

# The South Carolina Court of Appeals

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, William C. Piner, WCP Limited, LLC, 809 Holdings,  
LP, QC Financing, LLC, Heath Causey, and Sage  
Financial Group, LLC, J. Floyd Swilley SMG Partners,  
LLC, Alicia A. Piner, Heath Causey, Sage Advisory  
Group, L.P., Sage Private Equity Group, Secured Asset  
Factoring Exchange, Inc., SAFE, Inc., Digics, LLC, 9-1-  
1, Plumbing, LLC, and Sage Funding, L.P., Christopher  
Pitcock, Defendants,

Of Whom J. Floyd Swilley, Laurel K. Swilley, and Heath  
Wendell Causey are the Appellants.

Appellate Case No. 2016-001328

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## ORDER

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After careful consideration, Respondents' motion to strike is granted and Appellants' request for this court to take judicial notice is denied. Appellants J. Floyd Swilley and Laurel K. Swilley are hereby ordered to serve and file an amended designation of matter and an amended initial brief that strikes any references or designations relating to emails regarding Nate Fata's status as a notary. The amended designation and brief shall be served and filed within twenty days of the date of this order. *See* Rule 210(c), SCACR ("The Record shall not . . . include matter which was not presented to the lower court or tribunal.").

Paul E. Shortz, Jr.  
FOR THE COURT

Columbia, South Carolina

**FILED**

November 16, 2016

cc:

Heath Wendell Causey

Frederick Miles Adler, Esquire

Natale Fata, Esquire

Heath Wendell Causey