

STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
The Honorable Clifton B. Newman, Circuit Court Judge

Appellate Case No. 2023-001263

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

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.

Adele J. Pope, Appellant.

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STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

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; 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 children 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 children SYDNEY L. and CARRINGTON L.; TONYA BROWN; VENISHA BROWN; LARRY BROWN; and TERRY BROWN,

Plaintiffs,

v.

Adele J. Pope,

Defendant.

COURT OF COMMON PLEAS

FIFTH JUDICIAL CIRCUIT

Civil Action No. 2010-CP-40-04900

**PLAINTIFF'S MEMORANDUM OF
LAW IN RESPONSE TO
DEFENDANT'S MOTION TO LIFT
STAY AND FOR RELATED RELIEF**

Procedural Background

This case was originally filed on May 19, 2010. On September 12, 2017 a Rule 241, SCACR stay went into effect due to Appellate Case 2017-001899. Shortly thereafter, appellate

case 2018-002229 followed. On April 27, 2020, Defendant Adele J. Pope filed a Motion to Lift Stay and for related relief. This memorandum of law follows.

Argument

In her Motion For Order to Lift Stay and Related Relief, Defendant primarily 1) argues the stay in the 4900 case in Richland County should be lifted because Plaintiffs, through counsel, are allegedly taking actions that will deprive the Circuit Court of jurisdiction and render contested issues moot; and 2) accuses Plaintiffs' Counsel of improperly acting on behalf of the Attorney General and the non-existent Legacy Trust. Plaintiffs respond to each argument and allegation in turn and address additional accusations made by Defendant.

1. The automatic stay in the Richland 4900 case should not be lifted because the Plaintiff/Appellant has filed two appeals covering numerous orders, leaving little else able to proceed in the Circuit Court.

Defendant states in her brief that pursuant to Rule 241, SCACR, "If the stay is not lifted...the [Circuit] Court is in danger of losing jurisdiction over the parties and property subject to its jurisdiction since 2010. Further, the actions taken by Respondents threaten to render the contested matters in this pretrial appeal moot." Def. Mot. for Order to Lift Stay at 2. Defendant's conclusory allegations are wrong on the facts and the law and Defendant misreads, and therefore misapplies, Rule 241 of the South Carolina Appellate Court Rules.

Rule 241, SCACR, states:

(a) General Rule: As a general rule, the service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order, judgment, decree or decision on appeal, and to automatically stay the relief ordered in the appealed order, judgment, or decree or decision. This automatic stay continues in effect for the duration of the appeal unless lifted by order of the lower court, the administrative tribunal, appellate court, or judge or justice of the appellate court. The lower court or administrative tribunal retains jurisdiction over matters not affected by the appeal including the authority to enforce any matters not stayed for the appeal.

...

(c)(2) In determining whether an order should issue pursuant to this rule, the lower court, administrative tribunal, appellate court, or judge or justice of the appellate court should consider whether such an order is necessary to preserve jurisdiction of the appeal or to prevent contested issue from becoming moot.

Rule 205, SCACR, and Rule 241, SCACR, are corollaries of each other. Rule 205, SCACR, states:

Upon the service of the notice of appeal, the appellate court shall have exclusive jurisdiction over the appeal; the lower court or administrative tribunal shall have jurisdiction to entertain petitions for writs of supersedes as provided by Rule 241. Nothing in these rules shall prohibit the lower court...from proceeding with matters not affected by the appeal.

“Although the service of notice of an intent to appeal divests the lower court of jurisdiction over the order appealed, the lower court retains jurisdiction over matters not affected by the appeal.”¹ *Jackson v. Speed*, 326 S.C. 289, 311, 486 S.E.2d 750, 761 (1997) (citing *Andrick Dev. Corp. v. Maccaro*, 280 S.C. 103, 311 S.E.2d 95 (Ct. App. 1984)). “Rule 205, SCACR, provides the appellate court with exclusive jurisdiction over matters on appeal.” *Arnal v. Fraser*, 371 S.C. 512, 518, 641 S.E.2d 419, 422 (2007). The purpose of a stay under Rule 241 is to determine whether the appealed order[s] may be carried out or enforced, not to determine whether the action may proceed in the lower court while the appeal is pending. *Tillman v. Oakes*, 398 S.C. 245, 254-256, 728 S.E.2d 45, 50-51 (Ct. App. 2012). The second question - whether the lower court may proceed with the underlying action – is determined by Rule 205. The power to proceed in the lower court amid an appeal is determined by whether the issue sought to be litigated in the lower court during the appeal is a matter “affected” by the appeal. *Id.* A portion of a judgment that is not appealed presents no issue for determination by the reviewing court and constitutes, rightly or wrongly, the law of the case. *Austin v. Specialty Transp. Serv.*, 358 S.C. 298, 320, 594 S.E.2d 867, 878 (Ct. App. 2004).

¹ For a discussion of the issues on appeal, Plaintiffs refer you to its letter dated January 20, 2020, attached hereto as Exhibit D.

In *Tillman v. Oakes*, the Court of Appeals addressed the application of Rules 205 and 241, SCACR. 398 S.C. at 245-276, 728 S.E.2d at 50-51. In that family court case, an order of the lower court put one child in the custody of the mother and one child in the custody of the father. *Id.* at 248, 728 S.E.2d at 47. The mother appealed the decision. *Id.* While the appeal was pending, the father petitioned the family court to suspend the mother's visitation rights with the child of which the father had custody. *Id.* The family court refused to rule on the petition in deference to the Appeal. *Id.* at 254, 728 S.E.2d at 50. However, the Court of Appeals determined that the family court should have ruled on the petition to change visitation rights because visitation rights had nothing to do with the appealed order which dealt only with permanent custody. *Id.* at 256, 728 S.E.2d at 51. In other words, if visitation rights had been part of the appealed order and the family court ruled on the father's petition anyway, the issue of visitation rights may have been rendered moot which would have interfered with the Appellate Court's right to hear and rule on the appealed order. Because, however, a ruling in the lower court on visitation rights did not "affect" the appealed order which dealt primarily and solely with permanent custody, the Family Court had the right to hear and rule on the petition without interfering with the Appellate Court's jurisdiction. *Id.*

A. Defendant has Appealed the Trial Court's Order Denying her Previous Motion to Lift the Stay.

Defendant's Motion to Lift the Stay represents her third attempt in doing so. In fact, Defendant has appealed the Trial Court's Order denying her previous Motion to Lift the Stay, as can be seen on the below Chart regarding item number 3: "Order Denying Defendant's Motion to Lift Stay While on Appeal." Because Defendant has appealed that Order, this very Motion will affect the issues on appeal. In other words, if the Court of Appeals decides that the Trial Court was incorrect in denying Defendant's previous Motion to Lift the Stay, Defendant's

Motion at issue will be rendered moot. Given that this very issue is before the Court of Appeals, Defendant's Motion should be denied.

