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STATE OF SOUTH CAROLINA
In the Supreme Court

Feb 29 2024

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

Appellate Case Nos. 2023-001253, 2023-001941 and 2024-_____

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.

v.

Adele J. Pope, Appellant.

RETURN OF *PRO SE* RESPONDENT IN S. C. SUPREME COURT ORIGINAL JURISDICTION
REQUEST 2024 - TO CONSOLIDATE THIS APPEAL WITH OTHER CASES

Adele J. Pope¹, *pro se* individual Respondent in Supreme Court Case No. 2024 - , brought by the Estate/2000 Trust of James Brown, through Russell L. Bauknight, through Maynard Nexsen, PC (MN²), responds to the motion of Tommie Rac Hynie and others in Richland 4900,³ through Sweeny, Wingate and Barrow, P.A. (“SWB”) to consolidate this appeal both with a second Richland 4900 appeal, now pending in the Supreme Court, and a recent request by Bauknight, through MN, to secure the original jurisdiction of the Supreme Court in an effort to prevent the Honorable Alan Wilson, Attorney General, the state official charged with the enforcement of the FOIA in South Carolina, from releasing under FOIA certain public documents. The public documents include the claimed \$4.7 million valuation of the \$100 million worldwide music empire of entertainer James Brown which the AG, Bauknight, and SWB, acting on behalf of the State/AG, have used in Richland 4900 to falsely accuse Robert Buchanan, Jr. and Pope of a federal felony for more than 13 years.

Hynie, Bauknight and both SWB and MN counsel began their frenzied attempt to derail the second appeal of what may be the longest-running state FOIA case⁴ after Attorney General

¹ For clarify, most persons other than member of the family of James Brown are generally referred to herein by last names with abbreviated titles. Members of the family of James Brown are generally referred to by first names. The Attorney General of South Carolina is referred to as the “Attorney General” or “AG.” The Honorable Henry McMaster was AG from James Brown’s death until January 2011 and the Honorable Alan Wilson has been AG since. The South Carolina Supreme Court and Court of Appeals are referred to without using “South Carolina.”

² For simplicity, “MN” is used herein to describe Maynard Nexsen and its predecessor firms.

³ “Richland 4900” is Richland County Case 2010-CP-40-4900.

⁴ Pope incorporates her brief in Court of Appeal Case No. 2017 -001708, 2016-001727 and the unpublished opinions dated July 19, 2019 in those cases for a history of the first appeals of Pope’s 2011 FOIA cases, and the full record of Court of Appeals Case No. 2021-000518 for a history of the second appeal in the 2011 FOIA request seeking the \$4.7 million valuation and its public backup documents. See Exhibit D, Affidavit of R.B. Alexander, and expert in U.S. Dist. Ct. Case No. 3-08-cv-00014-WOB, filed September 27, 2013 which reveals that Mr. Alexander had access to the James Brown Historical Records in 2013 necessary for him to determine that

Alan Wilson, on February 15, 2024, indicated that he may no longer be willing to conceal the public documents which the AG used to try to prove that James Brown's "I Feel Good" charity was not \$80 million charity, but about \$4 million. [See Exhibit A, AG Wilson's February 15, 2024 FOIA response.]

Bauknight and a battalion of Legacy Trust MN and SWB attorneys have tried for fifteen (15) years to persuade multiple courts that Hynie is the spouse of James Brown; that she and Respondent James Brown II control termination rights worth "tens of millions" of dollars; and that putting the "spouse" Hynie, the AG and Bauknight himself in control of James Brown's "\$5 million" music empire through plaintiff "Legacy Trust" is good for James Brown's charity. Bauknight has spent tens of millions of dollars on litigation from the alleged \$4.7 million music empire and concealed more than 145 boxes of public James Brown documents dating back to the 1980s to try to prove his and Hynie's false narrative. He and SWB have used the voice of the AG for their mission.

On April 24, 2013 Attorney General Wilson confirmed to SWB that the Office of the Attorney General had never hired SWB to bring Richland 4900; that the AG would not pay SWB; that SWB had no attorney-client relationship with SWB in Richland 4900; and that if *Wilson v. Dallas* were not changed, SWB would be required to disgorge all fees paid to SWB by Bauknight. [Exhibit B, Ltr. of Office of AG to SWB, 4/24/13]

Instead of heeding the warning of AG Wilson, SWB and Bauknight have concealed the April 24, 2013 letter and acted for or "on behalf of" the Attorney General for what will be 11 years in just two months. Within three months of the final *Wilson v. Dallas* decision, Bauknight's and

the \$85 million value placed on Brown's assets was reasonable and that the documents confirmed that there was no basis for the claimed \$4.7 million.

SWB's defiance of both the Attorney General and the Supreme Court had begun even though Bauknight had assured the Supreme Court he would follow Brown's estate plan and said in 2013:

Now the \$13 million balance on the Pullman bond has been paid off eight years early, and the Estate and Trust is now prepared to fund scholarships for deserving children who attend school in South Carolina and Georgia. [Exhibit C, Bauknight Affidavit, 3/14/13, p.]

While Bauknight was claiming under oath in August 2013 that Pope was dishonest and had "raped" James Brown estate, the Legacy Trust's music manager Peter Afterman (Inaudible Productions) was being paid by Brown's Estate while working for Hynie's attorneys to help Hynie and her son siphon off U.S. royalties devised to James Brown's "I Feel Good" charity.⁵ At the same time, the Attorney General was trying to obtain relief from the thief David Cannon who had stolen \$17 million from James Brown and from whom Bauknight has failed to seek restitution at his 2011 plea. A 2014 order related to the Cannon restitution said:

5. The financial resources of the James Brown Trust are bleak and teetering on collapse without the payment of restitution by the defendant. [Exhibit D, Order Granting Restitution, filed 5/1/14, *S.C. vs. Cannon*, p.3]

From 2013 until 2024 Bauknight and SWB, acting for the State/Attorney General, concealed the AG's April 24, 2013 letter; continued to conceal and suppress 145 boxes of public James Brown documents; continued to reject numerous settlement offers; continued to make the false felony claim on behalf of the State/Attorney General; and, with Levenson, infected Pope's two FOIA cases, Richland 4900 and Pope's fee claim, "Aiken 1337" with the fraud of Hynie,

⁵ Bauknight's 2013 Accounting, Estate of James Brown, 2013, shows payment to Afterman of \$24,400 - \$30,000 a month as he worked for Hynie's attorneys claiming to the U.S. Copyright Office that Hynie was James Brown's spouse and entitled to half of the U.S. royalties to about 200 song copyrights between 2015 and 2023. In addition to Afterman, Bauknight paid two payments of \$165,000 to his firm and two payments of \$335,000 to MN.

Cannon, and the Legacy Trust which had infected the James Brown Estate proceedings since shortly after James Brown's death on Christmas Day 2006.

In 2023 one of SWB's attorneys revealed how the power and prestige of the AG and the purse of James Brown's estate have been used by SWB and Bauknight since 2013. He said:

Well, I represent the Estate, personal representative of the Estate, Mr. Russell Bauknight, and the Estate does not see *Wilson v. Dallas* as a victory. What *Wilson v. Dallas* did was, Ms. Pope, who had to be removed and that decision upheld the removal because of her contentious relationship withstood early and prompt resolution of all the claims related to the Estate of James Brown because she didn't like -- I'll admit she came up with an argument that in large part, the Supreme Court accepted but the net result was this, that's why it's not a victory, she got them a bigger piece of a much smaller estate, instead of the Estate having percentage-wise maybe a smaller piece, but of a much larger corpus. That's not a victory.

Buchanan and Pope began efforts to seek a prompt resolution in 2009, tried again in 2010 and Pope made a 2012 offer to let both the AG and Brown's Estate/2000 Trust out of Richland 4900, but SWB, acting for the State/AG, Hynie and Bauknight, rejected the offers; filed them; and moved to strike them from the public records. Offers of Pope to end any relationship with Brown's Estate/2000 Trust for \$2.1 million made in 2017 and again in 2018 and later, were met with vitriolic, false claims that Pope sought \$19 million – which SWB and Bauknight made not only to the courts, but to the media.

