

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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S.C. SUPREME COURT

In the Original Jurisdiction

Supreme Court Appellate Case No. 2024-_____

Ex parte: RUSSELL L. BAUKNIGHT, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF
ESTATE OF JAMES BROWN AND AS TRUSTEE OF THE JAMES BROWN 2000
IRREVOCABLE TRUST, Petitioner

In re: ADELE J. POPE, ESQ., Respondent

**REQUEST FOR ORIGINAL JURISDICTION AND
PETITION FOR RULE TO SHOW CAUSE AS TO WHY ADELE J. POPE SHOULD
NOT BE HELD IN CONTEMPT OF THE SUPREME COURT**

J. David Black
Kirsten E. Small
MAYNARD NEXSEN, PA
1230 Main Street, Suite 700 (29201)
Post Office Drawer 2426
Columbia, South Carolina 29202
Telephone: 803.771.8900
Facsimile: 803.253.8277

Attorneys for Petitioner

COMES NOW Petitioner Russell L Bauknight, as Personal Representative of the Estate of James Brown (the “Estate”) Trustee of the James Brown 2000 Irrevocable Trust (the “Trust”), and respectfully requests that this Court exercise its original jurisdiction pursuant to Rule 245, SCACR and S.C. Code Ann. § 14-3-310 for the purpose of issuing a Rule to Show Cause why Adele J. Pope, Esq. should not be held in contempt of this Court’s prior orders governing her conduct in matters related to the Estate and Trust.

Original Jurisdiction Request

Original jurisdiction is appropriate “[i]f the public interest is involved, or if special grounds of emergency or other good reasons exist why the original jurisdiction of the Supreme Court should be exercised.” Rule 245(a), SCACR; *Carnival Corp. v. Historic Ansonborough Neighborhood Ass’n*, 407 S.C. 67, 80, 753 S.E.2d 846, 853 (2014) (recognizing “Rule 245 is concerned with whether a case should be resolved by this Court in the first instance because of the public interest involved and the need for prompt resolution”).

This matter meets this test and warrants the exercise of original jurisdiction. As this Court is well aware, the primary purpose of James Brown’s estate plan was the funding of a trust to provide scholarships to deserving students in South Carolina and Georgia. As this Court also knows, for this laudable goal to come to fruition the Estate must be closed so that the Trust can be funded. And the Court knows something else: that Respondent Adele J. Pope (“Pope”) has done more than anyone else to interfere with the Estate and delay its closing, including by filing repetitive, frivolous motions on matters that have already been conclusively resolved by the courts.

This Court has twice warned Pope, in no uncertain terms, that her continued interference in Estate affairs could expose her to sanctions and/or contempt proceedings. The first such warning was in 2015, when this Court stated:

Pope is hereby prohibited from filing any further motions or appeals in actions involving the Estate and Trust of James Brown, such as the above actions, in which she clearly has no standing. *We caution Pope that continued attempts to involve herself in the resolution of the Estate and Trust may result in contempt charges.*

See Ex. G, *infra* (emphasis added).

Less than one year ago, this Court admonished Pope again:

Appellant has also filed a motion with the circuit court to lift the automatic stay as well as motions to reconsider orders issued by the circuit court. The circuit court shall hold a hearing and issue an order within thirty days of the date of this order addressing Appellant's pending motions to reconsider and to lift the automatic stay in Case No. 2010-CP-40-04900. *We caution Appellant that filing any additional motions in response to the circuit court's scheduling order for this hearing will be seen as an intentional effort to delay the case.*

Further, we prohibit Appellant from filing any additional requests to have the automatic stay lifted in either the circuit court or this Court. *We take this opportunity to caution Appellant that further frivolous filings in the circuit court or this Court in this matter may result in contempt proceedings. This case has been ongoing since 2010, and Appellant's frivolous filings and attempts to repeatedly delay the matter have frustrated the prompt resolution of this case.*

See Ex. P, *infra* (emphasis added).

