

**RECEIVED**

**Feb 29 2024**

S.C. SUPREME COURT

# Exhibit A



ALAN WILSON  
ATTORNEY GENERAL

February 15, 2024

**VIA US MAIL**

Ms. Adele J. Pope  
1228 Walnut Street  
Newberry, South Carolina 29108

RE: Freedom of Information Act ("FOIA") Request

Dear Ms. Pope:

This Office has received your FOIA request dated January 18, 2024, which seeks:

1. Valuation Analysis of James Brown Estate as of December 25, 2006, (Sept. 03, 2010) (the "\$4.7 Million Valuation")
2. All correspondence, email and/or other communications and/or documents by or among any member of the Office of the Attorney General (OAG) and Russell Bauknight, Peter Afterman, or any other person(s) between August 1, 2010 and today related to the value of the assets of the Estate of James Brown and/or the James Brown Irrevocable Trust and/or the \$4.7 Million Valuation at any time between the death of James Brown on December 25, 2006 and May 8, 2013.
3. The Amendment to the James Brown Legacy Trust (Settlement Entity) signed by The Honorable Henry McMaster on or about December 30, 2010, and all drafts thereof, and the assignment by Terry Brown to Forlando Brown (a/k/a William Brown), by NPCOL on or about January 2011 and any drafts thereof, and all documents related to these documents from December 1, 2010 to May 8, 2013.
4. All correspondence, email and/or other communications between any member of the OAG and Sweeney, Wingate and Barrow, P.A., and/or any member of that firm between May 10 and May 25, 2010 and February 20, 2013 and June 13, 2013, including but not limited to the April 24, 2013 letter of the OAG to a member of SWB.

5. All correspondence, email and/or other communications between any member of the OAG, including Creighton Waters, and/or Peter Afterman and/or any other person related to the value of Geronimo Music, LLC

The Office has determined there are public records responsive to your request. This determination is made in accordance with S.C. Code Ann. § 30-4-30(C).

Records will be made available no later than thirty-five calendar days from today, in accordance with S.C. Code Ann. §30-4-30(C).

Please be advised that the above does not constitute a final opinion as to whether any records may be exempt from production or subject to redaction in accordance with exemptions provided for by § 30-4-40, or other state or federal laws.

Sincerely yours,

Office of the South Carolina  
Attorney General

# Exhibit B



ALAN WILSON  
ATTORNEY GENERAL

April 24, 2013

Everett A. Kendall, II, Esq.  
Sweeny Wingate & Barrow, PA  
P. O. Box 12129  
Columbia, SC 29211

RE: Russell L. Bauknight, et al. v. Adele J. Pope  
Civil Action No.: 2010-CP-40-04900  
Your File: 4077-7389

Dear Mr. Kendall:

This is to advise that the Attorney General's Office has no responsibility for legal fees to Sweeny, Wingate & Barrow, as this Office did not employ the firm's services.

Your letter is entitled "Privileged Attorney-Client Communication". Please be advised that the Office of Attorney General has never been a client of Sweeny, Wingate & Barrow in this matter.

My letter of April 18, 2013, was a response to your letter of April 12, 2013. However, we are not signing any documents and are always willing to discuss matters. As you are aware, if the Supreme Court decision stands as is, any fees Sweeny, Wingate and Barrow have heretofore received in the 4900 case are required to be disgorged and returned to the trust established by James Brown. In any event, there is no liability on this Office for legal fees.

Yours very truly,

John W. McIntosh  
Chief Deputy Attorney General

CC: Kenneth Wingate, Esq.

JWM/ds

SCANNED

# Exhibit C

STATE OF SOUTH CAROLINA  
COUNTY OF AIKEN

IN THE COURT OF COMMON PLEAS

Case No. 08-CP-02-1647  
(Estate of James Brown)

*In Re:*

The Estate of James Brown  
A/K/A JAMES JOSEPH BROWN

**AFFIDAVIT OF RUSSELL L. BAUKNIGHT**

PERSONALLY APPEARED BEFORE ME, the affiant, Russell L. Bauknight, who, being sworn, deposes and states the following:

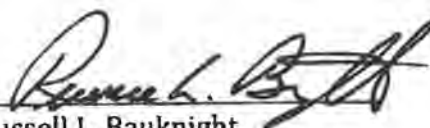
1. I am a resident of Richland County, South Carolina.
2. On May 26, 2009, nearly four years ago, the Honorable Doyet A. Early, III appointed me as Personal Representative of the James Brown Estate, and Trustee of the James Brown 2000 Irrevocable Trust.
3. The Honorable Sue H. Roe also properly issued a Certificate of Appointment for each of these fiduciary positions (see attached Certificate of Appointment).
4. The appointments complied with the original Trust Agreement and South Carolina law.
5. Separate and apart from the above appointments, I was also selected as the trustee for the Settlement Agreement Charitable Trust and Legacy Trust; the corpus of each of those trusts is a future expectancy interest.
6. Pursuant to the Circuit Court's order restricting distributions pending the outcome of this appeal, neither the Legacy Trust nor the Settlement Agreement Charitable Trust ever received a transfer of assets from the Estate or Trust.
7. I do **not** serve at the pleasure of the Attorney General nor am I beholden to him in any way.

8. The Attorney General has no independent authority to remove me from my fiduciary capacities of Personal Representative of the James Brown Estate or Trustee of the James Brown 2000 Irrevocable Trust.
9. I am an independent fiduciary and have done everything in my power to benefit the Estate and Trust.
10. A telling example of my independence deals with the Cannon plea hearing. When I learned that the Attorney General did not recommend restitution at the plea hearing I was livid. My immediate response was to contact the Attorney General, to challenge that decision, and do everything I could to remedy that failing.
11. As a direct result of my challenge to the Attorney General, on September 26, 2012, the Honorable George C. James, Jr. ordered that a restitution hearing occur. At that hearing, as the victim representative for the Estate and Trust, I will present evidence that Cannon should pay restitution to the Estate and Trust.
12. On May 26, 2009 when I began my service as Personal Representative and Trustee, the Estate was in shambles, teetering on the verge of bankruptcy.
13. The poor condition of the Estate was largely due to prior fiduciaries placing their own financial interests above that of the Estate and Trust.
14. The Estate was also encumbered by a \$26 million bond with a principal balance due of approximately \$13 million (Pullman bond) that hung like an albatross around its neck because all royalty income was captured to pay towards the bond.
15. When I took over, the Pullman bond was scheduled to be paid off in 2019.
16. 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.
17. I am not seeking reconsideration of this Court's opinion to keep this job for personal gain - unlike prior fiduciaries; I have yet to pay myself a commission, instead using Estate and Trust revenue to put the James Brown Estate and Trust in a position to provide scholarships for deserving children.

18. I believe my fiduciary duty to the Estate and Trust compels me to ask that I remain the fiduciary because my removal at this time will jeopardize the Estate and Trust.
19. I firmly believe that the Court's decision that I should be removed as a fiduciary with respect to the Estate and Trust will cause devastating consequences of which this Court is unaware.
20. For instance, there are multiple contracts that will prove very lucrative to the Estate, Trust, and future scholarship recipients, that are subject to cancellation if I am removed from my position as a fiduciary.
21. I did not ask that these cancellation provisions be placed in the contracts, but the other contracting parties demanded that they be included because of the tortuous history (prior to my appointment) of instability of the administration of the Estate and Trust.
22. Since the Court issued its opinion on February 27, 2013 the Estate and Trust have received numerous telephone calls and letters from record companies and motion picture companies asking for some form of reassurance that I will remain the fiduciary for administration of the Estate and Trust.
23. The Estate and Trust have made all reasonable efforts to reassure these companies/individuals that they need not worry. However, I fear that should I be removed, many of these companies/individuals will exercise their option to terminate the contracts given the unfortunate, continued uncertainty surrounding the Estate and Trust.
24. Furthermore, since my appointment in 2009 I have reached out to several movie studios hoping to renew interest in rights to a James Brown biographical motion picture.
25. Now, nearly four years later, I am pleased to report that I am presently in the middle of negotiating a motion picture deal for a biographical movie on the life of James Brown (Biopic).
26. The motion picture deal is with Imagine Entertainment (owned by Ron Howard and Brian Grazer) and Jagged Films (owned by Mick Jagger) to produce the James Brown Biopic.

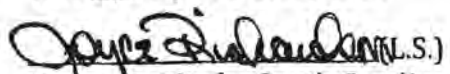
27. The Biopic, if it is brought to the Hollywood screen, will have a tremendous impact on the value of the James Brown Estate and Trust.
28. In the industry, this type of biographical motion picture is the springboard for a renewed public interest in the music of the artist depicted.
29. The Estate and Trust is near finalizing the Biopic deal and stands to substantially increase its revenue and value through increased music sales and licenses resulting from the publicity of the Biopic.
30. The producers of this movie have made it abundantly clear that continued instability of the Estate and Trust administration will call into question our ability to move forward on this deal which would make millions of dollars for the Estate and Trust.
31. I am also presently in negotiations and the deal-making stage of creating a show at the famed Apollo Theatre, creating a touring tribute show, and finalizing a documentary regarding the life of James Brown.
32. This Court's Opinion (unknowingly) puts all of these deals at risk.
33. Accordingly, I would respectfully request that this Court allow me to move forward in my fiduciary capacities as Personal Representative of the Estate of James Brown and Trustee of the James Brown 2000 Irrevocable Trust which will allow me to complete these important time sensitive deals for the Estate, Trust, and future scholarship recipients.

FURTHER AFFIANT SAYETH NAUGHT,

  
Russell L. Bauknight

SWORN and subscribed to before me

This 14<sup>th</sup> day of March, 2013

  
Notary Public for South Carolina

My commission expires: 3-2-2014

# Exhibit D



5. I have been engaged by counsel for Adele J. Pope in connection with Richland County Case 2010-CP-40-4900 (known as ACase 4900") in which the complaint, a portion of which is attached as Exhibit A, alleges that defendants Robert L. Buchanan, Jr. and Adele J. Pope, committed various breaches of fiduciary duty, including:

- a. a claim that Mr. Buchanan and Ms. Pope breached their duty by not accepting a 2007 \$100 million offer to sell the assets of entertainer James Brown; and
- b. a claim that Mr. Buchanan and Ms. Pope improperly valued the assets of James Brown on the estate tax return where they claimed the value was approximately \$100 million less a debt to the New York Teachers (ATIAA@) of about \$15 million.

6. Specifically, I have been asked to explore, among other issues:

- a. Whether Mr. Buchanan and Ms. Pope were sound in their conclusion that the Estate/2000 Trust was not in a financial or practical position to accept either the 2007 offer or similar proposals in February and March of 2008.
- b. Whether the valuation methods and results of Mr. Buchanan, Mrs. Pope and their predecessors Alfred Bradley and Albert Dallas -- all placing the value of the James Brown assets at approximately \$85 million -- were reasonable.
- c. The damage, if any, of a less than \$4.7 million valuation to Ms. Pope, The James Brown "I Feel Good" Trust and certain of James Brown's grandchildren.
- d. The damage, if any, caused to Ms. Pope and the "I Feel Good" Trust by an incomplete and/or inaccurate heirs determination under the Federal Copyright Act, including a claim that Brown's companion Tommie Rae Hynie was his wife.

7. I have also been asked to address any of the above issues, and related issues, which arise in this case.

8. In preparing for Case 4900 and this case, I have had access to thousands of pages of public documents, and/or have discussed with Mrs. Pope -- who, with Mr. Buchanan, was immersed in management issues of the James Brown Estate and 2000 Trust from March 7, 2007 until May 26, 2009 -- the following public information:

- a. Facts, figures and filings in the public record in more than 20 Aiken County Cases;
- b. The record on appeal (“ROA”) and filings in the recently-decided case of *Wilson v. Dallas*, and appellate cases involving former Trustees David G. Cannon and Albert Dallas.
- c. Financial documents from the SLED investigation of former Trustee David Cannon, including the summaries filed with his 2011 *Alford Plea*.
- d. The historical documents and payment history of the TIAA debt.
- e. The tax returns, estate tax return, inventories, accountings, and James Brown Historical documents, as well as documents related to his Royalties, publicity rights, assets, liabilities, which, as I understand, were available for inspection and copying at some or all times between August 10, 2008 and May 26, 2009.
- f. The reports of James Brown’s major royalties for the 6 years before his death which -- after adding back \$900,000 taken in 2006 -- show a consistent royalty stream of approximately \$3 million per year. [Exhibit B.]
- g. The William Morris Agency summary report delivered in 2007 confirming that Brown’s revenues from Road performances from 2003 - 2006 grossed \$18 million. [Exhibit C]
- h. Information regarding the Global Gaming contract entered into just prior to the death of James Brown; the James Brown Saves Boston deal; and other actions taken and thwarted during the period from November 2007 through May 26, 2009.
- i. Detailed historical information about Brown’s assets, operation and entities and continuing information for the two years after his death, including:
  - 1. Performance Contracts and detailed IP information;
  - 2. Detailed Royalty reports provided by the Publishing Companies through TIAA;
  - 3. The reports of Geronimo, LLC.
  - 4. The Tax Returns, which apparently all agree were wrong and could not be relied on for a complete picture of the assets or income.

5. The Estate Tax Appraisal by Christie's
  6. The jewelry appraisal
  7. The Real Estate Appraisals attached to the Estate Tax Return;
  8. The Letters of Intent of October 2007 and March 2008.
  9. The Movie Option in place for years before his death;
  10. The sampling issue;
  11. The suit filed against David Cannon and others to recover \$13+ million;
  12. The offers of TJBL, LLC and the proposed 2009 Right of First Offer
  13. The structure of Brown's operation, including the Estate, the 2000 Trust, Geronimo, JBE, Inc. and other entities.
- j. The draft article "Private Foundations, Copyright Heirs and Music Millionaires: Why the James Brown "I Feel Good" Trust doesn't....." by Wm. Jeffrey Smith and Adele J. Pope.
- k. Articles regarding the less-than \$4.7 million valuation contained on the James Brown "I Feel Good" Trust FOIA concerns blog, and in other media.
- l. Documents and records from the Library of Congress gathered by Mrs. Pope.
- m. Other professional writings related to Copyright Termination issues, including strategies to avoid termination when faced with uncooperative heirs.
- n. The opinions of W. Steven Johnson, Esq. and James C. Hardin, III in which both concluded that Mr. Buchanan and Mrs. Pope properly performed their duties as personal representative and trustees.
- o. The Orders of The Honorable Doyet A. Early, III dated August 10, 2007, Nov. 20, 2007, January 8, 2008, February 20, 2008, March 7, 2008,

April 1, 2008 and April 8, 2008; the decisions in the Cannon appeal and *Wilson v. Dallas*; and other orders and decisions.

p. Media articles and other public information about the music catalogue, earnings, and projections of earnings for James Brown, including the *Forbes* list of top-earning dead celebrities on which James Brown appeared in 2007.

q. Representations in the record of former trustees and their counsel, especially representations in early 2007 that James Brown earned \$1 million per week on 3-week tours to Asia (counsel for trustees); that his Royalties alone may be worth \$100 million (counsel for Ms. Hynie); that an offer of \$100 million was made in October 2012 (Mr. Dallas, Plaintiff and others); and that offers of \$150 million remained available in the fall of 2008.

r. Other documents from what I understand to be more than a million pages of public documents which relate to the operation of James Brown's music empire for more than a decade before his death and the 2 2 years after.

10. I have also reviewed the September 14, 2007 proposal to the Honorable Doyet A. Early, III in which, I understand, Mr. Buchanan and Ms. Pope asked that the Court to approve the following valuation criteria for the Royalties, Image and Persona of James Brown on the estate tax return:

- a. A single valuation of the Royalties, Image, Name and Persona, which appears to be appropriate based on the scant case law and legal commentary.
- b. Use of the following formula for date-of-death valuation of the Royalties, Name, Image and Persona of James Brown, working with William Sellars, CPA, M&T Bank and the available records of David Cannon:
  1. 1 year royalties, based on 5 yr. M&T average
  2. PLUS 50% of Gross known Performance Contracts from 2006

3. X - a figure recommended by accountant within range of 12.5 - 14.
  4. LESS payoff amount due M&T Bank as of date of death
  5. EQUALS date-of-death value of royalties, Image, Name and Persona
- c. The royalties, image and persona should be returned as Estate assets, with full disclosure that they may be claimed, in whole or in part, by James Brown Enterprises, Inc., which, in turn, may be claimed, in whole or in part, by the Trust.
- d. The PRs [Mr. Dallas and Mr. Bradley] should be directed to prepare... a compilation of a detailed report to accompany the above valuation when filed with the Estate Tax Returns in March, 2008, to include:
1. A complete explanation of the structure of the \$26,000,000, 7.98% Royalty-Backed Pay-through Note, Class A No A-1 (CUSIP No. 470277 AA2) and receipts, payments and misappropriations from said fund. (This would include the structure of James Brown Royalty Venture I SPC, Inc, James Brown, L.L.C., etc.)
  2. A detailed explanation of the filing and failure to file, tax returns with respect to the various entities.
  3. A compilation of all known and available information about Mr. Brown=s performance and other contracts during 2006 and 2007, including those entered into after death.
  4. Complete information about the structure of Brown Entities, including Geronimo Music Ltd., to the extent known.
  5. Complete information about any unpublished masters, to the extent known.
  6. A complete explanation of the Royal Bank of Scotland 2006 proposed refinancing transaction.
  7. A complete explanation of the proposal of Greenberg Traurig to refinance the TIAA note in October of 2006.

8. A complete explanation of Mr. Brown's relationship with David Cannon, 7<sup>th</sup> Decade, Intrigue and others which may be relevant to the valuation issue.

11. It is my understanding that neither the S.C. Attorney General nor any person interested in the estate B all of whom had access to the relevant documents B objected to the above valuation criteria for the Royalties and Publicity Rights on the estate tax return during the period the Court gave them to object.

12. It is my understanding, also, that Plaintiff Forlando Brown and Daryl Brown, a son who worked with James Brown in his band for years, have -- with others -- confirmed the value placed on Mr. Brown's assets by Messrs. Dallas and Bradley and Mr. Buchanan/Mrs. Pope.

13. I have reviewed documents by which Russell L. Bauknight and others asked the S.C. Supreme Court in May 2011 to accept a less-than \$4.7 million appraisal as the at-death value of James Brown's music empire.

14. A simple Google search, including the Forbes List of Top-Earning Dead Celebrities for 2007, with Brown's available public records, reveals the following about the at-death potential for Brown's Royalties and Publicity Rights:

- a. James Brown was No. 11 on the 2007 list of top-earning dead celebrities with a reported \$5 million. [In 2011 he generated \$10+ million.]
- b. Tupac Shakur was listed as earning \$9 million in the 2007 list. Forbes later reported his empire earned \$3.5 million in 2010.
- c. Bob Marley earned \$4 million, as No. 12 on the 2007 list. He continues to earn despite 20 years of litigation.
- d. Steve McQueen, No. 10 on the list, earned \$6 million. ~~\_\_\_\_\_~~

12/28/13

e. Elvis Presley's earnings were much higher than those of Brown, but James Brown's potential, especially in Asia, Africa and Europe, compared favorably with Presley's.

15. I have not reviewed or discussed the contents of the appraisal which purports to support the less-than \$4.7 million value, although I have recently heard the name of the appraisers.

16. Based on all of the above, it is my opinion to a reasonable degree of professional certainty in my field that:

a. Virtually all of the information to place an at-death value on the James Brown assets had been made publicly available by Orders of Judge Early and otherwise on or before May 26, 2009.

b. To date, given the stream of royalty income, branding opportunities at the time of his death and assets of James Brown, I am not aware of any facts which make the approximately \$85 million valuation placed on James Brown's music empire at death by Mr. Buchanan and Ms. Pope, or by their predecessors, unreasonable, and I believe the \$85 million to be reasonable.

c. To date, I am not aware of any facts which could support a willing buyer and a willing seller, each with knowledge of the relevant facts and circumstances, to place a less-than \$4.7 million value on James Brown's music empire his death.

16. It is my understanding that James Brown's "I Feel Good" Foundation, although it is a private foundation, has a public duty to commit its assets solely to providing scholarships for needy and deserving students.

17. Because of the "I Feel Good" Trust's public obligations and the secret, pre-death misappropriation of millions of dollars which should have gone to the "I Feel Good" Foundation, I am informed and believe that Mr. Buchanan and Mrs. Pope acted reasonably in continuing to conduct the operations of the Estate and 2000 Trust in an open manner for at least a reasonable period after more-than \$12 million was found missing and Messrs. Cannon and Dallas resigned.

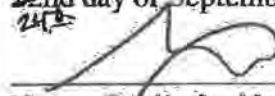
FURTHER DEPONENT SAYETH NOT.



A large, stylized handwritten signature in black ink, appearing to read 'R. B. Alexander'.

RICHARD B. ALEXANDER

SWORN TO before me this  
22<sup>nd</sup> day of September, 2013  
24<sup>th</sup>



(L.S.)  
Notary Public for North Carolina  
My Commission expires: 7/13/2014

# Exhibit E

STATE OF SOUTH CAROLINA \* IN THE COURT OF COMMON PLEAS  
\*  
COUNTY OF AIKEN \*  
\*  
ADELE J. POPE \* CASE NO. 2013-CP-02-1337  
\*  
Plaintiff, \*  
\*  
-vs- \*  
\*  
ESTATE OF JAMES BROWN \*  
and THE JAMES BROWN 2000 \*  
IRREVOCABLE TRUST, \*  
\*  
Defendants. \*  
\*

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THE DEPOSITION OF  
WALTER F. WILLIAMS  
January 26, 2017

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JILL C. SCHEIB, CERTIFIED COURT REPORTER  
447 Mauldeth Road  
Chattanooga, Tennessee 37415  
(423) 544-7886  
jillscheib@epbfi.com

1 APPEARANCES :

2 ADELE J. POPE, ATTORNEY AT LAW  
 3 Adele Pope Law Offices  
 4 1218 Taylor Street  
 5 Columbia, SC 29201  
 6 Appearing for the Plaintiff

7 BURL F. WILLIAMS, ATTORNEY AT LAW  
 8 Nexsen Pruet  
 9 1230 Main Street, Suite 700  
 10 Columbia, SC 29201  
 11 Appearing (Telephonically) for the Defendants

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25

1 to the community.

2 Q. Okay. Now, we also discussed that your speech  
3 is somewhat slow, but do you feel that you've been at all  
4 mentally impaired by your stroke?

5 A. Don't think I've been impaired mentally. I  
6 just speak slowly.

7 Q. Okay.

8 A. But other than that, I've not been impaired.  
9 I walk slowly, but I can walk.

10 Q. Good. And you walked here.

11 A. Yes.

12 Q. Good. Thank you. Now, Judge, if you'll tell  
13 me just a little bit about your history, both your  
14 professional history and your history of involvement in  
15 the community.

16 A. Well, I finished high school here in 1970,  
17 went to Morehouse College in Atlanta. Finished there in  
18 '74 and went to Howard University School of Law and  
19 finished in '77. I practiced for the Internal Revenue  
20 Service for three years, until 1980, when I returned to  
21 Chattanooga to start a law practice with Judge John  
22 McClarty. He's on the court of appeals now. But at that  
23 time he and I started a partnership, and remained  
24 together till '91 when I was elected to the City Court  
25 bench in 1991. And I remained there until 2003 when I

1 retired. I had enough years in that -- they gave us a  
2 year-and-a-half for every year we served, so I had enough  
3 time in to retire, which I did. And I returned to the  
4 private practice of law with the law firm of Jim McKoon.  
5 It became McKoon, Williams & Gold. Mr. Gold left and it  
6 became McKoon, Williams and Haun. Haun left and it  
7 became McKoon, Williams and Hegeman when I retired. Now  
8 it's called McKoon, Williams, Atchley & Stanley. But I'm  
9 a retired lawyer. And community-wise I was chairman of  
10 the board of deacons at my church, First Baptist Church,  
11 until my stroke, and then I retired as the chairman of  
12 the board of deacons and just a deacon.

13 I serve the community -- I retired as the  
14 chairman of the Westside Community Development  
15 Corporation. I'm involved in a lot of activities, but I  
16 retired from a lot of them because I'm just -- I don't  
17 drive, and my wife has to take me around, and she is not  
18 able to get me everywhere, so I pretty much stay home  
19 unless I'm called upon to go to a bar function. And  
20 sometimes I'll go to the Court and just sit around to  
21 just hear some of the cases as a spectator. But I don't  
22 do anything. I pretty much have retired from everything  
23 except I help out when I'm asked to help out.

24 Q. Okay. Judge, do you have a long history of  
25 interest in youth and education?

1       A.       Until my stroke, I was chairman of the  
2 Morehouse College board of -- excuse me -- the Morehouse  
3 students who wanted scholarships from Beasley  
4 Distributing Company. Mr. Beasley created two  
5 scholarships for worthy students to go to Morehouse  
6 College. He paid all their expenses, room and board,  
7 tuition, monthly stipends, Christmas gifts, everything,  
8 for the two students. I was chairman of that board.

9               I was also chairman of the -- for years, for  
10 at least ten years, chairman of the scholarships for 100  
11 Black Men, I started the program, and we gave out over a  
12 quarter of a million dollars to students who -- deserving  
13 students who wanted to go to college. I was chairman of  
14 that committee for at least ten years, the founding  
15 chairman, and I retired from that.

16              So I've had an interest in helping students go  
17 to school since my college days, because somebody had to  
18 help me go to school. And I have contributed and been a  
19 part of efforts to help students go to school not only at  
20 Morehouse, but other schools around the country.

21       Q.       Okay.

22       A.       In fact, my doctor, my cardiologist, Dr. Few,  
23 finished medical school and he was a recipient of the  
24 Morehouse scholarship.

25       Q.       The Morehouse scholarship?

1 Q. Oh, good. Good. All right. Now, I want to  
2 show you what we've looked at before today, and we'll  
3 mark that as Plaintiff's Exhibit 1.

4 (Whereupon, Plaintiff's Exhibit Number 1 was marked.)

5 Q. And this is an article from March 1, 2007.  
6 And if you'll just publish the title of the article in  
7 the Chattanooga.

