

**THE 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. 2023-001253

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

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v.

Adele J. Pope, Appellant.

MOTION TO CONSOLIDATE AND TRANSFER BY RESPONDENTS

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,

SWEENEY, WINGATE & BARROW, P.A.

s/Mark V. Gende

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ATTORNEYS FOR RESPONDANTS

Columbia, South Carolina

February 23, 2024

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

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

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v.

Adele J. Pope, Appellant.

PROOF OF SERVICE

The undersigned counsel for Respondents certifies that this day he has served a copy of the following upon Appellant:

1. Motion to Consolidate and Transfer by Respondents

Said service upon Appellant having been accomplished by emailing a copy of same to her and her counsel of record, as follows:

Adam T. Silvernail Law Office of Adam T. Silvernail, LLC P.O. Box 7995 Columbia, SC 29202 adam@silvernailfirm.com <i>Counsel for Appellant in Case Nos. 2023-1253 and 2023-1941</i>	Daryl L. Williams Gertz & Moore, LLP P.O. Box 456 Columbia, SC 29202 dwilliams@gertzandmoore.com daryl@williamslawfirm.com <i>Counsel for Appellant in Case Nos. 2023-1253 and 2023-1941</i>
William Jeffrey Smith 1216 Crenshaw Street Newberry, SC 29108 wjstv@mindspring.com <i>Counsel for Appellant in Case Nos. 2023-1253 and 2023-1941</i>	Adele J. Pope, Esq. adele@popelawfirm.com <i>Pro se, as to pending S. Ct. Petition referenced above (filed Feb. 7, 2024, no case number assigned yet)</i>

Additional service:

J. David Black, Esq. Kirsten E. Small, Esq. Maynard Nexsen, PA 1230 Main Street, Suite 700 Columbia, SC 29201 dblack@maynardnexsen.com ksmall@maynardnexsen.com <i>Counsel for Respondent Estate of James Brown in pending S. Ct. Petition referenced above (filed Feb. 7, 2024, no case number assigned yet)</i>
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I so certify:

s/ Aaron J. Hayes

Aaron J. Hayes

Sweeny, Wingate & Barrow, P.A.

P.O. Box 12129

Columbia, SC 29211

(803) 256-2233

Attorney for Respondents

February 23, 2024

Columbia, South Carolina

From: [Aaron J. Hayes](#)
To: [Adam Silvernail](#); [Daryl Williams](#); daryl@williamslawfirm.com; [Jeff Smith](#); [Adele Pope](#)
Cc: [Mark V. Gende](#); [Ken B. Wingate](#); [J. David Black](#); [Kirsten E. Small](#); [Katherine Indovino](#); [Tiffany N. Nelson](#)
Subject: Service: Respondents Motion to Transfer/Consolidate RE: Case Nos. 2023-1253, 2023-1941, and 2024-_____
Attachments: [Case 2023-1253 - Motion to Consolidate and Transfer.PDF](#)
[Case 2023-1253 - POS - Motion to Consolidate and Transfer.PDF](#)

Counsel and Respondent Pope:

Attached for service upon you are:

1. Motion to Consolidate and Transfer by Respondents, filed in Case No. 2023-1253 and affecting Case Nos. 2023-1941 and 2024-____ (the Feb. 7, 2024 Petition, no case number assigned yet).
2. Proof of Service

A copy of this email will be transmitted along with the above-referenced documents when they are submitted for electronic filing this morning.

Thank you,



Aaron J. Hayes | *Of Counsel*
Sweeny, Wingate & Barrow, P.A.

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Feb 23 2024

SC Court of Appeals

S·W·B

SWEENY WINGATE & BARROW

February 23, 2024

Reply to: Main Office

Aaron J. Hayes
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ajh@swblaw.com

VIA E-MAIL: suptfilings@sccourts.org

The Honorable Patricia A. Howard
Clerk of Court
Supreme Court of South Carolina
1321 Gervais Street
Columbia, South Carolina 29201

RE: *Russell L. Bauknight, et al. v. Adele J. Pope (4)*
Supreme Court Case No.: 2023-001253
Court of Appeals Case No.
that is the subject of the Motion: 2023-001941

Dear Ms. Howard:

Please find attached herewith for filing in Case 2023-1253 an electronic copy of Respondents' Motion to Consolidate and Transfer. The affected Court of Appeals Case No. is 2023-1941, and so a copy of this Motion is filed contemporaneously in that Court. Also enclosed is a Proof of Service.

By hand-delivery along with a copy of this cover letter, my office will deliver the check for the \$50.00 filing fee.

As always, please do not hesitate to contact me directly if the Court requires anything further regarding this Motion.

Yours truly,

SWEENY, WINGATE & BARROW, P.A.


Aaron J. Hayes

February 23, 2024

Page 2 of 2

Enclosures as stated

cc: Hon. Patricia A. Howard, Clerk of Court, Supreme Court of South Carolina (via hand-delivery; cover letter and filing fee only)
Hon. Jenny Abbot Kitchings, Clerk of Court, South Carolina Court of Appeals (via email sent to ctappfilings@sccourts.org)
All counsel of record in Case 2023-1253 (via email)
All counsel of record in Case 2023-1941 (via email)
All counsel of record in Case 2024-____ (the Estate's pending 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 assigned yet)) (via email)
Adele J. Pope, Esq., *pro se*, Case 2024-____ (referenced immediately above) (via email)