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Jan 20 2021

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,

**SUPPLEMENTAL DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL**

Pursuant to Rule 209, SCACR, Respondent proposes the following be included in the Record on Appeal. Unless otherwise stated, all items designated include exhibits and exclude proof of service, cover sheets, motion forms, and notices.

EXHIBITS

Plaintiff's Exhibit 2 from the hearing of August 5, 2019, the only copy of which was retained by the Lancaster Clerk of Court and was received via email January 20, 2021 by Respondent.

I certify that this designation contains no matter which is irrelevant to this appeal.

Respectfully submitted,

s/Douglas N. Truslow

Douglas N. Truslow

Neal D. Truslow

Truslow & Truslow Law Firm

Post Office Box 1465

Columbia, South Carolina 29202

803.256.6276

803.256.7659 Facsimile

douglastruslow@truslowlaw.com

nealtruslow@truslowlaw.com

Attorney for Respondent

January 20, 2021

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

PROOF OF SERVICE

I, Douglas Truslow, Esquire, attorney for Respondent, certify that a true and correct copy of the forgoing document(s) was served upon all parties of record listed below by e-mail and by placing a copy in the United States Mail to the following address(es):

Brian S. McCoy, Esquire
McCoy Law Firm, LLC
378 E. Main Street
Rock Hill, SC 29730
bmccoy@mccoylawfirm.com

Ty K. McTier, Esquire
Redding Jones, PLLC
2907 Providence Road, Suite 303
Charlotte, NC 28211
tmctier@reddingjones.com

DOCUMENT(S): 1. **SUPPLEMENTAL DESIGNATION OF MATTER**

s/Douglas N. Truslow
Douglas N. Truslow
Neal D. Truslow
Truslow & Truslow Law Firm

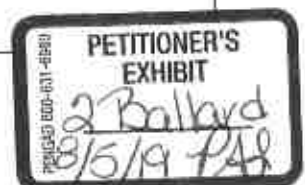
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douglastruslow@truslowlaw.com
nealtruslow@truslowlaw.com

January 20, 2021

Attorney for Respondent

**BALLARD/COMBIS timeline regarding RULE TO SHOW CAUSE
EFFORTS TO GATHER INFORMATION
(Will/Probate and Pour Over Trust)**

DATE	EVENT	COMMENT
March 2003	Trust Agreement upon death - - Rolex watch to Chris and coins, cash, and guns (contents of safe) to Diane.	See Article VII
April 2008	2nd Trust Amendment	Deletes specific bequests of watch to Chris and coins, cash and guns (contents of safe) to Diane among other bequests that were specifically deleted.
February 9, 2009	Pop Dies	
2012/2013	Trust beneficiaries Mary and Linda Combis seek Estate and information regarding Trust assets. George and Diane refuse to provide any information. Lawsuit and discovery. George and Diane do not answer. Motion to compel ensues. George and Diane remove to North Carolina Federal Court and then sanctioned.	Items of personalty discussed with George and Diane. No mention that items had been gifted.
Spring/Summer/Fall 2013	Ballard appointed PR and Successor Trustee. Ballard interviews George and Diane. Ballard is able to confirm Gold Rolex watch.	
2013	Linda and Mary met with Ballard to describe personalty, etc.	
October 11, 2013	Email to Combis' attorney Bridgmon regarding Rolex, guns and Carson City Silver dollars	
October 17, 2013	Email regarding pistols, make and model by Ballard	
October 17, 2013	Email regarding pistols, make and model by Mara (Ballard's forensic accountant).	
October 17, 2013	Attorney Bridgmon says watch was given to Chris. Says George has the pistols.	



BALLARD/COMBIS timeline regarding RULE TO SHOW CAUSE

EFFORTS TO GATHER INFORMATION

(Will/Probate and Pour Over Trust)

	Diane has silver as a "gift", (but items won't interfere with case resolution).	
October 18, 2013	PR Ballard files inventory	
November 4, 2013	Bridgmon agrees to give money in trust account held by former trustee Diane to Ballard but does not do so.	Does not do so.
November 6, 2013	Ballard writes to Diane's attorney Bridgmon regarding money in the trust account.	
November 6, 2013	Bridgmon says he <u>will not</u> turn over the money in the trust account per client's instruction.	Emailed after November 7 email from Ballard.
November 7, 2013	Ballard warns of conflict – simultaneous representation of George, Diane and companies.	
November 12, 2013	Email from Bridgmon. Will not authorize release of other trust funds (Springstead). Does not turn over documents; Claims Ballard is "biased". Confirms, all these issues were addressed before, during and after mediation.	Continues to be non-cooperative.
November 13, 2013	DNT's response to Bridgmon email – Ballard needs documentation regarding assets in question.	
November 15, 2013	Ballard email to Bridgmon regarding money due and make, model, serial number on guns, etc.	
November 15, 2013	Bridgmon emails back – says guns are in the safe and can hand deliver check from trust account next week. Will not identify guns; does not deliver money in trust account.	Remains non-cooperative.
November 25, 2013	DNT requests information regarding trust expense of \$59,000. Bridgmon does not produce.	

**BALLARD/COMBIS timeline regarding RULE TO SHOW CAUSE
EFFORTS TO GATHER INFORMATION
(Will/Probate and Pour Over Trust)**

During this time period	Numerous telephone conversations seeking personal property, assets, etc.	Non-cooperative.
December 10, 2013	DNT email to Bridgmon regarding guns, etc. and follow up and telephone conferences.	
December 12, 2013	Bridgmon non asserts in an email that two of Pop's pistols were "gifted" to Diane by Pop. Will not identify or produce them. Says they will maintain them.	Non-cooperative.
** December 12, 2013	Email from DNT to Bridgmon. Notes still no photos, no serial numbers on guns and asks for details of gifting, timeline (to find if Pop bought).	Bridgmon refuses and/or fails to comply.
January 4, 2014	DNT email; asks for Quitclaim deed, etc. "duck and goose safari".	Non-cooperative.
January 6, 2014	Ballard email to Bridgmon regarding signing docs for her to perform Trustee function, title, Lochbridge, Horseshoe	Defendants will not cooperate with Ballard.
January 7, 2014	Bridgmon emails "any offers" to provide items and information are <u>withdrawn</u> .	Confirms Defendants are non-cooperative.
January 8, 2014	Ballard emails requesting bills of trust (not forwarded) and trust documents (since 10/25/2013 – a grocery bag of "stuff"); and trust account money.	
January 15, 2014	Emails from George – "stop wasting my money on your stupid need to know" regarding Ballard's inquiry about Rolex, etc.	George claims that Pop "did give the Rolex watch..." Does not say who got it.
January 15, 2014/various dates	Courts ordered no contact. George ignores.	George is writing insulting letters to DNT's wife and son and to Ballard. Won't cooperate.
January 23, 2014	Ballard email requesting Trust check.	Non-cooperative.

**BALLARD/COMBIS timeline regarding RULE TO SHOW CAUSE
EFFORTS TO GATHER INFORMATION
(Will/Probate and Pour Over Trust)**

January 25, 2014	Ballard email requesting trust account check.	Non-cooperative.
February 26, 2014	DNT email requesting trust money wrongfully held (trust money not turned over).	Non-cooperative.
March 21, 2014	Bridgmon email – refuses to release trust check to Ballard (Trustee).	Confirms Diane as former Trustee refuses to cooperate.
September 18, 2015	Deposition of Diane Combis	Confirms she took \$412,000 on August 2, 2007 to pay off Diane and George's personal debts and was supposed to turn over an accounting. (Tr. 50-80)
2016/2017	Federal trial complete. Ballard is to conclude Trust and Estate.	Diane breach of fiduciary duties per Order.
July/August 2017	Items of personalty are to be turned over to Ballard per Court Order.	Defendants still will not cooperate.
August 2, 2017	Pellington email asking for more time than Court allowed – claiming items are not well defined but will do so; again seeks to <u>not</u> produce items to Diane's attorney.	
August 8, 2017	Ballard email in response to Diane's attorney's August 2, 2017 email. Items must be produced.	
August 8, 2017	Pellington email wants to delay delivery. He has various excuses, personal issues regarding delivery and wants to just photo and not comply with Court's Order regarding physical delivery.	
August 8, 2017	DNT email to simply have courier service deliver. Note: DNT again asks for description, photos, timeline, etc.. Pellington does not do so.	Note: Pellington is the attorney for George, Diane and Chris. Conflict remains.
August 9, 2017	RTSC issued (for November 13, 2017 at 9:30 a.m.)	Fake Rolex only, one gun and some coins. Contempt issue.

**BALLARD/COMBIS timeline regarding RULE TO SHOW CAUSE
EFFORTS TO GATHER INFORMATION
(Will/Probate and Pour Over Trust)**

August 12, 2017	Pellington says he has items in office to be delivered next week.	
August 14, 2017	Pellington transmittal letter of coins, firearm and Rolex.	
August 18, 2017	Email from Pellington says Defendants complied with what was requested and ordered.	
August 24, 2017	DNT asserts fake watch and 1 gun were produced. Defendants will not explain; accept service? (No)	
August 28, 2017	Ballard seeks to depose George regarding location of assets.	George objects.
August 30, 2017	DNT email regarding fake Rolex, cheap gun and pennies; documents long history of years of misconduct; asks when Pellington learned watch was a fake Rolex (he does not answer) asks for explanation, sales, repair, etc. and ignored.	Again, non-cooperative contempt issue.
August 30, 2017	Rule to Show Cause issued (relative to August 9, 2017 Order)	
** August 30, 2017	DNT emails to Pellington requesting details and Ballard emails requesting details.	
August 30, 2017	Pellington email; says he is "interested in facilitating resolution". See DNT 8-24-2017 email for example and the RTSC. Avoided taking depositions for 6 months in the federal case.	No attempt to resolve.
September 7, 2017	Nosal emails to Pellington also requesting details and is ignored. Pellington dissembles –saying he doesn't have the file (his law partner Redding has it).	

**BALLARD/COMBIS timeline regarding RULE TO SHOW CAUSE
EFFORTS TO GATHER INFORMATION
(Will/Probate and Pour Over Trust)**

September 8, 2017	Defendants trying to avoid depositions (Court denies relief sought by Pellington).	
September 8, 2017	Pellington letter – won't appear for depositions of Diane and Chris	
September 8, 2017	Request to admit Rolex is fake to avoid cost of jeweler. Pellington will not agree.	
	No show for depositions of Diane and George.	
September 11, 2017	Defendants' Motion for Protection Order to not take deposition is denied.	
September 13, 2017	Deposition of George Combis	Did not bring subpoenaed documents (Tr. 8). Refused to disclose what is in the safe (Tr. 20 and 22). Pop's Rolex was in the safe (Tr 23). Collection of watches. He has 40 or 50. Gave father a Rolex (Tr. 25). Since 2005, Father bought another watch. "Gave back" Rolex to George in 2008 (T 26). Pop refused to give Rolex watch to Chris. **Says he (George) gave Rolex to little Chris in 2010/2011 (Tr 27 and 28) **Pop kept the other Rolex (Tr 27). **Rolex still in George and Diane's possession (Tr 27). **Says he is wearing that Pop's Rolex (Tr. 28). **George says Pop gave him back the second Rolex to sell or give at death and George is wearing it in 2008/2009 and he is wearing it (Tr 74). **The Rolex he (Pop) wore (bought after 2005) was Pop's "work watch" (Tr. 74) Pop's Rolex was given by George to Chris in 2010/2011 and then to his wife Lauren.

**BALLARD/COMBIS timeline regarding RULE TO SHOW CAUSE
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		**Then George got it back (Tr. 75) (to produce to Ballard). **The third Rolex watch was bought by Pop. George says he got Pop's gold Rolex watch back from Chris (Lauren's) and had delivered to Ms. Ballard (Tr. 77). Says he photographed the watch that was sent to Ms. Ballard (Tr. 80). Does not know where Pop's engraved watch is (Tr. 130). History of Rolexes 2010/2011. Says he does not know where (Lauren's) watch is now (Tr. 131). **Only Diane had access to safe (Tr 14). Guns and watch in her safe (Tr. 141). Items in her safe 6 or 7 years (Tr. 165). From 2013 to 2017 they did not deliver gun and coin and watch (Tr. 230 and 231).
October 11, 2017	Deposition of George. Resumption of deposition. Again did not bring documents subpoenaed (Tr 14-22). (Tr 25) Says he decided it "wasn't any of our business". Diane overlooked accounting (Tr. 36). (Tr. 60) transfers out assets after North Carolina Order prohibiting transfer. (Tr. 81) Pop's Rolex watch. **He gave it (Rolex) to grandson a few weeks ago. **Tr 83-86 he gave the watch to his attorney approximately a year ago. He had it for a year prior. (Tr. 115-116).	Deposition was resumed from September 13 for George to bring documents that were subpoenaed.
November 13, 2017	Attendance at Court – had to be changed to November 14, 2017.	

