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**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA  
In the Court of Appeals**

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APPEAL FROM LANCASTER COUNTY  
Court of Common Pleas

Brian Gibbons, Special Circuit Court Judge

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Case No. 2020-000021  
Appellate Case Number 2020-000021

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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..... Appellants,

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**APPENDIX TO RECORD ON APPEAL**

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**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 16-2057**

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DESA ALLEN BALLARD, as Personal Representative of the Estate of Chris  
Combis,

Plaintiff - Appellant,

and

LINDA COMBIS; MARY COMBIS,

Intervenors/Plaintiffs,

v.

DIANE COMBIS, as former Trustee of the Trust of Chris Combis,

Defendant - Appellee,

GEORGE COMBIS; CHRIS A. COMBIS; SUPERIOR TILE MARBLE AND  
TERRAZZO CORPORATION; SUPERIOR STONE OF THE SOUTHEAST,  
INC.,

Respondents - Appellees.

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**No. 16-2136**

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DESA ALLEN BALLARD, as Personal Representative of the Estate of Chris  
Combis,

Plaintiff - Appellee,

and

LINDA COMBIS; MARY COMBIS,

Intervenors/Plaintiffs,

v.

GEORGE COMBIS; CHRIS A. COMBIS; SUPERIOR TILE MARBLE AND  
TERRAZZO CORPORATION; SUPERIOR STONE OF THE SOUTHEAST,  
INC.; DIANE COMBIS,

Respondents - Appellants.

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Appeals from the United States District Court for the District of South Carolina, at Rock Hill. Joseph F. Anderson, Jr., Senior District Judge. (0:14-cv-01839-JFA)

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Argued: September 25, 2018

Decided: January 8, 2019

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Before NIEMEYER, DIAZ, and FLOYD, Circuit Judges.

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Affirmed in part, vacated in part, and remanded by unpublished per curiam opinion.

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Douglas Neal Truslow, TRUSLOW & TRUSLOW LAW FIRM, Columbia, South Carolina, for Appellant/Cross-Appellee. David Glennon Redding, Joseph Raymond Pellington, REDDING TISON & JONES, PLLC, Charlotte, North Carolina, for Appellees/Cross-Appellants.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

This consolidated appeal involves debts and obligations relating to the estate of Chris “Pop” Combis, the patriarch of the Combis family, who passed away in 2009.<sup>1</sup> For the reasons that follow, we affirm in part, vacate in part, and remand.

I.

In Charlotte, North Carolina, Pop Combis founded a company called Superior Tile, Marble, and Terrazzo, Inc. (hereinafter “Superior Tile”). Superior Tile was very successful. It brought in a great deal of money. Pop regularly shifted large sums of that money from the company to his family and back to the company again. This was, at least in part, how Pop supported his two daughters, Linda and Mary, well into their adulthood. Pop’s son, George, treated the company’s money in much the same way as he became increasingly involved in running—and eventually took ownership of—Superior Tile.

Regrettably, neither Pop, George, nor other members of the family kept clear records of their transactions. As a result, the financial ties between Pop’s estate, Superior Tile, and Pop’s adult children have devolved into near-inscrutability. The parties, after years of acrimony and at least a dozen individual lawsuits disputing who owes how much to whom, now ask the federal courts to sort it all out.<sup>2</sup> The district court has done much of the work

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<sup>1</sup> Because so many of the parties to this appeal share the surname “Combis,” we refer to them by their given names. Additionally, because the parties refer to the late Christopher Combis as “Pop,” we do the same.

<sup>2</sup> Having considered various motions and voluminous evidence on removal of this case from state to federal court, the district court determined that it had jurisdiction over the

already; the only substantial issues remaining on appeal involve two transactions that occurred during Pop's life.

In 2003, Pop executed his last will and testament. Under the terms of his will, the property in his estate was to pour over into a revocable trust (the "Trust") at the time of his death. The Trust was established under North Carolina law. Its beneficiaries were Pop's three children: George, Mary, and Linda. At first, Pop named himself as trustee; later (in 2006), he appointed George's wife, Diane, to that position.

In 2005, Pop loaned \$230,000 of his own money to Superior Tile. He and Superior Tile executed a home-made written agreement (the "Note") setting out the terms of the loan. Under the Note, Superior Tile had to: (1) make regular interest payments on the \$230,000 principal; (2) pay Linda and Mary a monthly stipend; (3) pay some of Linda's and Mary's expenses, such as their car insurance; and (4) return the full principal to Pop's estate 30 days after his death.

In 2007, Pop sued Superior Tile in North Carolina state court. In relevant part, Pop alleged that Superior Tile "ha[d] breached" the Note. He did not make factual allegations specifying how Superior Tile had breached its obligations; he merely pointed out that the Note required Superior Tile to make interest payments on the principal of the loan, along with regular payments to Linda and Mary. He sought recovery of \$230,000, plus interest. Later that year, Pop voluntarily dismissed the suit. He never re-filed it.

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issues now before us because the parties are diverse, the amount in controversy exceeds \$75,000, and the "probate exception" to diversity jurisdiction does not apply to any of the relevant issues. Neither party challenges that determination, and as the record stands, we are satisfied that the district court was correct.

Also in 2007, after Diane had become trustee of the Trust, George instructed Diane to withdraw \$412,000 from the Trust's assets. Diane did as George said, and the money was deposited into a joint account that they controlled together.

Pop died in 2009. At the time, no one in the Combis family took any steps to either open or probate his estate. Years later, on July 31, 2013, a probate court designated Desa Ballard, a South Carolina attorney, as the estate's personal representative. A few months after that, the relevant parties agreed that Ballard would replace Diane as trustee of the Trust.

Ballard initiated multiple actions to recover assets she believed were due to either Pop's estate or to the Trust. Of the claims Ballard levied, two sets remain relevant: First, on behalf of Pop's estate, Ballard claimed that Superior Tile had breached the Note by failing to return the \$230,000 that Pop had loaned to the company. She did not allege that Superior Tile had failed to satisfy any of its other obligations under the Note. Second, on behalf of the Trust, Ballard brought claims against Diane and George relating to the \$412,000 that Diane had transferred from the Trust's assets to her joint account with George in 2007. Characterizing the transfer as a loan to George, Ballard alleged that Diane had breached her fiduciary duty to the Trust by "loaning the assets of the [T]rust without proper security[,] and in failing to require repayment of the loan to the [T]rust on commercially-reasonable terms." J.A. 64. Additionally, Ballard alleged that as a debtor of the trust, George was liable to the Trust for the full principal of the \$412,000 "loan," plus interest at the North Carolina statutory rate of 8%.

Following a bench trial, the district court dismissed Ballard's breach-of-contract claim

against Superior Tile as precluded by North Carolina Rule of Civil Procedure 41(a). The district court also found that Diane's transfer of \$412,000 from the Trust to her joint account with George was not a loan, but a misappropriation of Trust assets. Accordingly, the district court held that Diane had breached her fiduciary duty to the Trust and that she and George were jointly and severally liable to the Trust in the amount of \$412,000, plus pre-judgment interest. Both sides separately appealed, and the appeals were consolidated herein.<sup>3</sup>

## II.

Since this is an appeal from a bench trial, we review the district court's factual findings for clear error and its legal conclusions de novo. *Sky Angel U.S., LLC v. Discovery Commc'ns, LLC*, 885 F.3d 271, 276 (4th Cir. 2018). Beginning with Ballard's appeal, we hold that the district court made a legal error when it concluded that Ballard's claim against Superior Tile was barred by North Carolina Rule of Civil Procedure 41(a). Proceeding to Diane and George's appeal, we hold that the district court erred in making George jointly and severally liable with Diane for damages resulting from Diane's transfer of funds from the Trust. Otherwise, we affirm the district court's factual findings and legal conclusions.

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<sup>3</sup> Superior Tile, Diane, and George are jointly represented—an arrangement that appears, at best, ethically fraught. In their briefing, they sometimes refer to themselves as a single unit. At other times, they make arguments that would seem to benefit George at the expense of Diane. For the sake of clarity, we generally refer to the parties based on the primary interest at stake.

A.

Ballard's appeal raises one issue: whether North Carolina Rule of Civil Procedure 41(a) prevents Pop's estate from recovering \$230,000 from Superior Tile pursuant to the Note. We hold that it does not.

Rule 41(a) has two relevant components. First, when a plaintiff voluntarily dismisses an action, the dismissal is without prejudice. If the plaintiff re-files an action based on the same claim and then, once again, voluntarily dismisses the action, the second dismissal is treated as an "adjudication upon the merits," and the plaintiff is precluded from filing another suit based on the same claim. Second, when a plaintiff voluntarily dismisses an action, the plaintiff may file "a new action based on the same claim" if either (a) the statute of limitations governing the claim has not run, or (b) the statute of limitations has run, but it has been less than a year since the voluntary dismissal of the first action.

Rule 41(a) has no bearing on Ballard's attempt to recover under the Note. Rule 41(a) applies only to successive lawsuits based on the "same claim." Therefore, for Rule 41(a) to apply in this case, Ballard would need to have made the same claim against Superior Tile that Pop made in 2007. But Ballard did not make the same claim that Pop made in 2007. Although we do not know the exact factual predicate of Pop's claim (since he did not make factual allegations in his complaint), we may reasonably infer that it had something to do with events that occurred during Pop's life. In contrast, Ballard's claim is based on Superior Tile's failure to repay the principal of the loan to Pop's estate when it

came due after Pop's death.<sup>4</sup> Therefore, Rule 41(a) does not bar Ballard's attempt to enforce the Note against Superior Tile, and the portion of the district court's order holding as much is vacated.<sup>5</sup>

## B.

We now turn to Diane and George's appeal. Diane argues that (1) the district court erred in finding that her transfer of \$412,000 from the Trust to her joint account with George was a breach of fiduciary duty; and (2) even if she breached her fiduciary duty, the

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<sup>4</sup> North Carolina's intermediate appellate court has interpreted Rule 41(a) in substantially the same way. That court has held that for purposes of Rule 41(a), when a contract calls for multiple payments, a claim based on the failure to make one payment is not the "same" as a claim based on the failure to make another, later payment. *Centura Bank v. Winters*, 583 S.E.2d 723, 725 (N.C. Ct. App. 2003). We believe the Note at issue here is best viewed as a contract calling for multiple payments, with some payments being due during Pop's life and a single large one being due thirty days after Pop's death. The latter payment forms the basis of the estate's claim today. It follows that the factual predicate of the estate's claim is distinct from the factual predicate of any claim Pop could have brought while he was alive. Therefore, the estate is not seeking to bring the "same claim" as Pop for purposes of Rule 41(a). *See Brannock v. Brannock*, 523 S.E.2d 110, 113 (N.C. Ct. App. 1999) ("Our courts have required the strictest factual identity between the original claim and the new action" for the claims to be considered the same under Rule 41(a) (internal citations and quotation marks omitted)).

<sup>5</sup> In the alternative, Superior Tile asserts that even if Pop's estate accrued a valid claim under the Note thirty days after Pop's death, Ballard's suit to enforce the Note would be barred by North Carolina's three-year statute of limitations. To the contrary, Ballard argues that South Carolina law controls the applicable statute of limitations, and that under South Carolina law, the statute of limitations governing the estate's claim against Superior Tile did not begin to run until Ballard was appointed the estate's personal representative; if that were true, then Ballard's claim would not be time-barred. The district court did not address the choice-of-law question below, and we decline to resolve it now. On remand, it will fall to the district court to apply South Carolina's choice-of-law rules and determine which state's law—North Carolina's or South Carolina's—controls the statute-of-limitations question.

district court erred in how it calculated pre-judgment interest on the Trust's damages. For his part, George argues that (1) the district court erred in holding him jointly and severally liable with Diane for Diane's breach of fiduciary duty; and (2) the district court should have offset the Trust's damages by one-third, to reflect that George is himself a Trust beneficiary. Addressing Diane and George's arguments in turn, we affirm the district court in most respects, but we conclude that the court erred by holding George jointly and severally liable with Diane for Diane's breach of fiduciary duty.

1.

Diane argues that her transfer of \$412,000 from the Trust to her joint account with George was nothing more than a loan to one of the Trust's beneficiaries. According to Diane, since North Carolina law generally authorizes such loans, the transfer cannot have been a breach of her fiduciary duty.

Diane's argument that the transfer was a loan and therefore not a breach of fiduciary duty relies exclusively on North Carolina General Statute § 36C-8-816(18). In particular, Diane points out that § 36C-8-816(18) permits a trustee to "[m]ake loans out of trust property, including loans to a beneficiary on terms and conditions the trustee considers to be fair and reasonable under the circumstances . . . ." The comments to the statute clarify that "[t]he determination of what is fair and reasonable must be made in light of the fiduciary duties of the trustee and purposes of the trust." *Id.* (comment to paragraphs 18 and 19). In addition, the comments recognize that "[f]requently, a trustee will make loans to a beneficiary which might be considered less than prudent in an ordinary commercial

sense although of great benefit to the beneficiary . . . .” *Id.* Leaning on this permissive language, Diane contends that because the transfer at issue here *could* be construed as the type of “less than prudent” loan authorized by the statute, the district court erred in finding that it was not.

We disagree. Nothing in the plain language or comments of § 36C-8-816(18)—the only authority Diane cites—requires a district court to find that a transfer of property from trust to beneficiary is a loan simply because the trustee says so.<sup>6</sup> On the contrary, the statute provides that loaning trust property to a beneficiary under commercially unreasonable conditions is not *necessarily* a breach of the trustee’s fiduciary duty. The existence of a statute permitting a trustee to extend commercially unreasonable loans under some circumstances does not make it clearly erroneous to find that *this* transfer was *not* a loan.

Diane offers no other basis for reversal. Since her statutory argument is unavailing, we affirm the district court’s conclusion that Diane breached her fiduciary duty to the Trust.

2.

We now turn to the district court’s calculation of pre-judgment interest. As part of its award of actual damages for Diane’s breach of fiduciary duty, the district court multiplied the \$412,000 transferred from the Trust by North Carolina’s statutory interest rate of 8%

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<sup>6</sup> Nor does § 36C-8-816(8) prevent a court from concluding that a transfer of property from a trust to a beneficiary *is* a loan, but one that breaches the trustee’s fiduciary duty. Since Diane fails to show that the district court clearly erred when it found that the transfer was not a loan, we need not address that point.

per year, beginning on the date that Diane made the transfer. This resulted in a judgment of \$711,619.94 for the Trust, with \$299,619.94 of the judgment consisting of pre-judgment interest.

According to Diane, North Carolina General Statute § 24-5 required the district court to calculate pre-judgment interest beginning with the date Ballard filed the present action—not the date on which Diane made the transfer. Section 24-5 has two relevant provisions. Section 24-5(a) states that “[i]n an action for breach of contract . . . the amount awarded on the contract bears interest from the date of breach.” Section 24-5(b) states that “[i]n an action other than contract, any portion of a money judgment designated by the fact finder as compensatory damages bears interest from the date the action is commenced . . . .” Diane contends that because the judgment at issue was for a breach of fiduciary duty and not a breach of contract, the district court should have followed § 24-5(b) and not § 24(a) when calculating interest. We disagree.

The district court correctly reasoned that in North Carolina, when a party consents to act as the trustee of an express trust, the fiduciary duties arising from his or her trusteeship are “essentially contractual in nature,” such that “any failure to perform in compliance with the duties as a fiduciary is tantamount to a breach of contract.” *Tyson v. N.C. Nat’l Bank*, 286 S.E.2d 561, 565 (N.C. 1982); accord *Bruce v. N.C. Nat’l Bank*, 303 S.E.2d 561, 563 (N.C. Ct. App. 1983). Although *Tyson* addressed a statute-of-limitations question, we conclude that if an express trustee’s fiduciary duties are “essentially contractual in nature” for statute-of-limitations purposes, they are also “essentially contractual in nature” for the

purpose of calculating pre-judgment interest.<sup>7</sup> Thus, the district court did not err in using the date on which Diane breached her fiduciary duty as the date on which pre-judgment interest began to accrue.

3.

We now consider whether North Carolina law permits George to be held jointly and severally liable with Diane for Diane’s breach of fiduciary duty. We hold that it does not.

Generally speaking, North Carolina law does not permit a plaintiff to maintain an action for breach of fiduciary duty against a defendant who did not owe the plaintiff a fiduciary duty in the first place.<sup>8</sup> *Dalton v. Camp*, 548 S.E.2d 704, 707 (N.C. 2001) (“For

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<sup>7</sup> Diane offers no counterpoint. She does, however, assert that if the district court had really intended to compensate the Trust for its inability to collect interest on the \$412,000 she transferred from it, then the court would have made a factual finding as to the “prevailing market interest rate” during the period following the transfer, and would have used that finding, rather than the statutory rate of 8%, to calculate the appropriate award. Notably, Diane does not argue that this is what the district court should have done—the only issue she raises on appeal is whether, as a matter of law, the district court used the wrong accrual date when applying the statutory interest rate of 8%. Since that is the only question properly before us, it is the only question we answer here.

<sup>8</sup> Some states recognize a cause of action against a non-fiduciary who knowingly participates in a breach of fiduciary duty. *See, e.g., Glidden Co. v. Jandernoa*, 5 F. Supp. 2d 541, 555 (W.D. Mich. 1998) (applying Delaware law). Whether a party may be liable under North Carolina law for “aiding and abetting” a breach of fiduciary duty appears to be an open question. *See Ehrenhaus v. Baker*, 717 S.E.2d 9, 29 (N.C. Ct. App. 2011) (collecting cases). We need not answer the question here, because (1) Ballard did not state a claim against George for aiding and abetting a breach of fiduciary duty, and (2) Ballard has not argued that we should affirm based on a theory of aiding and abetting Diane’s breach of fiduciary duty. Thus, whichever way the North Carolina Supreme Court ultimately rules on the question, aiding and abetting a breach of fiduciary duty is not, in these circumstances, an appropriate theory for extending liability to George.

a breach of fiduciary duty to exist, there must first be a fiduciary relationship between the parties.”). In this case, the district court did not conclude that George owed or breached a fiduciary duty to the Trust. Therefore, it erred in holding George jointly and severally liable with Diane for Diane’s breach of fiduciary duty.

Ballard offers two arguments to the contrary, but both are unpersuasive. First, Ballard argues that during the events in question, George was acting as Diane’s agent, and that North Carolina permits the agent of a fiduciary to be held jointly and severally liable for the fiduciary’s breach of his or her duty when “the agent has . . . by his conduct added his own liability to that of his principal . . .” *Rounsaville v. N.C. Home Fire Ins. Co.*, 50 S.E. 619, 621 (N.C. 1905). The only case Ballard cites for support, *Rounsaville*, is inapposite. *Rounsaville* concerns the causes of action available to someone who contracts with the agent of an undisclosed principal. *Id.* The case before us does not involve any such contract. Moreover, Ballard has maintained throughout this litigation that Diane removed the disputed sum from the Trust at George’s direction.<sup>9</sup> George cannot reasonably be viewed as both the mastermind of Diane’s wrongdoing and her agent. Accordingly, Ballard’s agency theory is without merit.

