
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 DESIGNATION OF MATTERS TO
BE INCLUDED IN THE RECORD ON APPEAL

Appellants/Respondents propose the following Second Amended Designation of Matter to be included in the Record on Appeal:

Encore Technology Group, LLC. v Trask and Clear Touch Interactive, Inc.

Order(s)

1. Final Order and Judgment 4.02.18
2. Order Denying Motion to Reconsider 7.23.18

Pleadings

3. Complaint 9.18.15
4. Clear Touch Answer 11.13.15

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5. Trask Answer 11.13.15

Transcripts

6. Trial Transcript 9.25.17 – 9.29.17

- a. 109-25
- b. 131-132
- c. 146-47
- d. 152
- e. 155
- f. 160
- g. 164-66
- h. 180-81
- i. 184
- j. 193-95
- k. 198-200
- l. 234-40
- m. 343-48
- n. 387-89
- o. 392-400
- p. 412-15
- q. 422
- r. 450-51
- s. 476
- t. 482-590
- u. 720-35
- v. 764-69
- w. 787-89
- x. 791-93
- y. 802-04
- z. 817-18
- aa. 834-38
- bb. 855

cc. 918-32

dd. 938-58

ee. 987-88

ff. 1075-1241

7. Transcript Hearing on Post-Trial Motions 11.17.17

8. Transcript Hearing on Def. Mot. Reconsider and Pl. Appointment of Receiver 6.12.18

Exhibits

Defendants' Trial Exhibits

9. Def. Exh. 5 – 4.29.14 Email Newnam Announcing Keone Separation

10. Def. Exh. 17 – 9.03.14 Email with and re Modified Reseller Agreement

Plaintiff Trial Exhibits

11. Pl. Exh. 2 – 2.14.13 Non-Disclosure and Non-Solicitation Agreement between Encore and Keone Trask

12. Pl. Exh. 4 – 1.15.14 Email Introducing Amy Andrews

13. Pl. Exh. 5 – Interactive Panel Comparison Spreadsheet

14. Pl. Exh. 6 – Severance Agreement

15. Pl. Exh. 8 – 9.10.15 Termination of Reseller Agreement

16. Pl. Exh. 9 – Clear Touch Sales by Customer Feb. 13, 2013 – Oct. 10, 2015

17. Pl. Exh. 10 – Summary of Damages (original)

18. Pl. Exh. 10H – Summary of Damages (updated)

19. Pl. Exh. 10J – Meilinger's Amend. Expert Report 9.26.17

20. Pl. Exh. 11 – CTI, LLC Corp. Establishment Docs filed with NC SOS 9.26.12

21. Pl. Exh. 14 – CTI, LLC list Managing Member – Kathy Cruse 4.11.13

22. Pl. Exh. 15 – NDA Higginbotham 4.28.14

23. Pl. Exh. 16 – CTI, LLC's Articles of Conversion 1.16.14

24. Pl. Exh. 53 – 5.14.14 Email(s) Trask and TSItouch

25. Pl. Exh. 60 – Customer List

Other Materials and Documents

Misc.

26. Executed Verdict Form

27. Stipulations of Fact and Admissions of Liability 09.18.17
28. 04.13.17 Encore Letter to CTI re: discovery and Privilege Log
29. 05.31.17 Encore Letter to CTI re: Response to Second Motion to Compel and revised Privilege Log
30. 08.01.18 Defs' Letter (and Exh. A) to Court re: Defs' Objections to and Redline of Proposed Order Appointing Receiver 8.01.18

Motions

31. Clear Touch and Trask Second Motion for Continuance of Trial Date 6.06.17
32. Encore Response to Second Motion for Continuance of Trial Date 6.07.17
33. Defendants' Memo in Support of Motion for Partial Summary Judgment Exh. C – 05.31.17
Production Items 9.04.17
34. Defendants' Motion in Limine 9.13.17
35. Defendants' Memo in Support of Motions in Limine 9.20.17
36. Defendants' Post-Trial Motions 10.09.17
37. Plaintiff's Motion for Judgment w/ Affidavits 10.09.17
38. Defendants' Response and Opposition to Pl's Motion for Judgment 11.15.17
39. Defendants' Supplemental Post Trial Filings 3.05.18
40. Defendants' Motion to Reconsider 4.12.18

Records Related to Receiver Order

Order(s)

1. Order Appointing Receiver 7.23.18
2. Order Staying Receiver 3.08.19

Other Documents and Materials

Motions

3. Plaintiff's Motion for Appointment of Receiver 5.21.18

Clear Touch Interactive, Inc. v Encore Technology Group, LLC

Orders

1. Form 4 Order 7.31.18
2. Amended Form 4 Order 8.01.18
3. Order Dismissing Case 8.10.18

4. Order Denying Motion to Reconsider 9.07.18

Pleadings

5. Clear Touch v Encore Complaint 9.12.17
6. Clear Touch v Encore Amended Complaint 9.13.17
7. Encore Answer to Amended Complaint & Counterclaims 11.16.17
8. Clear Touch Answer to Counterclaims 12.21.17