Notably, in 2020 this Court explicitly put Pope on notice that *all* of Pope's conduct related to the Estate is subject to scrutiny under this Court's June 2015 order and other orders concerning Pope's attempts to interfere in Estate matters. Responding to a petition for rule to show cause filed by counsel in the breach-of-fiduciary-duty case pending against Pope in Richland County,¹ the Court stated:

We decline to issue a rule to show cause at this time and hold that request in abeyance pending Respondent's future compliance with this order and our order dated June 10, 2015. We direct Respondent to cease all attempts to become involved in the estate of Venisha

¹ *Bauknight v. Pope*, No. 2020-CP-40-04900 (Richland Cnty. Ct. of Common Pleas) (“Richland 4900”).

Brown. In addition to having no standing in appeals or actions involving the Estate and Trust of James Brown, we find Petitioner has no standing in any proceeding related to the estate of Venisha Brown. ... *If Respondent fails to conform to these instructions as ordered and takes any further action with respect to any case related to the Estate of James Brown, which includes any proceeding in the estate of Venisha Brown, a rule to show cause will be issued, and any and all violations of the orders of this Court will be considered as grounds for holding her in contempt.*

See Ex. N, infra (emphasis added).

The Estate brings this Petition seeking the exercise of this Court's original jurisdiction to put a stop to yet another attempt by Pope to engage in abusive, frivolous actions to interfere with and delay resolution of the Estate. Multiple circuit court orders have recognized and confirmed the confidentiality of the 2010 appraisal of the date-of-death value of the Estate performed by Philpott, Ball & Werner (the "Appraisal"), ruling explicitly that the Appraisal is not a "public document." Moreover, the Office of the Attorney General ("OAG") and counsel for the Estate have made clear, and courts have recognized, that the OAG does not have, and has never had, a copy of the Appraisal.

To be clear: Pope has a copy of the Appraisal. It has been produced to her, subject to confidentiality orders, in at least two different lawsuits. Subject to those confidentiality orders, Pope is able to use the Appraisal for whatever purposes may be relevant to Richland 4900. But that is not enough for Pope. What Pope wants is to be able to disclose the Appraisal to the public at large, so she is attempting to nullify all court orders regarding the non-public, confidential status of the Appraisal by means of a misleading and deceptive "request" pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §§ 30-4-10 to -65 ("SCFOIA"), *to which she has attached the Appraisal*. Pope evidently believes that by placing the Appraisal into the hands of the OAG, it will thereby become a "public document" that she can disclose or use however she desires.

Pope's efforts to circumvent court orders and nullify the Appraisal's status as confidential

and non-public are well within the purview of this Court’s original jurisdiction to enforce its prior orders forbidding Pope from continued interference in Estate matters. As explained herein, the Appraisal contains commercially sensitive information that could potentially impact the value of the Estate (and by extension, the Trust) and which may be subject to confidentiality obligations related to the Estate’s sale of certain assets in late 2022. The Estate has vigilantly protected the confidentiality of the Appraisal by not disclosing it except in litigation matters where it is protected by a confidentiality order. By submitting her fraudulent SCFOIA request, Pope is attempting to undue those protections for her own self-serving purposes.

Moreover, this is a matter of intense public interest. James Brown wanted his legacy to be that the fruits of his long career as the “hardest working man in show business” would serve the public by funding scholarships, giving other access to educational opportunities he never had. Pope’s current actions threaten to undermine that laudable goal, whether by diminishing the ultimate value of the assets poured into the Trust or by further delaying the long-awaited end of these matters so that the Estate can be closed and the Trust can be funded.

For these reasons, the Estate and Trust respectfully ask this Court to accept this matter in its original jurisdiction and to take whatever action it deems necessary to dissuade Pope from further interfering with and undermining the Estate.

The reasons supporting this Petition are more fully set forth in the memorandum below.

I. INTRODUCTION

As the former Personal Representative and Trustee of the Estate and Trust, Pope has a duty not to harm the Estate and Trust. Nevertheless, she is again trying to make a confidential and commercially sensitive document—the date-of-death valuation of the Estate performed by Philpott, Ball & Werner (the “Appraisal”)—available to the public. Even worse, Plaintiff seeks to

accomplish this by means of an improper and deceptive FOIA² request to the Office of the Attorney General (“OAG”), in which she purports to request “missing” pages of the Appraisal even though she knows perfectly well that the OAG does not have, and has never had, a copy of it.