BALLARD/COMBIS timeline regarding RULE TO SHOW CAUSE

EFFORTS TO GATHER INFORMATION

(Will/Probate and Pour Over Trust)

November 13, 2017	Email offer from Pellington: Release Chris and Ballard can keep the (fake) Rolex. Note: He did not disclose existence of another gold Rolex. He produced another one (gold) the next day.	This was not sent until late in the day. Truslow saw it November 14, 2017.
November 14, 2017	RTSC hearing	
November 14, 2017	Testimony at RTSC by Chris.	Pop had 2 Rolexes (Tr. 22). George did not give him either watch (Tr. 24). Says Pop gave him both watches (Tr. 126) in 2000. **Says he got 2 watches and gave one to Pellington and kept the other (Tr. 32). He turned over only 1 watch at first (Tr. 41). Pop did a trust for Chris to get watch (but after Chris says he had it) and then amended the trust to take it out and it was apparently for the fake (Tr. 59) ?? Got watches in year 2000 (Tr. 64). Agrees he altered watch (Tr. 65). Did not give watch to wife. (4 th Rolex watch ? and fake)
November 14, 2017	RTSC hearing	Pellington claims 1 watch and there are 2 (Tr. 71). Always 2 watches (Tr. 77). Looks like 4 Rolexes, in fact.
November 14, 2017	Testimony at RTSC by Diane	(Tr. 86) silver (?) items in George's possession. (Tr. 90) Guns in her possession. (Tr. 107) Combis men loved watches. (Tr. 111) Pop had more than 1 watch (Tr. 113) She claims in Wills, she gets all in safe. (but see 2 nd Amendment) (Tr. 120) See trust documents! She says Rolex was a gift from she and George to Chris. Not from

**BALLARD/COMBIS timeline regarding RULE TO SHOW CAUSE
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		Pop. Says Carter's watch was a fake (we disagree). Carter's mother denies he has it.
November 17, 2017	Testimony at RTSC by Lauren	(Tr. 131) She and Chris given Pop's Rolex by George in <u>2011</u> . Gave it back to Chris in August 2016 (Tr. 133). To be delivered to Ballard at mediation.
2003-2008	?	Trust in 2003 Diane gets items in her safe. Chris gets watch (1 st amendment in 2006). Chris gets watch <u>if</u> he survives. Safe content still goes to Diane. ****2 nd amendment in 2008 took out money for Chris, Julie, Diane, Linda, Mary, George and Helen and watches, etc. deleted from trust– and <u>Diane knew they had been taken out</u> .
2015/16	Deposition of Diane. She admits to breach of fiduciary duty \$412,000.	Redding agreed to give Diane's trust documents and didn't.
November 17, 2017	RTSC hearing	Resolution stayed by Court.
November 17, 2017	RTSC Hearing Testimony –	Pellington brings in (another) pistol (Tr. 4). Jeweler confirms "Rolex" is a fake (Tr. 15) Linda Combis confirms Pop and her mother had gold Rolex watch almost identical (Tr. 29) to his (Tr. 29). Watch delivered to Ballard was not her father's. Diane said she had Pop's Rolex (Tr. 33). Watch delivered to Ballard was not Pop's (Tr. 45).
November 17, 2017	Court inquires if .25 caliber pistol is part of estate. Combis' attorney says it is "undecided"; that "it was gifted a long time ago".	
January 11, 2018	Gold watch was appraised.	

**BALLARD/COMBIS timeline regarding RULE TO SHOW CAUSE
EFFORTS TO GATHER INFORMATION
(Will/Probate and Pour Over Trust)**

January 8, 2019	4 th Circuit Decision	Favorable to Ballard.
April 15, 2019	Stay of November 17, 2017 lifted	

From: [Desa Ballard](#)
To: ["cblaw@carolina.rr.com"](mailto:cblaw@carolina.rr.com)
Cc: [Mara Ballard](#); [Terrie Stafford](#)
Subject: Combs, Chris (Estate of);
Date: Friday, October 11, 2013 2:08:46 PM

Checking on the whereabouts (or what happened to) Pop's Rolex watch, rifles, and Carson City silver dollars.

db

From: [Desa Ballard](#)
To: "Charlie Bridgmon"; Mara Ballard
Cc: [Terrie Stafford](#)
Subject: RE: Combis: CD information
Date: Thursday, October 17, 2013 12:32:38 PM

Charlie, I need to list the pistols on the inventory. Please provide information about make, model, etc.

Desa Ballard

Ballard Watson Weissenstein

Telephone 803.796.9299

Facsimile 803.796.1066

E-mail: desab@desaballard.com, cody to terrie@desaballard.com

From: Charlie Bridgmon [<mailto:cjblaw@carolina.rr.com>]

Sent: Thursday, October 17, 2013 11:41 AM

To: Mara Ballard

Cc: Desa Ballard; Charlie Bridgmon

Subject: Re: Combis: CD information

Yes, and thanks for reminding me.

The Rolex was given to Chris, Jr. (George's son) during Pop's lifetime.

There are no rifles that George is aware of, only a couple of pistols. He has those.

Pop gave the Silver Dollars to Diane as a thank you before he passed. That said, she is not going to let them interfere with trying to get this case resolved.

Charles J. Bridgmon*

Law Office of Charles J. Bridgmon, PLLC

5970 Fairview Rd., Suite 700

Charlotte, NC 28210

Phone: (704) 552-5270, ext. 702

Cell: (803) 331-6013

Fax: (704) 552-5271

E-mail: cjblaw@carolina.rr.com

* Admitted in NC & SC

CONFIDENTIALITY

This email and its attachments (if any) are intended solely for the use of the addressee hereof. In addition, this message and the attachments may contain information that is confidential, privileged and exempt from disclosure under applicable law. If you are not the intended recipient of this message, you are prohibited from reading, disclosing, reproducing, distributing, disseminating or otherwise using this transmission. Delivery of this message to any person other than the intended recipient is not intended to waive any right or privilege. If you have received this message in error, please promptly notify the sender by reply e-mail and immediately delete this message from your system.

Please consider the environment before printing this email.

From: Mara Ballard <Mara@desaballard.com>

Date: Thursday, October 17, 2013 11:32 AM

To: Charlie Bridgmon <cjblaw@carolina.rr.com>

Cc: Desa Ballard <desab@desaballard.com>, Mara Ballard <Mara@desaballard.com>

Subject: RE: Combis: CD information

Sometime last week, Desa sent you an email about a Rolex, rifle and maybe some silver coins (trying to recall off the top of my head). Do you have that email and have you asked George about those items?

Mara T. Ballard, CMA, CFE

Forensic Accountant (not a lawyer)

Ballard Watson Weissenstein

226 State Street (29169)

From: Charlie Bridgmon [<mailto:cjblaw@carolina.rr.com>]
Sent: Monday, November 04, 2013 10:44 AM
To: Mara Ballard
Cc: Desa Ballard; Mara Ballard; Charlie Bridgmon
Subject: Re: Combis: Money Transfer

Mara:

Diane called from the bank earlier. They initially said Desa had to be there but I talked to someone and got them to close the account and issue a check - they would not agree to wire it. Diane just brought it by, so I will get it out to you today. It is \$3,174.27.

Desa:

Are you available around 3:00 this afternoon to discuss Horseshoe?

Thanks,
Charlie

Sent from my iPhone

On Nov 4, 2013, at 10:29 AM, "Mara Ballard" <Mara@desaballard.com> wrote:

Just checking in to see if you got the wire transfer information I forwarded to you on Friday and to see if you have an ETA on the wire transfer so I can tell my office manager when to look for it.

Thank you.

Mara T. Ballard, CMA, CFE
Forensic Accountant (not a lawyer)
Ballard Watson Weissenstein
226 State Street (29169)
Post Office Box 6338
West Columbia, South Carolina 29171
803.796.9299
803.796.1066 Facsimile
www.desaballard.com
<image001.jpg>

Desa Ballard

From: Desa Ballard
Sent: Wednesday, November 06, 2013 10:35 AM
To: Charles J. Bridgmon, Esquire (cjblaw@carolina.rr.com)
Cc: Douglas N. Truslow (douglastruslow@truslowlaw.com); Mara Ballard (Mara@desaballard.com) (Mara@desaballard.com); Terrie Stafford
Subject: Two topics

Just left you a voice mail. Still have not received the check for \$3,174.27 that you had on Monday – I asked you to overnight it and we have not received it.

In reviewing Diane's records of the trust, the 8-2-2007 disbursement of \$412,000.00 is shown as a "loan to George Combis." What are George's intentions regarding payback of this loan?

db

Desa Ballard
Ballard Watson Weissenstein
Telephone 803.796.9299
Facsimile 803.796.1066
E-mail: desab@desaballard.com, copy to terrie@desaballard.com

William P. Bray =
Jeffrey A. Long • †
Lee A. Peindl
Brendan G. Dillashaw
Charles J. Bridgmon •

* Also licensed in South Carolina
† NC Superior Court Mediator &
Certified SC Circuit Court Mediator

November 6, 2013

Via Email (douglastruslow@truslowlaw.com) and U.S. Mail

Douglas N. Truslow, Esquire
Truslow & Truslow
P.O. Box 1465
Columbia, SC 29202

Re: Irrevocable Trust Agreement of Chris Combis

Dear Doug:

I represent Diane Combis, former trustee of the Chris Combis Trust Agreement. It is my understanding from Desa Ballard that she has retained you to represent the Estate of Chris Combis and the Trust. In an abundance of caution so as not to violate Rule 4.2, I am sending this to you with a copy to Desa.

I am writing to update you on the status of trust property – specifically the funds received from closing the trust account at Park Sterling Bank. I have enclosed a copy of the certified check from the bank constituting the entire balance of the account. Pursuant to N.C.G.S. § 36C-7-707, my client has instructed me to protect the trust property pending an Order from the Court pursuant to a Petition for Removal of Successor Trustee filed November 5. I have enclosed for your review a copy of the filed Petition and would ask that you advise at your earliest convenience if you can accept service of the Petition on behalf of Desa.

Rather than holding the check for safekeeping, I would offer alternatively that the funds be deposited into the Court. That said, I believe there would be filing fees associated with this option, and my client would like to preserve the trust property to the fullest extent possible. Further, in the event there is an immediate need for these funds to preserve other trust property, access may be difficult or restricted if deposited into Court. I am open to other suggestions you may have as to how best to handle these funds pending resolution of the hearing.

Also, as the trust property located at 718 Lochridge in Charlotte has yet to be delivered to Desa, I am copying John Springsteed of Springsteed Realty with this letter and its enclosures with a request that he hold in trust any rental proceeds until the Court issues an Order on the Petition for Removal.

Along those same lines, my client requests that no efforts be undertaken to sell or list for sale the trust property located at 718 Lochridge in Charlotte while the property is

Douglas N. Truslow, Esquire
November 6, 2013
Page Two

under lease with non-interested third parties. As you are aware, such action would subject the trust to likely litigation and damages for breach of contract and/or tortious interference. I request written confirmation by 12:00 p.m. on Friday, November 8, that no such efforts will be undertaken except as allowed by the rental agreement; otherwise, my client will be obligated to take any actions she deems necessary to protect the trust property.

I look forward to working with you on this matter, and please do not hesitate to call me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Charlie Bridgman", followed by a horizontal line.

Charles J. Bridgman

Enclosures

cc: Desa Ballard (via email w/ enclosures)
John Springsteed / Springsteed Realty Company (via facsimile and email w/
enclosures)

P PARKSTERLING BANK1043 East Morehead Street
Suite 100
Charlotte, NC 28204

Date: 11/04/13

17862

REMITTER

PARK STERLING BANK

Branch: 0205

**PAY
TO THE**

EXACTLY **3,174 AND 27/100 DOLLARS

\$3,174.27

ORDER OF CHRIS COMBIS REVOCABLE TRUST

CLOSING DDA 1003356

⑈0000017862⑈ ⑆053012728⑆ 100000000006⑈

P PARKSTERLING BANK1043 East Morehead Street
Suite 100
Charlotte, NC 28204

17862

DATE: 11/04/13

REMITTER: PARK STERLING BANK

BRANCH:	0205
ORIGINATOR:	R15KLB
TIME:	9:54:12
CK AMT:	\$3,174.27
FEE AMT:	\$.00
TOTAL:	\$3,174.27

TO: CHRIS COMBIS REVOCABLE TRUST

NGN-NEGOTIABLE

STATE OF NORTH CAROLINA
 COUNTY OF MECKLENBURG
 MECKLENBURG COUNTY
 IN THE GENERAL COURT OF JUSTICE
 SUPERIOR COURT DIVISION
 BEFORE THE CLERK
 NOV 05 2013
 13 E 3457

In the Matter of:

IRREVOCABLE TRUST
 AGREEMENT OF CHRIS COMBIS

AT _____ O'CLOCK _____ M
 BY _____
 CLERK OF SUPERIOR COURT

PETITION FOR REMOVAL OF
 SUCCESSOR TRUSTEE

Petitioner, GEORGE C. COMBIS ("Petitioner"), by and through his undersigned counsel, as a beneficiary of the Revocable Trust Agreement of Chris Combis dated March 11, 2003, including any amendments thereto, hereby petitions the Court to remove Desa Ballard, Trustee, and in support thereof shows the Court as follows:

1. That Chris Combis executed on or about March 11, 2003, the Revocable Trust Agreement of Chris Combis, the terms of which are hereby incorporated by reference and made a part of this Petition as if the entire Trust Agreement were set forth herein.

2. That Chris Combis executed on or about April 21, 2006, the First Amendment and Restatement of Revocable Trust Agreement of Chris Combis, the terms of which are hereby incorporated by reference and made a part of this Petition as if the entire Trust Agreement were set forth herein.

3. That Chris Combis executed on or about April 24, 2008, the Second Amendment to Revocable Trust Agreement, the terms of which are hereby incorporated by reference and made a part of this Petition as if the entire Trust Agreement were set forth herein.

4. That at the time each of the above Trust Agreements was executed, Chris Combis was a resident of Mecklenburg County, North Carolina.

5. That pursuant to the terms of the Trust Agreement, it and the separate trusts created therein "shall be construed, regulated and governed by and in accordance with the laws of the State of North Carolina."

