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STATE OF SOUTH CAROLINA

S.C. SUPREME COURT

In the Supreme Court

APPEAL FROM RICHLAND COUNTY

Court of Common Pleas

The Honorable Doyet A. Early, III, Circuit Court Judge

The Honorable L. Casey Manning, Circuit Court Judge

Supreme Court Appellate Case No. 2022-001713

RUSSELL L. BAUKNIGHT, as Trustee of The James Brown 2000 Irrevocable Trust and the James Brown Legacy Trust, as Personal Representative of the Estate of James Brown, and on behalf of Alan Wilson, in his capacity as Attorney General of the State of South Carolina; Tommie Rae Brown, individually and on behalf of her minor child, James B.; Daryl J. Brown, individually and on behalf of his minor child, Janise B.; Lindsey Delores Brown; Deanna J. Brown Thomas; Jason Brown-Lewis; Yamma N. Brown, individually and on behalf of her minor child Sydney L. And Carrington L.; Tonya Brown; Venisha Brown; Larry Brown; and Terry Brown

And

ALAN WILSON, in his capacity as Attorney General of the State of South Carolina; Tommie Rae Brown, individually and on behalf of her minor child, James B.; Daryl J. Brown, individually and on behalf of his minor child Janise B.; Lindsey Delores Brown; Deanna J. Brown Thomas; Jason Brown-Lewis; Yamma N. Brown, individually and on behalf of her minor child Sydney L. and Carrington L.; Tonya Brown; Venisha Brown; Larry Brown; and Terry Brown, Plaintiffs,

Of whom RUSSELL L. BAUKNIGHT, as Trustee of The James Brown 2000 Irrevocable Trust and the James Brown Legacy Trust, as Personal Representative of the Estate of James Brown, and on behalf of Alan Wilson, in his capacity as Attorney General of the State of South Carolina; Tommie Rae Brown, individually and on behalf of her minor child, James B. II; Daryl J. Brown, individually and on behalf of his minor child, Janise B.; Lindsey Delores Brown; Deanna J. Brown Thomas; Jason Brown-Lewis; Yamma N. Brown, individually and on behalf of her minor child Sydney L. And Carrington L.; Tonya Brown; Venisha Brown; Larry Brown; and Terry Brown

And

Tommie Rae Brown, individually and on behalf of her minor child, James B. II; Daryl

J. Brown, individually and on behalf of his minor child Janise B.; Lindsey Delores Brown; Deanna J. Brown Thomas; Jason Brown-Lewis; Yamma N. Brown, individually and on behalf of her minor child Sydney L. and Carrington L.; Tonya Brown; Venisha Brown; Larry Brown; and Terry Brown, are Respondents.

v.

Adele J. Pope, and Robert L. Buchanan, Jr. Defendants,

Of whom Adele J. Pope is the Appellant.

**REPLY TO RETURN OF RESPONDENTS
TO PETITION FOR CERTIORARI**

GENERAL RESPONSE TO RETURN

On page one of their Return Respondents Tommie Rae Hynie, Terry Brown, and a dozen owner-beneficiaries of Respondent James Brown Legacy Trust, through private law firm Sweeny, Wingate and Barrow, P.A. (“SWB”, deplore that 16 years and a month have passed since the death of iconic entertainer James Brown and not a single James Brown “I Feel Good” scholarship has been paid.

Respondents assert that certiorari should be denied because it had been sought improperly. They assert that Richland 4900 was “bogged down” by the “unsupportable” counterclaims of Robert Buchanan and Petitioner Adele Pope. They assert that dismissing this certiorari petition and sending Richland 4900 back to complete discovery, with costs advanced to Hynie and the Legacy Trust owner-beneficiaries under the AG’s Special Counsel Litigation Retention Agreement, will help start the “I Feel Good” scholarships that were ready to be started in 2011, just one year after Richland 4900 was filed.

Respondents even assert that it is too early for the Supreme Court to decide whether Buchanan and Pope correctly asserted in 2010 that Richland 4900, based solely on the complaint, was unconstitutional and illegal because SWB, a private law firm, was acting for the

State/Attorney General and 15 others in a tort suit brought primarily for the private benefit of Respondent Hynie and persons aligned with her who were seeking to dismember the “I Feel Good” charity which the Attorney General had a statutory duty to protect.

Respondents make this claim while ignoring material facts, save for one. James Brown’s estate plan was noble and scholarships should have begun as long ago as 2011.

