

**RECEIVED**

**May 25 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM THE CIRCUIT COURT  
FIFTH JUDICIAL CIRCUIT

Alison Renee Lee, Circuit Court Judge

Circuit Court Case No. 2022-CP-40-2586

Capella Capital, LLC, Capella Carolinas, LLC, and Michael Lindley, ..... Respondents,

v.

Donivon Glassburn, ..... Appellant.

NOTICE OF APPEAL

Appellant, Donivon Glassburn, hereby appeals (1) the April 25, 2023 Order issued by the Honorable Alison Renee Lee denying Appellant's Motion to Dismiss, or in the Alternative, to Compel Arbitration; and (2) the May 18, 2023 Order denying Appellant's Motion to Alter or Amend Order Denying Motion to Dismiss or Compel Arbitration. Appellant received written notice of entry of the Order Denying Motion to Dismiss, or in the Alternative, to Compel Arbitration on April 25, 2023, and the Order Denying Motion to Alter or Amend Order Denying Motion to Dismiss or Compel Arbitration on May 18, 2023. A copy of each order is attached.

May 25, 2023

s/John A. Massalon

John A. Massalon, Esquire (SC Bar #10279)

Christy Ford Allen (SC Bar #15649)

WILLS MASSALON & ALLEN LLC

Post Office Box 859

Charleston, South Carolina 29402

(843) 727-1144

[jmassalon@wmalawfirm.net](mailto:jmassalon@wmalawfirm.net)

[callen@wmalawfirm.net](mailto:callen@wmalawfirm.net)

*Attorneys for Appellant*

***Other Counsel of Record:***

Todd R. Ellis, Esquire (SC Bar #08888)  
Law Office of Todd Ellis, P.A.  
7911 Broad River Road, Suite 100  
Irmo, SC 29063  
803-732-0123  
[todd@toddelislaw.com](mailto:todd@toddelislaw.com)

John A. Ecton, Esquire (SC Bar #66089)  
Ecton Law Firm, P.A.  
7911 Broad River Road, Suite 100  
Irmo, SC 29063  
803-771-9800  
[jecton@ectonlawfirm.com](mailto:jecton@ectonlawfirm.com)

*Attorneys for Respondents*

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v.

Donivon Glassburn, ..... Appellant.

PROOF OF SERVICE

I certify that Appellant's Notice of Appeal was served upon Respondents Capella Capital, LLC, Capella Carolinas, LLC, and Michael Lindley via e-mail to counsel of record listed below on May 25, 2023. A copy of the service e-mail is attached hereto as Exhibit A.

Todd R. Ellis, Esquire (SC Bar #08888)  
Law Office of Todd Ellis, P.A.  
7911 Broad River Road, Suite 100  
Irmo, SC 29063  
803-732-0123  
[todd@toddelislaw.com](mailto:todd@toddelislaw.com)

John A. Ecton, Esquire (SC Bar #66089)  
Ecton Law Firm, P.A.  
7911 Broad River Road, Suite 100  
Irmo, SC 29063  
803-771-9800  
[jecton@ectonlawfirm.com](mailto:jecton@ectonlawfirm.com)

*Attorneys for Respondents*

s/John A. Massalon  
John A. Massalon, Esquire (SC Bar #10279)  
Christy Ford Allen (SC Bar #15649)  
WILLS MASSALON & ALLEN LLC  
Post Office Box 859  
Charleston, South Carolina 29402  
(843) 727-1144  
[jmassalon@wmalawfirm.net](mailto:jmassalon@wmalawfirm.net)  
[callen@wmalawfirm.net](mailto:callen@wmalawfirm.net)

*Attorneys for Appellant*

Charleston, South Carolina

May 25, 2023

Exhibit A

**Charline Barrasso**

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**From:** Charline Barrasso  
**Sent:** Thursday, May 25, 2023 3:44 PM  
**To:** Todd R. Ellis, Esquire (todd@toddellislaw.com); John Ecton, Esq. (jecton@ectonlawfirm.com)  
**Cc:** John A. Massalon; Christy F. Allen  
**Subject:** Notice of Appeal; Capella Capital, LLC, et al. v. Donivon Glassburn  
**Attachments:** 20230525 Notice of Appeal.pdf; 20230425 Order Denying MTC Arbitration.pdf; 20230518 Order Denying Mot to Amend.pdf; 20230525 Kitchings.pdf

Mr. Ellis and Mr. Ecton:

Good afternoon. Attached for service, please find a Notice of Appeal in regard to the above-referenced matter. In addition, please see the attached correspondence to the Clerk of Court enclosing the filing fee. If you have any questions, please do not hesitate to contact us.

Thank you,

**Charline L. Barrasso, Paralegal**  
**Wills Massalon & Allen LLC**  
[cbarrasso@wmalawfirm.net](mailto:cbarrasso@wmalawfirm.net)  
Post Office Box 859 97 Broad Street  
Charleston, SC 29402 Charleston, SC 29401  
(843) 727-1144 Main Telephone  
(843) 727-7696 Facsimile  
<http://www.wmalawfirm.net>

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