6. That Chris Combis died testate on February 3, 2009, leaving the residue and remainder of his property to the trustee of the Trust Agreement.

7. That Desa Ballard ("Ballard") became the Personal Representative of the Estate of Chris Combis on or about May 2, 2013.

8. That Ballard became Successor Trustee on or about October 15, 2013.

9. That Petitioner is informed and believes Ballard should be removed as Successor Trustee under North Carolina General Statutes §§ 36C-1-101 to -11-1106, including, but not limited to, N.C.G.S. § 36C-7-706 because:

- a. Ballard intends to bill the Estate of Chris Combis in excess of \$50,000 in fees for her role as Personal Representative and Successor Trustee;
- b. Ballard intends to dispose of trust property, specifically a home located at 718 Lochridge Drive, Charlotte, to satisfy her fees in this matter;
- c. Ballard has shown favoritism and/or bias towards the beneficiaries of the Trust Agreement other than Petitioner, at the expense and to the detriment of Petitioner;
- d. Ballard has refused to pursue claims against one of the beneficiaries of the Trust for causing approximately \$60,000 in damage to trust property;
- e. Ballard has refused to reimburse Petitioner for approximately \$30,000 in repairs he paid to rehabilitate trust property so that it could become habitable and generate income for the trust;

- f. In addition to her fees in excess of \$50,000, Ballard notified Petitioner on November 4, 2013, that she has retained counsel on behalf of the Trust, most likely at an additional expense of the Trust;
- g. Ballard has threatened litigation against Petitioner's spouse if a payment in excess of \$26,000 was not made to beneficiaries of the Trust other than Petitioner; and
- h. Ballard has usurped the role of the Courts of this State by determining issues pending litigation between the beneficiaries.

10. That Petitioner is informed and believes each of the above instances demonstrates a serious breach of trust by Ballard.

11. That Petitioner is informed and believes each of the above instances demonstrates an unfitness, unwillingness, or persistent failure of Ballard to administer the Trust effectively.

12. That Petitioner is informed and believes removal of Ballard best serves the interests of all the beneficiaries and is consistent with the material purpose of the Trust.

13. That Petitioner is informed and believes it is in the best interests of the Trust for the Court to exercise its discretion and (1) remove Ballard as the Successor Trustee of the Trust; and (2) appoint an independent trustee to administer the Trust.

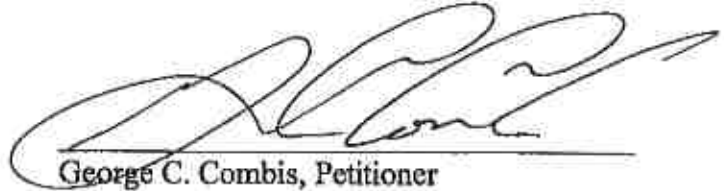
14. That jurisdiction and venue are proper in this Court.

WHEREFORE, Petitioner prays as follows:

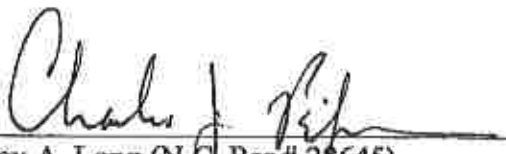
- 1. That the Court enter an Order directing Ballard to show cause, within the time set by law, why she should not be removed as Successor Trustee;
- 2. That the Court set a time and place for a hearing on the matters raised herein;
- 3. That the beneficiaries of the Trust be notified of the time and place of the hearing and summoned to the proceedings if they deem proper;

4. That an independent trustee be appointed as determined by the Court to serve as successor trustee; and
5. That Petitioner be granted such other and further relief as the Court deems just, reasonable, and proper.

Respectfully submitted this 5th day of November, 2013.



George C. Combis, Petitioner



Jeffrey A. Long (N.C. Bar # 28645)
Charles J. Bridgmon (N.C. Bar # 37887)
BRAY & LONG, PLLC
2820 Selwyn Avenue, Suite 400
Charlotte, North Carolina 28209
Phone: (704) 523-7777
Fax: (704) 523-7780

Attorneys for Petitioner

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

VERIFICATION

GEORGE C. COMBIS, Petitioner, being first duly sworn, deposes and states that he has read the Petition and knows its contents, and that the Petition is true of his own knowledge, except as to those matters therein stated upon information and belief, and as to those matters, he believes them to be true.

This 5th day of November, 2013.


George C. Combis, Petitioner

STATE OF NORTH CAROLINA)
COUNTY OF MECKLENBURG)

Sworn to and subscribed before me this 5th day of November, 2013.


Notary Public

My Commission Expires: April 25, 2014



Desa Ballard

From: Desa Ballard
Sent: Thursday, November 07, 2013 9:30 AM
To: 'Charles Bridgmon'; douglastruslow@truslowlaw.com
Cc: Mara Ballard (Mara@desaballard.com) (Mara@desaballard.com); Terrie Stafford
Subject: RE: Chris Combis Irrevocable Trust

Importance: High

Charlie:

Please forward the net trust proceeds to me immediately. If you do not do so, you will have converted trust funds which are due to the trust and it will be necessary to place your carrier on notice. You are already in a position of tremendous conflict by virtue of your joint representation of both George and Diane, who have competing interests. You will only make the matter worse if you inject yourself into the matter as a principle, rather than as an advocate.

Either overnight the check to me as previously instructed, or we will send you wire instructions. Advise by 1:00 pm today of your intentions.

Please also answer my earlier question as to whether you represent Superior Tile, and provide me with the response to my questions of yesterday.

db

Desa Ballard
 Ballard Watson Weissenstein
 Telephone 803.796.9299
 Facsimile 803.796.1066
 E-mail: desab@desaballard.com, copy to terrie@desaballard.com

-----Original Message-----

From: Charles Bridgmon [<mailto:CBridgmon@braylong.com>]
Sent: Wednesday, November 06, 2013 5:29 PM
To: douglastruslow@truslowlaw.com
Cc: Desa Ballard; jks2@bellsouth.net; Charles Bridgmon
Subject: Chris Combis Irrevocable Trust

Doug:

Please see the attached letter.

Thank you,
 Charlie Bridgmon

Charles J. Bridgmon*
 Bray & Long, PLLC

2820 Selwyn Avenue, Suite 400
Charlotte, NC 28209
Phone: (704) 523-7777, ext. 31
Cell: (803) 331-6013
Fax: (704) 523-7780
Email: cbridgmon@braylong.com

* Admitted in NC & SC

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Douglas Truslow

From: Mara Ballard <Mara@desaballard.com>
Sent: Thursday, November 09, 2017 2:41 PM
To: Douglas Truslow
Cc: Mara Ballard
Subject: FW: Combis - pistols

-----Original Message-----

From: Desa Ballard
Sent: Friday, December 13, 2013 5:27 PM
To: Douglas N. Truslow (douglastruslow@truslowlaw.com) <douglastruslow@truslowlaw.com>; Mara Ballard <Mara@desaballard.com>
Cc: Terrie Stafford <Terrie@desaballard.com>
Subject: FW: Combis - pistols

I am 90% sure that his first email about the guns say they were given to George. I'll find it.

Desa Ballard
Ballard Watson Weissenstein
Telephone 803.796.9299
Facsimile 803.796.1066
E-mail: desab@desaballard.com, copy to terrie@desaballard.com

-----Original Message-----

From: Charlie Bridgmon [mailto:CBridgmon@braylong.com]
Sent: Thursday, December 12, 2013 12:57 PM
To: Desa Ballard
Cc: Douglas N. Truslow; Charlie Bridgmon
Subject: Combis - pistols

Desa:

Doug asked me earlier to provide you an update on the pistols. I have had an opportunity to fully discuss it with my clients and wanted to first clarify the number. Only 2 of the pistols for which you seek information were Pop's. The third is and has always been George's. That said, Pop apparently had another pistol - a chrome-plated .45 I believe - that was not specifically given away during his lifetime. It is my understanding that pistol was with Pop during his time at Horseshoe, and none of my clients has possession of it.

As you know, it has been and remains our position that the remaining 2 pistols were given to Diane during Pop's lifetime. Thus, it is our position they should not have been included on the initial inventory as their ownership is not in question. I believe this can be confirmed during any discovery you plan to conduct. Along those lines, however, my clients will maintain the pistols in their possession.

I think the best course of action at this time is to discuss the issue with Judge Miller during the status conference you have requested and let her guide us as to anything further. Please let me know if you disagree.

Douglas Truslow

From: Mara Ballard <Mara@desaballard.com>
Sent: Thursday, November 09, 2017 3:04 PM
To: Douglas Truslow
Cc: Mara Ballard
Subject: FW: Combis - pistols

Not for nothing but nearly 4 years ago, you said this case was a \$1M case...

-----Original Message-----

From: Terrie Stafford On Behalf Of Desa Ballard
Sent: Thursday, December 12, 2013 3:15 PM
To: Mara Ballard <Mara@desaballard.com>
Subject: FW: Combis - pistols

TS

-----Original Message-----

From: Douglas N. Truslow [mailto:douglastruslow@truslowlaw.com]
Sent: Thursday, December 12, 2013 2:42 PM
To: 'Charlie Bridgmon'; Desa Ballard
Subject: RE: Combis - pistols

Charlie:

While I appreciate your response, it is not at all what I expected.....not even photos or serial numbers, much less production.

Aside from that, can you explain how and why we are to believe the guns and coins, etc. were "gifts"? A timeline might also be helpful in getting to the bottom of all this. I've given you a preliminary one and asked you to fill in the blanks. I have not gotten a response. And, speaking of gifts, cannot Linda and Mary claim the same about other matters? I am not trying to argue.....I am simply trying to figure it all out in context properly and at the least cost to the trust and estate. We certainly do not want to be arguing about things of little consequence, nor do we want anyone to assert claims that cannot be sustained from an evidentiary point of view.

At the same time, Desa is intent on handling this not only properly, but cost efficiently. Please help us help the ultimate beneficiaries solve the conflict and apparent impasse. Finally, none of what your clients are now asserting seems to fit in with what I understand to be their theory that the \$412 k was given to George to "gift" or "loan" or take care of Pop.

Regrettably, it has the appearance that Diane has significantly erred.....I do not know how to say it more politely. I am counting up what appears to be close to \$1 million for which she seems to be responsible, aside from the more significant parts of the case. Given the information I have at this juncture, I am shocked that your clients did not resolve the issues with Linda and Mary.

Sincerely,

Douglas N. Truslow

Truslow & Truslow
ph (803) 256-6276

On a somewhat related note, I believe the above is true for the coins as well but have not addressed it as I have the pistols. Again, let's discuss it with Judge Miller.

Thank you,
Charlie

Charles J. Bridgmon*
Bray & Long, PLLC
2820 Selwyn Avenue, Suite 400
Charlotte, NC 28209
Phone: (704) 523-7777, ext. 31
Cell: (803) 331-6013
Fax: (704) 523-7780
Email: cbridgmon@braylong.com

* Admitted in NC & SC

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Douglas Truslow

From: Mara Ballard <Mara@desaballard.com>
Sent: Thursday, November 09, 2017 2:47 PM
To: Douglas Truslow
Cc: Mara Ballard
Subject: FW: Trust funds

Note that they are "in a safe"

From: Charles Bridgmon [mailto:CBridgmon@braylong.com]
Sent: Friday, November 15, 2013 4:23 PM
To: Desa Ballard
Cc: Mara Ballard; douglastruslow@truslowlaw.com; Terrie Stafford <Terrie@desaballard.com>; Charles Bridgmon <CBridgmon@braylong.com>
Subject: Re: Trust funds

Thanks, Desa. I will see what I can do on the check. (It's locked up very securely on my end.) It will be Monday before I can talk to them, but it may be that I can hand-deliver it to you on Thursday.

Same for the guns. They are in a safe, but they are out of town until Monday.

On a somewhat aside, what is Lochridge on the market for? I may know someone interested in it as a rental property as well.

Have a good weekend.

Charlie

Charles J. Bridgmon*
Bray & Long, PLLC
2820 Selwyn Avenue, Suite 400
Charlotte, NC 28209
Phone: (704) 523-7777, ext. 31
Cell: (803) 331-6013
Fax: (704) 523-7780
Email: cbridgmon@braylong.com

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Please consider the environment before printing this email.

From: Desa Ballard <desab@desaballard.com>
Date: Friday, November 15, 2013 4:20 PM
To: Charlie Bridgmon <cbridgmon@braylong.com>
Cc: "Mara@desaballard.com" <Mara@desaballard.com>, "douglastruslow@truslowlaw.com" <douglastruslow@truslowlaw.com>, Terrie Stafford <Terrie@desaballard.com>
Subject: Trust funds

Charlie, we have received the November rent from Mr. Springstead. Concerns about the security of funds in my hands is a non-issue. Any other lawyer in the state, maybe not. But me – I'm a sure thing.