As this Court has held, the Appraisal “is a *private* document ... owned and controlled by the Estate” that “was created for the purpose of valuing the Estate of James Brown (a *private* citizen).”³ In blatant defiance of this ruling and numerous other orders holding the Appraisal confidential, Pope has attached a copy of the Appraisal to her FOIA request—obviously hoping that by surreptitiously placing the Appraisal in the hands of the OAG, it will thereby become a “public document” that she can disclose to the world at large.

Pope’s outrageous conduct violates multiple Court orders in this action. Moreover, she is also violating a federal court order issued in response to her first attempt (of many) to publicly disseminate the Appraisal,⁴ as well as the confidentiality order in the breach of fiduciary duty action currently pending against her in Richland County.⁵ Pope’s improper FOIA request is also an attempt to circumvent the outcome of prior FOIA actions—brought by Pope and her crony Sue Summer—which unequivocally established that the OAG has never been in possession of the Appraisal.

The Estate implores the Court to immediately take whatever action the Court deems necessary to put a stop to Pope’s actions, which pose a serious threat to the Estate and Trust. Public

² See South Carolina Freedom of Information Act, S.C. Code Ann. §§ 30-4-10 to -165.

³ **Exhibit A**, Order Granting Motion to Confirm Roger Miller Confidentiality Designations, *Pope v. Estate of James Brown, et al.*, No. 2013-CP-02-1337 (filed June 16, 2017) (emphasis added). This litigation will hereinafter be referred to as “Aiken 1337.”

⁴ **Exhibit B**, Minute Order (ECF 335), *Brown v. Pope*, No. 3:08-cv-14-WOB (D.S.C. filed Nov. 14, 2013).

⁵ **Exhibit C**, Second Amended Confidentiality Order, *Bauknight v. Pope*, No. 2010-CP-40-4900. This litigation will hereinafter be referred to as “Richland 4900.”

disclosure of the Appraisal may have deleterious effects on the Estate (and by extension, the Trust), including by potentially disrupting the Estate's confidentiality obligations in connection with the sale of certain assets in late 2022. Simply by engaging in this attempt to nullify multiple court orders recognizing and confirming the confidential, non-public nature of the Appraisal, Pope is interfering with the operation of the Estate and potentially creating yet another multi-year delay in closing the Estate, accompanied by yet more of the seemingly never-ending filings by Pope. This in turn would delay funding the Trust and at long last bringing to fruition James Brown's dream of using his hard-earned wealth to fund scholarships so that others may obtain the education he never had.

II. BACKGROUND

A. Pope's Improper and Deceptive FOIA Request

On January 18, 2024, Pope hand-delivered a FOIA request to the OAG that seeks, among other things:

1. Valuation Analysis of James Brown Estate as of December 25, 2006, (Sept. 03, 2010) (the "\$4.7 Million Valuation")
2. All correspondence, email and/or other communications and/or documents by or among any member of the Office of the Attorney General (OAG) and Russell Bauknight, Peter Afterman, or any other person(s) between August 1, 2010 and today related to the value of the assets of the Estate of James Brown and/or the James Brown Irrevocable Trust and/or the \$4.7 Million Valuation at any time between the death of James Brown on December 25, 2006 and May 8, 2013.

Exhibit D, FOIA Request (bold omitted). The FOIA Request was accompanied by a sealed envelope containing a partial copy of the Appraisal. The FOIA Request also included a communication from Pope to Attorney General Alan Wilson and Solicitor General Robert Cook, which states in part:

Dear Attorney General Wilson and Solicitor General Cook:

The value of James Brown's "I Feel Good" Education Trust for needy students in S.C. and Georgia has been a matter of significant public interest since Mr. Brown's death.

...

In August 2010 the Office of the Attorney General told the Supreme Court of South Carolina that [Bauknight] had reviewed a copy of an appraisal which was expected to arrive within a few weeks ...