8 A. Yes.

9 Q. Right. Is that big enough to read, Judge?

10 A. Walter Williams to Help Distribute James Brown  
11 Fortune.

12 Q. All right. And then it says: Named to  
13 Panel --

14 A. To Oversee Soul Singer's Educational Fund.

15 Q. Okay. And do you recall -- you've read this  
16 article before today.

17 A. Yes.

18 Q. Okay. And I'm interested in a few things.  
19 One is the very first sentence. It says: Former  
20 Chattanooga City Judge Walter Williams has been named to  
21 a board to decide how to distribute over \$100 million  
22 from the estate of soul singer James Brown. Do you know  
23 how The Chattanooga came up with that figure or that  
24 statement?

25 A. I mentioned it to John Wilson, who is the

1 editor of The Chattanooga, I mentioned it to John, and  
2 he wanted to do a story about it.

3 Q. Okay. So you were involved with --

4 A. Yes.

5 Q. -- the story to some extent. How did you  
6 know, or what did you know at that time, March 1, 2007,  
7 about the size of James Brown's fortune?

8 A. At Judge Bradley's home, some investors, I  
9 guess, they approached Judge Bradley about James Brown's  
10 estate.

11 Q. Uh-huh.

12 A. We knew that James Brown held onto his  
13 publishing rights to his masters. We knew --

14 Q. Excuse me. Could I stop you? I'm just going  
15 to tell the court reporter the words you said.

16 A. Yeah.

17 Q. His publishing rights and his masters. Did I  
18 say that correctly?

19 A. That's right.

20 Q. Keep going. I'm sorry.

21 A. And we assumed that his masters would be worth  
22 \$250,000 (sic) or more, because most of the artists had  
23 sold their masters, but James Brown never sold his.

24 Q. Okay.

25 A. And we thought then that it would be worth at

1 least \$250,000 (sic).

2 Q. Thousand or million?

3 A. Million.

4 Q. Okay.

5 A. 250 million.

6 Q. Right. And it was because of the masters and  
7 the publishing rights.

8 A. Right.

9 Q. Okay. Did you also consider his famous face  
10 and publicity rights?

11 A. We didn't consider -- that's the reason we  
12 said at least --

13 Q. Okay.

14 A. -- 250 million.

15 Q. Okay.

16 A. And I quoted 100 million because I knew we  
17 were talking 100 million.

18 Q. Right. So 100 -- from your perspective on  
19 March 1, 2007 and that of Judge Bradley was that 100  
20 million was conservative.

21 A. Oh, very much so.

22 Q. And Judge Bradley had substantial knowledge  
23 about James Brown's assets?

24 A. Oh, yes.

25 Q. And of course he's dead today.

1 signing documents, but it wasn't -- I didn't speak to her  
2 that often, I would say four or five times, about the  
3 status of the case, that's about it.

4 Q. Okay. And when you say status of the case,  
5 are you referring to the lawsuits challenging the will  
6 and trust?

7 A. Yeah. I know that it had gone to the Georgia  
8 Supreme Court and it had gone to the South Carolina  
9 Supreme Court, and I was just curious as to what was  
10 going on. But I haven't spoken to Mrs. Pope in some  
11 time. That's the reason I thought the matter was  
12 resolved. But apparently not.

13 Q. Yes, sir. Can you tell the -- well, strike  
14 that. Judge, can you tell the jury how many estates you  
15 have valued in your life?

16 A. Oh, thousands of them.

17 Q. Okay.

18 A. I used to have a pretty good practice of  
19 estate administration here in Chattanooga. I suspect  
20 that 85 percent of all of the estates of  
21 African-Americans in Chattanooga I handled.

22 Q. Okay.

23 A. So I have extensive experience in valuing  
24 estates.

25 Q. Okay. Can you tell the jury how often those

1 estates involved copyrights or masters?

2 A. Not often, not often.

3 Q. And how did you go about arriving at the value  
4 of James Brown's estate?

5 A. As I indicated, I was at Judge Bradley's home  
6 and a group of, I call them investors, and I and Judge  
7 Bradley were talking about the James Brown estate. They  
8 had indicated that they thought his masters copyright,  
9 et cetera, exceeded \$250 million. When I spoke to  
10 Mr. Wilson in the article, I used 100 million, a more  
11 conservative figure.

12 Q. Okay.

13 A. But I used it as a minimum, not a maximum.

14 Q. Yes, sir. Is it fair to say that your  
15 valuation number that you used is based upon what someone  
16 else told you, is that what you just testified to?

17 A. No. I just used 100 million. I was told by  
18 the investors that it was worth more than 250 million.

19 Q. Okay. And who were the investors?

20 A. They were -- they happened to come to a  
21 cocktail party that Judge Bradley had at his house. I  
22 called them investors. They may have been other people,  
23 but I think they were investors.

24 Q. Okay. Did you -- do you recall their names  
25 or --

# Exhibit F

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Forlando J. Brown,	)	Civil Action No.: 3:08-cv-00014-WOB
	)	
Plaintiff,	)	
	)	
vs.	)	<b>RETURN AND MEMORANDUM OF</b>
	)	<b>ADELE J. POPE OPPOSING</b>
Adele J. Pope, individually and As Trustee	)	<b>CONFIDENTIAL DESIGNATION OF</b>
of the Irrevocable Trust established by	)	<b>WINGATE LITIGATION AGREEMENT</b>
James Brown in August 1, 2000, and	)	<b>AND</b>
	)	<b>BAUKNIGHT APPRAISAL</b>
Robert J. Buchanan, Jr., individually and	)	
As Trustee of the Irrevocable Trust	)	
established by James Brown in August 1,	)	
2000,	)	
Defendants.	)	

Defendant and counterclaimant Adele J. Pope presents this Return and Memorandum in opposition to the motion of Russell L. Bauknight to designate two documents confidential. The documents for which confidential designation was sought by Mr. Bauknight are:

1. A Litigation Agreement executed on or about May 19, 2013 by which Henry McMaster, Attorney General of South Carolina ("AG McMaster"), the James Brown Legacy Trust ( the "Legacy Trust"), the Defendant James Brown 2000 Irrevocable Trust ("2000 Trust") and others authorized the private law firm of Kenneth B. Wingate, Sweeney, Wingate and Barrow, P.C. ("Wingate") to sue Defendants Buchanan and Pope in the name of the State/AG and others (the "Wingate Litigation Agreement"); and
2. A less-than \$4.7 million at-death appraisal was used between 2011 and March 2013 by the S.C. Attorney General and others to accuse Defendants Buchanan and Pope of committing the felony of intentionally overstating James Brown's music empire to the Internal Revenue Service ("IRS") by \$79 million to secure a \$5 million commission for their service to the Estate of James Brown. (the "Bauknight Appraisal")

Defendant Pope asks the Court to lift any confidentiality designation as to these documents for one, more or all of the following reasons:

1. Both are public documents.
2. Mr. Bauknight has violated the S.C. Probate Code by not filing the Bauknight appraisal.
3. No judge in the three counties where State Court James Brown matters are pending has found that the documents are confidential.
4. Mr. Bauknight's August 20, 2013 claim that he has not shown the Bauknight Appraisal to is incorrect – as evidenced at least by the multiple roles he holds, and in which he has used the appraisal.
5. The S. C. Attorney General has declared the Wingate Litigation Agreement a public document which, but for interference by Mr. Bauknight and Wingate in S. C. Freedom of Information Act (“FOIA”) compliance, would have been released in September 2011.
6. Mr. Bauknight has unclean hands, having manipulated two State Courts – and attempted to manipulate this Court – in order to delay the inevitable disclosure of two public documents.
7. All information necessary to complete the at-death appraisal of James Brown’s assets had been made public for substantial periods of time (or all) between August 10, 2007 and May 26, 2009.
8. Forlando Brown, in his own name, has never sought to conceal either document; has asserted that the Bauknight Appraisal is “bogus,” and is now the real-party-in-interest for Terry Brown in the Wingate Suit.
9. Designating the documents confidential will promote fraud by Forlando, who has confirmed the \$100 million value of Brown’s music empire to this Court while, under the name of Terry Brown, joining with Mr. Bauknight to claim the less-than \$4.7 million value to the S.C. Supreme Court.

Some of these reasons are discussed in detail below:

### **The Wingate Litigation Agreement is a Public Document**

On September 26, 2011 AG Alan Wilson declared that the Litigation Retention Agreement by which Wingate, a private law firm, sued Mr. Buchanan and Ms. Pope in the name of the State/AG and others was public. AG Wilson told South Carolina State Court

Judge L. Casey Manning that his office was “ready and more than willing” to release the Wingate Litigation Agreement.

AG Wilson then released on his website every other Litigation Retention Agreement used by the State of South Carolina since former AG Henry McMaster began the practice. In no instance was a private firm engaged to represent private individuals at the same time it represented the State/AG. In no instance were non-residents (such as Tommie Rae Hynie in the Wingate Case) co-plaintiffs with the State/AG. In no instance was a minor without a guardian ad litem (“GAL”) a co-plaintiff with the State/AG such as Sydney L., Carrington L., and Janise B in the Wingate Suit. In no instance were the defendants individual citizens of South Carolina such as in the Wingate Suit. In every instance the Attorney General or an attorney on his staff was named in the pleading. This was not the case in the Wingate Suit.

For two years – despite his confirmation that the Wingate Litigation Agreement was public – AG Wilson acquiesced in the machinations of Mr. Bauknight, Ms. Hynie and Terry Brown designed to delay the inevitable release of the Litigation Retention Agreement. They met with some success. To date no judge has heard or had an opportunity to rule on the issue. Mr. Bauknight, to date, has denied the justice which the South Carolina Freedom of Information Act (“FOIA”) demands by delaying it.

In its first *Wilson v. Dallas* decision the S. C. Supreme Court directed that the FOIA cases be heard “in the first instance.” AG Wilson's response by way of Motion for Rehearing acknowledged the importance of FOIA and asserted a belief that the FOIA matters would be concluded in a matter of months.

AG Wilson also notified the S. C. Supreme Court of his intention to be dropped as a party to the Wingate Suit. He asserted that his predecessor did not want to sue Mr. Buchanan and Pope, in part, because of their fine reputations. But an unidentified person persuaded him that he would breach his fiduciary duty as AG if he did not do so.

The second *Wilson v. Dallas* decision, issued May 8, dropped the FOIA mandate after these assurances from AG Wilson that FOIA compliance was imminent.

But Mr. Bauknight and Wingate wasted no time. On May 10 they asked Judge Manning to delay the FOIA matters for what may be years. They told Judge Manning that the deletion of the FOIA footnote meant that the S. C. Supreme Court placed no importance on prompt FOIA compliance.

Having asked the Richland County Court to delay any hearing on the release of the public Wingate Litigation Agreement and other public documents until the work of the Aiken County Court is concluded, Mr. Wingate now asks this Court to make these public documents confidential while until after both the Aiken Court and the Richland Court have delayed the matter for years.

FOIA's stated purpose is that public documents be made available in the least expensive manner possible. The Wingate Agreement is a public document.

#### **The Bauknight Appraisal is a Public Document**

In May 2011 Mr. Bauknight filed an amended sworn Inventory & Appraisal ("I&A") in the Aiken County Probate file of the Estate of James Brown. The value of Brown's iconic personal and household effects ("PHE") was reduced from about \$2 million to \$.5 million. The value of Brown's worldwide music empire was reduced from about \$84 million to less than \$4.7 million.

The South Carolina Probate Code Section 62 - 3 - 708 provides:

**Duty of Personal Representative; Supplementary Inventory**

If any property not included in the original inventory comes to the knowledge of the personal representative or if the personal representative learns that the value or description in the original inventory is erroneous or misleading, he shall make a supplementary inventory or appraisal showing the market value as of the date of the decedent's death of the new item or the revised market value or descriptions, and the appraisers or other data relied upon, if any, **and file it with the court, and furnish copies thereof or information thereof to persons who receive the original inventory and to persons interested in the new information.** (Emphasis added.)

Despite repeated requests Mr. Bauknight failed to file the Bauknight Appraisal as required by law.

On May 8, 2013 Mr. Bauknight's appointments as PR/Trustee were voided by the *Wilson v. Dallas* decision. His subsequent *ex parte* appointments and the orders which are allowing him to act temporarily are subject to challenge. None of that, however, diminishes his 2-year-old obligation to file the Bauknight Appraisal.

**Forlando has Not Sought a Confidentiality Designation**

There is strong evidence that members of James Brown's family who have tried to repudiate the McMaster Settlement have met with powerful opposition from their own siblings and lawyers who were – and still are – expecting to get more than \$20 million in fees from funds James Brown set aside for needy students.

On August 20 Mr. Bauknight squarely placed himself in the camp of those wishing to redo the McMaster Settlement. On August 20, 2013, in his deposition, Mr. Bauknight stated:

That's poppycock. Pure speculation from your client. 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. Your client testified about a law that doesn't even exist with respect to termination rights showing her total misunderstanding and lack of understanding of the business. 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.

#### **A Confidentiality Designation will Promote Continuing Fraud by Forlando**

For most of the existence of the two documents which are the subject of Mr. Bauknight's confidentiality claim Plaintiff Forlando Brown has take directly opposite positions in separate courts. He has done so since January 7, 2011 when he, AG McMaster, Mr. Bauknight and others agreed to a modification of Terry's right of first refusal ("ROFR") to buy James Brown's music empire and the assignment to Forlando of Terry's entire interest in the Estate of James Brown to Forlando.