I would again ask that you release the balance of the trust funds (the check you photocopied and sent to Doug).
By the way, I have obtained a copy of the insurance policy on Lochridge so you can stop looking for that.
I do still need the make, model and serial number on the firearms.
Have a good weekend. I'll look for that check in the Monday mail.

db

db

Desa Ballard

Ballard Watson Weissenstein

Telephone 803.796.9299

Facsimile 803.796.1066

E-mail: desab@desaballard.com, copy to terrie@desaballard.com

Douglas Truslow

From: Douglas N. Truslow <douglastruslow@truslowlaw.com>
Sent: Saturday, January 04, 2014 12:24 PM
To: 'Charlie Bridgmon'
Cc: 'Desa Ballard'; 'pete@nosajeterlaw.com'
Subject: Combis

Charlie:

As you know, Ms. Ballard has been diligently trying to bring matters to a proper conclusion in the best interest of the trust and estate. In that vein, I understand that she is trying to sell the Lochridge property. An immediate problem seems to be that after all this time, one of your clients (former trustee Diane Combis) STILL won't sign over a quit claim deed or do the other things necessary to ensure that there can be a disposition of it – the the trust's benefit. May I ask once more: What is the problem? We would be more than willing to prepare the documents reflecting that Diane has no more interest in the property. The problem is that we have been delayed once again and then sent on a duck and goose safari —your clients were ducking service and simultaneously trying to send us on a wild goose chase – at least it has that appearance. And in conjunction, they are now, they are complaining about Ms. Ballard. Quite frankly, it has the appearance that they are dissatisfied because she has been both conscientious and most professional under trying circumstances.

It would be easiest if you prepared an affidavit and had Diane sign the quit claim deed. May I hear from you? Are you willing to do anything to move things along at a more appropriate pace? Do you have any reasonable proposals? The claim that Ms. Ballard has been unprofessional and dishonest and should be removed is a definite non-starter, so please try to leave that argument out of the equation for now.

Sincerely,

Douglas N. Truslow

Truslow & Truslow
 ph (803) 256-6276
 fax (803) 256-7659

Mailing Address:
 P.O. Box 1465
 Columbia, SC 29202

Physical Address:
 914 Richland St., Suite B-102
 Columbia, SC 29201

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Terrie Stafford

From: Desa Ballard
Sent: Wednesday, January 08, 2014 9:53 AM
To: Charlie Bridgmon
Cc: Mara Ballard; Terrie Stafford; douglastruslow@truslowlaw.com; Lane Williamson; Terrie Stafford
Subject: RE: Property taxes on Lochridge and Horseshoe

Charlie:

I have never received any mailings for property taxes. Both county records reflect that Diane has been receiving the bills at her home address. There were not property tax bills in the trust records that you turned over to me on 10-25-2013 so I can only assume the bills, if sent at all, were sent to Diane. As you know, Diane has not forwarded any trust documents to me since she turned over the records (via you) at the mediation on 10-25-2013.

We found out about the bills by proactively looking online to check on these and we notified you as soon as we became aware there were bills due. Diane could have told you, and us, much sooner, but apparently did not.

I don't think Diane has any right to access the funds that were in the Park Sterling accounts. Those funds belong to the trust and therefore should be in my possession. As you know, you held that check (after promising to send it several times) when you petitioned to remove me as trustee. As to your question how she should pay the property taxes, that is for her and her lawyer to decide. My view is that she is mitigating the damages she has caused to the trust if she pays the taxes now, from her own funds, but you will have to advise her on that.

Let me make sure I understand your last paragraph: Are you taking the position that the consent order for successor trustee is no longer valid? Your last paragraph seems to suggest that, since you take the position that no agreement under which Diane is obligated to execute documents. The successor agreement clearly provides for that, so I wanted to be sure.

db

Desa Ballard
 Ballard Watson Weissenstein
 Telephone 803.796.9299
 Facsimile 803.796.1066
 E-mail: desab@desaballard.com, copy to terrie@desaballard.com

From: Charlie Bridgmon [<mailto:CBridgmon@braylong.com>]
Sent: Tuesday, January 07, 2014 11:02 AM
To: Desa Ballard
Cc: Mara Ballard; Terrie Stafford; douglastruslow@truslowlaw.com; Lane Williamson; Charlie Bridgmon
Subject: Re: Property taxes on Lochridge and Horseshoe

Good morning, Desa. I will certainly discuss the below with Diane. I have a couple of questions that need clarification beforehand. First, have you attempted to pay the property taxes and the respective counties have refused them because they were from you rather than Diane? Second, are you requesting that Diane pay these personally or from the same funds you also asked be released? Lastly, with respect to the taxes on Lochridge, why did you wait until the day they were due to email me regarding your request? Even if I could have responded yesterday, there would not have been sufficient time to pay them before interest began

accruing. Regardless of who ultimately pays the taxes, the trust has now incurred interest that certainly could have been avoided. If you would please forward me any funds you have in trust, we will ensure such unnecessary expenses are avoided in the future.

On an unrelated note, my response to your email is not as a matter of courtesy. I will always respond to anything that requires my or my client's attention or is substantive in nature. It is the emails that do not warrant a response for lack of anything substantive, misconstrue the facts, attempt to attack me personally, or accuse me of "whining" that certainly will be ignored. No agreement exists either with respect to you as trustee or that requires Diane sign anything with respect to real property, and any offers including these provisions have been withdrawn. I anticipate getting this issue before the court once Lane and I have wrapped up the consent order on this end.

Thanks,
Charlie

Charles J. Bridgmon*
Bray & Long, PLLC
2820 Selwyn Avenue, Suite 400
Charlotte, NC 28209
Phone: (704) 523-7777, ext. 31
Cell: (803) 331-6013
Fax: (704) 523-7780
Email: cbridgmon@braylong.com

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From: Desa Ballard <desab@desaballard.com>
Date: Monday, January 6, 2014 10:14 AM
To: Charlie Bridgmon <cbridgmon@braylong.com>, "douglastruslow@truslowlaw.com" <douglastruslow@truslowlaw.com>
Cc: "Mara@desaballard.com" <Mara@desaballard.com>, Terrie Stafford <Terrie@desaballard.com>
Subject: Property taxes on Lochridge and Horseshoe

Charlie: We have been unsuccessful in having the tax assessor records in Mecklenburg (Lochridge) and Lancaster (Horseshoe) changed into my name as successor trustee. As you know, when I took over as successor trustee, it was anticipated that we could conclude the trust matters fairly quickly, so the agreement for successor trustee included a provision to allow the properties to stay in Dianas name (as TTE) until the trust was dissolved. The agreement also included her obligation to transfer title to me upon demand. We have demanded that the property in Lochridge be transferred to me, and our requests have been ignored. Now that the Horseshoe property is out of foreclosure, we make the same demand as to Horseshoe. Quit claim deeds, with owner's title insurance, will be sufficient.

On the assumption that these requests will be ignored, as have the prior requests, please be advised that Diane will need to pay the property taxes on both properties. The bills are still in her name.

The tax bills are attached. Please be courteous enough to respond to this email and advise what your client will do in response to the requests set forth here.

Lastly, please advise when you will release the funds that were in the trust account at Park Sterling (the check you promised to send several times, then refused to send since, as you stated, Diane had continuing obligations to the trust and had to protect the funds).

db

om:
Sent: George Combis [gcombis@superiorstonese.com]
To: Wednesday, January 15, 2014 9:43 AM
Subject: douglastruslow@truslowlaw.com
What???

TT3
266

If you need any information on my son--I want to know why!
You keep him out of this and like I TOLD YOU BEFORE--STOP WASTING MY MONEY ON YOUR STUPID
NEED TO KNOW STUFF!!!
All you and our so called "ASSISTANT" Desa is doing is running up your fees!!
Chris (6'7") is not "little" however he has ZERO to do with anything. Yes my Father did give
his Rolex watch----- SO????
Again, tell Desa to fire yourself and do HER JOB!!

Best Regards,
George Combis=

71 249

Douglas Truslow

From: Desa Ballard <desab@desaballard.com>
Sent: Saturday, January 25, 2014 3:14 PM
To: cbridgmon@braylong.com
Cc: Douglas Truslow; Mara@desaballard.com; Terrie Stafford; Terrie Stafford
Subject: RE: Balance of trust funds in Park Sterling account

Are you bringing this check on Monday?

I would appreciate an answer.

Desa Ballard
Ballard Watson Weissenstein
Telephone 803.796.9299
Facsimile 803.796.1066
E-mail: desab@desaballard.com, copy to terrie@desaballard.com

From: Desa Ballard
Sent: Thursday, January 23, 2014 10:13 AM
To: 'cbridgmon@braylong.com'
Cc: Douglas N. Truslow (douglastruslow@truslowlaw.com); Mara Ballard (Mara@desaballard.com)
(Mara@desaballard.com); Terrie Stafford
Subject: Balance of trust funds in Park Sterling account

Please overnight the check which closed the Park Sterling trustee account to my attention at 226 State Street, West Columbia, SC 29169.

In the alternative, please bring the check to the hearing in Lancaster on Monday and I can accept delivery of it then.

Thanks.

db



From: [Desa Ballard](#)
To: [Mara Ballard](#)
Cc: [Mara Ballard](#)
Subject: FW: Combis Revocable Trust
Date: Friday, March 21, 2014 2:18:31 PM

From: Charlie Bridgmon [mailto:C.Bridgmon@braylong.com]
Sent: Friday, March 21, 2014 10:10 AM
To: Brad Rustin
Cc: Desa Ballard; williamson@tinfulton.com; Jeff Long
Subject: Re: Combis Revocable Trust

Brad:

My client does not consent to the release of the funds to Ms. Ballard.

Rather than incur the cost of depositing the funds into the court, is there any way the bank can simply hold the funds until such time as the court determines how and to whom the funds should be distributed? I am open to any alternative suggestions you or Ms. Ballard may have to preserve the assets of the trust to the fullest extent possible.

Also, please accept this email as a formal request for a copy of the Declaration of Loss Affidavit submitted by Ms. Ballard.

Thank you,
 Charlie

Charles J. Bridgmon*
Bray & Long, PLLC
 2820 Selwyn Avenue, Suite 400
 Charlotte, NC 28209
 Phone: (704) 523-7777, ext. 31
 Cell: (803) 331-8013
 Fax: (704) 523-7780
 Email: cbridgmon@braylong.com

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From: Brad Rustin <Brad.Rustin@nelsonmullins.com>
Date: Wednesday, March 19, 2014 at 11:52 AM
To: "williamson@tinfulton.com" <williamson@tinfulton.com>, Charlie Bridgmon <cbridgmon@braylong.com>
Cc: "Desa Ballard (desab@desaballard.com)" <desab@desaballard.com>
Subject: Combis Revocable Trust

Dear Mr. Williamson and Mr. Bridgmon,

Nelson Mullins acts as outside counsel to Park Sterling Bank. As you are aware, Park Sterling Bank was contacted by the current trustee of the Chris Combis Revocable Trust, Ms. Desa Ballard, regarding a bank official check drawn on the trust's account ending in ****356 in the amount of \$3,174.27. Park Sterling is in receipt of a Declaration of Loss Affidavit regarding that check from the current trustee. As the statutory 90 day period has passed and based on this Affidavit, a stop payment has been placed on this check.

Therefore, Park Sterling is currently in possession of the funds represented by that check. Park Sterling recognizes that it is not the owner of those funds and that they are owned by the trust. However, my understanding is that there is active and pending litigation regarding the trust and the respective trustees. Therefore, the Bank is left with very few options:

- (1) If all parties can agree and are willing to provide written authorization, the Bank will release the funds as directed jointly by the parties.
- (2) If the parties cannot agree, Park Sterling will be forced to deposit the funds with the Court that is handling the issues relating to the rights to disburse funds from the trust.

Mr. Williamson, please do not hesitate to let me know if you would like to discuss this matter in by telephone. Your contact information was provided to me today by Mr. Bridgmon. My understanding is that you represent Ms. Ballard with regards to the litigation involving the trust account.

Please let me know of your joint decision. I am happy to speak by phone if any party would like any additional information. In addition, please do not hesitate to let me know if any of the above-stated information proves inaccurate.

Best regards,
Brad Rustin

Nelson Mullins

Dowse Bradwell "Brad" Rustin, IV
Attorney at Law
brad.rustin@nelsonmullins.com

**Nelson Mullins Riley & Scarborough
LLP**

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(View Bio)

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Amanda Hilley

From: Douglas Truslow
Sent: Wednesday, August 30, 2017 1:53 PM
To: Desa Ballard; Joe Pellington; Beth Cogan
Cc: Amanda Hilley; Marisol Rivera; Pete Nosal; David Redding; Beth Cogan; Mara Ballard
Subject: RE: Petition and Rule to Show Cause

Joe;

I agree completely with what Desa has stated. With all due respect, it appears and I echo that you need to read and take heed of the content of your clients' entire file and the circumstances in context. Parsing words as to which lawyer for George, Diane and Chris A. did or did not do what gets us nowhere. Likewise, not simply contacting your clients, but instead waiting yet another week to let us know if you can accept service is more of the same.

If you seriously think the list of documents I had recently requested (after the delivery of the fake Rolex, a cheap Saturday night special and the rolls of pennies and such) were the items required to be produced per the Court's order, you are once again avoiding the issue and/or sadly mistaken. That said, honoring my request would seemingly help you get to the truth of the matter instead of what appears to be further dissembling. For instance:

When and how did you become aware that it was a fake Rolex that was delivered to Desa? What was delivered was obviously a fake. I have a hard time imagining that you did not know it if you ever took the time to look at it. Did you? Your clients have been fighting for years and through many hearings contesting even producing the Rolex for inspection. They have acknowledged all along that it was indeed an expensive, Rolex watch. If it was indeed a cheap imitation all along, why not just produce it at some point before now and be done with it? If it was a gift, why not produce even one iota of documentary proof? And, it would seemingly afford you and your clients some protection if sales, purchases, and repairs of all your clients' watches were produced, along with applicable warranty and insurance information and such. You must know this information exists. For you to not even inquire is more than disappointing. Your clients may not have been ordered at this point to produce the documentation, but your inquiry and production nonetheless would shed light on the issue and perhaps absolve their counsel of criticism. If this is to be a search for the truth, you should welcome the opportunity to produce everything on point. In fact, I should not have to ask. You should do it as a matter of course.

