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**THE STATE OF SOUTH CAROLINA**  
**In The Court of Appeals**

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**APPEAL FROM GREENVILLE COUNTY**  
**Circuit Court**

**The Honorable R. Lawton McIntosh, Circuit Court Judge**

**RECEIVED**

FEB 20 2019

**SC Court of Appeals**

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**Appellate Case No. 2018-001444**

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Encore Technology Group, LLC.....Respondent/Appellant,

v.

Keone Trask and Clear Touch Interactive, Inc.  
f/k/a Clear Touch Interactive, LLC.....Appellants/Respondents

AND

Clear Touch Interactive, Inc. f/ka Clear Touch  
Interactive, LLC.....Appellants/Respondents

v.

Encore Technology Group, LLC.....Respondent/Appellant.

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**THIRD MOTION FOR EXTENSION OF  
TIME AND LENGTH OF APPEAL BRIEFS**

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Appellants/Respondents, Keone Trask and Clear Touch Interactive, Inc. f/k/a  
Clear Touch Interactive, LLC, by and through their undersigned attorney,  
respectfully move this Court for an Order granting this Motion for Extension of Time

and Length of Appeal Briefs set by Rule 208 of the South Carolina Appellate Court Rules. Due to extraordinary circumstances detailed below, Appellants/Respondents respectfully request a brief, fourteen (14) day, extension in which to file their Initial Brief. In support of this motion, Appellants/Respondents state and respectfully show the following:

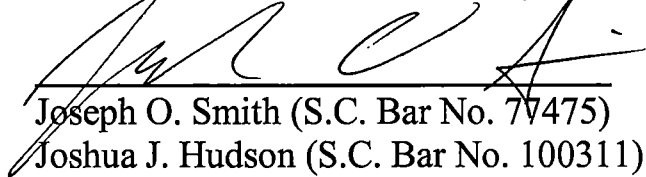
1. Appellants/Respondents received the trial transcript, the last transcript requested for this appeal, from the court reporter on November 24, 2018.
2. The Court granted two extension requests previously which both were based upon the decision of this Court to consolidate three separate appeals, previously scheduled travel, other cases, and the sheer volume and complexity of this matter, necessitating additional time for Appellants/Respondents to adequately brief the issues in this appeal.
3. Appellants/Respondents also moved to exceed the page limits set forth in Rule 208(b)(5).
4. The Court issued a January 14, 2019 Order granting the extension and holding its decision on the motion to exceed page limitations in abeyance pending filing of a proposed Initial Brief by Appellants/Respondents on or before February 27, 2019.
5. That January 14, 2019 Order also noted no additional extensions would be granted absent extraordinary circumstances.

6. Extraordinary circumstances have occurred since the issuance of that Order necessitating this Motion.
7. Appellants/Respondents have been diligently preparing their proposed Initial Brief.
8. As of Saturday evening, February 16, 2019, the draft Initial Brief was approximately 40 pages long.
9. The draft Initial Brief was last saved to Roe Cassidy's server at approximately 5:30 pm on Saturday February 16, 2019.
10. Sometime the night of February 16<sup>th</sup>, an act of God resulted in the loss of all firm data that had not been previously backed up when the server room overheated and its drives were destroyed. (*See Attached Affidavit of Roe Cassidy's IT Consultant Brian Linn*).
11. Appellants/Respondents Initial Brief was among the files lost or destroyed.
12. Therefore, Appellants/Respondents must re-draft the substantial amount of the previously drafted Initial Brief.
13. Given that Appellants/Respondents proposed Initial Brief is due on February 27, 2019 (8 days from the date of this Motion), more time is needed for the recreation of the substantial amount of the previously drafted document and finalization of the final proposed Initial Brief.
14. For these reasons, the Appellants/Respondents are respectfully requesting the

time to file their proposed Initial Brief and Designation of Matter be extended by an additional fourteen (14) days, making the new deadline March 13, 2019.

Respectfully Submitted,

**ROE CASSIDY COATES & PRICE, P.A.**



Joseph O. Smith (S.C. Bar No. 77475)

Joshua J. Hudson (S.C. Bar No. 100311)

1052 N. Church St.

Greenville, SC 29601

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[jsmith@roecassidy.com](mailto:jsmith@roecassidy.com)

[jhudson@roecassidy.com](mailto:jhudson@roecassidy.com)

**Attorneys for Appellants/Respondents**

February 19, 2019  
Greenville, South Carolina

Other Counsel of Record:

Gregory J. English, Esq.

Rita B. Barker, Esq.

WYCHE, P.A.

P.O. Box 728

Greenville, SC 29602-0728

*Attorneys for Encore Technology Group, LLC*

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v.

Encore Technology Group, LLC.....Respondent/Appellant.

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**AFFIDAVIT OF BRIAN LINN**

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Personally, appeared before me Brian Linn, who, after being duly sworn, deposes and states the following:

1. My name is Brian Linn. I am over the age of 21 and have personal knowledge of the facts contained in this Affidavit and, if called as a witness, could competently testify to those facts.

2. I am an Independent IT Consultant and the owner of Integrated Computer Systems, Inc.

3. Integrated Computer Systems, Inc. manages and services all the IT, network and servers for Roe Cassidy Coates & Price, P.A.