During most of this period the "real" Forlando agreed with Defendant Buchanan and Pope as to many material issues, while Forlando *cum* Terry worked with Bauknight to take the opposite position. Those may be illustrated:

Forlando/Buchanan/Pope

Forlando (Terry)/Bauknight

- |   |   |
|---|---|
| 1. Hynie was not Brown's spouse & knew it.  | 1. Hynie was Brown's spouse.                            |
| 2. Music empire worth at least \$84 MM.   | 2. Music empire worth under \$4.7 MM                    |
| 3. Hynie "diary" Gag Orders void or expired.  | 3. Gag Orders should be enforced.                       |
| 4. McMaster Settlement should be set aside.   | 4. McMaster Settlement valid.                           |
| 5. Estate/2000 Trust should control Copyright Terminations through dealing with real heirs. | 5. Hynie & son control Copyright Termination elections. |
| 6. Forlando, no claims against Buchanan/Pope  | 6. Terry wants tens of millions for                     |
| 7. Forlando: Buchanan & Pope correct in IRS filing.   | 7. Terry: IRS filing criminal.                          |

Forlando made material misstatements either in his own name or secretly speaking for two years under Terry's name.

**Bauknight has used the Appraisal and Agreement for Strangers to the Estate**

On May 19, 2010 the Wingate Firm, engaged by Mr. Bauknight, brought the Richland County Suit for, among others, the following Plaintiffs:

1. The James Brown Legacy Trust;
2. Henry McMaster as Attorney General of South Carolina;
3. Russell Bauknight on behalf of the Attorney General of South Carolina;
4. Terry Brown;
5. Russell Bauknight on behalf of Terry Brown;
6. Tommie Rae Hynie
7. Russell Bauknight on behalf of Tommie Rae Hynie;
8. Deanna Thomas;

9. Russell Bauknight on behalf of Deanna Thomas;

10. James B., (Ms. Hynie's son);

11. Three minors without guardians ad litem.

12. The Estate of James Brown

13. The James Brown 2000 Trust. (the "Wingate Suit")

The Wingate Suit sought damages against Mr. Buchanan and Mrs. Pope for alleged wrongdoing, including:

- a. Not accepting a \$100 million offer to sell the Brown assets;
- b. Improperly valuing the assets, exposing the estate to unnecessary taxes;
- c. Conducting the *Wilson v. Dallas* appeal.

To suggest that four months after making these serious allegations Mr. Bauknight, as PR, received the Philpott Ball appraisal and did not share it with Mr. Wingate – or that he and Mr. Wingate did not share it with the Attorney General of South Carolina and other co-plaintiffs – is unprecedented.

To further suggest, as Mr. Bauknight has done, that the Attorney General of South Carolina then – for two years – accused Mr. Buchanan and Mrs. Pope of the following felony without looking at the appraisal is even more troublesome:

**I.R.C. § 7206 - FRAUD AND FALSE STATEMENTS**

**Any person who -**

**(1) DECLARATION UNDER PENALTIES OF PERJURY – Willfully makes and subscribes any return, statement, or other document, which contains or is**

**verified by a written declaration that is made under penalties of perjury, and which he does not believe to be true and correct as to every material matter; or**

...

**shall be guilty of a felony and, upon, conviction thereof, shall be fined ... , or imprisoned not more than 3 years, or both, together with the costs of prosecution.** [Emphasis supplied.]

If the Attorney General did not look at the appraisal he certainly had a right to do so, as it affected what may be South Carolina's largest-ever private foundation dedicated solely to providing scholarships for needy students.

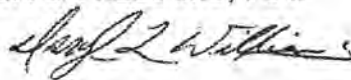
Many of Mr. Bauknight's co-plaintiffs in the Wingate Suit are strangers to the Estate. Yet he and Mr. Wingate have – or should have – shared the appraisal with them before making felony claims against Mr. Buchanan and Mrs. Pope.

### **Conclusion**

Based on the affidavits filed herewith, the voluminous record in this case and this return and memorandum, the requested claim of confidentiality for these two documents should be denied.

Respectfully submitted,

JETER & WILLIAMS, P.A.



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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Forlando J. Brown,	)	Civil Action No.: 3:08-cv-00014-WOB
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	<b><u>CONFIDENTIALITY ORDER</u></b>
Adele J. Pope, individually and As	)	
Trustee of the Irrevocable Trust	)	
established by James Brown in August	)	
1, 2000, and	)	
	)	
Robert J. Buchanan, Jr., individually	)	
and As Trustee of the Irrevocable Trust	)	
established by James Brown in August	)	
1, 2000,	)	
Defendants.	)	

---

Whereas, the parties to this Consent Confidentiality Order (“parties”), have stipulated that certain discovery material is and should be treated as confidential, and have agreed to the terms of this order; accordingly, it is this 6th day of August, 2008, ORDERED:

1. **Scope.** All documents produced in the course of discovery, all responses to discovery requests and all deposition testimony and deposition exhibits and any other materials which may be subject to discovery (hereinafter collectively “documents”) shall be subject to this Order concerning confidential information as set forth below.

2. **Form and Timing of Designation.** Confidential documents shall be so designated by placing or affixing the word “CONFIDENTIAL” on the document in a manner which will not interfere with the legibility of the document and which will permit complete removal of the Confidential designation. Documents shall be designated CONFIDENTIAL prior to, or contemporaneously with, the production or disclosure of the documents [**optional**: except for

documents produced for inspection under the "Reading Room" provisions set forth in paragraph 4 below]. Inadvertent or unintentional production of documents without prior designation as confidential shall not be deemed a waiver, in whole or in part, of the right to designate documents as confidential as otherwise allowed by this Order.

3. **Documents Which May be Designated Confidential.** Any party may designate documents as confidential but only after review of the documents by an attorney<sup>1</sup> who has, in good faith, determined that the documents contain information protected from disclosure by statute, sensitive personal information, trade secrets, or confidential research, development, or commercial information. The certification shall be made concurrently with the disclosure of the documents, using the form attached hereto at Attachment A which shall be executed subject to the standards of Rule 11 of the Federal Rules of Civil Procedure. Information or documents which are available in the public sector may not be designated as confidential.

4. **Reading Room.** In order to facilitate timely disclosure of large numbers of documents which may contain confidential documents, but which have not yet been reviewed and marked, the following "Reading Room" provisions may be utilized.

a. Documents may be produced for review at a party's facility or other controlled location ("Reading Room"), prior to designation as confidential. After review of these documents, the party seeking discovery may specify those for which further production is requested. The producing party shall then copy the requested documents for production. To

---

<sup>1</sup> The attorney who reviews the documents and certifies them to be CONFIDENTIAL must be admitted to the Bar of at least one state but need not be admitted to practice in the District of South Carolina and need not apply for *pro hac vice* admission. By signing the certification, counsel submits to the jurisdiction of this court in regard to the certification.

the extent any of the requested documents warrant a CONFIDENTIAL designation, the copies shall be so marked prior to further production.

b. Unless otherwise agreed or ordered, copies of Reading Room documents shall be requested within twenty days of review in the Reading Room and shall be produced within fourteen days after the request is made.

c. The producing party shall maintain a log of persons who have reviewed documents in the Reading Room and the dates and time of their presence.

d. The production of documents for review within the confines of a Reading Room shall not be deemed a waiver of any claim of confidentiality, so long as the reviewing parties are advised that the Reading Room production is pursuant to this provision and that the Reading Room may contain confidential materials which have not yet been marked as confidential.

e. Until such time as further production is made of documents reviewed in a Reading Room, the reviewing party shall treat all material reviewed as if it was marked CONFIDENTIAL at the time reviewed.

5. **Depositions.** Portions of depositions shall be deemed confidential only if designated as such when the deposition is taken or within seven business days after receipt of the transcript. Such designation shall be specific as to the portions to be protected.

6. **Protection of Confidential Material.**

a. **General Protections.** Documents designated CONFIDENTIAL under this Order shall not be used or disclosed by the parties or counsel for the parties or any other persons identified below (¶ 6.b.) for any purposes whatsoever other than preparing for and conducting the litigation in which the documents were disclosed (including any appeal of that litigation). The parties shall not disclose documents designated as confidential to putative class

members not named as plaintiffs in putative class litigation unless and until one or more classes have been certified.

b. **Limited Third Party Disclosures.** The parties and counsel for the parties shall not disclose or permit the disclosure of any documents designated CONFIDENTIAL under the terms of this Order to any other person or entity except as set forth in subparagraphs (1)-(5) below, and then only after the person to whom disclosure is to be made has executed an acknowledgment (in the form set forth at Attachment B hereto), that he or she has read and understands the terms of this Order and is bound by it. Subject to these requirements, the following categories of persons may be allowed to review documents which have been designated CONFIDENTIAL pursuant to this Order:

- (1) counsel and employees of counsel for the parties who have responsibility for the preparation and trial of the lawsuit;
- (2) parties and employees of a party to this Order but only to the extent counsel shall certify that the specifically named individual party or employee's assistance is necessary to the conduct of the litigation in which the information is disclosed<sup>2</sup>;
- (3) court reporters engaged for depositions and those persons, if any, specifically engaged for the limited purpose of making photocopies of documents;
- (4) consultants, investigators, or experts (hereinafter referred to collectively as "experts") employed by the parties or counsel for the parties to assist in the preparation and trial of the lawsuit; and

---

<sup>2</sup> At or prior to the time such party or employee completes his or her acknowledgment of review of this Order and agreement to be bound by it (Attachment B hereto), counsel shall complete a certification in the form shown at Attachment C hereto. Counsel shall retain the certification together with the form signed by the party or employee.

(5) other persons only upon consent of the producing party or upon order of the court and on such conditions as are agreed to or ordered.

c. **Control of Documents.** Counsel for the parties shall take reasonable efforts to prevent unauthorized disclosure of documents designated as Confidential pursuant to the terms of this order. Counsel shall maintain a record of those persons, including employees of counsel, who have reviewed or been given access to the documents along with the originals of the forms signed by those persons acknowledging their obligations under this Order.

d. **Copies.** All copies, duplicates, extracts, summaries or descriptions (hereinafter referred to collectively as "copies"), of documents designated as Confidential under this Order or any portion of such a document, shall be immediately affixed with the designation "CONFIDENTIAL" if the word does not already appear on the copy. All such copies shall be afforded the full protection of this Order.

7. **Filing of Confidential Materials.** In the event a party seeks to file any material that is subject to protection under this Order with the court, that party shall take appropriate action to insure that the documents receive proper protection from public disclosure including: (1) filing a redacted document with the consent of the party who designated the document as confidential; (2) where appropriate (*e.g.* in relation to discovery and evidentiary motions), submitting the documents solely for *in camera* review; or (3) where the preceding measures are not adequate, seeking permission to file the document under seal pursuant to the procedural steps set forth in Local Civil Rule 5.03, DSC, or such other rule or procedure as may apply in the relevant jurisdiction. Absent extraordinary circumstances making prior consultation impractical or inappropriate, the party seeking to submit the document to the court shall first consult with counsel for the party who designated the document as confidential to determine if some measure less restrictive than filing the document

under seal may serve to provide adequate protection. This duty exists irrespective of the duty to consult on the underlying motion. Nothing in this Order shall be construed as a prior directive to the Clerk of Court to allow any document be filed under seal. The parties understand that documents may be filed under seal only with the permission of the court after proper motion pursuant to Local Civil Rule 5.03.

8. **Greater Protection of Specific Documents.** No party may withhold information from discovery on the ground that it requires protection greater than that afforded by this Order unless the party moves for an Order providing such special protection.

9. **Challenges to Designation as Confidential.** Any CONFIDENTIAL designation is subject to challenge. The following procedures shall apply to any such challenge.

a. The burden of proving the necessity of a Confidential designation remains with the party asserting confidentiality.

b. A party who contends that documents designated CONFIDENTIAL are not entitled to confidential treatment shall give written notice to the party who affixed the designation of the specific basis for the challenge. The party who so designated the documents shall have fifteen (15) days from service of the written notice to determine if the dispute can be resolved without judicial intervention and, if not, to move for an Order confirming the Confidential designation.

c. Notwithstanding any challenge to the designation of documents as confidential, all material previously designated CONFIDENTIAL shall continue to be treated as subject to the full protections of this Order until one of the following occurs:

(1) the party who claims that the documents are confidential withdraws such designation in writing;

(2) the party who claims that the documents are confidential fails to move timely for an Order designating the documents as confidential as set forth in paragraph 9.b.

above; or

(3) the court rules that the documents should no longer be designated as confidential information.

d. Challenges to the confidentiality of documents may be made at any time and are not waived by the failure to raise the challenge at the time of initial disclosure or designation.