The counterclaims of Buchanan and Pope were not what bogged Richland 4900 down or delayed the implementation of James Brown’s noble estate plan. Nor did Buchanan and Pope cause the James Brown Estate to spend tens of millions of dollars in litigation costs from a claimed \$4.7 million music empire. From 2009 until 2013 the “I Feel Good” scholarships were delayed by the effort of the Attorney General and Respondent Hynie, through Respondent AG Legacy Trust, to control the worldwide music empire of entertainer James Brown; rewrite his estate plan; declare Brown’s heirs under the Copyright Act; and then give away more than half of Brown’s charity.

In 2010 145 boxes of public documents were put under lock and key to conceal that Hynie was not the spouse of James Brown; to conceal the fact that the \$4.7 million value of Brown’s music empire was fabricated as part of a scheme by Hynie to discredit “Bobadele;” [R. 1002; 1729] to conceal the fact the David Cannon was a thief who had stolen \$17 million from funds devised to Brown’s “I Feel Good” charity so he could serve as a witness against Buchanan and Pope in Richland 4900; and to conceal that the AG’s 2008 settlement did not benefit Brown’s “I Feel Good” charity, but dismembered it.

On April 24, 2013 the Attorney General advised SWB that the Office of the Attorney General had never hired SWB. On that day Richland 4900 could have ended at virtually no cost to James Brown’s Estate or charity. And none of the tens of millions of dollars spent by 2018 would have had to be spent. Further, as the Attorney General advised on April 24, SWB was likely

to have to disgorge under *Wilson v. Dallas*, 743 S.E.2d 746 (2013), the funds advanced by the James Brown Estate to the Legacy Trust owner-beneficiaries to pay SWB's costs in Richland 4900.

Instead, the following month, Hynie and 11 other Respondents announced their plan to disregard the Supreme Court's decision in *Wilson v. Dallas* and reinstate the AG's 2008 settlement. Respondents have tried for nearly a decade since then to hinder progress in this case while they litigated among themselves in other cases; prevented Petitioner from obtaining discovery that would lay bare Respondents' improper actions; reached secret settlements among themselves; and ultimately sold James Brown's music empire for \$90 million, while insisting that it had been worth only \$5 million when he died, and without disclosing what portion of that amount would benefit needy and deserving students under James Brown's "I Feel Good" Trust.

In 2023 Respondents attempt to evade this Court's review of this nearly 13-year-old case which they filed in an unsuccessful attempt to evade this Court's review of the 2008 settlement which gave more than half of Brown's assets to Respondent Hynie and a dozen individual Respondents. This Court, nearly 10 years ago, properly found the 2008 settlement which the Richland 4900 complaint seeks to enforce to be a "dismemberment" of Brown's noble estate plan and voided the settlement. *Wilson, supra*. Now Petitioner, who did not bend to the Richland 4900 plaintiffs' attempts in 2010 to force her to drop the appeal that would become *Wilson v. Dallas*, asks this Court to grant a writ of certiorari to review and reverse the orders on appeal.

RESPONSE TO INTRODUCTION

Respondents assert in the Introduction to the Return that the "unsupportable counterclaims" of Robert Buchanan and Pope in Richland 4900 have "in part" been an obstacle to the realization of the noble estate plan of entertainer James Brown to issue "I Feel Good" education scholarships. Respondents admit that the scholarships were "the chief aim" of Brown's "noble estate plan." They

even cite the admission of various Respondents to the Supreme Court in *Brown v. Sojourner*, 430 S.C. 474, 846 S.E.2d 342 (2020), that no “I Feel Good” scholarships have been paid. [Ret., p. 1]

Sojourner, Richland 4900, and the two 2011 FOIA suits Respondents have tried to consolidate with Richland 4900, make clear that the counterclaims of Buchanan and Pope were meritorious; that neither Buchanan nor Pope has helped bog Richland 4900 down or been an obstacle to the realizing of James Brown’s noble plan. That has been caused by the patently false claims of Hynie in *Wilson v. Dallas*, *Sojourner* and Richland 4900; the support of the AG and Respondents for those false claims; and the associated concealing of public documents under FOIA and in discovery which have bogged down Richland 4900 and been an obstacle to the implementation of Brown’s noble estate plan.

In 2007 Respondent Hynie filed what became *Brown v. Sojourner* scarcely two months after Brown died, and by the end of 2007 had filed additional suits to set aside Brown’s noble estate plan, despite her knowledge that creation of the “I Feel Good” education charity was the chief aim of Brown’s estate plan.