B. Defendant incorrectly argues that the Circuit Court is at risk of losing jurisdiction if stay is not lifted.

In the present case, the Defendant argues that it is the Circuit Court that is at risk of losing jurisdiction, but the concern outlined in Rules 241 and 205, SCACR, is to protect the *appellate court's* jurisdiction over matters that are appealed. Moreover, the general application of Rule 241(a) already requires the trial court to retain jurisdiction over matters not "affecting" the appeal. *See Tillman*, 398 S.C. at 254, 728 S.E.2d at 50.

Indeed, this Court has already exercised its power to act in matters not "affected" by the appeal. On February 21, 2020, for example, Plaintiffs and Defendant participated in a hearing before this Court regarding a pending discovery matter in the case dealing with a motion for a protective order and a motion to compel Plaintiffs' fee agreement. The hearing was entirely appropriate because the matters discussed at the hearing were not "affected" by the appeal and were therefore not at all implicated in the automatic stay of Rule 241, SCACR.

C. Defendant's appeal is so broad in scope and subject-matter that lifting the stay would in fact "affect" the matters on appeal in violation of Rule 241, SCACR, and the considerations outlined in *Tillman v. Oakes*.

The relevant question of the *Tillman* analysis for this present case is "what is the effect of the appeal on the power of the lower court to proceed with the underlying action while the appeal is pending?" *See Tillman*, 398 S.C. at 255, 728 S.E.2d at 51. The question is answered in the abstract in the following way by the South Carolina Court of Appeals: "the lower court's power to proceed is determined by whether the issue sought to be litigated in the lower court during the appeal is a matter affected by the appeal." *Id.*

In this case, the issues appealed are so broad in scope and subject-matter, that to proceed in the Circuit Court during the appeal would be in violation of Rule 241 and precedent. The Defendant has appealed 25 orders of the lower court ranging in date from 2010 to 2018 on subject matter that is vast and all-encompassing. Moreover, the Defendant currently has two appeals pending. The menu of appealed orders includes:

	Date Filed	Order
1.	11-26-18	Order Denying Defendant/Counterclaim Plaintiffs' Motion to Alter, Amend Reconsider and/or vacate order granting Plaintiffs' Motion for Summary Judgment
2.	7-8-17	Order Granting Plaintiffs' Motion for Summary Judgment as to Defendant's Counterclaims
3.	12-8-17	Order Denying Defendant's Motion to Lift Stay While on Appeal
4.	7-20-16	Form 4 Order (Denying Motion to Consolidate 4900 with Aiken County Case, Aiken 1337)
5.	7-8-17	Order (Related to Depositions of Ken Wingate, Esq., and Everett Kendall, Esq.)
6.	3-21-17	Order Regarding Motion for Protective Order As to Tommie Rae Brown's Deposition
7.	3-9-17	Order Concerning Plaintiff's Motion To Strike a January 17, 2017 Affidavit of Defendant
8.	3-13-17	Order Compelling Defendant's Production of Documents
9.	3-2-16	Order Granting Motion to Stay
10.	2-13-17	Order Denying Motion to Consolidate Depositions of Experts
11.	2-1-17	Order Granting Plaintiffs' Motion for Protective Order Concerning Deposition of Larry Brown
12.	2-1-17	Second Amended Confidentiality Order
13.	1-5-17	Order Granting Plaintiffs' Motion for Protective Order Concerning Deposition of Larry Brown
14.	11-30-16	Order (Denying Rule 59 Motions)
15.	9-27-16	Order Granting Plaintiffs' Motion for Protective Order as to Daryl J. Brown and Tonya Brown
16.	9-20-16	Order Denying Defendant's Motion for Sanctions
17.	8-5-16	Proposed Scheduling Order
18.	11-13-15	Order Concerning Plaintiffs Motion for Exception to the Physical Presence Rule at Mediation
19.	4-13-2016	Order Lifting the Stay

(Chart continues on next page)

(continued from previous page)

	Date Filed	Order
20.	10-5-12	Order Concerning Plaintiffs' Motion for Exception to the Physical Presence Rule at Mediation
21.	7-13-12	Order of Dismissal
22.	7-5-12	Order Concerning Plaintiffs' Motion for Continuance
23.	1-12-11	Order (Denying Rule 59 Motions related to Orders denying Motion to Dismiss and Motion to Change Venue)
24.	11-9-10	Order Denying Defendant's Motion to Change Venue
25.	11-9-10	Order Denying Motion to Dismiss

In all, the orders are so vast and so all-encompassing that very little if any subject can be substantively litigated in the lower court in a manner that will not "affect" the items on appeal.

2. **An extremely circumscribed discovery request from Plaintiffs to Defendant to determine what basis, if any basis exists at all, for an allegation made by the Defendant against the Plaintiffs does not violate the stay and is not an invitation to lift the stay.**

Defendant alleges on page two of her motion that "Plaintiffs/Respondents...are taking actions contrary to the stay" and points on page 17 of her motion to one request to admit, one interrogatory, and one request to produce as an example of such actions. The Plaintiffs' very limited discovery request deals with seeking an answer to one single question: from where did the Defendant gather that the Plaintiffs were accusing her of committing a willful federal felony rather than simple incompetence? This circumscribed request neither affects the orders on appeal nor deprives the appellate court of jurisdiction. Plaintiffs have never accused Defendant of criminal activity and so the repeated claim throughout litigation by the Defendant that the Plaintiffs accused her of "committing a federal felony" seems to the Plaintiffs to be an exaggeration and an attempt to prejudice the finder of fact and courts. None of the orders appealed or the remedies associated with the judgments have anything to do with the question,

where did this accusation come from nor are any issues on appeal mooted by the fact that discovery was served.

