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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY
COURT OF COMMON PLEAS
BENTLEY PRICE, CIRCUIT COURT JUDGE

Appellate Case No. 2021-000837

In re: IN THE MATTER OF: Estate of Paul Brandon Barringer II

Hampton B. Luzak,Appellant

v.

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

--and--

Coastal Forest Resources Company ("CFRC")Intervenor/Respondent.

--and--

Hampton B. Luzak,Appellant,

v.

Merrill U. Barringer,Respondent.

**In Re: Appellant's
MOTION FOR PERMISSION TO EXCEED PAGE LIMITS
PURSUANT TO RULE 208(b)(5) SCACR (filed November 3, 2021)**

**MOTION TO HOLD TIME LIMITS IN ABEYANCE FOR APPELLANT TO FILE HER
INITIAL BRIEF TO PERMIT RESPONDENT TO SUBMIT A TIMELY RESPONSE TO
THE MOTION IN ACCORDANCE WITH RULE 240(E), SCACR**

Appellant Hampton B. Luzak (hereafter “Ms. Luzak”) respectfully seeks an order of this Court granting an extension of time for her to file her initial appellant’s brief. Ms. Luzak would show:

1. Her initial appellant’s brief is currently due to be filed with this Court on November 8, 2021.
2. Yesterday, on November 3, 2021, Ms. Luzak filed a motion for Permission to Exceed Page Limits pursuant to Rule 209(b)(5), with the reasons for such request set forth therein.
3. In an effort to resolve the issue by consent, counsel for Ms. Luzak sought consent from opposing counsel to the relief requested.
4. As set forth on **Exhibit A**, opposing counsel were “unable” to consent to the request to exceed page limits.¹
5. Rule 240(e), SCACR, gives an opposing party ten (10) days within which to file an opposition to a motion filed with this Court.
6. Respondent therefore has until Monday, November 15, 2021 to file an opposition to the Motion to Exceed Page Limits. Meanwhile, Ms. Luzak is currently scheduled to file her Initial Appellant’s Brief prior to the opportunity for Respondents to set forth any opposition to the relief sought by Ms. Luzak in her Motion to Exceed Page Limits filed yesterday, November 3, 2021.
7. In order to permit opposing counsel sufficient time as permitted by Rule 240(e), SCACR to file an opposition to the Motion to Exceed Page Limits, Ms. Luzak respectfully requests that her deadline for filing her Initial Appellant’s Brief, currently

¹ Ms. Luzak’s request to opposing counsel was for all parties on appeal to have the benefit of an equal extension of page limits for their respective Initial Briefs. **Exhibit A.**

scheduled for November 8, 2021 be held in abeyance until Respondents have time to file their opposition and for this Court to rule upon the request for relief set forth in Ms. Luzak's motion to exceed page limits, and for an additional five (5) days thereafter.

8. Ms. Luzak would show that her draft initial brief currently contains approximately 75 pages, such that denial of her motion will require her to significantly reduce the length of her initial appellant's brief. In that event, she requests five (5) days to abbreviate her initial appellant's brief.

WHEREFORE, counsel for Ms. Luzak seeks an order of this Court holding the time limits for filing of her initial appellant's brief in abeyance until opposing counsel has an opportunity to submit its objections to this Court and for this Court to rule upon the merits of the Motion to Exceed Page Limits filed November 3, 2021. In the event the pending Motion to Exceed Page Limits is denied, Ms. Luzak requests an additional five (5) days to reduce the current size of her initial Appellant's Brief.

Respectfully submitted,

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Attorneys for Appellant Hampton B. Luzak

November 4, 2021

From: [Ashley Twombly](#)
To: [Tom Traxler](#); [Bill Hogan](#); [Lee Walters](#); [Andrea Smith](#); "Alice Paylor"; "Bijan Ghom"; "Taylor Davis"; cmolster@molsterlaw.com
Cc: "Alan Medlin"; [Desa Ballard](#); "Gilreath, Jim"; "Macloskie Law Firm"; [Andrea Smith](#)
Subject: RE: Luzak Cases- Length of Briefs
Date: Wednesday, November 3, 2021 5:14:35 PM

Tom, we are not able to consent. Ashley

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Subject: RE: Luzak Cases- Length of Briefs

can you let me know in the morning? I need to know quickly.

thanks, ashley.

t.

Tom Traxler

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Subject: RE: Luzak Cases- Length of Briefs

Tom:

Will get with our group and get back to you. When do you need to know by?

Ashley

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Subject: Luzak Cases- Length of Briefs

All, does it work for all parties that we ask the Court of Appeals to allow each party up to 75 pages for briefs? If everyone agrees, perhaps we just send a consent order to that effect or I can simply notify the court that we all agree.

tom

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STATE OF SOUTH CAROLINA
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Appellate Case No. 2021-000837

In re: IN THE MATTER OF: Estate of Paul Brandon Barringer II

Hampton B. Luzak,Appellant

v.

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

--and--

Coastal Forest Resources Company ("CFRC").....Intervenor/Respondent.

--and--

Hampton B. Luzak,Appellant,

v.

Merrill U. Barringer,Respondent.

PROOF OF SERVICE

I, Beth Cogan, an employee with Ballard & Watson, do hereby certify that on November 4, 2021, I served a copy of the **Motion to Hold Time Limits in Abeyance**, in the above-captioned case on the following individuals by electronic mail using their email address listed in the Attorney

Information System, addressed as follows:

**Bijan Khaladj-Ghom, Esquire
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Beth Cogan

Beth Cogan, Paralegal

November 4, 2021

Beth Cogan

From: Beth Cogan
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Subject: (Luzak v. Light et al. 2021-000837) Ltr to COA encl Motion to Hold Time Limits in abeyance
Attachments: 2021 11 04 Ltr to COA encl Motion to Hold Time Limits in Abeyance.pdf; 2021 11 04 Motion to Hold Time Limits in Abeyance.pdf; 2021 11 04 POS Abeyance.pdf

Good afternoon,

Please see the attached Motion to Hold Time Limits in abeyance that is being filed today with the Court of Appeals in the above-referenced matter.

Kindest Regards,
-Beth

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November 4, 2021

Via Email (ctappfilings@sccourts.org)
The Honorable Jenny Abbot Kitchings
Court of Appeals Clerk of Court
Post Office Box 11629
Columbia, South Carolina 29211

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Nov 04 2021

SC Court of Appeals

Re: *Hampton Luzak v. Merrill B. Light, et al.*
Appellate Case No.: 2021-000837

Dear Ms. Kitchings:

Please find enclosed a Motion to Hold Time Limits in Abeyance for the above-referenced matter. Pursuant to paragraph (c) of the Supreme Court's administrative order dated August 25, 2021 ("Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules") a check for the filing fee is being forwarded via US mail.

By copy of this letter and as evidenced by the Proof of Service, these filing has been served upon counsel for the Respondents. Thank you for your time in this matter. If you have any questions, please do not hesitate to contact our office.

With warm personal regards, I am,

Sincerely yours,

Desa Ballard

Desa Ballard
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Enclosures

cc: *Via Electronic Mail*
Alice Paylor, Esquire
Bijan Ghom, Esquire
Charles Molster, Esquire
J. Ashley Twombly, Esquire
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The Honorable Jenny Abbott Kitchings
In re: Luzak v. Light, et al. (2021-000837)
November 4, 2021

Page 2 of 2

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