Second, Ballard asks us to affirm the district court because that court “has inherent authority to reach a just result.” Appellants’ Second Br. at 12. We are unpersuaded. As an initial matter, the district court never referred to its own “inherent authority” in

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<sup>9</sup> For example, Ballard asserts that “George was clearly the architect of [Diane’s] wrongful conduct.” Appellant’s Second Br. at 10.

concluding that George and Diane were jointly and severally liable for Diane’s breach of fiduciary duty. More significantly, although it is well-established that courts have certain inherent powers, it is also well-established that “[b]ecause of their very potency, inherent powers must be exercised with restraint and discretion.” *Chambers v. NASCO, Inc.*, 501 U.S. 32, 44 (1991). To that end, the inherent powers of the courts have generally been exercised to safeguard the fairness and integrity of the judicial process—e.g., to prevent parties from abusing the rules of evidence, discovery, and procedure, or to ensure that one party is not placed at a severe and unjust disadvantage as a litigant. *See id.* at 43–45. Ballard’s argument attempts to stretch the court’s inherent powers too far, and we find it unpersuasive. Accordingly, we vacate the portion of the district court’s order holding George jointly and severally liable with Diane for Diane’s breach of fiduciary duty.

4.

Finally, George asserts that because he is one of the Trust’s three beneficiaries, one-third of the \$412,000 Diane took from the Trust was rightfully his. Therefore, according to George, any damages resulting from Diane’s misappropriation of those funds should be reduced proportionally. For support, George argues that under North Carolina General Statute § 36C-8-816(18), when a trustee loans trust assets to a beneficiary, the trust may “acquire a lien on future distributions for repayment” of the loan. His argument fails at the outset. As discussed above, the district court found that the transfer of funds at issue here was not a loan. That finding was not clearly erroneous. Accordingly, § 36C-8-816(18) is inapplicable. Since George fails to identify a reversible error of law, we conduct no further

analysis of the merits of this argument and leave the district court's treatment of the issue intact.<sup>10</sup>

### III.

For the foregoing reasons, we vacate the portions of the district court's order dismissing Ballard's action against Superior Tile and holding George jointly and severally liable with Diane for Diane's breach of fiduciary duty. On those points, we remand for further proceedings consistent with this opinion. In all other respects, we affirm the district court.

*AFFIRMED IN PART, VACATED IN PART, AND REMANDED*

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<sup>10</sup> We note one last, vestigial issue. The district court found that George and Pop were co-owners, with a right of survivorship, of a bank account containing \$387,590.14. The district court also found that in 2006, Pop withdrew all the funds in the joint account without George's permission. On the basis of those findings, George asks us to remand and instruct the district court to "grant [him] a credit" equal to half the funds that were in the joint account. Appellees' First Br. at 18. George does not identify the proper source of this "credit." Nor does he identify a theory of law or equity under which the district court erred. Therefore, we decline to grant George his requested relief.

STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

IN THE MATTER OF THE ESTATE OF  
CHRIS COMBIS

---

DESA BALLARD, as Personal Representative  
of the Estate of Chris Combis,

Plaintiff/Petitioner,

vs.

GEORGE COMBIS, DIANE COMBIS, and  
CHRIS COMBIS,

Defendants/Respondents.

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IN THE COURT OF COMMON PLEAS

Case No. 2014-CP-29-306

**GEORGE COMBIS AND CHRIS  
COMBIS' JOINT MOTION TO  
RECONSIDER**

NOW COMES George Combis and Chris Combis by and through their respective undersigned counsel of record and pursuant to Rule 59(e), moving this court to reconsider its order issued in this matter dated October 21, 2019, which Judge Brian Gibbons Ordered that George Combis and Chris Combis be held in contempt and for punitive attorney fees as a result of the contempt. Defendant shows as follows:

**BACKGROUND**

1. On March 16, 2017, Petitioner issued three subpoenas (collectively the "Subpoenas") to the Combises.
2. The first subpoena (the "Chris Subpoena") was issued to Chris, and it requested the production of the "ORIGINAL ROLEX WATCH ALLEGEDLY GIFTED TO YOU BY THE DECEASED FOR APPRAISAL." See Respondent's Exhibit Number 8.
3. The second subpoena (the "Diane Subpoena") was issued to Diane, and it requested the production of "COINS ALLEGEDLY RECEIVED FROM THE DECEASED." See Respondent's Exhibit Number 9.
4. The third subpoena (the "George Subpoena") was issued to George, and it requested the production of "ANY AND ALL FIRE ARMS ALLEGEDLY RECEIVED FROM OR GIFTED TO YOU BY THE DECEASED FOR APPRAISAL AS

WELL AS CONTENTS OF THE SAFE IN WHICH THE DECEASED STORED CASH AND DOCUMENTS". See Respondent's Exhibit Number 10.

5. The Chris Subpoena requested the production of the "ORIGINAL ROLEX WATCH ALLEGEDLY GIFTED TO YOU BY THE DECEASED FOR APPRAISAL." See Respondent's Exhibit Number 8.
6. The Diane Subpoena requested the production of "COINS ALLEGEDLY RECEIVED FROM THE DECEASED." See Respondent's Exhibit Number 9.
7. The George Subpoena requested the production of "ANY AND ALL FIRE ARMS ALLEGEDLY RECEIVED FROM OR GIFTED TO YOU BY THE DECEASED FOR APPRAISAL AS WELL AS CONTENTS OF THE SAFE IN WHICH THE DECEASED STORED CASH AND DOCUMENTS". See Respondent's Exhibit Number 10.
8. In its MTC Order, the Court ordered the Combises to produce the items sought by Petitioner on or before August 15, 2017, that Petitioner would inventory and appraise the items, and then return them to the Combises. *Id.*
9. On August 14, 2017, the Combises delivered a box of items to Petitioner. (106:8-107:23, August 5, 2019; Petitioner's Exhibit Number 3). As memorialized in the letter accompanying Petitioner's Exhibit Number 3, the items delivered by the Combises to the Petitioner were:
  - a. Four rolls of pennies;
  - b. Ten sealed packages of various coins;
  - c. Five blue encased coins;
  - d. One firearm;
  - e. One holster;
  - f. One empty detachable magazine; and
  - g. One Rolex watch.
10. The Petitioner claimed that the items delivered by the Combises on August 14, 2017 were not the items compelled by the Subpoenas and the MTC Order. (110:13-17, August 5, 2019; the Petition).
11. Petitioner maintained throughout that the items presented were not responsive. The Court has overridden her contention in the Petition that the items were not produced by not ordering the production of any additional items. Either the Combises

produced responsive items or they should have been ordered to produce responsive items. Because the items lacked specificity, this Court did not have sufficient factual evidence to order items that Petitioner contended were responsive be produced for inspection.

12. A Petition can only stand on the foundation of a Subpoena. Instead of re-issuing Subpoenas with valid descriptions, Petitioner successfully attempted to collect on the Federal judgment in this Court.

### THE CHRIS SUBPOENA/WATCH

13. The Petitioner has alleged Chris' willful contempt of Court for failing to produce the "ORIGINAL ROLEX WATCH ALLEGEDLY GIFTED TO [CHRIS] BY THE DECEASED FOR APPRAISAL." *See* Respondent's Exhibit Number 8; the Petition.
14. The Court heard extensive testimony with regard to the Rolex watch from Chris, Diane, Lauren, Linda, the Petitioner, and Larry Garris. ("Mr. Garris").
15. In her Petition, the Petitioner claimed that the Rolex produced by Chris in August of 2017 was a fake watch (the "Stainless-Steel Watch") and not Pop's "original Rolex", therefore Chris' production was not responsive to the Chris Subpoena and the MTC Order. *See* the Petition, page 9.
16. When this matter was called for hearing, Chris produced a second watch (the "Gold Rolex"). (*See* 28:17-25, November 14, 2017).
17. During the hearing, in pertinent part, Chris testified to the following:
  - a. Pop owned two Rolex watches, one was the Stainless-Steel Watch and the other was the Gold Rolex. (22:2; 22:22-23, November 14, 2017);
  - b. Pop gave him the both watches, and both were gifted in the early 2000's. (26:9-16; 26:22-23; 62:12-24, November 14, 2017);
  - c. He produced the Stainless-Steel Watch believing that it was Pop's "original Rolex watch" and therefore the watch the Chris Subpoena and MTC Order ordered him to produce. (28:10-12; 28:15-16; 30:2-5; 40:24-25; 41:9-10; 41:20-24; and 46:15-47:14, November 14, 2017);
  - d. Chris described the Stainless-Steel Watch as the "original watch" because it was the watch Pop wore every day. (52:13-53:9; 35:23-24, November 14, 2017);
  - e. Chris denied knowing the Stainless-Steel Watch was fake. (35:23-24; 37:4, 67:20-23, November 14, 2017);

- f. Chris denied any additional watches were given to him by Pop. (66:10-13);
  - g. Chris' understanding was that Pop's Revocable Trust Agreement conveyed the Stainless-Steel Watch to him after Pop's death. The Stainless-Steel Watch is the watch he first produced to the Petitioner in August of 2017. (55:13-56:11, November 14, 2017; Respondent's Exhibit Number 1);
  - h. After reviewing the Petitioner's Petition, Chris believed the watch Petitioner sought was the Gold Rolex and not the Stainless-Steel Watch. Prior to seeing the Petition, he had not seen a document describing the Gold Rolex with such specificity. (62:1-24, November 14, 2017);
  - i. The Petition states, among other things, that Pop's "original Rolex watch" was gifted to Lauren by George and/or Diane and contained the engraving "CAC" on the back. *See* the Petition, page 8;
  - j. Chris denied, among other things, giving the Gold Rolex to Lauren, that George and/or Diane gave the watch to Lauren, and possessing a watch with "CAC" engraved on the back. (64:1-25; 65:23-66:9, November 14, 2017);
  - k. Chris disclaimed any knowledge regarding the items that are the subject of the Diane or George Subpoena. (68:24-69:9; 69:11-70:7, November 14, 2017).
18. With respect to the Stainless-Steel Watch and/or the Gold Rolex, Diane testified, in pertinent part, to the following:
- a. Diane saw Pop roughly engrave one watch but denied ever seeing a watch with "CAC" engraved on it. (109:4-110:3, November 14, 2017);
  - b. She denied having any knowledge that one of the watches was fake, but she did testify that Pop would wear the Stainless-Steel Watch to work, that it was Pop's watch, and that it was the "original Rolex". (110:20-111:20, November 14, 2017).
19. With respect to the watches, Lauren testified, in pertinent part, to the following:
- a. The last time she saw the Gold Rolex was in August or September of 2016. (133:3);
  - b. **Contrary to what Petitioner represented in the Petition**, George or Diane did not give her the Gold Rolex. (135:22-136:19, November 14, 2017);
  - c. **Contrary to what Petitioner represented in the Petition**, she was not aware of a watch with "CAC" engraved on the back. (138:17-139:2, November 14, 2017);

20. Mr. Garris testified, in pertinent part, to the following:
  - a. If a lay person thought the Stainless-Steel Watch was real, it would not surprise him. (20:18-21:14, November 17, 2017).
21. With respect to the watches, Linda testified, in pertinent part, to the following:
  - a. Pop's "original Rolex" is a gold Rolex with a presidential band. (29:1-7, November 17, 2017);
  - b. Pop's "original Rolex" had a non-scribbled/professional engraving on the back of the watch face. (30:1-6; 31:6-8, November 17, 2017);
  - c. After looking at the Gold Rolex, she confirmed it contained no professional engraving and that she did not remember any scribbled etching on Pop's "original Rolex". (45:14-46:7, November 17, 2017). She testified that the Gold Rolex might have been Pop's but that she does not remember it. *Id.*;
  - d. Due to differences with the band and lack of professional engraving, she testified that the Gold Rolex was not the watch she used to clean on behalf of Pop, but she stated that if the Gold Rolex was not Pop's watch, he had one very similar to it. (65:5-67:4, November 17, 2017);
  - e. She acknowledged that her testimony was in conflict with Lauren's testimony with regard to whether there was engraving on the back of Pop's "original Rolex" and whether the engraving was professional done. (67:10-68:3, November 17, 2017).
22. With respect to the watches, the Petitioner testified, in pertinent part, to the following:
  - a. The Gold Rolex is in fact a real Rolex watch, but that it is different from the description she received of Pop's "original Rolex". (59:2-8, August 5, 2019);
  - b. She acknowledged she wrote the Chris Subpoena and that the only description of the watch in the Chris Subpoena was an "original Rolex". (90:10-18; 110:21-24, August 5, 2019);
  - c. She has no personal knowledge as to whether Chris knows what a real versus a fake Rolex is. (112:2-6);
  - d. She does not know what the "original Rolex" is, what it looks like, or whether the watch produced by Chris is the "original Rolex". (115:12-117:23, August 5, 2019).

23. Based upon the extensive testimony by the above witnesses, and the documents submitted during the hearing, Chris did not willfully disobey the MTC Order for the following reasons:
- a. Chris timely produced the Stainless-Steel Watch;
  - b. In order for Chris to be found in contempt of Court, the Court must find that Chris willfully disobeyed the MTC Order. “A willful act is one done voluntarily and intentionally with the specific intent of doing something the law forbids, or with the specific intent to fail to do something the law requires to be done...” *In re Brown*, 333 S.C. 414, 420, 511 S.E.2d 351 (1998). Therefore, the issue before the Court is whether Chris voluntarily and intentionally produced the incorrect watch with the specific intent of violating the Chris Subpoena and MTC Order;
  - c. The language in the Chris Subpoena, specifically the language “original Rolex”, is impermissibly vague for the Court to find by clear and convincing evidence that Chris not only failed to comply with the MTC Order, but did so voluntarily and intentionally, and with the specific intent of doing so. It is undisputed that Pops gave Chris A. two Rolex watches. The language used in the subpoena indicates that Petitioner was aware of the existence of two Rolex watches because she used the modifier “Original” to describe the Rolex in the subpoena (instead of simply requesting “the Rolex watch”). When Petitioner later provided further description of the watch sought as being “gold,” Chris A. produced the gold Rolex. There is absolutely no evidence that Chris A. did not reasonably believe that the silver Rolex that he timely produced was not the “original” Rolex.
  - d. From the testimony, the Petitioner herself cannot identify the “original Rolex”, and it appears her own witnesses, Linda and Lauren, are in disagreement over what watch is the “original Rolex”;
  - e. None of the documents entered as exhibits, including but not limited to Pop’s revocable trust, identify Pop’s “original Rolex” with any specificity;
  - f. Petitioner referred to, but did not produce for the hearing, additional documents purportedly related to the watches and/or witnesses that purportedly could identify Pop’s watch or watches. Since the Petitioner did not produce those documents or call those witnesses, the Court erred in considering that testimony;
  - g. Additionally, the Petition, part of the foundation upon which the contempt order is based, contains numerous errors, including but not limited to, incorrect descriptions of the engraving on the “original Rolex” and whether the “original Rolex” was gifted to Lauren;

- h. No testimony was proffered that would show by clear and convincing evidence that the Gold Rolex submitted by Chris was the one described in the Subpoena.
  - i. Therefore, Petitioner could not identify the “original Rolex” to any reasonable degree of certainty. Since the Court cannot do so, and since the Chris Subpoena is vague and non-specific, the Court erred by finding by clear and convincing evidence that Chris specifically intended to produce the wrong watch in response to the Chris Subpoena and MTC Order;
  - j. When Petitioner clarified the vague request in the Subpoena to indicate that the Subpoena actually sought the Gold Rolex instead of the “Original” Rolex, Chris A. produced the Gold Rolex.
  - k. Even, assuming arguendo that the Gold Rolex is the “original Rolex” whatever that means, Chris’ subsequent production of the Gold Rolex (after finally seeing a more detailed description of the “original Rolex” in the Petition) purged any contempt given the Petitioner did not provide a specific description of the “original Rolex” until she filed the Petition. Finding Chris in Contempt was error and an abuse of discretion.
- 24. There is no surprise that there was abundant conflicting testimony (on both sides) about Pop’s Original Rolex because the definition “Original” subjects the testimony to a wandering maze of misunderstanding.
  - 25. Original in the dictionary means first. There was no finding that the Gold Watch was Pop’s first Rolex.
  - 26. Sanctioning someone under this definition puts the finding at odds with the clear and convincing standard at which it must be applied.
  - 27. Based on the testimony, there is a watch with “an 18K Rolex watch with a presidential gold, solid bracelet band. . . the watch had a brown walnut face.” (61:9-17, November 14, 2017). However, this was not the watch that was before the Court. And this certainly is not the description used in the Subpoena.
  - 28. Gifts from the decedent are not part of their estate. Even Lauren Combis testified that the Gold Watch was given to Chris. (131:18-19, November 14, 2017). Thus, if the Court finds her testimony believable, then the Gold Watch cannot under any legal theory be under the estate.
  - 29. At an absolute minimum, since both North Carolina (the law that Pop selected to govern his estate documents) and South Carolina show that the Gold Watch was an Inter Vivos gift, then this Court should postpone any contempt findings as to Chris until after the trial in this matter. A quick summary of both N.C. and S.C. law is below:

- a. **South Carolina:** “A gift inter vivos as its name imports, is a gift between the living. It is a contract which takes place by the mutual consent of the giver, who divests himself of the thing given in order to transmit the title of it to the donee gratuitously, and the donee who accepts and acquires the legal title to it. It operates, if at all, in the donor's lifetime, immediately and irrevocably; it is a gift executed; no further action of the parties; no contingency of death, or otherwise, is necessary to give it effect.’ 28 C.J. 621, 622.” *Barnwell v. Barnwell*, 323 S.C. 548, 558, 476 S.E.2d 492, 498–99 (Ct. App. 1996).
- b. **North Carolina:** “An unconditional inter vivos gift, however, once given is irrevocable.” *Courts v. Annie Penn Mem’l Hosp., Inc.*, 111 N.C. App. 134, 139, 431 S.E.2d 864, 866 (1993).
30. The Court asked if someone was going to testify if the watch was fake (77:3-5, November 14, 2017) even after holding and reviewing the watches. Thus, the Court’s finding in hindsight that Chris’ testimony about not knowing the Stainless-Steel watch was fake was not believable is not supported by the evidence before the Court. Whether or not one of the watches was fake is not relevant to the issue before the Court, but the only expert testimony on the issue from Petitioner’s expert is that a lay person certainly could have believed the Stainless Steel Rolex is real. (Garris testimony, 20:18-21:14, November 17, 2017).
31. Petitioner acknowledged that the Gold Watch was not Pop’s watch. (19:1-3, November 14, 2017).
32. Chris stated that he would comply if the Court ordered the Gold Watch to be delivered to Ms. Ballard. (79:7, November 14, 2017).
33. Chris did not willfully disobey the MTC Order by initially producing the Stainless-Steel Watch, and then subsequently producing the Gold Rolex. Therefore, the Court abused its discretion by finding Chris in contempt. In fact, for the same reasons that the Court correctly held that Diane was not in contempt (see Order, Findings of Fact ¶¶36-37), apply to Chris and demonstrate that he should not have been held in contempt.

#### THE GEORGE SUBPOENA/GUNS

34. First, there is absolutely no indication or testimony to support a finding as to what gun belonged to the estate, if at all.
35. All guns described by Petitioner were completely different from those produced. No guns were ordered to be produced, therefore defeating as a practical matter Petitioner’s contempt motion. If the Court could not specifically order those items to be produced based on the facts before it, then it cannot issue a heavy punitive award based on those items.

