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Dec 02 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

Appellate Case No. 2021-001124

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, Laurel K. Swilley and Heath Causey are the Petitioners.

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

Petitioners, by and through undersigned counsel, hereby moves this Court for a five (5) day extension of time within which Petitioner may file a Reply to Return to Petition for a Writ of Certiorari.

Petitioners filed their Petition for Writ of Certiorari on October 25, 2021, and amended it on October 26, 2021. Respondents filed a response which was received on November 23, 2021, just before the beginning of the Thanksgiving holiday. On information and belief, Petitioner's reply is due on Friday, December 3, 2021.

Due to the holiday break and other burdens of work, Petitioner's counsel seeks additional time to file the Reply.

The undersigned is informed and believes that good cause exists to grant an additional 5 days for filing the Reply to Return to Petition for Writ of Certiorari, which she understands is currently due December 3, 2021. If granted, the new deadline would be December 8, 2021.

Counsel has not consulted with opposing counsel in an effort to gain consent to the relief sought here because the content of the Response to the Petition for Writ of Certiorari convinces counsel that seeking consent would serve no useful purpose.

Accordingly, for the reasons set forth herein, Petitioner respectfully requests additional time to file the Reply to Return to Petition for a Writ of Certiorari and seeks a five (5) 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

December 2, 2021

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

PROOF OF SERVICE

I, Beth Cogan, an employee with Ballard & Watson, do hereby certify that on December 2, 2021, I served a copy of the **Motion for Extension of Time to File Reply to Return to 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


Beth Cogan, Paralegal

December 2, 2021

Beth Cogan

From: Beth Cogan
Sent: Thursday, December 2, 2021 12:40 PM
To: nfata@fatalaw.com; shuffman@fatalaw.com; sharon@fatalaw.com
Cc: Desa Ballard
Subject: (Barnhill, et al. v. Swilley, et al. 2021-001124) Ltr to Howard encl Motion for Extension (Reply)
Attachments: 2021 12 02 Ltr to Howard encl Motion for Extension (reply).pdf; 2021 12 02 Motion for Extension of Time (reply).pdf; 2021 12 02 POS Motion for Extension (Reply).pdf

Good afternoon,
Please see the attached that is being filed with the Supreme Court today.

Kindest Regards,
-Beth

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December 2, 2021

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

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SC Court of Appeals

Re: *Gabriel Barnill, et al. v. J. Floyd Swilley, et. al.*
Appellate Case No.: 2021-001124

Dear Ms. Howard:

Please find enclosed a Motion for Extension of Time to File the Reply to Return to 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.

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
desab@desaballard.com

Enclosures

cc: *Via Electronic Mail*
Natale Fata, Esquire
Laurel Swilley
Floyd Swilley
Heath Causey