Hynie and State/AG actors SWB and Bauknight have diminished and disrespected the charitable legacy of entertainer James Brown for fourteen (14) years by using the power and prestige of the Office of the Attorney General to claim that James Brown left only \$4 million to charity, rather than an \$80 million charity that was larger than The Ray Charles Foundation, S.C.'s Graham Foundation, and most, if not all private charities in S.C. at the time. They have likewise denigrated anyone who defended Brown's right to leave 41/42 of his \$100 million fortune to his "I Feel Good" charity, and who noted that Brown's \$80 million charity would have been \$95

million if the trustee thief David Cannon had not stolen \$15 million from scholarships for needy S.C. and Georgia students.

Now, when Attorney General Alan Wilson acknowledges that documents used by his own office to falsely accuse Buchanan and Pope of the federal felony of overstating the value of James Brown's charity by \$79 million to get a \$5 million commission from James Brown's claimed \$5 million estate, SWB, Bauknight and MN want to stop the AG's action without joining him or consolidating the 2011 FOIA case in which the request was first made, a case on its second appeal that may be the longest-running state FOIA case in the nation.

As set out briefly herein, the, consolidation without joinder of the Attorney General and the 2011 FOIA case is merely a continuation of the effort of Hynie, Bauknight, the Legacy Trust and their counsel to defy both Attorney General Wilson and the Supreme Court for eleven (11) years, and to blame the damage on Buchanan and Pope.

Bauknight Recommends Attorney General's 2008 Settlement Without Proper Inquiry

In January 2007 the *Chattanooga* announced that retired Judge Walter Williams, a philanthropist, would help distribute James Brown's \$100 million "I Feel Good" charity. Judge Williams a former IRS attorney who had valued thousands of estate, knew James Brown and trustee Al Bradley, shared Brown's love of education, and had spoken with investment bankers about Brown's assets. Judge Williams served without pay on the advisory board of the "I Feel Good" charity from 2007 until 2009. [See Exhibit E, Deposition of Walter Williams 1/26/17]

In 2007 trustees Al Bradley and Albert Dallas, under oath, valued Brown's music empire at \$100 million less the \$15 million Pullman bond debt, based on an offer by TJBL. The Attorney General, who had recently entered the James Brown cases, questioned whether the \$100 million offer would go away. Buchanan and Pope advised that they needed to manage a baseless \$31

million claim by Pullman and baseless \$25 million claims by Cannon, Dallas, and music manager Frank Copsidas considering a sale. All were well managed by the end of 2008, with the Pullman \$31 million claim dismissed with prejudice and other ready for summary judgment.

In 2008 Judge Williams opposed the effort of the Attorney General to give half of James Brown's charity to Hynie and five clients of Louis Levenson, Esq., in exchange for their termination rights under Sections 203 and 304 of the U.S. Copyright Act, but the Attorney General's Senior Assistant AG said Judge Williams' testimony and that of a college professor and the Interim President of South Carolina State University, other members of the advisory board of the "I Feel Good" charity, were unnecessary, even though the university president, along with the State Superintendent of Education, had helped develop the scholarship guidelines Buchanan and Pope submitted to the IRS for approval of James Brown's "I Feel Good" charity as a qualified private foundation. The Attorney General asked that Bauknight, a CPA, be appointed by the court to evaluate the AG's 2008 settlement, and Bauknight was appointed.

The Attorney General claimed that James Brown's fiduciaries might be too interested in their fee to properly evaluate the AG's plan to give away half of the charity for what Buchanan and Pope believed to be less than 5% of its value to settle baseless will contests and the spousal claim of a person who had admitted in her own hand that her marriage to James Brown was bigamous.

By then, TJBL had delivered two additional letters of intent to purchase Brown's assets for \$92 - \$102 million, and both Brown's son Terry Brown and grandson Forlando had become part of TJBL. Both offers were made public and Judge Early was notified that the Estate/2000 Trust did not intend to pursue the offers because Hynie and Levenson had both filed meritless claims in December 2007 seeking to set aside James Brown's estate plan.

Before Bauknight was appointed, the estate tax return for the James Brown Estate was filed. It was temporarily declared confidential because of Federal Dist. Ct. Case 3:08-cv-00014 (the “Federal Injunction Suit”), but, like all documents, was made public at the 2009 hearings. Based on numerous factors, Buchanan and Pope valued James Brown’s worldwide music empire at \$99 million less the Pullman bond debt. Contributing to the valuation were 80 boxes of James Brown’s financial records dating back to the 1980s; the three TJBL offers and letters of intent; the valuation of the outside investors of TJBL; a 2008 Royal Bank of Scotland \$42 million valuation of the royalty stream alone; and a formula to value the copyrights and right of publicity similar to that accepted by the IRS in the estate of songwriter Harlan Howard. In addition, although the estate had been ravaged by the \$17 million theft of David Cannon, who had filed no accountings, *Forbes* had listed James Brown as one of the top-earning “dead celebrities” of 2007, with income of \$5 million, and Brown’s estate was about to make \$5+ million in royalties alone in 2008.

In January 2009 Bauknight recommended that the AG’s 2008 settlement be approved, with an amendment allowing a family member to buy the music empire for what the AG assured the Honorable Doyet Early would be “fair market value.”

In early 2009 a fourth possible TJBL sale, in the form of a “right of first offer” became available. Hynie, whose counsel claimed she was “speaking as one” with the AG, asked the circuit court to issue an *ex parte* order to prevent any consideration of sales while the AG’s 2008 settlement was being considered.

In the spring of 2009 Hynie’s counsel also interfered with, a proposed 2-year publicity rights contract with GreenLight, a Bill Gates Company, projected to bring in \$1 - \$2 million a year

in addition to the \$5+ million royalties, most of which were being used to pay off the Pullman bond debt.

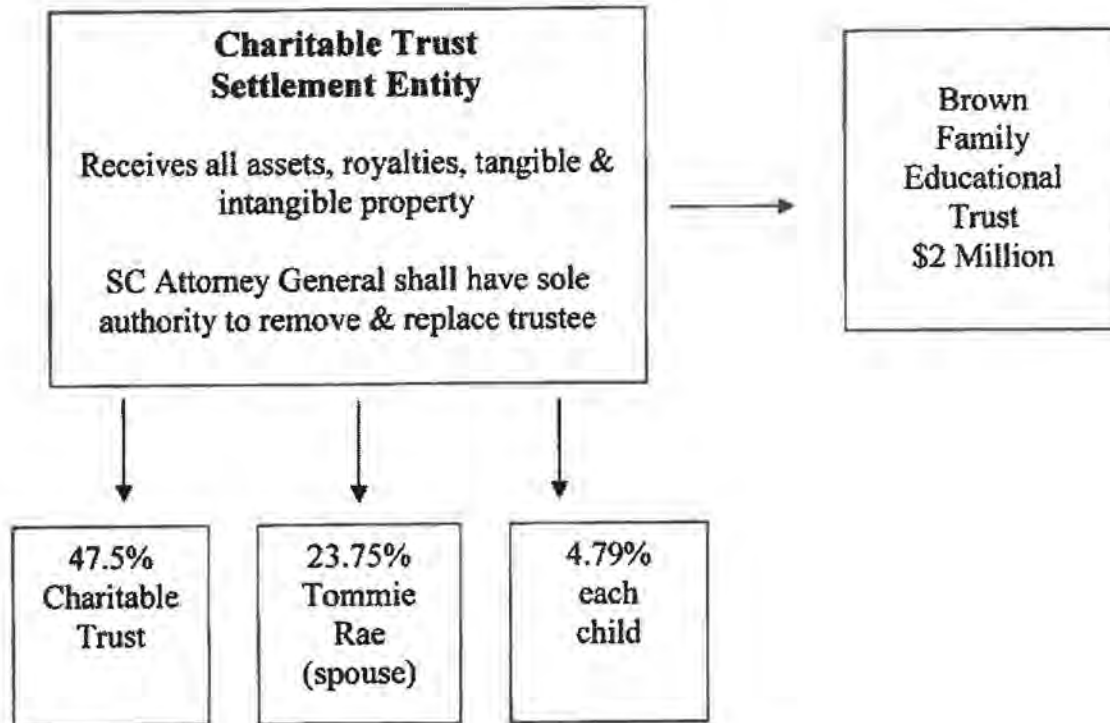
The GreenLight deal had been vetted both by the James Brown Estate's entertainment counsel, Ray Gonzalez, now head of Warner Music Legal, and by Jay Ross, Esq., a Chicago attorney who had represented James Brown for years.

