

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

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,

RECEIVED

AUG 28 2017

SC Court of Appeals

Of Whom J. Floyd Swilley and Laurel K. Swilley and Heath Wendell

Causey are the
Appellants

SECOND SUPPLEMENT TO AMENDED RECORD ON APPEAL PURSUANT REQUEST OF RESPONDENT

In order to supplement the Amended Record on Appeal pursuant the Motion of the Respondent and to accommodate the requested changes of the Respondent the following Second Supplement to Amended Record on Appeal is submitted.

TABLE OF CONTENTS

SECOND SUPPLEMENT TO AMENDED RECORD ON APPEAL PURSUANT REQUEST OF RESPONDENT

1. Certificate of Service for PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGEMENT AND FOR JUDGEMENT ON THE PLEADINGS filed December 16, 2015, the instant certificate is to supplement and complete numerical item 31. At page 355.0001

1. Certificate of Service for PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGEMENT AND FOR JUDGEMENT ON THE PLEADINGS filed December 16, 2015, the instant certificate is to supplement and complete numerical item 31. At page 355.

000001

The documents contained herein are submitted as a supplement to the Amended Record of Appeal submitted this the 24th day of Aug, 2017.

8/24, 2017

Respectfully Submitted



F. Miles Adler
S.C. Bar No.: 70238
ADLER LAW FIRM, LLC
P.O. Box 4743
Pawleys Island, SC 29585
T: 843.314.3204
miles@adlerlaw.partners

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STATE OF SOUTH CAROLINA)

COUNTY OF Horry)

Gabriel Barnhill and GSB Enterprises, LLC)
 Plaintiff)

v.)

J. Floyd Swilley, Et Al.)
 Defendant.)

IN THE COURT OF COMMON PLEAS

CASE NO.
2014-CP-26-8367

MOTION AND ORDER INFORMATION
FORM AND COVER SHEET

2015 DEC 21 PM 3:19
Horry County
CLERK OF COURT

Plaintiff's Attorney: Nate Fata, Esq., Bar No. 09866 Address: P.O. Box 16620 Surfside Beach, SC 29587 phone: 843-238-2676 fax: 843-238-0240 e-mail: nfata@fatalaw.com other:	Defendant's Attorney: John M. Leiter, Bar No. Address: 1203 48 th Avenue, N., Suite 109 Myrtle Beach, SC 29577 phone: 843-449-1451 fax: 843-449-4884 e-mail: jleiter@48th.com other:
--	---

MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
 FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
 PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

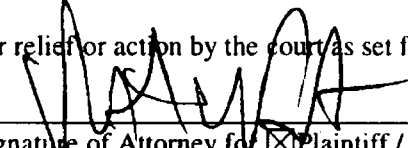
SECTION I: Hearing Information

Nature of Motion: Plaintiff's Motion For Summary Judgment on the Pleadings
 Estimated Time Needed: _____ Court Reporter Needed: YES / NO

SECTION II: Motion/Order Type

Written motion attached
 Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.



 Signature of Attorney for Plaintiff / Defendant

December 16, 2015
Date submitted

SECTION III: Motion Fee

PAID - AMOUNT: \$25.00
 EXEMPT: Rule to Show Cause in Child or Spousal Support
 (check reason) Domestic Abuse or Abuse and Neglect
 Indigent Status State Agency v. Indigent Party
 Sexually Violent Predator Act Post-Conviction Relief
 Motion for Stay in Bankruptcy
 Motion for Publication Motion for Execution (Rule 69, SCRPC)
 Proposed order submitted at request of the court; or,
 reduced to writing from motion made in open court per judge's instructions
 Name of Court Reporter:
 Other:

JUDGE'S SECTION

Motion Fee to be paid upon filing of the attached order.
 Other:

JUDGE

CODE: _____ Date: _____

CLERK'S VERIFICATION

Collected by: Jab Date Filed: 12/21/15

MOTION FEE COLLECTED: 25
 CONTESTED - AMOUNT DUE: _____

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HORRY)
)
 Gabriel Barnhill and GSB Enterprises,)
 LLC,)
)
 Plaintiffs,)
)
 vs.)
)
 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,)
)
 Defendants.)

IN THE COURT OF COMMON PLEAS
 FIFTEENTH JUDICIAL CIRCUIT
 CASE NO. 2014-CP-26-08367
 (formerly 2013-CP-26-02816)

FILED
 2015 DEC 21 PM 3:15
 HORRY COUNTY
 MELANIE J. WARD
 CLERK OF COURT

PLAINTIFFS' NOTICE OF MOTION
 AND MOTION FOR SUMMARY
 JUDGMENT AND FOR
 JUDGMENT ON THE PLEADINGS

Gabriel Barnhill and GSB Enterprises,)
 LLC,)
)
 Plaintiffs,)
)
 vs.)
)
 J. Floyd Swilley, J. Floyd Swilley)
 SMG Partners, LLC, SMS Services, LP,)
 William C. Piner, WCP Limited, LLC,)
 Alicia A. Piner, 809 Holdings, LP,)
 Heath Causey, Sage Financial Group,)
 LLC, 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.)