3. Contrary to the Defendant's assertion, Sweeny, Wingate, & Barrow P.A does not still act on behalf of the Attorney General, and does not act for the Legacy Trust because the Legacy Trust does not exist by order of the Court.

The Defendant asserts that the AG continues to file motions in the 4900 case and that SWB continues to act on behalf of the AG and on behalf of the Legacy Trust. Def. Mot. for Order to Lift Stay at 14, 17. These assertions are false. While it is true that the Attorney General continues to make filings that populate the 4900 case on the public index, the Attorney General is only making filings in the former Newberry County Case No. 2011-CP-36-379 which has been combined under the 4900 heading, but not consolidated (because Defendant objected to consolidation) into the 4900 breach of fiduciary duty case against Defendant. This is evident in the fact that the recent filings of the Attorney General generally show the following caption (highlighting added):

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND	)	
Adele J. Pope,	)	Case No. 2010CP4004900
Plaintiff,	)	[formerly Newberry Co. Case No.
	)	2011-CP-36-379]
v.	)	
Alan Wilson, in his capacity as	)	SECOND SUPPLEMENTAL
Attorney General of South Carolina,	)	MEMORANDUM IN SUPPORT OF
Defendant.	)	MOTION FOR JUDGMENT ON THE
	)	PLEADINGS

Second Supp. Mem. in Support of Mot. for Judgment on the Pleadings at 1, *Pope v. Wilson* (No. 2010-CP-40-4900, formerly Newberry Co. Case No. 2011-CP-36-379).

The Attorney General has every right to continue to mount a defense in the former 379 case which was not affected by the alternatively captioned order of the Court on May 31, 2017 allowing the Attorney General to withdraw from the 4900 Breach of Fiduciary Duty case which

is the proper subject of this memorandum. *See* Order Granting Atty. Gen. Alan Wilson's Mot. to be Dropped as a Party at 1-6, May 31, 2017. (Attached as Exhibit A).

Moreover, Sweeny, Wingate & Barrow P.A. is no longer representing the Attorney General. In trying to convince the Court otherwise, the Defendant has included as an exhibit in her motion and memorandum a "copy" of the very limited discovery served upon the Defendant regarding the "false felony" claim repeated by the Defendant. However, the "copy" actually demonstrates the carelessness of the Defendant because the caption she included in the "copy" is different than the caption used by the Plaintiffs:

**Caption that Defendant accuses Plaintiffs
of operating under**

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

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 Vanisha Brown; Lindsey Delores Brown; Deanna J. Brown Thomas; Jason Brown-Lewis; Yamma N. Brown, individually and on behalf of her minor children, Sydney L., Carrington L., and 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 VANISHA BROWN; LINDSEY DELORES BROWN; DEANNA J. BROWN THOMAS; JASON BROWN - LEWIS; YAMMA N. BROWN, individually and on behalf of her minor children, SYDNEY L., CARRINGTON L., and TONYA BROWN; VENISHA BROWN; LARRY BROWN; and TERRY BROWN,

Plaintiffs.

v.

Adele J. Pope,

Defendant.

Caption actually utilized by Plaintiffs

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

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; 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 children 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 children SYDNEY L. and CARRINGTON L.; TONYA BROWN; VENISHA BROWN; LARRY BROWN; and TERRY BROWN,

Plaintiffs,

v.

Adele J. Pope,

Defendant.

Figure 1: LEFT: Caption asserted by the Defendant to be the Caption used by Plaintiffs in Discovery, AG included. RIGHT: Actual Caption used in discovery sent from Plaintiffs to Defendant, without the AG as a party.

Defendant's caption is an out-of-date caption that includes the AG as a party, even after Plaintiffs purposefully and deliberately avoided sending discovery on the AG's behalf.

As to the Defendant's assertion that Plaintiffs are acting on behalf of the Legacy Trust, the claim is false. The Legacy Trust does not exist. In a related case, Case No. 12-CP-40-350 between the Attorney General and Adele J. Pope, The Honorable Doyet A. Early ruled that, "In *Wilson v. Dallas*, the Supreme Court invalidated the compromise agreement that created the Legacy Trust...As such, the Legacy Trust does not exist..." Order Granting James Brown Legacy Trust's Mot. to Dismiss, Case. No. 12-CP-40-350. (Attached as Exhibit B) The repeated references to the Legacy Trust by Defendant is an attempt to confuse the court and create a fictional narrative wholly unrelated to the facts of case 4900. There is nothing the Plaintiffs can do on behalf of or to an entity that does not exist.

4. Contrary to the Defendant's assertion, the Circuit Court is not in jeopardy of losing jurisdiction over Legacy Trust Assets because there is no Legacy Trust and are no assets in the never-funded, non-existent Trust.

At the outset, it is important to note that the fact that the caption should be amended to reflect the fact that the Legacy Trust does not exist is a very minor procedural matter that the Court can resolve at any time.

Plaintiff asserts that "the AG, SWB and Bauknight are working with, or allowing, Afterman and others to siphon off portions [of] [sic.] the Legacy Trust's valuable termination rights proceeds." Def. Mot. for Order to Lift Stay at 14. This allegation is pure fiction. 17 U.S.C. § 203 states:

where an author is dead, his or her termination interest is owned, and may be exercised, as follows: the widow or widower owns the author's entire termination interest unless there are any surviving children or grandchildren of the author, in which case the widow or widower owns one-half of the author's interest.

