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Sep 29 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

Brian M. Gibbons, Circuit Court Judge

Case No. 2017-CP-29-01248
Appellate Case No.: 2018-002272

Desa Ballard, as successor
trustee of the Trust of Chris
Combis,

Appellant,

v.

Diane Combis, Chris A.
Combis, Redding Jones
PLLC, Simon John O'Brien,
and Kent D. Jones,

Defendants,

Of whom Redding Jones
PLLC, Simon John O'Brien,
and Kent D. Jones are

Respondents.

And

APPEAL FROM LANCASTER COUNTY
Brian M. Gibbons, Circuit Court Judge

Case No. 2017-CP-29-01248
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

Appellants.

**MOTION TO CONSOLIDATE
FOR ORAL ARGUMENT**

Desa Ballard, who is the successor trustee of the Trust of Chris Combis (and a party to. Appellate Case No.: 2018-002272 as Appellant), and who is also the Personal Representative of the Estate of Chris Combis (a party to Appellate Case No. 2018-000021, as Respondent) moves this Honorable Court for an order consolidating the two appeals for oral argument only. In support of her motion, Ballard will show:

1. In her capacities as Successor Trustee of the Trust of Chris Combis and as personal representative of the Estate of Chris Combis, Ballard has been attempting to collect funds due to the estate and the trust from George Combis, Diane Combis, Chris Combis, and multiple corporate entities that they have created for the purposes of hiding assets from collection.
2. In Appellate Case No. 2018-002272, Ballard appeals from an order of the trial court which dismissed as parties to a fraudulent conveyances action attorneys who represented the Combises and, on information and belief, assisted them in hiding assets while also defending them against the claims of the Estate and Trust. This appeal presents a novel question of whether attorneys who

participate in the wrongdoing of their clients in effecting fraudulent transfers can claim common law immunity.

3. In Appellate Case No. 2020-000021, George Combis and Chris Combis appeal from an order holding them in contempt for failing to produce items of personal property that belonged to the decedent to Ballard, as personal representative, which they were ordered to produce and did not. Instead of producing the items ordered produced, George and Chris Combis attempted to pass off substitute and fake items as the subpoenaed items, while represented by the same attorneys who are Respondents in Appellate Case No. 2018-002272. The record in Appellate Case No. 2020-000021 will reflect that Joe Pellington, one of the attorneys representing the Combises and a member of the same law firm that is the Respondent in Appellate Case No. 2018-002272, had in his personal possession one of the subpoenaed items, a gold Rolex watch, while arguing against the contempt sanction being sought against his clients. Pellington produced the gold Rolex during the hearing on Ballard's motion for contempt. After production of the gold Rolex, a witness for Ballard identified the gold Rolex that was pulled from Pellington's jacket pocket as the missing gold Rolex that Pelleington's clients had attempted to secret, while producing instead a cheap, fake Rolex that was described as an expert witness as "very obvious[ly]" a fake Rolex. (ROA Tr. p. 0439, lines 2 – p. 0440 line 6).
4. While the appeals raise different issues, one common element runs through both appeals, *i.e.*, the liability of attorneys who affirmatively assist their

clients in secreting assets while also defending those clients from the judgments that will eventually encumber the assets (both real property and personal property) that the attorneys assisted in secreting.

5. Ballard is informed and believes that consolidation of the appeals for oral argument only, while each appeal maintains its independent existence for purposes of decision by this Court, will assist the Court in understanding the pattern and practice of the lawyers who assisted the Combises in hiding their assets while also defending the Combises in the actions which eventually resulted in the judgments that would have encumbered the assets that were secreted with the assistance of the lawyers¹.
6. Ballard recognizes that the deceitful actions of lawyers in assisting their clients in hiding and secreting assets is not a pleasant topic, it is the subject of inquiry in both appeals currently pending before this Court.
7. The Clerk of Court has notified counsel that Appellate Case No. 2018-002272 is on the roster for oral argument likely to occur in December 2020. The other pending case, Appellate Case No. 2020-0000021 is “ready for consideration” and the clerk’s office has just last week asked counsel for additional copies of the Record on Appeal and Final Briefs. (Letter of Clerk of Court dated September 20, 2021 to counsel in Appellate Case No. 2020-000021).

¹ In her capacity as Successor Trustee, Ballard holds a judgment against Diane Combis in excess of one million dollars. In her capacity as personal representative of the estate of Chris Combis, Ballard holds a judgment against Superior Tile Marble and Terrazzo Company in the principal amount of \$700,000.00. Collection proceedings are in process in North Carolina with a receiver appointed to assist in collecting assets that Chris Combis (the son of George and Diane Combis) received and is attempting to secrete for his parents. See State of North Carolina, County of Mecklenburg Superior Court Division Case Number 21-CVS-6366..

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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 the
Appellants,

PROOF OF SERVICE

I, Mackenzie Woodward, Paralegal, certify that a true and correct copy of the forgoing document(s) was served upon 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(e):

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DOCUMENT(S): 1. MOTION TO CONSOLIDATE FOR ORAL ARGUMENT



Mackenzie Woodward

Paralegal

Truslow & Truslow Law Firm

September 29, 2021
Columbia, South Carolina

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SC Court of Appeals

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September 29, 2021

Re: Estate of Chris Combis
Appellate Case #2020-000021

Successor Trustee of the Estate of Chris Combis
Appellate Case No.: 2018-002272

VIA E-MAIL ctappfilings@sccourts.org

Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Dear Ms. Kitchings:

Please find attached for filing a Motion to Consolidate for Oral Argument and Proofs of Service for each of the above referenced matters.

If you should have any questions, please do not hesitate to contact us directly.

Respectfully,

Mackenzie Woodward

Mackenzie Woodward
Paralegal to Truslow and Truslow

cc: Ty K. McTier, Esquire
Brian S. McCoy, Esquire
Edward B. Davis, Esquire