

STATE OF SOUTH CAROLINA)

COUNTY OF HORRY)

Gabriel Barnhill and GSB Enterprises, LLC,)

Plaintiffs,)

vs.)

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,)

Gabriel Barnhill and GSB Enterprises, LLC,)

)

Plaintiffs,)

vs.)

J. Floyd Swilley, J. Floyd Swilley)

SMG Partners, LLC, SMS Services, LP,)

WCP Limited, LLC, 809 Holdings, LP,)

Heath Causey, Sage Financial Group,)

LLC, Sage Advisory Group, L.P.,)

Sage Private Equity Group,)

Secured Asset Factoring Exchange, Inc.,)

SAFE, Inc., Digics, LLC, and Sage)

Funding, L.P.,)

Defendants.)

IN THE COURT OF COMMON PLEAS
FIFTEENTH JUDICIAL CIRCUIT
CASE NO. 2014-CP-26-08367
(formerly 2013-CP-26-02816)

ORDER ADDRESSING RULE 59(e)
MOTIONS TO ALTER OR AMEND
THE ORDER FILED ON
NOVEMBER 6, 2024

CASE NO. 2014-CP-26-3362

RECEIVED

Oct 09 2025

SC Court of Appeals

The Court has carefully and deliberately studied the record including Plaintiffs' Gabriel Barnhill's ("Barnhill") and GSB Enterprises, LLC's ("GSB") Motion to Alter or Amend the Order of the Court dated November 6, 2024 ("Order") and Memorandum pursuant to Rule 59 (e), as well as the Defendants' Motion and Memorandum regarding the same. As discussed in detail below, the Court grants the Plaintiffs' Motion as to individualized or separate awards, with prejudgment and post-judgment interest, against the company and individual Defendants. The Court denies the Plaintiffs' request for relief under the Unfair Trade Practices Act and the Court denies the Defendants' Motion.

ANALYSIS

A. The Court Grants Plaintiffs' Motion for an award against the defaulted company Defendants, 809 and WCP Limited.

The September 12, 2024 damages hearing was based on the default of 809 Holdings, LP ("809"), WCP Limited, LLC ("WCP"), J. Floyd Swilley, Laurel K. Swilley, and Heath Causey. Although the Order does not mention or address 809 and WCP, they are in default and were subject to the damages motion and hearing. The Court hereby grants Plaintiffs' Motion as to those company Defendants and awards relief against those company Defendants as set forth below.

B. The Court Grants Plaintiffs' Motion for a separate award for each Plaintiff.

The Order does not award relief to each Plaintiff separately. Instead, the damages are combined (Barnhill damages of \$87,540 and GSB damages of \$25,000 are combined for a total of \$112,540). Similarly, the Order combines punitive damages of three (3) times actual damages for both Plaintiffs. The Court hereby grants Plaintiffs' Motion for an individualized award as specified below.

Under the common law causes of action of breach of fiduciary duty, fraud, negligence and conversion, a separate, individualized award is made as follows: (1) Barnhill damages of \$87,540 plus punitive damages of \$262,620, plus prejudgment interest and post-judgment interest as discussed below, and (2) GSB damages of \$25,000, plus punitive damages of \$75,000, plus prejudgment interest and post-judgment interest as discussed below. Heath Causey is not subject to the common law cause of action for breach of fiduciary duty or fraud.

The Court declines to award damages and statutory treble damages under the Unfair Trade Practices Act (“UTPA”) cause of action, S.C. Code Ann. § 39-5-140. However, the Court grants Plaintiffs’ Motion for relief under The Uniform Securities Act cause of action and awards damages of \$87,540 for Barnhill and damages of \$25,000 for GSB, along with interest in the amounts of \$91,917 and \$26,250 to Barnhill and GSB, respectively. The award for Barnhill as to the five Defendants under the Uniform Securities Act cause of action is: \$87,540, plus \$91,917 (interest), totaling \$179,457. The award for GSB as to the five Defendants under the Uniform Securities Act cause of action is \$25,000, plus \$26,250 (interest), totaling \$51,250.