Because the structure which would have funded the Legacy Trust was struck by the South Carolina Supreme Court in the *Wilson v. Dallas* decision (which disposed of the settlement agreement reached among the family members of James Brown), nothing flows into or ever entered the non-existent Legacy Trust. Therefore, there is no trust and no assets that the Circuit Court could possibly lose jurisdiction over and the Defendant's argument is facially incorrect.

5. A joinder of the Estate of Venisha Brown as a party to this lawsuit under Rule 19, SCRPC, is unnecessary, because as soon as a personal representative is named to oversee Venisha Brown's estate, that individual will assume control of Venisha's Estate's interests in Case 4900.

Defendant argues that the Estate of Venisha Brown should be joined as a party to this lawsuit according to Rule 19. Joinder at this time is unnecessary. First, Venisha Brown is already a named Plaintiff in this lawsuit and her interests are already accounted for as a named defendant. Second, Venisha Brown's estate does not have a personal representative overseeing the estate, in large part due to the fact that Defendant has argued that she should be named personal representative of Venisha Brown's estate (thereby, making Defendant by extension, a plaintiff and defendant in this lawsuit) (see Attached as Exhibit C: Plaintiff's letter to Judge Newman re: appointment of personal representative of Venisha Brown's estate). As soon as Venisha Brown's estate has a personal representative appointed, that individual will assume control of the interests of the Estate of Venisha Brown in Case 4900. The argument by Defendant that joinder of the Estate of Venisha Brown is necessary at this time is yet another attempt for Defendant to attempt to return to some position of power over the affairs of the James Brown estate.

6. Pope's Motion to Lift the Stay Represents a Successive Motion Based on the Same Grounds as Her Prior Motions to Lift the Stay.

Our Supreme Court has already addressed and cautioned against filing successive motion such as the one in this case. In *Elam v. S.C. Dept. of Transp.*, 361 S.C. 9, 602 S.E.2d 772 (2004),

the Supreme Court decided whether an appeal was timely after the Department of Transportation had filed successive written motions. In deciding this issue, both the majority and dissent agreed that successive motions for reconsideration on the same grounds are improper because a “losing litigant is not entitled to return to trial court indefinitely hoping for a change of heart or a more sympathetic judge, or string out arguments one at a time over months because ‘[t]here must be finality, a time when the case in the trial court is really over and the loser must appeal or give up.’” *Id.* at 20; 602 S.E.2d 777-78 (citations omitted).

What makes Pope’s current motion so improper is because it is based upon exactly the same grounds as that previously alleged, previously heard, and previously denied Order decreeing the Stay will not be lifted. While Pope may cite new evidence necessitating additional discovery, she withholds the important information that discovery has been conducted for years, speculating that there is new evidence available. Pope has no respect for this Court’s prior rulings, and instead, she needlessly burdens an already overworked judicial system with a successive motion that has been previously denied in two separate instances. As such, Pope’s Motion to Lift the Stay should be denied as a successive motion on the same ground as her prior filings.

CONCLUSION

Because the automatic stay of Rule 241, SCACR, exists to preserve matters on appeal and because all matters that may be “affected” by the appeal are required to be stayed, it is inappropriate for the stay to be lifted in light of the very broad scope of substantive matters wrapped up in the orders that Defendant has appealed. For the reasons stated herein, the Defendant’s motion to lift the automatic stay and all related relief should be DENIED.

Respectfully submitted,

SWEENEY, WINGATE & BARROW, P.A.

s/ Mark V. Gende

Kenneth B. Wingate, SC Bar No. 8004

Mark V. Gende, SC Bar No. 72835

Griff Doolittle, SC Bar No. 104118

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ATTORNEYS FOR PLAINTIFFS

Columbia, South Carolina

June 24, 2020

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

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 Brown II; Daryl J. Brown, individually and on behalf of his minor child Janise Vanisha Brown; Lindsey Delores Brown; Deanna J. Brown Thomas; Jason Brown-Lewis; Yamma N. Brown, individually and on behalf of her minor children Sydney Lumar and Carrington Lumar; 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 BROWN II; DARYL J. BROWN, individually and on behalf of his minor child JANISE VANISHA BROWN; LINDSEY DELORES BROWN; DEANNA J. BROWN THOMAS; JASON BROWN-LEWIS; YAMMA N. BROWN, individually and on behalf of her minor children SYDNEY LUMAR and CARRINGTON LUMAR; TONYA BROWN; VENISHA BROWN; LARRY BROWN; and TERRY BROWN,

Plaintiffs

v.

Adele J. Pope,

Defendant

IN THE COURT OF COMMON PLEAS

FOR THE FIFTH CIRCUIT

Civil Action No. 2010-CP-40-4900

2016 MAY 19 AM 9:37
CLERK OF COURT
JAMES BROWN

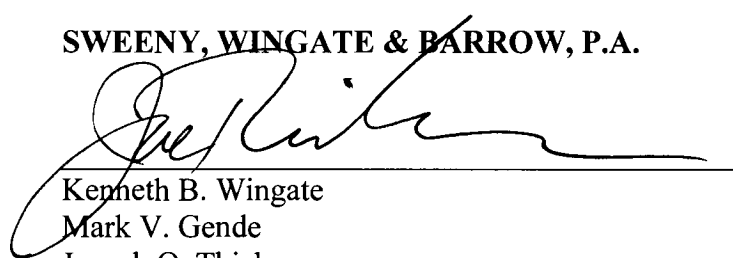
**MOTION FOR SUMMARY JUDGMENT
AS TO ALL OF THE
COUNTERCLAIMS OF DEFENDANT
POPE**

TO: BILL BUNDY, ESQUIRE, ADAM T. SILVERNAIL, ESQUIRE AND DARYL L. WILLIAMS, ESQUIRE, ATTORNEYS FOR DEFENDANT POPE, AND TO THE DEFENDANT ABOVE-NAMED:

YOU WILL PLEASE TAKE NOTICE that Plaintiffs intend to move, and do hereby so move, for an Order from the Court granting Plaintiffs summary judgment in their favor on all of Defendant Pope's Counterclaims. The grounds for this motion are that Defendant Pope's claims are precluded as a matter of law by the doctrine of collateral estoppel by the decision of the South Carolina Supreme Court in Wilson v. Dallas, 403 S.C. 411, 743 S.E.2d 746 (2013). Specifically, the Court in Wilson v. Dallas affirmed the removal for cause of Defendant Pope as PR/Trustee and found that notice and a hearing were provided on that issue. Based on the Court's decision, and as set forth in the attached Memorandum of Law, Plaintiffs request that this Court enter an Order granting summary judgment as to all of Defendant Pope's Counterclaims. This Motion is supported by the attached Memorandum of Law, which is hereby incorporated by reference in its entirety, and may be further supplemented by memoranda, affidavits, or by any other such information as may be fit and proper.