On May 26, 2009, on the recommendation of Bauknight, who had not looked at James Brown's estate tax return or any of the 145 boxes of James Brown public documents, the circuit court approved the AG's 2008 settlement, which had been modified minutes before Bauknight recommended approval of the settlement.

Bauknight became trustee of the AG's newly-created "Legacy Trust" and the AG's new charity that would be funded with 47.5% of James Brown's assets and half of the termination rights proceeds of Hynie and six children of James Brown.

The contrast between the 41/42 of Brown's 2000 Trust that would go to the "I Feel Good" charity under James Brown's documents, and what would go to the AG's new charity under the AG's 2008 settlement is dramatic. It was described by the Attorney General, Hynie and Bauknight, through SWB, the following year. Calling the Legacy Trust the "Charitable Trust Settlement Entity," SWB said:

The Charitable Trust is diagrammed as follows:



With fiduciary obligations both to James Brown’s estate plan and “I Feel Good” charity and the AG’s Legacy Trust, Hynie and the AG’s new charity, Bauknight chose to favor the Legacy Trust and fight James Brown’s estate plan.

State/AG Action of SWB and Bauknight to Suppress Public Documents (2010-2013)

By the end of June 2009 Buchanan and Pope had delivered 145 boxes of public James Brown documents, including the 80 boxes of public “James Brown Historical Documents,” to Bauknight. Bauknight signed a 72-page custody receipt agreeing to share the documents during the pendency of what became *Wilson v. Dallas*, but immediately reneged on the signed agreement. Bauknight also rejected the GreenLight publicity rights deal and terminated the advisory board to the “I Feel Good” Trust.

By the fall of 2009 Bauknight had hired ten MN attorneys at \$375 - \$500 an hour, with MN tax and probate attorneys charging \$440 an hour. He hired Peter Afterman as the Legacy

Trust's music manager and Bauknight's spouse/CPA Beth Bauknight as the custodian of records for James Brown's Estate. The Bauknights each charged \$350 an hour for accounting services and Bauknight, in addition to a flat fee based on value and a percentage of certain sales, charged \$350 an hour for litigation, which Bauknight considered extraordinary.

The Bauknights and 10 MN attorneys "speaking as one" with the AG, Hynie and Levenson, put the 145 boxes of public boxes under lock and key, concealing all the many public documents which confirmed that Cannon had stolen \$17 million from James Brown, \$15 million of which was taken from James Brown's charity; Hynie, by her own public handwritten admissions, was a bigamist; the four Will/Trust contests filed in December 2007 were baseless because Hynie was not a spouse and most Levenson clients had already ratified James Brown's estate plan; and the AG's 2008 settlement would take \$50 million from needy students with less than \$5 million being put in the AG's new charity by Brown's children and zero by Hynie. .

In 2010 Bauknight, Levenson, Alan Medlin, Esq., and David Bell, Esq. signed the 40% contingency fee Agreement with SWB to bring Richland 4900. Attorney General McMaster did not sign; did not authorize SWB or Bauknight to act for the State/AG in Richland 4900; and did not know he was a Richland 4900 plaintiff until after leaving office as AG in January 2011. The AG's Special Counsel Litigation Retention Agreement with SWB, to which all signatories agreed, stated on its face that it was a public document subject to FOIA and that all documents used and gathered in Richland 4900 were property of the State of South Carolina and subject to release under FOIA both by SWB and by the Attorney General.

In August 2010 Bauknight and the MN Legacy Trust attorneys joined SWB, acting for the Attorney General, in the false claim that Buchanan and Pope had committed the federal felony of overstating the assets of James Brown's assets in IRS filings by tens of millions of dollars to get a

\$5 million commission on what Bauknight and his attorneys claimed was an estate of less than \$12 million. [See Exhibit F Return filed 3-08-cv-00014 on September 27, 213 re: Confidentiality, with Confidentiality Order dated August 6, 2008 related to discovery in that case.]

Since 2010 Bauknight, SWB and MN have refused in Richland 4900, Aiken 1337 and elsewhere to produce the 145 boxes of public James Brown documents held by Beth Bauknight and Legacy Trust attorneys which prove that the false felony claim was false.

Both Buchanan and Pope declined to sign any confidentiality agreements in Richland 4900 because the documents to show that the efforts of Hynie, the Legacy Trust owners and the AG to denigrate them to prevent the appeal of the AG's 2008 settlement were all public.

Bauknight, SWB and the some of the same MN attorneys continue to take the position that these public documents are confidential. They do so even though all have shared the documents with Peter Afterman, who worked from 2009 until 2021 for the Estate/Trust while also working from 2009 until 2013 for the Legacy Trust and from 2013 until 2020 for Hynie's attorneys.

In 2010 SWB, while acting for the State/AG, named the thief David Cannon as a witness against Buchanan and Pope, and began a quest until Cannon's death in 2018 to conceal public documents, including the \$5 million "check to nobody" which Cannon laundered through a Barnwell bank in 2011. Cannon's own copy of the \$5 million "check to nobody" is part of the 80 boxes of James Brown Historical Documents delivered to Bauknight in 2009.

In early 2011, while concealing the public SWB Litigation Agreement, SWB, acting for new Attorney General Alan Wilson, without the AG's knowledge sought and obtained dismissal of a writ of prohibition and early Richland 4900 appeal seeking a determination that Richland 4900 violated the Due Process rights of Buchanan and Pope because SWB, a private law firm, was sole counsel to the State/Attorney General and 16 private SWB clients. SWB was using the power

and prestige of the Office of the Attorney General to obtain tort damages primarily for SWB's private clients. After April 24, 2013, SWB and Bauknight used the AG's power and prestige solely for SWB's private clients.

In 2011, while SWB and Bauknight, acting for the State/Attorney General, refused to release public documents in Richland 4900 discovery, Bauknight's MN attorney David Black, Esq., called the Legacy Trust the "James Brown Trust," refused a FOIA request; and threatened Pope with sanctions or a lawsuit if she continued to seek Legacy Trust documents. SWB and the AG failed to comply with FOIA requests for the AG's Special Counsel Agreement with SWB and other public documents, and Pope, supported by Buchanan, filed two FOIA suits.

The FOIA suit seeking the public SWB Agreement had one appeal and it took nine (9) years for the circuit court to order SWB and the Attorney General to produce the public AG's Special Counsel Agreement with SWB both in Richland 4900 and under FOIA.

The 2011 FOIA suit seeking the Legacy Trust's 2010 amendment signed by AG Henry McMaster and the \$4.7 million valuation documents used to accuse Buchanan and Pope of a federal felony is still pending after nearly thirteen (13) years. It is on its second appeal in Court of Appeals. Exhibit A suggests that Attorney General Wilson acknowledges that some or all of the public documents sought should be released.

By 2012 SWB had counseled Attorney General Wilson not to comply with his FOIA obligation to release the AG's public Special Counsel Agreement. SWB told AG Wilson that it was better to withhold the public document than to face public embarrassment over his failure to comply with FOIA; face attorneys' fees; or risk damaging the Attorney General's co-plaintiffs in Richland 4900.

