

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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JAN 30 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

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

Appellate Case No. 2016-001377

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

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RESPONDENTS' RESPONSE TO APPELLANT SWILLEY'S MOTION TO STRIKE  
RESPONSE BRIEF AND DESIGNATION OF RECORD

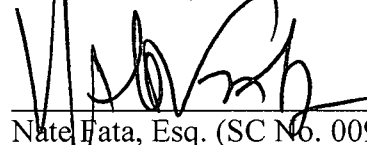
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Respondents Gabriel Barnhill & GSB Enterprises, LLC (collectively "Barnhill") hereby respond to Appellant Swilley's Motion to Strike Response Brief and Designation of Record which Swilley served on January 20, 2017.

Swilley filed an Amended Initial Brief on December 3, 2016, pursuant to the Court's November 16, 2016 Order. Barnhill served his Initial Brief in Response to Swilley's Amended Initial Brief on December 29, 2016. Barnhill's filing was within 30 days of Swilley's Amended Initial Brief, as required by Rule 208 (a)(2), SCACR and in accordance with the undersigned's December 2016 telephonic conversation with the Clerk. Prior to Barnhill's receipt of the Swilley Amended Brief, Barnhill did not know Swilley's revisions or pagination in their brief and, therefore, Barnhill could not prepare a response.

Respondents respectfully request that the Court deny Swilley's Motion to Strike because the Respondents' Brief was timely filed.

NATE FATA, P.A.



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Nate Fata, Esq. (SC No. 009866)  
Post Office Box 16620  
Surfside Beach, SC 29587  
843-238-2676

January 27, 2017

Attorney for Respondents

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM HORRY COUNTY  
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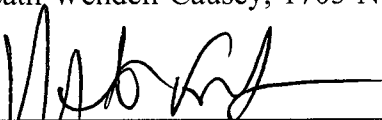
J. Floyd Swilley, J. Floyd Swilley Investment Advisors, Laurel K. Swilley, SMG Partners, LLC, SMS Services, LP, William C. Piner, WCP Limited, LLC, 809 Holdings, LP, QC Financing, LLC, Heath Causey, and Sage Financial Group, LLC, J. Floyd Swilley SMG Partners, LLC, Alicia A. Piner, Heath Causey, Sage 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 Respondents' Response to Appellant Swilley's Motion to Strike Respondents' Initial Brief and Designation of Record 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 January 27, 2017, 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.

January 27, 2017

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

**NATE FATA, P.A.**  
ATTORNEY AT LAW

P.O. Box 16620  
THE COURTYARD, SUITE 215  
SURFSIDE BEACH, SOUTH CAROLINA 29587  
TELEPHONE (843) 238-2676  
TELECOPIER (843) 238-0240  
[NFATA@FATALAW.COM](mailto:NFATA@FATALAW.COM)

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**VIA U.S. MAIL**

January 27, 2017

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

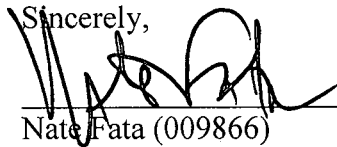
Re: Gabriel Barnhill and GSB Enterprises, LLC vs. J. Floyd Swilley, et al.  
Appellate Case No. 2016-001328

Dear Ms. Kitchings:

Enclosed for filing are an original and six copies of Respondents' Response to Swilley's Motion To Strike Respondents' Brief and Designation of Record and Proof of Service of same.

We appreciate the Court's consideration.

