

RECEIVED

Jan 24 2022

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 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--

Hampton B. Luzak,Appellant,

v.

Merrill U. Barringer,Respondent,

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

APPELLANT'S DESIGNATIONS

Pursuant to Rule 209, SCACR, Appellant proposes the following be included in the Record on Appeal. Unless otherwise stated, all items designated include exhibits and exclude proof of service, cover sheets, motion forms, and notices. Appellant reserves the right to include additional designations in connection with her initial reply brief or otherwise. Appellant also notes that additional materials are before the Court in the Record on Appeal in Appellate Case No. 2021-001337.

ORDERS

1. Consent Order Declaring Litigation Complex (1961) filed May 19, 2017
2. Consent Order Declaring Litigation Complex (1919) filed May 19, 2017
3. Order for Consolidation of Actions by Consent filed May 19, 2017
4. Consent Order on Plaintiff's Motion for Consolidation of Actions (1919) filed December 3, 2019
5. Order (1253/1294) filed November 4, 2020
6. Order Granting Motion to Bifurcate filed December 30, 2020
7. Order Denying Merrill Light's Motion for Summary Judgment filed December 30, 2020
8. Form 4 Order denying Motion to Reconsider Order to Bifurcate filed January 14, 2021
9. Form 4 recusing Judge Mullen filed February 19, 2021
10. Order on Motions filed June 7, 2021
11. Order Granting CFRC Motion for Intervention and Protective Relief filed June 7, 2021
12. Protective Order filed June 7, 2021
13. Order Granting Def. Merrill Light Summary Judgment as to February 8, 2012, Will and First Amendment to the Paul B. Barringer, II, Revocable Trust dated December 4, 1998 filed on July 6, 2021
14. Order on Motions filed July 13, 2021
15. Order Reassignment of Case Designated as Complex filed July 23, 2021
16. Order Denying P. Motion to Reconsider July 2, 2021 Ruling and Subsequent July 13, 2021 Order filed August 4, 2021
17. Order Denying P. Motion to Reconsider and Amend Order Granting Def. Merrill Light Summary Judgment as to February 8, 2012, Will and First Amendment to the Paul B. Barringer, II, Revocable Trust, Dated December 4, 1998, filed August 4, 2021
18. Order Granting SJ to Def. filed August 20, 2021

19. Order Denying P. Motion to Reconsider Summary Judgment filed October 8, 2021

PLEADINGS

20. Petition for Conservator (2016GC0700007) filed February 12, 2016
21. Summons and Complaint (2016-ES-07-00517) filed August 26, 2016
22. Order of Removal (2016-ES-07-00517) filed September 1, 2016
23. Summons and Complaint (1961) filed September 7, 2016
24. Amended Summons & Complaint (1919) filed November 22, 2016
25. Merrill and Randy Light's Answer to Plaintiff's Amended Complaint (1919) filed May 2, 2017
26. Summons and Complaint (1253) filed May 28, 2019
27. Removal from Probate Court filed June 4, 2019
28. Motion for Consolidation of actions under Rule 42(a) filed September 13, 2019
29. Plaintiff's response to Def. Merrill U. Barringer's Third Set of Interrogatories to Hampton Luzak dated October 22, 2019
30. Pl. Motion to Compel Production of Docs (1253 & 1294) filed August 3, 2020
31. Merrill Light Motion for Summary Judgment filed September 10, 2020
32. Joint Motion for Bifurcation filed October 23, 2020
33. Merrill Light Memorandum in Support of Joint Motion to Bifurcate filed November 6, 2020
34. Merrill Barringer Memorandum in Support of Joint Motion to Bifurcate filed November 6, 2020
35. Hampton Luzak Memo in Opposition to Motion to Bifurcate trial filed November 9, 2020
36. Plaintiff's Response in Opposition to Def. Merrill B. Light's Motion for Summary Judgment dated and filed November 9, 2020
37. Def. Supplemental Memo in Support of Joint Motion to Bifurcate trial filed November 16, 2020

