
THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Circuit Court

The Honorable R. Lawton McIntosh, Circuit Court Judge

RECEIVED

APR 15 2019

SC Court of Appeals

Appellate Case No. 2018-001444

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.

REPLY TO RESPONDENT'S RETURN
TO APPELLANTS' MOTION FOR EXTENSION
OF LENGTH OF INITIAL BRIEF

Appellants/Respondents, Keone Trask and Clear Touch Interactive, Inc. f/k/a Clear Touch Interactive, LLC ("Appellants/Respondents"), by and through their undersigned attorney, file this Reply to Respondent's Return to Appellants' Motion for Extension of Length of Initial Brief.

1. **Encore's Return to Appellants' Motion for Extension of Length of Initial Brief is untimely and should be stricken per Rule 240(e).**

Appellants/Respondents' Motion for Extension of Time and Length of Initial Brief was served on January 8, 2019 and received and stamped by the Court of Appeals on January 11, 2019.

Per SCACR Rule 240(e), Encore had ten (10) days from the date of service of the motion they are opposing to file a Return to Motion. That deadline would have been January 18, 2019. Even if the deadline was from the date of receipt by the Court of Appeals, the deadline would have been January 21, 2019.¹

Encore filed their Return to Appellants' Motion for Extension of Length of Initial Brief on April 4, 2019, and it was received by the Court on April 8, 2019.

2. All issues included in Appellants' Initial Brief are relevant and necessary for resolution of this appeal.

Encore attempts to deem all issues it wishes not to be presented to this Court as "irrelevant" or "moot" and asks that Appellants not be given adequate page lengths to address these items. Each one of the issues and arguments set forth in Appellants/Respondents' Initial Brief is necessary and important to the resolution of the issues on appeal. As set forth in the original Motion, this is a complex matter dealing with many issues related to a multi-million-dollar verdict against the Appellants/Respondents. It is a consolidation of three appeals, that as of the date of this Reply, Encore is planning to ask be consolidated with two more appeals it recently filed. There are many issues before this Court which require exceeding the normal page limitations set forth under the Rules. Appellants/Respondents therefore, again, respectfully ask that the Court allow those issues to be adequately presented to it through the filing of a brief in excess of 50 pages. Encore wishes to cut what Appellants/Respondents have drafted literally in half. That is simply not feasible and doing so would result in a substantial prejudice to Appellants/Respondents' ability to pursue the issues on appeal.

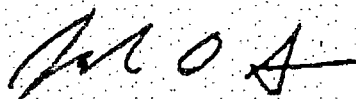
For the reasons set forth above, Encore's Return should be stricken and disregarded as

¹ Encore did not even file its Return within ten days of the date the Initial Brief and Amended Initial Brief were filed – March 13, 2019 and March 14, 2019 respectively.

untimely under SCACR 240(e). Should the Court consider the Return, then Appellants/Respondents respectfully request the Court grant its Motion to Exceed Page Limitations so that the issues in this complex matter may be properly briefed on appeal.

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
Phone: (864) 349-2600
Fax: (864) 349-0303
jsmith@roecassidy.com
jhudson@roecassidy.com
Attorneys for Appellants/Respondents

April 12, 2019
Greenville, South Carolina

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

**APPEAL FROM GREENVILLE COUNTY
Circuit Court**

The Honorable R. Lawton McIntosh, Circuit Court Judge

RECEIVED

Appellate Case No. 2018-001444

APR 15 2019

SC Court of Appeals

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.

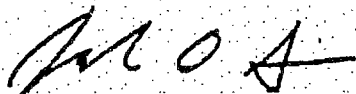
Encore Technology Group, LLC.....Respondent/Appellant.

PROOF OF SERVICE

I certify that I have served the Reply to Respondent's Return to Appellants' Motion for Extension of Length of Initial Brief on the above-named Respondent/Appellant by depositing a copy of it in the United States Mail, postage prepaid, on April 12, 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.



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
Fax: (864) 349-0303
jsmith@roecassidy.com
jhudson@roecassidy.com
Attorneys for Appellants/Respondents

April 12, 2019
Greenville, South Carolina



Roe Cassidy
Coates & Price PA

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

April 12, 2019

VIA USPS

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

RECEIVED
APR 15 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 and six copies of Appellants/Respondents' Reply to Respondent's Return to Appellants' Motion for Extension of Length of Initial Brief in the above-referenced case, along with the Proof of Service for same.

Please file both documents in your office and return the filed copy to me in the envelope provided herein. By copy of this letter, we are serving counsel for Respondent/Appellant with a copy of same.

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.

1052 North Church Street
Greenville SC 29601

PO Box 10529
Greenville SC 29603

p 864 349 2600
f 864 349 0303

NEOPOST FIRST-CLASS MAIL

04/12/2019
US POSTAGE \$001.90⁰⁰



ZIP 29601
041M11278298



Roe Cassidy
Coates & Price PA

1052 N Church St.
Greenville SC 29601
P.O. Box 10529
Greenville SC 29603

Hon. Jenny Abbott Kitchings
Clerk of Court
S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED
APR 15 2019
SC Court of Appeals

RCCP No. 2525 0004