On September 3, 2010, the appraisal (copy of some pages enclosed) arrived. ...

The copy I have delivered to [you] is the document I received in 2013, with duplicates removed. It goes from p. 1 - 194 (B.1-125) but a number of pages are missing. There are some highlights and a handwritten note on page 1.

...

Because knowing the size of James Brown's "I Feel Good" charity at the time of his death is historically important, I ask that you deliver the above-requested documents to me without charge. I stand ready, however, to pay the costs necessary to provide me with the documents.

Please deliver these documents to me as soon as they are available, as required by the FOIA.

FOIA Request, at pp. 2-3.⁶ Pope's communication contains a number of false or misleading statements, including that:

- "it was filed in both the Aiken Probate Court and in [Aiken 1337] with no finding required for the sealing of documents." *Id.* at 3. In fact, the Court in Aiken 1337 made such findings multiple times, including in its Administrative Order of August 30, 2016 (Ex. A) and its Order confirming the Roger Miller confidentiality designations (Ex. B).
- "Forlando Brown, and his attorneys did not sign a confidentiality order when they received a copy in 2013" in the federal litigation. *Id.* However, no such signature was required in light of the district court's explicit order granting the Trust's motion for a confidentiality order and instructing that the Appraisal "shall be subject to protection under the extant confidentiality order." Ex. B, at p. 2.

⁶ It is not clear from Pope's FOIA Request whether she is seeking production of the entire Appraisal or only of the supposedly "missing" pages.

- “[M]any others, including Ms. Hynie’s son’s attorneys have reported the details of the [Appraisal] to the Supreme Court [of South Carolina] and other courts.” FOIA Request, at 3. This is simply untrue. As the district court recognized in its Minute Order, “only the ... bottom line figure regarding the total value of James Brown’s estate” was disclosed. Ex. B, at pp. 1-2. The Appraisal itself has been maintained in confidence by the Estate and neither it nor detailed information regarding its contents has been divulged except in the context of a binding confidentiality order.

The Estate, through counsel, obtained a copy of Pope’s FOIA Request by submitting a FOIA request of its own on January 23, 2024. See Exhibit E.

B. Pope Knows the Appraisal Is Confidential and Non-Public

Pope knows perfectly well that the Appraisal is a non-public document that must be kept confidential because of the commercially sensitive information it contains. She knows this because this Court and others have consistently rejected her repetitive attempts to have the Appraisal “unsealed” and/or treated as a “public document.”

1. Minute Order in *Brown v. Pope* (Ex. B)

As of Fall 2013, only Pope’s counterclaims remained at issue in the federal litigation between Forlando Brown (a grandson of James Brown) and Pope, and neither the Estate nor the Trust was a party to the action. Nevertheless, Pope subpoenaed Bauknight in his capacity as Special Trustee of the Trust, seeking to depose him and demanding production of certain documents, including the Appraisal. Bauknight moved for entry of a confidentiality order prohibiting Pope from disclosing the Appraisal. On November 14, 2013, the court entered a minute order holding that although the Appraisal was discoverable, it was nonpublic and confidential:

The [Appraisal] is discoverable because it potentially relates to the remaining claims in this action. However, during the phone conference the Court was first made aware of the fact that a supplemental inventory and appraisal was filed in state court [contained only the] bottom line figure regarding the total value of James Brown’s estate. ... [T]he Court concludes that the [Appraisal] contains confidential information, the disclosure of which to the public at large could potentially harm the Estate in any future negotiations

involving the music of James Brown. ... [T]he Court orders that the contents of the valuation itself shall be subject to protection under the extant confidentiality order.

Ex. B, at p. 2.