36. The Court's Contempt Order arises from language in the subpoena and Petitioner that he failed to produce "ANY AND ALL FIRE ARMS ALLEGEDLY RECEIVED FROM OR GIFTED TO [GEORGE] BY THE DECEASED FOR APPRAISAL AS WELL AS CONTENTS OF THE SAFE IN WHICH THE DECEASED STORED CASH AND DOCUMENTS". *See* Respondent's Exhibit Number 10.
37. In her Petition, the Petitioner claimed that the gun produced by George in August of 2017 was not Pop's gun. *See* the Petition, page 9. In the Petition, she further claims that Pop owned other guns, including "a heavily-engraved, .22 caliber pistol with real pearl grips", a Colt .45 1911 and a 30:06 bolt-action rifle with a scope. *Id.* Petitioner alleges that Pop took them to his company in the years before his death, and they subsequently disappeared. *Id.*
38. During the hearing, in pertinent part, Diane testified to the following with respect to the guns:
- a. Since around 2000, one gun was kept in a safe in her house and believes another one was kept at the family business<sup>1</sup>. (81:11-22, November 14, 2017);
  - b. Upon receiving the George Subpoena, Diane opened the safe and George retrieved the items in the safe. (87:24-88:1, November 14, 2017);
  - c. She denied knowing anything about the .22 caliber pistol with pearl grips, and she denied seeing other guns (including a rifle) in her house. (114:18-119:3, November 14, 2017).
39. During the hearing, in pertinent part, Linda testified to the following with respect to the guns:
- a. She stated that she has "no clue about guns" and that she did not know where the Colt .45, .38, .22 or rifle were located. (38:7-39:2, November 17, 2017);
  - b. She does not have any pictures of the guns. (70:4-6, November 17, 2017);
  - c. When showed one of the pistols produced by George, she testified that it was not the pistol Pop carried with him. (39:3-10, November 17, 2017);

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<sup>1</sup> On November 14, 2017, the Combises entered Respondent's Exhibit Number 5 into evidence, which is a picture of a second pistol that was from the Combises' business. (115:19-116:14, November 14, 2017). On November 17, 2017, the Combises produced the second pistol, and the Court asked whether this second gun was a gun owned by Pop. The Combises, through counsel, responded that it was unknown as it did not fit the description in the Petition, and that the second gun was presented to the Court out of an abundance of caution. (115:19-23, November 17, 2017).

- d. She recalled the rifle but nothing specific about the other guns other than a gun that had a design and a pearl-looking handle. (48:14-49:5, November 17, 2017);
  - e. She described the guns to the Petitioner five years before the hearing. (49:1-5, November 17, 2017);
  - f. She testified that Pop may have taken the guns to the family business, but she does not know. (39:14-40:2, November 17, 2017);
  - g. She conceded that given Pop's unique personality, his guns could still be hidden at the family business to this day. (56:3-12, November 17, 2017);
  - h. She testified that George and Diane never indicated that they had any of the guns at any point. (39:23-40:7, November 17, 2017).
40. During the hearing, in pertinent part, the Petitioner testified to the following with respect to the guns:
- a. She testified that the Combises' prior counsel (not present at the hearing) told her that Pop owned two guns, but that he was unaware of a rifle. (27:24-25, August 5, 2019);
  - b. She testified that she did not know where the story of Pop having a gun with engraved handles originated from, but she has never seen the gun and has no idea what its value is. (71:22-72:4, August 5, 2019);
  - c. The Petitioner did not rely on Linda when she filled out her inventory as Petitioner testified that Linda "didn't know anything about guns". None of the people she relied upon for information regarding the guns testified in this contempt hearing. (83:21-85:8, August 5, 2019);
  - d. The George Subpoena does not contain the specific descriptions of the guns that are contained in the Petition, yet the Petitioner did not reissue another subpoena. (122:7-124:9, August 5, 2019);
  - e. She contends that one of the pistols produced by George was not Pop's. Her opinion was formed after showing the gun "to several people who had provided [her] with historical information and none of them had ever seen the gun." (119:13-15, August 5, 2019). Those people did not testify at this hearing. (119:16-24, August 5, 2019);
  - f. She has no direct knowledge as to whether Pop owned one of the guns produced by George. (120:10, August 5, 2019);

- g. With regard to the gun with pearl grips, the Colt .45 and the rifle, the Petitioner does not have any direct knowledge about those guns. She relied on what people told her, and those people did not testify at this hearing. (125:5-127:25, August 5, 2019);
  - h. In the Petition, the Petitioner stated that the guns were taken to the family business for safekeeping, but that they disappeared. She was unsure about the source of that information, but believes a man named Tom, last name unknown, was the source of that information. (128:8-129:15, August 5, 2019);
  - i. She testified that she heard from multiple people that Pop would hide his guns at the family business and that they could still be there today. (130:8-17, August 5, 2019).
41. Based upon the extensive testimony by the above witnesses, and the documents submitted during the hearing, George did not willfully disobey the MTC Order for the following reasons:
- a. George timely produced a pistol in his possession that did not even fit the description in the Subpoena;
  - b. George subsequently produced a second pistol in his possession, although the origin of the second pistol is unknown and it also does not fit any description of Pop's guns in the Petition;
  - c. In order for George to be found in contempt of Court, the Court must find that he willfully disobeyed the MTC Order. Therefore, the issue before the Court is whether George voluntarily and intentionally produced the incorrect guns with the specific intent of violating the George Subpoena and MTC Order;
  - d. The only witness with any direct knowledge of the guns called by the Petitioner was Linda, and both Linda and Petitioner agree that Linda does not know anything about guns;
  - e. Linda did testify that neither George nor Diane ever indicated that they had Pop's guns;
  - f. Petitioner referred to other individuals that purportedly have information related to Pop's firearms, however they did not testify in this hearing. Since the Petitioner did not call those witnesses, the Court erred substantially in considering that testimony and incorporating it in its Contempt Order;

42. The record does not reflect that George did not willfully disobey the MTC Order by initially producing the first pistol contained in Petitioner's Exhibit Number 3, and then subsequently producing the second pistol.
43. There is no description of the guns in Pop's trust documents that would allow the Court to compare Pop's gun collection with what George produced.
44. The George Subpoena was wholly vague and non-specific, and it was not until the Petitioner filed the Petition was any degree of specificity provided to George to put him on notice as to the specific guns the Petitioner was seeking.
45. Taking all of the testimony and exhibits together, there is no way to identify Pop's gun collection to any reasonable degree of certainty even under a preponderance of the evidence standard, much less clear and convincing.
46. The George Subpoena is vague and non-specific in its description of the items sought, the Court erred in finding by clear and convincing evidence that George specifically intended to produce the wrong gun or guns in response to the George Subpoena and MTC Order.

#### **AWARD OF ATTORNEY FEES**

47. In the end, George and Chris turned over everything that could possibly be affiliated with the vague subpoenas and they were still sanctioned not just for the fees of Ms. Ballard's counsel, but also for fees of Ms. Ballard herself.
48. In the event the Court upholds its Order, at the very least, the contempt (if any) was purged at the time that the Gold Watch and Guns were produced.
49. This Court did not order any additional items and the defendants should not have to be responsible for attorney fees after producing the items that may or may not be a part of the trust/estate of Pop.
50. Further, Defendants are entitled to put on evidence regarding their ability to pay in conjunction with the hearing afforded to them on the reasonableness of the fee award. The Court made the finding of ability to pay without the proper evidence before it.

#### **CONTENT OF ATTORNEY FEE AFFIDAVITS**

51. Petitioner is not an attorney in this case an award of attorneys' fees for her time was error. The attorney fee affidavits submitted by Petitioner and Petitioner's Counsel did not break apart the hours spent performing tasks and were not sufficiently detailed to return the Petitioner to the status quo.

52. Further, the affidavits were produced after the hearing and Defense counsel did not have an opportunity to address the affidavits during the Contempt hearing.
53. Pursuant to Rule 37, the Defendants were entitled to a hearing on the attorney fees.
54. Since the Petitioner moved under Rule 37, Rule 37 was the proper avenue and Defendants at the very least should have an opportunity to question the content of the fee affidavits.
55. Both affidavits are strangely in the exact same amount of \$52,000.00. This is the very definition of impermissible double-dipping. \$104,000.00 in fees for a Contempt hearing where the items (which may or may not be a part of the trust) are worth less than \$15-20,000.00 is outrageous and should be curbed dramatically.
56. Further, the Court committed error and abused its discretion by making the attorneys' fees fine joint and several. The Court would be required to assess the attorneys' fees fines in accordance with each Defendant's alleged conduct that allegedly cause such fees to be incurred. The insufficiency of the attorneys' fees affidavits are again noted in this regard.

#### **DEPOSITION TESTIMONY**

57. Defense counsel objected to the entering of George's deposition testimony and it should not have been considered. It appears the Court relied heavily on these transcripts.
58. Therefore, the deposition testimony of George Combis was improperly relied upon in finding Contempt in contravention of George Combis' 5<sup>th</sup> Amendment rights.
59. This Court should not have imposed a jail sentence in tandem with a massive award for fees after dismissing the criminal contempt.
60. At the very least Defendant requests a hearing to determine the reasonableness of the fee award and to present evidence of ability to pay to counteract such a large award as the award is more than is at issue in this lawsuit.

#### **TYPE OF CONTEMPT**

61. The Court's Order shows that the Contempt is not civil in nature, but punitive.
62. The Contempt Order is one for criminal contempt as compliance has already occurred.
63. Many of the items that the Court lists as key examples of contempt occurred during the proceeding.

64. Punishment for direct contempt is inherently criminal in nature in that it is to vindicate the rights and authority of the Court.
65. The seminal case on the different types of Contempt is *Poston v. Poston*, 331 S.C. 106, 111, 502 S.E.2d 86, 88 (1998). The key provision is below:

The major factor in determining whether a contempt is civil or criminal is the purpose for which the power is exercised, including the nature of the relief and the purpose for which the sentence is imposed. 17 Am.Jur.2d Contempt § 9 (1990); *see also Hicks v. Feiock*, 485 U.S. 624, 108 S.Ct. 1423, 99 L.Ed.2d 721 (1988); *State v. Magazine*, 302 S.C. 55, 393 S.E.2d 385 (1990), abrogated on other grounds by, *State v. Easler*, 327 S.C. 121, 489 S.E.2d 617 (1997). The purpose of civil contempt is “to coerce the defendant to do the thing required by the order for the benefit of the complainant.” *Gompers v. Buck's Stove & Range Co.*, 221 U.S. 418, 441, 31 S.Ct. 492, 498, 55 L.Ed. 797, 806 (1911). The primary purposes of criminal contempt are to preserve the court's authority and to punish for disobedience of its orders. *State v. Bevilacqua*, 316 S.C. 122, 447 S.E.2d 213 (Ct.App.1994). “If it is for civil contempt the punishment is remedial, and for the benefit of the complainant. But if it is for criminal contempt the sentence is punitive, to vindicate the authority of the court.” *Hicks v. Feiock*, 485 U.S. at 631, 108 S.Ct. at 1429, 99 L.Ed.2d at 731 (quoting *Gompers v. Buck's Stove & Range Co.*, 221 U.S. at 441, 31 S.Ct. at 498, 55 L.Ed. at 806). *Poston v. Poston*, 331 S.C. 106, 111, 502 S.E.2d 86, 88 (1998).

66. There is no doubt that the Order was issued to vindicate the authority of the court. Restoring Petitioner to the status quo was not the purpose of the Order and the Court abused its discretion in awarding massive punitive damages and jail time.
67. The Court also abused its discretion as this was a discovery motion that should fall under the purview of Rule 37 and Rule 45 of the South Carolina Rules of Civil Procedure. Awarding \$70,000.00 in attorney fees for a discovery violation is disconcerting and sets a dangerous precedent.
68. Rule 37 allows for a hearing on the fees, such was not provided to Defendants and was error.
69. Upon rehearing Defendants request the Court address the *Cheap-O's Truck Stop, Inc. v. Cloyd*, 350 S.C. 596, 610 (2002) factors to at the very least:
- a. (1) Ascertain with exactitude the financial condition of the defendants; and
  - b. (2) evaluate defendants' contumacious conduct under the general principles of *Curlee v. Howle*, 277 S.C. 377, 287 S.E.2d 915 (1982), and *Schillitani v. U.S.*, 384 U.S. 364, 86 S.Ct. 1531, 16 L.E.d2d 622 (1966); and

- c. (3) Impose sanctions that are directly and proximately connected to [George/Chris' (separately)] contemptuous conduct. *Id.*

#### TAYLOR FACTORS

70. The Court should have considered all of the following six factors regarding fee affidavits: 1) the nature, extent, and difficulty of the case; 2) the time necessarily devoted to the case; 3) the professional standing of counsel; 4) the contingency of compensation; 5) the beneficial results obtained; and 6) the customary legal fees for similar services. *Jackson v. Speed*, 326 S.C. 289, 486 S.E.2d 750 (1997); *Blumberg v. Nealco, Inc.*, 310 S.C. 492, 427 S.E.2d 659 (1993). Consideration should be given to all six factors; none of the factors is controlling. *Baron Data Systems, Inc. v. Loter*, 297 S.C. 382, 377 S.E.2d 296 (1989). *Taylor v. Medenica*, 331 S.C. 575, 580, 503 S.E.2d 458, 461 (1998).
71. The Court addressed 2, 3 and 5, but did not address 1, 4 and 6 which were more relevant to this proceeding.
72. Failure to consider all six factors was error and an abuse of discretion and the Defendants are entitled to a new hearing.

#### NO CITATIONS TO THE RECORD AS TO CHRIS AND GEORGE

73. The Court did not cite to the record in its Order regarding George and Chris.
74. Specific reference should have been made to the facts upon which the Order is based.
75. The Court requested specific citations, however none appeared in the Order as to George and Chris.
76. The specific citations are needed to properly appeal this matter.

#### IDENTIFICATION OF TRUST PROPERTY

77. To even fall under the jurisdiction of the Court, a determination as to whether the watch or guns produced were a part of the trust/estate are essential.
78. Since there was corroborating testimony regarding the gifting of the Gold Watch to Chris by Pop, the Gold Watch is simply not a part of the estate and could not be.
79. Any holdings of contempt based on the Gold Watch was erroneous.

### CONCLUSION

Regarding Chris, the language of the Subpoena was patently vague, and there is no evidence that he did not reasonably believe that the watch that he timely produced, the Stainless Steel Rolex, was the original Rolex referenced in the Subpoena. Further, when the Petitioner clarified which Rolex watch was sought by the subpoena, the Gold Rolex gifted by Pop to Chris and owned by Chris Combis was immediately produced. Thus, he complied with the Subpoena and the MTC Order. In any event, when the Gold Rolex was produced, any contempt was purged. Regarding George, he fully complied with the subpoena and even produced guns that were not responsive out of an abundance of caution. None of the guns described were before the Court and there was no Order to produce the guns as there was no testimony that showed that George Combis had the guns in the first place.

Since there was no order to produce anything outside of what was already produced, the Defendants have complied with the Court's Order and any possible contempt was purged well before the finality of this three-day trial over items that are worth less than \$15,000.00 total, items that may or may not be a part of the estate.

WHEREFORE, Defendants respectively move the Court to Reconsider its judgment holding Chris and George in contempt as the Order is without evidentiary support and an abuse of discretion. Defendants request a hearing on their Motion to Reconsider. If the Court denies this motion without a hearing, Defendants request a hearing to determine at least the reasonableness of the fee award and the appropriate *Taylor* and *Cheap-O's* factors.

THIS the 31<sup>st</sup> day of October, 2019.

**REDDING JONES, PLLC**

By: /s/Ty K. McTier

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*Attorneys for Chris Combis*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **JOINT MOTION TO RECONSIDER** was served upon all parties of record by depositing a copy thereof in the United States mail, addressed as follows:

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

This the 31<sup>st</sup> day of October, 2019.

/s/Ty K. McTier  
Ty K. McTier

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF LANCASTER )  
 )  
 IN THE MATTER OF ESTATE )  
 OF CHRIS COMBIS, )  
 )  
 Desa Ballard, as Personal Representative )  
 of the Estate of Chris Combis, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 George Combis, Chris A. Combis, )  
 Diane Combis, )  
 )  
 Respondents. )  
 )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
 Case No. 2014-CP-29-00306

**AFFIDAVIT OF DESA  
 BALLARD REGARDING  
 PERSONAL  
 REPRESENTATIVE FEES**

Personally appeared before me, Desa Ballard, who being duly sworn, deposes and says that:

1. I am over the age of eighteen years and am competent to state the matters set forth herein. I have personal knowledge of the matters stated, except for those matters stated on information and belief, and as to those I have a good faith basis for believing them to be true.
2. I received a telephone call from Charles Bridgmon on March 8, 2013, in which he advised he and his opposing counsel wished me to serve as a personal representative for an estate matter that was in Lancaster. I asked him to get his opposing counsel on the phone so we could talk and he did.
3. After speaking with Mr. Bridgmon (counsel for George Combis and Diane Combis) and Pete Nosal (Counsel for Linda Combis and Mary Combis), I checked conflicts



and advised via email on March 8, 2013 at 4:44 pm that I could serve as personal representative.

4. Mr. Bridgmon represented George and Diane Combis. Mr. Nosal represented Linda Combi and Mary Combis. All interested parties filed nominations with the Lancaster County Probate Court nominating me to serve as personal representative of the Estate of Chris Combis, and I was appointed by the probate court on May 2, 2013.
5. Through Mr. Bridgmon and Mr. Nosal, the parties and I agreed on April 4, 2013 that I would be compensated for my time as personal representative at the rate of \$400.00 per hour and for the services of my forensic accountant at \$150.00 per hour, with each side paying one-half of my fees. Each side sent me a check for \$2,500.00 for a total retainer of \$5,000.00.
6. On July 31, 2013, I updated counsel on the status of my investigation to date and requested additional funds. I have not been paid any additional fee for services as personal representative.
7. The attached time sheets represent the time I have spent in my capacity as personal representative as it relates to the failure of George, Diane and Chris Combis to comply with subpoena served on them in early 2017.
8. Because I am serving as personal representative, which is a representative capacity, I did not feel that I could safely appear *pro se* in this matter, and it was necessary for me to retain counsel to represent me in the contested matters, of which the Rule to Show Cause was one.
9. The total fees due to me as personal representative for matters arising out of the failure of the Respondents to respond to the subpoenas, and the Rule to Show Cause




which followed, are itemized on the attached time sheets, which are kept contemporaneously in our computerized time/billing system. This is the same system I use for hourly billing for representation of clients.

- 10. There is significant other time expended by me and my staff for my services as personal representative, but the attached represent only those hours devoted to the failure of the respondents to respond to the subpoenas for items of personal property and the following proceedings.
- 11. I have personally reviewed the time sheets attached hereto and affirm to the best of my knowledge and memory that these time sheets are correct and accurate, with one exception. On many occasions, as these proceedings dragged on, I did not record all time expended in working as personal representative. The time sheets reflect only that time that was captured in the billing system. Much work done at nights, on weekends, and on extremely busy days was not recorded.
- 12. Further, deponent sayeth not.