**10. Treatment on Conclusion of Litigation.**

a. **Order Remains in Effect.** All provisions of this Order restricting the use of documents designated CONFIDENTIAL shall continue to be binding after the conclusion of the litigation unless otherwise agreed or ordered.

b. **Return of CONFIDENTIAL Documents.** Within thirty (30) days after the conclusion of the litigation, including conclusion of any appeal, all documents treated as confidential under this Order, including copies as defined above (¶6.d.) shall be returned to the producing party unless: (1) the document has been entered as evidence or filed (unless introduced or filed under seal); (2) the parties stipulate to destruction in lieu of return; or (3) as to documents containing the notations, summations, or other mental impressions of the receiving party, that party elects destruction. Notwithstanding the above requirements to return or destroy documents, counsel may retain attorney work product including an index which refers or relates to information designated CONFIDENTIAL so long as that work product does not duplicate verbatim substantial portions of the text of confidential documents. This work product continues to be Confidential under the terms of this Order.

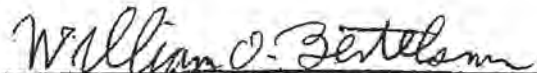
An attorney may use his or her work product in a subsequent litigation provided that its use does not disclose the confidential documents.

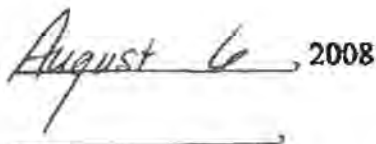
11. **Order Subject to Modification.** This Order shall be subject to modification on motion of any party or any other person who may show an adequate interest in the matter to intervene for purposes of addressing the scope and terms of this Order. The Order shall not, however, be modified until the parties shall have been given notice and an opportunity to be heard on the proposed modification.

12. **No Judicial Determination.** This Order is entered based on the representations and agreements of the parties and for the purpose of facilitating discovery. Nothing herein shall be construed or presented as a judicial determination that any specific document or item of information designated as CONFIDENTIAL by counsel is subject to protection under Rule 26(c) of the Federal Rules of Civil Procedure or otherwise until such time as a document-specific ruling shall have been made.

13. **[If by consent] Persons Bound.** This Order shall take effect when entered and shall be binding upon: (1) counsel who signed below and their respective law firms; and (2) their respective clients.

IT IS SO ORDERED.

  
The Honorable William O. Bertelsman  
Senior Judge  
United States District Court, Eastern  
District of Kentucky

  
\_\_\_\_\_



Date: [date attachment A signed]

[Signature of Counsel [s/name]]  
Signature of Counsel

[Printed Name of Counsel [A]]  
Printed Name of Counsel

**ATTACHMENT B**

**ACKNOWLEDGMENT OF UNDERSTANDING  
AND  
AGREEMENT TO BE BOUND**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

Forlando J. Brown,	)	Civil Action No.: 3:08-cv-00014-WOB
	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
Adele J. Pope, individually and As	)	<b><u>ACKNOWLEDGMENT OF</u></b>
Trustee of the Irrevocable Trust	)	<b><u>UNDERSTANDING AND AGREEMENT</u></b>
established by James Brown in August	)	<b><u>TO BE BOUND</u></b>
1, 2000, and	)	
	)	
Robert L. Buchanan, Jr., individually	)	
and As Trustee of the Irrevocable Trust	)	
established by James Brown in August	)	
1, 2000,	)	
Defendants.	)	

The undersigned hereby acknowledges that he or she has read the Confidentiality Order dated [confidentiality order date], in the above captioned action, understands the terms thereof, and agrees to be bound by such terms. The undersigned submits to the jurisdiction of the United States District Court for the District of South Carolina in matters relating to the Confidentiality Order and understands that the terms of said Order obligate him/her to use discovery materials designated CONFIDENTIAL solely for the purposes of the above-captioned action, and not to disclose any such confidential information to any other person, firm or concern.

The undersigned acknowledges that violation of the Stipulated Confidentiality Order may result in penalties for contempt of court.

Name: [undersigned name [att B]]  
 Job Title: [Job Title [att B]]  
 Employer: [Employer [att B]]  
 Business Address: [Business Address [att B]]

Date: [date attachment B signed]

[Signature [attachment B]]  
Signature

**ATTACHMENT C**

**CERTIFICATION OF COUNSEL OF NEED  
FOR ASSISTANCE OF PARTY/EMPLOYEE**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

Forlando J. Brown,

Plaintiff,

vs.

Adele J. Pope, individually and As  
Trustee of the Irrevocable Trust  
established by James Brown in August  
1, 2000, and

Robert L. Buchanan, Jr., individually  
and As Trustee of the Irrevocable Trust  
established by James Brown in August  
1, 2000,

Defendants.

Civil Action No.: 3:08-cv-00014-WOB

**CERTIFICATION OF COUNSEL OF  
NEED FOR ASSISTANCE OF  
PARTY/EMPLOYEE**

Pursuant to the Confidentiality Order entered in this action, most particularly the provisions of Paragraph 6.b.2., I certify that the assistance of [name of assistant [att C]] is reasonably necessary to the conduct of this litigation and that this assistance requires the disclosure to this individual of information which has been designated as CONFIDENTIAL.

I have explained the terms of the Confidentiality Order to the individual named above and will obtain his or her signature on an "Acknowledgment of Understanding and Agreement to be Bound" prior to releasing any confidential documents to the named individual and I will release only such confidential documents as are reasonably necessary to the conduct of the litigation.

The individual named above is:

- A named party;
- An employee of named party [employee of named party]. This employee's job title is [employee's job title] and work address is [employee's work address].

Date: [date attachment C signed]

[Signature [attachment C]]  
Signature

s/Adam T. Silvernail  
Adam T. Silvernail, Fed ID No. 11024  
Law Office of Adam T. Silvernail, LLC  
1901 Hampton Street  
Post Office Box 1898  
Columbia, South Carolina 29202  
Telephone: (803) 779-1770  
Facsimile: (803) 403-8092

**Attorneys for Defendant Adele J. Pope,  
Individually**

Columbia, South Carolina  
September 27, 2013

# Exhibit G



1 APPEARANCES

2 For the Plaintiff(s):

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6 Newberry, South Carolina 29108  
7 adele@popelawfirm.com

8 For the Defendant(s):

9 J. EMORY SMITH, JR., Attorney/Esquire  
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13 ESmith@scag.gov  
14 (For the S.C. Attorney General's Office)

15 WILLIAM G. NEWSOME, III, ESQUIRE  
16 NEXSEN PRUET ADAMS KLEEMEIER, LLC  
17 1441 Main Street, Suite 1500  
18 Columbia, South Carolina 29201  
19 bnewsome@nexsenpruet.com  
20 (For Russell L. Bauknight)

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1           **Attorney General Henry McMaster.**

2           A.   Well, this is 51 pages including the signature  
3           page. I recognize it as a -- this is a an e-mail  
4           and it says it's a memorandum in support of  
5           approving a settlement agreement. What do you  
6           want me to do?

7           **Q.   Right. I want you to refresh your recollection**  
8           **for as long as it takes because I want to talk to**  
9           **you about whether my -- the opposition of Bob**  
10          **Buchanan and Adele Pope to the settlement was**  
11          **reasonable. Because my commission --**

12          A.   Well, I'll tell you -- I'll tell you that now. I  
13          would say no because that's --

14          **Q.   Well, I need to know why.**

15          A.   Well, ma'am, that's going to -- if you're wanting  
16          me to read this and be able to engage in that kind  
17          of discussion, --

18          **Q.   I do.**

19          A.   -- you're going to miss your plane.

20          **Q.   That's all right. I can miss it.**

21          A.   And, by the way, that is not my signature.

22          That's -- someone apparently signed it for me.

23          **Q.   Well, if someone signs your signature and is not**  
24          **authorized to do it, you have means to fix that,**  
25          **don't you?**

1 A. Mrs. Pope, they would have been authorized to do  
2 it. I'm not asserting that any of these documents  
3 are fraudulent.

4 Q. Well, Mr. McMaster, you sued me six years ago, --

5 A. Ma'am, I did not sue you.

6 Q. -- and I have -- please let me finish the  
7 statement and the question. And I have not been  
8 --

9 A. That's a statement.

10 Q. -- paid for my work since 2007 as a result of the  
11 suit you brought against me, so I'm here today to  
12 find out whether there was any basis for bringing  
13 that suit. Judge Early has been told that I  
14 cannot be paid until Richland 4900 is concluded,  
15 and so I need to know what your basis for suing me  
16 for conducting an appeal of 4900 was, whether it  
17 was reasonable?

18 A. Ma'am, I did not sue you, --

19 MR. NEWSOME: Object to the form of the  
20 question.

21 A. So, I cannot give you --

22 MR. NEWSOME: There was no question.

23 Q. I hear you.

24 A. -- those reasons.

25 Q. I understand that. Well, no, no. You did -- you

1       **did --**

2       A.   You're interrupting me, ma'am.  I'm answering your  
3       question.  I can tell you that the settlement that  
4       this office promoted was reasonable, but as far as  
5       the suit against you, I did not bring the suit  
6       against you, so I am not in a position to discuss  
7       the reasons for that.  Now, my memory could be  
8       refreshed, but I did not bring this suit.

9       **Q.   Well, again, the basis, it begins with your**  
10       **position that declaring -- stipulating that Tommie**  
11       **Rae Hynie would be James Brown's spouse and ending**  
12       **the protection Bob Buchanan and Adele Pope were**  
13       **providing to James Brown's estate plan is the**  
14       **beginning of the problem.  This is right where we**  
15       **need to be.  I need to know why you think it's a**  
16       **wonderful settlement and this is what you, under**  
17       **your signature, have told the Court.  And so I'm**  
18       **going to ask you to take all the time it takes to**  
19       **refresh your memory about any justification you**  
20       **had for the settlement, which the Supreme Court**  
21       **later found dismembered James Brown's "I Feel**  
22       **Good" Trust.  So please take all the time you**  
23       **need.**

24       A.   Is that what this --

25               MR. NEWSOME:  Object to the form of the

# Exhibit H

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IN THE COURT OF THE COMMON PLEAS  
SECOND JUDICIAL CIRCUIT  
STATE OF SOUTH CAROLINA  
COUNTY OF AIKEN

-----X  
ADELE J. POPE,

PLAINTIFF,

-against-

Case No.:  
2013-CP--02-1337

ESTATE OF JAMES BROWN and THE JAMES BROWN  
2000 IRREVOCABLE TRUST,

DEFENDANTS.  
-----X

DATE: March 16, 2017

TIME: 1:18 P.M.

CONFIDENTIAL EXAMINATION BEFORE TRIAL  
of the Expert Witness, ROGER MILLER, CFA,  
taken by the respective parties, under the  
South Carolina Rules of Civil Procedure,  
pursuant to a Court Order, held at the  
offices of Shukat Arrow Hafer Weber &  
Herbsman, LLP, 494 Eighth Avenue, 6th  
Floor, New York, New York 10001, before  
Cleo Shenkin, a Notary Public of the State  
of New York.

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A P P E A R A N C E S:

ADELE J. POPE, ESQ.  
Plaintiff Pro se  
ADELE J. POPE  
1228 Walnut Street  
Newberry, South Carolina 29108  
BY: ADELE J. POPE, ESQ.  
adele@popelawfirm.com

NEXSEN PRUET, LLC  
Attorneys for the Defendants  
ESTATE OF JAMES BROWN and THE  
JAMES BROWN 2000 IRREVOCABLE TRUST  
55 East Camperdown Way, Suite 400  
Greenville, South Carolina 29601  
BY: BURL WILLIAMS, ESQ.  
BWilliams@nexsenpruet.com

ALSO PRESENT:  
RUSSELL BAUKNIGHT

\* \* \*

1 R. MILLER - CONFIDENTIAL

2 Q. Buy to own, okay. So buy low  
3 and produce a lot?

4 A. Produce a lot.

5 Q. Right. So, but buy low is  
6 still essential to the concept, right?

7 A. When possible.

8 Q. Right.

9 A. But, in my experience, if you  
10 want to buy this type of high quality  
11 content, you are often, more so than not, a  
12 price taker, not a price maker in the  
13 market.

14 Q. So you think James Brown's  
15 assets were very spectacular assets, don't  
16 you?

17 A. Solid gold.

18 Q. Solid gold, right, right.

19 Okay. Good. I do too. We are  
20 in agreement.

21 And you have had great success  
22 in what you have done, haven't you?

23 A. I suppose.

24 Q. You have. I enjoyed reading  
25 about you.

1 R. MILLER - CONFIDENTIAL

2 everybody in your field knows that there  
3 are lots the private equity people out  
4 there eagerly chases these assets?

5 A. Correct.

6 And many of them issue press  
7 announcements when they raise their money.

8 Q. Right. And that would mean  
9 both the catalogs and the termination  
10 rights?

11 A. Correct.

12 Q. And there is nothing second  
13 secret about your opinion that James  
14 Brown's is a solid gold catalog?

15 A. No.

16 I think anybody would agree.

17 Q. Okay.

18 A. Who is familiar with the work.

19 Q. Okay. And there is nothing  
20 secret about your opinion that 15 to 20  
21 times multiples would not be an  
22 unreasonable value for James Brown's  
23 catalog?

24 A. No.

25 Q. Nor would it have been when he

1 R. MILLER - CONFIDENTIAL

2 died?

