

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

Trial Court Case No. 2014-CP-26-8367
(Formerly 2013-CP-26-2816)

Appellate Case No. 2016-001377

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DEC 29 2016

SC Court of Appeals

Gabriel Barnhill & 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 and Laurel K. Swilley and Heath Wendell Causey are the Appellants

RESPONDENTS' DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

Respondents propose the following to be included in the Record on Appeal:

I. Pleadings

1. Plaintiffs' Complaint, filed April 25, 2013;
2. Plaintiffs' Notice of Motion and Motion to Compel Discovery, filed July 3, 2013;
3. Plaintiffs' Answer to Counterclaim, filed August 5, 2013;
4. Consent Order, dated September 17, 2013 filed September 20, 2013;
5. Defense Counsel's Motion to Withdraw, dated October 28, 2013;

6. Plaintiffs' Notice of Motion and Motion for Sanctions for Defendants Failure to Comply With Discovery Order, filed November 4, 2013;
7. Order Granting Defense Counsel's Motion to Withdraw, dated December 9, 2013 filed December 11, 2013;
8. Plaintiffs' Notice of Motion and Motion to Compel Response to Supplemental Interrogatories to Defendants, filed January 10, 2014;
9. Notice of Appearance by John Leiter filed January 13, 2016;
10. Form 4 Order, dated January 13, 2014 filed January 16, 2014;
11. Plaintiffs' Notice of Motion and Motion for Sanctions for Defendants' Failure to Comply With Discovery Orders, filed February 19, 2014;
12. Plaintiffs' Notice of Motion and Motion for Sanctions As to Defendants, filed June 27, 2014;
13. Plaintiffs' Notice of Motion and Motion for Judgment On The Pleadings and/or To Dismiss Counterclaims, filed July 14, 2014;
14. Amended Complaint (Derivative Action) filed August 28, 2014;
15. Plaintiffs' Notice of Motion and Motion to Compel Discovery, filed September 5, 2014;
16. Plaintiffs' Notice of Motion and Motion to Compel Discovery, filed September 5, 2014;
17. Plaintiffs' Memorandum in Support of Their Motion For Sanctions As to Defendants, filed September 30, 2014 with Exhibits;
18. Order Granting Sanctions Against Defendants, dated October 9, 2014 filed October 15, 2014;
19. Plaintiffs' Notice of Motion and Motion to Compel Depositions, filed October 20, 2014;
20. Plaintiffs' Memorandum in Support of Motions To Be Heard on April 20, 2015, filed April 20, 2015 with Exhibits;
21. Plaintiffs' Notice of Motion and Motion To Consolidate, filed April 27, 2015;

22. Consent Order Consolidating Cases, dated April 20, 2015 filed April 27, 2015;
23. Plaintiffs' Notice of Motion and Motion to Compel Discovery, filed May 15, 2015;
24. Order dated, May 15, 2015 filed May 22, 2015;
25. Plaintiffs' Notice of Motion and Motion for Sanctions, filed June 12, 2015;
26. Order, dated September 3, 2015 filed September 10, 2015;
27. Motion to Be Relieved as Counsel for J. Floyd Swilley, J. Floyd Swilley Investment Advisors, Laurel K. Swilley, SMG Partners, LLC, SMS Services, LP, William C. Pincer, WCP Limited, LLC, Alicia A. Piner, 809 Holdings, LP, Heath Causey, Sage Financial Group, LLC, Sage Private Equity Group, Secured Asset Factoring Exchange, Inc., Digics, Inc., Sage Funding, L.P. and Christopher Pitcock, dated October 21, 2015;
28. Plaintiffs' Notice of Motion and Motion to Compel Depositions of Defendants, filed December 15, 2015;
29. Plaintiffs' Notice of Motion for Summary Judgment and for Judgment on the Pleadings, filed December 21, 2015;
30. Plaintiffs' Memorandum in Support of Their Motion for Judgment on the Pleadings and/or Summary Judgment, filed December 21, 2015 with Exhibits;
31. Form 4 Order, January 4, 2016 filed January 4, 2016;
32. Order Relieving John M. Leiter and the Law Office of John M. Leiter, PA as Counsel for J. Floyd Swilley, J. Floyd Swilley Investment Advisors, Laurel K. Swilley, SMG Partners, LLC, SMS Services, LP, William C. Pincer, WCP Limited, LLC, Alicia A. Piner, Heath Causey, Sage Funding, L.P., Sage Financial Group, LLC, Sage Private Equity Group, Secured Asset Factoring Exchange, Inc., Digics, Inc., and Christopher Pitcock, dated January 14, 2016 filed January 25, 2016;
33. Plaintiffs' Notice of Hearing served February 3, 2016, filed February 9, 2016;
34. Order, dated March 16, 2016, filed March 21, 2016;
35. Affidavit of Sally J. Huffman, filed April 13, 2016;
36. Notice of Adler Appearance, dated April 19, 2016;