The same holds true on the one gun produced. And, it would seemingly afford you some protection if you would produce all records regarding gun purchases and sales, insurance and such. Are you telling me there was never more than one gun and that has always been your clients' position? What is their explanation for each of the others that appear to be missing?

I could go on and on and say similar things regarding the pennies and such, but it too gets us nowhere. This case has been going on for more than 4 years! It is beyond the time for resolution. My client is doing everything she can to reasonably resolve the issues.

From: Desa Ballard [mailto:desab@desaballard.com]
Sent: Wednesday, August 30, 2017 12:30 PM
To: Joe Pellington <jpellington@reddingjones.com>; Douglas Truslow <douglastruslow@truslowlaw.com>; Beth Cogan <Beth@desaballard.com>
Cc: Amanda Hilley <amandahilley@truslowlaw.com>; Marisol Rivera <mrivera@reddingjones.com>; Pete Nosal <pete@nosajeterlaw.com>; David Redding <dredding@reddingjones.com>; Beth Cogan <Beth@desaballard.com>; Mara Ballard <Mara@desaballard.com>
Subject: Petition and Rule to Show Cause

however since we have been working together on this case for a relatively short period of time, I want to make it clear that I am interested in facilitating resolutions to the extent we can find common ground.

I am in a deposition all day today, however I am available most of this week and next. I hope that we can discuss this matter further.

Sincerely,

Joe



Joseph R. Pellington

2907 Providence Road, Suite A303

Charlotte, North Carolina 28211

Direct & Fax | 704-200-2054

Email | jpellington@reddingjones.com

From: Douglas Truslow <douglastruslow@truslowlaw.com>

Date: Thursday, August 24, 2017 at 10:57 AM

To: Joe Pellington <jpellington@reddingjones.com>, Desa Ballard <desab@desaballard.com>, Beth Cogan <Beth@desaballard.com>

Cc: Amanda Hilley <amandahilley@truslowlaw.com>, Redding Jones <mriviera@reddingjones.com>, Pete Nosal <pete@nosajeterlaw.com>, David Redding <dredding@reddingjones.com>

Subject: RE: Proposed Order from Hearing 7-31-2017

My client clearly does not agree. Opposing counsel have been over this so many times that further discussion gets us nowhere. For but one example, the watch produced is not Pop's. It is a fake. You and I both know there are other firearm(s), but only one "Saturday night special" was produced. Your clients has not explained the discrepancy. Counsel has been given ample opportunity to make appropriate inquiry and make this right or at least shed more light on the issue. More could be said, however it has proven futile. The most appropriate thing to do is for Ms. Ballard to file a RTSC and then let the court decide the issues after a hearing. I will now be representing Ms. Ballard for this issue. In that regard, can you accept service on behalf of your clients of a RTSC or is Ms. Ballard going to be forced to chase them down?

From: Joe Pellington [<mailto:jpellington@reddingjones.com>]

Sent: Friday, August 18, 2017 2:21 PM

To: Douglas Truslow <douglastruslow@truslowlaw.com>; Desa Ballard <desab@desaballard.com>; Beth Cogan <Beth@desaballard.com>

Cc: Amanda Hilley <amandahilley@truslowlaw.com>; Marisol Rivera <mriviera@reddingjones.com>; Pete Nosal

<pete@nosajeterlaw.com>; David Redding <dredding@reddingjones.com>

Subject: Re: Proposed Order from Hearing 7-31-2017

Doug,

We provided you with the items that were in the Combis' possession that were responsive to the subpoenas. Based on my reading of what was asked for in the subpoenas and what was ordered by the court, my clients have complied. If you disagree, please let me know why you think my clients have not complied.

It is my opinion that the information you are asking for now is beyond what was requested in the subpoenas and what was ordered by the court. I am willing to work with you to resolve the discrepancies you mention below, however I need more information.

Please feel free to call me next week. I think it will be easier to discuss the issues you raised over the phone.

Sincerely,

Joe



Joseph R. Pellington

2907 Providence Road, Suite A303

Charlotte, North Carolina 28211

Direct & Fax | 704-200-2054

Email | jpellington@reddingjones.com

From: Douglas Truslow <douglastruslow@truslowlaw.com>

Date: Thursday, August 17, 2017 at 2:01 PM

To: Joe Pellington <jpellington@reddingjones.com>, Desa Ballard <desab@desaballard.com>, Beth Cogan <Beth@desaballard.com>

Cc: Amanda Hilley <amandahilley@truslowlaw.com>, Redding Jones <mriviera@reddingjones.com>, Pete Nosal <pete@nosajeterlaw.com>

Subject: RE: Proposed Order from Hearing 7-31-2017

Joe:

Desa now has some coins (pennies and a few silver coins), what you purport to be Pop's Rolex and a .25 caliber handgun. Apparently, you are saying Pop had no other guns. If that is incorrect, please explain. I did not see any information relative to insurance that may have been on guns, rolex, etc. Also, we need to know details - if George and/or his son Chris bought or sold any guns since 2008, and bought, sold or had repaired any Rolex watches during the same time frame. There seem to be substantial discrepancies that STILL exist. May I hear from you asap?

From: Joe Pellington [<mailto:jpellington@reddingjones.com>]
Sent: Saturday, August 12, 2017 9:09 AM
To: Desa Ballard <desab@desaballard.com>; Douglas Truslow <douglastruslow@truslowlaw.com>; Beth Cogan <Beth@desaballard.com>
Cc: Amanda Hilley <amandahilley@truslowlaw.com>; Marisol Rivera <mrivera@reddingjones.com>
Subject: Re: Proposed Order from Hearing 7-31-2017

Desa,

I have the items in my office. Marisol, copied here, will deliver them on Monday. She will call/email you before she leaves to coordinate the delivery.

We will have an inventory sheet w/ pictures that someone will need to sign.

Have a good weekend and Marisol will be in touch on Monday.

Sincerely,

Joe



Joseph R. Pellington

2907 Providence Road, Suite A303

Charlotte, North Carolina 28211

Direct & Fax | 704-200-2054

Email | jpellington@reddingjones.com

From: Desa Ballard <desab@desaballard.com>
Date: Tuesday, August 8, 2017 at 6:30 PM
To: Douglas Truslow <douglastruslow@truslowlaw.com>, Joe Pellington <jpellington@reddingjones.com>, Beth Cogan <Beth@desaballard.com>
Cc: Amanda Hilley <amandahilley@truslowlaw.com>
Subject: Re: Proposed Order from Hearing 7-31-2017

Gentleman

Trying to take a few days off. I assume your clients will want pictures and perhaps an inventory of the items but I need the items delivered to my office for appraisal. We are open 8:30 to 5:30 Monday through Friday except this week we are closed on Friday for some renovation work.

it would be helpful if we knew when the items will be delivered. We keep the doors locked but there are cameras and buzzers to open both doors. Just ring the bell.

Offices don't get much smaller than mine or Mr Truslow's.

In one of the several suits he filed against me Mr. Bridgmon served the pleadings via FedEx at our street address with a signed receipt. That worked pretty well.

Sent via the Samsung Galaxy Note5, an AT&T 4G LTE smartphone

----- Original message -----

From: Douglas Truslow <douglastruslow@truslowlaw.com>

Date: 8/8/17 4:13 PM (GMT-05:00)

To: Joe Pellington <jpellington@reddingjones.com>, Beth Cogan <Beth@desaballard.com>

Cc: Desa Ballard <desab@desaballard.com>, Amanda Hilley <amandahilley@truslowlaw.com>

Subject: RE: Proposed Order from Hearing 7-31-2017

I assure you that I will not be a problem. That said, and just an observation in an attempt to perhaps be helpful – George could easily and relatively inexpensively have a courier service deliver the items and be done with it. There are certainly a number of such services in Charlotte.

From: Joe Pellington [<mailto:jpellington@reddingjones.com>]

Sent: Tuesday, August 08, 2017 3:54 PM

To: Douglas Truslow <douglastruslow@truslowlaw.com>; Beth Cogan <Beth@desaballard.com>

Cc: Desa Ballard <desab@desaballard.com>; Amanda Hilley <amandahilley@truslowlaw.com>

Subject: Re: Proposed Order from Hearing 7-31-2017

I understand this is Desa's call, and if other arrangements can be made, I assure you that someone else will transport the items to Columbia. But as you know, we are a small firm, and I cannot promise we will have that option.

Since I just learned that I might be responsible for my mom's care, I figured I should let you know immediately.



Joseph R. Pellington

2907 Providence Road, Suite A303

Charlotte, North Carolina 28211

Direct & Fax | 704-200-2054

Email | jpellington@reddingjones.com

From: Douglas Truslow <douglastruslow@truslowlaw.com>

Date: Tuesday, August 8, 2017 at 3:50 PM

To: Joe Pellington <jpellington@reddingjones.com>, Beth Cogan <Beth@desaballard.com>

Cc: Desa Ballard <desab@desaballard.com>, Amanda Hilley <amandahilley@truslowlaw.com>

Subject: RE: Proposed Order from Hearing 7-31-2017

it is not my call in this instance. That said, I was under the impression that Desa has insisted that the items be delivered to her and the sooner the better. After all, it has been a problem now for at least FOUR years or so. It would seem that a paralegal could easily deliver the items well before the 15th and save everyone time and energy that could be better spent on other issues, but again that is not my call.

From: Joe Pellington [<mailto:jpellington@reddingjones.com>]

Sent: Tuesday, August 08, 2017 3:40 PM

To: Douglas Truslow <douglastruslow@truslowlaw.com>; Beth Cogan <Beth@desaballard.com>

Cc: Desa Ballard <desab@desaballard.com>; Amanda Hilley <amandahilley@truslowlaw.com>

Subject: Re: Proposed Order from Hearing 7-31-2017

Doug/Desa,

With respect to Doug's request in bold, I will provide a response asap. I am not making any representations at this time.

It is going to be hard to comply with the order if Desa is out of town until August 15th (which is the day my clients are ordered to produce). Assuming we cannot come to an agreement on an alternate method of production, can the items be left at her office if she is not there?

Additionally, if pictures and descriptions are insufficient and I have to drive down to Columbia, there is another matter that has just arisen that I need to make you aware of. My mom is having knee replacement surgery next Monday. Originally, my dad was going to take her to and from the hospital, however it appears he will be out of town on business that day. If he is out of town, I may need your courtesy for a short informal extension so I can take care of my mom. I will keep you apprised of that situation.

Sincerely,

Joe



Joseph R. Pellington

2907 Providence Road, Suite A303

Charlotte, North Carolina 28211

Direct & Fax | 704-200-2054

Email | jpellington@reddingjones.com

From: Douglas Truslow <douglastruslow@truslowlaw.com>

Date: Tuesday, August 8, 2017 at 12:11 PM

To: Beth Cogan <Beth@desaballard.com>, Joe Pellington <jpellington@reddingjones.com>

Cc: Desa Ballard <desab@desaballard.com>, Amanda Hilley <amandahilley@truslowlaw.com>

Subject: RE: Proposed Order from Hearing 7-31-2017

I have not talked to Desa about your email (I understand she is on vacation), but from the contentious history of this case, I would think she would NOT be inclined to agree to your proposal at this late stage. I will leave it to her to respond. That said and to try to move forward, I think she would want the following answered before even considering what you have proposed, so you might as well provide what is set forth below in bold immediately:

Are you now saying they have all the items? What items do they have, describing them in detail. Where the items are now specifically located/who has possession of them and why and for how long. If you or your clients have had the items appraised or insured, you need that documentation or indicate why it has not been done. And, send photos immediately.

Again, I do not imagine that Desa will accept your proposal, but that will ultimately be for her to say. I expect you will need to respond to her as indicated without any further delay. Otherwise, you have the court's order, so it would seem to me that you need to produce the items immediately unless you hear otherwise.

From: Beth Cogan [mailto:Beth@desaballard.com]
Sent: Tuesday, August 08, 2017 11:45 AM
To: Joe Pellington <jpellington@reddingjones.com>
Cc: Douglas Truslow <douglastruslow@truslowlaw.com>; Desa Ballard <desab@desaballard.com>
Subject: RE: Proposed Order from Hearing 7-31-2017

Mr. Pellington,
Desa is out of the office this week on vacation. Please look for a response upon her return to the office on Monday.

Kindest Regards,
-Beth

Beth Cogan, Paralegal
Ballard & Watson, Attorneys at Law
Post Office Box 6338
West Columbia, South Carolina 29169
803.796.9299
803.796.1066 Facsimile
beth@desaballard.com
www.desaballard.com

From: Joe Pellington [mailto:jpellington@reddingjones.com]
Sent: Tuesday, August 8, 2017 9:31 AM
To: Desa Ballard <desab@desaballard.com>
Cc: Douglas Truslow <douglastruslow@truslowlaw.com>
Subject: FW: Proposed Order from Hearing 7-31-2017

Desa,

Please let me know if your appraiser will accept pictures and detailed descriptions in lieu of producing the actual items. In the alternative, so as not to put the burden on you, I am willing to contact the appraiser directly and report back to you what he/she says. If you are agreeable to that, please send me that person's contact information.

Sincerely,

Joe

thought this was the easy part. Sorry. Lawyer usually work out the details themselves.

I specifically request a determination that our motion for sanctions be held in abeyance. Otherwise, I will have to re-file the motion.