CASE NO. 2014-CP-26-3362

TO: ALL DEFENDANTS:

YOU WILL PLEASE TAKE NOTICE that Plaintiffs, Gabriel Barnhill and GSB Enterprises, LLC, by and through their attorney, Nate Fata, will move this Honorable Court within ten (10) days after service hereof or as soon thereafter as counsel may be heard for

summary judgment and judgment on the pleadings on all of Defendants' counterclaims. There is no issue of material fact. Defendants have failed to state a claim. Plaintiffs are statutorily shielded from liability for any alleged company debt. Moreover, Defendants have no evidence of Plaintiffs' misappropriating any sums or any damages allegedly caused by Plaintiffs. As more fully set forth in the accompanying Memorandum, Plaintiffs are entitled to judgment on all counterclaims.

Respectfully submitted,



Nate Fata

NATE FATA, P.A.

Attorney for Plaintiffs

P. O. Box 16620

1500 U.S. Hwy. 17 North

The Courtyard, Suite 215

Surfside Beach, SC 29587

Tel. (843) 238-2676

Fax (843) 238-0240

Surfside Beach, SC.
December 16, 2015

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

IN THE COURT OF COMMON PLEAS
FIFTEENTH JUDICIAL CIRCUIT
CASE NO. 2014-CP-26-08367
(formerly 2013-CP-26-02816)

Gabriel Barnhill and GSB Enterprises,)
LLC,)
Plaintiffs,)

vs.)

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,)
Defendants.)

CERTIFICATE OF SERVICE

HORRY COUNTY
2015 DEC 21 PM 3:15
MELANIE HUGHES-BARNARD
CLERK OF COURT

Gabriel Barnhill and GSB Enterprises,)
LLC,)
Plaintiffs,)

CASE NO. 2014-CP-26-3362

vs.)

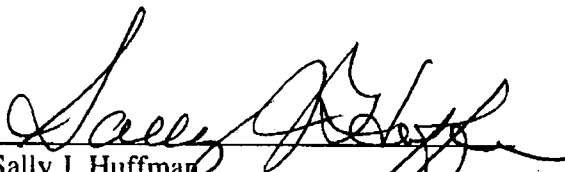
J. Floyd Swilley, J. Floyd Swilley)
SMG Partners, LLC, SMS Services, LP,)
William C. Piner, WCP Limited, LLC,)
Alicia A. Piner, 809 Holdings, LP,)
Heath Causey, Sage Financial Group,)
LLC, Sage Advisory Group, L.P.,)
Sage Private Equity Group,)
Secured Asset Factoring Exchange, Inc.,)
SAFE, Inc., Digics,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

I, Sally J. Huffman, Legal Assistant, do hereby certify that I am an employee of Nate Fata, P.A., Counsel for Plaintiffs Gabriel Barnhill and GSB Enterprises, LLC and that on

December 11, 2015 I did serve a copy of Plaintiffs' Notice of Motion and Motion for Summary Judgment and For Judgment on the Pleadings upon Counsel for Defendants by mailing a copy of the same postage prepaid to:

John M. Leiter, Esq.
Law Offices of John M. Leiter, PA
1203 48th Avenue, North, Ste. 109
Myrtle Beach, SC 29577
*Counsel for J. Floyd Swilley, J. Floyd Swilley Investment Advisors,
Laurel K. Swilley, SMG Partners, LLC, SMS Services, LP,
William C. Piner, WCP Limited, LLC, Alicia A. Piner,
Heath Causey, Sage Financial Group, LLC, Sage Advisory Group, LP
Sage Private Equity Group and Secured Asset Factoring Exchange, Inc.*

Mark D. Neill, Esq.
P.O. Box 2810
Murrells Inlet, SC 29576
Counsel for 809 Holdings, LP


Sally J. Huffman
Legal Assistant to Nate Fata, P.A.

The documents contained herein are submitted as a supplement to the Amended Record of Appeal submitted this the 24th day of Aug., 2017.

8/24/, 2017

Respectfully Submitted



F. Miles Adler
S.C. Bar No.: 70238
ADLER LAW FIRM, LLC
P.O. Box 4743
Pawleys Island, SC 29585
T: 843.314.3204
miles@adlerlaw.partners

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