

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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**Jul 08 2022**

**S.C. SUPREME COURT**

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

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Unpublished Opinion No. 2021-UP-288 (S.C. Ct. App. filed Aug. 4, 2021)

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Gabriel Barnhill and GSB Enterprises LLC, ..... Respondents,

v.

J. Floyd Swilley, J. Floyd Swilley Investment Advisors, Laurel K. Swilley, SMG Partners LLC, SMS Services LP, William C. Piner, WCP Limited LLC, 809 Holdings LP, QC Financing LLC, and Sage Financial Group LLC, ..... Defendants.

Of whom J. Floyd Swilley, Laurel K. Swilley and Heath Causey are the ..... Petitioners.

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**REPLY TO RETURN TO  
MOTION FOR LEAVE TO FILE  
SUPPLEMENTAL APPENDIX**

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Petitioners J. Floyd Swilley, Laurel K. Swilley and Heath Causey Reply to the Response filed by Respondents Gabriel Barnhill and GSB Enterprises LLC and renew their request for an order of this Court accepting the proposed additional materials for supplement to the Appendix in this matter pursuant to Rule 212, SCARC. The documents proposed for inclusion include the following materials:

1. Email dated 12.13.2021 from Bridgette Williamson with the Horry County Clerk of Court's office to Petitioner J. Floyd Swilley; and
2. Attachment to that referenced 12.13.201 email.

Petitioners recognize matters that were not before the trial court are not normally part of the appellate record. However, Rule 212(a) provides, “It [the appellate court] may likewise require a report of the trial or hearing, *or of any matter relative thereto*, to be made by the trial judge or administrative tribunal. These matters shall become part of the Record on Appeal.” (Emphasis added). The documents that Petitioners propose to add explain the Clerk of Court records regarding the notice of the hearing and which attorneys were served, which Petitioners assert is a matter relative to the hearing and should become part of the Record on Appeal.

Throughout this litigation, Petitioners have disputed receiving hearing of a notice. These new documents are directly relevant to that issue.

WHEREFORE, pursuant to Rule 212, SCACR, Petitioners respectfully renew their request that the proposed Supplemental Record on Appeal be accepted as filed.

s/ Desa Ballard  
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July 8, 2022