Respectfully submitted,

SWEENEY, WINGATE & BARROW, P.A.



Kenneth B. Wingate
Mark V. Gende
Joseph O. Thickens
Sweeney, Wingate, & Barrow, P.A.
Post Office Box 12129
Columbia SC 29211
(803) 256-2233

ATTORNEYS FOR PLAINTIFFS

Columbia, South Carolina
May 17, 2016

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
)
)
Russell L. Bauknight, as Personal)
Representative of the Estate of James)
Brown and as Trustee of the James)
Brown 2000 Irrevocable Trust, et al.,)
)
)
Plaintiffs,)
)
v.)
)
Adele J. Pope,)
)
)
)
Defendant.)

IN THE COURT OF COMMON PLEAS

FOR THE FIFTH JUDICIAL CIRCUIT

Case No. 2010-CP-40-04900

AFFIDAVIT OF MARK V. GENDE, ESQ. IN
SUPPORT OF ATTORNEYS' FEE CLAIM
(AWARD OF SANCTIONS)

COMES NOW THE AFFIANT, who, after being duly sworn, deposes and says:

1. My name is Mark V. Gende and I am an attorney licensed to practice law in the State of South Carolina and the State of Michigan. I am in good standing and have been a member of both state Bars since 2004.
2. I am a partner in the law firm of Sweeny, Wingate & Barrow, P.A. (“SWB”).
3. My practice is devoted almost entirely to civil litigation in the state and federal courts of South Carolina. Also, I regularly represent clients before the state and federal appellate courts.
4. My firm represents all remaining Plaintiffs in the above-captioned case, which is known as “Case 4900.” Case 4900 has been pending since 2010, and is the most lengthy and complex litigation I have ever been involved in. The Estate of James Brown (“the Estate”) is the lead Plaintiff in Case 4900.

5. In connection with representing the Plaintiffs in Case 4900, my firm has had to oppose six motions (or petitions) to lift an appellate stay filed by Defendant Adele J. Pope. The first five of these motions were filed in circuit court, and one was re-filed in the Court of Appeals. The sixth and final petition was filed in the Supreme Court.
6. Notably, any appellate stay in Case 4900 has been created by Defendant Pope herself, as she has filed four pretrial appeals.
7. Plaintiffs have prevailed against all six motions to lift stay, and it is my understanding that the circuit court has awarded sanctions against Pope for making these serial, frivolous motions.
8. It is my understanding that the Court has awarded Plaintiffs their fees incurred in defending the motions to lift stay, except for the initial motion.
9. Each of these motions to lift stay contained dozens of pages of briefing filed by Pope and often hundreds of pages of exhibits. Pope often submitted reply briefs as well.
10. Responding to these motions to lift stay required my firm to conduct extensive research, engage in extensive briefing, and attend and argue at hearings. I incorporate by reference herein the publicly filed memoranda of the Plaintiffs, filed in opposition to each of these motions.
11. My firm is compensated by the Estate on an hourly basis for all appellate work stemming from Case 4900, including the motions to lift appellate stays. My firm's hourly rates for this matter are reasonable and customary, and appropriate for a case of this magnitude and complexity. Though two other current attorneys at SWB work with me on this file, I am only submitting my fees for the Court's consideration.

12. In connection with opposing the five motions for which fees have been awarded, the Estate has incurred significant but reasonable legal fees from me, itemized as follows:

- a. In response to Pope's **second** and **third** attempts to lift stay, filed in the trial court on October 30, 2018, and January 22, 2019, respectively, the Estate incurred **\$1,560.00** in legal fees from me, as documented in **Exhibit A** hereto. (5.2 hours at \$300/hour).
- b. In response to Pope's **fourth** attempt to lift stay, filed in the trial court on April 27, 2020 (and re-filed in the Court of Appeals on July 30, 2020 after the trial court version was denied), the Estate incurred **\$13,740.00** in legal fees from me, as documented in **Exhibit B** hereto. (45.8 hours at \$300/hour).
- c. In response to Pope's **fifth** and **sixth** attempts to lift stay, filed in the trial court on November 1, 2022 and the Supreme Court on December 30, 2022, respectively, the Estate incurred **\$13,650.00** in legal fees from me, as documented in **Exhibit C** hereto. (36.4 hours at \$375/hour).
- d. At the **hearing** of the most recent Motion to Lift Stay/Motion for Sanctions on April 14, 2023, the Estate incurred **\$3,187.50** in legal fees from me, as documented in **Exhibit D** hereto. (8.5 hours at \$375/hour).

13. When Paragraphs 12.a through 12.d are totaled, I believe that the Estate is entitled to an award of fees in the amount of **\$32,137.50**, due to Pope's serial and abusive filing of essentially the same frivolous motion to lift stay.

14. I am available to provide further information to the Court concerning incurred fees, should the Court request.

Signature Page Immediately Following

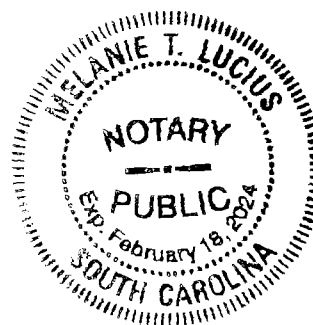
FURTHER AFFIANT SAYETH NOT.

Mark V. Gende
Mark V. Gende, Esq.