38. Def. Second Supplemental Memo in Support of Joint Motion to Bifurcate trial filed December 3, 2020
39. Hampton Luzak Motion to Reconsider Order to Bifurcate and Memo in Support filed January 8, 2021
40. Hampton Luzak Notice of Appeal filed February 2, 2021
41. Hampton Luzak Memorandum on Immediate Appealability filed March 4, 2021
42. Def. Memorandum on Immediate Appealability filed March 4, 2021
43. CFRC Motion for Protective Order filed May 4, 2021
44. Merrill Barringer Motion to Set Trial Date filed May 5, 2021
45. CFRC Motion for Intervention and Protective Relief filed May 14, 2021
46. Def. Merrill Light Motion and Memo in Support of SJ as to February 28, 2021 Will and Amendment to the Paul B. Barringer, II Revocable Trust filed May 14, 2021
47. Pl.'s Response in Opposition to Def. Merrill B. Light's Motion for Summary Judgment as to the Pl.'s Seventh, Eighth, and Ninth Causes of Action filed May 24, 2021
48. P. Memorandum in Opposition to CFRC's Motion for Intervention and Protective Relief filed May 25, 2021
49. Hampton Luzak's Response to Motion to Set Trial date filed May 26, 2021
50. Merrill Barringer Motion for Summary Judgment on Second Cause of Action filed June 14, 2021
51. Merrill Barringer Motion for Summary Judgment on Third Cause of Action filed June 14, 2021
52. Hampton Luzak Motion to Reconsider, Amend and Vacate the Court's letter filed June 17, 2021
53. Hampton Luzak Motion to Reconsider and Amend Order on Motions entered June 7, 2021 filed June 17, 2021
54. P. Motion to Reconsider and Amend Order Granting CFRC's Motion for Intervention and Protective Relief filed June 17, 2021
55. CFRC Supplement to Response in Opposition to P. Motion for Reconsideration of Order Granting CFRC Motion for Intervention and Protective Relief filed July 2, 2021

56. Def. Response to Motion to Reconsider, Amend and Vacate the Court's letter filed July 1, 2021
57. Pl. Motion to Reconsider and amend Order Granting Def. Merrill Light Summary Judgment as to February 8, 2012, Will and First Amended to the Paul B. Barringer, II, Revocable Trust, Dated December 4, 1998 filed July 16, 2021
58. Pl. Motion for SJ as to P. Second and Third Causes of Action filed July 30, 2021
59. Pl. Memo in Opposition to Motion for Summary Judgment as to P. Second and Third Causes of Action with exhibits filed August 6, 2021
60. Notice of Appeal filed August 5, 2021
61. Notice of Electronic Filing filed August 6, 2021
62. D. Joint Motion for SJ as to all of P. Remaining Causes filed August 8, 2021
63. P. Memorandum in Opposition to D. Merrill Barringer's Motion for Summary Judgment as to P. First and Fourth Causes of Action filed August 9, 2021
64. D. Memorandum in Opposition to P. Motion for Summary Judgment as to P. Second and Third Causes of Action filed August 9, 2021
65. D. Reply in Support of her Motions for Summary Judgment on P. Second and Third Causes of action filed August 9, 2021
66. P. Opposition to D. Joint Motion for Summary Judgment as to all of P.'s Remaining Causes of Action filed August 9, 2021
67. P. Opposition to D. Merrill Barringer's Motion for Partial Summary Judgment and Judgment on the Pleadings filed August 9, 2021
68. P. Motion to Reconsider Order Granting SJ as to P. Second and Third Causes of Action filed August 30, 2021
69. P. Motion to Reconsider and/or Vacation filed September 3, 2021
70. P. Reply to D. Opposition to P. Motion to Reconsider Order Granting Summary Judgment as to P. Second and Third Causes of Action filed October 6, 2021

TRANSCRIPTS

71. Motions Hearing June 27, 2018
72. Bifurcation Hearing November 17-19, 2020

73. Motions hearing May 27, 2021
74. Motions hearing July 2, 2021
75. Status Conference August 2, 2021

OTHER

76. CFRC Bylaws
77. Dr. Garrett medical record dated December 27, 2011
78. Dr. Carter medical record dated May 2, 2012
79. Letter from Court of Appeals re: Memoranda on immediate appealability dated February 22, 2021
80. Letter from Judge Price curtailing discovery and setting trial filed June 7, 2021
81. August 4, 2021 Letter to Beaufort Clerk of Court filing deposition transcript of Kevin Luzak in Support of MSJ filed June 14, 2021

I certify that this designation contains no matter which is irrelevant to this appeal.

Respectfully submitted,

s/ Desa Ballard
Desa Ballard (S.C. Bar No. 498)
226 State Street
West Columbia, South Carolina 29169
Telephone 803.796.9299
Facsimile 803.796.1066
desab@desaballard.com

James R. Gilreath (S.C. Bar No. 02133)
William M. Hogan (S.C. Bar No. 65272)
THE GILREATH LAW FIRM, PA
110 Lavinia Avenue (zip 29601)
P.O. Box 2147
Greenville, South Carolina 29602
Telephone: 864.242.4727
Facsimile: 864.232.4395
jim@gilreathlaw.com
bhogan@gilreathlaw.com

S. Alan Medlin (S.C. Bar No. 3924)
1713 Phelps Street
Columbia, South Carolina 29205
Telephone: 803.777.7465
Facsimile: 803.777.7465
amedlin@sc.rr.com

Charles B. Macloskie (S.C. Bar No. 3514)
MACLOSKIE LAW FIRM
P.O. Box 280
Beaufort, South Carolina 29901
Telephone: 843.524.0909
Fax: 843.521.1379
macloskielawfirm@hargray.com

Thomas W. Traxler (S.C. Bar No. 5624)
CARTER, SMITH, MERRIAM ROGERS &
TRAXLER, PA
900 East North Street (29601)
P.O. Box 10828 (29603)
Greenville, South Carolina
Telephone: 864.242.3566
Facsimile: 864.232.1558
tom.traxler@carterlawpa.com

ATTORNEYS FOR APPELLANT

January 24, 2022

RECEIVED

Jan 24 2022

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 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--

Hampton B. Luzak, Appellant,

v.