3 MR. WILLIAMS: Object to the  
4 form.

5 Q. I'm sorry, go ahead an answer.

6 A. When he died, valuations were  
7 as frothy, if not more so.

8 There was an initial, what I  
9 call, influx of private equity in the space  
10 around 2004 and '5. My firm originated in  
11 2006 and we were the only ones who  
12 remained, everybody else was later  
13 consolidated. But there was a time when 20  
14 times was a pretty common multiple of pay  
15 for very high quality assets like this.

16 Q. Okay. And that would have been  
17 about the time of James Brown's death,  
18 right?

19 A. Yes.

20 Q. Okay. And, let me just ask you  
21 this, because you know all of this and I  
22 don't, but when there was the general  
23 downturn in 2008, is it fair to say that  
24 these kinds of assets held their value as  
25 well as anything else?

1 R. MILLER - CONFIDENTIAL

2 A. It is.

3 Q. Or even better?

4 A. Yeah, I would say even better.  
5 Our best year, as I recall, was  
6 2008.

7 Q. Okay.

8 MS. POPE: Thank you very much.  
9 I pretty much your time.

10 MR. WILLIAMS: One thing I  
11 failed to do is I have his bio and  
12 his CV, I want to make it a part of  
13 the record, just in case it needs to  
14 be.

15 Can I just -- can we --

16 MS. POPE: Yes.

17 Mr. Williams has asked that we  
18 make your bio an exhibit.

19 THE WITNESS: Certainly.

20 MS. POPE: And that is your bio  
21 that you have presented to him?

22 MR. WILLIAMS: Yes, so I want  
23 to show it to you --

24 MS. POPE: I have it.

25 MR. WILLIAMS: Oh, you do. And

# Exhibit I

STATE OF SOUTH CAROLINA COURT OF COMMON PLEAS  
COUNTY OF AIKEN

- - -

ADELE J. POPE, :  
 : Civil Action No. :  
 Plaintiff, :  
 : 2013-CP-02-1337  
 vs. :  
 :  
 ESTATE OF JAMES BROWN and THE :  
 JAMES BROWN 2000 IRREVOCABLE :  
 TRUST, :  
 :  
 Defendants. :

---

DEPOSITION OF JAMES HARDIN, III

---

DATE TAKEN: March 23, 2017  
TIME BEGAN: 10:03 a.m.  
TIME ADJOURNED: 1:48 p.m.  
LOCATION: Office of James C. Hardin, III  
113 East Main, Suite 330  
Rock Hill, South Carolina  
REPORTED BY: Tami I. Watters, RPR, CRR  
EveryWord, Inc.  
P.O. Box 1459  
Columbia, South Carolina 29202  
(803) 212-0012

1 APPEARANCES:

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5 Newberry, South Carolina 29108  
6 (803) 413-0753  
7 adele@popelawfirm.com  
8 Pro Se

9 NEXSEN PRUET, LLC  
10 BY: WILLIAM G. NEWSOME, III, ESQUIRE  
11 1230 Main Street  
12 Suite 700  
13 Columbia, South Carolina 29201  
14 (803) 771-8900  
15 bnewsome@nexsenpruet.com

16 ALSO PRESENT:

17 RUSSELL BAUKNIGHT  
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1 MR. NEWSOME: Object to the form.

2 THE WITNESS: I think my answer would  
3 depend upon how yourself and Bob, Adele,  
4 learned of and developed -- the basis of your  
5 learning about this -- this formula.

6 BY MS. POPE:

7 Q And if I told you that Roger Miller, an  
8 expert for defendants, has said that James Brown's  
9 copyrights, which produced the royalties, today  
10 may -- may have a value of 15 to 20 times royalties  
11 and that at James Brown's death, that multiple  
12 could have been higher, would you think that  
13 perhaps Mr. Buchanan and Ms. Pope had -- had some  
14 consultations in connection with that?

15 A I would.

16 MR. NEWSOME: Object to the form of the  
17 question.

18 BY MS. POPE:

19 Q And if they had in fact consulted with  
20 industry people and proposed that formula, would  
21 you think anything was wrong with it?

22 A No.

23 Q Okay. And looking at the \$84 million  
24 value now, are you aware that the \$84 million value  
25 placed on -- by Bob Buchanan and Adele Pope on the

1 James Brown Schedule F-2 assets included all of the  
2 following: James Brown's more than 850 copyrights,  
3 James Brown's publicity rights, James Brown's claim  
4 for the \$17 million taken against Cannon,  
5 James Brown's claim against Greenberg Traurig for  
6 various actions prior to Mr. Brown's death which is  
7 now said to be as much as \$30 million,  
8 James Brown's fleet of vehicles, including his  
9 Rolls-Royce, and a substantial part of  
10 James Brown's tangible personal property, both  
11 business personal property and personal property,  
12 would you have any reason to think that that figure  
13 was too high?

14 A No, I wouldn't.

15 Q And if someone told you all of those  
16 assets had been appraised by a professional  
17 appraiser at \$4.7 million, would you have a  
18 question about the -- either the competence of the  
19 professional appraisal or the information which he  
20 was given?

21 A I would.

22 Q Okay. Have you heard before today that  
23 in fact the attorney general and the attorney  
24 general's appointed trustee told both the IRS and  
25 the South Carolina Supreme Court that James Brown's

1 Schedule F-2 assets were worth only \$4.7 million?

2 A I had not.

3 Q Okay. Can you explain what the  
4 Bosch Principle is?

5 A Yes. That means that the -- or the  
6 holding in Bosch was that the federal courts, and  
7 particularly the IRS, is not bound by a state  
8 withholding unless it is the highest court in the  
9 state.

10 That's a very crude rendition of Bosch.  
11 It has many nuances, but ...

12 Q And is it fair to say that the attorney  
13 general or his appointed fiduciary were trying to  
14 get the supreme court to make a finding that  
15 James Brown's assets -- James Brown's music empire  
16 was worth less than \$4.7 million, one might need to  
17 view that action to determine if there was a breach  
18 of fiduciary duty?

19 MR. NEWSOME: Object to the form of the  
20 question.

21 THE WITNESS: Yeah. I think that that  
22 would be something deserving of review.

23 BY MS. POPE:

24 Q Okay. Would that be especially true  
25 based on the fact that James Brown's copyrights

1 Q Right. Right. And do you think if the  
2 attorney general were standing by a person making  
3 incorrect representations to the IRS, that the IRS  
4 might be less likely to bother with it?

5 A That's correct. I would think so.

6 Q Because of the Bosch issue?

7 A That's right.

8 Q Yeah. Yeah. Okay. And if a fiduciary  
9 claimed a \$3 million charitable deduction for  
10 James Brown's charity with knowledge that 2 million  
11 of that was allocated to private individuals, that  
12 wouldn't be right, would it?

13 A It would not.

14 Q And if it slipped through an audit, that  
15 wouldn't mean that it was right?

16 A No.

17 Q And if the attorney falsely accused  
18 Bob Buchanan and Adele Pope of overstating the  
19 value of James Brown's assets by \$79 million for  
20 the improper purpose of securing a \$5 million  
21 commission, that was an accusation that they had  
22 committed a felony?

23 MR. NEWSOME: Object to the form of the  
24 question.

25 THE WITNESS: It would certainly sound

1           that way, yes.

2       BY MS. POPE:

3           Q     Right.  And if he did that without even  
4     looking at an appraisal that he said supported a  
5     \$4.7 million claim, that would be reckless?

6           A     I would think it would be.

7           Q     Yes.

8           MR. NEWSOME:  Thank you.

9           MS. WATTERS:  Would you like a copy of  
10    the transcript?

11          MR. NEWSOME:  Please.

12          MS. POPE:  I want an e-tran but no  
13    exhibits.

14          THE WITNESS:  I do want to read and sign.

15                               - - -

16                               (Witness excused.)

17                               - - -

18                               (Deposition concluded at 1:48 p.m.)

19                               - - -

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# Bob's & Adele's Correct \$84 Million Value for James Brown Assets

## I. Evidence of \$84 Million Value Before Bob & Adele Named.

- 2003 -2006 Brown earns \$18 Million between 2003 and 2006 in Road shows (Morris)
- 2000 - 2007 Brown earns \$3 million a year in royalties from copyrights.
- May 2006 Royal Bank of Scotland.Appraisal puts major copyrights at \$42 Million.
- At Death Brown has claim against Cannon for \$12+ Million taken since 1999.
- At Death Movie Deal option pending & paying Brown each year, \$750K total.
- At Death Brown has claim against Morgan Stanley for Cannon \$10 MM takings.
- At Death Brown has claim against Katz/GT re: Oct. 18 Ltr., RBS deal, etc.
- Early 2007 Jg. Walter Williams discusses \$250 Million value of James Brown assets with investors & Jg. Bradley, who has knowledge of Brown holdings.
- Jan. 2007 Cannon/Dallas offer Yamma & Deanna \$5 Million, 5% of assets.  
[ *Cold Sweat*]
- Jan. 2007 Daryl, others report Cannon trustees digging for cash at Beech Island.  
[Cannon later confirms boxes of money and buried funds.]
- Early 2007 Pinnacle issues prospectus to raise \$200 Million to buy/manage assets.
- Feb. 2007 R. Peebles reports Brown earning \$1 million per week on European tours.
- Feb. 2007 Hynie's lawyer claims "Book of Music" (copyrights) alone may be worth \$100 million. Confirms Hynie has substantial knowledge of assets.
- March 2007 Jg. Williams' \$100 Million value reported to *Chattanooga* is conservative.

## II. More Evidence of \$84 Million Value While Bob & Adele SAs.

- May 2007 Dr. Cox values publicity rights at \$40-\$50 Million; Royalties, \$36-\$45 MM.



- Sept. 2007 Wm. Sellars, CPA seeks IRS estate tax extension with \$80 MM value.
- Oct. 2007 Cox Group, TJBL, issues first "Letter of Intent" to Dallas for \$100 MM.
- 2007 Buddy Dallas tells Bob & Adele \$100 Million sale under Oct. 18 Ltr. ok.
- Nov. 2007 Dr. Cox reports Industry Standard for Royalties = 12 ½ x revenues.
- Nov. 2007 Tax Atty. Wm. Hammond value assets at \$85,663,562.99 on I & A.
- Nov. 2007 Bob & Adele propose to value Royalties/Publicity Rights by formula  
12 ½ - 14 times Royalties plus ½ annual Gross Road Revenues.
- Nov. 2007 Neither AG McMaster nor anyone else opposes valuation proposal.

### **III. More Evidence of \$84 Million Value While Bob & Adele PR/Trustees.**

#### **2007**

- Dec. 2007 AG Jones inquires about \$100 Million offer. Oct. 18 Ltr. prevents sale.

#### **Dec. 2007 Will/Trust Challenges Put Temporary Hold on Consideration of Sales.**

#### **2008**

- Jan. 2008 Forlando/Powell Goldstein (PG) claim tens of millions in 2000 Trust.
- Feb. 2008 Second TJBL \$90 - \$100 Million letter of Intent. First Terry \$2 Million offer for all TPP.
- By Mar. 2008 Estate/2000 Trust sue Cannon, MS, GT Now pending. Seeking \$30MM.
- Mar. 2008 Cannon takings known to be \$17 Million. (MS + \$5 MM "check to nobody")
- March 2008 3<sup>rd</sup> TJBL \$90 - \$100 Million offer for 2000 Trust assets. 2d Terry offer.
- Aug. 2008 McMaster Settlement Reached. Bob & Adele asked to "stand down."
- Sept. 2008 AG & Settling parties decline to help w/ preparation of Est. Tax Return.
- 2008 Prof. Einhorn advises Bob Brown's Copyrights likely 15 - 20 x revenue
- Sept. 2008 Bob, Adele, Sellars file Est. Tax Return w/ Value at about \$84 Million.

- Sept. 2008 Forlando says under oath that \$150 Million offers still available.
- Oct. 2008 AG and all Settling Parties given Estate Tax Return. No objections filed.

**2009**

- Jan. 2009 Bob & Adele invite AG, Hynie, etc. to Corbis/GreenLight meeting, NYC.
- Feb. 2009 Jg. Early's order frees Bob and Adele to propose Right of First Offer.
- 2009 Hynie's lawyers seek *ex parte* Order to stop any sale of Brown assets.
- Spring 2009 Bob and Adele warn AG McMaster of Terry/Bell devaluation scheme.
- Spring 2009 Harley Ruff, Esq. testifies about Estate/other tax problems of Settlement.
- Spring 2009 Bob & Adele propose Corbis/GreenLight Publicity Rights Deal projected to bring in \$2 Million per year. Rejected by Settling Parties.

