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Dec 28 2023

S.C. SUPREME COURT

IN THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM HORRY COUNTY
Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

Unpublished Opinion Op.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

Supreme Court Case No. 2021 001124

Gabriel Barnhill and GSB Enterprises, LLCRespondents.

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.

RESPONDENTS' MOTION FOR COSTS

Gabriel Barnhill and GSB Enterprises LLC, the Respondents, hereby move for an award of costs and attorney's fees pursuant to Rules 222 and 242, SCACR, as to Heath Wendell Causey, Appellant/Petitioner and as to J. Floyd Swilley and Laurel K. Swilley, Appellants/Petitioners. The August 4, 2021 decision of the South Carolina Court of Appeals affirmed the trial court's Order. Although the South Carolina Supreme Court granted the Appellants' Petition for Writ of Certiorari on May 17, 2023, the South Carolina Supreme Court subsequently dismissed certiorari as improvidently granted by Order filed December 20, 2023. The Remittitur was filed on December 27, 2023.

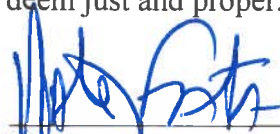
The South Carolina Supreme Court decision has the effect of affirming the judgment of the trial court. Pursuant to Rule 242(j)(i), SCACR, attorney fees should be assessed against the Appellant Heath Causey and against Appellants J. Floyd Swilley and Laurel K. Swilley (“Swilley”)

At the Court of Appeals, Heath Causey was not represented by counsel and he submitted his own briefs to which Respondents responded. At the Court of Appeals, Swilley was represented by counsel F. Miles Adler and Swilley submitted briefs to which Respondents responded. Thus, two separate appeals were addressed by Respondents in the Court of Appeals.

The Clerk is requested to tax costs and fees in the amount of \$2,500.00 representing attorney’s fees provided by Rule 222(b), SCACR against the Appellant Heath Wendell Causey and to separately tax costs and fees in the amount of \$2,500 representing attorney fees provided by Rule 222(b), SCACR against the Appellants J. Floyd Swilley and Laurel K. Swilley. Respondents reference their attached Itemized Statement of Costs.

Respondents, Gabriel Barnhill and GSB Enterprises LLC further request such other relief against the Appellants as this Honorable Court may deem just and proper.

December 28, 2023



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