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Feb 05 2026

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

Appellate Court Case No. 2023-000858
Circuit Court Case No. 2022-CP-40-2586

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

v.

Donivon Glassburn,Appellant.

APPELLANT’S MOTION FOR COSTS

Pursuant to Rule 222, SCACR, Appellant Donivon Glassburn, moves the Court for an order awarding costs/attorneys’ fees against Respondents Capella Capital, LLC, Capella Carolinas, LLC, and Michael Lindley. This motion is based upon the Opinion of this Court submitted September 2, 2025 and filed January 7, 2026 reversing the lower court’s Order Denying Donivon Glassburn’s Motion to Compel Arbitration. The Court issued the Remittitur on January 23, 2026 and this motion is timely filed under Rule 222(d).

Under Rule 222(a), “When a judgment is reversed, costs shall be taxed against the respondent unless the court orders otherwise.” (emphasis added). This Court issued an Opinion reversing the lower court’s order. The parties did not have an agreement about costs. Therefore,

costs shall be taxed against Respondents. A detailed, sworn, itemized statement of costs is attached. The Appellant requests that this Court award \$2,937.50 pursuant to Rule 222, SCACR.

February 5, 2026

s/John A. Massalon
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Attorneys for Appellant

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v.

Donivon Glassburn,Appellant.

PROOF OF SERVICE

I certify that Appellant’s Motion for Costs and Itemized Statement of Costs were served upon Respondents Capella Capital, LLC, Capella Carolinas, LLC, and Michael Lindley via e-mail to counsel of record listed below on February 5, 2026. A copy of the service e-mail is attached hereto as Exhibit A.

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Charleston, South Carolina

February 5, 2026

EXHIBIT “A”

From: [Charline Barrasso](#)
To: [Todd R. Ellis, Esquire \(todd@toddelislaw.com\)](#); [John Ecton, Esq. \(jecton@ectonlawfirm.com\)](#)
Cc: [John A. Massalon](#); [Carissa Land](#); [Doug Adams](#)
Subject: 2023-000858; Capella Capital, LLC, et al. v. Glassburn
Date: Thursday, February 5, 2026 1:46:00 PM
Attachments: [20260205 Appellant's Motion for Costs.pdf](#)
[20260205 Itemized Statement of Costs.pdf](#)
[20260205 Kitchings.pdf](#)

Dear Counsel,

Attached for service in regard to the above matter, please find Appellant's Motion for Costs, Itemized Statement of Costs, and letter to the Clerk of Court enclosing the filing fee. If you have any questions, please do not hesitate to contact us.

Thank you,

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