**IV. More Evidence of \$84 Million Value By Filing of Richland 4900**

- June 2009 Bob & Adele urge F. Kingsmore of Nexsen Pruet (NP) & Russell to begin Corbis/GreenLight 2-year Publicity Rights contract, expected to earn \$2 Million per yr.
- June 2009 Kingsmore says it seems a good idea, but must check w/ David Bell.
- Aug. 2009 Hynie's lawyer (Medlin) proposes to Nexsen Pruet (NP) and others to devalue Brown's copyright to 6- 8 x revenues & publicity rights at ZERO.
- Sept. 2009 NP attorney Wilkins requests lift of stay during McMaster Settlement appeal. States:

THE STAY SHOULD BE LIFTED TO ALLOW BAUKNIGHT TO CONTINUE AND TO EXECUTE THE PLANS THAT HE WAS ALREADY WORKING ON TO ENTER INTO VARIOUS BUSINESS VENTURES FOR THE ESTATE; FOR EXAMPLE, MARKETING JAMES BROWN'S MUSIC, MARKETING HIS IMAGE, HIS PERSONA, DEVELOPING VIDEO GAMES WITH JAMES BROWN AS THE CENTRAL CHARACTER, PRODUCING A DIGITAL REBIRTH OF JAMES BROWN JUST LIKE THE BEATLES ARE DOING TODAY AND NEGOTIATING A MOVIE DEAL. WE'VE HAD NUMEROUS OPPORTUNITIES TO ENTER INTO DOCUMENTARY SERIES ABOUT JAMES BROWN AND **ALL OF THESE THINGS ARE JUST SITTING THERE READY TO GO...**

- 2010 Richland 4900 claims Bob & Adele should have accepted \$100 million offer to Dallas in 2007 while telling IRS & Supreme Court no offers made.

# Exhibit J

1 STATE OF SOUTH CAROLINA ) COURT OF COMMON PLEAS  
 2 COUNTY OF AIKEN ) C/A #: 2013-CP-02-1337  
 3  
 4 Adele J. Pope, )  
 5 Plaintiff, )  
 6 v. )  
 7 Estate of James Brown and the )  
 8 James Brown 2000 Irrevocable )  
 9 Trust, )  
 10 Defendants. )

11 DEPOSITION OF  
 12 W. STEVEN JOHNSON, ESQUIRE  
 13 \*\*\*\*\*

14 Wednesday, July 20, 2016  
 15 10:13 a.m. - 1:35 p.m.

16 The deposition of W. STEVEN JOHNSON, ESQUIRE,  
 17 taken on behalf of the Plaintiff at the law offices  
 18 of TODD AND JOHNSON, 609 Sims Avenue, Columbia, South  
 19 Carolina, on the 20th day of July, 2016 before Carla  
 20 S. Dominick, Court Reporter and Notary Public in and  
 21 for the State of South Carolina, pursuant to Notice  
 22 of Deposition and/or agreement of counsel.

1 Plaintiff's Exhibit Number Seven ..... 15  
 2 (Ltr to Attorney General Alan Wilson from  
 3 Plt; dtd 5/17/13)  
 4 Plaintiff's Exhibit Number Eight ..... 19  
 5 (Ltr to S. Johnson from Plt; dtd 6/13/13)  
 6 Plaintiff's Exhibit Number Nine ..... 22  
 7 (Exhibit 17 with Summons; dtd 6/27/08)  
 8 Plaintiff's Exhibit Number Ten ..... 23  
 9 (Ltr to Judge Early from Attorney General  
 10 Henry McMaster; dtd 7/7/08)  
 11  
 12 Defendant's Exhibit Number One ..... 40  
 13 (Todd & Johnson, LLP Pre-bill Worksheet for  
 14 S. Johnson; dtd 9/4/12 )  
 15 Defendant's Exhibit Number Two ..... 73  
 16 (Supreme Court Opinion; dtd 5/8/13)  
 17 Defendant's Exhibit Number Two ..... 80  
 18 (Supreme Court Order; dtd 6/10/15)

STIPULATIONS

19 It is stipulated and agreed that this  
 20 deposition is being taken pursuant to the South  
 21 Carolina Rules of Civil Procedure.

22 It is stipulated by and between counsel and the  
 23 witness that the reading and signing of the following  
 24 deposition be, and the same are, hereby not waived.  
 25 Signature sheet is attached at page 125.

1 APPEARANCES  
 2 Adele J. Pope, Esquire  
 3 LAW OFFICE OF ADELE J. POPE PC  
 4 1228 Walnut Street  
 5 Newberry, South Carolina 29108  
 6 Attorney for the Plaintiff  
 7 adelo@popelawfirm.com

8 William G. Newsome, III, Esquire  
 9 NEXSEN PRUET  
 10 1230 Main Street, Suite 700  
 11 Columbia, South Carolina 29201  
 12 Attorney for the Personal Representative,  
 13 Russell Banknight,  
 14 bnewsome@nexsenpruet.com

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15 MR. JOHNSON: PAGE:  
 16 MS. POPE ..... EXAMINATION ..... 4  
 17 MR. NEWSOME ..... EXAMINATION ..... 32  
 18 MS. POPE ..... RE-EXAMINATION ..... 91  
 19 MR. NEWSOME ..... RE-EXAMINATION ..... 115  
 20 Signature Sheet ..... 125  
 21 Certificate ..... 126

EXHIBITS

22 Plaintiff's Exhibit Number One ..... 5  
 23 (Affidavit of W. Steven Johnson; dtd  
 24 7/20/09)  
 25 Plaintiff's Exhibit Number Two ..... 5  
 (Curriculum Vitae of W. Steven Johnson)  
 Plaintiff's Exhibit Number Three ..... 13  
 (Exhibit 5 of the Estate/Trust of James  
 Brown)  
 Plaintiff's Exhibit Number Four ..... 13  
 (Exhibit 12 Attorneys Fees for Tressa T.H.  
 Hayes dtd 7/22/08 & 5/26/09)  
 Plaintiff's Exhibit Number Five ..... 13  
 (Exhibit 11 Attorney Fees and Cost -  
 James D. Bailey, Esquire; dtd 1/2/08 &  
 5/26/09)  
 Plaintiff's Exhibit Number Six ..... 15  
 (Forbes Article of Top-Earnings for  
 Dead Celebrities)

1 W. STEVEN JOHNSON, ESQUIRE, having been duly sworn,  
 2 deposes and testifies as follows:  
 3 MR. JOHNSON - EXAMINATION BY MS. POPE:  
 4 Q: Steve, I'm Adele Pope. Would you state your  
 5 full name for the record?  
 6 A: W. Steven Johnson.  
 7 Q: Thank you. Have you had your deposition taken  
 8 before?  
 9 A: I have.  
 10 Q: Would -- and you are a lawyer?  
 11 A: I am.  
 12 Q: Would you like for me to explain the deposition  
 13 process to you?  
 14 A: No, that's okay.  
 15 Q: Not necessary?  
 16 A: Not necessary.  
 17 Q: Okay. Thank you. Okay. Steve, I may refer to  
 18 myself in this deposition as Mrs. Pope or Adele  
 19 Pope because I am a pro se plaintiff in this  
 20 action and it may be easier to decipher what  
 21 we're talking about if I do.  
 22 A: Okay.  
 23 Q: Is that all right? Okay. Now, tell me why you  
 24 are present at this deposition on the 20th of  
 25 July of 2016?

1 adverse estate tax result. That's what I  
 2 recall from my reading of it.  
 3 Q: Okay. Then if I tell you that there's multiple  
 4 places that says it would create a 40 million  
 5 dollar tax problem, does that sound correct?  
 6 A: That -- that -- that sounds ...  
 7 MS. POPE: Object -- sorry, excuse me. Object to  
 8 the form.  
 9 A: I think I read that in the -- in the brief.  
 10 Q: Okay. And do you know whether that was correct  
 11 or not?  
 12 A: I don't.  
 13 Q: Okay. Do you know whether the IRS audited the  
 14 estate tax return in this case?  
 15 A: I don't.  
 16 Q: Okay.  
 17 A: I don't.  
 18 Q: And if I tell you that they did and that there  
 19 was no estate tax problem  
 20 MS. POPE: Object to the form, there was no audit.  
 21 Q: All right. You can't do that speaking  
 22 objection, so please just object to the form.  
 23 MS. POPE: I will. I apologize. I withdraw the  
 24 objection.  
 25 Q: And I'll rephrase the question.

1 Q: That's just speculation?  
 2 A: --- I'm answering hypothetically back to you.  
 3 Q: Okay. Do you know anything about federal  
 4 copyright law?  
 5 A: I don't.  
 6 Q: Okay. Do you know -- have you ever heard of  
 7 the term termination rights?  
 8 A: I believe that I have.  
 9 Q: Okay. Where did you hear about that?  
 10 A: I believe that in some of my studies, I have  
 11 been warned by public professionals who know  
 12 something about copyright law that it doesn't  
 13 pass pursuant to the terms of the will, but  
 14 goes by operation of law to the survivors of  
 15 the estate.  
 16 Q: Okay.  
 17 A: And that's -- that's my recollection of what  
 18 you're asking me about.  
 19 Q: Do you --  
 20 A: I don't know -- I don't know whether I'm right  
 21 or wrong about that.  
 22 Q: Okay. Do you know if that was an issue in this  
 23 estate?  
 24 A: I don't.  
 25 Q: Okay. In the documents you reviewed, do you

1 A: Please, please.  
 2 Q: So hypothetically, if the IRS reviewed the  
 3 estate tax return filed by Mr. Bauknight and  
 4 the settlement agreement and there was no 40  
 5 million dollar estate tax issue, does that  
 6 affect your opinion about these representations  
 7 that Pope and Buchanan made to the court?  
 8 A: Not really because it depends on the quality of  
 9 the auditor that you got and you might have  
 10 just gotten lucky and gotten an auditor who  
 11 didn't know what they were doing, so you just  
 12 got lucky and didn't have a -- an adverse  
 13 estate tax result. You know, I know that --  
 14 that Adele had sought the services of Harley  
 15 Ruff down in Beaufort and I know that they were  
 16 concerned and the fact that the concern didn't  
 17 manifest itself in -- in the estate tax audit,  
 18 I would say the chances are that, that was just  
 19 the luck of the draw in getting an estate tax  
 20 auditor who didn't know what the hell they were  
 21 doing.  
 22 Q: But you don't know that?  
 23 A: I don't know that.  
 24 Q: Okay.  
 25 A: But I'm answering --

1 know whether Pope and Buchanan considered  
 2 termination rights in this case?  
 3 A: I don't.  
 4 Q: Okay. Do you know whether the settlement  
 5 involved termination rights in this case?  
 6 A: The settlement agreement among the parties?  
 7 Q: Yes.  
 8 A: I don't.  
 9 Q: Okay. If I represent to you that it did and  
 10 that you had that -- had that document in your  
 11 file ...  
 12 MS. POPE: I object.  
 13 Q: Okay.  
 14 A: I did not remember that.  
 15 Q: Okay.  
 16 MS. POPE: Are you representing to him that he had  
 17 that in his file and that it said that?  
 18 MR. NEWSOME: I'm going to look at my file.  
 19 Q: Mr. Steve, one of the documents that you  
 20 reviewed -- it's referenced in your affidavit,  
 21 is the order Judge Early signed approving the  
 22 settlement agreement, is that correct?  
 23 A: That's correct.  
 24 Q: Can I ask you to take a look at that?  
 25 A: What -- Billy, what exhibit number is it?

# Exhibit K

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Forlando J. Brown,

Plaintiff,

vs.

Adele J. Pope, individually and As Trustee  
of the Irrevocable Trust established by  
James Brown in August 1, 2000, and

Robert J. Buchanan, Jr., individually and  
As Trustee of the Irrevocable Trust  
established by James Brown in August 1,  
2000,

Defendants.

Civil Action No.: 3:08-cv-00014-WOB-JGW

**Affidavit of William Jeffrey Smith  
Opposing Motion of Russell  
Bauknight to Designate  
Documents Confidential**

PERSONALLY APPEARED BEFORE ME, William Jeffrey Smith, who being duly sworn deposes and says:

1. The affidavit is made of my own personal knowledge.
2. I am a graduate of Clemson University where I served as president of the Philosophy Club. I graduated from Georgetown University School of Law.
3. I formerly served as a patent examiner in the U.S. Patent Office, and have had a decades-long interest in 20<sup>th</sup> century music – especially as it relates to film.
4. Some time ago I served without objection as an expert in a case in which Sr. Assistant AG Havird "Sonny" Jones and Adele Pope were involved. I testified about the writing of Elmer Gates, a scientist and writer. As I recall, among the questions before the Court was whether a fund Mr. Gates created for the preservation of his body of work was to be considered a charitable or private trust.

5. I am co-author with Ms. Pope of *Private Foundations, Copyright Heirs and Musical Millionaires: Why the James Brown "I Feel Good" Trust doesn't...* which was circulated in draft form to professionals for comment in April 2011.

6. *Private Foundations...* explores how a 2008 settlement related to the estate of entertainer James Brown forged by former S. C. Attorney General Henry McMaster threatened to destroy Brown's "I Feel Good" Trust by:

- a. An improper determination of heirs under the Federal Copyright Act, including a "stipulation" that a non-spouse, Tommie Rae Hynie, was a spouse.
- b. A proposed transfer of 52 ½% of Brown's assets to Hynie and half or fewer of Brown's proven heirs under the Copyright Act in contravention of two valid estate plans.
- c. Giving Terry Brown a right of first refusal to purchase Brown's music empire ("ROFR") at "fair market value," inviting a devaluation by Terry and others<sup>1</sup>.

7. The McMaster Settlement and the appointment of Russell Bauknight as Brown's PR and trustee of the "I Feel Good" Trust were voided by the May 8, 2013 *Wilson v. Dallas* decision of the S. C. Supreme Court.

8. It is my understanding that Bauknight, Hynie, Atlanta attorney Louis Levenson, Esq. and others have expressed an intention to reinstate the McMaster Deal.

