt to foil the Court and the Personal Representative by producing a fake Rolex in response to an order to produce items which she had subpoenaed. The subpoenas were ignored, a motion to compel was filed, and an order of production was issued.
 6. With reference to the instant motion, Appellants produced a fake Rolex rather than an original Rolex. By the time the hearing on the Rule to Show Cause was held, Appellant’s counsel pulled a real gold Rolex watch from his pocket and said “I have another Rolex here that my clients are going to testify that if there is another watch that possibly might be responsive to what they have requested, this watch is it.” (Tr.

¹ Ballard has been personal representative of the Estate of Chris Combis since 2013, and she has been attempting to conclude these proceedings since that time. The order on appeal results from an unsuccessful effort by Appellants to produce a fake Rolex when Ballard issued a subpoena for a Rolex owned by the decedent that had been allegedly gifted to Appellant Chris. The subpoena was for purposes of having the Rolex appraised. Rather than turn over the real Rolex, Appellants tried to fool the Court and Ballard and they produced a fake Rolex instead.

² Appellants’ opposition takes umbrage with Chris’s status as a party to this proceeding and mocks Ballard for having served him with a subpoena when he is a party. Chris was not a party until he was served with a subpoena, which he ignored, so he became a party when the Court ordered him to respond.

11.14.2017 p. 18, lines 19-23³). **Exhibit A.**

7. During the trial court proceedings, the trial judge personally examined the fake Rolex that was produced by Appellants as compared to the real Rolex that was produced by Appellants' counsel and specified what he determined to be the difference in the weight of the two watches. (Tr. 8.5.2019 p. 76, lines 7-12) (**Attached as Exhibit B**).
8. The trial judge's personal observation of the fake Rolex is relevant to defending the arguments that Appellants raise on appeal (and present in summary fashion in their opposition to the motion). Appellants clearly do not want the Judges on this Court to see the fake Rolex, because it is so obviously a fake Rolex and the intent of the Appellants to perpetrate a fraud on the trial court and Ballard is so readily apparent.
9. For the very reasons Appellants want to hide the fake Rolex from this Court, its examination by this Court is required⁴.

Appellants do not have the right to oppose the retrieval of the fake Rolex from the clerk of court for its examination by this Court. That they have done so speaks volumes.

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November 5, 2020

³ Oddly, Appellants' counsel did not ask the two of his clients who testified what the real Rolex watch was.

⁴ Per the trial judge's order, the real Rolex that was finally produced by Appellants' counsel during the hearing remains in Ballard's possession. It was ordered that she have it appraised and she has done so.

1 move this forward and resolve this.

2 So, what you're going to hear are issues over
3 guns. There's going to be talk about a 45, that my
4 clients have not seen. And the last time that they
5 saw it was at Linda Combis' house, not at their
6 house. Some riffle, a 36 riffle with a scope. And
7 nobody has any idea what anybody is talking about.
8 There are coins that apparently Pop owned, at some
9 point in time, 10, 15 years ago, that was disbursed
10 and are no longer in Diane and George's possession.
11 So, what they turned over and what they're going to
12 testify to is everything that could possibly be a
13 coin that Pop once owned. And then there's going to
14 be this issue of this watch. And this watch has gone
15 back and forth in this case long before I entered the
16 case and my firm entered the case.

17 And what my clients are going to testify to is
18 that the Rolex watch that was turned over is the
19 Rolex that Pop wore on a day-to-day basis. On a
20 secondary note, I have another Rolex here that my
21 clients are going to testify that if there is another
22 watch that possibly might be responsive to what they
23 have requested, this watch is it. Now, I showed it
24 to -- I represent that I showed it to Ms. Ballard
25 before the hearing today and I think she acknowledged

1 Then that photo is going to come in as Petitioner's 4,
2 which would be the watch. And as the trier of fact, Mr.
3 Truslow has requested that I hold up the scales of justice
4 to determine which ones weigh -- which one weighs more.
5 Any objection to that?

6 MR. REDDING: No objection.

7 THE COURT: Okay. All right. All right. And I'm
8 holding in my hand two (2) watches. And it's clear that
9 the left one, which is the gold one, which has been
10 identified as a real Rolex by Ms. Ballard, weighs
11 significantly more than the one in my right hand. Okay.
12 So I'll hand that back. Put the one in my right hand back
13 into the box there (indicating) and that'll remain with the
14 Clerk of Court's Office. That -- that (indicating) will
15 remain with you, Ms. Ballard, until further ordered. And
16 the picture will come in as evidence.

17 WITNESS DESA BALLARD: Thank you, Your Honor.

18 THE COURT: All right.

19 (WHEREUPON, Photographs of Watch were introduced
20 and received into evidence as Plaintiff's Exhibit Number
21 4.)

22 THE COURT: Thank you, Madam Court Reporter.

23
24 MR. TRUSLOW (resuming):

25 Q As -- to wrap up, as you're trying to get these items,

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Of Whom, George Combis and Chris Combis are the
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CERTIFICATE OF
SERVICE

I, Mara Ballard, an Employee of Ballard & Watson, Attorneys at Law, hereby certify that a true and correct copy of the foregoing **REPLY TO RETURN TO MOTION FOR RETRIEVAL OF PHYSICAL EVIDENCE FOR APPEAL** was served upon all parties via email, addressed as follows:

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November 05, 2020