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JUN 20 2013

**THE STATE OF SOUTH CAROLINA
IN THE Supreme COURT**

S.C. SUPREME COURT

**APPEAL FROM AIKEN COUNTY
Court of Common Pleas**

**Doyet A. Early, III, Circuit Court Judge
Case No. 2008-CP-2-1647**

Alan Wilson, in his capacity as Attorney General of the State of South Carolina; Daryl J. Brown, on behalf of his minor children, Lindsey B. and Janise B.; Deanna J. Brown Thomas, on behalf of her minor child, Jason L.; Yamma N. Brown, on behalf of her minor children, Sydney L., Carrington L., and Tonya B.; Vanisha Brown; Larry Brown; Tommie Rae Hynie Brown; and James B., through his Guardian ad Litem, Respondents,

v.

Albert H. Dallas, Alfred A. Bradley, and David G. Cannon, Individually and as (purported) Trustees of the James Brown 2000 Irrevocable Trust; Adele J. Pope and Robert L. Buchanan, Jr., Personal Representatives of the Estate of James Brown and Trustees of the James Brown 2000 Irrevocable Trust; Terry Brown; Romunzo Brown; Forlando Brown; Cinnamon N. M. Paris; LaRhonda Petitt; Jeanette Mitchell; and Russell L. Bauknight, as Special Administrator and Special Trustee for The Estate of James Brown and The James Brown 2000 Irrevocable Trust,

of whom Robert L. Buchanan, Jr., and Adele J. Pope, as Personal Representatives of the Estate of James Brown and Trustees of the James Brown 2000 Irrevocable Trust are, Appellants,

and Albert H. Dallas, Alfred A. Bradley, and David G. Cannon, Individually and as (purported) Trustees of the James Brown 2000 Irrevocable Trust; Terry Brown; Romunzo Brown; Forlando Brown; Cinnamon N. M. Paris; LaRhonda Petitt; Jeanette Mitchell; and Russell L. Bauknight, as Special Administrator and Special Trustee for The Estate of James Brown and The James Brown 2000 Irrevocable Trust are Respondents.

In re: The Estate of James Brown and The James Brown 2000 Irrevocable Trust u/a/d August 1, 2000.

**APPELLANT ADELE J. POPE'S REPLY TO RETURNS OF CERTAIN
RESPONDENTS TO MOTION FOR COSTS**

In response to Appellant Adele J. Pope's motion for costs, certain Respondents¹ (for convenience, those who have filed returns are referred to herein as "Respondents") have filed Returns asserting that Pope did not prevail in this appeal and should not be awarded any of the substantial costs incurred herein. The briefs² and opinion in this matter, however, show that this Court granted Pope the primary relief sought: the voiding of a settlement agreement described by this Court as "dismantl[ing] the existing charitable trusts, to great ill effect on [James] Brown's estate plan." *Wilson v. Dallas*, Op. No. 27227 at 36 (S.C., May 8, 2013).

Respondents make the specious argument that Pope should be responsible for all costs of this appeal because she did not prevail on every point briefed. Rule 222(a), *South Carolina Rules of Appellate Procedure*, conflicts with the Respondents' argument by plainly stating that the Court may award costs to the Appellant where the Court partially affirms the order on appeal.

Respondents incorrectly argue that Pope is not a prevailing party because she "did not improve her position by the litigation." [Return of Attorney General, p. 2]. Respondents seem to equate improving one's position solely to financial gain. While Pope did not receive any financial benefit from this appeal, she did achieve the primary result she sought. It is counterintuitive to suggest that Pope did not improve her

¹ Notably, Tommie Rae Hynie Brown, along with James B., Terry Brown, the Estate of James Brown and the James Brown 2000 Irrevocable Trust, have not opposed Pope's motion for costs. Although Louis Levenson, Esquire has filed a return of "Respondents," the signature block and proof of service on that document show that he speaks only on behalf of certain of his original clients other than Daryl J. Brown.

² For example, the argument in Appellants' Brief spans 35 pages, 33 of which are devoted to seeking reversal of the settlement approval.

position through this appeal.

The voluminous record and the briefs demonstrate that Buchanan and Pope's primary objective was seeing that the James Brown "I Feel Good" private foundation and his private trust for his grandchildren be saved, and they were.


For these reasons, Pope should be awarded the costs requested in her motion.

Respectfully Submitted,

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June 19, 2013.

By: 
Attorneys for Appellants.

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of whom Robert L. Buchanan, Jr., and Adele J. Pope, as Personal Representatives of the Estate of James Brown and Trustees of the James Brown 2000 Irrevocable Trust are, Appellants,

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In re: The Estate of James Brown and The James Brown 2000 Irrevocable Trust u/a/d August 1, 2000.

CERTIFICATE OF SERVICE

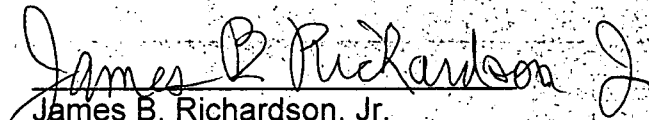
The undersigned certifies that he served a copy of Appellant Adele J. Pope's Reply to Return of Certain Respondents to Motion for Costs upon the respondents by first class

mail, postage prepaid, addressed to their respective attorneys, namely:

Attorney General Alan Wilson
Assistant Deputy Attorney General Robert D. Cook
Senior Assistant Attorney General C. Havird Jones
Assistant Attorney General J. C. Nicholson, III
Assistant Attorney General Mary Frances Jowers
Fred L. Kingsmore, Jr., Esq.
H. Wesley Kirkland, Jr., Esq.
James M. Griffin, Esq.
William Joseph Barr, Esq.

Louis Levenson, Esq.
Matthew Day Bodman, Esq.
Max N. Pickelsimer, Esq.
R. Wayne Byrd, Esq.
Robert N. Rosen, Esq.
T. Heyward Carter, Jr., Esq.
S. Alan Medlin, Esq.
David L. Michel, Esq.
Albert P. Shahid, Jr. Esq.

addressed to them at their respective addresses of record, on June 19, 2013.


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June 19, 2013

Attorney for Appellant Adele J. Pope: