

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Oct 15 2025

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 K. Swilley and Heath Causey are the Appellants.

**RESPONDENTS' RETURN TO APPELLANTS'
MOTION FOR LEAVE TO FILE AMENDED NOTICE OF APPEAL**

Respondents Gabriel Barnhill and GSB Enterprises, LLC (“Respondents”) object to the filing of an Amended Notice of Appeal. A copy of the April 2, 2025 Order was not attached to the Notice of Appeal and was not timely filed with the Court of Appeals. Any challenge to the April 2, 2025 Order is not timely under SCACR, Rule 203 (d)(1)(B)(ii). (“The notice filed with the appellate court *shall* be accompanied by the following...(ii) a copy of the order(s) and judgment(s) to be challenged on appeal if they have been reduced to writing;”) (Emphasis added). The failure to timely file and attach the April 2, 2025 Order to the Notice of Appeal is a jurisdictional defect which precludes any challenge of that Order.

Respectfully submitted,

s/Nate Fata

Nate Fata, Esq. (S.C. Bar No. 009866)

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ATTORNEY FOR RESPONDENTS

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


PROOF OF SERVICE

I, Nate Fata, Counsel for Respondents, do hereby certify that on October 15, 2025, I served a copy of the Respondents' Return to Appellants' Motion For Leave to File Amended Notice of Appeal in the above captioned case on the following individuals by electronic mail using their email address listed in the Attorney Information System, addressed as follows:

Desa Ballard, Esq.
Ballard & Watson, Attorneys at Law
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October 15, 2025

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VIA EMAIL(CTAPPFILINGS@SCCOURTS.ORG)

October 15, 2025

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

Re: Gabriel Barnhill et al v. J. Floyd Swilley et al
Appellate Case No. 2025-00)796

Dear Ms. Kitchings:

Enclosed for filing please find the Respondents' Return to Appellants' Motion for Leave to File Amended Notice of Appeal and Proof of Service for the above referenced matter. By copy of this letter and as evidenced by the Proof of Service, this filing has been served upon counsel for the Appellants. If you have any questions, please do not hesitate to contact my office.

We appreciate the Court's consideration.

Sincerely,



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Attorney for Respondents

cc: Via Email
Desa Ballard, Esq.
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