C. Plaintiffs’ Motion is granted as to an award of prejudgment interest.

The Court hereby grants Plaintiffs’ Motion for an award of prejudgment interest. The three investment amounts and the singular payment to Gabriel Barnhill by 809 provides a mathematical certainty for Plaintiffs’ damages. See *Butler Contracting, Inc. v. Ct. St. LLC*, 369 S.C. 121, 133, 631 S.E.2d 252, 258-259 (2006) and *Beckman v. United Fire and Casualty*, 360 S.C. 127, 132, 600 S.E.2d 76 (Ct. App. 2004) (liquidated damages are those made certain by mathematical calculations from known factors). Interest is recoverable under the South Carolina Uniform Securities Act Cause of Action. Prejudgment interest in the amount

of \$91,917 and \$26,250 is hereby awarded to Barnhill and GSB, respectively. In addition, the Plaintiffs are entitled to post-judgment interest at the statutory post-judgment interest rate from the date of the Order, November 6, 2024.

D. The Order is amended.

The Order is hereby amended to include the following award:

On the common law causes of action, the Court hereby awards to Barnhill and against Heath Causey, Laurel K. Swilley, J. Floyd Swilley, WCP Limited, LLC and 809 Holdings, LP the following: damages of \$87,540, plus punitive damages of \$262,620, plus prejudgment interest of \$91,917 for a total judgment of \$442,077, which is subject to statutory post-judgment interest from November 6, 2024. Heath Causey is not subject to the breach of fiduciary duty or fraud cause of action award. The award for Barnhill under the Uniform Securities Act cause of action is \$179,457 (\$87,540 in damages, plus \$91,917 in interest).

On the common law causes of action, the Court hereby awards to GSB and against Heath Causey, Laurel K. Swilley, J. Floyd Swilley, WCP Limited, LLC and 809 Holdings, LP the following: damages of \$25,000, plus punitive damages of \$75,000, plus prejudgment interest of \$26,250, for a total judgment of \$126,250, which is subject to statutory post-judgment interest from November 6, 2024. Heath Causey is not subject to the breach of fiduciary duty or fraud cause of action award. The total award for GSB under the Uniform Securities Act cause of action is \$51,250, \$25,000 in damages plus \$26,250 of interest.

Because each Plaintiff is entitled to only one recovery, Barnhill is awarded judgment on the common law causes of action in the amount of \$442,077, with post-judgment interest from November 6, 2024, against Heath Causey, Laurel K. Swilley, J. Floyd Swilley, WCP Limited, LLC and 809 Holdings, LP, and GSB is awarded judgment on the common law causes of action in the amount of \$126,250, with post-judgment interest from November 6, 2024, against Heath Causey, Laurel K. Swilley, J. Floyd Swilley, WCP Limited, LLC and 809 Holdings, LP.

E. Defendants' Grounds for Reconsideration are Denied.

The Court denies the Defendants' Motion to Alter or Amend the Order. Based on the pleadings and the evidence, the Court's award for damages and punitive damages is clearly

supported. The Court's punitive damage award did not violate any analysis under *Gamble v. Stevenson*, 305 S.C. 104 (1991). In part, the reprehensibility of Defendants' conduct over a sustained period of time with other victims was more than sufficient to support an award of three times the actual damages.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT Plaintiffs' Motion to Alter or Amend is granted. Judgment in the amount of \$442,077 against Heath Causey, Laurel K. Swilley, J. Floyd Swilley, WCP Limited, LLC and 809 Holdings, LP is awarded to Gabriel S. Barnhill, with statutory post-judgment interest accruing from November 6, 2024. It is further ordered that judgment in the amount of \$126,250 against Heath Causey, Laurel K. Swilley, J. Floyd Swilley, WCP Limited, LLC and 809 Holdings, LP is awarded to GSB Enterprises, LLC, with statutory post-judgment interest accruing from November 6, 2024. And it is further ordered that Plaintiffs' Motion for relief under the UTPA is denied and Defendants' Motion to Alter or Amend is denied.

AND IT IS SO ORDERED.

The Honorable William H. Seals, Jr.



Horry Common Pleas

Case Caption: Gabriel Barnhill , plaintiff, et al VS J Floyd Swilley , defendant, et al

Case Number: 2014CP2608367

Type: Order/Amend

IT IS SO ORDERED

s/ The Honorable William H. Seals Jr. #2157