Desa Ballard

Sworn to before me this  
15 day of October, 2019



Notary public for South Carolina

My commission expires: 11.2.2027

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<u>Date</u>	<u>Matter</u>	<u>Staff</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>	<u>Explanation</u>
4/4/2017	101129-001	MTB	0.10	150.00	15.00	Receive and review letter from Pellington about not complying with Subpoenas; forward to Desa with note.
4/12/2017	101129-007	DB	0.20	400.00	80.00	Email to Mara to draft motion to compel
4/12/2017	101129-007	MTB	1.50	150.00	225.00	Forward email with Pellington's refusal to produce property of the Estate for valuation to Desa. Review her request for me to draft a motion to compel.. Review language of sample and begin preparing draft motion to compel. Review Rule 37; probate court rules and Rule 81. Continue work on motion.
4/14/2017	101129-007	MTB	1.10	150.00	165.00	Continue work on Motion to Compel
5/1/2017	101129-001	MTB	0.10	150.00	15.00	Update notes in to do in re: Respond to Pellington about Subpoenas
5/2/2017	101129-007	MTB	0.30	150.00	45.00	Update information from Desa's email last night in regards to Subpeona including call to Lancaster to get new case number; email new case number to Doug and Amanda.
5/15/2017	101129-007	MTB	1.80	150.00	270.00	Confer with Desa; forward to her the Motion to Compel previously prepared; Prepare letter to COC; Review changes to Motion to Compel; make further changes requested; update letter to COC; download form for motion and order information sheet and complete; prepare filing fee; prepare exhibits; review with Desa; update all to go to Probate court after Desa Ballard reviews Order of reference to CP; Finalize all for mail and email; create follow up to dos.
5/15/2017	101129-007	DB	0.30	400.00	120.00	Revise and finalize motion to compel to probate court; sign off;
5/23/2017	101129-007	MTB	0.80	150.00	120.00	Review letter from Clerk of Probate Court and revise all pleadings for CP matter; prepare all for mailing; E-mail correspondence with elrod@rcgov.us with Order from Supreme Court in re: updated Probate forms

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5/23/2017	101129-007	DB	0.30	400.00	120.00	Read letter from Probate court; execute revised motion to compel and transmit to Mara;
6/1/2017	101129-007	MTB	0.20	150.00	30.00	Review task to follow up on filed Motion to Compel; nothing in the mail; review online; download filed Motion; Store in Electronic file and Email to Desa Ballard
6/26/2017	101129-007	MTB	0.60	150.00	90.00	Email to Amanda Hilley about status of motions; got bounce back message she is on vacation; review online case management system for both case numbers; outgoing call to COC's office to see time frame to get motions heard; lengthy call with assistant COC about motions to be heard; Email to Doug about his motion not being "properly" filed; Confer with Desa. Update Calendar.
7/6/2017	101129-007	DB	0.20	400.00	80.00	Emails with Amanda re: scheduled hearings for probate matter; telephone conference with Truslow; Conf w/ Mara to get with Amanda to insure notice to opposing counsel;
7/31/2017	101129-001	BC	0.10	100.00	10.00	Confer w DB via text re: Pellington letter; Email letter to DB:
7/31/2017	101129-007	DB	1.70	400.00	680.00	To Lancaster, hearing with Judge Gibbons on motion to compel; return travel (split with trust case); email from Truslow responding to email from Pellington re: contacting me directly; email from Pellington to Truslow;
8/1/2017	101129-007	DB	0.70	400.00	280.00	Prepare proposed order for Judge Gibbons on motion to compel; email to Judge Gibbons with copies to counsel; email from Pellington objecting to order; IC Truslow re: whether we should respond;

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8/2/2017	101129-007	MTB	0.20	150.00	30.00	E-mail correspondence with desab@desaballard.com and Doug Truslow re: motion to compel granted and next steps. E-mail correspondence with desab@desaballard.com and Mr. Pellington with Judge Gibbons about proposed orders.
8/8/2017	101129-007	BC	0.50	100.00	50.00	Receive and review multiple email correspondences between Mr. Truslow and DB re: proposed order and hearing;
8/14/2017	101129-007	BC	0.60	100.00	60.00	Inperson conference with Marisol; Scan and save Pellington Ltr encl photographs and list of times; Receive and review multiple email correspondences between DB and Mr. Truslow re: serial number and items delivered; Receive and review email correspondence between DB and Mr. Truslow re: Draft of proposed order;
8/14/2017	101129-007	DB	4.80	400.00	1920.00	Review of letter from Pellington delivering items; OC Doug; OC Pete; OC to Lauren's lawyer Cushing re: developments and can I get info from Lauren; OC witness who did prior affidavit about watch and gun; IC Doug re: appraisal by his guy; begin preparation of petition for rule to show cause; begin affidavit; Conf w/ Mara re: having jeweler look at watch produced; email with Chris Chagaris re: items produced;
8/15/2017	101129-001	MTB	1.60	150.00	240.00	15 emails between Desa, Doug and Amanda about personal property items received yesteray; pull affidavit of Linda Combis; and email to all. Outgoing call to Boltinhouse Jewlers, left voice mail message; Review emails between Desa and Doug about items subpoenaed; Respond with copies of subpoenas for all to review. Go to Boltinhouse jewlers with watch and return;

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<u>Date</u>	<u>Matter</u>	<u>Staff</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>	<u>Explanation</u>
8/15/2017	101129-001	DB	0.90	400.00	360.00	Email from Chagaris re: Rolex; Multiple emails with Doug, Amanda, Mara re: fake items provided by the Combises in response to order to compel; telephone conference with Pete; Review Rolex info; Conf w/ Mara re: having fake Rolex confirmed; email from Mara with response from Jeweler; email to Truslow re: RTSC versus another motion to compel; email to Pete that I can do my own affidavit, just need info from Linda; Email from Truslow to file for sanctions now and RTSC later; email that we need to discuss tomorrow; email to Nick Cushing to try to get Lauren involved in identifying items;
8/15/2017	101129-007	DB	0.10	400.00	40.00	Email to Nicholas L. Cushing, Esquire
8/16/2017	101129-001	MTB	1.50	150.00	225.00	Call from Truslow re: gun and watch; only wants gun; confer with Desa about chain of evidence; obtain form from internet and modify for our needs; complete form; take gun to Truslow's and return.
8/16/2017	101129-001	BC	0.50	100.00	50.00	Receive multiple email correspondences between DB and Mr. Truslow et al re: watch; LMVM for Nick Cushing; Telephone call from Nick Cushing; Email pics of watch to DB;
8/17/2017	101129-001	MTB	1.30	150.00	195.00	Archive emails from Lauren; Receive and review gun appraisal; archive to file and forward to Desa and Doug; Assist Desa with documents she needs for RTSC. Texts and Calls with Tom Meyers about gun. Email to Linda requesting birthdates; Assist Desa with documents needed for her affidavit.

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<u>Date</u>	<u>Matter</u>	<u>Staff</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>	<u>Explanation</u>
8/17/2017	101129-007	DB	4.30	400.00	1720.00	Email with Truslow re: too much detail and starting over; Continued work on petition; emails with Lauren Combis; telephone conference with Tom Myers (Moore) re: watch & coins; pull Harwell briefs to pull law applicable to civil and criminal contempt; email from Truslow to Pellington and ask him not to contact him;
8/18/2017	101129-007	DB	3.80	400.00	1520.00	Outline of personal property from Linda; Work on draft petition and references; email to Mara for assistance; email to Pete re: gun his clients have; prepare initial draft of affidavit;
8/18/2017	101129-007	MTB	0.60	150.00	90.00	Email to Combis, Linda; E-mail correspondence with desab@desaballard.com to Pete about asking Mary re: items subpoenaed. Create follow up task.; E-mail correspondence with Amanda Hilley sending EM from Bridgemon to Doug in re: guns. Process attachment to file; E-mail correspondence with jpellington@reddingjones.com re: Combis' provided what was requested in subpoenas. Confer with Desa, no follow up required.
8/21/2017	101129-007	DB	2.30	400.00	920.00	Draft petition and affidavit; research re: items that were owned by George and details of them; telephone conference with Pete; telephone conference with Truslow; send draft of affidavit to Truslow and Amanda for review; email from Pete to Judge Gibbons with copy of proposed order from Linda and Mary; email from Judge Gibbons re: order he will sign and respond re: confusion with earlier order on compelling production versus proposed orders on motions to dismiss; email from Lauren and response;

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8/22/2017	101129-007	DB	3.20	400.00	1280.00	Finalize Petition for RTSC; email from Pete with information about sale of prior house owned by Linda; send to Mara to finalize before sending to Doug; prepare affidavit for RTSC; send to Mara to correct and fill in blanks; execute and ask for delivery to Truslow; email from Truslow to include Pellington's letter and photos in the petition; Conf w/ Mara re: changes Truslow made to petition to make and email to them;
8/22/2017	101129-007	MTB	2.90	150.00	435.00	Review and finalize all documents for Petition and RTSC including Affidavit; obtain signatures; prepare filing fee check; take all to Truslow's office and return to office. Add Truslow edits to the petition; incoming call from Truslow re: affidavit; incoming call from Truslow, affidavit found; outgoing call to Amanda to verify language; prepare exhibits; email to Amanda; correct 3 typos and resend petition.
8/23/2017	101129-007	DB	0.60	400.00	240.00	telephone conference with Truslow re: petition and how to bring to court's attention the details of the items produced which we know are fakes and earlier admissions by George et al that they had possession of items ; email to Amanda re: status of filing; email from Pete with picture of what Rolex looked like when Pop had it;
8/23/2017	101129-007	MTB	0.20	150.00	30.00	Email from Pete through Doug with Ebay website for Rolex; create new file and PDF website pages to file for exhibit.
8/24/2017	101129-007	DB	0.50	400.00	200.00	Review Truslow's email to Pellington re: his "surprise" at Truslow's position. Emails with Truslow regarding need to drive to Lancaster to file petition in Beth's absence; to finalize petition for filing; response;

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8/24/2017	101129-007	MTB	0.30	150.00	45.00	Email from Doug to Pellington re: items produced and will be filing RTSC; Discussion between Desa and Doug about personal service of RTSC;; Receipt of Petition for RTSC from Amanda; process to file.
8/28/2017	101129-007	DB	0.20	400.00	80.00	email with Amanda re: Doug's schedule for late September; email with Amanda re: contacting Judge Gibbons' office regarding petition and RTSC
8/29/2017	101129-007	DB	0.20	400.00	80.00	telephone conference with Truslow re: personal property and whether Judge Gibbons has received the motion yet for consideration of the RTSC;
8/29/2017	101129-007	MTB	0.30	150.00	45.00	Create new file in Active litigation for personal property litigation;
8/30/2017	101129-007	MTB	0.20	150.00	30.00	Email from Mr. Pellington to Doug about Doug's last email about personal property and previous attempts to obtain; Review response from Desa; no follow up required; review response from Pete, no follow up required. Postponed reading Doug's lengthy response until tomorrow.
8/30/2017	101129-007	DB	0.30	400.00	120.00	Email from Pellington claiming innocence; telephone conference with Truslow re: how to respond while he is out of the office; email to Pellington; message from Doug that he is responding also; review Truslow email; review Pete email; pull docket to see if filings have appeared; email to Pete and Doug that documents are filed;
8/31/2017	101129-001	MTB	0.60	150.00	90.00	Set up assistant to review pennies; email to Desa re: dates on pennies.; Reply email from Desa;; Email to desab@desaballard.com re value of pennies; Email from Desa to Pete requesting photo and serial number of gun owned by Linda / Mary. Create follow up task.
9/1/2017	101129-007	MTB	0.10	150.00	15.00	E-mail correspondence with Douglas N. Truslow, Esquire to Pete; no follow up required.

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9/6/2017	101129-007	MTB	0.30	150.00	45.00	Review email from Desa with Judge Gibbons Order and Rule to Show Cause; confer with her about timing; outgoing call to Amanda. Confer with Desa; incoming email from Amanda
9/7/2017	101129-001	MTB	0.10	150.00	15.00	Follow up email to Pete to get photo and serial number of gun Linda/Mary have. Note to file; roll follow up forward to after the weekend.
9/7/2017	101129-007	MTB	0.10	150.00	15.00	Email to Amanda regarding yesterdays conversation about the RTSC and hearing. Review response re: Doug will handle this afternoon; create task for me to f/u on scheduling of RTSC hearing; E-mail correspondence with Douglas N. Truslow, Esquire and Joe Pellington about RTSC and posting of bond in collection matter.
9/8/2017	101129-001	DB	0.90	400.00	360.00	Email to Mara re: amending inventory; coordinating with David Byrd re: review of gun; multiple emails with Truslow re: guns and Rolex; telephone call with Truslow.

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9/8/2017	101129-007	MTB	1.40	150.00	210.00	Confer with Desa about Rolexes and call David Byrd about doing an affidavit re: gun and rolex; ensure Tuesday is early enough to do affidavit; download gun pictures to file and archive email. Several more emails between Doug and Desa re: same and thoughts about Pops guns.; E-mail correspondence with jpellington@reddingjones.com; create PDF of email as exhibit; archive email to file.; Incoming call from Truslow while at lunch about Motion to Protect; Email from Desa re: same.; E-mail correspondence with Amanda Hilley with copy of Motion for Protective Order; download to file and archive email to file.; E-mail correspondence with desab@desaballard.com and Ty McTier regarding both Bond and Motion for Protective Order; outgoing call to Truslow's office re scheduling of RTSC, no answer; outgoing call to Amanda on cell re scheduling; note to Desa. Create task to amend inventory after RTSC hearing.
9/13/2017	101129-007	MTB	0.10	150.00	15.00	E-mail correspondence with Amanda Hilley about call with COC and RTSC; create follow up task for 1 month before November term of Court;
9/25/2017	101129-007	MTB	0.20	150.00	30.00	E-mail correspondence with Amanda Hilley about RTSC; Calendar court date and travel time (estimated). Download RTSC to Amicus and to electronic file; archive email to Amicus.
9/26/2017	101129-007	MTB	0.50	150.00	75.00	Meeting with David Byrd re: gun and watch.
9/27/2017	101129-001	MTB	0.10	150.00	15.00	Email to desab@desaballard.com;pete@nosaljeterlaw.com asking if Linda had found any pictures of Pop showing Rolex or showing his gun(s).

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9/27/2017	101129-007	MTB	0.20	150.00	30.00	E-mail correspondence with Doug and Desa about service of RTSC.; Email to Pete following up on pictures from Linda.
9/29/2017	101129-001	MTB	0.10	150.00	15.00	Update notes to reflect RTSC has been scheduled for 11/13
9/29/2017	101129-007	MTB	0.90	150.00	135.00	Confer with Desa about Pete's whereabouts; review text that Pete sent Desa last night which appears to be from Linda; outgoing call to Linda, VM full; incoming call from Linda about pictures; Note to Desa that Linda will be sending pictures. Create follow up task to receive pictures.; Prepare pleading caption for all future pleadings; Review Byrd affidavit and convert from PDF to Word; Prepare Byrd affidavit with caption and clean up errors in affidavit; add notary block; forward to Desa for her edits.; Receive revised affidavit from Desa; make requested changes and email to David Byrd requesting that he let us know when it is ready for pick up.
9/29/2017	101129-007	DB	0.20	400.00	80.00	Review draft affidavit from David Byrd; suggest edits and email to Mara; Email from Mara with info from David on gun; respond;
10/3/2017	101129-007	MTB	0.10	150.00	15.00	Email to Douglas N. Truslow, Esquire
10/4/2017	101129-007	MTB	0.10	150.00	15.00	Follow up with Linda on receipt of pictures (to be mailed on 09.30). Update notes in to do; awaiting response from Linda.
10/9/2017	101129-007	MTB	0.70	150.00	105.00	Prepare email of pictures and documents from Linda regarding Gun and Watch. Respond to email from Desa about pictures from Linda.; Email to Linda Combis about dates and times for watch purchase; create follow up task; review package and discover 3 more pictures of the watch, email those to Desa too. Follow up from Desa re: same; forward all pictures to Doug.

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<u>Date</u>	<u>Matter</u>	<u>Staff</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>	<u>Explanation</u>
10/11/2017	101129-007	MTB	0.10	150.00	15.00	Incoming call from Mr. Bernard, George was served with his copy of the RTSC. Text to Desa to let her know.
10/24/2017	101129-001	MTB	0.40	150.00	60.00	Follow up on Desa's request that Pete get photo and serial number of gun Linda/Mary have; update notes in task.
10/30/2017	101129-007	MTB	0.10	150.00	15.00	Lengthy email from Dough about his conversation with Sumpters;
10/30/2017	101129-007	DB	0.50	400.00	200.00	Emails with Lauren Combis re: specifics as to watch; email from Truslow re: his conversation with Sumpters; email to Lauren's lawyer re: being available to testify at 11-13 hearing;
10/31/2017	101129-007	MTB	0.20	150.00	30.00	Email from Desa, create follow up to see if Lauren can come to testify at motion hearing on 11.13 - Email from Desa to Doug about whether a subpoena is necessary for Lauren if she can come testify.
11/1/2017	101129-001	MTB	0.10	150.00	15.00	Email to Pete and Thomas requesting any items left to Linda and Mary by Pop for appraisal.
11/6/2017	101129-007	DB	0.40	400.00	160.00	Email from Lauren re: willingness to testify at 11-13 hearing after consultation with her attorney; email to Amanda to please do subpoena for Lauren; several emails re: NC subpoena versus SC subpoena; respond to do courtesy SC subpoena to Lauren's domestic counsel;
11/7/2017	101129-001	MTB	0.10	150.00	15.00	Email to Pete about getting Probate Inventory items from Linda before the RTSC hearing on the 13th.;
11/7/2017	101129-007	DB	1.30	400.00	520.00	telephone conference with Truslow re: prep for RTSC hearing next week;

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<u>Date</u>	<u>Matter</u>	<u>Staff</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>	<u>Explanation</u>
11/8/2017	101129-001	MTB	0.20	150.00	30.00	Review email from Desa about Linda's Text message to Pete about Gun and safe; Text message to Linda to call me on her break.; Email to Desa and Doug about phone call with Linda and getting last of her items for appraisal.
11/8/2017	101129-007	DB	0.10	400.00	40.00	Email with Nick Cushing re: plans for next week's hearing and subpoena coming from Amanda
11/9/2017	101129-007	DB	4.00	400.00	1600.00	telephone conference with Truslow re: sending discovery responses as it will affect the proceedings on 11-13-2017; preparation for hearing on 11-13-2107;
11/10/2017	101129-007	DB	1.43	400.00	573.33	Preparation for RTSC hearing; telephone conference with Truslow; Conf w/ Mara re: materials needed for hearing on Monday; revisions to draft orders for hearing on Monday;
11/13/2017	101129-001	MTB	0.70	150.00	105.00	Note from Desa she needs Chris Combis Family Court Deposition; Login from Home; Review files and email; forward depo to Desa.; Letter from Pellington with picture (face) of watch and settlement offer. Multiple emails subsequent too.
11/13/2017	101129-007	DB	6.20	400.00	2480.00	To Lancaster for hearing; aborted hearing due to lack of court reporter; meeting with Truslow, Linda, Lauren and other witnesses to discuss rescheduling for tomorrow; email from Pellington with photo of another watch; Call with Truslow re: where this second watch came from; detailed emails with Pellington about this watch that has appeared out of nowhere tonight;
11/14/2017	101129-001	MTB	0.40	150.00	60.00	Review and process 24 emails concerning new watch for review and request for settlement re: watch and Chris. No follow up required.
11/14/2017	101129-007	DB	5.40	400.00	2160.00	Travel to Lancaster; part I of hearing on RTSC; return travel (on phone with Truslow);

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11/15/2017	101129-007	DB	4.50	400.00	1800.00	Email from Pellington re: subpoena to Lauren Combis; telephone conference with Truslow; OC to jeweler Garris in Lancaster re: possibly attending hearing on Friday to testify regarding status of watch produced; email to Garris with photos; telephone conference with Garris; email to Amanda to send subpoena to Mr. Garris; telephone conference with Truslow;
11/17/2017	101129-007	DB	6.80	400.00	2720.00	To Lancaster for Day II of hearing on RTSC with Judge Gibbons; abrupt ending; email to request transcript of what the judge ruled before we adjourned; file new lawsuit against Diane, Chris and lawyers; return travel;
11/20/2017	101129-007	MTB	1.50	150.00	225.00	Note from Desa regarding letter to Jeweler; review emails regarding jewelers in lancaster; google jewler information and add to Amicus; prepare letter to jeweler; finalize letter for mail and email; email to Doug and Amanda with copy to Desa;; Incoming call from Doug about Friday hearing regarding guns and condition of second gun when received (in unsafe status - zip tie not properly placed). Gun delivered is another 22 Bauer. Doug is sending email to Pellington. Would like to speak to Desa.; Incoming call from Doug about Rolex watch given to Carter and asking if I will contact Julie Quill about watch; confer with Desa during call and she suggests contacting Lauren first; follow up with Doug. Email from Amanda about check from Diane; follow up with Desa; email to Amanda that we don't know what it is for, ask her to scan check to me. 2nd email from Amanda about check, it's Linda's rent check; ask if anyone picked up Linda's gun. Email to Lauren about contacting Julie.