In 2008 Buchanan and Pope moved to dismiss *Sojourner* because it was filed in the wrong court, and because Hynie’s public handwritten admissions, her falsified marriage license application, and other public documents confirmed she was not Brown’s spouse and knew it when she filed the lawsuits. That year Hynie secured an *ex parte* circuit court order concealing her public handwritten admissions that she was not Brown’s spouse. Hynie also refused a paid-for \$300 DNA test for her son, who was not a presumed child of James Brown, even though a DNA test was necessary to determine if he was entitled to U.S. Copyright Act termination rights under the Estate’s circuit court order to determine heirs under both state and federal law.

In 2008 the AG's settlement with Hynie and other Respondents posed a greater impediment to the realization of Brown's noble estate plan than the theft, money laundering and forgeries of resigned trustee David Cannon. The AG's 2008 settlement stopped *Sojourner* for five years and halted the Estate's court-approved plan to determine heirs under state law and the Copyright Act.

In 2009 the AG and Respondents rejected an offer for 16% of Brown's Estate for the six acknowledged children; 2% for Respondent James II; and 7% for Respondent Hynie to release all of her claims. That year Terry Brown joined the AG's 2008 settlement; it was approved by the circuit court; and the AG and Respondents secured an order preventing distributions. The order was an unnecessary obstacle to the "I Feel Good" charity's realization, as there was no basis to prevent the funding of some scholarships when the TIAA debt was paid off in 2011 if assets sufficient to pay debts were retained.

In 2010 the AG and Respondents rejected an offer of Buchanan and Pope to avoid Richland 4900 before it was filed, requiring only that the Court of Appeals, in a non-adversarial motion, agree that the AG could substitute his judgment as to the propriety of the 2008 settlement for that of Buchanan and Pope. Respondents also named thief David Cannon, who had stolen \$17 million from funds devised to the "I Feel Good" charity, as their Richland 4900 witness while he was under indictment, and began what would be a decade of discovery noncompliance to cover up the misdeeds of Cannon, Hynie, and some of those aligned with them.

By 2011 Respondents were concealing the AG's Agreement with SWB, the \$4.7 million valuation, a Legacy Trust amendment, and Hynie's bigamy admission, posing a substantial obstacle to the "I Feel Good" charity. In addition, the AG and Respondents joined in Hynie's false claims to the Supreme Court, including that James Brown's devise to charity was about \$1

million¹, and not \$80 million; that Hynie’s elective share claim was a “slamdunk:” Brown’s Estate/2000 Trust had no corpus to speak of; nobody was trying to buy Brown’s assets; and, but for the AG’s 2008 settlement, there would be no assets in the “I Feel Good” Trust in 2023.

In 2011 the AG and James Brown Estate helped David Cannon cover up his theft by allowing him to enter an *Alford* plea to some of the \$17 million he had taken; failing to submit a victims’ statement for the needy students; and seeking no restitution or prison time. The 2008 suit against Cannon was virtually abandoned, and even Cannon’s \$1 million Caribbean retirement mansion had not been recovered for the “I Feel Good” charity five years after Brown’s death.

In 2012 Pope offered to let the AG and Brown’s Estate out of Richland 4900 at no cost and have the circuit court determine her fee, while Buchanan, based on personal hardship, reduced his \$2.1 million fee claim to \$550,000. [R. 499-543] With the TIAA debt paid off and the estate earning \$5 million a year, scholarships could have begun right away, with Buchanan and Pope paid in less than a year, or over time if chosen by the circuit court.

The AG and James Brown Estate, through SWB, rejected the offers of Pope; filed them; and moved to strike them. Once again, the realization of Brown’s wishes was delayed.

The April 24, 2013, letter of the AG to SWB, with the first *Wilson* decision, provided a chance for the James Brown Estate to end Richland 4900 and have the fees of Buchanan and Pope determined by the circuit court in a *Wilson* remand hearing. Instead, on May 29, 2013, Hynie and 11 Respondents announced their plan to disregard *Wilson v. Dallas* and reinstate the AG’s 2008 settlement. Respondents then secured orders excluding Buchanan and Pope from *Sojourner*, even as witnesses, and secured a 3-year stay in Richland 4900 and the FOIA cases.

¹ Documents filed in the Supreme Court showed \$2.8 million, but \$2 million was going to six Respondents, grandson Forlando Brown, and other disinherited descendants.