2. Orders in Aiken 1337

As noted above, the confidentiality of the Appraisal has been recognized and confirmed multiple times during the course of litigation over Pope's unsuccessful claim for fees for her disastrous tenure as personal representative of the Estate and Trustee of the Trust. On August 30, 2016, the circuit court (Judge Early, who at that time was presiding over all matters involving the Estate and Trust) entered an Administrative Order addressing several pending motions, including the Estate's motion for a Confidentiality Order in response to Pope's contention that the Appraisal is a public document. See **Exhibit F** (Administrative Order of Aug. 30, 2016). In granting the Estate's motion, Judge Early specifically referenced the Supreme Court's Order of June 15, 2015⁷ and reminded Pope "that the purpose of this case is not to re-litigate prior Estate and Trust matters or to reinsert herself into other Estate and Trust proceedings." Ex. F, at p. 3. Judge Early refused to allow disclosure of the Appraisal, noting in part that Pope "has requested its disclosure in prior litigation, and a federal court has ruled" that the Appraisal should remain confidential. Judge Early further ruled:

Having considered all parties' arguments, this Court agrees that Mrs. Pope is entitled to the appraisal, but that the appraisal shall

⁷ On June 15, 2015, our Supreme Court entered an extraordinary order warning Pope against continued efforts to interfere with the Estate and Trust:

Pope is hereby prohibited from filing any further motions or appeals in actions involving the Estate and Trust of James Brown, such as the above actions, in which she clearly has no standing. *We caution Pope that continued attempts to involve herself in the resolution of the Estate and Trust may result in contempt charges.*

Exhibit G, Sup. Ct. Order of June 15, 2015 in *Ex Parte Adele J. Pope*, Appellate Case No. 2013-001649 (emphasis added).

remain confidential. As in the federal case, a Confidentiality Order is necessary to protect the ongoing business operations of the Estate and Trust. Accordingly, the [Estate's] Motion for a Confidentiality Order is GRANTED and the Court hereby enters the accompanying Confidentiality Order.

(*Id.* at 4.)

The Confidentiality Order referenced in the Administrative Order was also signed by Judge Early on August 30, 2016. See **Exhibit H** (Confidentiality Order of Aug. 30, 2016). Under the Confidentiality Order:

- “Documents designated CONFIDENTIAL under this Order ***shall not be used or disclosed*** by the parties or counsel for the parties, or any other persons identified below ..., ***for any purposes whatsoever, other than preparing for and conducting the instant litigation*** (including any appeal in this litigation).”
- Documents designated CONFIDENTIAL may only be disclosed to third parties only under limited circumstances related to work on the litigation or under other protections.
- The Confidentiality Order remains in effect after the conclusion of the litigation.
- Within 30 days of the conclusion of the litigation, all documents marked CONFIDENTIAL must be returned or destroyed.

Id. ¶¶ 5, 9 (emphasis added). Judge Early subsequently denied Pope’s motions for reconsideration of the Administrative Order and Confidentiality Order.

Pope again attempted to challenge the confidentiality of the Appraisal in 2017. During his deposition on March 16, 2017, Estate expert witness Roger Miller was questioned about certain aspects of the Appraisal. Pursuant to the Confidentiality Order, the Estate designated those portions of Miller’s testimony as “Confidential.” In response to Pope’s challenge to such designations, the Estate moved for confirmation that the designations were correctly applied. Judge Early granted the motion, noting first that his “prior ruling” in the Administrative Order “forecloses [Pope’s] efforts to challenge the Miller Deposition Confidential Designations.” Ex. A, at p. 2. Judge Early

further held:

The appraisal is a private document that is owned and controlled by the Estate. The appraisal was created for the purpose of valuing the Estate of James Brown (a private citizen), and for the purpose of determining whether the Estate owed any taxes to the federal government. The appraisal is not a public document. It contains confidential financial and commercial information, and has been treated as confidential since its inception.

...

The Miller Deposition Confidential Designations analyze copyright royalty details and sources of royalty payments, among other confidential business information. That information is highly confidential Moreover, *dissemination of this confidential information could damage James Brown's vision of providing charitable scholarships to deserving and needy students by decreasing the amount of funds available for those scholarships.*

Id. at pp. 3-4 (emphasis added).

That same day, Judge Early entered a second order granting the Estate's motion to confirm the designation of the Appraisal as Confidential. *See* **Exhibit I** (Order Granting Motion to Confirm Confidentiality Designations, June 16, 2017). Relying on the same reasoning as the Order confirming the Roger Miller confidentiality designations, Judge Early squarely rejected Pope's challenge to the designation of the appraisal as confidential. *Id.* Pope moved to reconsider on 6/26/2017, and this motion was denied.

Undeterred by *five* separate rulings that the Appraisal is confidential,⁸ Pope *again* sought to disclose the Appraisal as a "public document" in her "Motion and Memorandum to Unseal Documents; Restore Documents to the Public Record and for Related Relief" filed on December 1, 2017. *See* **Exhibit J**. In that motion, Pope falsely claimed that the Appraisal had been "removed

⁸ *I.e.*, the federal district court Minute Order (Ex. B); the Administrative Order (Ex. F); the two orders of June 16, 2017 (Exs. A, I); and the order denying Pope's motion of the June 16, 2017 orders.

from the public record” and that it had been “disseminated to Louis Levenson and his clients nine years ago, and to counsel for another party adverse to Defendants, James B., prior to March 14, 2013.” *Id.* at pp. 1, 2. The truth, as Pope well knew, was that (1) the Appraisal had never been in the “public record” and therefore had not been “removed” from it; (2) Levenson never received a copy of the Appraisal;⁹ and (3) counsel for James B. received the Appraisal when Pope subpoenaed it from the Trust in the federal case, where the court explicitly held, *see* Ex. B, that it should be treated as confidential.¹⁰

Moreover, the confidentiality of the Appraisal was reaffirmed during the lengthy trial of Pope’s fee claim, in which the Appraisal was maintained under seal.

C. Pope Knows the Attorney General Does Not Have the Appraisal

Not only does Pope know that the Appraisal has always been confidential and non-public, she also knows that it has never been in the possession of the Attorney General. First, Pope was allowed to depose multiple attorneys in the Office of the Attorney General (OAG), all of whom stated they had never seen it. More importantly, Pope has spent years litigating over her 2011 SCFOIA request for, *inter alia*, the Appraisal. During a hearing on May 17, 2016, counsel for the Estate and Trust stated plainly on the record that the Appraisal “is not a public document. ***The AG doesn’t have it.***” **Exhibit L**, Tr. of Hrg. (May 17, 2016) at p. 25, *Pope v. Wilson*, No. 2012-CP-40-00350 (emphasis added). This was confirmed during a subsequent hearing on November 19, 2020, during which counsel for the Attorney General stated, regarding Pope’s FOIA request for

⁹ During his deposition, Levenson mistakenly testified that he had seen the Appraisal. But, as Levenson made clear in a subsequent affidavit, he was mistaken; his testimony referred not to the Appraisal but to an entirely different document. *See* **Exhibit K**, Affidavit of Louis Levenson.

¹⁰ In response to this repetitive attempt to attack the confidentiality of the Appraisal, the Estate moved for sanctions pursuant to Rule 11, SCRCF. Judge Early was not inclined to address the motion during the midst of trial testimony, and it appears the motion was never formally resolved.

valuation-related documents including the Appraisal, “[T]he Attorney General has nothing responsive.” **Exhibit M**, Tr. of Hrg. (Nov. 19, 2020) at p. 9, *Pope v. Wilson*, No. 2012-CP-40-00350. Counsel for the Attorney General further informed the court that Judge Addy had found, in an SCFOIA action brought by Pope’s friend Sue Summer, that the Attorney General did not have the Appraisal. *See id.*

D. Prior Warnings and Sanctions Have Not Deterred Pope’s Misconduct

It is nothing short of astonishing that Pope continues her efforts to interfere in the Estate and Trust despite numerous warnings and serious sanctions imposed upon her. Pope’s refusal to be deterred from her abusive conduct is relevant to the present motion and should be considered in determining the nature of the consequences to be imposed here.

This Court sternly warned Pope against improper interference with Estate matters in 2015, when it stated:

Pope is hereby prohibited from filing any further motions or appeals in actions involving the Estate and Trust of James Brown, such as the above actions, in which she clearly has no standing. *We caution Pope that continued attempts to involve herself in the resolution of the Estate and Trust may result in contempt charges.*

Ex. G.