SWORN TO AND SUBSCRIBED BEFORE ME

This 27 day of April, 2023

Melanie T. Lucius
Notary Public, State of South Carolina



My commission expires: My Commission Expires February 18, 2024

Sweeny, Wingate & Barrow, P.A.**Assigned Prof-Listing**

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
[REDACTED]						
[REDACTED]						
[REDACTED]						
10/31/2018	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope Receipt and review of Pope's supplemental motion for order for limited lifting of the stay (about 40 pages) and evaluate response.	T	0.70	300.00	210.00
[REDACTED]						
[REDACTED]						
[REDACTED]						
[REDACTED]						
[REDACTED]						

Sweeny, Wingate & Barrow, P.A.**AssignedProf-Listing**

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
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Sweeny, Wingate & Barrow, P.A.**Assigned Prof-Listing**

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
11/20/2018	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope Receipt and review Pope's return in opposition to our motion to strike her motion to lift the stay.	T	0.80	300.00	240.00

Sweeny, Wingate & Barrow, P.A.

Assigned Prof-Listing

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
11/20/2018	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope Work on futher drafting of Plaintiff's Reply to Pope's Return (to Motion to Strike Pope's Motion to Lift Stay)	T	1.00	300.00	300.00
11/28/2018	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope Revise Plaintiff's Reply to Pope's Return (to Motion to Strike Pope's Motion to Lift Stay)	T	1.20	300.00	360.00

Sweeny, Wingate & Barrow, P.A.**AssignedProf-Listing**

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
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Sweeny, Wingate & Barrow, P.A.**AssignedProf-Listing**

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
[REDACTED]						
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Sweeny, Wingate & Barrow, P.A.**Assigned Prof-Listing**

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
[REDACTED]						
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Sweeny, Wingate & Barrow, P.A.**AssignedProf-Listing**

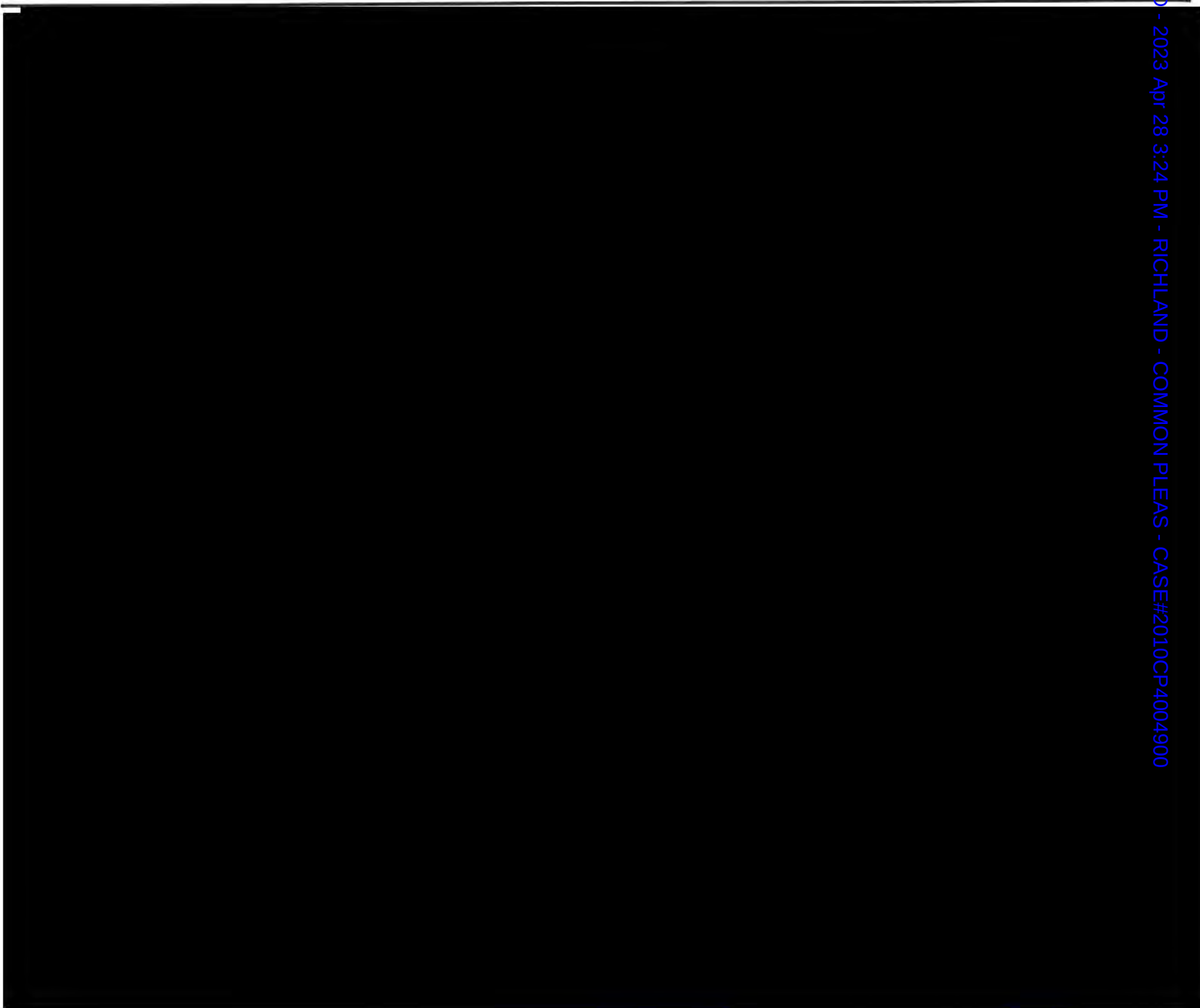
Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
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Sweeny, Wingate & Barrow, P.A.**Assigned Prof-Listing**

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
						
01/22/2019	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope Review Pope's second filing of motion to life stay (which she files now in second round of appeals) and forward to client.	T	0.50	300.00	150.00

Sweeny, Wingate & Barrow, P.A.**Assigned Prof-Listing**

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
[REDACTED]						
01/31/2019	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope Review and revise Memorandum in Opposition to Pope's Order for Lifting of Stay.	T	1.00	300.00	300.00
[REDACTED]						
[REDACTED]						
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Sweeny, Wingate & Barrow, P.A.**Assigned Prof-Listing**

