

82200

RECEIVED
JAN 17 2017
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas
R. Lawton McIntosh, Circuit Court Judge 15th Judicial Circuit

Civil Action No. 2014-CP-26-08367
2014-CP-26-03362 (formerly 2013-CP-02816)

Appellate Case No. 2016-001328

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
Piner, Heath Causey, Sage Advisory
Group LP, Sage Private Equity Group
LLC, Secured Asset Factoring Exchange,
Inc, SAFE, Inc, Digics, LLC, 9-1-1
Plumbing, LLC, and Sage Funding, LP
and Christopher Pitcock,

Defendants

of whom J Floyd Swilley, Laurel K Swilley
and Heath Wendell Causey, are the Appellants.

MOTION FOR EXTENSION OF TIME TO FILE RESPONSE
BY APPELLANT HEATH W. CAUSEY & MOTION TO STRIKE RESPONSE BRIEF
OF APPELLES AND DESIGNATION OF RECORD

✓

Appellant Heath W. Causey hereby respectfully moves before the Court, pursuant to Rule 240(a) SCACR, for a Thirty (30) day extension of time to file his Response to the 2nd Initial Brief of the Respondent which was dated December 29, 2016.

This Motion and the extension request are based on the fact the Respondents raised new issues that must be addressed and the appellant, as an unrepresented party, request additional time to research those issues as well as this Appellants right to join his arguments with that of the other Appellants, the others Appellants known conflicts with-in their work schedules, their counsel's caseload and other commitments of the Appellants that I may not be aware of and counsel for the Appellants.

The Respondent requested an extension of time to file the initial brief on August 29, 2016. The initial request was granted on August 31, 2016. On October 13, 2016, the Respondent requested a second extension to file his initial brief.

This Honorable Court entered it Order of October 17, 2016 in response to the Respondent's second request for extension of time, in which This Honorable Court stated as follows:

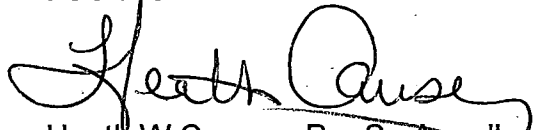
"The time for serving and filing the respondents' initial brief and designation of matter is hereby extended until October 31, 2016. No further extension shall be granted absent extraordinary circumstances."

Therefore, pursuant the Order of October 17, 2016 the respondent's initial brief was to be filed no later than October 31, 2016. The record reflects the respondent's initial brief was filed on December 29, 2016 some 59 days post the final extension date. The plain language of the Order of October 31, 2016 is clear the final date for filing the Respondent's Initial Response Brief was October 31, 2016. The record further reflects

that there were no subsequent Motions citing extraordinary circumstances. Thus, we respectfully submit that the respondents initial brief should be struck as untimely.

This Appellant Heath W. Causey respectfully contends that good cause exists for an extension of time to file. This Appellant also contends that this appeal and granting this extension of time of thirty (30) days will be in the interest of justice. In addition this Appellant also respectfully prays that the Court grant an order of Extension of thirty (30) days.

I SO MOVE:



Heath W Causey, Pro Se Appellant
1705 N Oak Street Suite 2
Myrtle Beach, SC 29577
t. 843-424-9258
heath.causey@mac.com
Pro Se Appellant

Copies to:

Counsel of Record:
Nate Fata, PA
P.O. Box 16620
Surfside Beach, SC 29587
Attorney for Respondents

F. Miles Adler
ADLER LAW FIRM, LLC
P.O. Box 4743
Pawleys Island, SC 29585
Attorney for Appellants Swilleys

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED
JAN 17 2017
SC Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas
R. Lawton McIntosh, Circuit Court Judge 15th Judicial Circuit

Civil Action No. 2014-CP-26-08367
2014-CP-26-03362 (formerly 2013-CP-02816)

Appellate Case No. 2016-001328

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
Piner, Heath Causey, Sage Advisory
Group LP, Sage Private Equity Group
LLC, Secured Asset Factoring Exchange,
Inc, SAFE, Inc, Digics, LLC, 9-1-1
Plumbing, LLC, and Sage Funding, LP
and Christopher Pitcock,

Defendants

of whom J Floyd Swilley, Laurel K Swilley
and Heath Wendell Causey, are the Appellants.

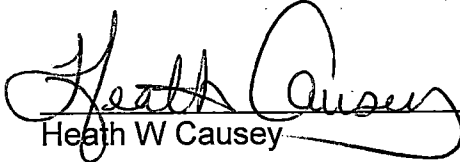
PROOF OF SERVICE

I certify that I have served the motion for Extension of Time to File Reply Brief by Appellant Heath W Causey by depositing a copy of it in the United States mail, postage prepaid, on November 10, 2016 addressed to the following:

Counsel of Record:

Nate Fata, PA
P.O. Box 16620
Surfside Beach, SC 29587
Attorney for Respondents

F. Miles Adler
ADLER LAW FIRM, LLC
P.O. Box 4743
Pawley's Island, SC 29585
Attorney for Appellants "Swilleys"


Heath W Causey

Heath W. Causey
1705 N Oak Street Suite 2
Myrtle Beach, SC 29577

RECEIVED
JAN 17 2017
SC Court of Appeals

January 13, 2017

VIA USPS PRIORITY MAIL

Jenny Abbot Kitchings, Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Gabriel Barnhill and GSB Enterprises, LLC v J. Floyd Swilley et al.
Case No.: 2014-CP-26-08367 Appellate Case No.: 2016 -001328

Dear Ms. Kitchings,

Enclosed for filing the original and seven (7) copies of the Appellants' Motion for Extension of Time to File Reply Brief in the above referenced matter. Also enclosed is the filing fee in the amount of \$25.00.

Please return a filed copy to me in the enclosed self-addressed stamped envelope.

Thank you for your kind assistance in this matter


Heath W Causey

CC: Nate Fata
F. Miles Adler, Esq

P

\$5.75 US POSTAGE
PRIORITY MAIL
FR Env
COMMERCIAL BASE PRICING

062S0008715281
FROM 29577



stamps.com

01/13/2017

PRIORITY MAIL 1-DAY™

HEATH CAUSEY
1705 N OAK STREET, SUITE 2
MYRTLE BEACH SC 29577

0024

RECEIVED

JAN 17 2017

SC Court of Appeals

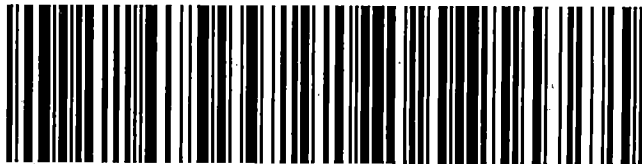
B012

SHIP
TO:

Jenny Abbot Kitchings, Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia SC 29211-1629



USPS TRACKING #



9405 5118 9956 4999 2049 68