

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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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. 2016-001328

RECEIVED

JUN 09 2017

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

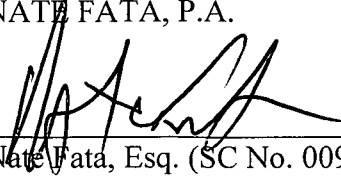
NOTICE OF MOTION AND MOTION FOR THIRTY DAY EXTENSION
OF TIME TO FILE FINAL BRIEF

Respondents Gabriel Barnhill & GSB Enterprises, LLC move this Honorable Court for a thirty day extension to file their Final Brief. The Respondents' request is based on the receipt of the revised Record on Appeal received on June 6, 2017.

Respondents appreciate the Court's consideration.



NATE FATA, P.A.



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

June 6, 2017

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

VIA EMAIL

May 31, 2017

F. Miles Adler, Esq.
ADLER LAW FIRM, LLC
P.O. Box 4743
Pawleys Island, SC 29585
miles@adlerlaw.partners

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

Dear Miles:

I received the Record on Appeal last Wednesday. The following pages were not numbered or the numbering appears to have been cut off in the duplication process on the copy I received:

1. Pages 1 – 4;
2. Page 30;
3. Page 36;
4. Page 38;
5. Page 40;
6. Page 42;
7. Page 48;
8. Page 50;
9. Pages 54 & 55;
10. Page 58;
11. Pages 60 – 68;
12. Page 70;
13. Pages 72 – 76;
14. Pages 80 – 90;
15. Page 94;
16. Pages 96 – 99;
17. Pages 108 – 112;
18. Page 120;

F. Miles Adler, Esq.
May 31, 2017
Page 2

19. Pages 143 & 144;
20. Page 261;
21. Pages 263 – 265;
22. Page 268;
23. Pages 272 -298;
24. Page 339;
25. Pages 368 – 403; and
26. Page 407.

Please provide another Record on Appeal with complete page numbering.

In addition, the following documents designated by Respondents were not properly included in the Record. I have used Respondents' Designation Numbers:

I. Pleadings

2. Plaintiff's Notice of Motion and Motion to Compel Discovery filed July 3, 2013;
Incomplete, no Exhibit A or B included.
16. Plaintiff's Notice of Motion and Motion to Compel Discovery, filed September 5, 2014;
There are two distinct Motions for September 5, 2014 but only one was included.
18. Order Granting Sanctions Against Defendants, dated October 9, 2014 filed October 15, 2014;
No file stamp / not signed and no Certificate of Service.
31. Form 4 Order, January 4, 2016, filed January 4, 2016.
Wrong Order.

II. Transcripts

- a. Transcript of Hearing, January 4, 2016
Missing.

F. Miles Adler, Esq.
May 31, 2017
Page 3

In addition the items below should also be addressed.

There are two Page 22's;

Your Number 17 page numbered 86 is redacted in part. Please provide an un-redacted version.

Your Number 33 – Notice of Hearing filed February 9, 2016 (page 332) – Certificate of Service omitted;

Your Number 35 – Notice of Hearing filed April 19, 2016 (page 339) – Certificate of Service omitted;

Your Number 47 – Affidavit of Sally J. Huffman omitted second page to Certificate of Service;

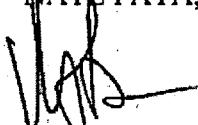
Your Number 49 – is not complete Neill correspondence (Amended Notice of 30(b)(6) Deposition omitted);

Your Number 50 – Correspondence from Nate Fata to Judge McIntosh dated May 13, 2016 including attachments 472 to 475 is a letter to the Clerk of Court filing Affidavit of Sally J. Huffman (incorrect correspondence and incomplete Certificate of Service)

In addition, in many of the items omitted the Certificate of Service which accompanied the pleadings and the Orders. Those items should be properly included/completed.

Please revise the Record on Appeal and provide it to me by June 5, 2017.

Very truly yours,
NATE FATA, P.A.



Nate Fata
NF/sh

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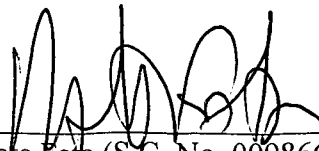
J. Floyd Swilley, J. Floyd Swilley Investment Advisors, Laurel K. Swilley, SMG Partners, LLC, SMS Services, LP, William C. Piner, WCP Limited, LLC, 809 Holdings, LP, QC Financing, LLC, Heath Causey, and Sage Financial Group, LLC, J. Floyd Swilley SMG Partners, LLC, Alicia A. Piner, Heath Causey, Sage 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 Notice of Motion and Motion For Extension of Time To File Final Brief on F. Miles Adler, Esquire and Heath Wendell Causey, Pro Se by depositing a copy of same in the United States Mail, postage prepaid, on June 7, 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.

June 7, 2017



Nate Fata (S.C. No. 009866)

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

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TELEPHONE (843) 238-2676
TELECOPIER (843) 238-0240
NFATA@FATALAW.COM

VIA U.S. MAIL

June 6, 2017

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

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SC Court of Appeals

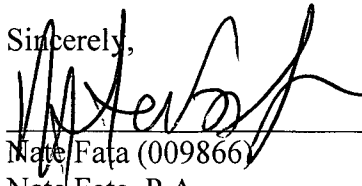
Re: Gabriel Barnhill and GSB Enterprises, LLC vs. J. Floyd Swilley, et al.
Appellate Case No. 2016-001328

Dear Ms. Kitchings:

Enclosed for filing are an original and six copies of Respondents' Notice of Motion and Motion for Extension of Time to File its Final Brief and Proof of Service. I respectfully request a 30 day extension to file Respondents' Final Brief as I received today the revised Record on Appeal from Miles Adler, counsel for Swilley, in response to my May 31, 2017 letter detailing various deficiencies, a copy of which is attached. I enclose a check in the amount of \$25 for the filing fee.

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

SECURITY FEATURES INCLUDE TRUE WATERMARK PAPER HEAT SENSITIVE ICON AND FOIL HOLOGRAM

NATE FATA
NATE FATA, P.A.
THE COURTYARD SUITE 215
P.O. BOX 16620
MYRTLE BEACH, SC 29587-6620

DOCUMENT 13213
6/6/17
DATE
CHECK ARMOR

PAY TO THE ORDER OF *Court of Appeals*
Twenty five dollars

\$ 25.00
DOLLARS



The Conway National Bank
Conway, South Carolina 29526



[Signature]

FOR

⑈013213⑈ 1053202318⑈ 1717235701⑈

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