

**THE STATE OF SOUTH CAROLINA  
In the Supreme Court**

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**Feb 23 2024**

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

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**S.C. SUPREME COURT**

**Appellate Case No. 2023-001253**

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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 children 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 children Sydney L. and Carrington L.; Tonya Brown; Venisha Brown; Larry Brown; and Terry Brown, are Respondents,

v.

Adele J. Pope, Appellant.

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**MOTION TO CONSOLIDATE AND TRANSFER BY RESPONDENTS**

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**INTRODUCTION and BACKGROUND**

Mr. James Brown, the iconic entertainer known world-wide as “the hardest working man in showbusiness,” who died on December 25, 2006, had one overriding testamentary desire for the overwhelming bulk of his estate’s proceeds – to fund scholarships for poor and needy children.

For more than a decade the lawfare tactics of Appellant, Adele J. Pope, Esq. have frustrated and opposed Mr. Brown’s noble estate plan. Her long-standing frivolous filings and purposeful delay have been recognized by this Court. Pope also has a decade-long history of refusing to consider good faith offers to settle, including a recent offer from the Estate to Pope that amounted to essentially a “walk-away.”

Instead of responding in any way to the “walk away” offer while it was open, Pope instituted another frivolous, delaying, obstructive, deceptive attack on the Estate by hand delivering a FOIA request to the Office of the Attorney General requesting a commercially sensitive report valuing the bulk of the music assets Mr. Brown intended to be the source of funds for his scholarship plan—a report she already possessed but could not disclose publicly because of multiple confidentially orders. Because she already possessed the report and could use it in proper litigation contexts, it can only be concluded that Pope’s FOIA request was a nefarious and clandestine attempt to violate court orders by “sanitizing” the report by purporting

to receive it in response to a FOIA request, thereby effectively voiding state and federal confidentiality orders and creating a fig-leaf pretense that the document was a public record. There can be no question Pope's plan was conceived to disclose the report's contents in some public way for her own motives, motives which are inscrutable and have no connection to a legitimate litigation purpose but must certainly involve planned efforts to wreak havoc on the Estate.

Her FOIA subterfuge is but another in a long, long list of examples of Pope's contemptuous conduct—the same sort of conduct that caused this Court to censure her conduct and the Circuit Court to strike her answer and level monetary sanctions (the subjects of the instant appeal). This Court must immediately put an end to Pope's delusional, destructive, and delaying lawfare.

Furthermore, in Court of Appeals Case No. 2023-001941, Pope is seeking rehearing *en banc* from an order of the Court of Appeals' denying her improper appeal of a discovery order in Richland Case 4900 (2010-CP-40-4900). Her petition for rehearing *en banc* is yet again another example of her frivolous, delaying, and contemptuous conduct toward the courts, opposing parties, and the entire judicial system of rules of procedure and of professional conduct.

The children whom Mr. Brown intended to benefit demand swift action. What value, what innovation, what discovery has been lost to the State of South Carolina, the nation and possibly the world because Pope has obstructed scholarships to an entire school-aged generation of children from at least 2009 to the present?

Appellants, therefore, respectfully request the Court to consolidate the instant action with (1) The Estate's 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 (filed Feb. 7, 2024;

no case number yet assigned) and transfer, certify, and consolidate (2) Pope’s Petition for Rehearing and Suggestion for Rehearing *En Banc* pending before the Court of Appeals (Appellate Case No. 2023-1941) concerning the denial of Pope’s improper appeal of a pre-trial discovery order, which is her fifth pre-trial appeal encompassing nearly every pre-trial order in Case 4900 (approximately thirty orders to date).

Once consolidated, the Estate asks this Court to deny all her appeals and motions, hold her in contempt, dispense whatever sanctions this Court deems proper, and order the circuit court in Case 4900 to hold a default damages hearing, or for this Court to conclude Case 4900 by judicial fiat in order to protect the practice of law, the administration of estates, and the administration of justice in South Carolina, and so that the Estate may begin to administer scholarships to poor and needy children.

#### ARGUMENT

Rule 214, SCACR, states: “Where ... the same question is involved in two or more appeals in different cases, the appellate court may, in its discretion, order the appeal to be consolidated.” Further, any case pending before the court of appeals may be transferred to this Court on motion. *See* Rule 204(b), SCACR.

Here, there is more than one appeal. Pending are: (1) the instant appeal, (2) The Estate’s 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, and (3) Pope’s Petition for Rehearing and Suggestion for Rehearing *En Banc. Supra.*

The same question is involved in all three appeals—the contemptuous conduct of Adele J. Pope, Esq., and the disastrous effects of her conduct on the administration of the noble estate

plan of James Brown, including her impeding the provision of scholarships to poor and needy children.

Moreover, Rule 204, SCACR states in pertinent part, “In any case which is pending before the Court of Appeals, the Supreme Court may in its discretion, on motion of any party to the case ... or on its own authority, certify the case for review by the Supreme Court before it has been determined by the Court of Appeals.” The Estate, by this motion, requests this Court to transfer and certify Pope’s Petition for Rehearing and Suggestion for Rehearing *En Banc* pending before the Court of Appeals (Appellate Case No. 2023-1941), concerning the denial of Pope’s improper appeal of a pre-trial discovery order, which is her fifth pre-trial appeal encompassing nearly every pre-trial order in Case 4900 (approximately thirty orders to date).

Therefore, this Court should exercise its discretion to consolidate these appeals to protect the reputation of the practice of law in South Carolina from Pope’s egregious examples of contempt, to safeguard the public’s right to and the public policy concerning the orderly administration of estates in South Carolina, to promote the “just, speedy, inexpensive determination of every action,” Rule 1, SCRCPP, and to ensure judicial efficiency in the administration of justice so that the Estate may begin to administer scholarships to poor and needy children in South Carolina.

## CONCLUSION

For the reasons stated above, The Estate respectfully requests this Court to consolidate all of Pope’s appeals, deny all Pope’s above-referenced motions, hold her in contempt, dispense whatever sanctions this Court deems proper, and order the circuit court in Case 4900 to hold a default damages hearing, or for this Court to conclude Case 4900 by judicial fiat.

Respectfully submitted,

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