Over the next three years Russell Bauknight claimed Pope was dishonest and had “raped” Brown’s Estate. [R. 1008] The Brown Estate’s music manager Peter Afterman worked for Hynie’s attorneys while being paid \$20,000 a month by the Estate. LSA David Sojourner charged \$1.4 million to defend against Hynie in *Sojourner* and against challenges to Brown’s noble estate plan; took one deposition; and allowed Hynie to be determined to be Brown’s spouse on stipulated facts without proffering her handwritten admissions that she was not Brown’s spouse and knew it.

By 2016 the internecine battle among Hynie, Respondents and DNA-proven children in *Sojourner* had moved to the Court of Appeals, and by 2017 the James Brown Estate had dropped its defense in *Sojourner*. By then SWB attorneys, under oath, were refuting the sworn testimony of now-Governor Henry McMaster that McMaster did not authorize SWB to bring Richland 4900 in the name of the State/AG while concealing both the AG’s April 24, 2013 letter and the AG’s unsigned Special Counsel Agreement in Richland 4900 discovery. By action of the AG and Respondents, Richland 4900 was completely bogged down.

In 2017 and 2018 Richland 4900 became more bogged down with efforts to suppress the testimony and documents of Respondents’ own nine experts, the Governor, the AG, the Solicitor General, the Chief Deputy AG, and others, all of which confirmed that the AG’s 2008 settlement was bad for Brown’s charity; exposed the false claims of Hynie and Cannon; and demonstrated how Richland 4900 had helped Hynie and Cannon. [R. 159-160; 758; 760; 911]

While Respondents and the AG worked to bog down Richland 4900 and conceal documents in discovery and under FOIA, all Respondents abandoned their will contests, and most Respondents, joined by DNA-proven children, called Hynie a bigamist in multiple court filings.

Respondents James Brown Estate and the Legacy Trust took Hynie’s side, defending Hynie’s unsupportable spousal, valuation and termination rights claims. and concealing public

evidence that the claims were false. The Brown Estate even joined in Hynie's claim that termination rights were worth "tens of millions" of dollars when the Estate's and Hynie's own expert, Roger Miller, valued them at only \$8.8 million at the same time.

In 2017 the James Brown Estate refused to end its role in Richland 4900 and settle Pope's fee claim with a payment to Pope of \$2.1 million for her six years' service, out-of-pocket costs of the *Wilson v. Dallas* appeal, and the pursuit of Aiken 1337 where Buchanan's same fee had been approved in 2013 in a 15-minute *Wilson v. Dallas* remand hearing. The Estate refused the offer in 2017 and again in 2018. The Estate's fiduciary and media in London and Augusta began making the false claim that Pope had demanded a payment of \$19 million from Brown's Estate.

By 2019 Respondents' internal warfare in *Sojourner* was in the Supreme Court and in U.S. District Court, with Brown's Estate and music manager Peter Afterman on Hynie's side. SWB and Bauknight continued to act for all Respondents but took Hynie's side in Richland 4900 and even secured an order in Pope's fee claim, Aiken 1337, fully supporting Hynie's claims.

In 2020 the Supreme Court lamented in *Sojourner* that so many years after Brown's death the heirs of James Brown had not been properly determined and no "I Feel Good" scholarships had been awarded. The James Brown Estate was not there to explain to the Court its major, 11-year role in helping Respondent Hynie in her effort, begun in February 2007, to prevent the implementation of Brown's noble estate plan.

In 2021 Hynie's 14 years of deception and false claims in *Sojourner* came to an end, but support by Respondents in Richland 4900, including by Bauknight speaking on behalf of the Attorney General, continues. When the *New York Times* reported the \$90 million sale of Brown's music empire and major assets, the Brown Estate clung to its claim that Brown's music empire

had been worth less than \$4.7 million when Brown died. Bauknight even made the unsupportable claim that “I Feel Good” scholarships could not be paid until Pope’s 2009 fee claim was resolved.²

No mention has been made by Brown’s Estate to the media about the \$11 million 2022 suit of the Pullman Group or the \$700,000 lawsuit filed by the attorney for Respondent James II.

The record is clear that it is Hynie’s unsupportable positions in *Sojourner*, Richland 4900 and elsewhere, and the support of the AG and James Brown’s Estate for those claims, which has bogged down Richland 4900 and been the obstacle to James Brown’s estate planning goals.