In 2012 SWB, acting for the State/AG, and Bauknight, sought an “emergency” telephone hearing to prevent the deposition of the AG’s own witness, Albert Dallas, when it became clear that Dallas would testify under oath about the \$100 million offer made in 2007, and also testify about Hynie’s bigamy, including that James Brown was hurt when Dallas discovered Hynie’s bigamy and refused to marry her until his death.

In 2012, SWB, speaking for the State/AG, and Bauknight rejected offers to let both the Attorney General and the James Brown Estate/2000 Trust out of Richland 4900 at no cost. The offer, if accepted, would have ended all involvement of the James Brown Estate/2000 Trust with Pope with a ruling by Judge Early as to her entitlement to a fee, with the requested amount being between \$1.47 million and \$2.8 million for what was then 5 ½ years of service. Bauknight and the Attorney General, through SWB, not only rejected the settlement offer and offers to let minor beneficiaries of the 2000 Trust and the incarcerated Venisha Brown out of Richland 4900, but filed them and asked the circuit court to strike the offers to settle from the public record. []

In 2012 Bauknight and his MN attorneys also bitterly objected to efforts of Pope to secure the public Hynie handwritten bigamy admissions to protect herself from Hynie’s false claims in Richland 4900. Bauknight’s MN attorney Black claimed at a hearing that Judge Early had already declared Hynie to be the spouse, and MN and Hynie’s attorneys tried to prevent a hearing on whether to void the 2008 *ex parte* gag orders which allowed Hynie’s lawyer to hold the public evidence of her bigamy and prevented all discussion or dissemination of the bigamy admissions. Bauknight and MN joined Hynie’s attorneys in claiming that Pope filings were “works of fiction” and that there was nothing Pope could do about the fact that Hynie was married to James Brown.

Bauknight, SWB Conceal AG Wilson's April 24, 2013 Letter from Courts (2013-2024)

The week of March 6, 2013 Pope and Adam Silvernail, Esq., visited AG Wilson, the Chief Deputy AG, and Solicitor General Robert Cook. The purpose of the meeting was to explain the damage Bauknight had caused to the "I Feel Good" charity by his claims to the IRS that Hynie was Brown's spouse; Brown's worldwide music empire was only worth \$4.7 million; and that James Brown had given \$1.8 million to his "spouse."⁶

They explained that Bauknight's IRS filings might be used by Hynie as a claimed admission by James Brown's Estate/2000 Trust that Hynie was the spouse, and to make a claim that Hynie was entitled to half of the U.S. royalties which were slowly becoming available to heirs under the federal termination rights of Sections 203 and 304 of U.S. Copyright Act. They also explained that under the "fractional share clause" of Brown's 2000 Trust, Bauknight's \$79 million devaluation of Brown's music empire to \$4.7 million had shifted nearly 1/3 of James Brown's assets out of the charity and over to a Trust for grandson Forlando Brown and five Levenson clients.

The shift of nearly \$1 million income a year and almost 1/3 of the "I Feel Good" assets was far more than necessary to educate six grandchildren to age 35. As a result, the income would be taxed at a high rate, depleting unnecessarily by tens of thousands of dollars each year the amount

⁶ In 2011 Pope and William Jeffrey Smith, a Georgetown Law graduate and former patent attorney, hired by Brown's Estate/2000 Trust in 2008 to address termination rights issues wrote "Private Foundations, Copyright Heirs and Musical Millionaires: why the James Brown 'I Feel Good' Trust doesn't..." The draft article explains how the AG's 2008 settlement, with the stipulation that Hynie, an admitted bigamist, was Brown's spouse, combined with a massive devaluation of Brown's asset to \$12 million or less and sale to a family member, as contemplated by the AG's 2008 settlement, would leave the "I Feel Good" charity with "Almost Nothing," the title of one of Brown's songs.

that would be returned to James Brown's charity when the six grandchildren reached age 35. It would also cause the loss of nearly \$1 million of "I Feel Good" scholarships each year.

At \$84 million, the fractional share in the education Trust had, correctly, been 1/42 of the assets and income of Brown's 2000 Trust. With \$5+ million of income a year, 41/42 of the assets and income was plenty to educate Forlando and five Levenson clients to age 35, at which point the education Trust would return to the "I Feel Good" Trust without being depleted by unnecessary income taxes.

Neither Bauknight, a CPA, nor his spouse/CPA had explained the serious charitable and tax consequences of the \$79 million devaluation of Brown's music empire to Attorney General Wilson or any of his senior staff. Pope and Silvernail explained that the problem remained despite the Supreme Court's first decision in *Wilson v. Dallas*, but could easily and quietly be fixed by an IRS filing which informed the IRS that it was no longer the Estate/2000 Trust's position that Hynie was Brown's spouse, and that the \$84 million net value of Brown's 2000 Trust, \$80 million of which was going to the "I Feel Good" charity was correct.

In March 2013 the Attorney General told the Supreme Court he was getting out of Richland 4900, and that he hoped to conclude FOIA matters promptly.

That same month, the still-secret signatories to the AG's Special Counsel Litigation Retention Agreement with SWB had already signaled what Levenson and Hynie's attorney Alan Medlin, Esq., would announce to the circuit court on May 29, 2013. Hynie and Levenson had no intention of honoring the Supreme Court's decision.

Levenson, who had signed the SWB 40% contract for 11 plaintiffs, said that his clients would continue to pursue Richland 4900 regardless of the AG's changed position. An attorney for Tomirae's then-minor son – under a contingency fee contract with Hynie – gave details of the

claimed \$4.7 million in order to justify it, but did the opposite. Hynie's son told the Supreme Court that Bauknight has properly valued James Brown's 850 copyrights at \$23.7 million or less, and then properly reduced that figure by \$19 million for the Pullman bond debt.

In addition to Bauknight's overstatement by \$4 million of the Pullman bond debt, he valued James Brown's 10,000 items of tangible personal property at less than \$.5 million, although 350 of the items had sold for \$850,000. He valued Brown's publicity rights at zero, or near zero, while the TJBL investors had valued them at \$40 million or more. Further, the \$4.7 million valuation and its explanation were inconsistent with sworn filings by Peter Afterman and Bauknight in the Supreme Court during the same month.

On March 7, 2013 Bauknight moved to intervene in the FOIA suit of reporter Susan Summer. Summer's 2012 FOIA suit sought, the \$4.7 million valuation documents and some of the same documents the Bauknight, the Legacy Trust and the AG were refusing to release under FOIA in Pope's 2011 FOIA suit. Summer also sought under FOIA the AG's copy of the public so-called "Hynie diary," Hynie's handwritten bigamy admissions.

After the Attorney General, through SWB, had stopped the deposition of Albert Dallas, Summer had published an interview with a "close acquaintance" of James Brown giving certain details about the "explosive" bigamy admission which Dallas had given to the Attorney General in 2008. The Attorney General, through SWB, then sought Summer's notes and sources, but withdrew this action on behalf of the State/AG after members of the S.C. Press Association objected.

Summer, a children's advocate for more than a decade, wanted to know why Dallas and others were claiming that Brown's charity was worth \$100 million, but AG Wilson was claiming it was worth only about \$20 million, even after the Pullman bond was paid off. For Summer, the

difference meant about \$3 million a year in required IRS scholarships under the IRS's "Five Percent Rule."

Whether the "I Feel Good" charity was required by the IRS to distribute about \$4 million a year in scholarships, or less than \$1 million in scholarships, Summer questioned why the Attorney General proposed to give half of that to Hynie and six of Brown's claimed children if public documents and four trustees confirmed that Hynie was never James Brown's spouse.

After moving to intervene in the Summer FOIA suit to prevent the release of public documents, on March 14, 2013 Bauknight asked the Supreme Court to reinstate him as Brown's trustee. He filed an affidavit supporting the request, along with an affidavit of Peter Afterman.

