

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

Carmen T. Mullen, Circuit Court Judge

Case No.: 2016-CP-07-01919

**RECEIVED**

**Feb 12 2021**

**SC Court of Appeals**

IN THE MATTER OF:  
Estate of Paul Brandon Barringer, II,

Hampton B. Luzak, ..... APPELLANT,

v.

Merrill B. Light, Merrill U. Barringer, as Personal Representative of the Estate of Paul Brandon Barringer, II, J. Randolph Light, Jr., Merrill B. Light as putative trustee of the Paul B. Barringer, II Revocable Trust dated December 4, 1998, and Merrill B. Light as Trustee of the Merrill Barringer Light Revocable Trust, ..... RESPONDENTS.

And

Case Nos.: 2019-CP-07-01253 and 2019-CP-07-01294

Hampton Barringer Luzak, ..... APPELLANT,

v.

Merrill U. Barringer, ..... RESPONDENT.

**NOTICE OF APPEAL**

Hampton B. Luzak appeals the order of the Honorable Carmen T. Mullen dated December 29, 2020 captioned "Order Granting Defendants' Motion to Bifurcate", and the Form 4 order dated January 13, 2021 denying Appellant's motion for reconsideration under Rules 54(b) and 59(e), SCRCP. Appellant received written notice of entry of these orders on the dates of filing, December 30, 2020 and January 14, 2021, respectively. Copies of the orders are attached as Exhibits A and B, respectively.

These orders are immediately appealable pursuant to South Carolina Code § 14-3-330(2), as the orders may alter the mode and order of trial by inappropriately separating equitable claims and legal claims in the consolidated cases. The rulings impermissibly impair Appellant's constitutional right to a jury trial. Because the orders may deprive Appellant of a mode of trial to which she is legally entitled, the orders are immediately appealable and must be immediately appealed.

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Date: February 12, 2021

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**Attorneys for Respondent Merrill U. Barringer, as Personal Representative of the Estate of Paul Barringer, II**

**Exhibit A**

Order filed December 30, 2020

Exhibit A

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF BEAUFORT )

IN THE COURT OF COMMON PLEAS  
CIVIL ACTION NO: 2016-CP-07-01919

IN THE MATTER OF ESTATE OF PAUL  
BRANDON BARRINGER, II )

**RECEIVED**

HAMPTON BARRINGER LUZAK, )

**Feb 12 2021**

Plaintiff, )

**SC Court of Appeals**

v. )

MERRILL B. LIGHT, MERRILL U. )  
BARRINGER, AS PERSONAL )  
REPRESENTATIVE OF THE ESTATE OF )  
PAUL BRANDON BARRINGER, II, J. )  
RANDOLPH LIGHT, JR., MERRILL B. )  
LIGHT AS PUTATIVE TRUSTEE OF THE )  
PAUL B. BARRINGER, II REVOCABLE )  
TRUST DATED DECEMBER 4, 1998, AND )  
MERRILL B. LIGHT AS TRUSTEE OF )  
THE MERRILL BARRINGER LIGHT )  
REVOCABLE TRUST, )

Defendants. )

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF BEAUFORT )

IN THE COURT OF COMMON PLEAS  
CIVIL ACTION NO: 2019-CP-07-01253  
2019-CP-07-1294

IN THE MATTER OF: )  
Estate of Paul Brandon Barringer, II )

Hampton B. Luzak, )

Plaintiff, )

v. )

Merrill U. Barringer, )

Defendant. )

**Exhibit A**

**ORDER GRANTING DEFENDANTS' MOTION TO BIFURCATE**

This Court has considered Defendants' Joint Motion to Bifurcate Trial filed October 23, 2020. Based on the legal memoranda submitted and oral argument presented, the Court grants the motion. In accordance with SCRCP Rule 42(b), this Court has determined that a separate trial of the Second and Third Causes of Action set forth in Hampton Luzak v. Merrill Barringer, Civ. Action Nos. 2019-CP-07-01253 and 2019-CP-07-01294, shall proceed first and prior to any separate and subsequent trial(s) of the remaining causes of action alleged in Civ. Action Nos. 2016-CP-07-1919, 2016-CP-07-1961, 2019-CP-07-01253 and 2019-CP-07-01294.

IT IS SO ORDERED.