RESPONSE TO QUESTIONS PRESENTED AND COUNTERSTATEMENT

The counterstatement of the questions presented and of counterstatement of the case simply bear no relation to the actual facts or the parties as set out in the Richland 4900 complaint; the motion of Buchanan and Pope to dismiss; the answer and counterclaim; and the opposition to the motion for partial summary judgment based solely on *Wilson v. Dallas*, in which the circuit court was asked to ignore known, undisputed facts, and did so.

The role of the AG in helping conceal public documents under FOIA, and allowing FOIA to become intertwined with Richland 4900 and the Legacy Trust from 2011 until 2023, is not denied, but neither is it mentioned. The fact that Respondent Legacy Trust – not James Brown’s Estate – is seeking 100% of the damages, is not mentioned. Nor is the fact that more than 70% those damages were originally to be distributed to Hynie and the AG’s new charity, and now 46%

² If the joint 2009 protective fee claim of Buchanan and Pope had been an impediment to the payment of “I Feel Good” scholarships, it could have been disallowed, in whole or in part, in 2009, and resolved a decade ago. Instead, Buchanan was paid in 2012 only after he was required not to file a petition for rehearing in *Wilson v. Dallas*. The 2009 claim was disallowed on May 29, 2013, the day Hynie and 11 Respondents announced their plan to disregard *Wilson v. Dallas* and reinstate the AG’s 2008 settlement which had just been voided by the Supreme Court.

is sought for Hynie, and all for SWB private clients who brought this suit in the name of the State/AG with knowledge that it was not legally authorized.

Buchanan's role is misdescribed, and no mention is made of the 2012 motion to void the condition that he not help the "I Feel Good" charity or file a petition for rehearing in *Wilson v. Dallas*. Respondents mention the 2012 order approving the payment to Buchanan, but fail to note that Hynie never paid her court-ordered share of the costs, as directed in the order. The AG refused to pay his share and warned SWB that everything it had received would have to be disgorged.

As the complaint and other documents show, Richland 4900 is, and always has been, a vehicle to dismember – not to honor – James Brown's noble estate plan; to make Hynie appear to be the spouse of James Brown; to put Hynie in control of Brown's worldwide music empire; and to blame the damage on Buchanan and Pope.

In 2013 the circuit court "double approved" and praised Buchanan's service, all of which was joint with Pope, and all payments to Buchanan, in a post-*Wilson* hearing. The circuit court paved the way for Buchanan's re-entry into Richland 4900 to pursue the 2010 counterclaims as to all plaintiffs other than Brown's Estate/2000 Trust. No mention is made of this double approval by Judge Doyet Early. Footnote 2, in fact, simply ignores the facts.

The misdescription of the role of Buchanan is a sampling of the misdescription of the roles of the AG, the Legacy Trust, Hynie, Terry Brown and others aligned with David Cannon and Hynie, and the concealed documents which provide clear evidence of the misdeeds of Cannon and Hynie, and the support of all Respondents for those misdeeds. Petitioner craves reference to her Petition, the complaint, and the answer and counterclaims, as well as the responses to the motion for partial summary judgment for the already-known facts and concealed facts and documents.

ARGUMENT

I. Petitioner has complied with Rule 242, and her request for a writ of certiorari should be granted.

Respondents complain that Petitioner somehow “violates several appellate rules.” [Return, p. 2] Respondents suggest that any mention of the Attorney General’s participation and representation was foreclosed as a result of the Attorney General’s having been dropped as a party to this case; the affirmance of that action by the Court of Appeals; and the denial of certiorari by this Court in Appellate Case No. 2020-1383. Respondents nonetheless go on to assert that “the current personal representative, Russell Bauknight, is representing appropriately the Attorney General’s lawful interest in protecting charitable beneficiaries.” [Return, p. 2] Bauknight and SWB have unauthorizedly used the Attorney General’s power and prestige for private and improper purposes in this case for nearly 13 years, and that is among the novel and constitutional issues Petitioner asks this Court to review.

Respondents further assert that the court of appeals’ decision is not in conflict with *Wilson v. Dallas*, because they allege that this Court’s brief mention of issues Respondents raised with respect to Buchanan’s and Petitioner’s service preclude all of Petitioner’s counterclaims in this case. Respondents appear to acknowledge that the language quoted from *Wilson* does not lend merit to Respondents’ claims herein, but assert that the same language bars Petitioner’s counterclaims which are based in part on the improper filing of this case. Without any citation to fact or legal precedent, Respondents make the bold statement that “Petitioner is presumed conclusively to have committed maladministration.” Petitioner submits that Respondents’ presumption is fabricated and unsupported.

