

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM PICKENS COUNTY  
Court Of Common Pleas

The Honorable Jessica A. Salvini, Circuit Court Judge

---

Case No. 2026-CP-39-00073

---

Tristan Smith.....Respondent,

v.

National Collegiate Athletic Association.....Appellant.

---

**NOTICE OF APPEAL**

---

Defendant/Appellant, National Collegiate Athletic Association (“NCAA” or “Appellant”),  
by and through the undersigned counsel, hereby appeals the Order Granting Plaintiff/Respondent  
Tristan Smith’s Motion for Temporary Injunction entered on June 12, 2026, and the denial of  
NCAA’s timely Motion to Reconsider under Rule 59(e), the same being entered on August 12,  
2026. Appellant received written notice of the entry of the Order denying its Rule 59(e) motion on  
August 12, 2026.

s/Gray T. Culbreath  
John E. Cuttino, SC Bar No. 1519  
Gray T. Culbreath, SC Bar No. 11907  
Gallivan, White & Boyd, P.A.  
1201 Main Street, Suite 1200  
Columbia, SC 29201  
[jcuttino@gwblawfirm.com](mailto:jcuttino@gwblawfirm.com)  
[gculbreath@gwblawfirm.com](mailto:gculbreath@gwblawfirm.com)

*Attorneys for Appellant*

September 8, 2026

RECEIVED

Sep 08 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM PICKENS COUNTY  
Court Of Common Pleas

The Honorable Jessica A. Salvini, Circuit Court Judge

Case No. 2026-CP-39-00073

Tristan Smith.....Respondent,

v.

National Collegiate Athletic Association.....Appellant.

**PROOF OF SERVICE**

This is to certify that the undersigned counsel has caused to be served this day the original **Notice of Appeal** via electronic mail to the address stated in the Supreme Court Order 2022-05-06-03 and in accordance with Rule 262, SCACR and additionally via electronic mail to the following counsel of record in this matter as set forth below:

Mark A. Peper, Esq.  
THE PEPPER LAW FIRM, P.A.  
548 Savannah Highway  
Charleston, SC 29407  
[mark@peperlawfirm.com](mailto:mark@peperlawfirm.com)

-and-

Darren A. Heitner, Esq.  
HEITNER LEGAL, PLLC  
215 Hendricks Isle  
Fort Lauderdale, FL 33301  
[darren@heitnerlegal.com](mailto:darren@heitnerlegal.com)

*Attorneys for Plaintiff/Respondent*

A copy of the email serving the aforementioned to all counsel of record is attached hereto.

Respectfully submitted,

s/Gray T. Culbreath

John E. Cuttino, SC Bar No. 1519

Gray T. Culbreath, SC Bar No. 11907

Gallivan, White & Boyd, P.A.

1201 Main Street, Suite 1200

Columbia, SC 29201

[jcuttino@gwblawfirm.com](mailto:jcuttino@gwblawfirm.com)

[gculbreath@gwblawfirm.com](mailto:gculbreath@gwblawfirm.com)

*Attorneys for Appellant*

September 8, 2026

## Jillian Hansen

---

**From:** Jillian Hansen  
**Sent:** Tuesday, September 8, 2026 3:09 PM  
**To:** 'mark@peperlawfirm.com'; 'darren@heitnerlegal.com'  
**Cc:** Gray Culbreath; John Cuttino  
**Subject:** 8644-7 Smith v. NCAA - Notice of Appeal  
**Attachments:** [FINAL] Notice of Appeal with Exhibits.pdf; [FINAL] POS - Notice of Appeal.pdf  
  
**Categories:** GTC

Good afternoon,

Attached hereto and served upon you, please find Appellant's Notice of Appeal and corresponding Exhibits A & B which will be submitted to the South Carolina Court of Appeals today. A copy of this message will be affixed to the Proof of Service, which will also be submitted today.

Kind regards,  
Jillian



**Jillian Hansen**

Paralegal  
[jhansen@gwblawfirm.com](mailto:jhansen@gwblawfirm.com)

**Gallivan, White & Boyd P.A.**

1201 Main Street | Suite 1200 | Columbia SC 29201  
803 724 1702 Direct | 803 779 1833 Main | 803 779 1767 Fax  
**Mailing** Post Office Box 7368 | Columbia SC 29202

[vCard](#) | [BioURL](#) | [Website](#)

This message is from the law firm Gallivan, White & Boyd, PA and may be a confidential and privileged legal communication to the named recipient(s). If you receive this message in error or are not the named recipient(s), please notify the sender and delete this email. Thank you.

September 8, 2026

**VIA HAND DELIVERY**

Ms. Jenny Abbott Kitchings, Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

Re: *Tristan Smith v. National Collegiate Athletic Association*  
Appellate Case No. TBD  
Pickens County C/A No. 2026-CP-39-00073  
GWB File No. 8644-7

Dear Ms. Kitchings:

Enclosed herewith, please find courtesy copies of Appellant National Collegiate Athletic Association's Notice of Appeal pursuant to Rules 240 and 263(b), SCACR, as well as the corresponding Proof of Service. These documents have already been submitted for electronic filing in accordance with Supreme Court Order 2022-05-06-03 and Rule 262, SCACR.

Also enclosed is my firm's check in the amount of Two Hundred Fifty and No/100 Dollars (\$250.00) for payment of the associated filing fee.

Please feel free to contact me should you have any questions.

Sincerely,

GALLIVAN, WHITE & BOYD, P.A.



Gray T. Culbreath

GTC/jh  
Enclosures: As Stated

cc: All Counsel of Record (*via email only*)