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<u>Date</u>	<u>Matter</u>	<u>Staff</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>	<u>Explanation</u>
11/20/2017	101129-007	DB	0.50	400.00	200.00	Multiple emails from Truslow re: his contact to Julie Quill and Sumpters jewelers and taking additional depositions going forward; email with Amanda re: check she received back from Friday's court hearing;
11/21/2017	101129-007	MTB	0.20	150.00	30.00	Incoming call from Judge Gibbons' office re: call from SLED; Outgoing call to BA re: Same.; Email to Pete about Court Reporter Bills.
11/22/2017	101129-007	DB	0.60	400.00	240.00	Multiple emails re: whereabouts of various items of personal property after Judge Gibbons adjourned hearing; multiple emails re: new suit filed against Chris, Diane and lawyers;
11/27/2017	101129-007	MTB	0.40	150.00	60.00	Lots of emails to review and move; create new email file for the Personal property.
11/30/2017	101129-007	MTB	0.30	150.00	45.00	Receive transcript from hearing; forward to Desa and Agent Blake. Make appointment with Sylvans for appraisal of watch.
12/12/2017	101129-007	MTB	1.20	150.00	180.00	Per instructions from Judge Gibbon's Law Clerk, research and find all dates that "we" were before Judge Gibbons for any kind of hearing. Review older records for date of hearing prior to move to Federal Court. Email to Agent Blake with a copy to Law Clerk, Doug and Desa. Reply email from Agent Blake requesting the names of the Court Reporters. Research Judicial website and find listing, download information and forward to Agent Blake.
12/12/2017	101129-007	BC	0.80	100.00	80.00	Draft email to Agent Blake re: meeting; Telephone call to Agent Blake re: same; Coordinating with Mr. Truslow and Agent Blake for meeting; calendar appt;
12/13/2017	101129-001	KN	0.80	100.00	80.00	Dropped off watch to Carol at Sylvan's
12/15/2017	101129-001	DB	1.50	400.00	600.00	Meeting with SLED agent and Truslow; email to Mara requesting all contact info be sent to SLED agent; telephone conference with Truslow;

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<u>Date</u>	<u>Matter</u>	<u>Staff</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>	<u>Explanation</u>
12/15/2017	101129-007	DB	0.30	400.00	120.00	Conf w/ Truslow re: next step in RTSC issue;
12/18/2017	101129-001	MTB	0.10	150.00	15.00	Confer with KA about pick up of watch.
12/18/2017	101129-001	KN	0.50	100.00	50.00	Picked up watch from Sylvan's
12/19/2017	101129-007	DB	0.40	400.00	160.00	Review appraisal of watch; email to Mara and Krystyne with information not included that was requested; email to Truslow that appraisal is not complete and we are fixing; IC Krystyne that Sylvans will try to get info from appraiser but they doubt face was changed;
12/27/2017	101129-007	MTB	0.50	150.00	75.00	Email from Doug about watch and affidavit from George; follow up email from Desa. Email from Desa that picture of watch is not the same watch that George was wearing at the deposition; Email from Doug confirming his same thoughts. Email from Desa about her conversation with SLED agent. Calendar follow up to file something with Judge Gibbons after 1/3 hearing.
12/28/2017	101129-007	MTB	0.30	150.00	45.00	Email from Agent Blake regarding contact (none) with NC version of SLED; email from desa to Doug about contacting the Bailiff in Judge Gibbons court room about NC SLED contact. Archive emails and create follow up task. Email to Desa about filing of Byrd affidavit; note response.
1/4/2018	101129-007	MTB	0.20	150.00	30.00	Email from KA re: watch dropped off at Sylvan's; create follow up to check on status.
1/5/2018	101129-007	DB	0.10	400.00	40.00	Email to Truslow re: getting hearing reconvened.
1/5/2018	101129-007	MTB	0.20	150.00	30.00	Emails between Desa and Doug about contacting Judge Gibbons to hear motions and to start cases moving forward again.
1/22/2018	101129-001	KN	0.50	100.00	50.00	Picked up watch from Carol at Sylvan's and discussed the watch makers findings.
1/22/2018	101129-007	DB	0.10	400.00	40.00	Review updated appraisal info on Rolex; respond;

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<u>Date</u>	<u>Matter</u>	<u>Staff</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>	<u>Explanation</u>
1/26/2018	101129-007	MTB	0.40	150.00	60.00	Review emails between Desa and Amanda about request from SLED agent. Review Db's lengthy notes from call with SLED agent. Archive note to electronic file; process all emails.
1/26/2018	101129-007	DB	0.60	400.00	240.00	Email with Truslow and Amanda re: call from Kevin Blake; IC Truslow re: his call with Blake; OC Blake re: documents from Sumpters; detailed email to our side with observations from Blake;
2/13/2018	101129-007	MTB	1.00	150.00	150.00	Email to Shirley G. Broom requesting copy of November 17, 2017 hearing transcript.; Review files for Chris' testimony before Judge Gibbons. Note to Desa; call to Amanda to confirm we did not order complete transcript; review file for letter to Court Reporter; review emails for same; copy over letter to file; review amicus for court reporter information, not found; review judicial website for court reporter information, no email address; call court administration; add court reporter to file in amicus. Email sent to April; confirming email sent to Shirley.
5/16/2018	101129-007	MTB	0.10	150.00	15.00	E-mail correspondence with Desa Ballard to Doug Truslow with contents of letter to be written to Judge Gibbons to prompt RTSC to be heard. Archive Email for exhibit and create follow up
5/16/2018	101129-007	DB	0.30	400.00	120.00	Draft letter to Gibbons and email to Truslow
5/17/2018	101129-007	MTB	0.10	150.00	15.00	E-mail correspondence with Desa Ballard regarding call with SLED agent
5/17/2018	101129-007	DB	0.40	400.00	160.00	Telephone conference with SLED agent
6/4/2018	101129-007	MTB	0.20	150.00	30.00	Receive and review letter from Truslow to Judge Gibbons; download to file and update notes in to do.
7/19/2018	101129-007	MTB	0.30	150.00	45.00	Review file box returned from hearing for contents; email to office manager to see if gun and watch are in safe.

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<u>Date</u>	<u>Matter</u>	<u>Staff</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>	<u>Explanation</u>
3/13/2019	101129-007	MTB	0.40	150.00	60.00	Emails with Amanda about Rule to Show Cause from 2017 and phone call yesterday from Lancaser COC. Email from Amanda about COC assigning our matter to Judge Russo's next term of court (April 15). Reply to Amanda's email. Outgoing call to Amanda about her email requesting a pleading; talk through her request; find pleading she is looking for; email her same;
3/22/2019	101129-007	MTB	0.10	150.00	15.00	E-mail correspondence with Amanda Hilley and Desa about reconvening hearing before Judge Gibbons. No follow up required
3/26/2019	101129-007	MTB	0.10	150.00	15.00	E-mail correspondence with Amanda Hilley; calendar hearing on rule to show cause.
4/4/2019	101129-007	DB	0.30	400.00	120.00	Conf w/ Truslow re: need to do order lifting stay; prepare order lifting stay; email to Mara to do same order for attorney fee matter;
4/5/2019	101129-007	DB	0.10	400.00	40.00	Prepare order lifting stay; Conf w/ Mara re: status of her preparation of second proposed order;
4/9/2019	101129-007	DB	0.10	400.00	40.00	Send proposed order lifting stay to Truslow;
4/10/2019	101129-001	MTB	0.10	150.00	15.00	E-mail correspondence with Joe Pellington and Judge Gibbons about our proposed order to lift stay.
4/10/2019	101129-007	MTB	0.20	150.00	30.00	E-mail correspondence with Amanda Hilley and Desa Ballard concerning Doug contacting Judge regarding stay being lifted and RTSC hearing scheduled for June.; E-mail correspondence with Desa Ballard;
4/15/2019	101129-007	DB	0.20	400.00	80.00	Telephone conference with Truslow re: his email to Pellington and Gibbons about lifting the stay
4/15/2019	101129-007	MTB	0.10	150.00	15.00	E-mail correspondence with Douglas N. Truslow, Esquire regarding his conversation with the SLED agent Blake; Monitor E-mail correspondence with Desa Ballard and Douglas Truslow regarding SLED agent and whether or not he would attend hearing; No action required from me.

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4/16/2019	101129-007	MTB	0.10	150.00	15.00	E-mail correspondence with Amanda Hilley with Order lifting stay
4/23/2019	101129-007	DB	0.10	400.00	40.00	Review email from Pellington; Email from Judge's clerk that he will not do anything on this case unless in open court;
4/29/2019	101129-007	DB	0.10	400.00	40.00	Email with Amanda re: Judge Gibbons sua sponte staying of cases and his sua sponte lifting of the stay so hearings can proceed;
5/14/2019	101129-007	MTB	0.50	150.00	75.00	Email to desab@desaballard.com;douglastruslow@truslowlaw.com; E-mail correspondence with Honorable Brian M. Gibbons Law Clerk; Desa and Doug regarding pretrial brief and contents; calendar deadline; reply to Doug and Desa about what they want from me. Process emails and verify calendaring of hearing; reply to Amanda.
5/14/2019	101129-007	DB	0.20	400.00	80.00	Email from Gibbons law clerk requesting pretrial briefs; email with Truslow re: outline of what needs to be included;
5/28/2019	101129-007	MTB	0.20	150.00	30.00	Email from Amanda about PreTrial Brief due on Friday. Confer with Desa; Review emails that prompted Judge's request; forward email to Desa.
5/29/2019	101129-007	MTB	3.80	150.00	570.00	Confer with Desa about due date for pre hearing brief.; E-mail correspondence with Amanda Hilley regarding 6.24 hearing and pre hearing memorandum; update calendar and respond. Post all transcripts and orders to Joint Database. Begin marking exhibits for pretrial brief and review brief up to it's current end point.; Email to Neal D. Truslow, Esquire re: having gun available for hearing on 06.24
5/30/2019	101129-007	DB	0.70	400.00	280.00	Finalize, edit and send various versions of Pretrial brief to Amanda;

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<u>Date</u>	<u>Matter</u>	<u>Staff</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>	<u>Explanation</u>
5/31/2019	101129-007	MTB	0.40	150.00	60.00	Email from Amanda; download all documents; combine into one file and save to pleadings as pretrial brief.
6/3/2019	101129-007	MTB	0.10	150.00	15.00	Receive Respondent's pretrial brief and multiple exhibits; download and combine all into one document for electronic file;
6/10/2019	101129-007	MTB	0.10	150.00	15.00	E-mail correspondence with Amanda Hilley regarding upcoming hearing; Upload 11/2017 hearing notes to electronic file; email them to Desa for her review prior to upcoming hearing.
6/18/2019	101129-007	MTB	1.70	150.00	255.00	Prepare exhibits and pleadings for Desa to take to Lancaster hearing on 24th; email to Desa when completed with copies of pleadings.
6/21/2019	101129-007	MTB	2.90	150.00	435.00	Email to Honorable Brian M. Gibbons; Phone call with Amanda; Outgoing call to Neal, left voice mail message; email to Neal about arranging to pick up gun for Monday's hearing. Finalize letter and package to Judge Gibbons; Take package to UPS; Go to Truslow's home to pick up gun; stop at Walden Court; Return to office.; Email to Douglas N. Truslow, Esquire; Ty K. McTier, Esquire; Joseph R. Pellington, Esquire; Pete Nosal, Esquire with copy of letter sent to Judge Gibbons with binder.
6/24/2019	101129-007	MTB	0.10	150.00	15.00	E-mail correspondence with Douglas N. Truslow, Esquire and Desa Ballard preparing for hearing; attach all emails to Amicus; no follow up necessary.
6/24/2019	101129-007	DB	5.80	400.00	2320.00	To Lancaster with Truslow for aborted hearing; return travel; email to Amanda re: making sure Truslow gets deposition excerpts and cover sheets and efiles them;

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<u>Date</u>	<u>Matter</u>	<u>Staff</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>	<u>Explanation</u>
6/26/2019	101129-007	DB	0.50	400.00	200.00	telephone conference with Truslow re: date chart he is making re: the changing of the stories about the personal property items taken by the Combises since 2013;
6/26/2019	101129-007	MTB	0.20	150.00	30.00	E-mail correspondence with Desa Ballard regarding gun appraisal; research file and reply with both appraisals.;
7/15/2019	101129-007	MTB	0.20	150.00	30.00	Email to Douglas N. Truslow, Esquire; Review pictures sent by Linda; upload pictures to electronic files and send to all.
7/17/2019	101129-007	DB	0.10	400.00	40.00	Email to Lauren Combis;
7/29/2019	101129-007	MTB	0.20	150.00	30.00	E-mail correspondence with Amanda Hilley with notes from Doug re: time line and Db's testimony at RTSC hearing. Download both to notes and send email to DB.; Email to Amanda and a second email to Desa regarding RTSC and Timeline;
8/2/2019	101129-007	MTB	0.20	150.00	30.00	Review roster notice from Desa and email; outgoing call to COC to verify time of hearing on Monday; update calendar and send out emails to all.
8/2/2019	101129-007	DB	0.50	400.00	200.00	telephone conference with Truslow re: conflicting testimony re: Watches;; Review final version of amended complaint filed by Amanda for Doug;
8/4/2019	101129-007	DB	3.60	400.00	1440.00	Meet with Truslow to prepare for hearing tomorrow; review of pro hac vice application and emails;
8/5/2019	101129-007	DB	6.30	400.00	2520.00	To Lancaster for day 3 of the RTSC hearing; Return travel; Email to Amanda and Mara with dates for deadlines imposed today;

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<u>Date</u>	<u>Matter</u>	<u>Staff</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>	<u>Explanation</u>
8/6/2019	101129-007	DB	1.70	400.00	680.00	telephone conference with Truslow re: pro hac vice; send Amanda a copy of the Redding email not to deal with Tison any longer; Giving Redding an option to report himself; confirm done in court yesterday; Multiple calls with Truslow re: cases he is finding on pro hac vice issue; do search on Fast Case on pro hac vice cases from USDC SC and other USDC around the country; send one case to Truslow;
8/7/2019	101129-007	MTB	0.30	150.00	45.00	Review scans from Cindy Frazier of Baur Gun; download to file; Incoming call from Doug about mixup in guns (2);
8/8/2019	101129-007	MTB	0.90	150.00	135.00	E-mail correspondence with Joe Pellington and Douglas Truslow regarding both guns and obtaining serial numbers and actual current location of both guns. (5 emails so far). No follow up necessary; archive all emails.; Note from Desa; outgoing call to Ms. Frazier at Lancaster COC about exhibit numbers; Speak with Ms. Allen; obtain Ms. Szoke's contact information and add to Amicus and add to File; Prepare trascript request; Email to Patricia Szoke and court administration with request for transcript. Create follow up task to obtain invoice for payment of transcript.
8/8/2019	101129-007	DB	1.70	400.00	680.00	Review Truslow's emails to and from Joe Pellington; Conf w/ Mara to contact Cindy Frazier to get serial number from second gun which remains in box; email from Mara with information from Cindy with letter and photo from box; respond to Mara that we still need serial number. Edits to Truslow's draft of pro hac vice motion; email to Amanda and Doug;

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<u>Date</u>	<u>Matter</u>	<u>Staff</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>	<u>Explanation</u>
8/9/2019	101129-007	DB	1.30	400.00	520.00	Review email from Pellington about stipulating to the value of the gun(s) and his erroneous allegation that both were in evidence from 2017. Email to Truslow about not stipulating and we can talk after my 10 am this morning;; Multiple emails with Amanda re: updating the blanks left in the motion re: pro hac vice and the possible ambiguity on the pro hac form originally submitted to USDC; telephone conference with Truslow; return call to Truslow; final edits to motion pro hac vice; return to Amanda with reference where to add Ex. B;
8/9/2019	101129-007	MTB	0.40	150.00	60.00	Email from Desa requesting more information from Monday's hearing; email to Cindy Frazier, COC in Lancaster requesting same. Emails with Amanda and with Desa about Motion on Pro Hac Vice and exhibits to be attached.
8/20/2019	101129-007	DB	1.40	400.00	560.00	telephone conference with Sunday at Bar Admissions re: whether she has an application pro hac vice for Redding; email to Truslow; forward copy of FOIA request to Truslow; OC Cindy Frazier at Lancaster COC; email to Cindy Frazier at COC; email to Cindy Frazier; email with Truslow re: affidavit re: notifying court that no application for pro hac vice has been filed with Office of Bar Admissions; check online in Lancaster to see if anything new has been filed; prepare motion to vacate pro hac vice; affidavit; Email with Amanda re: proposed order re: gun; review DNT edits; email that his statement in first paragraph is not correct; telephone conference with Truslow re: edits to order and confusion via first and second gun;