Merrill U. Barringer, Respondent,

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

PROOF OF SERVICE

I, Beth Cogan, an employee with Ballard & Watson, Attorneys at Law, do hereby certify that on January 24, 2022, I served a copy of the **Appellant's Initial Brief** and **Appellant's Designation of Matter** 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
Rosen Hagood LLC
bghom@rosenhagood.com

Alice Paylor, Esquire
Rosen Hagood LLC
apaylor@rosenhagood.com

Charles Molster, Esquire
The Law Offices of Charles B. Molster, III, PLLC
cmolster@molsterlaw.com

J. Ashley Twombly, Esquire
Twenge & Twombly, LLC
twombly@twlawfirm.com

Lee Anne Walters, Esquire
Twenge & Twombly, LLC
lwalters@twlawfirm.com

Kevin Johnson, Esquire
Johnson & Johnson Attorneys at Law, LLC
kjohnson@johnsonlawyers.com
kjohnson@twlawfirm.com

Harley Ruff, Esquire
Ruff & Ruff, LLC
hruff@ruffllc.com

Denise Collins, Esquire
Ruff & Ruff, LLC
dcollins@ruffllc.com

Ryan Rich, Esquire
Hunton Andrews Kurth LLP
rrich@hunton.com

Edward J. Fuhr, Esquire
efuhr@huntonAK.com

Jonathon Schronce, Esquire
jschronce@huntonAK.com


Beth Cogan, Paralegal

January 24, 2022
West Columbia, South Carolina

Beth Cogan

From: Beth Cogan
Sent: Monday, January 24, 2022 4:47 PM
To: Ashley Twombly; Lee Walters; Kevin Johnson; kjohnson@johnsonlawyers.com; Harley D. Ruff; Denise Collins; Rich, Ryan G.; Edward J. Fuhr; Johnathon Schronce; Alice Paylor; Bijan Ghom; Charles Molster; Ensley Mahoney; Andrea Smith
Cc: Desa Ballard; Bill Hogan; Tom Traxler; 'Macloskie Law Firm'; Alan Medlin, Esquire; 'Gilreath, Jim (Gilreath, Jim)'; kathie@gilreathlaw.com
Subject: (Luzak v. Light, et al.; Appellate Case No. 2021-000837) Ltr to COA encl AIB and A. DOM
Attachments: 2022 01 24 Ltr to COA encl AIB.pdf; 2022 01 24 AIB.pdf; 2022 01 24 A. DOM.pdf; 2022 01 24 POS AIB.pdf

Good afternoon,

Please see the attached Initial Brief and Designation of Matter that is being filed today for the above-referenced matter.

Kindest Regards,
-Beth

Beth Cogan, Paralegal
Ballard & Watson, Attorneys at Law
226 State Street
West Columbia, South Carolina 29169
803.796.9299
803.796.1066 Facsimile
beth@desaballard.com
www.desaballard.com



Ballard & Watson
Attorneys at Law
PERSISTENT. UNWAVERING.

Desa Ballard
Harvey M. Watson III

Post Office Box 6338 | West Columbia, SC 29171
226 State Street | West Columbia, SC 29169
ph 803.796.9299 | fx 803.796.1066 | desaballard.com

January 24, 2022

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

RECEIVED
Jan 24 2022
SC Court of Appeals

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

Dear Ms. Kitchings:

Please find enclosed for filing an original and one copy of the **Appellant's Initial Brief and Designation of Matter** in 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

cc: *Via Email*
Alice Paylor, Esquire
Bijan Ghom, Esquire
Charles Molster, Esquire
J. Ashley Twombly, Esquire
Lee Anne Walters, Esquire
Kevin Johnson, Esquire
Harley D. Ruff, Esquire
Denise Collins, Esquire
Ryan Rich, Esquire
Eugene Parrs, Esquire

Honorable Jenny Abbott Kitchings
In re: Initial Brief (2021-000837)
January 24, 2022

Page 2 of 2

Edward Fuhr, Esquire
Jonathon Schronce, Esquire
Thomas W. Traxler, Esquire
S. Alan Medlin, Esquire
Charles Macloskie, Esquire
James R. Gilreath, Esquire
William Hogan, Esquire
Hampton Luzak