4. On or about February 16, 2019, due to an act of God, all firm data that had not been previously backed up was lost due to the server overheating and its drives being destroyed.

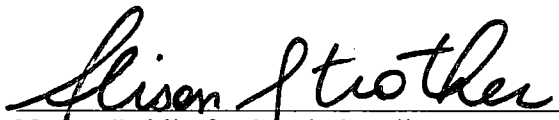
5. I understand that Appellants/Respondents' draft Initial Brief was among the files lost.

6. I am currently engaged in efforts to attempt and recover lost data; however, it is unknown exactly what may be recovered or how long recovery of particular files may take.

**FURTHER AFFIANT SAYETH NOT.**

  
\_\_\_\_\_  
Brian Linn

SWORN to before me this 19  
day of February, 2019.

  
\_\_\_\_\_  
Notary Public for South Carolina  
My commission expires: 6/23/21

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**PROOF OF SERVICE**

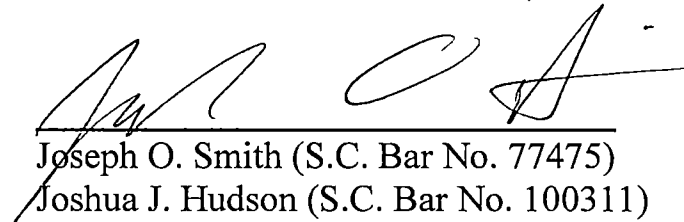
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I certify that I have served the Third Motion for Extension of Time and Length of Initial Brief on the above-named Respondent/Appellant by depositing a copy of

it in the United States Mail, postage prepaid, on February 19, 2019, addressed to  
counsel of record as follows.

Gregory J. English  
Rita Bolt Barker  
WYCHE, P.A.  
Post Office Box 728  
Greenville, SC, 29602  
**Attorneys for Respondent/Appellant**

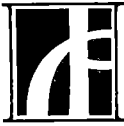
**ROE CASSIDY COATES & PRICE, P.A.**



Handwritten signatures of Joseph O. Smith and Joshua J. Hudson, with a horizontal line drawn across them.

Joseph O. Smith (S.C. Bar No. 77475)  
Joshua J. Hudson (S.C. Bar No. 100311)  
1052 N. Church St.  
Greenville, SC 29601  
Phone: (864) 349-2600  
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[jsmith@roecassidy.com](mailto:jsmith@roecassidy.com)  
[jhudson@roecassidy.com](mailto:jhudson@roecassidy.com)  
**Attorneys for Appellants/Respondents**

February 19, 2019  
Greenville, South Carolina



**Roe Cassidy  
Coates & Price PA**

JOSEPH O. "JOSH" SMITH  
(864) 404-3140  
[JSMITH@ROECASSIDY.COM](mailto:JSMITH@ROECASSIDY.COM)

February 19, 2019

**VIA FEDEX**

Honorable Jenny Abbott Kitchings  
Clerk of Court  
S.C. Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

89100  
**RECEIVED**

FEB 20 2019

**SC Court of Appeals**

**Re: *Encore Technology Group LLC v. Keone Trask and Clear Touch Interactive, Inc.,  
f/k/a Clear Touch Interactive, LLC***  
**Appellate Case No. 2018-001444**  
**RCCP No. 2626.0001A**

Dear Madam Clerk:

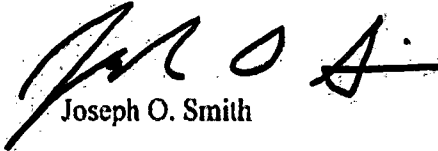
Enclosed please find the original Third Motion for Extension of Time and Length to File Initial Briefs with the Affidavit of Brian Linn and six copies of same. I have also enclosed the Proof of Service on Respondents/Appellants and a \$50.00 check to cover the cost of the filing fee.

We appreciate the Court's time and consideration of this request. If you have any questions or concerns, please do not hesitate to contact me.

With kind regards, I am

Sincerely,

ROE CASSIDY COATES & PRICE PA

  
Joseph O. Smith

JOS/ads

cc: Gregory English, Esq.  
Rita Barker, Esq.

ORIGIN ID:LQKA (864) 349-2600  
ALISON STROTHER

SHIP DATE: 19FEB19  
ACTWGT: 0.97 LB  
CAD: 105294388/INET4100

1052 NORTH CHURCH STREET

GREENVILLE, SC 29601  
UNITED STATES US

BILL SENDER

TO HONORABLE JENNY ABBOTT KITCHINGS  
S.C. COURT OF APPEALS

**FedEx.**

565.120.E3D/23AD

1220 Senate St  
Columbia, SC  
29201

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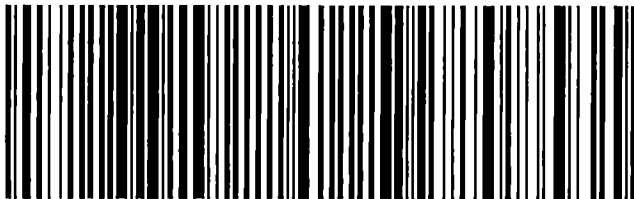
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