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8/22/2019	101129-007	DB	0.80	400.00	320.00	Second telephone conference with Truslow and agreement to file in state court to strike pro hac vice; prepare motion and attachments and send to Amanda;
8/22/2019	101129-007	BC	0.10	100.00	10.00	Receive and review mail Sheause Ltr encl Redding pro hac vice;
9/11/2019	101129-007	DB	6.57	400.00	2627.33	Prepare order vacating Redding's pro hac vice admission;
9/11/2019	101129-007	MTB	0.10	150.00	15.00	Emails regarding proposed Order due to Judge Gibbons, verified it is calendared.
9/13/2019	101129-007	DB	0.10	400.00	40.00	Email from Amanda that Gibbons has signed Redding's pro hac vice order; email to Doug that we will address with Judge Anderson;
9/16/2019	101129-007	MTB	2.79	150.00	418.92	Download Roster from Lancaster COC; highlight motions and forward to all counsel.; Roster notice; Emails with court reporter about transcript for USDC hearing; emails with Amanda about transcript and transcription from 4th Circuit COA; download to file; emails with Amanda about motions to be heard and preparing file; Email from Court Reporter about spelling of the name Dimetry; Confer with DB via email; review letter from Diane Ramsey and send email back to Court reporter.
9/18/2019	101129-007	DB	0.80	400.00	320.00	Review exhibit sheet prepared by Mara and Doug; comments and send to Amanda
9/18/2019	101129-007	MTB	7.20	150.00	1080.00	Preparing time sheets for Trust and Probate; meet with Doug to go over exhibits Defendants plan to produce; confer with DB re: same.
9/19/2019	101129-007	DB	0.70	400.00	280.00	telephone conference with Truslow re: hearing next week and how to prep; email to Amanda to get copies of RTA and responses; she says they are already filed with USDC;

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<u>Date</u>	<u>Matter</u>	<u>Staff</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>	<u>Explanation</u>
9/19/2019	101129-007	MTB	3.20	150.00	480.00	Calendar deadline(s); Email from Desa about needing RTA and Responses; locate and send to her; Finish time sheets and update expenses for trust and probate; prepare finished printouts and zip file them to Doug Desa and Amanda; Email from Doug to Ty making suggestions to prevent motions and trial.
9/20/2019	101129-007	DB	2.10	400.00	840.00	telephone conference with Truslow re: no law cited in PHV motion in USDC, originals of signatures on notes; plan for presentation of motions on 9-26 and whether transcript of 4th circuit argument can be used; OC Pete re: hearing and original documents from Mickey Dawson; email from Amanda re: time records; respond to purpose of time records; Pull pleadings for fee case that is scheduled for December; email to Amanda; email trustee fee order to Amanda to include in trial notebook; email from Truslow that we DID file legal arguments in reply to the PHV motion; Email to Neal; IC Doug re: new document dump from McTier this afternoon;
9/23/2019	101129-007	DB	0.90	400.00	360.00	Email to Truslow to schedule for Wednesday; Email with Amanda about October roster and December roster; review transcript from August 5, 2019 hearing; notes to Mara re: inclusion of pages for Thursday hearing;
9/23/2019	101129-007	MTB	0.70	150.00	105.00	Review deadline and hearing document from Amanda; review letter and invoice from court reporter; email to court reporter about amount due as amounts on invoice and cover letter are different; Email from Court Reporter and obtain check and prepare letter; email to Court Reporter; download transcript;

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<u>Date</u>	<u>Matter</u>	<u>Staff</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>	<u>Explanation</u>
9/24/2019	101129-007	MTB	3.40	150.00	510.00	Emails between Doug and Desa re: transcript pages for hearing and additional PHV information and discussion; Add other PHV application to exhibits; Prepare draft motion reply templates for DB; Emails from Amanda about FOIA request to SLED and Report.; Email to Patricia Szoke asking about the SLED report made Exhibit one per the transcript.; Email from Amanda about documents she needs; research and respond with requested documents;
10/3/2019	101129-007	MTB	0.10	150.00	15.00	Email correspondence with Desa Ballard and Amanda regarding notebooks for hearing before Judge Gibbons; create follow up task;
10/7/2019	101129-007	DB	3.00	400.00	1200.00	Prepare proposed order on contempt for Gibbons; review motions with Mara for hearing on 10-14 and to find dates to be sure we have all motions; email to Neal and Pete re: hearings on October 14, 2019;
10/8/2019	101129-007	DB	1.88	400.00	753.00	Email from Judge Gibbons' clerk re: attorney fees; email with Amanda and Mara re: billing time; identify entries re: RTSC for affidavit requested by Gibbons; review proposed order to see if it gives any clues about what Gibbons might want re: affidavits of attorney fees; Begin draft of affidavit;
10/8/2019	101129-007	MTB	1.70	150.00	255.00	Email correspondence with Amanda Hilley with notice of Motion hearing for 10.14 before Judge Gibbons; download to electronic file and archive email; Prepare PDF of the portion of the fees and costs spreadsheet for Combis Probate time for Desa to review for Judge Gibbons. Emails with Amanda about Doug's time; Begin preparing list of time entries for Judge Gibbons from Desa's marked up file.
10/9/2019	101129-001	DB	0.50	400.00	200.00	Prepare draft of affidavit of personal representative

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<u>Date</u>	<u>Matter</u>	<u>Staff</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>	<u>Explanation</u>
10/9/2019	101129-007	MTB	1.50	150.00	225.00	Review filed emails for Email concerning replenishment of retainer after \$5K was applied to fees and costs. Continue work on time entries for Judge Gibbons.
10/11/2019	101129-007	MTB	0.80	150.00	120.00	To Truslow's office to drop off notebook of motions to be heard on Monday morning; meet with Amanda; Prepare new interest calculation for Monday's hearing just in case it is needed. Forward EM Order of Judge Gibbons to Amanda to Print and put in Neal's binder.

<b>Total Probate Hours and Fees</b>	<b>172.9</b>	<b>\$ 51,507.58</b>
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**Expenses:**

5/23/2017 Lancaster Clerk of Court	\$ 25.00
8/22/2017 Lancaster Clerk of Court	25.00
11/14/2017 Huddle House	6.33
11/29/2017 Court Reporter Transcript Fee	57.65
1/22/2018 Sylvans	95.00
3/2/2018 Court Reporter Transcript Fee	94.95
4/9/2019 Motion Filing Fee	31.74
7/12/2019 UPS (Package to Judge Gibbons)	40.50
8/5/2019 Court Reporter Transcript Fee	262.00
10/7/2019 Motion Filing Fee	31.74

<b>Total Expenses:</b>	<b>\$ 619.91</b>
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<b>Total Fees and Expenses</b>	<b>\$ 52,127.49</b>
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STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF LANCASTER )  
 )  
 IN THE MATTER OF ESTATE )  
 OF CHRIS COMBIS, )  
 )  
 Desa Ballard, as Personal Representative )  
 of the Estate of Chris Combis, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 George Combis, Chris A. Combis, )  
 Diane Combis, )  
 )  
 Respondents. )  
 )

IN THE COURT OF COMMON PLEAS  
 Case No.: 2014-CP-29-00306

**ATTORNEY FEE AFFIDAVIT  
 OF NEAL D. TRUSLOW ON  
 BEHALF OF DOUGLAS N.  
 TRUSLOW AS PARTNER**

PERSONALLY APPEARED BEFORE ME, Neal D. Truslow, who being duly sworn deposes and says:

1. I am a partner in the law firm of Truslow & Truslow along with my father and partner Douglas N. Truslow who is attorney for Petitioner Ballard herein. Douglas Truslow is currently out of the country; I am issuing this Affidavit as his law partner and law firm representative and based upon regularly-maintained business records at our law firm. This Affidavit can be supplemented upon his return if the Court should so require.
2. I have been practicing law since 2009 both civilly with a general litigation firm with a well-established reputation, and as a JAG officer in the South Carolina Army National Guard. I am in good standing in the State of South Carolina, as well as the United States District Court for the District of South Carolina, the United States

Court of Appeals for the Fourth Circuit, the United States Court of Appeals for the Armed Forces, and the United States Supreme Court.

3. I have reviewed the attached fee statement of my father and our paralegal as it relates only to the Motion to Compel/Rule to Show Cause in the within matter and have consulted with Douglas N. Truslow about same. I hereby affirm that what has been captured by our billing and time keeping program appears accurate to the best of my knowledge.
4. My father's fees and costs<sup>1</sup> are based on, *inter alia*, the following:
  - a. Douglas N. Truslow has continuously been practicing law since 1975. His law practice is a trial practice and general litigation firm. He has considerable experience addressing the issues herein. He is an AV rated lawyer and is in good standing in the State of South Carolina, as well as the United States District Court for the District of South Carolina, and the United States Court of Appeals for the Fourth Circuit.
  - b. The nature, extent, and difficulty of this case are those brought of a lengthy and contentious dispute within one family originating in Probate Court which further spawned actions in the court of Common Pleas, the United States District Court, and the 4<sup>th</sup> Circuit Court of Appeals as well as crossing state lines resulting in multiple actions in North Carolina. The time set forth in the attached represents only a fraction of the time spent in this matter, and is solely related to the Rule to Show Cause.

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<sup>1</sup> Itemized Statement Attached as Exhibit 1.

- c. Douglas N. Truslow was retained as counsel for Petitioner in the middle of 2017 to represent her as it related to contested matters within the existing case as she was Personal Representative and was cautious of potential conflicts if she were to proceed *pro se*.
- d. Per the Court's request, the time reflected herein relates to a Motion to Compel items that were lawfully subpoenaed from George Combis, Diane Combis, and Chris A. Combis in early 2017 and their failure to produce same. Further, after Defendants were forced to make production, it was determined that what was produced was not what was subpoenaed, and it was determined that a Rule to Show Cause was in order and filed on August 24, 2017. As a result of Defendants' and their counsel(s)'s non-compliance and general contentious and reluctant attitude toward these proceedings, more time than should have been needed has unfortunately been expended.
- e. As has been the case from the very beginning of this matter in 2013, Ms. Ballard has been met with brick walls, lies, failure to comply, false promises, law suits, failure to appear for depositions, and a generally obfuscating, obstructionist, and contentious atmosphere all the while trying to do her job and act as Personal Representative to the Estate. All of the above along with a revolving door of counsel for the Combises have caused this matter to needlessly stretch over the years causing the Estate undeniable damage.
- f. Douglas N. Truslow is employed on an hourly basis.

- g. Douglas N. Truslow has kept track of the time expended (in 1/10 hour increments) at his traditional rate of \$425.00 per hour. His paralegal is charged for at the rate of \$100.00 per hour.
- h. In order to minimize fees for the Estate, Ms. Ballard and her staff prepared many of the documents which Mr. Truslow finalized for filing and service in this matter. As a result, the time entries set forth here are much lower than they would ordinarily have been.
- i. Our firm has expended 149.80 hours on this Rule to Show Cause matter to date. The majority of his time was spent corresponding with opposing counsel, multiple attempts get the subpoenaed items from the opposing side, researching the relevant issues, reviewing, filing and serving the pleadings, multiple conferences with the client, as well as pleading preparation, and travel to/from Lancaster from Columbia.

Fees owed:	\$51,705.00
Costs owed:	\$388.80
Total owed:	\$52,093.80

[SIGNATURE ON FOLLOWING PAGE]

Truslow & Truslow Law Firm



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Columbia, South Carolina  
10/17, 2019

SWORN TO AND SUBSCRIBED BEFORE ME

this 17 day of October, 2019

Amanda Douglas Huley

Notary Public for South Carolina

My Commission Expires: Nov. 22, 2020

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**Truslow and Truslow, P.A.**  
 P.O. Box 1465  
 Columbia, SC 29202  
 (803) 256-6276



**Ballard, Desa**  
 P.O. Box 6338  
 West Columbia, SC 29171  
 Email: [desab@desaballard.com](mailto:desab@desaballard.com)

**Invoice 20240**

<b>Date</b>	Oct 17, 2019
<b>Terms</b>	Net 15
<b>Service Thru</b>	Oct 17, 2019

**PRE-BILL**

**In Reference To: Ballard v. Combis; RTSC State Case (Hours)**

Date	By	Services	Hours	Amount
04/06/2017	DNT	Receipt and review of letter from Pellington dated 4-4-2017. He will not comply with D. Ballard's Subpoenas for personal property so as to valueate the Estate.	0.10	\$ 42.50
04/06/2017	ADH	Receipt of letter from Pellington indicating that he was not going to honor the subpoenas sent by D. Ballard. Scan and email to client and DNT. Save to server.	0.20	\$ 20.00
04/18/2017	DNT	Telephone call with D. Ballard x 2.	0.20	\$ 85.00
05/02/2017	ADH	Receipt of email from M. Ballard with new common pleas case number for the matter removed from Probate Court; re: Motion to Compel regarding failure to comply with subpoenas.	0.10	\$ 10.00
05/15/2017	ADH	Receipt of 5-15-2017 email from M. Ballard to Pellington with Motion to Compel re subpoenaed items. Save to server.	0.20	\$ 20.00
05/15/2017	DNT	Receipt of email from M. Ballard to Pellington with Motion to Compel re subpoenaed items. Review Motion to Compel.	0.30	\$ 127.50
07/06/2017	ADH	Telephone call with the Clerk of Lancaster county regarding scheduling of motions to be heard, MTC and MTD.	0.20	\$ 20.00
07/06/2017	ADH	Various emails back and forth with D. Ballard, DNT and M. Ballard about the scheduled MTC and MTD hearings.	0.20	\$ 20.00
07/06/2017	DNT	Telephone conference with D. Ballard.	0.20	\$ 85.00
07/07/2017	DNT	Telephone conference with D. Ballard.	0.10	\$ 42.50
07/15/2017	ADH	Email to DNT regarding scheduling of MTC hearing and others set for 7-31-2017 with questions.	0.10	\$ 10.00
07/15/2017	DNT	Receipt of email from A. Hilley regarding MTC	0.10	\$ 42.50
07/31/2017	DNT	Travel to and from Lancaster from Charleston for hearing. Attendance at hearing	3.40	\$ 1,445.00
08/01/2017	DNT	Telephone call with D. Ballard.	0.20	\$ 85.00
08/01/2017	DNT	Receipt of email from D. Ballard to Judge Gibbons sending	0.10	\$ 42.50

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the proposed order for the motion to compel.

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08/02/2017	DNT	Receipt of email from Pellington as it relates to his proposed orders to the Judge with complaints as to the contents of D. Ballard's proposed Order for the MTC; and follow up email from D. Ballard. I also emailed regarding seeking sanctions.	0.30	\$ 127.50
08/08/2017	DNT	Receipt of email from Gibbon's law clerk indicating that he was accepting D. Ballard's proposed order for the MTC	0.10	\$ 42.50
08/08/2017	DNT	Emails to and from Pellington, D. Ballard and A. Hilley; Pellington to D. Ballard about whether appraiser will accept photographs in lieu of actual items; my response email that we are not inclined to agree -- what items do they have; describe; where are they; who has had them, etc.; Pellington's response to same -- issues with timing of items being due. Pellington's mother is having knee replacement surgery and he may need extension of time to deliver; my response email to that; Pellington's response.	0.40	\$ 170.00
08/08/2017	ADH	Receipt and review of email chains between D. Ballard, Pellington and DNT regarding appraising items, photographs?, what/when/how of items and delivery issues.	0.20	\$ 20.00
08/12/2017	DNT	Receipt and response to email from Pellington about delivery of items.	0.20	\$ 85.00
08/14/2017	ADH	Receipt and review of email 14-12-2017 from Pellington and DNT about delivery of items.	0.10	\$ 10.00
08/14/2017	DNT	Receipt and review of emails regarding delivery of items to D. Ballard's office and my response email to same. Want photos taken. D. Ballard indicates a jeweler in West Columbia may look at watch. I can't tell from photo sent to me what caliber gun, more questions.	0.40	\$ 170.00
08/14/2017	ADH	Receipt and review of multiple emails between, DNT, D. Ballard, and B. Cogan about a what has been delivered this morning to D. Ballard's office. Not what was requested in the subpoenas.	0.30	\$ 30.00
08/14/2017	DNT	Receipt and review of multiple emails between myself, D. Ballard, A. Hilley and B. Cogan regarding the delivery of items from Pellington's office by his staff. Review of letter from Pellington. It has become obvious that what has been produced is not what was asked for.	0.90	\$ 382.50
08/15/2017	ADH	Receipt, review and response to multiple emails between DNT, D. Ballard and M. Ballard about the fake watch and the gun that has been produced. Research online as to the type and value of the watch believed to have belonged to Pop as opposed to what was produced. Resale value? Send multiple emails as to what I have found.	1.10	\$ 110.00
08/15/2017	DNT	Review of many many emails 20+ between, A. Hilley, M. Ballard, D. Ballard, and myself regarding the need for a Rule to Show Cause for failure to produce what was requested, Rule to Show Cause vs. Motion to Compel; research on gold Rolex with brown faces and presidential bands -- value; and start work on Petition relative to same.	3.50	\$ 1,487.50
08/16/2017	DNT	Telephone conference with M. Ballard regarding the watch and the gun that was delivered. I need to get the gun so that I can get it appraised. She is going to deliver the gun to my office with chain of custody form.	0.20	\$ 85.00
08/16/2017	DNT	Receipt and review of email from D. Ballard.	0.10	\$ 42.50

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08/17/2017	ADH	Receipt, review and respond to many emails between D. Ballard, and DNT as to further investigation into what was requested and what was actually produced via the subpoenas. It appears there is a need for a RTSC due to what has been sent and the continued bad faith in this case. Receipt of draft RTSC from D. Ballard. DNT has requested I review the RTSC with him and that I look for specific information in the file relative to the RTSC.	2.90	\$ 290.00
08/17/2017	DNT	Receipt and review of 15+ emails between D. Ballard, A. Hilley, M. Ballard and myself regarding the gun and the fact that I have had it appraised and M. Ballard is to come pick it up. Discussions with D. Ballard regarding contents of RTSC and what should be attached -- history of bad faith and non compliance. Review of emails from Lauren Combis. Receipt and review of D. Ballard's draft/notes for RTSC. Finally, email to Pellington regarding discrepancies and need for more information regarding buying/selling of guns, sale/purchase/alterations to Rolex watches etc.	3.60	\$ 1,530.00
08/18/2017	DNT	Receipt and review of email from Pellington.	0.10	\$ 42.50
08/18/2017	ADH	Receipt and review of Verification of D. Ballard for RTSC.	0.20	\$ 20.00
08/21/2017	DNT	Revisions to RTSC and Petition, emails with staff and M. Ballard, back and forth with Exhibits.	1.20	\$ 510.00
08/22/2017	ADH	Emails with DNT, M. Ballard and D. Ballard about RTSC with Verified Petition; review and corrections, emails back and forth along with Exhibits to be included. Telephone call from M. Ballard relative to same.	0.90	\$ 90.00
08/22/2017	DNT	More revisions to the RTSC and back and forth from D. Ballard's office. Telephone call with D. Ballard regarding her Affidavit.	0.80	\$ 340.00
08/23/2017	DNT	Telephone conference with D. Ballard regarding the RTSC Petition and how to incorporate what has been produced vs. what we know to exist via admissions and the issue that the watch is a fake.	0.40	\$ 170.00
08/24/2017	ADH	Receipt of email and response to D. Ballard re status of RTSC. DNT is still making changes. Receipt of email between DNT and Pellington. Finish up and finalize the RTSC and all parts -- verification and petitions as well as proposed order, draft cover letter to Court, scan and email to Judge Gibbons and all parties as well as mail hard copies to the clerk.	1.60	\$ 160.00
08/24/2017	DNT	Response to Pellington's 8-18-2017 email. Our client does not agree; the watch is a fake; we both know there are more firearms; counsel has had more than enough time to make appropriate inquiry; only option is a RTSC and will he accept service. Emails back and forth with D. Ballard about getting RTSC to Lancaster to be scheduled and correct service.	1.00	\$ 425.00
08/29/2017	DNT	Telephone call with D. Ballard regarding multiple issues including whether Judge has received RTSC.	0.20	\$ 85.00
08/30/2017	ADH	Receipt and review of email from Pellington to DNT and follow up emails from D. Ballard, DNT and P. Nosal; emails from DNT regarding personal service of RTSC.	0.30	\$ 30.00
08/30/2017	DNT	Receipt and review of lengthy email from Pellington in response to my email of 8-24-2017. They deny any	3.10	\$ 1,317.50