Sincerely,

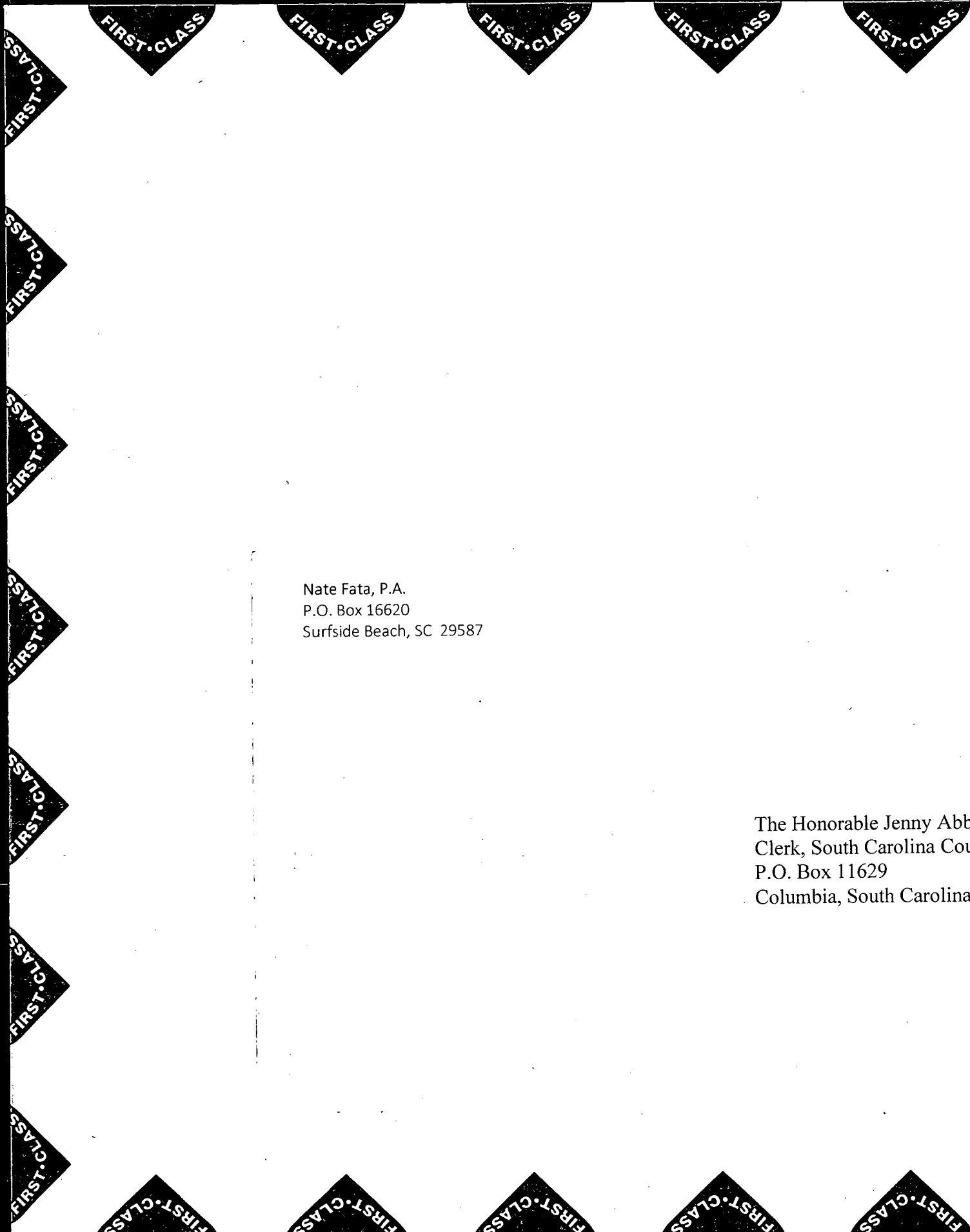


Nate Fata (009866)  
Nate Fata, P.A.  
Post Office Box 16620  
Surfside Beach, SC 29587  
(843) 238-2676  
Attorney for Respondents

cc:

F. Miles Adler, Esquire  
Adler Law Firm, LLC  
P.O. Box 4743  
Pawleys Island, SC 29585  
Attorney for Appellants

Heath Wendell Causey  
1705 N. Oak Street, Suite 2  
Myrtle Beach, SC 29577  
Appellant, Pro Se



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