A petition for contempt was filed against Pope for violating this order by attempting to interfere in the estate of Venisha Brown, which resulted in two further warnings from this Court to Pope of potential sanctions for her misconduct. On August 10, 2020, this Court ruled:

Upon request from the Clerk of Court, Mark V. Gende, counsel for Venisha Brown’s estate, provided the Court with an affidavit to support the request for a finding of contempt ... This affidavit asserts that [Pope’s] actions are in violation of the June 10, 2015 order.

We decline to issue a rule to show cause at this time and hold that request in abeyance pending [Pope’s] future compliance with this order and our order dated June 10, 2015 ... If [Pope] fails to conform

to these instructions as ordered and takes any further action with respect to any case related to the Estate of James Brown, which includes any proceeding in the estate of Venisha Brown, a rule to show cause will be issued, and any and all violations of the orders of this Court will be considered as grounds for holding her in contempt.

Exhibit N, Order, *In re Adele Jeffords Pope*, Appellate Case No. 2020-000764 (S. Ct. Aug. 10, 2020). Subsequently, this Court made clear that it stands behind the August 10, 2020 Order:

[Pope] has filed a motion for an order quashing service of the disallowance of her creditor's claim against the estate of Venisha Brown, and holding the disallowance in abeyance pending resolution of a breach of fiduciary duty action against her. In effect, [Pope] is seeking an exception to our order forbidding her from involvement in the estate of Venisha Brown. *See In the Matter of Adele Jeffords Pope*, S.C. Sup. Ct. Order dated August 10, 2020. The motion is denied.

Exhibit O, Order, *In re Adele Jeffords Pope*, Appellate Case No. 2020-000764 (S. Ct. Nov. 9, 2020).

This Court again warned Pope of severe consequences if she continued her pattern of abusive and repetitive filings. In rejecting Pope's frivolous motion to lift the automatic appellate stay, that Court warned:

Further, we prohibit [Pope] from filing any additional requests to have the automatic stay lifted in either the circuit court or this Court. We take this opportunity to caution [Pope] that further frivolous filings in the circuit court or this Court in this matter may result in contempt proceedings. This case has been ongoing since 2010, and [Pope's] frivolous filings and attempts to repeatedly delay the matter have frustrated the prompt resolution of this case.

Exhibit P, Order, *Bauknight v. Pope*, Appellate Case No. 2022-001713 (S. Ct. Mar. 28, 2023).

Additionally, Pope has been severely sanctioned in Richland 4900 for her abusive litigation conduct. On May 8, 2023, after extensive oral argument, the court denied Pope's motion to lift the automatic appellate stay and granted the Estate's motion for sanctions. The court noted that it had previously warned Pope against her pattern of filing successive motions seeking the same relief,

and concluded:

Sanctions against Pope are warranted because the South Carolina Supreme Court has found her petition to lift stay was frivolous, that Pope has engaged in other frivolous filings, and that Pope has repeatedly engaged in efforts to delay the deposition of Case 4900. Additionally, this court has warned her of her repeated, improper filings. Pope has ignored these warnings.

Exhibit Q, Order, at p. 5 (Richland 4900, May 8, 2023). The court also noted:

Pope has a history of improper conduct. In addition to the examples meriting the courts' warnings listed above, at the hearing counsel for the Estate detailed additional examples of similar improper, frivolous, and/or delaying conduct by Pope in Case 4900 and related appeals, including: a) Causing substantial delay by opposing the consolidation of some or all of Case 4900 with Aiken Case 1337, Pope's fee claim case against the Estate. Case 1337 went to trial in 2017. b) Appealing almost thirty pre-trial orders in Case 4900, only to abandon most of these appeals. c) Engaging in abusive appellate practice in Appellate Case 2018-02229, dealing with several Case 4900 pretrial orders, resulting in the appellate court striking two of Pope's briefs, a designation of matter, and a record on appeal. And d) concerning the two Rule 59(e) motions, also heard on April 14, 2023, (see related order denying the same), Pope filed a motion to reconsider this Court's referral of those motions to Judge Casey Manning (who had ruled on the original orders), resulting in further delaying of this matter. These actions cited by counsel for the Estate, and others appearing in the record of the hearing, when taken together appear to this Court, to support the Supreme Court's finding that "[Pope's] frivolous filings and attempts to repeatedly delay this matter have frustrated the prompt resolution of this case."