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		wrongdoing. Email with D. Ballard and staff about personal service of RTSC. Receipt and review of email from D. Ballard to Pellington (as I was on the road and unable to respond) indicating that his file should reflect troubles with getting accurate information, etc. When I was off the road, I was able to email Pellington as well a lengthy email regarding continued frustrations with the fact that the Combis family has been avoiding what has been required of them and promised on their behalf for years. He should review his file, especially for activity under prior counsel.		
08/30/2017	DNT	Receipt and review of email from Pete Nosal indicating that he too agrees that what was produced was inappropriate and that Pellington should be aware of the history of the case and previous problems.	0.10	\$ 42.50
08/31/2017	ADH	Receipt and review of email from Pellington.	0.10	\$ 10.00
08/31/2017	DNT	Email from Pellington indicating that he respectfully disagrees with everything I said.	0.10	\$ 42.50
09/01/2017	DNT	Email to Pete Nosal and group.	0.10	\$ 42.50
09/06/2017	DNT	Emails with A. Hilley, D. Ballard and M. Ballard regarding RTSC, scheduling and service.	0.20	\$ 85.00
09/06/2017	ADH	Emails DNT, D. Ballard and M. Ballard re: RTSC, scheduling and service.	0.20	\$ 20.00
09/06/2017	ADH	Telephone call from M. Ballard.	0.10	\$ 10.00
09/07/2017	DNT	Emails with D. Ballard, M. Ballard and A. Hilley regarding the RTSC.	0.20	\$ 85.00
09/07/2017	DNT	Email to Joe Pellington regarding what we are still lacking and his lack of response. Also regarding the RTSC, avoiding delay, service, and bond.	0.40	\$ 170.00
09/07/2017	DNT	Receipt and review of email from Pete Nosal to Joe Pellington and Mr. Pellington's response email.	0.40	\$ 170.00
09/07/2017	ADH	Emails with D. Ballard, M. Ballard and DNT re clerk being in receipt of the RTSC and status of scheduling as well as receipt of copy of email to Pellington from DNT.	0.20	\$ 20.00
09/07/2017	ADH	Receipt of signed but not filled in RTSC Order from M. Ballard and forward via email to J. Pellington. Save on server.	0.30	\$ 30.00
09/08/2017	DNT	Drafting of response email to Mr. Pellington's 9-7-2019 email. He wants "clarification" but has the subpoenas before him. We have gone over this many times. He is parsing words. He needs to send me the bond. Will he stipulate to the watch being fake?	0.30	\$ 127.50
09/08/2017	DNT	Receipt, review and response of multiple emails -- discussions with Desa regarding RTSC.	0.30	\$ 127.50
09/08/2017	ADH	Receipt and Review of emails between Pellington and DNT re Rolex and will they stipulate the Rolex is fake.	0.10	\$ 10.00
09/12/2017	ADH	Telephone call to the clerk in Lancaster regarding scheduling the RTSC. It is expected to be heard Nov. 13 -- but will not fill in sheet until she actually does the roster. Email to DNT.	0.30	\$ 30.00
09/14/2017	DNT	Receipt and review of email from Joe Pellington wherein he discusses many different topics including accepting service	0.20	\$ 85.00

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of RTSC and not. He will accept on behalf of George but not Diane and Chris.

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09/25/2017	ADH	Receipt of the filed and scheduled RTSC from the clerk of court. Long email to D. Ballard, M. Ballard, and DNT. Dealing with service issues as Pellington will only accept service on behalf of George. Will have to have Diane and Chris served personally. Save to server.	0.50	\$ 50.00
09/25/2017	DNT	Receipt of the filed and scheduled RTSC from A. Hilley and questions re: service.	0.10	\$ 42.50
09/26/2017	ADH	Receipt of email from M. Ballard to PI in North Carolina re: scheduling and arranging for the RTSC to be served with Subpoenas on Chris and Diane via process server.	0.10	\$ 10.00
09/27/2017	ADH	Receipt of email from M. Ballard re status of process server of RTSC and response emails with DNT. Service on George? No, Pellington will accept.	0.20	\$ 20.00
09/27/2017	ADH	Email with M. Ballard and D. Ballard regarding personal service of Diane and Chris as Pellington will not accept service.	0.10	\$ 10.00
09/27/2017	DNT	Email from M. Ballard re: service of RTSC.	0.10	\$ 42.50
09/29/2017	DNT	Receipt, Review and respond to M. Ballard and D. Ballard about gun and expert.	0.10	\$ 42.50
09/29/2017	DNT	Receipt, Review of email from M. Ballard about Affidavit.	0.10	\$ 42.50
10/02/2017	ADH	Preparation of cover letter to Pellington sending him the scheduled RTSC along with Subpoenas and NOD for Chris and Diane. Preparation of Acceptance of Service for George only, copies, scans, saved to server and emails to parties.	0.60	\$ 60.00
10/04/2017	ADH	Email from M. Ballard that Diane has been served.	0.10	\$ 10.00
10/09/2017	DNT	Receipt, Review of email from M. Ballard with pictures of what gun and watch looked like.	0.10	\$ 42.50
10/10/2017	DNT	Receipt, Review of email from Pellington regarding many aspects of the case including potential settlement and the RTSC matter is addressed along with emails to Ballard and Mara and back and forth with Pellington.	0.70	\$ 297.50
10/10/2017	ADH	Receipt, Review of email from Pellington about proposed settlement and follow up emails from M. Ballard, D. Ballard and DNT.	0.40	\$ 40.00
10/13/2017	ADH	Email to M. Ballard about location of original Affidavits of service of the RTSC and the subs on Diane and Chris and her response.	0.20	\$ 20.00
10/16/2017	ADH	Email to Pellington with the court email notice of hearing for the RTSC.	0.10	\$ 10.00
10/30/2017	DNT	Telephone call with Mr. Sumpter, jeweler, off the record and email to D. Ballard and A. Hilley as a follow up.	0.50	\$ 212.50
10/31/2017	DNT	Email with D. Ballard regarding Lauren Combis telephone call.	0.20	\$ 85.00
10/31/2017	DNT	Email from M. Ballard with picture of Rolex	0.10	\$ 42.50
10/31/2017	ADH	Email from M. Ballard with picture of what Pop's watch is supposed to look like for use at trial.	0.10	\$ 10.00
11/06/2017	ADH	Creation of Subpoena for Lauren Combis.	0.30	\$ 30.00

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11/06/2017	DNT	Discussion with A. Hilley about subpoena for Lauren Combis to testify to be served on her domestic attorney.	0.20	\$ 85.00
11/07/2017	DNT	Telephone call with D. Ballard regarding preparing for the RTSC hearing and what is needed.	1.30	\$ 552.50
11/08/2017	DNT	Receipt and review of email from M. Ballard about her telephone call with Linda and need for appraisal of items.	0.10	\$ 42.50
11/09/2017	DNT	Prep for RTSC hearing.	0.80	\$ 340.00
11/10/2017	DNT	Prep for RTSC hearing, telephone conference with D. Ballard regarding same; receipt and review of draft/notes of Order of Contempt from D. Ballard. Make changes to proposed Order.	2.40	\$ 1,020.00
11/13/2017	DNT	Receipt and review of draft of Order after more changes from D. Ballard.	0.20	\$ 85.00
11/13/2017	DNT	Receipt and review of email from Joe Pellington -- he references a letter -- regarding resolution of the issue of the watch. Was sent after hearing had to be rescheduled due to lack of court reporter. I was driving and could not respond right away. Telephone call with D. Ballard. She will respond.	0.10	\$ 42.50
11/13/2017	DNT	Receipt and review of email from D. Ballard in response to Mr. Pellington's email as I was on the road. She requests clarification of his offer: Only as to Chris C? Sanctions waived on just Chris or all clients? There is another watch.	0.20	\$ 85.00
11/13/2017	DNT	Traveled to Lancaster for RTSC hearing. Hearing has to be rescheduled because there was not a court reporter so it will be heard tomorrow instead. Took that time to meet with D. Ballard, Linda Combis and Lauren Combis. Traveled home.	5.50	\$ 2,337.50
11/13/2017	DNT	Receipt review and respond to further multiple emails back and forth between Pellington, D. Ballard and myself regarding the new watch that has appeared after the aborted hearing and prior to the one scheduled for tomorrow. Waiver only applies to Chris, Pellington will bring the watch, and they want Chris released from the action. 8+ emails. Further emails between A. Hilley, D. Ballard and myself regarding the watch and theories.	1.20	\$ 510.00
11/13/2017	ADH	Receipt and review of multiple emails with M. Ballard and D. Ballard regarding watch and theories and multiple emails from and between Pellington and DNT and D. Ballard.	0.50	\$ 50.00
11/14/2017	DNT	Receipt, review and respond to multiple emails in the morning prior to the rescheduled hearing taking place in the afternoon. Emails from/to D. Ballard, David Byrd and Joe Pellington.	0.70	\$ 297.50
11/14/2017	DNT	Travel to and from hearing in Lancaster on Rule to Show Cause and time at hearing day 1.	5.30	\$ 2,252.50
11/15/2017	DNT	Email from D. Ballard regarding Garris the jeweler and the need of a subpoena for hearing on friday. A. Hilley to do subpoena.	0.20	\$ 85.00
11/15/2017	DNT	Telephone call from Desa x 2.	0.40	\$ 170.00
11/15/2017	DNT	Receipt of email from Joe Pellington wanting a copy of Lauren's subpoena.	0.10	\$ 42.50
11/15/2017	DNT	Preparation of deposition designation list and review of depositions. Ask A. Hilley to prepare designations and email	3.20	\$ 1,360.00

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them to opposing counsel.

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11/15/2017	DNT	Emails with D. Ballard.	0.20	\$ 85.00
11/15/2017	DNT	Draft of email only letter for settlement purposes only.	0.50	\$ 212.50
11/15/2017	ADH	Email from Pellington re Lauren Combis. Per DNTs work, draft deposition designations and send them to Pellington in an email.	1.00	\$ 100.00
11/15/2017	ADH	Email from D. Ballard re: Garris. Work on Subpoena for same.	0.40	\$ 40.00
11/16/2017	DNT	Trial prep before hearing; reviewing records and transcripts.	2.50	\$ 1,062.50
11/16/2017	ADH	Work on draft of settlement proposal letter from DNT's draft and email to DNT.	0.50	\$ 50.00
11/17/2017	ADH	Receipt and review of multiple emails between Pellington and DNT.	0.20	\$ 20.00
11/17/2017	DNT	Travel to and from Lancaster for hearing day 2. The hearing is stopped and SLED in ordered to review the matter for possible criminal contempt. D. Ballard was on stand.	5.60	\$ 2,380.00
11/17/2017	DNT	Email to Pellington will he admit that the gun is worth less than \$100? I want history of gun. Back and forth emails regarding same.	0.30	\$ 127.50
11/17/2017	DNT	Email to Pellington; will he admit that the Rolex is fake?	0.10	\$ 42.50
11/17/2017	DNT	Email to Pellington, will he stipulate that the type of Rolex Pop had was \$12,500? Review of Pellington's response and my response back. I remind him he needs to review his file entirely; case stayed vs. RTSC hearing stayed.	0.40	\$ 170.00
11/17/2017	DNT	Email from Pellington and response regarding testimony.	0.40	\$ 170.00
11/17/2017	ADH	Receipt and review of multiple emails between Pellington and DNT.	0.20	\$ 20.00
11/17/2017	DNT	Review of email from D. Ballard to Pellington; get your clients a good criminal defense attorney.	0.10	\$ 42.50
11/20/2017	ADH	Receipt of email from DNT to Pellington. Lengthy email.	0.20	\$ 20.00
11/20/2017	ADH	Email from D. Ballard needing me to locate the name of the Court Reporter with Gibbons on friday as we need a portion of the transcript.	0.10	\$ 10.00
11/20/2017	DNT	Review of email from D. Ballard; need Court reporter from friday; stayed language,	0.10	\$ 42.50
11/20/2017	DNT	Multiple additional emails to/with Pellington; 1 very lengthy email from me around lunch about the hearing on the 17th; history of 2nd gun; needing depositions of Sumpters and Carter Quill; SLED investigation, etc. and 2nd email regarding settlement proposals and his response and Pellington's contention that the case is stayed, response emails back and forth many times. Email response to settlement emails from David Redding and my response to that email.	1.10	\$ 467.50
11/21/2017	ADH	Receipt and review of multiple emails between Pellington and DNT and D. Redding.	0.30	\$ 30.00
11/21/2017	DNT	Email to Redding, McTier and Pellington re: settlement; their response emails and mine in return x 6+ Emails with D. Ballard; Emails regarding fees associated with NC Subs for Sumpters and Quills and NC attorney.	0.70	\$ 297.50

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11/21/2017	DNT	Email to Pellington about talking with Julie Quill and the watch re: Carter and the need to depose them.	0.10	\$ 42.50
11/22/2017	DNT	Email from Pellington re: my email re: Julie Quill and need for depositions and my response that they are playing games and his response to same; contends case is stayed.	0.30	\$ 127.50
11/22/2017	DNT	Review of email from D. Ballard to Judge Gibbons and back and forth emails with D. Ballard and myself.	0.20	\$ 85.00
11/22/2017	ADH	Receipt and review of email from Gibbons regarding matter being stayed and follow up response emails.	0.20	\$ 20.00
11/22/2017	DNT	Receipt and review of email from Pellington to Judge Gibbons re: whether the entire matter is stayed and/or just the RTSC matter is stayed and my response .	0.20	\$ 85.00
11/22/2017	ADH	Receipt and review of email from Judge Gibbons regarding all matters being stayed.	0.10	\$ 10.00
11/23/2017	ADH	Emails with DNT re: RTSC and stay ssue.	0.20	\$ 20.00
11/23/2017	DNT	Emails with staff.	0.20	\$ 85.00
11/23/2017	DNT	Emails with D. Ballard.	0.10	\$ 42.50
11/25/2017	DNT	Receipt of email from court reporter and forward to A. Hilley and M. Ballard.	0.10	\$ 42.50
11/27/2017	ADH	Multiple emails forwarded to me from DNT from 11-27-2017 regarding stay issue with Gibbons, Pellington, D. Ballard and DNT. Review all.	0.20	\$ 20.00
11/27/2017	ADH	Email from D. Ballard re: call from SLED agent.	0.10	\$ 10.00
11/27/2017	ADH	Email from D. Ballard forwarding an email from DNT to Pellington that I was inadvertently left off.	0.10	\$ 10.00
11/27/2017	DNT	Receipt, review and response to many emails: email from D. Ballard regarding call from SLED agent wanting to meet with us; civil contempt vs. criminal contempt; email to Joe Pellington regarding the status of all pending issues and cases in light of the stay; emails regarding transcripts from the RTSC Gibbons' hearings and payment of same; and email to SLED agent re meeting.	0.60	\$ 255.00
11/28/2017	DNT	Research on ethics of obligation to report tax evasion and judicial requirements. Email research to D. Ballard.	0.50	\$ 212.50
11/29/2017	DNT	Review and receipt of email from Desa to SLED agent as we were not able to meet.	0.10	\$ 42.50
11/30/2017	ADH	Email from DNT with research on Rolex.	0.10	\$ 10.00
11/30/2017	ADH	Email from D. Ballard re M. Ballard has arranged for an appraisal at Sylvans.	0.10	\$ 10.00
11/30/2017	DNT	Research on value of watch and send info to D. Ballard, M. Ballard, and A. Hilley and review of responses;	0.40	\$ 170.00
12/04/2017	DNT	Email to SLED agent about not being able to meet.	0.10	\$ 42.50
12/07/2017	DNT	Receipt and review of emails from D. Ballard's office relative to SLED agent.	0.10	\$ 42.50
12/12/2017	ADH	Email from B. Cogan re meeting with SLED Agent.	0.10	\$ 10.00
12/12/2017	DNT	Receipt and review of emails from D. Ballard's office to SLED agent with researched dates, trying to get meeting scheduled with SLED agent; review of email to SLED agent with the names of the Court Reporters during those hearings;	0.20	\$ 85.00

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12/15/2017	DNT	Meeting with SLED Agent and then subsequent meeting with D. Ballard re: RTSC issues -- later follow up telephone conference with D. Ballard.	1.80	\$ 765.00
12/16/2017	DNT	Email to SLED agent as follow up from discussion the prior day with photo of gun.	0.30	\$ 127.50
12/19/2017	ADH	Email from D. Ballard re Sylvan's and watch appraisal.	0.10	\$ 10.00
12/19/2017	DNT	Receipt and review of email from D. Ballard regarding Sylvans and appraisal of watch.	0.10	\$ 42.50
12/22/2017	ADH	Receipt of bizarre fax in Combis case with watch picture attached. Scan and email to D. Ballard and M. Ballard. No cover sheet.	0.20	\$ 20.00
12/22/2017	DNT	Receipt and review of emails from my staff regarding an Affidavit that was partially faxed to us regarding the Rolex George was wearing at the deposition and subsequent back and forth emails from D. Ballard regarding same.	0.10	\$ 42.50
12/27/2017	DNT	Email with D. Ballard, A. Hilley and M. Ballard about fax; email from D. Ballard re RTSC and Rolex;	0.20	\$ 85.00
12/28/2017	DNT	Receipt and review of email to SLED agent by D. Ballard.	0.10	\$ 42.50
01/04/2018	ADH	Receipt and review of email from DNT to D. Ballard re SLED Agent.	0.10	\$ 10.00
01/04/2018	DNT	Spoke briefly with SLED agent and sent email to D. Ballard to update and her response email; follow up email to D. Ballard about the stay and all the issues it is causing.	0.40	\$ 170.00
01/05/2018	DNT	Email with D. Ballard regarding requesting status conferences with Gibbons.	0.10	\$ 42.50
01/12/2018	DNT	Write letter to Judge Gibbons about requesting a status conference on all cases.	0.20	\$ 85.00
01/22/2018	ADH	Receipt and review of email from M. Ballard with formal appraisal of the Rolex. It was in bad shape. Save appraisal to the server.	0.30	\$ 30.00
01/22/2018	DNT	Receipt of email from D. Ballard's office with appraisal of Rolex from Sylvans and review.	0.10	\$ 42.50
01/26/2018	ADH	Receipt and review of lengthy email from D. Ballard re SLED agent and revolving Rolexes, appraisal, etc.	0.10	\$ 10.00
01/26/2018	DNT	Receipt of email from D. Ballard regarding update from SLED agent and the Rolex. Lengthy email. There appears to be multiple Rolexes and they are fakes, records from Sumpters prove people are lying. He needs transcripts.	0.20	\$ 85.00
05/16/2018	ADH	Receipt and review of lengthy email from D. Ballard to Judge Gibbons requesting that the RTSC be allowed to go forward with attachments.	0.10	\$ 10.00
05/16/2018	DNT	Emails with D. Ballard regarding letter to Gibbons. Letter is needed to have status conference to reconvene RTSC.	0.20	\$ 85.00
05/31/2018	DNT	Draft of letter to Judge Gibbons requesting that the RTSC hearing be reconvened.	0.30	\$ 127.50
05/31/2018	ADH	Preparation of letter to Judge Gibbons from DNT's notes, scan, mail and email.	0.30	\$ 30.00
07/16/2018	DNT	Email to SLED agent about meeting.	0.10	\$ 42.50
07/16/2018	DNT	Email to Pellington about SLED Agent wanting to meet with everyone.	0.10	\$ 42.50