Desa Ballard

From: Joe Pellington [mailto:jpellington@reddingjones.com]

Sent: Wednesday, August 02, 2017 9:18 AM

To: bgibbons@sccourts.org; bgibbonslc@sccourts.org

Cc: Douglas Truslow <douglastruslow@truslowlaw.com>; Pete Nosal <pete@nosajeterlaw.com>; Mara Ballard <Mara@desaballard.com>; Beth Cogan <Beth@desaballard.com>; Desa Ballard <desab@desaballard.com>

Subject: Re: Proposed Order from Hearing 7-31-2017

Judge Gibbons:

Attached is my competing order for your consideration. My objections to Ms. Ballard's proposed order are that she includes extraneous information that is unnecessary for this order and mischaracterizes my clients' position.

Further, in the interests of resolving this dispute efficiently and without unnecessary cost (including further judicial intervention), I think more time than Ms. Ballard calls for in her order is required. The reason is that the "Items" (as defined in my order) are vaguely described in the subpoenas. My plan is to work with Ms. Ballard to ensure that the items are properly identified, and to the extent possible, other identifying information can be sent to the appraiser so no one has to physically transport the items from Charlotte to Columbia.

If any changes are required by the Court, I am happy to incorporate them.

Sincerely,

Joe Pellington



Joseph R. Pellington

2907 Providence Road, Suite A303

Charlotte, North Carolina 28211

Direct & Fax | 704-200-2054

Email | jpellington@reddingjones.com

From: Desa Ballard <desab@desaballard.com>

Date: Tuesday, August 1, 2017 at 8:29 AM

To: "bgibbons@sccourts.org" <bgibbons@sccourts.org>, "bgibbonslc@sccourts.org" <bgibbonslc@sccourts.org>

Cc: Joe Pellington <jpellington@reddingjones.com>, Douglas Truslow <douglastruslow@truslowlaw.com>, Pete Nosal <pete@nosajeterlaw.com>, Mara Ballard <Mara@desaballard.com>, Beth Cogan <Beth@desaballard.com>, Mara Ballard <Mara@desaballard.com>

Subject: Proposed Order from Hearing 7-31-2017

Amanda Hilley

From: Desa Ballard <desab@desaballard.com>
Sent: Friday, September 08, 2017 3:44 PM
To: Ty McTier; Douglas Truslow; Ladd Ackerman
Cc: Marisol Rivera; Joe Pellington; Pete Nosal; Amanda Hilley; David Redding; Beth Cogan; Mara Ballard; Beth Cogan; Mara Ballard
Subject: RE: Combis/Ballard—North Carolina Order and Bond

Mr. McTier:

You and I have not met; I understand you were the one who came to the court-mandated 'meet & mark' prior to the SCDC trial and kept Mr. Truslow, my accountant, and Mr. Truslow's paralegal waiting for 3 hours, then claimed not to know anything about the case when you arrived, so the entire exercise was useless. Now I also know you do not have your 403 requirements met.

Absence of Rule 403 qualification is your problem, not ours. You had plenty of notice, more than was required by the rule. We gave up long ago trying to get agreements from your clients and your firm about anything, so in the absence of that, we noticed the deposition with more than enough knowledge. (If you want a list of the things that have been promised to us by your firm and/or your clients, but it will take weeks to compile). When were the other depositions (that Mr. Pellington has to attend) scheduled?

You must have an order from a Lancaster county circuit court judge before you can stop the deposition. And you know as well as we do that this is a new claim, and your argument to the contrary is disingenuous.

In the spirit of cooperation, however, Doug has authorized me to move the deposition to September 12, 2017, same time, same place.

So we will either see your client for deposition at 10 am on Tuesday September 12, 2017 or at 10 am on Wednesday September 13, 2017, as originally scheduled. Your choice.

If we do not hear from you (which is usually the case with your office, not necessarily you) or receive an order prohibiting the deposition from proceeding, we will be there on Wednesday as scheduled.

Desa Ballard

From: Ty McTier [mailto:tmctier@reddingjones.com]
Sent: Friday, September 08, 2017 3:13 PM
To: Desa Ballard <desab@desaballard.com>; Douglas Truslow <douglastruslow@truslowlaw.com>; Ladd Ackerman <lackerman@ackermanlawpa.com>
Cc: Marisol Rivera <mriviera@reddingjones.com>; Joe Pellington <jpellington@reddingjones.com>; Pete Nosal <pete@nosalljeterlaw.com>; Amanda Hilley <amandahilley@truslowlaw.com>; David Redding <dredding@reddingjones.com>; Beth Cogan <Beth@desaballard.com>; Mara Ballard <Mara@desaballard.com>
Subject: Re: Combis/Ballard—North Carolina Order and Bond

Doug/Desa,

without waiving any substantive arguments Joe Pellington is the only Rule 403 compliant lawyer in our office and he has two depositions on September 13th in North Carolina. This conflict arose because dates were not run past our office. The 13th simply will not work.

REDDING | JONES, PLLC

Ty K. McTier

2907 Providence Road, Suite 303
Charlotte, North Carolina 28211
Direct: (704) 269-4910

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From: Desa Ballard <desab@desaballard.com>
Sent: Friday, September 08, 2017 2:33 PM
To: Douglas Truslow; Ty McTier; Ladd Ackerman
Cc: Marisol Rivera; Joe Pellington; Pete Nosal; Amanda Hilley; David Redding; Beth Cogan; Mara Ballard
Subject: RE: Combis/Ballard--North Carolina Order and Bond

The order (requiring the bond) is dated August 14, 2017. No bond was posted when Doug requested a copy of the bond yesterday at 1:46 pm. The cash was paid to the court several hours later; I don't know whether it is a bond. It looks like a cash register receipt.

Under SC law, a motion for protective order does not stay a deposition, so unless an order is issued by the state court prohibiting the deposition before 9-13, we are proceeding as planned. If George does not show up for his deposition, we will move for sanctions.

Desa Ballard

From: Douglas Truslow [<mailto:douglastruslow@truslowlaw.com>]
Sent: Friday, September 08, 2017 1:55 PM
To: Ty McTier <tmctier@reddingjones.com>
Cc: Marisol Rivera <mrivera@reddingjones.com>; Joe Pellington <jpellington@reddingjones.com>; Pete Nosal <pete@nosajeterlaw.com>; Desa Ballard <desab@desaballard.com>; Amanda Hilley <amandahilley@truslowlaw.com>; David Redding <dredding@reddingjones.com>
Subject: Re: Combis/Ballard--North Carolina Order and Bond

From: Douglas Truslow <douglastruslow@truslowlaw.com>
Sent: Friday, September 08, 2017 10:15 AM
To: Marisol Rivera; Joe Pellington; Pete Nosal
Cc: Desa Ballard; Amanda Hilley; David Redding; Ty McTier
Subject: RE: Combis

Thank you, however, a mere "receipt" is not sufficient. I need a copy of the bond that was filed.

From: Marisol Rivera [mailto:mriviera@reddingjones.com]
Sent: Friday, September 08, 2017 10:10 AM
To: Douglas Truslow <douglastruslow@truslowlaw.com>; Joe Pellington <jpellington@reddingjones.com>; Pete Nosal <pete@nosajeterlaw.com>
Cc: Desa Ballard <desab@desaballard.com>; Amanda Hilley <amandahilley@truslowlaw.com>; David Redding <dredding@reddingjones.com>; Ty McTier <tmctier@reddingjones.com>
Subject: RE: Combis

All;

Attached please find a copy of the Bond receipt for your records.

Many thanks,

<image001.png>

Marisol Rivera | Paralegal
2907 Providence Road, Suite 303
Charlotte, North Carolina 28211
Phone & Fax | (704) 900-2215
Email | mriviera@reddingjones.com
www.rtlawfirm.com

From: Douglas Truslow [mailto:douglastruslow@truslowlaw.com]
Sent: Friday, September 8, 2017 10:03 AM
To: Joe Pellington <jpellington@reddingjones.com>; Pete Nosal <pete@nosajeterlaw.com>
Cc: Desa Ballard <desab@desaballard.com>; Amanda Hilley <amandahilley@truslowlaw.com>; David Redding <dredding@reddingjones.com>; Ty McTier <tmctier@reddingjones.com>; Marisol Rivera <mriviera@reddingjones.com>
Subject: RE: Combis

Parsing words, such as needing "clarification" is going nowhere. It has the appearance of dissembling. You certainly know what has been requested and why. You know what the true facts are now even if you did not know them before. Had you read the file, I would think you would know what the facts were/are, but that appears to be moot at this juncture. My client knows what the facts are. I agree with my client. The record supports my client's position. Now, on to something else:

Are you admitting/will you stipulate that the "Rolex" is fake? Are we going to have to bring someone into court to verify that the "Rolex" is an obvious fake? If you do not agree, please explain why not.

And, your offering to provide me with a mere "bond receipt" is **obviously** insufficient. Please stop playing games. Provide us with a copy of the filed bond that is in favor of my client that was required. You should send it today. In fact, you should have sent it promptly after the judge rendered his decision approximately three weeks or so ago.

From: Joe Pellington [mailto:jpellington@reddingjones.com]

Sent: Thursday, September 07, 2017 5:16 PM

To: Pete Nosal <pete@nosajeterlaw.com>; Douglas Truslow <douglastruslow@truslowlaw.com>

Cc: Desa Ballard <desab@desaballard.com>; Amanda Hilley <amandahilley@truslowlaw.com>; David Redding <dredding@reddingjones.com>; Ty McTier <tmctier@reddingjones.com>; Marisol Rivera <mrivera@reddingjones.com>

Subject: Re: Combis

Pete,

I am not ignoring Doug.

Doug,

I am not ignoring you.

First off, with regard to your previous emails, by my reading you have accused me of perpetuating a fraud on the court. That is an incredible charge, and one that I unequivocally deny. If you think you have evidence that I have done so, produce it. If not, or if I misinterpreted your previous emails, then I suggest you make it clear that you are not making that accusation.

Second, with regard to the part of your email that asks why haven't I provided responses to your questions, I have repeatedly told you that I need clarification on some of the points you have raised before I can answer and that it would be more efficient to discuss this over the phone. For the record, generally I am willing to respond in writing, however I cannot do so when I have requested clarification but you have not provided any.

Third, with regard to service, any motion, pleading, notice or other document filed and/or served in 14-CP-29-306, whether directed to my client or not, should be sent to me. After reviewing the record, the issue with service arose when Ms. Ballard served subpoenas in the 2012-ES-29-415 matter, but I do not believe that is an issue now. I am not refusing to accept service.

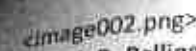
Fourth, I will confer with my clients and provide potential hearing dates asap.

Fifth, by this email I am directing Ty McTier or Marisol Rivera to provide a copy of the bond receipt. They will do so asap.

If there are any issues I have not addressed, please let me know.

Sincerely,

Joe


Joseph R. Pellington
2907 Providence Road, Suite A303
Charlotte, North Carolina 28211
Direct & Fax | 704-200-2054
Email | jpellington@reddingjones.com

From: Pete Nosal <pete@nosaljeterlaw.com>
Date: Thursday, September 7, 2017 at 1:52 PM
To: Douglas Truslow <douglastruslow@truslowlaw.com>
Cc: Joe Pellington <jpellington@reddingjones.com>, Desa Ballard <desab@desaballard.com>, Amanda Hilley <amandahilley@truslowlaw.com>
Subject: Re: Combis

Joe,

Are you ignoring Mr. Truslow?

Pete

On Thu, Sep 7, 2017 at 1:35 PM, Douglas Truslow <douglastruslow@truslowlaw.com> wrote:
Joe:

While what follows is not a comprehensive list, a couple of things still need your immediate attention. They need to be addressed by you immediately; an inordinate amount of time has already passed:

You have not responded to my recent email(s). Another week has now passed. Why have you not responded? Have you addressed what I had inquired about most recently with your clients? What is their response and why? Time is of the essence.

The judge has signed the RTSC relative to the issues relative to the alleged fake Rolex, etc. (Order granting Ms. Ballard's motion to compel). My paralegal will send you a copy. You have the rest of the pertinent pleadings (and you were at the hearing), so I do not need to restate my client's position again herein. A date for a hearing needs to be set. Please provide us with potential, unavoidable conflicts that you have in the next 60 days so that a hearing may be set and held without further, unnecessary delay. I believe your clients have already submitted to the jurisdiction of the court. Thus, I believe we can serve pleadings on you, since you are their attorney. To avoid any further, unnecessary and undue delay and expense, however, I am asking again whether it is your contention that you will refuse to accept service. Ignoring this question, ducking service and/or delaying a response will not inure to your clients' benefit. I need a response without further delay.

Finally, have your clients posted the bond that was required in order to stay execution on the \$800,000+/- federal court verdict? I need proof that they have done what the NC court required of them in order to receive a stay of execution. If not, we need to start the process to have assets sold to satisfy the verdict/judgment. The failure to respond has a negative appearance. You should have provided us with the proof approximately three weeks ago by my client's calculation. I ask again: Have they posted a bond? If not, why

Amanda Hilley

From: Douglas Truslow
Sent: Friday, September 01, 2017 10:42 AM
To: Joe Pellington; Pete Nosal
Cc: Desa Ballard; Beth Cogan; Amanda Hilley; Marisol Rivera; David Redding; Mara Ballard
Subject: RE: Petition and Rule to Show Cause

Pete:

Thank you for your input.

As to Pellington's response to the effect that he disagrees "with everything you said", all I can think to say at this point is – wow, he even denies that he has a file and that his partner was retained. It is no wonder we cannot get to resolution. You are correct. This is getting weirder and weirder.

