

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

APPEAL FROM HORRY COUNTY
WILLIAM H. SEALS, JR., CIRCUIT COURT JUDGE

Appellate Case No. 2025-000796

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, WCP Limited, LLC, 809 Holdings, LP, QC Financing, LLC, Heath Causey and Sage Financial Group, LLC, Defendants,

of which J. Floyd Swilley, Laurel Swilley and Heath Causey are the Appellants.

RESPONDENTS' DESIGNATION OF MATTER

Pursuant to Rule 209, SCACR, Respondents propose the following to be included in the Record on Appeal. Unless otherwise stated, all items designated include exhibits and exclude proof of service.

I. Pleadings

1. Plaintiffs' Complaint filed April 25, 2013;
2. Amended Complaint (Derivative Action) filed August 28, 2014;
3. Consent Order Consolidating Cases filed April 27, 2015;
4. Order filed October 15, 2014;
5. Order filed March 21, 2016;

6. Form 4 Order, dated April 28, 2016 filed May 2, 2016;
7. Swilley Motion for Summary Judgment filed May 13, 2016;
8. Order Denying Defendants Swilley, Causey and 809 Holdings' Motion to Set Aside Order filed May 25, 2016;
9. Affidavit of Nate Fata For Entry of Default filed June 9, 2016;
10. Court of Appeals Opinion No. 2021-UP-288 filed August 4, 2021;
11. Order denying Petition for Rehearing filed September 8, 2021;
12. Order granting Writ of Certiorari filed May 17, 2023;
13. Supreme Court Order dismissing certiorari filed December 20, 2023;
14. Remittitur filed December 29, 2023;
15. Nate Fata, Esq.'s Affidavit for Entry of Default filed January 19, 2024;
16. Barnhill and GSB's Motion for Entry of Default filed January 25, 2024;
17. Order of Entry of Default filed January 25, 2024;
18. Swilley and Causey's Motion for Relief from Entry of Default filed January 26, 2024;
19. Barnhill and GSB's Motion For Default Judgment filed January 29, 2024;
20. Swilley and Causey's Amended Motion for Relief from Entry of Default filed on February 9, 2024;
21. Swilley and Causey's Return to Plaintiffs' Motion for Default Judgment filed February 9, 2024;
22. Affidavit of Gabriel Barnhill filed May 22, 2024;
23. Barnhill and GSB Memorandum in Opposition to Defendants' Motion for Relief from Entry of Default filed June 6, 2024;
24. Barnhill and GSB's Memorandum in Support of the Motion for Default Judgment filed June 7, 2024;

25. Swilley and Causey Reply to Barnhill and GSB's Memorandum in Opposition to Defendants' Motion for Relief from Entry of Default filed June 10, 2024;
24. Barnhill and GSB's Notice of Tender under the Uniform Securities Act filed June 14, 2024, with exhibits;
25. Barnhill and GSB Exhibits filed June 18, 2024;
26. Form 4 Order filed June 18, 2024;
27. Swilley and Causey's Motion to Reconsider filed June 28, 2024;
28. Barnhill and GSB's Memorandum in Opposition to Swilley and Causey Motion to Reconsider filed July 12, 2024;
29. Order filed July 15, 2024;
30. Order filed November 6, 2024;
31. Swilley and Causey's Motion to Reconsider filed November 12, 2024;
32. Barnhill and GSB's Motion to Alter or Amend Order filed November 18, 2024;
33. Swilley and Causey's Memorandum Addressing both pending Rule 59(e) Motions filed February 7, 2025;
34. Barnhill and GSB's Memorandum in Support of Motion to Alter or Amend Order filed February 7, 2025;
35. Order filed April 2, 2025;
36. Swilley and Causey's Motion to Deposit Funds filed April 15, 2025;
37. Order Granting Motion to Deposit Funds filed April 22, 2025;
38. Notice of Appeal filed April 24, 2025.

II. Transcripts

1. Transcript of Hearing on June 18, 2024, pages 1-23;

2. Transcript of Hearing on September 12, 2024, pages 1-115;
3. Plaintiffs' Exhibits 1-12 for Hearing on September 12, 2024;

III. Other

1. Order filed April 7, 2003 by U.S. Bankruptcy Judge Waites In Re: John F. Swilley, 02-09234-W, Adv. Pro. No. 02-80347-W., Bankr. Cr. (D.S.C. 2003).

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

Respectfully submitted,

s/Nate Fata

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September 18, 2025