In March and April 2013 SWB attorneys sent urgent messages to Attorney General Wilson, seeking a meeting to discuss their disengagement with the Attorney General. SWB attorneys labeled some of the communications with the AG as attorney-client privileged.

On March 24, 2013 Attorney General Alan Wilson took the first step to try to correct the State/Attorney General actions in Richland 4900. AG Wilson made clear in the April 24, 2013 letter that the AG would not pay any portion of SWB's fees or costs, and that if *Wilson v. Dallas* remained the same, SWB should disgorge all of the costs which Bauknight had advanced from the James Brown Estate to benefit the Legacy Trust owners in Richland 4900.

In addition, AG Wilson made clear that the Office of the Attorney General had never had an attorney-client relationship with SWB in Richland 4900.

Instead of facing the consequences of AG Wilson's extraordinary April 24, 2013 letter, SWB, Bauknight, and the Legacy Trust have concealed it for more than ten years while using the power and prestige of the Office of the Attorney General to silence and punish anyone who dared to suggest that Hynie is not the spouse of James Brown, or that the AG's 2008 plan to give Hynie

a quarter of Brown's charity and unlimited funds to try to prove that she was Brown's spouse was unwise.

For 11 years, Bauknight and the Legacy Trust, through both MN and SWB, have taken extraordinary steps, while acting on behalf of the State/Attorney General, to see that the *public* April 24, 2013 letter of AG Wilson not see the light of day and not be seen by any court.

In 2020 when the Office of the Attorney General finally took the proper step to release this public 2013 document to a S.C. citizen under FOIA, Bauknight paid SWB, in addition to SWB's 40% contingency with costs, fees of as much as \$350 an hour to denigrate Pope and her counsel and bitterly oppose all efforts to lift the stay imposed since 2017 by the appeal of SWB's ill-gotten partial summary judgment for the State/Attorney General and for the Legacy Trust at the same time the Legacy Trust was claiming in the \$4.7 million FOIA case that it had never existed.⁷

In 2020 when the Attorney General finally withdrew from the conspiracy of silence that some of his FOIA staff had willingly supported, and released the April 24, 2013 letter and the 2008 fee schedule showing the exorbitant fees Bauknight had been paying MN to do Hynie's bidding since 2009, Bauknight did not retreat. Instead, he began paying SWB, in addition to its 40% contingency, up to \$350 a hour for the next four years to fight all efforts to lift the stay.

When efforts to sanction Pope for seeking to end the illegal nightmare lawsuit which had been brought against her in 2010, SWB, Bauknight and Hynie began a slanderous media attack

⁷ In 2012 Bauknight stated under oath that he had managed the Legacy Trust for three years in Richland County. That year SWB and Bauknight secured transfer of two FOIA cases to Richland County to benefit the Legacy Trust, and tried to move the Summer FOIA case and consolidate it with Richland 4900. The Legacy Trust adopted every fraudulent claim Hynie had made since 2007, and used the power and prestige of the Office of the AG and James Brown's pocket to engage 15 MN and SWB lawyers to promote that false narrative. By 2013 Bauknight was claiming in FOIA that the Legacy Trust did not exist, while claiming in Richland 4900 that it was entitled to damages against Buchanan and Pope. By 2016 it had secured both summary judgment in Richland 4900 and a FOIA ruling that it did not exist.

which reached from London, U.K., to the *New York Times*, to an Augusta television station, in addition to the courts. SWB and Bauknight, personally made in the courts and to the media the known false, slanderous claim that Pope was seeking \$19 million from James Brown's Estate (when it was actually \$2.1 million) and that Pope was the reason that Bauknight had been unable to pay scholarships to needy students for a dozen years.

In 2023 SWB revealed that it had spent \$32,500 resisting a single motion to lift the stay. SWB also revealed that it had more than 500 pages of additional bills for appeals in Richland 4900 and "related appeals."

SWB's extraordinary State/AG actions are just part of the tens of millions of dollars of litigation costs spent by Bauknight, documentation of which MN attorney Black filed *ex parte* with the circuit court in 2018. The Aiken 1337 circuit court, after review, discarded the litigation cost records, and did not retain a sealed copy for appellate review.

State/AG Action by SWB and Bauknight Supporting Hynie Plan to Ignore *Wilson v. Dallas*

On May 10, 2013, two days after the final decision in *Wilson v. Dallas*, the Attorney General, through SWB, along with Bauknight and the Legacy Trust, asked the Honorable Casey Manning to stay both Richland 4900 and Pope's two 2011 FOIA cases until all James Brown matters in Aiken were complete. This resulted in a 3-year *de facto* stay of Pope's 2011 FOIA cases and Richland 4900 despite multiple requests of Silvernail to proceed with the FOIA cases. The stay was broken only when the Aiken Judge in actions from which Buchanan and Pope had been excluded for two years contacted the Richland 4900 circuit court and the two judges, *sue sponte* ordered a mediation just after the Aiken Court had determined that Hynie was the spouse of James Brown.

On May 29, 2013 Bauknight was present with two MN attorneys, Black and William Newsome, Esq., the Legacy Trust's \$440 an hour "probate claims expert." Levenson and Medlin announced to the Judge Early their plan to disregard the Supreme Court's May 8 decision in *Wilson v. Dallas* and reinstate the AG's 2008 settlement. Levenson asked Judge Early to go into chambers to hear why the AG's 2008 settlement should be promptly reinstated, but the Judge declined to do so. Medlin said that "Mrs. Brown" had been generous in the AG's 2008 settlement, and that if the settlement were not promptly reinstated, she might be less generous. They asked that Buchanan and Pope be excluded from all James Brown hearings, even as witnesses.

Even though Bauknight had just told the Supreme Court he would uphold James Brown's estate plan, Bauknight's MN attorney Black joined in the request of Levenson and Hynie's attorney that the circuit court exclude Buchanan and Pope, the primary witnesses to the validity of the Will and Trust and the fact that Hynie's case was baseless, from all James Brown hearings.

Concealing the April 24, 2013 letter of AG Wilson, Bauknight, the Legacy Trust and 15 MN and SWB attorneys began an 11-year crusade, costing tens of millions of dollars, to "prove" that Bauknight had been correct in January 2009 when he recommended that the AG's 2008 settlement be approved.

As soon as the May 29 status hearing ended, MN attorney Newsome hand-delivered a "Disallowance" to Pope which said she was not entitled to the \$1.47 million fee earned between 2007 and May 2009 or the unpaid \$47,972 of her 2007 SA fee under Judge Early's fee order of 2008. The Disallowance also made reference to the false felony claim lodged by the State/AG since 2010. The Disallowance said Pope might be required to disgorge her partial SA fee that had been paid. The 47,972, with interest, is still being held until Hynie concludes Richland 4900.

SWB Secures Three-Year Stay for AG While Hynie Obtains Spousal Order in Two Years

While Richland 4900 and the FOIA cases were stayed for three years, those seeking to reinstate the AG's 2008 settlement moved fast in the cases from which Buchanan, Pope and Dallas were banned.

By August 2013 Bauknight's Legacy Trust music manager Peter Afterman was being paid more than \$20,000 month by Bauknight from funds devised to Brown's charity and engaged at the same time by Hynie's attorney to help Hynie and her son try to siphon off half of the U.S. royalties to about 200 of Brown's copyrights between 2015 and 2023.

Five Plaintiffs, clients of Levenson, objected to Afterman's actions, but Bauknight, Afterman and SWB continued to pursue Hynie's efforts to siphon off U.S. royalties from the "I Feel Good" charity; have herself declared Brown's spouse; push her false narrative about her spousal claims and termination rights; and demean and punish Buchanan and Pope for having appealed the AG's 2008 settlement in what became *Wilson v. Dallas*.