Transcript(s)

9. Transcript Hearing on Parties Dispositive Motions 07.30.18

Other Documents and Materials

Motions

10. Encore Motion to Dismiss 3.21.18
11. Clear Touch Motion to Dismiss Encore Breach of Contract and Breach of Contract Accompanied by Fraud Counterclaims 3.27.18
12. Clear Touch Motion for Partial Summary Judgment on Counterclaim 3.27.18
13. Encore Motion for Summary Judgment 7.20.18
14. Clear Touch Memo in Opposition to Encore's Motion for Summary Judgment 7.29.18
15. Clear Touch Memo in Support of Motion for Partial Summary Judgment 7.29.18
16. Clear Touch Motion to Reconsider Dismissal 8.20.18

Misc.

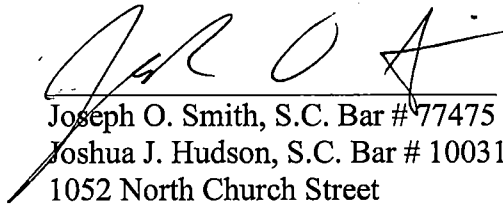
17. Email(s) re Proposed Order where Encore says ruling implied
18. 7.31.18 CTI Email to Court re Form 4 Order
19. 8.02.18 Encore Email to CTI re Rulings Implied
20. 8.02.18 CTI Email to Court re Proposed Order w/ Redline Order
21. 8.02.18 Encore Email to Court re Rulings Implied

I certify that this designation contains no matter which is irrelevant to this appeal.

(Signature page to follow)

Respectfully Submitted,

ROE CASSIDY COATES & PRICE, P.A.

Handwritten signatures of Joseph O. Smith and Joshua J. Hudson in black ink, positioned above their respective names.

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Attorneys for Appellants/Respondents

Clear Touch Interactive, Inc. and Keone Trask

January 2, 2020

Greenville, South Carolina

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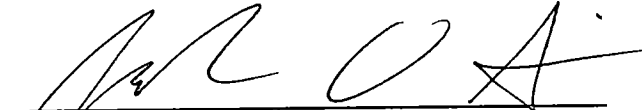
Encore Technology Group, LLC.....Respondent/Appellant.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Second Amended Designation of Matter of Appellants/Respondents to be included in the Record on Appeal contains all material proposed to be included by Appellants/Respondents and not any other material in compliance with Rule 210(g), SCACR.

(Signature on following page)

ROE CASSIDY COATES & PRICE, P.A.



Joseph O. Smith (S.C. Bar No. 77475)
Joshua J. Hudson (S.C. Bar No. 100311)

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January 2, 2020
Greenville, South Carolina

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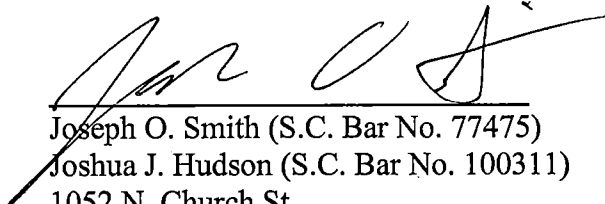
Encore Technology Group, LLC.....Respondent/Appellant.

PROOF OF SERVICE

I certify that I have served the Second Amended Designation of Matter to be included in the Record on Appeal on the above-named Respondent/Appellant by depositing a copy of it in the United States Mail, postage prepaid, on January 2, 2020, addressed to counsel of record as follows.

Gregory J. English, Esq.
Rita Bolt Barker, Esq.
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, written in black ink over a horizontal line.

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Greenville, South Carolina



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January 2, 2020

VIA FED-EX: 7773 7935 0038

Honorable Jenny Abbott Kitchings
Clerk of Court
S.C. Court of Appeals
1220 Senate Street
Columbia, SC 29201

**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:

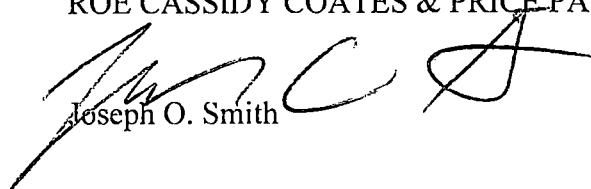
Enclosed please find the original and one copy of the Second Amended Designation of Matter of Appellants/Respondents to be included in the Record on Appeal. Additionally, please find the Certificate of Counsel and Proof of Service verifying that the Second Amended Designation of Mater of Appellants/Respondents was served on counsel for Respondent/Appellant with a copy of same.

Please file both in your office and return a clocked copy to me in the enclosed self-addressed, stamped envelope provided herein.

With highest regards, I am

Sincerely,

ROE CASSIDY COATES & PRICE PA



Joseph O. Smith

JOS/ads

Enclosures (*as stated*)

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

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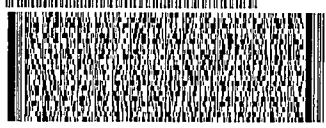
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UNITED STATES

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