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07/17/2018	DNT	Receipt and review of email response from Pellington about meeting Agent and follow up emails.	0.30	\$ 127.50
03/12/2019	DNT	Receipt and review of email between A. Hilley and Clerks office with questions about RTSC from 2017.	0.20	\$ 85.00
03/13/2019	ADH	Received a call from Lancaster Clerk about the Order and Rule to Show Cause that we were trying to get scheduled to continue. There was some confusion about the origination of the case having been transferred from Probate Court to Common Pleas and then it was consolidated into a new case. After emails back and forth we schedule the continuation for April 15th before Russo.	0.40	\$ 40.00
03/13/2019	ADH	After consults with D. Ballard and DNT -- all agree needs to be before Gibbons not Russo. I email back the Clerk. Gibbons can't hear before June 24th in Lancaster but there is a chance we can get before him on May 13th in Fairfield. I need to write his clerk.	0.30	\$ 30.00
03/13/2019	DNT	Receipt and review of email between A. Hilley and Clerks office scheduling the RTSC hearing for April 15. We want Judge Gibbons as he is aware of the history of this case -- needs to be rescheduled. I email back as does D. Ballard.	0.20	\$ 85.00
03/22/2019	ADH	Email to Gibbons' clerk to see if we can get before him in Fairfield on May 14th.	0.10	\$ 10.00
03/22/2019	DNT	Receipt and review of email between A. Hilley and Clerks and law clerk and he says that is the Judge assigned to that term. Gibbons wont hear until June 24th term. Emails with D. Ballard and A. Hilley -- schedule for June 24th.	0.20	\$ 85.00
03/25/2019	ADH	Email to Clerk in Lancaster asking to be put on June 24th roster in Lancaster ad I have not heard back from Gibbons' law clerk. She said yes.	0.10	\$ 10.00
03/25/2019	DNT	Receipt and review of emails from A. Hilley to Clerk in Lancaster to get on the June 24th roster.	0.10	\$ 42.50
03/26/2019	ADH	Receipt of email from Gibbons' law clerk will have to be June 24th in Lancaster.	0.10	\$ 10.00
03/26/2019	ADH	Confirmation email to Clerk in Lancaster for June 24th	0.10	\$ 10.00
03/26/2019	ADH	Email D. Ballard, M. Ballard, DNT and B. Cogan that the 24th of June is confirmed.	0.10	\$ 10.00
03/26/2019	DNT	Receipt and review of emails between A. Hilley and Gibbons' law clerk about having to have the RTSC on June 24th in Lancaster and subsequent confirmation emails to clerk.	0.10	\$ 42.50
04/04/2019	DNT	Conference with D. Ballard regarding an Order to lift the stay prior to the hearing.	0.20	\$ 85.00
04/09/2019	ADH	Receipt of proposed Orders to lift stay from D. Ballard; emails back and forth with D. Ballard and DNT and some changes and file with the Court via efile.	0.40	\$ 40.00
04/09/2019	DNT	Receipt of draft proposed Order to lift stay in this case from D. Ballard -- review for corrections and filing.	0.30	\$ 127.50
04/10/2019	ADH	Proposed Orders lifting stay emailed to Gibbons and parties. Return email from Pellington; response email; emails with D. Ballard and DNT re same and email from Pellington to Gibbons;	0.40	\$ 40.00
04/10/2019	DNT	Receipt and review of emails from A. Hilley to opposing	0.20	\$ 85.00

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counsel and Gibbons, etc. with proposed Orders and D. Ballard's office.

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04/10/2019	DNT	Receipt and review of emails between A. Hilley and Pellington regarding lack of motions to lift stay, etc. Email with D. Ballard regarding same, receipt and review of email from Pellington to Gibbons regarding the issue and he requests a hearing;	0.50	\$ 212.50
04/15/2019	ADH	Email in response to Pellington's email to Judge by DNT, emails about SLED Agent, email from D. Ballard.	0.20	\$ 20.00
04/15/2019	ADH	Email with DNT about firm date for hearing and roster.	0.10	\$ 10.00
04/15/2019	DNT	Lengthy email in response to Joe Pellington's email to Judge Gibbons and telephone call with D. Ballard; emails with A. Hilley and D. Ballard.	0.50	\$ 212.50
04/16/2019	ADH	Orders lifting stay stay are filed. Save to server and email.	0.20	\$ 20.00
04/23/2019	ADH	Email from Ryan Swancey, Gibbons' law clerk -- Judge will not do anything further until they meet. Follow up emails with D. Ballard and DNT.	0.10	\$ 10.00
04/23/2019	DNT	Receipt of email response from Gibbons' law clerk that he is not doing anything on this case until it is heard in open court.	0.10	\$ 42.50
05/14/2019	DNT	Receipt and review of email from Judge Gibbons' law clerk requesting pretrial briefs by May 31 and follow up email with D. Ballard and staff.	0.30	\$ 127.50
05/14/2019	DNT	Receipt and review of email of A. Hilley regarding pretrial brief to Gibbons;	0.10	\$ 42.50
05/14/2019	ADH	Email from Swancey, Gibbons' clerk indicating that he wants pre-trial briefs on the RTSC matter by Friday May 31. I calendar and follow up emails with D. Ballard and DNT.	0.10	\$ 10.00
05/28/2019	ADH	Send reminder email to D. Ballard, DNT, M. Ballard and B. Cogan about Pretrial brief that needs to be submitted to Gibbons in RTSC matter.	0.10	\$ 10.00
05/29/2019	DNT	Receipt and review of email with M. Ballard regarding the location of the gun.	0.10	\$ 42.50
05/29/2019	DNT	Receipt and review of email D. Ballard with exhibits for the pretrial brief. It all looks good. Requires some changes. Back and forth emails between the offices.	0.60	\$ 255.00
05/29/2019	ADH	Send notice of 6-24- RTSC hearing that came in email to D. Ballard and DNT, et al. With pretrial brief reminder.	0.10	\$ 10.00
05/29/2019	ADH	Emails with D. Ballard, M. Ballard, N. Truslow, D. Truslow all about pretrial brief and location of gun.	0.20	\$ 20.00
05/29/2019	ADH	Receipt of first draft of pretrial brief from M. Ballard as well as email with exhibits. Save exhibits to server and print PT Brief for DNT.	0.30	\$ 30.00
05/30/2019	DNT	Receipt and review of draft of Pretrial Brief and conference with staff. Reviewing from remote location.	0.60	\$ 255.00
05/30/2019	ADH	Emails with Ballards back and forth with corrections, additions and prep of exhibits ready for final PT brief.	1.20	\$ 120.00
05/31/2019	DNT	Receipt and review of email from A. Hilley sending the pretrial brief to Gibbons and opposing counsel.	0.20	\$ 85.00
05/31/2019	DNT	Receipt and review of email from Marisol Rivera with Combis Pretrial Brief and attachments. Review and confer	0.50	\$ 212.50

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with D. Ballard.

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05/31/2019	DNT	Receipt and review of email from A. Hilley to Agent Blake regarding hearing in the event he has any reason to attend.	0.10	\$ 42.50
05/31/2019	ADH	Receipt of Combis PT brief and email to Gibbons. Save to server.	0.20	\$ 20.00
05/31/2019	ADH	After N. Truslow reviews PT Brief and signs, I scan and send to Gibbons with all parties copied.	0.50	\$ 50.00
06/10/2019	ADH	Email to Gibbons' law clerk, do we need a court reporter?	0.10	\$ 10.00
06/20/2019	DNT	Trial prep.	1.90	\$ 807.50
06/20/2019	ADH	Email to Gibbons' law clerk about whether they want a hard copy of the brief overnighted.	0.10	\$ 10.00
06/21/2019	DNT	Trial prep.	3.00	\$ 1,275.00
06/21/2019	DNT	Emails with A. Hilley about the gun which has been secured in a gun safe and the need to have the gun on Monday at the hearing. Emails with all about getting the printed pretrial brief to the Judge via over night mail.	0.30	\$ 127.50
06/21/2019	ADH	Emails with DNT about the gun and its location as a prep for trial.	0.20	\$ 20.00
06/24/2019	DNT	Email with D. Ballard about settlement proposal. Travel to and from Lancaster for the hearing which is going to be rescheduled for August 5-6, 2019. Attendance at short aborted hearing. Further emails with D. Ballard about timeline for watch and gun. Discussions with A. Hilley about need to file the deposition designations. Draft of email to Pellington regarding resolution of Rule to Show Cause Matter sent to D. Ballard for review.	5.60	\$ 2,380.00
06/24/2019	DNT	Make corrections based on D. Ballard's input and send email to Pellington regarding settlement proposal.	0.30	\$ 127.50
06/24/2019	ADH	Receipt of email from D. Ballard regarding settlement proposals and back and forth emails with DNT about same. Receipt of DNT's email to Pellington regarding settlement.	0.20	\$ 20.00
06/25/2019	DNT	Work on timeline of gun and watch. Very convoluted as there appear to be several watches at this point and conflicting stories. Review depositions for info.	2.30	\$ 977.50
06/25/2019	DNT	Receipt and review of return email from Pellington as to my settlement proposal. He wants to see our appraisals as to the property at issue. The Sylvan's appraisal is sent to him.	0.10	\$ 42.50
06/25/2019	ADH	Prep and printing of the deposition designations with all transcripts attached -- the same deposition designations sent to Pellington on November 15, 2017. Saved and prepped for efilng and then efilng. Was accepted, filed files saved and emailed to D. Ballard.	1.60	\$ 160.00
06/26/2019	DNT	Telephone conference with D. Ballard regarding the timeline on the gun and watch and the convoluted stories.	0.50	\$ 212.50
06/26/2019	DNT	Receipt and review of email from M. Ballard with photographs of Pop wearing the Rolex.	0.20	\$ 85.00
07/09/2019	ADH	DNT drafts notes on watch and gun timeline -- I prepare into a document. I prepare formal watch flow chart and use DNT's draft/notes on testimony points for D. Ballard into document.	1.00	\$ 100.00
07/09/2019	DNT	Drafts notes on watch and gun timeline, watch flow chart	1.50	\$ 637.50

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and draft/notes on testimony points for D. Ballard re RTSC

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07/10/2019	ADH	Corrections from DNT and review by me to watch and gun timeline, Watch flow chart and testimony points for D. Ballard.	1.10	\$ 110.00
07/10/2019	DNT	Corrections and redos to watch and gun timeline, Watch flow chart and testimony points for D. Ballard.	1.30	\$ 552.50
07/11/2019	DNT	Receipt and review of email from A. Hilley to D. Ballard with drafts of watch and gun timeline, Combis watches, and RTSC for review.	0.10	\$ 42.50
07/11/2019	ADH	Final corrections to watch and gun timeline, Combis watches, and RTSC testimony and send to D. Ballard for review.	0.30	\$ 30.00
07/15/2019	ADH	Receipt of email from M. Ballard with pictures of Pop wearing the Rolex. Save to server.	0.20	\$ 20.00
07/29/2019	ADH	Make a few changes to the RTSC watch and gun timeline and Desa testimony documents per DNT's review and mark ups and email it to D. Ballard, M. Ballard and B. Cogan.	0.30	\$ 30.00
07/29/2019	DNT	Working on the time line and D. Ballard's testimony regarding the watch and gun RTSC issues. Ask A. Hilley to forward updated drafts to D. Ballard's for review.	0.80	\$ 340.00
08/01/2019	ADH	Work with DNT on trial prep for Monday August 5th continuation of the RTSC hearing in Lancaster.	3.20	\$ 320.00
08/01/2019	DNT	Trial prep and review with A. Hilley for Monday August 5th continuation of the RTSC hearing in Lancaster.	4.00	\$ 1,700.00
08/02/2019	DNT	Trial prep and review with A. Hilley for Monday August 5th continuation of the RTSC hearing in Lancaster.	3.30	\$ 1,402.50
08/02/2019	ADH	Trial prep with DNT and file review for August 5th continuation of the RTSC hearing in Lancaster.	3.30	\$ 330.00
08/02/2019	DNT	Telephone call with D. Ballard regarding changing stories and conflicting testimony regarding the watches.	0.40	\$ 170.00
08/04/2019	DNT	Meet with D. Ballard to review the RTSC matter and prepare for hearing tomorrow.	3.60	\$ 1,530.00
08/05/2019	DNT	Travel to and from Lancaster for day 3 of the RTSC hearing and time at hearing. Judge has ordered us to submit proposed Orders in this case. Redding has made an appearance and requested that this court admit him PHV based on his admission into the 4th Circuit Court on the same basic issue.	6.10	\$ 2,592.50
08/06/2019	DNT	Email to David Redding as he made an appearance at the trial yesterday, was admitted PHV as long as he fulfilled the court's requirements and argued on behalf of the Combises.	0.10	\$ 42.50
08/06/2019	DNT	Discussions with D. Ballard regarding Redding PHV issue as it relates to his appearance on behalf of the Combises in the RTSC issue. It appears he is not going through the process correctly as per the Rules. Multiple calls with D. Ballard. Research on PHV.	1.60	\$ 680.00
08/06/2019	ADH	Receipt and review of email from DNT to Redding.	0.10	\$ 10.00
08/07/2019	DNT	Emails with B. Cogan, D. Ballard and A. Hilley about the 2nd gun and the appraisal.	0.20	\$ 85.00
08/07/2019	DNT	Emails to and from Pellington about the 2nd gun -- its current location. The Court has it.	0.20	\$ 85.00

Date	By	Expenses	Hours	Amount
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08/07/2019	DNT	Call to D. Ballard re guns.	0.10	\$ 42.50
08/08/2019	DNT	Emails to and from Pellington about the gun and the need for the serial number amongst other things. There is a need for documentation as to the historical timeline and chain of custody information. I offer to stipulate the 2nd gun was \$120.00	0.60	\$ 255.00
08/09/2019	DNT	Receipt and review of response email from Pellington re stipulation.	0.10	\$ 42.50
08/09/2019	DNT	Telephone conference with D. Ballard x 2.	0.20	\$ 85.00
08/20/2019	DNT	Email with D. Ballard regarding Redding's PHV status and receipt of proposed Order from D. Ballard for gun.	0.20	\$ 85.00
08/20/2019	DNT	Review of proposed order for gun, tweak it and send it to be efiled.	0.30	\$ 127.50
08/20/2019	ADH	Receipt of email from D. Ballard with proposed Order re: second gun. DNT reviews and tweaks, I make corrections and sends it back to D. Ballard; multiple emails back and forth between DNT and D. Ballard.	0.30	\$ 30.00
08/21/2019	DNT	Receipt and review of A. Hilley's email to Judge Gibbons with the proposed Order for the gun.	0.10	\$ 42.50
08/21/2019	DNT	Receipt, review and response of email from Pellington as to the stipulated value of the gun.	0.10	\$ 42.50
08/21/2019	ADH	I efile the proposed order for the gun and send Gibbons an email heads up copying all parties.	0.20	\$ 20.00
08/22/2019	DNT	Telephone call with D. Ballard re: Redding state PHV issue.	0.20	\$ 85.00
09/13/2019	DNT	Review of email that Gibbons has signed Order allowing PHV admission of Redding in State court as it relates to the case with pending RTSC. Receipt of email from D. Ballard regarding same.	0.30	\$ 127.50
09/13/2019	ADH	Receipt of Order granting Redding's PHV, save to server and email to D. Ballard, B. Cogan and DNT.	0.20	\$ 20.00
10/04/2019	DNT	Receipt and review of proposed Order of the Combis family as it relates to the RTSC hearing of August 5, 2019 and review of same.	0.50	\$ 212.50
10/04/2019	DNT	Receipt and review of proposed Order regarding RTSC to be sent to Gibbons. Review of staff emails with D. Ballard regarding changes.	0.50	\$ 212.50
10/07/2019	ADH	Receipt and review of proposed Order from D. Ballard. Reviewed for and made updates and corrections; reviewed with N. Truslow. Sent to Gibbons and all parties as per his request and efiled.	0.70	\$ 70.00
10/08/2019	DNT	Email from Judge Gibbons' law clerk requesting Affidavits of Attorney's Fees and costs as it relates to the RTSC action only.	0.10	\$ 42.50

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**In Reference To: Ballard v. Combis; RTSC State Case (Expenses)**

Date	By	Expenses	Amount
07/31/2017	DNT	Travel from Columbia to Lancaster County Courthouse and back to Columbia for MTC hearing.	\$ 64.80
11/13/2017	DNT	Travel from Columbia to Lancaster County Courthouse and back to Columbia for RTSC hearing.	\$ 64.80

10/17/2019

<https://secure.bill4time.com/B4T2/Invoicing/printInvoices2.aspx?invoiceList=20240&batchId=1231>

11/14/2017	DNT	Travel from Columbia to Lancaster County Courthouse and back to Columbia for RTSC hearing.	\$ 64.80
11/17/2017	DNT	Travel from Columbia to Lancaster County Courthouse and back to Columbia for RTSC hearing.	\$ 64.80
06/24/2019	DNT	Travel from Columbia to Lancaster County Courthouse and back to Columbia for RTSC hearing.	\$ 64.80
08/05/2019	DNT	Travel from Columbia to Lancaster County Courthouse and back to Columbia for RTSC hearing.	\$ 64.80

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<b>Total Hours</b>	149.80 hrs
<b>Total Hours</b>	\$ 51,705.00
<b>Total Expenses</b>	\$ 388.80
<b>Total Invoice Amount</b>	\$ 52,093.80
<b>Previous Balance</b>	\$ 0.00
<b>Balance (Amount Due)</b>	\$ 52,093.80

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**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,

**PROOF OF SERVICE**

I, Ty K. McTier, certify that a true and correct copy of the Appendix to Record on Appeal was served on all parties of record listed below by e-mail listed on the Attorney Information System pursuant to South Carolina Court of Appeals Order No. 2020-000447(g)(3):

Douglas N. Truslow ([douglastruslow@truslowlaw.com](mailto:douglastruslow@truslowlaw.com))  
Neal D. Truslow ([nealtruslow@truslowlaw.com](mailto:nealtruslow@truslowlaw.com))  
Truslow & Truslow Law Firm  
Attorneys for Respondent

THIS the 17<sup>th</sup> day of March, 2021.

**REDDING JONES, PLLC**

s/Ty K. MCTier  
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