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APR 16 2019

SC Court of Appeals

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

**APPEAL FROM GREENVILLE COUNTY
Circuit Court**

The Honorable R. Lawton McIntosh, Circuit Court Judge

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.

**AMENDED 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 Amended Reply to Respondent’s Return to Appellants’ Motion for Extension of Length of Initial Brief.¹

¹ The original Reply (dated April 12, 2019) to Encore’s Return was filed in a timely manner in accordance with the timelines established under the Appellant Court Rules. This Amended Reply was necessary to address and clarify Encore’s intention to consolidate two recently filed appeals with this matter (a consolidation of three previously filed appeals). Following an email exchange amongst counsel for all parties on Monday April 15, 2019, it was

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, 2019.²

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. 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

clarified that Encore is not seeking to consolidate its two recently filed appeals with this matter, and instead intends to petition the Court to consolidate those matters. Appellants/Respondents were under the impression at the time they filed the original Reply that Encore intended to move to consolidate all five appeals. Appellants/Respondents original Reply required amending to reflect this clarified fact.

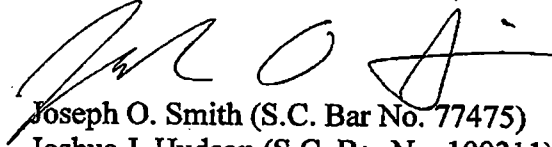
² Encore did not even file its Return within ten days of the date the Initial Brief and Amended Initial Brief were filed – March 13, 2019 and March 14, 2019 respectively.

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 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.



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Attorneys for Appellants/Respondents

April 16, 2019
Greenville, South Carolina

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PROOF OF SERVICE

I certify that I have served the Amended 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 16, 2019, addressed to counsel of record as follows.

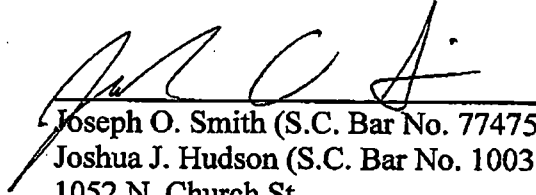
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SC Court of Appeals

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SC Court of Appeals

VIA USPS

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

**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:

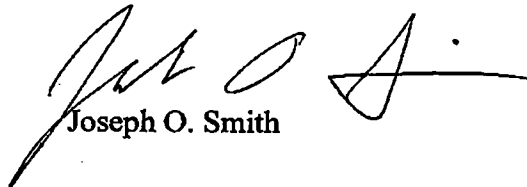
Attached please find Appellants/Respondents' Amended Reply to Encore's Return to Appellants' Motion for Extension of Length of Initial Brief in the above-referenced case. The original Reply was dated April 12, 2019 and mailed to the Court on that date. As noted in the Amended Reply, following correspondence between counsel for the parties on Monday, April 15, 2019, a slight amendment to the original Reply was necessary to address the issue of Encore's intention to consolidate two recently filed appeals. Please let us know if the Court requires anything further from us and we will be happy to provide it.

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.

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FAX COVERSHEET

APR 16 2019

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DATE: April 16, 2019

TO: SC Court of Appeals

FAX NUMBER: 803-734-1839

FROM: Joseph Smith & Ali Strother

RE: Appellants/Respondents' Amended Reply to Encore's Return to Appellants' Motion for Extension of Length of Initial Brief

NUMBER OF PAGES (INCLUDING COVER PAGE) 7

IF YOU HAVE ANY DIFFICULTY RECEIVING THIS TELECOPY, PLEASE CALL 864-349-2600 IMMEDIATELY AND ASK FOR Josh Smith (Ext 640) or Ali Strother (Ext. 609)

ORIGINAL TO FOLLOW: Via Mail Via Overnight Fax Only