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
04/28/2020	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope Case 4900: Read and review Pope's Motion for Order to Life Stay and Other Relief.	T	1.50	300.00	450.00
04/28/2020	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope Case 4900: Determine issues needing futher legal research regarding Pope's Motion to LIft the Stay and for Other Relief.	T	0.50	300.00	150.00

Sweeny, Wingate & Barrow, P.A.**Assigned Prof-Listing**

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
[REDACTED]						
[REDACTED]						
04/29/2020	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope Case 4900: continued work on preparing response to Pope's motion to lift stay.	T	1.50	300.00	450.00
[REDACTED]						
[REDACTED]						

Sweeny, Wingate & Barrow, P.A.**Assigned Prof-Listing**

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
[REDACTED]						
[REDACTED]						
[REDACTED]						
05/06/2020	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope Case 4900: Work on drafting response to Pope's motion to lift stay pending her appeals.	T	1.00	300.00	300.00
[REDACTED]						
[REDACTED]						

Sweeny, Wingate & Barrow, P.A.

Assigned Prof-Listing

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
[REDACTED]						
05/08/2020	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope Case 4900: Drafting return to Pope's motion to lift the stay in Case 4900	T	2.00	300.00	600.00
[REDACTED]						
05/11/2020	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope Richland 4900: Continued work on revising memorandum in opposition to Pops's motion to lift stay.	T	0.90	300.00	270.00
[REDACTED]						

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Sweeny, Wingate & Barrow, P.A.**Assigned Prof-Listing**

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
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and 2023

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Sweeny, Wingate & Barrow, P.A.

Assigned Prof-Listing

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
06/09/2020	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope APPEAL 2229/1899: Draft response to Court responding and objecting to Pope's effort to have hearing set to life the Automatic Stay pending in Case 4900 due to both appeals.	T	2.50	300.00	750.00
06/09/2020	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope APPEAL 2229/1899 re: Receipt and review of Silvernail's response to our reply to his letter to Judge Numan re: motion to life stay and forward same to client.	T	0.30	300.00	90.00

06/12/2020	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope APPEAL 1899/2229 re: Deal with emails from Court, A Silvernail, and E Smith and draft email to the court responding to court's question about what motions should be heard on June 26 concerning Pope's motion to lift stay pending appeals.	T	1.20	300.00	360.00
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Sweeny, Wingate & Barrow, P.A.**Assigned Prof-Listing**

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
[REDACTED]						
06/23/2020	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope APPEALS 1899 AND 2229, as well as case 4900; Work on memorandum of law in opposition to Pope's motion to life stay.	T	3.00	300.00	900.00

AssignedProf-Listing

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Sweeny, Wingate & Barrow, P.A.

Assigned Prof-Listing

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
06/25/2020	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope APPEAL 1899 and Case 4900: receipt and review of Pope's supplemental memorandum in support of her motion to lift the stay.	T	1.50	300.00	450.00
06/26/2020	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope Case 4900: complete preparations for hearing on Pope's motion to lift stay.	T	3.00	300.00	900.00
06/26/2020	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope Case 4900: Argue in opposition to Pope's motion to lift stay at hearing before Judge Newman.	T	1.00	300.00	300.00

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Sweeny, Wingate & Barrow, P.A.**Assigned Prof-Listing**

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
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Sweeny, Wingate & Barrow, P.A.**Assigned Prof-Listing**

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
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06/30/2020	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope Case 4900: Complete drafting of Order Deny Motion to Lift Stay	T	2.00	300.00	600.00
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Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value

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Sweeny, Wingate & Barrow, P.A.**Assigned Prof-Listing**

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
07/08/2020	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope Case 4900: Final revisions to Proposed Order re; motion to lift stay.	T	0.70	300.00	210.00

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Sweeny, Wingate & Barrow, P.A.**Assigned Prof-Listing**

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
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Sweeny, Wingate & Barrow, P.A.**Assigned Prof-Listing**

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value

Sweeny, Wingate & Barrow, P.A.**Assigned Prof-Listing**

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
07/28/2020	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope Case 4900: Receipt and review of court's executed order dismissing Pope's motion to lift stay, which order was altered from the proposed order.	T	0.30	300.00	90.00

Sweeny, Wingate & Barrow, P.A.**Assigned Prof-Listing**

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
08/04/2020	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope APPEAL 2229: Receipt and review of Pope's motion to life stay filed in the court of appeals and begin to determine response.	T	1.20	300.00	360.00
08/05/2020	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope APPEAL 2229: Drafting Respondents' Return Opposing Appellant's Petition for Order Lifting Automatic Stay (more drafting to be done).	T	7.50	300.00	2,250.00

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Sweeny, Wingate & Barrow, P.A.**Assigned Prof-Listing**

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
08/06/2020	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope APPEAL 2229: Continued drafting of Respondents' Return Opposing Appellant's Petition for Order Lifting Automatic Stay	T	7.50	300.00	2,250.00
08/07/2020	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope APPEAL 2229: Final revisions to Motion in Case 2229 to Strike/Dismiss Appellant's Final Brief - Version 2 and file the same.	T	2.50	300.00	750.00
08/10/2020	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope APPEAL 2229: Complete drafting and file return in opposition to Pope's Petition to have the COA lift the automatic stay.	T	1.30	300.00	390.00

Sweeny, Wingate & Barrow, P.A.**Assigned Prof-Listing**

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
[REDACTED]						
[REDACTED]						
[REDACTED]						

Sweeny, Wingate & Barrow, P.A.**Assigned Prof-Listing**

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
08/18/2020	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope APPEAL 2229; Receipt and review of Pope's reply to our return to her Petition to lift the stay in 4900, which she made in 2229. Also, work on initial drafting of response to Pope's return to our motion to strike her final brief.	T	2.50	300.00	750.00

Sweeny, Wingate & Barrow, P.A.**Assigned Prof-Listing**

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
[REDACTED]						
[REDACTED]						
08/21/2020	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope APPEAL 2229: Receipt and review of COA's order denying Pope's petition to lift stay and granting our motion to strike her final brief.	T	0.40	300.00	120.00
[REDACTED]						

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Sweeny, Wingate & Barrow, P.A.

