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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM AIKEN COUNTY
CIRCUIT COURT

Judge Martha Rivers

Case No. 2022CP0202323
Case No. 2022CP0202324
2025-000150

Heather Crespo

Respondent/ Appellant

v.

Rhett Riviere, Josee Riviere, Chase Enterprises, LLC,
And R.C. Riviere Properties, LLC

Appellant / Respondent

And

Gabriel Crespo

Respondent/ Appellant

v.

Rhett Riviere, Josee Riviere, Chase Enterprises, LLC
And R.C. Riviere Properties, LLC

Appellant / Respondent

Of Which Rhett Riviere, Chase Enterprises, LLC and R.C. Riviere Properties LLC are the
Appellants/ Respondents

And

Josee Riviere is the Respondent/ Appellant

RESPONDENT'S BRIEF OF APPELLANT / RESPONDENT JOSEE RIVIERE

In Respondents to the Respondents' Appellant Brief filed by Heather Crespo and

Gabriel Crespo, Josee Riviere craves reference to the Appellant's Brief filed on behalf of Josee Riviere and respectfully submits that Josee Riviere's Appellant Brief adequately and completely addresses the arguments made by Heathar and Gabriel Crespo in their Appellant brief. The following analysis applies and additional reference is had to the full Appellant Brief filed by Josee Riviere for a complete response to the arguments made by Gabriel and Heather Crespo.

1. Motions to Sever Claims and Defendants

- Josee Riviere's appellate brief directly addresses the trial court error in denying severance (judicial economy, overlapping evidence, joint/in concert actions), factual connections between Josee Riviere and the acts in question as well as the argument that her own trial conduct may have waived prejudice, and the claim that the differing verdicts for Josee and Rhett demonstrate a lack of prejudice. Every identified issue contained in the Respondent's brief is addressed and Josee Riviere addresses the errors in the trial court's reasoning, challenges the adequacy of protections against prejudice (especially regarding evidence allegedly admissible only against Rhett), denies any waivers, and refutes that verdict differences prove fairness, particularly in light of the high damages and "spillover" evidence.

2. Use of Fifth Amendment Privilege and Curative Instruction

- Josee's appellate brief squarely addresses the arguments advanced in the Respondent's Brief. Specifically, Josee Riviere explains how the court's refusal of her curative instruction prevented a fair trial. Josee Riviere's Appellant brief, supports her position with case law, and argues prejudice from both the instruction denial and restrictions on closing argument about adverse inference.

3. Admission and Prejudicial Effect of Video Evidence

- Respondents justify admission of explicit videos under SCRE 403 and 404(b),

argue careful judicial screening, and contend the videos' probative value outweighed the risk of prejudice, especially as required to show a scheme under the UTPA.

- Josee's brief thoroughly contests admissibility, argues irrelevance and disproportionate prejudice, points out that the "scheme" evidence is not connected to her and points out sound reasons to conclude that the jury was inflamed thus directly confronting points raised by Respondents.

4. Sufficiency of Evidence for Unfair or Deceptive Acts

- Respondents argue that there is evidence they claim ties Josee to unfair or deceptive acts (her presence, lease activities, access to the premises, constructive knowledge standard under the UTPA). However, those claims are not supported by the record.

- Josee's brief addresses these points, pointing out the absence of any proof of actual or constructive knowledge of an unfair or deceptive conduct. . The record supports Josee Riviere's claim that there was no evidence that will support the finding against her as to unfair or deceptive conduct under law. , The record and the Appellant Brief filed by Josee Riviere addresses the misuse of circumstantial evidence by counsel for Heather and Gabriel Crespo and the inapplicability of the constructive knowledge standard as to Josee Riviere.

5. Trial Court's Rulings on Directed Verdict, Involuntary Nonsuit, and JNOV

- Respondents contend that jury findings were supported by evidence sufficient to deny Josee's motions, relying on constructive knowledge and the standard of review.

- Josee's appellate brief directly disputes sufficiency at every stage, critiques reliance on circumstantial evidence and constructive knowledge, preserves legal challenges to the standard, and points out there is no evidence to support the verdict against her.

6. Excessiveness of Verdict and Motions for New Trial

- Respondents maintain the verdict was not excessive, cite trial court discretion, and emphasize differentiated verdicts and careful judicial review.
- Josee's brief argues for a Reversal of the Judgement in its entirety or for new trial absolute (not mere remittitur), because the verdict and imposition of substantial legal fees were due to cumulative prejudice and trial error, specifically addressing all points in the Respondents' argument.

7. Finding of Willfulness and Trebling of Damages

- Josee's brief points out that there is no factual or legal support for a finding of willfulness against her. The explanation given by the Court as to its finding of willfulness by Josee Riviere is shown to be manifestly inadequate explanation in the court's order. Josee Riviere's brief addresses the error made by trebling in the absence of willfulness, thus directly addressing Respondents' rationale.

8. Award and Calculation of Attorneys' Fees

- Respondents defend the trial court's reduced award and address cross-appeal regarding whether it should have been higher, referencing partial success and fee calculation methodology.
- Josee's appellate brief raises all necessary challenges: degree of success, method of fee calculation, adequacy of findings, and propriety of an award if the underlying willfulness is not upheld.

9. Alleged Cumulative Error and Denial of Fair Trial

- Respondents assert no individual or cumulative error exists, insist on absence of preserved objections, and argue any alleged errors did not affect fairness.
- Josee's brief argues cumulative error doctrine applies, rebuts preservation

criticisms, and details how the combination of procedural and evidentiary issues denied her a fair trial, aligning point-for-point with the Respondents' arguments.

10. Limitations Imposed on Closing Argument and Judicial Intervention

- Respondents justify the trial court's restrictions and interventions as lawful, necessary, and non-prejudicial.
- Josee's brief directly challenges both the substance and cumulative effect of these interventions, detailing specific instances and arguing resulting prejudice.

CONCLUSION:

- Every material issue raised by the Crespo Respondent's Brief—the basis for the trial court's critical rulings, evidentiary points, sufficiency of evidence, claims regarding prejudice, fee and damages awards, and procedural fairness—receives explicit, thorough, and specific coverage in the appellate brief of Josee Riviere.

- There are no major issues raised in the Respondents' Brief that are not directly identified and addressed in the appellate brief. For each argument or factual assertion by Respondents, Josee's brief contains both factual rebuttal and legal analysis, often supported by authority and extensive record references.

- The structure and substance of the appellate brief ensure that all arguments requiring response per the comparison table are fully met.

Because the Appellant, Josee Riviere, in her appellate brief, has addressed all of the issues raised by Heather and Gabriel Crespo directly and in detail. There are no significant outstanding issues for which a response is missing or inadequate in the appellate brief.

THEREFORE, Josee Riviere adopts and incorporates her Appellant Brief as a full reply to the Respondent's Brief of Gabriel and Heather Crespo.

RESPECTFULLY SUBMITTED

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