

RECEIVED

Jun 01 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY
COURT OF COMMON PLEAS
CARMEN T. MULLEN, CIRCUIT COURT JUDGE

Appellate Case No. 2021-001337
Trial Court Case Nos. 2016-CP-07-01919, 2019-CP-07-01253 and 2019-CP-07-01294

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

Hampton Barringer 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, Defendants.

Of whom

Merrill B. Light, Merrill U. Barringer, as Personal Representative of the Estate Of Paul Brandon Barringer II, 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, are Respondents,

--and--

Hampton B. Luzak,Appellant,

v.

Merrill U. Barringer,Respondent.

SUPPLEMENTAL NOTICE OF APPEAL

Appellant Hampton B. Luzak filed an initial notice of appeal in the above-captioned matter on November 8, 2021. Mrs. Luzak now supplements this appeal to include an earlier interlocutory Order Granting Defendants' Motion to Bifurcate by the Honorable Carmen T. Mullen dated December 30, 2020. That order was previously appealed and included in Appellate Case No. 2021-000837, which appeal was dismissed by order of the Supreme Court dated April 29, 2022, with the bifurcation issue not being addressed.¹

Appellant supplements this appeal with her existing appeal of the December 30, 2020 order, which can be heard as part of this appeal in accordance with S.C. Code Ann. §14-3-330(a). A copy of the order now also on appeal in this matter is attached hereto and incorporated herein by reference as **Exhibit A** to this Notice of Appeal.

Submitted contemporaneously is Appellant's Initial Brief and Designations as to the December 30, 2020 order, which is served on opposing counsel by copy of this filing.

Respectfully submitted,

BALLARD & WATSON

s/ Desa Ballard
Desa Ballard (S.C. Bar No. 498)
226 State Street
West Columbia, South Carolina 29169
Telephone 803.796.9299

¹ The Supreme Court's order dated April 29, 2022 in Appellate Case No. 2021-000837 appeared to vacate the final orders contained in that appeal and dismissed the remainder of the appeal without addressing the appeal of Judge Mullen's bifurcation order dated December 30, 2020. The appeal of that bifurcation order was appended to the 2021-000837 appeal pursuant to S.C. Code Ann. §14-3-330(a) and remained pending until the Supreme Court's order dated April 29, 2022. The Supreme Court's order dated April 29, 2022 in 2021-000837 remains pending before the Supreme Court as a result of motions for reconsideration and/or petitions for rehearing filed on May 26, 2022. By virtue of these pending motions and/or petitions in Appellate Case No. 2021-000837, Ms. Luzak's appeal of the bifurcation order remains pending and no remittitur has been transmitted in Appellate Case No. 2021-000837. If the Supreme Court affirms its dismissal of Appellate Case No. 2021-000837 after considering the motions and/or petitions, the order of bifurcation must be considered as a part of Appellate Case No. 2021-001337, in accordance with S.C. Code Ann. § 14-3-330(a). Should the Supreme Court alter its April 29, 2022 order in Appellate Case No. 2021-000837 such that 2021-000837 remains pending, the bifurcation order dated December 30, 2020 can continue to be considered as part of Appellate Case No. 2021-000837. If not, however, Ms. Luzak's only opportunity to seek review of the December 30, 2020 order, pursuant to S.C. Code Ann. §14-3-330(a), will be as part of this appeal, Appellate Case No. 2021-001337.

Facsimile 803.796.1066
desab@desaballard.com

James R. Gilreath (S.C. Bar No. 2133)
William M. Hogan (S.C. Bar No. 5272)
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, P.A.
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 Hampton B. Luzak

May 31, 2022

OTHER COUNSEL OF RECORD:

Alice Paylor, Esquire
Bijan Ghom, Esquire
ROSEN, ROSEN & HAGOOD, LLC
P.O. Box 893
Charleston, South Carolina 29402
apaylor@rrhlawfirm.com
bghom@rosenhagood.com

Attorneys for Respondents, Merrill B. Light, 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

Charles B. Molster, III, Esquire
THE LAW OFFICES OF CHARLES B. MOLSTER, III PLLC
2141 Wisconsin Avenue, N.W., Suite M
Washington, D.C. 20007
cmolster@molsterlaw.com

Attorney admitted *pro hac vice* for Respondents, Merrill B. Light, 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

J. Ashley Twombly, Esquire
Kevin Johnson, Esquire
Lee Anne Walters, Esquire
TWENGE + TWOMBLY LAW FIRM
311 Carteret Street
Beaufort, South Carolina 29902
Twombly@twlawfirm.com
kjohnson@twlawfirm.com
lwalters@rosenhagood.com

Attorney for Respondent Merrill U. Barringer, individually and Respondent Merrill U. Barringer, as Personal Representative of the Estate of Paul Brandon Barringer, II

Harley D. Ruff, Esquire
Denise Collins, Esquire
RUFF & RUFF, LLC
17 Professional Village Circle
Beaufort, South Carolina 29907
hruff@ruffllc.com
dcollins@ruffllc.com

Attorneys for Respondent Merrill U. Barringer, as Personal Representative of the Estate of Paul Barringer, II

RECEIVED

Jun 01 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY
COURT OF COMMON PLEAS
CARMEN T. MULLEN, CIRCUIT COURT JUDGE

Appellate Case No. 2021-001337
Trial Court Case Nos. 2016-CP-07-01919, 2019-CP-07-01253 and 2019-CP-07-01294

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

Hampton Barringer 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, Defendants.

Of whom

Merrill B. Light, Merrill U. Barringer, as Personal Representative of the Estate Of Paul Brandon Barringer II, 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, are Respondents,

--and--

Hampton B. Luzak, Appellant,

v.

Merrill U. Barringer, Respondent.

PROOF OF SERVICE

I, Beth Cogan, an employee with Ballard & Watson, Attorneys at Law, do hereby certify that on June 1, 2022, I served a copy of the **Supplemental Notice of Appeal, Initial Brief of Appellant 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**



Beth Cogan, Paralegal

June 1, 2022
West Columbia, South Carolina

Beth Cogan

From: Beth Cogan
Sent: Wednesday, June 1, 2022 5:34 PM
To: Alice Paylor; Bijan Ghom; Charles Molster; Ensley Mahoney; Ashley Twombly; Lee Walters; Kevin Johnson; kjohnson@johnsonlawyers.com; Harley D. Ruff; Denise Collins; Andrea Smith
Cc: Desa Ballard; Bill Hogan; kathie@gilreathlaw.com; Alan Medlin, Esquire; Tom Traxler; 'Macloskie Law Firm'; 'Gilreath, Jim (Gilreath, Jim)'
Subject: (Luzak v. Barringer, et al. 2021-001337) Ltr to COA encl Supplemental NOA/AIB and DOM
Attachments: 2022 06 01 Ltr to COA encl Supplemental NOA, AIB and ADOM.pdf; 2022 05 31 Supplemental Notice of Appeal.pdf; A-2020 12 30 ORDER granting bifurcate motion.pdf; 2022 06 01 AIB Bifurcation order.pdf; 2022 06 01 A. DOM Bifurcation Supplemental Appeal.pdf; 2022 06 01 POS Supplemental NOA; AIB; DOM.pdf

Good afternoon,

Please see the attached Supplemental NOA, Initial Brief and Designation of Matter that is being filed today with the Court of Appeals.

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

June 1, 2022

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

RECEIVED

Jun 01 2022

SC Court of Appeals

Re: *Hampton Barrington Luzak v. Merrill U. Barringer, et. al.*
Appellate Case No.: 2021-001337

Dear Ms. Kitchings:

Please find enclosed for filing a **Supplemental Notice of Appeal, Appellant's Initial Brief and Designation of Matter** in 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

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