Assigned Prof-Listing

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
[REDACTED]						
11/02/2022	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope Review Pope's Motion to Lift Stay and for Expedited Hearing and discuss our plan to respond with AJH.	T	1.00	375.00	375.00
[REDACTED]						
11/07/2022	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope APPEAL 2229: conference with AJH re: how to respond to motion to lift appellate stay, and evaluation of options after conference.	T	1.20	375.00	450.00

Sweeny, Wingate & Barrow, P.A.

Assigned Prof-Listing

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
[REDACTED]						
[REDACTED]						
11/08/2022	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope Appeal 2229 and Case 4900: begin research on motion for sanctions based on Pope's filing of vexatious and repeated filing for motion to lift stay	T	5.60	375.00	2,100.00
11/09/2022	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope Appeal 2229: meeting with AJH and individual work to continue to coordinate return to Pope's motion to lift appellate stay.	T	1.00	375.00	375.00
[REDACTED]						
11/11/2022	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope Appeal 2229 and Case 4900: Continued work drafting and revising Return to Pope's Motion to Life Appellate Stay in Case 4900	T	2.50	375.00	937.50
[REDACTED]						

Sweeny, Wingate & Barrow, P.A.

Assigned Prof-Listing

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
11/17/2022	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope Concined work drafting sanctions portion of Return in Opposition to Appellant's Pet to Lift Stay and making revisions to main objections portion.	T	2.50	375.00	937.50
11/18/2022	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope Continue drafting Return in Opposition to Appellant's Pet to Lift Stay Sanctions section.	T	3.00	375.00	1,125.00
11/30/2022	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope Appeal 2229/1899/Case 4900 continued work on drafting of final revisions to response to Pope's motion to lift stay to deal with 1899 remand issues and motion for sanctions against Pope and Silvernail.	T	1.00	375.00	375.00

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Sweeny, Wingate & Barrow, P.A.**Assigned Prof-Listing**

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
[REDACTED]						
[REDACTED]						
12/13/2022	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope Cases 1899/2229/4900 Final review, edits and approval of response to Pope's motion to lift appellate stay and for sanction.	T	0.90	375.00	337.50
[REDACTED]						

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Sweeny, Wingate & Barrow, P.A.**Assigned Prof-Listing**

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
[REDACTED]						
[REDACTED]						
01/03/2023	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope APPEAL 2229/1713: Petition for Cert case no. 1713: receipt, reading and analysis of Pope's petition for order lifting Rule 247 stay in Case 4900.	T	2.50	375.00	937.50

Sweeny, Wingate & Barrow, P.A.

Assigned Prof-Listing

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
01/05/2023	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope APPEAL 2229/1713: Meeting AJH and individual assessment of responses to Pope's petition for cert and petition for lifting appellate stay.	T	2.00	375.00	750.00

01/06/2023	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope APPEAL 2229/1713: review AJH's first draft of our response to Pope's motion to lift stay that she filed in the Supreme Court and assess changes made to circuit court filing to adapt to Supreme Court context.	T	1.50	375.00	562.50
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Sweeny, Wingate & Barrow, P.A.

Assigned Prof-Listing

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
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[REDACTED]						
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AssignedProf-Listing

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Sweeny, Wingate & Barrow, P.A.

Assigned Prof-Listing

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
[REDACTED]						
[REDACTED]						
02/02/2023	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope Appeal 2229/1713 : receipt and review of Pope's reply to Estate's Return to Pope's motion to lift stay and provide same to client.	T	1.50	375.00	562.50
02/03/2023	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope Appeal 2229/1713: Receive and respond to email from R. Bauknight re: Popes' filed reply to our return to motion to lift stay.	T	0.20	375.00	75.00
[REDACTED]						

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Sweeny, Wingate & Barrow, P.A.**Assigned Prof-Listing**

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
03/28/2023	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope Appeal 1713/Case 4900: Receipt and review of SCSC's order on Pope's motion to lift stay and strategize with AJH and KWB re: next steps in both appeal and Case 4900.	T	2.50	375.00	937.50

Sweeny, Wingate & Barrow, P.A.

Assigned Prof-Listing

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
[REDACTED]						
[REDACTED]						
[REDACTED]						

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Sweeny, Wingate & Barrow, P.A.

Assigned Prof-Listing

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
[REDACTED]						
[REDACTED]						
04/03/2023	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope Appeal 1713/Case 4900. Complete revisions to Respondants' return to Pope's Petition to Lift Stay and Motion for Sanctions.	T	2.20	375.00	825.00
[REDACTED]						
04/06/2023	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope Case 4900: Final review and approval to file motion to oppose motion to lift stay and for sanctions.	T	0.50	375.00	187.50
04/10/2023	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope Appeal 1713 / Case 4900 re: development of strategy for Friday's hearing on matter's remanded by Supreme Court.	T	1.60	375.00	600.00
[REDACTED]						

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Sweeny, Wingate & Barrow, P.A.**Assigned Prof-Listing**

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
[REDACTED]						
[REDACTED]						
04/12/2023	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope Appeal 1713 / Case 4900; initial preparations for Friday's hearing.	T	1.20	375.00	450.00
[REDACTED]						

Sweeny, Wingate & Barrow, P.A.

Listing

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Activity Code	Component Task Code	Units	Price	Value
Date: 4/14/2023							
04/14/2023	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope Appeal 1713 / Case 4900 Continued preparation of oral argument for motion for sanctions.		T	1.20	375.00	450.00
04/14/2023	MVG	4077-7389/ South Carolina Attorney General Bauknight, et al. v. Pope Attend and argue at hearing on Pope's 59(e) motions, Pope's motion to lift stay and our motion for sanctions.		T	7.30	375.00	2,737.50