Finally, Respondents assert that Petitioner “violates” Rule 242(d)(2) and (4) by affording this Court an appropriately complete background on the lengthy and complex history of the issues

involved in this case. This continues Respondents' years-long pattern of attempting to silence Petitioner and avoid the facts. This case, which involves issues dating back over 15 years, has been pending for nearly 13 years. Facts underlying this case have been presented and litigated in numerous courts, including in multiple cases in this Court. To allow this Court to understand the context of this improper and illegal lawsuit, Petitioner has offered as complete a statement of the case and facts as is possible within the page limits set out in Rule 242. Respondents, as in numerous previous instances, simply wish for the Court to overlook the facts and the law, and proceed straight to Respondents' desired outcome. Petitioner submits this Court's consideration of the facts, and the voluminous record herein, will lead to the reversal of the orders on appeal.

II. This Court can and should review and reverse the circuit court's denial of Petitioner's 2010 motion to dismiss.

Respondents argue at length that appellate review of the denial of a motion to dismiss is "an exception to the general rule" applicable only in "extraordinary circumstances." [Return, p. 11] Respondents do not mention or confront the cases cited in the Petition which show clearly that review of an interlocutory order is appropriate when an immediately appealable order is on appeal. Respondents cite no caselaw to support their statement that "extraordinary circumstances" are necessary to trigger appellate jurisdiction to review interlocutory orders, and Petitioner is aware of none. Even if extraordinary circumstances were required, Petitioner submits that this *fourth* pretrial appeal is extraordinary in a 13-year-old case in which discovery has not yet been completed and in which constitutional and other issues raised in 2010 have not had meaningful appellate review in 2023.

III. This Court’s decision in *Wilson* does not preclude any of Petitioner’s counterclaims, and summary judgment was improper where discovery was incomplete.

Petitioner incorporates her Petition for Writ of Certiorari and her Briefs in the court of appeals, which set out in detail the legal and factual support for each of her counterclaims. Respondents argue that this Court’s statement in *Wilson* that “the court had cause to remove” Buchanan and Petitioner absolutely justifies Respondents’ meritless claims in their 2010 complaint, filed 3 years before *Wilson* was decided. Petitioner’s counterclaims rest, in part, on Respondents’ improper intent and purpose in bringing this illegal case to force Buchanan and Petitioner to drop the appeal which would become *Wilson*. This Court made no finding about the propriety of the filing of this action, nor did it make any finding that Buchanan and Petitioner had breached any duty to Respondents. As set out in the Petition and Appellant’s Briefs, *Wilson* does not preclude any counterclaim herein.

IV. Petitioner has repeatedly raised due process violations in this case since 2010, and that issue is preserved for review by this Court.

Respondents shockingly assert that Petitioner has not preserved her due process argument for this Court to consider. Nothing could be further from the truth. From the filing of Buchanan’s and Petitioner’s 2010 motion to dismiss forward, Buchanan and Petitioner have repeatedly raised and preserved due process concerns to the circuit court, the court of appeals, and this Court. Due process violations are among the issues Petitioner asks this Court to consider in connection with the 2010 motion to dismiss. Buchanan and Petitioner sought review of that matter by the court of appeals in 2011, but that court dismissed the writ and appeal as premature.

Respondents appear to also argue that the Attorney General’s 2020 exit from this case resolves all potential constitutional issues related to the Attorney General’s involvement, SWB’s actions on behalf of the Attorney General, and Bauknight’s acting and speaking on behalf of the

Attorney General, which continues today. As noted above, while seeking damages solely for Hynie and SWB's private clients, Bauknight continues to allege that he is properly representing the Attorney General's interest in this action. [Return, p.2] The constitutional issues justified dismissal of this case in 2010 and in every year since, and Bauknight continues to use the power and prestige of the Attorney General's office even as he argues that the Attorney General is no longer in the case. This is among the novel and extraordinary issues which warrant review by this Court, especially where Bauknight has boldly spoken on behalf of the Attorney General in asking this Court *not* to hear the case.

Petitioner has thoroughly preserved her constitutional objections and that they are a compelling reason for this Court to grant Certiorari and correct the errors of the lower courts.

CONCLUSION

For the foregoing reasons, as well as those set forth in her Petition for Writ of Certiorari, Petitioner asks that this Court grant a writ of certiorari so that it may review and reverse the orders on appeal before another decade of wasteful and abusive litigation by Respondents.

Respectfully submitted,

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