37. Plaintiffs' Notice of Hearing, filed April 21, 2016;
38. Laurel Swilley's Motion to Set Aside Summary Judgment, filed April 1, 2016;
39. J. Floyd Swilley's Motion to Set Aside Summary Judgment, filed April 1, 2016;
40. Notice of Bankruptcy Filings, filed April 25, 2016;
41. Form 4 Order, dated April 28, 2016 filed May 2, 2016;
42. Certificate of Service for Notice of Bankruptcy Filings, filed May 16, 2016;
43. Certificate of Service for Affidavit of Sally J. Huffman, filed May 16, 2016;
44. Order Denying Defendants Swilley, Causey and 809 Holdings' Motion to Set Aside Order of March 21, 2016, dated May 17, 2016, filed May 25, 2016;

II. Transcripts

- a. Transcript of Hearing, January 4, 2016;
- b. Transcript of Hearing, February 16, 2016;

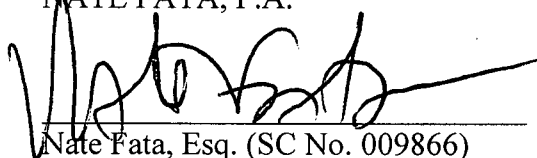
III. Other

1. Order filed April 7, 2003 by U.S. Bankruptcy Judge Waites In Re: John F. Swilley, 02-09234-W, Adv. Pro. No. 02-80347-W., Bankr. Ct. (D.S.C. 2003);
2. Transmittal letter from John M. Leiter, dated January 5, 2016, with Order; and
3. Transmittal letter from the office of John M. Leiter, PA., dated January 21, 2016, with Order.

I certify that this designation contains no matter which is irrelevant to this appeal.

December 27, 2016.

NATE FATA, P.A.

A handwritten signature in black ink, appearing to read "Nate Fata", written over a horizontal line.

Nate Fata, Esq. (SC No. 009866)

Nate Fata, P.A.

Post Office Box 16620

Surfside Beach, SC 29587

843-238-2676

Attorney for Respondents

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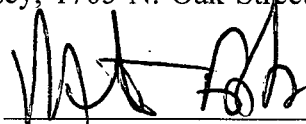
J. Floyd Swilley, J. Floyd Swilley Investment Advisors, Laurel K. Swilley, SMG Partners, LLC, SMS Services, LP, William C. Piner, WCP Limited, LLC, 809 Holdings, LP, QC Financing, LLC, Heath Causey, and Sage Financial Group, LLC, J. Floyd Swilley SMG Partners, LLC, Alicia A. Piner, Heath Causey, Sage 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 and Laurel K. Swilley and Heath Wendell Causey are the Appellants

PROOF OF SERVICE

I certify that I have served the Initial Brief of Respondents and Designation of Matter to be Included in the Record on Appeal on F. Miles Adler, Esq. and Heath Wendell Causey, Pro Se and by depositing a copy of same in the United States Mail, postage prepaid, on December 27, 2016, addressed to F. Miles Adler, Esquire, Adler Law Firm, LLC, P.O. Box 4743, Pawleys Island, SC 29585 and Heath Wendell Causey, 1705 N. Oak Street, Suite 2, Myrtle Beach, SC 29577.

December 27, 2016



Nate Fata
Nate Fata, P.A.
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NATE FATA, P.A.
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VIA U.S. MAIL

December 27, 2016

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

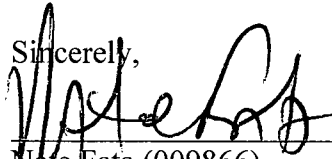
Re: Gabriel Barnhill and GSB Enterprises, LLC vs. Heath Wendell Causey
Appellate Case No. 2016-001377 (filed under 2016-001328)

Dear Ms. Kitchings:

Enclosed for filing are an original and six copies of the Initial Brief of Respondents and Designation of Matter and Proof of Service of same.

We appreciate the Court's consideration.

Sincerely,



Nate Fata (009866)

Nate Fata, P.A.
Post Office Box 16620
Surfside Beach, SC 29587
(843) 238-2676
Attorney for Respondents

cc:

F. Miles Adler, Esquire
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Heath Wendell Causey
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Appellant, Pro Se

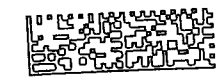
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