

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

TRADEMARK PROPERTIES, INC., a South Carolina corporation; RICHARD C. DAVIS, an individual

Civil Action No.2:06-CV-2195-CWH

Plaintiffs,

vs.

A&E TELEVISION NETWORKS, a joint venture of the Hearst Corporation, ABC INC. and NBC UNIVERSAL; DEPARTURE FILMS) an entity of unknown origin; and DOES 1-20, inclusive

PLAINTIFF'S REPLY TO THE DEFENDANTS COUNTERCLAIM

Defendants.

A&E TELEVISION NETWORKS,

Counterclaim Plaintiff,

vs.

TRADEMARK PROPERTIES, INC.) and RICHARD C. DAVIS,

Counterclaim Defendants.

TO: ROBERT H. JORDAN, ESQUIRE, ATTORNEY FOR DEFENDANTS:

The Plaintiffs, above-named, replying to the Counterclaim of the Defendants would respectfully show unto this honorable Court as follows:

- 1. Each and every allegation contained in the Counterclaim which is not hereinafter specifically admitted is hereby denied.

2. The Plaintiffs deny the allegations contained in paragraphs 75 and 76.
3. The Plaintiffs admit so much of the allegations contained in paragraph 77 which allege that “Flip This House” did well in the ratings, leading to a mutual desire among the parties to do a second season and that the Plaintiff, Richard C. Davis hereinafter referred to as (“Davis”), requested a written agreement, however the remaining allegations contained in paragraph 77 are denied.
4. That in answering the allegations contained in paragraph 78, “Davis” admits that an agreement was reached, however, the remaining allegations are denied.
5. The Plaintiffs deny the allegations contained in paragraphs 79, 80 and 81.
6. That in answering the allegations contained in paragraph 82 the Plaintiffs reiterate and reallege their answers to the foregoing paragraphs as though fully set forth herein.
7. The Plaintiffs admit so much of the allegations contained in paragraph 83 which alleged that the parties had a fully enforceable legal agreement, however, the remaining allegations are denied.
8. That the Plaintiffs deny the allegations contained in paragraph 84, 85 and 86.
9. That in answering the allegations contained in paragraph 87 the Plaintiffs reiterate and reallege their answers to the foregoing paragraphs as though fully set forth herein.
10. The Plaintiffs admit so much of the allegations contained in paragraph 88 which allege that the parties were obligated to act in good faith, however, the remaining allegations contained in paragraph 88 are denied.
11. The Plaintiffs deny the allegations contained in paragraphs 89, 90 and 91.

WHEREFORE, having fully answered the Counterclaim of the Defendants the Plaintiff prays that same be dismissed and the relief sought by the Plaintiffs in their Complaint be granted.

s/ Frank M. Cisa

Frank M. Cisa, Bar No. 138

622 Johnnie Dodds Blvd.

Mt. Pleasant, SC 29464

frank@cisadodds.com

(843) 881-3700

Fax: (843) 881-2511

Attorney for the Plaintiffs

Charleston, SC
August 23, 2006

CERTIFICATE OF SERVICE

I, HEREBY CERTIFY, that on this 23rd day of August, 2006 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such to the following:

Robert H. Jordan, Esquire
151 Meeting Street/ Sixth Floor
P.O. Box 1806 (29402)
Charleston, SC 29401-2239
robert.jordan@nelsonmullins.com
Attorney for Defendants

s/ Frank M. Cisa

August 23, 2006
Charleston, SC