Id.

III. ARGUMENT

Pope's FOIA Request is nothing short of a blatant attempt to sabotage the Estate for her own benefit. As detailed above, Pope knows that the Appraisal is confidential, and there can be no question she is fully aware of the potential for serious harm if the Appraisal were to be publicly disclosed. Moreover, Pope knows the OAG does not have the Appraisal, and has never had it. Pope's submission of a FOIA Request purporting to ask the OAG to produce the Appraisal *even*

as she attaches that very document to her Request reflects her utter disregard and lack of respect not only for the courts of this State, including this Court’s explicit orders, but also for the OAG and the laudable purposes served by the FOIA.

This Court has inherent authority to punish contemptuous conduct:

There can be no doubt about the power of the courts of general jurisdiction in this State to punish for contempt. This power is not derived from any statute but from the common law which from its inception recognized this implied and necessary power, without which contumacious conduct could well destroy the authority of any court.

...

The power to punish for contempts is inherent in all courts. Its existence is essential to the preservation of order in judicial proceedings, and to the enforcement of the judgments, orders and writs of the courts; and consequently to the due administration of justice.

State ex rel. McLeod v. Hite, 272 S.C. 303, 305, 251 S.E.2d 746, 747 (1979) (internal quotation marks omitted).

The power to punish for contempt is part of the Court’s inherent powers, referring “to powers included within the scope of a court’s jurisdiction which a court possesses irrespective of specific grant by Constitution or legislation. Such powers can neither be taken away nor abridged by the legislature.” *Id.* (internal quotation marks omitted). Exercise of the inherent contempt power is appropriate for the “preservation of order in judicial proceedings, and to the enforcement of the judgments, orders and writs of the courts, and consequently to the due administration of justice.” *Hook v. S.C. Dep’t of Health & Envl. Control*, 439 S.C. 52, 74, 885 S.E.2d 442, 454 (Ct. App. 2023) (quoting *Ex parte Cannon*, 385 S.C. 643, 660, 685 S.E.2d 814, 824 (Ct. App. 2009)).

Pope’s conduct here is nothing short of reprehensible and merits the swift imposition of severe penalties. Her FOIA Request is an attempt to trick the OAG into possessing a copy of the

Appraisal so that Pope can then—contrary to numerous court orders—claim that it has been transmogrified into a “public document” that she can disclose for whatever purposes she sees fit—regardless of the devastation that may wreak upon the Estate and Trust. She must be stopped.

Given the lengths to which Pope is evidently willing to go to achieve her own ends, it is difficult to know what sanction could possibly be sufficient to adequately punish and deter Pope. At a minimum, the Estate requests that the Court impose a substantial monetary penalty and award the Estate its fees and costs for bringing this Petition. The Estate further suggests that it is within the Court’s discretion, upon appropriate findings, to find Pope in criminal contempt and impose an appropriate penal consequence.

IV. CONCLUSION

Pope’s misconduct is nothing short of appalling and deserving of the severest censure. The Estate respectfully requests the Court to exercise its original jurisdiction, issue a rule to show cause, and take all measures it determines necessary to finally put a stop to Pope’s deceitful and abusive conduct.

Respectfully submitted,

s/ J. David Black

J. David Black, SC Bar No. 68499
MAYNARD NEXSEN, PC
1230 Main Street, Suite 700 (29201)
Post Office Drawer 2426
Columbia, South Carolina 29202
Telephone: 803.771.8900
Facsimile: 803.253.8277
DBlack@maynardnexsen.com

Kirsten E. Small, SC Bar No. 75687
MAYNARD NEXSEN, PC
104 S. Main Street, 9th Floor
Greenville, South Carolina 29601
Telephone: 864.370.2211
Facsimile: 864.282.1177
KSmall@maynardnexsen.com

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Attorneys for Petitioner Russell L. Bauknight