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CARMEN T. MULLEN  
Judge of the Fourteenth Judicial Circuit

\_\_\_\_\_, 2020

**Exhibit A**



**Beaufort Common Pleas**

**Case Caption:** Hampton B Luzak VS Merrill B Light , defendant, et al  
**Case Number:** 2016CP0701919  
**Type:** Order/Other

So Ordered

s/Carmen T Mullen 2142

Electronically signed on 2020-12-29 20:23:26 page 3 of 3

ELECTRONICALLY FILED - 2020 Dec 30 9:04 AM - BEAUFORT - COMMON PLEAS - CASE#2016CP0701919

**Exhibit B**

Order filed January 14, 2021

STATE OF SOUTH CAROLINA  
COUNTY OF Beaufort  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2016CP0701919

Hampton B Luzak  
PLAINTIFF(S)

Merrill B Light et al  
DEFENDANT(S)

**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  
 Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order (formal order to follow)  Statement of Judgment by the Court:

Plaintiff's Motion to Reconsider Order to Bifurcate of December 30, 2020 is hereby denied without a hearing.

**ORDER INFORMATION**

This order  ends  does not end the case.

See Page 2 for additional information.

**For Clerk of Court Office Use Only**

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 01/13/2021 .

Merrill Barringer Light Revocable Trust  
Merrill B Light as Trustee  
Merrill B Light As Putative Trustee  
Paul B Barringer li Revocable Trust  
Charles B Molster, III for Merrill B Light

**NAMES OF TRADITIONAL FILERS SERVED BY MAIL**

**Court Reporter:**

**E-Filing Note:** The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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Beaufort Common Pleas

**Case Caption:** Hampton B Luzak VS Merrill B Light , defendant, et al  
**Case Number:** 2016CP0701919  
**Type:** Order/Electronic Form 4

So Ordered

s/Carmen T Mullen 2142

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**Feb 12 2021**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

Carmen T. Mullen, Circuit Court Judge

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Case No.: 2016-CP-07-1919

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IN THE MATTER OF:  
Estate of Paul Brandon Barringer, II,

Hampton B. Luzak, .....APPELLANT,

v.

Merrill B. Light, Merrill U. Barringer, as Personal Representative of the Estate of Paul Brandon Barringer, II, J. Randolph Light, Jr., Merrill B. Light as putative trustee of the Paul B. Barringer, II Revocable Trust dated December 4, 1998, and Merrill B. Light as Trustee of the Merrill Barringer Light Revocable Trust, ..... RESPONDENTS.

And

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Case Nos.: 2019-CP-07-01253 and 2019-CP-07-01294

---

Hampton Barringer Luzak, .....APPELLANT,

v.

Merrill U. Barringer, .....RESPONDENT.

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**PROOF OF SERVICE**

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This is to certify that I have this day served counsel for the Respondents in the foregoing matter with a copy of the foregoing **NOTICE OF APPEAL** by depositing same in the United States Mail with adequate postage affixed thereon to ensure delivery, addressed below and by e-mailing them at e-mail address as follows:

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February 12, 2021  
Greenville, South Carolina.

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February 12, 2021

## Via Electronic Filing

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

RECEIVED

Feb 12 2021

SC Court of Appeals

RE: *In The Matter of: Paul Brandon Barringer, II,  
Hampton B. Luzak v. Merrill B. Light, Merrill U. Barringer, as Personal Representative of  
the Estate of Paul Brandon Barringer, II, J. Randolph Light, Jr., Merrill B. Light as  
putative trustee of the Paul B. Barringer, II Revocable Trust dated December 4, 1998, and  
Merrill B. Light as Trustee of the Merrill Barringer Light Revocable Trust,*  
Civil Action No.: 2016-CP-07-1919  
--and--  
*Hampton B. Luzak v. Merrill U. Barringer*  
Civil Action Nos: 2019-CP-07-01253 and 2019-CP-07-01294

Dear Ms. Kitchings:

Please find accompanying this letter a Notice of Appeal in the above-referenced matters. The Notice is being e-filed pursuant to Section (c)(5) of Supreme Court Order 2020-05-29-02. Pursuant to that same section, we shall mail in the filing fee that accompanies this Notice within five days of this filing.

We have also served this filing via e-mail on counsel for the Defendants/Respondents, as permitted by Section (g)(3) of that Order. A copy of that service e-mail is attached as well.

If the Court has any difficulty opening these electronically-submitted materials, please let us know, and we will be pleased to submit them via an alternate method.

Sincerely yours,

*James R. Gilreath (by W.M. Hogan with permission)*

James R. Gilreath

JRG/kmk  
Attachments  
cc (w/attachments – via electronic mail):

The Honorable Jenny Abbot Kitchens  
Page 2  
February 12, 2021

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