In the same month, Bauknight defended the AG's 2008 settlement and \$4.7 million value, while claiming that Pope "raped" James Brown's estate. He said, under oath:

That's poppycock. Pure speculation from your client [Pope]. Fantasy...I'm the person who actually looked at this. And I said it was a fair and reasonable settlement. I don't know where this fantasy is that \$50 million was gone away. Number one. your client made up that number. Your client did that in a self-serving fashion so that she could take \$5 million out of this estate for her retirement. So to say that this would have diminished is a load. A total load. I looked at this. I say. You have no clue how termination rights where [sic]. You don't know the value. . . She has no clue what she was dealing with and put stuff in the paper that it's just totally fabricated untrue. It blows me away that someone with a law degree can be so dishonest and get away with it. ...You know, what? That's set aside by the Supreme Court. That's fine. I've got a new roadmap, and I'm going to follow this new roadmap to a T...

...[Y]our client raped this estate taking every dime out of it for her own fees and for Bob's fees and her lawyer's fees leaving it insolvent... Your client didn't even try. Your client didn't know the numbers. I know the numbers. There was no diminished Legacy Trust. That's fabrication from your client.

Bauknight, the Legacy Trust, and Peter Afterman, using, without authorization, the power and prestige of Attorney General Alan Wilson and the purse of James Brown's Estate/2000 Trust, continued to claim (until 2020) that Hynie controlled tens of millions of dollars of termination rights; that it was good for Brown's charity for her to be Brown's spouse; and that Brown's music empire was worth only \$4.7 million when James Brown died. They continued the false narrative Legacy Trust attorneys had pressed the Supreme Court to accept at oral argument in *Wilson v. Dallas* in 2011, namely that Hynie's elective share claim was a "slamdunk;" the false claims that Brown's Estate/2000 Trust had no corpus to speak of; and the false claim that, but for the AG's 2008 settlement, there would be nothing in the "I Feel Good" charity by 2023.

In September 2013 Bauknight secured a right to designate the claimed \$4.7 million valuation – but none of the supporting documents – as confidential under the extant confidential order for discovery in Case 3:08-cv-00014-WOB. Under the order, the right to designate confidential was not a finding of confidentiality, but solely a right, based on false claims made to the federal court by Bauknight, to treat it as confidential until actions of the parties or the court rendered it nonconfidential. Bauknight, at the time he claimed that both the SWB Special Counsel Litigation Retention Agreement with the AG and the \$4.7 Million Valuation were confidential, was sharing them with Peter Afterman, who working for Hynie.

After misleading the federal court by claiming that he had kept the \$4.7 million valuation confidential, Bauknight never required any of his MN or SWB counsel or others he shared the \$4.7

million valuation with, such as Hynie/the AG's expert Bradley Sharpe, to sign the necessary discovery documents to retain confidentiality. Forlando Brown also shared the \$4.7 million valuation with whomever he pleased, and stated under oath that it was "bogus." Buchanan's opinion under oath was the same, although he used different terms. Knowing that there would be objections because he had failed to keep confidentiality, Bauknight made no effort to collect the \$4.7 million valuation from Forlando, Pope, Buchanan or their counsel in 2016 when the federal suit was ended.

In 2014, with the public documents hidden and April 24, 2013 letter concealed, Bauknight and Bauknight's \$440-an-hour "probate claims expert", opposing Pope's *pro se* claim of \$47,972 + interest since 2008; \$1.47 million with interest since 2009, and a discretionary award which might increase the \$1.47 million with interest to \$2.8 million, prevented summary judgment on either the \$47,972 or the \$1.47 million. Bauknight and Newsome both agreed that Pope had earned the entire \$1.47 million and \$47,972 *before* May 2009, but are still holding the \$47,972 with interest.

In 2014 reporter Summer's FOIA case met with some success when the FOIA court ruled that Bauknight, through SWB, could not intervene to try to stop the FOIA requests, but certain AG staff were still able to help Hynie and Levenson by simply ignoring the FOIA court's order and not producing the \$4.7 million because the Attorney General said nobody in his office had ever seen the document the AG had used to falsely accuse two attorneys of a federal felony for four years. The Attorney General's FOIA staff simply failed to produce a number of public documents subject to the 2014 FOIA order, including Bauknight's 2008 fee schedule and Attorney General Wilson's April 24, 2013 letter confirming that the Office of the Attorney General had never hired SWB. The AG also failed to produce SWB's 2012 letter counseling AG Wilson not to comply

with his FOIA obligations to produce to Summer the public AG's Special Counsel Litigation Retention Agreement.

In 2015 the Aiken Circuit Court ruled that Hynie was the spouse of James Brown and, within days, consulted with the Richland 4900 circuit court judge and *sua sponte* ordered a joint mediation in Pope's *pro se* Aiken 1337 fee case and Richland 4900.

A May 6, 2015 status report of the circuit court repeated many of the false claims Hynie, Bauknight, Peter Afterman and SWB were making, including the false claim that that Pope's maximum \$2.8 million fee claim was \$5 million, and that her \$47,972 SA fee claim was for \$2 million for a few months. The status report praised Bauknight, repeated false statements Bauknight had made about the Pullman bond loan, and failed to notify the Supreme Court that Bauknight, MN attorneys and SWB attorneys had been working diligently since May 29, 2013 to carry out the publicly announced plan of Hynie and Levenson to try to make Hynie the spouse and give her a quarter of Brown's charity. The circuit court also repeated Bauknight's patently false claim that James Brown's Estate had been on the brink of insolvency when Bauknight took over on May 26, 2009. Nothing could have been further from the truth.

The truth was that Bauknight had taken over in 2009 when James Brown's Estate and his \$85+ million "I Feel Good" education charity were on the brink of greatness. All Bauknight had to do was to sign either the pre-vetted GreenLight contract, or another publicity rights contract during the appeal; be neutral; pay off the Pullman bond loan by late 2011 or early 2012 as \$5+ million a year would allow it to do; and await the outcome of the appeal of the AG's 2008 settlement deal

If Bauknight had taken the neutral course, which he was required because he was trustee of two trusts – the Legacy Trust and The James Brown 2000 Irrevocable Trust – which had

opposite goals, on May 8, 2013, there would have been \$95 million in James Brown's charity, and \$5 million more a year coming until a sale. Instead of being neutral, as required, Bauknight took the side of the Legacy Trust and Hynie, engaging 15 attorneys and numerous experts on a "deferred pay" basis to help the Legacy Trust demean and defeat anyone who challenged Hynie's false spousal, copyright, and valuation claims, and those of the Legacy Trust's music manager Peter Afterman.

While others pointed out the serious errors in the May 6 status report as related to themselves, Buchanan and Pope were not asked to respond to the false claims against them, and did not.

Not unexpectedly, the Supreme Court which was told that there had been no mention of settlement, and that Pope was seeking \$7 million for 18 months' service – not a maximum of \$2.8 million for six years' service – came down hard. The Supreme Court's June 10, 2015 order abruptly ended Pope's 2-year *pro bono publico* effort to stop the announced plan of Hynie and Levenson to defy the Supreme Court and Bauknight's direct defiance of both the Supreme Court and the April 24, 2013 letter of Attorney General Wilson – of which she was unaware until it was released by Attorney General Wilson under FOIA in 2020.

Governor McMaster Confirms that he Did Not Hire SWB to Bring Richland 4900 (2016)

In 2016 extraordinary events took place in James Brown Estate cases from which Buchanan, Pope and Dallas had been banned, as well as in Pope's two 2011 FOIA cases; Richland 4900; and Pope's fee claim in 1337. As they did, Bauknight, the Legacy Trust and 15 SWB and MN attorneys concealed the 145 boxes of public James Brown documents, AG Wilson's April 24, 2013 letter, and everything Bauknight was sharing with Hynie and Afterman in their joint effort

to implement the AG's 2008 settlement in defiance of the Supreme Court's *Wilson v. Dallas* decision.