From: Joe Pellington [mailto:jpellington@reddingjones.com]
Sent: Thursday, August 31, 2017 5:38 PM
To: Pete Nosal <pete@nosajeterlaw.com>
Cc: Desa Ballard <desab@desaballard.com>; Beth Cogan <Beth@desaballard.com>; Amanda Hilley <amandahilley@truslowlaw.com>; Marisol Rivera <mriviera@reddingjones.com>; David Redding <dredding@reddingjones.com>; Mara Ballard <Mara@desaballard.com>; Douglas Truslow <douglastruslow@truslowlaw.com>
Subject: Re: Petition and Rule to Show Cause

I respectfully disagree with everything you said.



Joseph R. Pellington

2907 Providence Road, Suite A303

Charlotte, North Carolina 28211

Direct & Fax | 704-200-2054

Email | jpellington@reddingjones.com

From: Pete Nosal <pete@nosajeterlaw.com>
Date: Wednesday, August 30, 2017 at 3:35 PM
To: Douglas Truslow <douglastruslow@truslowlaw.com>
Cc: Desa Ballard <desab@desaballard.com>, Joe Pellington <jpellington@reddingjones.com>, Beth Cogan

n@desaballard.com>, Amanda Hilley <amandahilley@truslowlaw.com>, Redding Jones
-mriviera@reddingjones.com>, David Redding <dredding@reddingjones.com>, Mara Ballard <Mara@desaballard.com>
Subject: Re: Petition and Rule to Show Cause

Doug,

Thank you for working to resolve this case. My clients are of the opinion that Mr. Pellington's responses to your inquiries are inappropriate, misguided, and an attempt to delay resolution of these matters. He has the file, has been involved since his law partner, David Redding, was retained, and is jerking you around.

Peter Nosal

Peter Nosal
Nosal & Jeter LLP
852 Gold Hill Road, Unit 201
Fort Mill, SC 29708
(803) 351-3597
www.nosaljeterlaw.com

On Aug 30, 2017, at 12:53 PM, Douglas Truslow <douglastruslow@truslowlaw.com> wrote:

Joe:

I agree completely with what Desa has stated. With all due respect, it appears and I echo that you need to read and take heed of the content of your clients' entire file and the circumstances in context. Parsing words as to which lawyer for George, Diane and Chris A. did or did not do what gets us nowhere. Likewise, not simply contacting your clients, but instead waiting yet another week to let us know if you can accept service is more of the same.

If you seriously think the list of documents I had recently requested (after the delivery of the fake Rolex, a cheap Saturday night special and the rolls of pennies and such) were the items required to be produced per the Court's order, you are once again avoiding the issue and/or sadly mistaken. That said, honoring my request would seemingly help you get to the truth of the matter instead of what appears to be further dissembling. For instance:

When and how did you become aware that it was a fake Rolex that was delivered to Desa? What was delivered was obviously a fake. I have a hard time imagining that you did not know it if you ever took the time to look at it. Did you? Your clients have been fighting for years and through many hearings contesting even producing the Rolex for inspection. They have acknowledged all along that it was indeed an expensive, Rolex watch. If it was indeed a cheap imitation all along, why not just produce it at some point before now and be done with it? If it was a gift, why not produce even one iota of documentary proof? And, it would seemingly afford you and your clients some protection if sales, purchases, and repairs of all your clients' watches were produced, along with applicable warranty and insurance information and such. You must know this information exists. For you to not even inquire is more than disappointing. Your clients may not have been ordered at this point to produce the documentation, but your inquiry and production nonetheless would shed light on the issue and perhaps absolve their counsel of criticism. If this is to be a search for the truth, you should welcome the opportunity to produce everything on point. In fact, I should not have to ask. You should do it as a matter of course.

The same holds true on the one gun produced. And, it would seemingly afford you some protection if you would produce all records regarding gun purchases and sales, insurance and such. Are you telling

me there was never more than one gun and that has always been your clients' position? What is their explanation for each of the others that appear to be missing?

I could go on and on and say similar things regarding the pennies and such, but it too gets us nowhere. This case has been going on for more than 4 years! It is beyond the time for resolution. My client is doing everything she can to reasonably resolve the issues.

From: Desa Ballard [<mailto:desab@desaballard.com>]
Sent: Wednesday, August 30, 2017 12:30 PM
To: Joe Pellington <jpellington@reddingjones.com>; Douglas Truslow <douglastruslow@truslowlaw.com>; Beth Cogan <Beth@desaballard.com>
Cc: Amanda Hilley <amandahilley@truslowlaw.com>; Marisol Rivera <mriviera@reddingjones.com>; Pete Nosal <pete@nosajeterlaw.com>; David Redding <dredding@reddingjones.com>; Beth Cogan <Beth@desaballard.com>; Mara Ballard <Mara@desaballard.com>
Subject: Petition and Rule to Show Cause

Mr. Pellington:

Doug is on the road in connection with a hearing (I believe he said in Charleston) so he asked me to respond on his behalf. Your file should reflect our repeated attempts to obtain truthful and accurate information from your clients, as far back as the earlier representation by Mr. Bridgmon, and the numerous times agreements to produce items for us which were later refused or simply ignored. Further efforts to obtain their voluntary cooperation has been fruitless for quite some time.

Mr. Truslow's Rule 11 consultation with you specifically pointed out that the items produced in response to the order to compel were fakes, which provided you with all the information you needed to allow them to remedy the situation. Mr. Truslow simply suggested some evidence you could review to verify that your clients were attempting a fraud on the court by producing the junk they produced to me. They might have fooled you, but they didn't fool us.

db

From: Joe Pellington [<mailto:jpellington@reddingjones.com>]
Sent: Wednesday, August 30, 2017 10:08 AM
To: Douglas Truslow <douglastruslow@truslowlaw.com>; Desa Ballard <desab@desaballard.com>; Beth Cogan <Beth@desaballard.com>
Cc: Amanda Hilley <amandahilley@truslowlaw.com>; Marisol Rivera <mriviera@reddingjones.com>; Pete Nosal <pete@nosajeterlaw.com>; David Redding <dredding@reddingjones.com>
Subject: Re: Proposed Order from Hearing 7-31-2017

Doug,

I am just now getting the chance to review and respond to your email. My clients take the general position that they deny any wrongdoing and contend that they have complied with the subpoena. If you do not mind, would you please clarify some of the points you raised:

"Opposing counsel have been over this so many times that further discussion gets us nowhere": As best as I can recall, this email thread is the first time you and I have discussed this matter. I assume by "opposing counsel" you are talking about my clients' previous counsel? If you would, please clarify.

"Your clients has not explained the discrepancy": I assume the discrepancies are those raised in your motion. Are there any other discrepancies than those raised in your motion?

"Counsel has been given ample opportunity to make appropriate inquiry and make this right or at least shed more light on the issue. More could be said, however it has proven futile.": I do not understand what you mean here, or who you are referring to. If you would, please clarify.

Regarding any service related issues, I will respond asap after I consult with my clients.

Lastly, regarding your Rule 11 certification in your motion, my recollection is your only attempt to resolve this matter (after my clients produced the gun/coins/watch) is your email below on August 17th. In response, I offered to discuss this matter further, however you declined. Therefore, I contend that your Rule 11 certification is incorrect, and I again am extending the olive branch to try and resolve this matter.

I understand this case has a long history and that you have been involved for a lot longer than I have, and I ask you remember the same. I do not know what your previous dealings were like with my clients' previous counsel, however since we have been working together on this case for a relatively short period of time, I want to make it clear that I am interested in facilitating resolutions to the extent we can find common ground.

I am in a deposition all day today, however I am available most of this week and next. I hope that we can discuss this matter further.

Sincerely,

Joe

<image001.png>

Joseph R. Pellington

2907 Providence Road, Suite A303

Charlotte, North Carolina 28211

Direct & Fax | 704-200-2054

Email | jpellington@reddingjones.com

From: Douglas Truslow <douglastruslow@truslowlaw.com>

Date: Thursday, August 24, 2017 at 10:57 AM

To: Joe Pellington <jpellington@reddingjones.com>, Desa Ballard <desab@desaballard.com>, Beth Cogan <Beth@desaballard.com>

cc: Amanda Hilley <amandahilley@truslowlaw.com>, Redding Jones <mriviera@reddingjones.com>, Pete Nosal <pete@nosalieterlaw.com>, David Redding <dredding@reddingjones.com>
Subject: RE: Proposed Order from Hearing 7-31-2017

My client clearly does not agree. Opposing counsel have been over this so many times that further discussion gets us nowhere. For but one example, the watch produced is not Pop's. It is a fake. You and I both know there are other firearm(s), but only one "Saturday night special" was produced. Your clients has not explained the discrepancy. Counsel has been given ample opportunity to make appropriate inquiry and make this right or at least shed more light on the issue. More could be said, however it has proven futile. The most appropriate thing to do is for Ms. Ballard to file a RTSC and then let the court decide the issues after a hearing. I will now be representing Ms. Ballard for this issue. In that regard, can you accept service on behalf of your clients of a RTSC or is Ms. Ballard going to be forced to chase them down?

From: Joe Pellington [<mailto:jpellington@reddingjones.com>]
Sent: Friday, August 18, 2017 2:21 PM
To: Douglas Truslow <douglastruslow@truslowlaw.com>; Desa Ballard <desab@desaballard.com>; Beth Cogan <Beth@desaballard.com>
Cc: Amanda Hilley <amandahilley@truslowlaw.com>; Marisol Rivera <mriviera@reddingjones.com>; Pete Nosal <pete@nosalieterlaw.com>; David Redding <dredding@reddingjones.com>
Subject: Re: Proposed Order from Hearing 7-31-2017

Doug,

We provided you with the items that were in the Combis' possession that were responsive to the subpoenas. Based on my reading of what was asked for in the subpoenas and what was ordered by the court, my clients have complied. If you disagree, please let me know why you think my clients have not complied.

It is my opinion that the information you are asking for now is beyond what was requested in the subpoenas and what was ordered by the court. I am willing to work with you to resolve the discrepancies you mention below, however I need more information.

Please feel free to call me next week. I think it will be easier to discuss the issues you raised over the phone.

Sincerely,

Joe

<image001.png>

Joseph R. Pellington

2907 Providence Road, Suite A303

Charlotte, North Carolina 28211

Direct & Fax | 704-200-2054

Email | jpellington@reddingjones.com

From: Desa Ballard <desab@desaballard.com>
Date: Tuesday, August 8, 2017 at 6:30 PM
To: Douglas Truslow <douglastruslow@truslowlaw.com>, Joe Pellington <jpellington@reddingjones.com>, Beth Cogan <Beth@desaballard.com>
Cc: Amanda Hilley <amandahilley@truslowlaw.com>
Subject: Re: Proposed Order from Hearing 7-31-2017

Gentleman

Trying to take a few days off. I assume your clients will want pictures and perhaps an inventory of the items but I need the items delivered to my office for appraisal. We are open 8:30 to 5:30 Monday through Friday except this week we are closed on Friday for some renovation work.

It would be helpful if we knew when the items will be delivered. We keep the doors locked but there are cameras and buzzers to open both doors. Just ring the bell.

Offices don't get much smaller than mine or Mr Truslow's.

In one of the several suits he filed against me Mr. Bridgmon served the pleadings via FedEx at our street address with a signed receipt. That worked pretty well.

Sent via the Samsung Galaxy Note5, an AT&T 4G LTE smartphone

----- Original message -----

From: Douglas Truslow <douglastruslow@truslowlaw.com>
Date: 8/8/17 4:13 PM (GMT-05:00)
To: Joe Pellington <jpellington@reddingjones.com>, Beth Cogan <Beth@desaballard.com>
Cc: Desa Ballard <desab@desaballard.com>, Amanda Hilley <amandahilley@truslowlaw.com>
Subject: RE: Proposed Order from Hearing 7-31-2017

I assure you that I will not be a problem. That said, and just an observation in an attempt to perhaps be helpful – George could easily and relatively inexpensively have a courier service deliver the items and be done with it. There are certainly a number of such services in Charlotte.

From: Joe Pellington [<mailto:jpellington@reddingjones.com>]
Sent: Tuesday, August 08, 2017 3:54 PM
To: Douglas Truslow <douglastruslow@truslowlaw.com>; Beth Cogan <Beth@desaballard.com>
Cc: Desa Ballard <desab@desaballard.com>; Amanda Hilley <amandahilley@truslowlaw.com>
Subject: Re: Proposed Order from Hearing 7-31-2017

I understand this is Desa's call, and if other arrangements can be made, I assure you that someone else will transport the items to Columbia. But as you know, we are a small firm, and I cannot promise we will have that option.

Since I just learned that I might be responsible for my mom's care, I figured I should let you know immediately.

<image001.png>

Joseph R. Pellington

2907 Providence Road, Suite A303

Charlotte, North Carolina 28211

Direct & Fax | 704-200-2054

Email | jpellington@reddingjones.com

From: Douglas Truslow <douglastruslow@truslowlaw.com>

Date: Tuesday, August 8, 2017 at 3:50 PM

To: Joe Pellington <jpellington@reddingjones.com>, Beth Cogan <Beth@desaballard.com>

Cc: Desa Ballard <desab@desaballard.com>, Amanda Hilley <amandahilley@truslowlaw.com>

Subject: RE: Proposed Order from Hearing 7-31-2017

It is not my call in this instance. That said, I was under the impression that Desa has insisted that the items be delivered to her and the sooner the better. After all, it has been a problem now for at least FOUR years or so. It would seem that a paralegal could easily deliver the items well before the 15th and save everyone time and energy that could be better spent on other issues, but again that is not my call.

