

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

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**Feb 17 2026**

**SC Court of Appeals**

**APPEAL FROM THE CIRCUIT COURT  
FIFTH JUDICIAL CIRCUIT**

**The Honorable Alison Renee Lee, Circuit Court Judge**

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**Appellate Court Case No. 2023-00858  
Circuit Court Case No.: 2022-CP-40-2586**

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

v.

Donivon Glassburn .....Appellant.

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**RESPONDENTS' RETURN TO APPELLANT'S MOTION FOR COSTS**

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Pursuant to Rule 222, SCACR, Respondents Capella Capital, LLC, Capella Carolinas, LLC, and Michael Lindley file this Return in opposition to Appellant Donivon Glassburn's Motion for Costs. The Court filed its Opinion on January 7, 2026, reversing the lower court's Order Denying Donivon Glassburn's Motion to Compel Arbitration. The Court issued Remittitur on January 23, 2026. Appellant moved for costs on February 5, 2026.

Rule 222 of SCACR, allows for the Court to utilize its discretion when an Order is reversed and costs would otherwise be taxed against Respondents. There is good cause in this matter to deny the costs as the award would be applied against, at least in part, to two entities, Capella Capital, LLC and Capella Carolinas, LLC, for which the Appellant Donivon Glassburn owns an interest. The Court's Opinion found that a valid arbitration

agreement existed between the Parties in Subscription Agreements for Capella Capital, LLC and Capella Carolinas, LLC. *Capella Capital, LLC v. Donivon Glassburn*, No. 23-0858, at 3 (Ct. App. January 7, 2026). Although the Court questioned the validity of the operating agreements provided, the Subscription Agreements which set forth the ownership interest of Respondents Michael Lindley and Appellant Donivon Glassburn and contained the arbitration provision, were valid. *Id.* at 4.

Therefore, an order granting Appellant's Motion for Costs would be applied to two entities for which the Appellant has an interest and the payment of those costs charged to Appellant at the rate of his interest in those entities. The Court ordering costs to be paid would cause confusion as to the financial obligations of the Respondents, lead to further disputes and not serve the interest of the Parties when the underlying claim involves complex issues of ownership, control and asserted fraud in the membership interest of the entities as well as the good faith dispute as to whether arbitration could be compelled. For the reasons set forth herein, the Respondents request that the Court deny Appellant's Motion for Costs.

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February 17, 2026

s/John A. Ecton  
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Attorneys for Respondents

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**PROOF OF SERVICE**

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I certify that the Respondents' Return to Appellant's Motion for Costs was served upon Appellant Donivon Glassburn via e-mail to counsel of record listed below on February 17, 2026.

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February 17, 2026

s/Todd R. Ellis

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**VIA E-MAIL ONLY**

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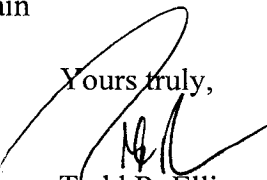
RE: Capella Capital, LLC, Capella Carolinas, LLC and Michael Lindley v. Donivon Glassburn  
Appellate Case No.: 2023-000858  
Circuit Court Case No.: 2022-CP-40-2586  
WMA File No.: 2340-1  
TE Law File No.: 21-0072

Dear Ms. Kitchings:

Enclosed for filing in the above-referenced matter, please find the Respondents' Return to the Appellant's Motion for Costs. If you have any questions, please do not hesitate to contact me.

With kind regards, I remain

Yours truly,



Todd R. Ellis

cc: Michael Lindley (via email only)  
John A. Massalon, Esq. (via email only)  
John Ecton, Esq. (via e-mail only)