The most extraordinary event of 2016 was the sworn testimony of the Honorable Henry McMaster, now Governor of South Carolina in October confirming that he had never hired SWB to bring Richland 4900 and did not even know he was a Richland 4900 plaintiff until after leaving office as AG in January 2011. When deposed *pro se* by Pope, McMaster stated emphatically: "Ma'am, I did not sue you." [Exhibit G, Deposition of McMaster, Oct.19, 2016]] Instead of admitting the problem, Bauknight and his 15 SWB and MN attorney redoubled their efforts to assure that Governor McMaster's testimony in Aiken 1337 not be considered by any appellate court. And SWB continued its State/Attorney General action with clear information from two attorneys general that it had no authority to do so.

In addition, there were other troublesome actions by Bauknight, MN and SWB to suppress the voice of anyone who no longer supported Hynie's fraud and false narrative. By 2016, Levenson, terminated by the 11 clients for whom he had signed the SWB 40% contingency fee, joined in the conspiracy – against his former clients – to make Hynie the spouse and implement the AG's 2008 settlement that would reap him \$6 million to dismiss baseless will contests that settled in 2016 for about \$200,000 instead of the \$20 million Levenson's clients would have gotten under the AG's 2008 settlement.

The circuit court, infected with the belief that Attorney General Wilson was fully supporting the fraud and false narrative of Hynie, took an active role carrying out the plan of Hynie, Bauknight and Levenson to reinstate the AG's 2008 settlement with orders which:

- Awarded \$700,000.00 in legal and GAL fees to Hynie's son who had refused a paid-for DNA test in 2008 and was not a presumed child;
- Found the Legacy Trust did not exist in a FOIA case, but granted it partial

Summary judgment in Richland 4900;

- Dismissed both 2011 FOIA cases;

SWB Attorneys Lack Candor When Ordered to Testify by Judge Toal (2017)

In 2017 two SWB attorneys resisted efforts to be deposed in Aiken 1337, Pope's fee claim, although they had sought to consolidate it with Richland 4900. The Honorable Jean Toal, acting circuit judge, after waivers of all parties, directed that the attorneys be deposed as to the commencement and continuation by the Attorney General of Richland 4900 from 2010 to 2017. Both concealed the April 24, 2013 letter of AG Wilson and refuted Governor McMaster's clear statement under oath that he did not authorize SWB to file Richland 4900 in the name of the State/AG, and did not even know he was a Richland 4900 plaintiff until after leaving office as AG in 2011. Both SWB attorneys claimed that they knew of no change in their Richland 4900 clients other than the change of AG in 2011 from Governor McMaster to AG Wilson.

That same month Bauknight's lawyers bitterly – and successfully -- fought release of sworn testimony of Roger Miller, the Attorney General's Richland 4900 termination rights expert, that the termination rights of all heirs of James Brown ten years after Brown's death were worth only \$8.8 million, while "frothy" investors had been willing to pay 15 – 20 times revenues, as much as \$100 million for Brown's "solid gold" music catalog alone in 2009 when Buchanan and Pope delivered James Brown's asset to Bauknight. The information that Bauknight was trying to keep secret was that in 2008 the AG had proposed to give Hynie and five Levenson clients half of James Brown's \$50 million charity for about \$2.2 million dollars in termination rights. The \$8.8 million came to light only when a second expert for Hynie, the AG and the Legacy Trust, Brad Sharpe revealed the number and certain details about the claimed \$4.7 million valuation in 2018. Brad Sharpe never signed any confidentiality agreement.

In 2017 the AG's and Hynie's expert Mark Hobbs, CPA testified that he knew nothing about the claimed \$4.7 million, even though he had been designated by as a Richland 4900 expert in 2010, the year it was fabricated. In addition, Hobbs did not review James Brown's 2000 Trust where the "fractional share" clause, formerly giving 41/42 to James Brown "I Feel Good" Trust, was reduced to just over 2/3s for the "I Feel Good" Trust by the \$4.7 million, shifting \$1 million of scholarships a year starting in 2012 and nearly 1/3 of the assets over to a trust for Forlando Brown and five Levenson clients. The AG's and Hynie's expert Nathan Crystal, at \$600 an hour, knew nothing about the service of Buchanan and Pope from 2007 until 2013. The AG's expert Ellison Thomas, CPA, refused to testify about his finding about the wrongdoing of Cannon at his 2017 deposition, and knew nothing about the claimed \$4.7 million or its disastrous charitable and tax consequences.

By the end of 2017 more than 30 depositions and filings of 11 former Levenson clients had exposed Hynie's fraud and the false claims Bauknight, Hynie, SWB and MN had made to support the fraud and try to reinstate the AG's 2008 settlement. At this point SWB began a frenetic effort to assure that there be no lifting of the stay in Richland 4900 to expose the coverup of the fraud of Hynie and the Legacy Trust. [See Depositions of: Roger Miller (Exhibit H); James Hardin, Esq. (Exhibit I); W. Steven Johnson, Esq. (Exhibit J); Wm. J. Smith, Esq. (Exhibit K); Thomas Pope, Esa., (Exhibit L); Adele Pope (Exhibit M); Solicitor General Robert Cook (Exhibit N) ,

Action of Bauknight, Legacy Trust and 15 Attorney to Push \$4.7 Million (2017-2024)

In January 2017 Bauknight, under oath, affirmed his "rape" claim in Aiken 1337; talked about what Pope had done wrong; and admitted he had already spent \$1 million trying to defeat Pope's maximum \$2.8 million claim. Then Judge Williams testified under oath that his \$100 million had been low. [Exhibit E, Deposition, Williams, pp. 14-15, 26, 27] Then MN attorney

Newsome, while claiming that both James Brown's estate tax return and the concealed \$4.7 million valuation documents were confidential, tried to convince James Hardin, Esq., Steve Johnson, Esq., Thomas Pope III, Wallace Lightsey, Esq, CPA William Sellars, and seven of the nine (9) experts Bauknight and Hynie had jointly named in Richland 4900 and Aiken 1337 that Buchanan and Pope had ruined James Brown's estate by challenging the claim that Hynie was Brown's spouse who held tens of millions of dollars of termination rights; that James Brown had been "teetering on the brink of insolvency" with a \$4.7 million estate when he died; and that Buchanan and Pope had reduced Brown's estate to less than \$20,000. The story did not take with anyone, even the witnesses Bauknight and Hynie, through MN and SWB had jointly appointed and told that the happy "family" had resolved their differences and Hynie had been determined to be the spouse.

Unfortunately the circuit court judge who had been infected by the Attorney General's and the Levenson clients' open support for Hynie fraud from 2008 until 2013, continued to be told by Bauknight, SWB and MN that the Attorney General fully supported the 11-year push to defy the Supreme Court and reinstate the AG's 2008 settlement. Having banned Buchanan, Pope and Dallas from even appearing as witnesses in Hynie's case, the circuit court had been in a bell jar of fraud and false claims, and believed, based on claims by Bauknight, the Legacy Trust and Bauknight 15 attorneys that the Attorney General was in on the plan to shift nearly 1/3 of the "I Feel Good" charity's assets to Levenson clients and Terry Brown's son with the \$4.7 million, increasing their Trust tenfold; declare Hynie the spouse; and silently reinstate the AG's 2008 settlement deal without the Supreme Court or Court of Appeal ever knowing.

Thirty (30) witnesses and experts, including Bauknight's and Hynie's new experts, didn't go along. So Bauknight and MN persuaded the circuit court to take away the jury trial which both

parties had sought, and not even to grant an advisory jury as to whether James Brown's worldwide music empire was \$100 million when he died, less the \$15 million that Cannon had stolen, and that Brown gave \$80 million to charity – not \$2.8 as Bauknight and his NP attorneys told the IRS.⁸ Bauknight got his wish and Pope, before the trial offered to end her relationship with James Brown's Estate/2000 Trust in both Richland 4900 and Aiken 1337 for \$2.1 million. That offer to settle was for six years of hardship from 2007 to 2013; all of the out-of-pocket costs of *Wilson v. Dallas*; traveling to California, New York, Charleston, and elsewhere to depose seven of the nine experts Hynie and Bauknight had jointly named in late 2016; and attendance at more than 25 other depositions required after Bauknight changed Aiken 1337 from the three witnesses it had been from 2013 until 2016, to name nine experts with Hynie.