From: Joe Pellington [<mailto:jpellington@reddingjones.com>]

Sent: Tuesday, August 08, 2017 3:40 PM

To: Douglas Truslow <douglastruslow@truslowlaw.com>; Beth Cogan <Beth@desaballard.com>

Cc: Desa Ballard <desab@desaballard.com>; Amanda Hilley <amandahilley@truslowlaw.com>

Subject: Re: Proposed Order from Hearing 7-31-2017

Doug/Desa,

With respect to Doug's request in bold, I will provide a response asap. I am not making any representations at this time.

It is going to be hard to comply with the order if Desa is out of town until August 15th (which is the day my clients are ordered to produce). Assuming we cannot come to an agreement on an alternate method of production, can the items be left at her office if she is not there?

Additionally, if pictures and descriptions are insufficient and I have to drive down to Columbia, there is another matter that has just arisen that I need to make you aware of. My mom is having knee replacement surgery next Monday. Originally, my dad was going to take her to and from the hospital, however it appears he will be out of town on business that day. If he is out of town, I may need your courtesy for a short informal extension so I can take care of my mom. I will keep you apprised of that situation.

Sincerely,

Joe

<image001.png>

Joseph R. Pellington

2907 Providence Road, Suite A303

From: Douglas Truslow <douglastruslow@truslowlaw.com>
Date: Tuesday, August 8, 2017 at 12:11 PM
To: Beth Cogan <Beth@desaballard.com>, Joe Pellington <jpellington@reddingjones.com>
Cc: Desa Ballard <desab@desaballard.com>, Amanda Hilley <amandahilley@truslowlaw.com>
Subject: RE: Proposed Order from Hearing 7-31-2017

I have not talked to Desa about your email (I understand she is on vacation), but from the contentious history of this case, I would think she would NOT be inclined to agree to your proposal at this late stage. I will leave it to her to respond. That said and to try to move forward, I think she would want the following answered before even considering what you have proposed, so you might as well provide what is set forth below in bold immediately:

Are you now saying they have all the items? What items do they have, describing them in detail. Where the items are now specifically located/who has possession of them and why and for how long. If you or your clients have had the items appraised or insured, you need that documentation or indicate why it has not been done. And, send photos immediately.

Again, I do not imagine that Desa will accept your proposal, but that will ultimately be for her to say. I expect you will need to respond to her as indicated without any further delay. Otherwise, you have the court's order, so it would seem to me that you need to produce the items immediately unless you hear otherwise.

From: Beth Cogan [<mailto:Beth@desaballard.com>]
Sent: Tuesday, August 08, 2017 11:45 AM
To: Joe Pellington <jpellington@reddingjones.com>
Cc: Douglas Truslow <douglastruslow@truslowlaw.com>; Desa Ballard <desab@desaballard.com>
Subject: RE: Proposed Order from Hearing 7-31-2017

Mr. Pellington,

Desa is out of the office this week on vacation. Please look for a response upon her return to the office on Monday.

Kindest Regards,
-Beth

Beth Cogan, Paralegal
Ballard & Watson, Attorneys at Law
Post Office Box 6338
West Columbia, South Carolina 29169
803.796.9299
803.796.1066 Facsimile
beth@desaballard.com

From: Joe Pellington [<mailto:jpellington@reddingjones.com>]
Sent: Tuesday, August 8, 2017 9:31 AM
To: Desa Ballard <desab@desaballard.com>
Cc: Douglas Truslow <douglastruslow@truslowlaw.com>
Subject: FW: Proposed Order from Hearing 7-31-2017

Desa,

Please let me know if your appraiser will accept pictures and detailed descriptions in lieu of producing the actual items. In the alternative, so as not to put the burden on you, I am willing to contact the appraiser directly and report back to you what he/she says. If you are agreeable to that, please send me that person's contact information.

Sincerely,

Joe

<image001.png>
Joseph R. Pellington
2907 Providence Road, Suite A303
Charlotte, North Carolina 28211
Direct & Fax | 704-200-2054
Email | jpellington@reddingjones.com

From: "Gibbons, Brian Law Clerk (William C. Corbett)" <bgibbonslc@sccourts.org>
Date: Tuesday, August 8, 2017 at 8:22 AM
To: Douglas Truslow <douglastruslow@truslowlaw.com>, Desa Ballard <desab@desaballard.com>, "Gibbons, Brian M." <BGibbonsj@sccourts.org>
Cc: Pete Nosal <pete@nosalieterlaw.com>, Mara Ballard <Mara@desaballard.com>, Beth Cogan <Beth@desaballard.com>, Joe Pellington <jpellington@reddingjones.com>, Beth Cogan <Beth@desaballard.com>, Mara Ballard <Mara@desaballard.com>
Subject: RE: Proposed Order from Hearing 7-31-2017

All:

In regards to the Motion to compel, Judge Gibbons accepted Ms. Ballard's proposed order with amendments. I have attached an unfiled copy of the order. For any reason you need the order clocked before next Monday, our secretary is on vacation this week so you will need to come retrieve it. Otherwise, it will be filed when Mary returns. Please let me know if you have any questions.

Best,

Cyrus Corbett

From: Douglas Truslow [<mailto:douglastruslow@truslowlaw.com>]
Sent: Wednesday, August 2, 2017 9:54 AM
To: Desa Ballard <desab@desaballard.com>; bgibbons@sccourts.org; Gibbons, Brian Law Clerk (William

C. Corbett) <bgibbonslc@sccou. .org>

Cc: Pete Nosal <pete@nosalieterlaw.com>; Mara Ballard <Mara@desaballard.com>; Beth Cogan <Beth@desaballard.com>; Joe Pellington <jpellington@reddingjones.com>; Beth Cogan <Beth@desaballard.com>; Mara Ballard <Mara@desaballard.com>
Subject: RE: Proposed Order from Hearing 7-31-2017

Judge Gibbons:

In the matter I am involved in, Plaintiff is also seeking sanctions. That does not need to be addressed at this point. I agree with Ms. Ballard in all respects.

From: Desa Ballard [mailto:desab@desaballard.com]

Sent: Wednesday, August 02, 2017 9:26 AM

To: bgibbons@sccourts.org; bgibbonslc@sccourts.org

Cc: Douglas Truslow <douglastruslow@truslowlaw.com>; Pete Nosal <pete@nosalieterlaw.com>; Mara Ballard <Mara@desaballard.com>; Beth Cogan <Beth@desaballard.com>; Joe Pellington <jpellington@reddingjones.com>; Beth Cogan <Beth@desaballard.com>; Mara Ballard <Mara@desaballard.com>

Subject: RE: Proposed Order from Hearing 7-31-2017

Judge Gibbons:

I thought this was the easy part. Sorry. Lawyer usually work out the details themselves.

I specifically request a determination that our motion for sanctions be held in abeyance. Otherwise, I will have to re-file the motion.

Desa Ballard

From: Joe Pellington [mailto:jpellington@reddingjones.com]

Sent: Wednesday, August 02, 2017 9:18 AM

To: bgibbons@sccourts.org; bgibbonslc@sccourts.org

Cc: Douglas Truslow <douglastruslow@truslowlaw.com>; Pete Nosal <pete@nosalieterlaw.com>; Mara Ballard <Mara@desaballard.com>; Beth Cogan <Beth@desaballard.com>; Desa Ballard <desab@desaballard.com>

Subject: Re: Proposed Order from Hearing 7-31-2017

Judge Gibbons:

Attached is my competing order for your consideration. My objections to Ms. Ballard's proposed order are that she includes extraneous information that is unnecessary for this order and mischaracterizes my clients' position.

Further, in the interests of resolving this dispute efficiently and without unnecessary cost (including further judicial intervention), I think more time than Ms. Ballard calls for in her order is required. The reason is that the "Items" (as defined in my order) are vaguely described in the subpoenas. My plan is to work with Ms. Ballard to ensure that the Items are properly identified, and to the extent possible, other identifying information can be sent to the appraiser so no one has to physically transport the items from Charlotte to Columbia.

If any changes are required by the Court, I am happy to incorporate them.

Amanda Hilley

From: Neal Truslow
Sent: Monday, September 11, 2017 2:08 PM
To: BGibbonsj@sccourts.org; bgibbonslc@sccourts.org; Pete Nosal; Mara Ballard; Beth Cogan; Desa Ballard; mrivera@reddingjones.com; tmctier@reddingjones.com
Cc: Douglas Truslow; Amanda Hilley; Mackenzie Woodward
Subject: RE: Combis/Ballard -- Motion for Protective Order

Judge Gibbons:

My father/law partner is stuck in Charleston dealing with the aftereffects of Irma and no longer has power/internet. He was apposed of Mr. Pellington's email below and has asked that I inform the Court that Mr. Pellington's assertions below are incorrect.

- The prior deposition of Mr. Combis was taken in the Federal case (0:14-cv-01839-JFA Ballard et al v. Combis et al). In this separate and distinct action that Ms. Ballard has filed for fees, Ms. Ballard has noticed Mr. Combis' deposition because both Mr. Combis and his counsel have a history of non-cooperation. Mr. Combis has even counterclaimed in this matter, so it is disingenuous to suggest that this is not a separate action.
- Ms. Ballard brought an action for fees in the probate Court and she also filed a Motion to Compel (which you granted) due to Mr. Combis' failure to honor this Court's orders. There is a Rule to Show Cause Order (which you have signed and is now filed).
- It is noteworthy that Mr. Combis avoided the taking of this deposition in the Federal case for over six months. Both Mr. Combis and his counsel have not met their obligations and have jerked Ms. Ballard around terribly. Counsel's current motion is yet another example of the illegitimate tactics that have been employed by Mr. Combis and his counsel.

In consideration of the facts of this case, he asks that you dispatch with Mr. Pellington's request appropriately.

Respectfully,

Neal

Neal D. Truslow
ATTORNEY AT LAW

Truslow & Truslow, P.A.
Phone: 803.256.6276
Fax: 803.256.7659
Website: <http://www.truslowlaw.com/>
Email: nealtruslow@truslowlaw.com

Physical Address:
914 Richland Street, Ste. B-102
Columbia, SC 29201

Mailing Address:
PO Box 1465
Columbia, SC 29202

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-----Original Message-----

From: Douglas Truslow
Sent: Monday, September 11, 2017 1:50 PM
To: Neal Truslow <nealtruslow@truslowlaw.com>
Subject: FW: Combis/Ballard -- Motion for Protective Order

-----Original Message-----

From: Joe Pellington [mailto:jpellington@reddingjones.com]
Sent: Monday, September 11, 2017 1:10 PM
To: Gibbons, Brian M. <BGibbonsj@sccourts.org>
Cc: Gibbons, Brian Law Clerk (William C. Corbett) <bgibbonslc@sccourts.org>; Douglas Truslow <douglastruslow@truslowlaw.com>; Pete Nosal <pete@nosajeterlaw.com>; Mara Ballard <Mara@desaballard.com>; Beth Cogan <Beth@desaballard.com>; Desa Ballard <desab@desaballard.com>; Marisol Rivera <mriviera@reddingjones.com>; Ty McTier <tmctier@reddingjones.com>
Subject: Combis/Ballard -- Motion for Protective Order

Judge Gibbons,

Please find attached Mr. Combis' motion for protective order for your review and consideration. As set forth in the motion, Mr. Combis contends that Plaintiff is seeking to take his deposition, for the second time, in violation of Rules 26 and 30 of the SCRPC.

From a scheduling standpoint, Plaintiff did not consult with my office prior to noticing the deposition. If they had, I would have informed them that I am unavailable this week to defend Mr. Combis. On Wednesday, the day the deposition is noticed, I am taking two previously scheduled depositions in North Carolina. Despite notification of the substantive objection made to taking the deposition, and my unavailability to appear this week, it is my understanding that Plaintiff still intends to appear at Mr. Nosal's office on Wednesday.

Sincerely,

Joe Pellington

Joseph R. Pellington
2907 Providence Road, Suite A303
Charlotte, North Carolina 28211
Direct & Fax | 704-200-2054
Email | jpellington@reddingjones.com

Amanda Hilley

From: Gibbons, Brian M. <BGibbonsj@sccourts.org>
Sent: Monday, September 11, 2017 3:41 PM
To: Pete Nosal
Cc: Joe Pellington; Gibbons, Brian Law Clerk (William C. Corbett); Douglas Truslow; Mara Ballard; Beth Cogan; Desa Ballard; Marisol Rivera; Ty McTier; Neal Truslow
Subject: Re: Combis/Ballard -- Motion for Protective Order

The Motion for Protective Order is denied. The deposition shall go forward. Please act and prepare accordingly.

Judge Gibbons

Sent from my iPhone

On Sep 11, 2017, at 3:18 PM, Pete Nosal <pete@nosaljeterlaw.com<mailto:pete@nosaljeterlaw.com>> wrote:

Judge Gibbons,

The record in this case speaks for itself. I believe Ms. Ballard is attempting to bring this case to a close.

My clients had to re-engage to me to respond to Mr. Combis's counterclaims, so it is their position that this case is a new matter. As such, they believe Mr. Combis's motion is another attempt to delay.

Peter Nosal

On Mon, Sep 11, 2017 at 1:10 PM, Joe Pellington
<jpellington@reddingjones.com<mailto:jpellington@reddingjones.com>> wrote:
Judge Gibbons,

Please find attached Mr. Combis's motion for protective order for your review and consideration. As set forth in the motion, Mr. Combis contends that Plaintiff is seeking to take his deposition, for the second time, in violation of Rules 26 and 30 of the SCRPC.

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