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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.

**APPELLANT'S REPLY TO RESPONDENTS' RETURN TO MOTION FOR
PERMISSION TO EXCEED PAGE LIMITS**

As set forth in her Motion to Exceed Page Limits, Appellant Hampton Luzak is appealing four discrete orders from the trial court.¹ These orders were obtained by Respondents in the consolidated cases that were designated as complex² Respondents have acted in concert throughout this litigation: Respondent Merrill Light was married to Respondent Randy Light;³ Respondent Merrill Barringer has steadfastly sided with Respondents Merrill and Randy Light; and Intervenor/Respondent Coastal Forest Resources Corporation (“CFRC”) is controlled by Respondent Merrill Light. Respondent Merrill Light obtained one of the orders presently being appealed; Intervenor/Respondent CFRC obtained one of the orders being appealed; and Respondent Merrill Barringer (along with Respondent Merrill Light for one) obtained two of the orders being appealed. Despite these orders, most of the causes of action in the complex case remain. By seeking the orders being appealed, it is Respondents who have chosen to “piecemeal” this complex case. Respondents, including Intervenor/Respondent CFRC, will each have the ability to file separate returns to Petitioner’s Initial Brief. Thus, Respondents will have the ability to coordinate four separate initial appellant briefs of 50 pages each, for a total of 200

¹ Respondents agree that two orders are final and presently appealable, yet dispute that two other orders are presently appealable, without recognizing S.C. Code Ann. §14-3-330(1). In their return filed on November 15, 2021, Respondents represented that they intended to file a motion to dismiss the appeal of these latter two orders, which they had yet to do but eventually filed on November 18, 2021. Nevertheless, Respondents attempt to have this Court effectively rule prematurely by making motion to dismiss arguments in their Return to Petitioner’s Motion for Permission to Exceed Page Limits. Petitioner’s initial brief will properly address all four orders.

² When Case No. 2016-CP-07-1919 was designated complex by order dated May 19, 2017, another then-pending action, Case No. 2016-CP-07-1961 was consolidated with 2016-CP-07-1919 and all subsequent pleadings in those two cases were identified by Case No. 2016-CP-07-1919. Two later actions related to the 2016 actions: Case No. 2019-CP-07-01253 and 2019-CP-07-01294 were consolidated by consent order filed December 3, 2019. Pleadings and orders issued after that date, for the most part, bore all three (3) case numbers and all pending proceedings were consolidated for discovery and trial pursuant to the above-referenced consent order of consolidation filed December 3, 2019.

³ Randy Light died during the pendency of this litigation.

pages of coordinated initial respondent's briefs. In declining to agree to Ms. Luzak's request to exceed the page limits, Respondent's counsel advised they were "unable" to consent to the request. **Exhibit A.**

Ms. Luzak again asks this Court to grant her Motion for Permission to Exceed Page Limits for her Initial Appellant's Brief for a total of 75 pages.

Respectfully submitted,

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Attorneys for Appellant Hampton B. Luzak

November 22, 2021

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

thanks, ashley.

t.

Tom Traxler

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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

Tom Traxler

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STATE OF SOUTH CAROLINA
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APPEAL FROM BEAUFORT COUNTY
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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 22, 2021, I served a copy of the **Reply to Return to Motion for Permission to Exceed Page Limits**, 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:

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Beth Cogan, Paralegal

November 22, 2021

Beth Cogan

From: Beth Cogan
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Cc: Desa Ballard; Bill Hogan; Alan Medlin, Esquire; Tom Traxler; 'Gilreath, Jim (Gilreath, Jim)'; 'Macloskie Law Firm'; kathie@gilreathlaw.com
Subject: (Luzak v. Light, et al. 2021-000837) Ltr to COA encl Reply to Return (Exceed page Limits)
Attachments: 2021 11 22 Ltr to COA encl Retply to Return (Exceed page limits).pdf; 2021 11 22 Plaintiff's Reply To Return Motion to expand pages.pdf; 2021 11 22 POS Reply to Return (Exceed Page limits).pdf

Good afternoon,

Please see the attached Reply to Return to Motion for Permission to Exceed Page Limits that is being filed today with the Court of Appeals in the above-referenced matter.

Kindest Regards,

-Beth

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November 22, 2021

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

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Nov 22 2021

SC Court of Appeals

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

Dear Ms. Kitchings:

Enclosed for filing please find the Reply to Respondents' Return to Motion for Permission to Exceed Page Limit and Proof of Service for the above-referenced matter.

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
desab@desaballard.com

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 Abbot Kitchings
In Re: Luzak v. Light, et al. (2021-000837)
November 22, 2021

Page 2 of 2

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