Bauknight and NP and MN were not satisfied with paying the nuisance Pope to go away for \$2.1 million, as they had been able to make the nuisance Buchanan go away for \$550,000 instead of \$2.1 million. They chose to spend \$10,000 a day at trial and fly experts who had been misinformed and told Hynie was Brown's spouse from California and New York to crush Pope and "prove" that Bauknight to the circuit court – if not a jury – that Bauknight had correctly valued James Brown's worldwide music empire at \$4.7 million. While the trial proceeded, Bauknight had to SWB and the Legacy Trust extra in the Richland 4900 and FOIA appeals to prevent either the circuit court or the appellate courts from hearing what Governor McMaster, James Hardin, Wallace Lightsey, Steve Johnson, Judge Williams, and even Bauknights and Hynie's own experts CPA Mark Hobbs, Rogert Miller, Ellison Thomas, CPA, William Sellars, CPA, Nathan Crystal, Esq., and Julian Walker, Esq., had to say.

⁸ See Exhibit O, Affidavit of Beth Bauknight, O, w/portion of Buchanan/Pope accountings; proposed IRS adjustment to \$4.7 million.

One thing Sellars said was that Bauknight and his spouse, the records custodian of the James Brown Estate, and their \$440-an-hour attorneys, while inducing the Attorney General of South Carolina to falsely accuse Buchanan of a federal felony with the fabricated \$4.7 million valuation and claiming that Buchanan and Pope had filed improper documents with the IRS, had never even looked at the tax files of court-appointed CPA Sellars and his partner Mary Jo Cole, CPA, who had faithfully served the James Brown estate from 2007 until 2009. Instead, as Sellars testified to the surprise of Newsome and Pope, James Brown's critical tax and "I Feel Good" charitable recognition files held by Sellars, and of which Bauknight had been notified within one day of his appointment, had been destroyed after more than six years because Bauknight, Brown's trustee/CPA and his spouse, the records custodian and CPA for the James Brown Estate, had not requested these critical files for more than six (6) years. Yet Bauknight, and the AG relying on Bauknight, were accusing Buchanan and Pope of failing to file proper returns with the IRS and a federal felony.

Within nothing to say, Bauknight and all 15 attorneys began to say that not only were Buchanan and Pope greedy, incompetent felons, but Pope was demanding \$19 million from the James Brown Estate and was the only reason Bauknight had not been able to provide \$4 million of "I Feel Good" scholarships to needy students in 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, and 2023. Bauknight paid SWB, who remained the unauthorized voice of the Attorney General of South Carolina, to shout the new false claim to the Court of Appeals, to two circuit judges, and to the media.

From 2018 until 2024 Bauknight, Hynie, the Legacy Trust, Levenson, SWB and MN spent whatever it took of James Brown's \$5+ million a year to silence the opposition and infect the courts with Hynie's fraud and false claims, even if the opposition turned out to be SWB's other

clients; Levenson's former clients; and the people to whom Bauknight had owed a fiduciary duty since 2009. And James Brown.

SWB, Bauknight and Legacy Trust use State/AG Action and FOIA Disruption (2013-2024)

Since March 7, 2013 the FOIA disruption by Bauknight, and SWB's paid intrusion with Bauknight and the Legacy Trust into no fewer than three FOIA cases and four FOIA case appeals has been central to the plan to disregard *Wilson v. Dallas* and conceal the public documents which confirm that James Brown's worldwide music empire was conservatively valued at \$99 million when he died; the termination rights were worth only \$8.8 million ten years after Brown died and after his estate had acquired 200 more copyrights that would last 35 years without any loss of termination rights; and that James Brown left \$80 million to charity which should have been \$95 million in 2011 when the Pullman bond was paid off. They have also used FOIA disruption to conceal public documents to show that Buchanan and Pope faithfully service James Brown from 2007 until 2012 (Buchanan) and 2013 (Pope); advanced James Brown's charitable wishes; and were not greedy, incompetent felons. Nor had Buchanan or Pope every delayed a charitable distribution.

Exhibit P, beginning with a letter of James Richardson, Esq., *pro bono publico* lead appellate counsel in Richland 4900 dated, April 22, 2010, is only a small sample of the efforts Buchanan and Pope made jointly before 2012 when Buchanan was silenced, and Pope made before June 10, 2015, when she was silenced, to end Richland 4900, even before it began, and to honor James Brown's desire to leave the bulk of his \$100 million fortune to educate needy students.

SWB's and Bauknight's FOIA Violations Have Been Intentional and Egregious

Since 2010 Bauknight and his 15 attorneys have known that the AG's Special Counsel Litigation Retention Agreement with SWB says:

F. Public Records

Any materials, data, files, discs or documents created, produced or gathered by Special Counsel or in Special Counsel's possession in furtherance of the litigation or which fulfills an obligation of this appointment shall be considered the exclusive property of the State of South Carolina. Special Counsel agree to adhere to South Carolina Freedom of Information Act, South Carolina Code of laws § 30-4-10 *et seq.* and maintain all public records in accordance with State law; provided, however, that Special Counsel shall consult with, and obtain the approval of, the Attorney General before responding to any public records request. Special Counsel agrees to comply with the Rule 417 of the South Carolina Appellate Court Rules. Special Counsel agrees to request written confirmation from the Attorney General's Office prior to destroying any documents. **This Agreement shall be considered a public Document.** [Emphasis supplied]

The conspiracy to conceal public documents by SWB, Bauknight and the Legacy Trust in the name of the State/Attorney General, who is the state's enforcer of the FOIA, is egregious. Attorneys Levenson and Bell willingly joined in the conspiracy so that Levenson could try to make \$6 million and Bell could cover up the theft, fraud and money laundering of David Cannon in the federal suit he filed in 2008.⁹

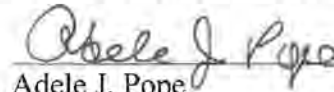
ARGUMENT

Hynie and Cannon were already defrauding James Brown in 2000 when James Brown left 49/50 of his \$100 million music empire to his "I Feel Good" charity. Both knew at Brown's death that Brown's \$100 million music empire – reduced by Cannon's theft – should go 41/42 to his "I Feel Good" Trust. In 2007 the Attorney General was deceived by Cannon's fraud. In 2008 the Attorney General was deceived by Hynie's fraud. Bell and Levenson knew of Hynie's fraud, but

⁹ The entire issue of the AG's Wingate Special Counsel Agreement is troublesome. Among other problems, the page with the signature of Bell contained in the SWB Agreement presented by Bauknight to the federal court in 2013 had been substituted by 2018, and the signature of Bell had been replaced by that of Terry Brown on the SWB Agreement identified by two SWB attorneys when ordered to testify in 2018. This is just one of the many problems associated with the claimed private SWB Agreement with Governor McMaster, which the governor never signed.

Levenson wanted \$6 million and Bell wanted to cover up the theft of Cannon. From 2009 until 2013 Bauknight had a duty to be neutral between James Brown's 2000 Trust and the Legacy Trust, but breached that duty. From 2013 Bauknight had a duty only to James Brown's \$100 million estate, but breached that duty with his 15 attorneys, purportedly acting on behalf of the State/AG, in direct defiance of both the Supreme Court and the Attorney General's April 24, 2013 letter. He used whatever he desired of James Brown's \$5+ million of income a year to disrespect James Brown's wishes and blame the damage on Buchanan and Pope and anyone else who stood in the way of Hynie and the Legacy Trust. Bauknight attempts to resolve his unauthorized State/AG action, and that of SWB, without the voice of the Attorney General to address the defiance of the April 24, 2013 letter and the FOIA disruption.

Respectfully submitted,



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