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Oct 05 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Supreme Court

ON PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS
APPEAL FROM HORRY COUNTY
Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

Court of Appeals Appellate Case No. 2016-001328

Gabriel Barnhill and 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, Defendants.

Of whom J. Floyd Swilley and Laurel K. Swilley are the Petitioners.

**MOTION FOR EXTENSION OF TIME TO FILE
PETITION FOR A WRIT OF CERTIORARI**

Petitioners, by and through undersigned counsel, hereby moves this Court for a fifteen (15) day extension of time within which Petitioner may file a Petition for a Writ of Certiorari.

Petitioners retained the undersigned on or about September 30, 2021, to represent them in connection with a Petition for Writ of Certiorari as it relates to an unpublished decision of the Court of Appeals (Opinion No. 21-UP-288) dated August 4, 2021, and the Court of Appeals' denial of Petition for Rehearing dated September 8, 2021. The undersigned has been able to review the file materials sufficiently to believe there is merit to the issues Petitioners wish to raise on certiorari to this Court.

The undersigned has an unusually high volume of work of late (although it seems like it is an ever-ending situation) and has been hampered by her law partner testing positive for COVID and experiencing COVID symptoms, so she is trying to leave him alone. Finally, to make matters worse, her office is attempting this week to transition to a new software system after more than 20 years using an older case management system, and that has made her life miserable.

The undersigned has reached out today to opposing counsel Nate Fata to inquire if he will consent to the relief being requested. At the time of this filing, a response had not yet been received. The undersigned will update the Court with any feedback obtained.

The undersigned is informed and believes that good cause exists to grant an additional 15 days for filing the Petition for Writ of Certiorari, which she understands is currently October 8, 2021. If granted, the new deadline would be October 25, 2021. However, any extension the Court is willing to grant is appreciated.

Accordingly, for the reasons set forth herein, Petitioner respectfully requests additional time to file the Petition for a Writ of Certiorari and seeks a fifteen (15) day enlargement of time.

Respectfully submitted,

s/ Desa Ballard
Desa Ballard (SC Bar No. 498)
Harvey M. Watson III (SC Bar No.74053)
BALLARD & WATSON
226 State Street
West Columbia, South Carolina 29169
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ATTORNEYS FOR PETITIONERS

October 5, 2021

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Heath Causey, and Sage Financial Group LLC, Defendants.

Of whom J. Floyd Swilley and Laurel K. Swilley are the Petitioners.

PROOF OF SERVICE

I, Beth Cogan, an employee with Ballard & Watson, do hereby certify that on October 5, 2021, I served a copy of the **Motion for Extension of Time to File Petition for a Writ of Certiorari**, in the above-captioned case on the following individuals by electronic mail using their email address listed in the Attorney Information System, addressed as follows:

Natale Fata, Esquire
Natale Fata, PA
nfata@fatalaw.com

Via U.S. Mail
Heath Causey, Pro Se
heath.causey@mac.com
4612 Oleander Drive, Suite 201
Myrtle Beach, South Carolina 29577


Beth Cogan, Paralegal

October 5, 2021

Beth Cogan

From: Beth Cogan
Sent: Tuesday, October 5, 2021 2:15 PM
To: nfata@fatalaw.com; heath.causey@mac.com
Cc: Desa Ballard
Subject: (Barnhill et al. v. Swilley, et al. 2016-001328) Ltr to Howard encl Motion for extension
Attachments: 2021 10 05 Ltr to Howard encl Motion for Extension.pdf; 2021 10 05 Motion for Extension of Time.pdf; 2021 10 05 POS Motion for Extension of Time.pdf

Good afternoon,

Please see the attached Motion for Extension that is being filed with the Supreme Court today for the above-referenced matter.

Kindest Regards,

-Beth

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Ballard & Watson
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October 5, 2021

Via Electronic Mail (supctfilings@sccourts.org)
The Honorable Patricia Howard
Supreme Court Clerk of Court
Post Office Box 11330
Columbia, South Carolina 29211

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Oct 05 2021

SC Court of Appeals

Re: *Gabriel Barnill, et al. v. J. Floyd Swilley, et. al.*
Appellate Case No.: 2016-001328

Dear Ms. Howard:

Please find enclosed a Motion for Extension of Time to File Petition for a Writ of Certiorari for the above-referenced matter. By copy of this letter and as evidenced by the Proof of Service, these filing has been served upon counsel for the Respondents and Pro Se Defendant.

Pursuant to paragraph (c) of the Supreme Court's administrative order dated August 25, 2021 ("Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules") a check for the filing fee is being forwarded via US mail. If you have any questions, please do not hesitate to contact our office.

With warm personal regards, I am,

Sincerely yours,

Desa Ballard Luke

Desa Ballard
desab@desaballard.com

Enclosures

cc: *Via U.S. Mail and Electronic Mail*
Heath Causey, Pro Se
Via Electronic Mail
Natale Fata, Esquire
Laurel Swilley
Floyd Swilley