9. I am informed and believe that Bauknight, for Kenneth Wingate, Esq. ("Wingate") and himself, is seeking a "confidential" designation of public documents the release of which the two have bitterly fought since 2011. I believe that such a

---

<sup>1</sup>By early 2008 Forlando Brown and Terry Brown were closely aligned with former Trustees David Cannon and Albert "Buddy" Dallas. In 2010 Cannon was charged with taking more than \$12 million from James Brown between 1999 and 2007 and uttering a 2008 forgery. In 2011 Cannon entered an *Alford Plea* to some of the charges.

designation will serve only to confuse and delay, aiding them in their ongoing interference with the S. C. Freedom of Information Act ("FOIA").

10. Most of Brown's historical and financial documents from before his death, and until 2009, are public. But Wingate and Bauknight have fought to prevent further view not only of those documents, but a handful of public documents generated since 2009, including:

a. The Wingate Litigation Retention Agreement by which the private Wingate Firm and Bauknight – with questionable authority – sued Bob Buchanan and Adele Pope in 2010 in Richland County, SC. on behalf of the State/AG McMaster and others.

and

b. Bauknight's less-than \$4.7 million at-death appraisal of Brown's music empire.

11. I am informed and believe that these documents are both public and important to saving the "I Feel Good" Trust and determining the role of Forlando and Terry Brown in its attempted destruction.

12. I am informed and believe that – but for the interference of Wingate (acting for Terry Brown, among others) and Bauknight – both documents would have been released in 2011.

13. So far as I know, no court has said the documents are not public, and Wingate's and Bauknight's "success" has been limited to confusing multiple courts and delaying the inevitable release of these documents.

14. I am informed and believe that the Wingate Agreement and the Bauknight

Appraisal became even more critical in 2013 when it was disclosed that Forlando Brown owned Terry Brown's interest in the Estate of James Brown.

15. Forlando has consistently supported many of our primary conclusions in *Private Foundations...*, including:

- a. Hynie was not Brown's spouse and should not have been given about \$23.5 million from the "I Feel Good" Trust.
- b. Hynie and her son do not control the Federal Copyright Act termination rights related to Brown's 800+ published songs.
- c. The McMaster Settlement destroyed Brown's two noble estate plans, both leaving his music empire to scholarships for needy students.
- d. The McMaster Settlement destroyed the \$285,000 education trust Brown gave to Forlando and six other designated grandchildren
- e. The at-death value of Brown's music empire was at least \$84 million. [ See Exhibit A]

16. Terry, however, became part of the McMaster Settlement in 2009 and has taken the opposite positions in the courts since then.

17. After January 2011 it appears Forlando and Forlando-under-Terry's- name are simultaneously taking opposite positions at the same time in the Wingate Suit and this Federal Suit as follows:

<u>Forlando in Public &amp; the Federal Suit</u>	<u>Forlando (Terry) with Bauknight/Wingate</u>
a. Hynie was not Brown's spouse & knew it.	Hynie was Brown's spouse
b. Music empire worth \$100 million less TIAA	Music empire worth under \$4.7 million
c. Hynie & son do not control termination rights	Hynie/son control termination rts.
d. McMaster Settlement destroys Estate Plan	McMaster Settlement is good
e. Buchanan/Pope \$84 million value reasonable	Buchanan/Pope are felons

f. Several \$90 - \$100 million offers were made No offers to buy Brown's assets

g. 2008 Gag Orders Invalid Uphold 2008 Gag Orders

18. I am informed and believe that where Forbes listed James Brown as a top-earning "Dead Celebrity" in 2007 with \$5 million in earnings, how Bauknight's or any appraisal could have concluded that his private foundation would have been worth less than \$4.7 million at death is an important public question.

19. I am informed and believe that where the S. C. Attorney General relied on the Bauknight Appraisal for nearly two years to publicly accuse five prior personal representatives of improperly valuing Brown's assets – and two of committing the felony of intentionally overstating the assets by \$79 million to the IRS for an improper purpose – the appraisal which supports these public claims is a public document.

20. I am informed and believe that where Bauknight and Wingate both claiming to speak for the Attorney General , a public official, in the Richland Count Suit accused Buchanan and Pope publicly of overvaluing Brown's assets and exposing Brown's estate to large amounts of "unnecessary taxes," the appraisal on which such accusation is based should be open to the public.

21. I am informed and believe that the S. C. Probate Code required Mr. Bauknight to file the Bauknight Appraisal as supporting documentation for reducing the estate's value by almost \$80 million in a sworn amendment to the original Inventory filed by PR s Dallas and Bradley.

22. I am informed that the Wingate Agreement – which purportedly authorized Wingate and Bauknight to sue in the name of the State, is a public document because AG Wilson has asserted that all of his Litigation Retention Agreements are public.

23. I am informed and believe that no court in the 2 ½ years Bauknight and Wingate have been interfering has said any documents are confidential, and AG Wilson has affirmatively stated that the Wingate Agreement is public.

24. I understand that Mr. Bauknight has asked this Court to keep these documents confidential until the Richland County Court rules, yet has recently asked the Richland County Court not to rule until matters are concluded in Aiken County – what may be years.

25. Just some of the steps taken by Mr. Bauknight and Mr. Wingate to prevent review of these and several other public documents are described below:

- a. Seeking sanctions against Pope in 2011 for exercising her FOIA rights. [See "Goliaths roar.." [Exhibit B]
- b. Seeking by subpoena notes and confidential sources of journalist Sue Summer in violation of the Shield Law. [ See Exhibit C and Columbia Journalism Review, 9/13/12, Exhibit D.]
- c. Delaying Summer's FOIA requests, then trying to move a FOIA compliance suit to another county for delay. [ See SCPA Bulletin, Exhibit E]

26. In addition to Mr. Bauknight's actions to delay and prevent the release of public documents, in 2013 it appears Mr. Bauknight traveled with Forlando's original attorney Louis Levenson, Esquire, to attempt to persuade James Brown's son Daryl not to support Brown's estate plan. [See " Son Daryl Launches Campaign to Save James Brown's Education Charity." Exhibit F.]

27. I have known journalist Sue Summer for years, and am aware of her passion for children's issue and the FOIA. I believe her reporting of the James Brown issues has been fair and accurate.

28. I am informed and believe that the interference of Wingate and Bauknight with Summer's reporting on James Brown's issues has been unwarranted.

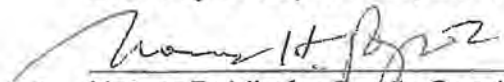
29. I am informed and believe that Bauknight's request to make these public documents confidential will damage the "I Feel Good" Trust and is intended to benefit some of the others Wingate and Bauknight represent in the Richland County Suit, including:

- a. Bauknight as Trustee of the Legacy Trust created by AG McMaster to hold James Brown's assets proposed to be taken over by the State;
- b. Bauknight "on behalf of" Tommie Rae Hynie;
- c. Bauknight "on behalf of" Hynie's son James;
- d. Bauknight "on behalf of" Tonya Brown
- e. Bauknight purportedly "on behalf of" Venisha Brown, an incarcerated adult without GAL, who contested the Estate Plan;
- f. Bauknight "on behalf of" Deanna B. Thomas, who contested the Estate Plan;
- g. Bauknight "on behalf of" Larry Brown, who contested the Estate Plan;
- h. Bauknight "on behalf of" Yamma Lumar, who contested the Estate Plan.

FURTHER DEPONENT SAYETH NOT.

  
 William Jeffrey Smith

SWORN TO before me this  
26th day of September, 2013

 (L.S.)  
 Notary Public for South Carolina  
 My Commission expires: 3-28-2022

# Exhibit A

FROM WATCHDOG WIRE

## GRANDSON VOWS TO FIGHT STATE TAKEOVER OF JAMES BROWN ESTATE



**James Brown Grandson Vows To Keep Fighting** January 28, 2013 by Sue Summer

William James Brown has been fighting since 2008 to grant the last wish of his grandfather, music legend James Brown.

"I'm here to do ... what my grandfather wanted, to educate children," William said.

In Brown's estate plan, he set up the "I Feel Good Trust" to provide scholarships for needy children in South Carolina and Georgia. Brown died on Christmas Day of 2006, and to date, not one child has received the first dime.

In an effort to hasten the award of scholarships, William has been working in recent months on the sale of his grandfather's music empire. "We had several buyers brought to the table, with offers from \$50 to \$120 million, but through this process, it became obvious Russell Bauknight did not want to sell," William said.

Bauknight is the current trustee of Brown's estate, appointed by former Attorney General (AG) Henry McMaster and continuing to serve "at the pleasure" of current AG Alan Wilson.

In an exclusive telephone interview, William Brown expressed his disappointment that Bauknight seemed to care more about attorneys' fees for his friends than about needy children. "This is about their retirement, and they are not interested in educating kids or distributing money to kids. It's all about the money for them, and how much they can pay attorneys."

William said he hired someone who brought several buyers to the table, but Bauknight did not cooperate and refused to provide a complete inventory of Brown's music assets. "No one will write a check unless they know what they're buying, and Russell Bauknight refused to let us look at everything."

That is why the buyers walked away, William said. "The puzzle had big missing pieces."

William added, "Everybody knew: everything he (my grandfather) owned was going to help children." He recalled a James Brown visit with Pres. Bush at the White House during which Brown discussed with the president his "I Feel Good Trust," in particular a program called "Drugs are out, School is in."

"He (my grandfather) made it clear even then, he wanted to help needy and poor children," William said.

James Brown's estate plan left his music empire to the "I Feel Good" Trust, an education foundation for needy children in South Carolina and Georgia. He also funded an additional education trust for some of his grandchildren, and he left personal and household goods to some children. He left nothing to his companion, Tomi Rae Hynie, and her son.

When the companion and some children sued for a greater share than Brown had provided for them, former AG McMaster took control of the Brown assets and rewrote his estate plan. The McMaster settlement deal gave over half of Brown's music empire to those who had contested the will. Former trustees, Adele Pope of Newberry and Robert Buchanan of Aiken, appealed the settlement deal. Arguments were heard in the case by the S.C. Supreme Court on Nov. 1, 2011, but no decision has been issued.

William Brown first spoke publicly about his commitment to his grandfather's estate plan in February of 2008 when he appeared on WIS-TV with then-AG Henry McMaster.

Only six months later, McMaster had re-written the estate plan and given away over half of the assets Brown intended for poor children. William

took issue with McMaster's decision to undo Brown's estate plan, and since then, he has struggled with former AG McMaster, current AG Wilson, and trustee Bauknight.

William now questions some of the expenses paid by the estate, including large attorney's fees. "Russell Bauknight has even paid his wife from my grandfather's money. She is absolutely working for the estate and billing hours: Russell is keeping it in the family."

William believes the estate is being managed to benefit attorneys who are friends of Bauknight, and he named Nexsen Pruet attorney Fred Kingsmore among them. According to filed documents, Kingsmore is one of 10 or more Nexsen Pruet attorneys who represent Bauknight as trustee of the Brown estate.

One main point of contention with William has been whether the at-death value of Brown's music empire was closer to \$100 million, as argued by all previous trustees, or to the \$4.7 million value that Bauknight filed with the Internal Revenue Service—a value that William considers ridiculous.

"The low value is bogus, so that no one can say Bauknight damaged the assets," William said.

Under the McMaster settlement agreement, William's father Terry was given the right of first refusal to purchase the music empire, but he transferred the right to William. "The settlement agreement offers a finders' fee of two percent to whoever brings a buyer to the table, but that was to come from the purchaser, not the estate," he said.

One question raised by Terry's assignment of his rights to William—who has vigorously opposed the McMaster settlement deal—is why the AG has not notified the S.C. Supreme Court that a major player in the McMaster deal now wants to scuttle the settlement so that all of Brown's music empire will go to needy students.

William vows to continue the fight to grant his grandfather's last wish, and he paraphrased a quote from his grandmother: "It's not about me winning, it's about the children winning.... This will be a long road, but the work is worth the heavy lifting."

## Sue Summer

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## COMMENTS

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# Exhibit B

[← Fla. woman wants her statements out of NY trial](#)

[Three indicted in forgery of late state Rep. Ulysses Jones' will \(TN\) →](#)

## Goliaths roar in James Brown FOIA lawsuit; David asks what is AG Alan Wilson hiding? (SC)

December 13, 2011



In a July 15 letter, Columbia attorney David Black of the mega-firm Nexsen/Pruet issued a threat to Newberry resident Adele Pope. If she continued to file requests for documents and information under the Freedom of Information Act (FOIA), he would file an action to have her sanctioned.

On Friday afternoon, Black followed through on that threat through one of his clients, the current trustee of the James Brown trust, Columbia C.P.A. Russell Bauknight.

Mark Gende of the large Columbia law firm Sweeny, Wingate and Barrow filed the motion in the Newberry Courthouse asking for sanctions against Pope and "other relief the Court deems just and reasonable."

In this action, Gende is representing Bauknight, as well as other private parties that he requested be added as defendants in the lawsuit against Attorney General (AG) Alan Wilson, filed by Pope under FOIA for the release of the contingency fee contract between former AG Henry McMaster and the Wingate firm.

Under the contract, the State of South Carolina, Bauknight, and 13 disinherited, claimed relatives of James Brown are suing Pope and Aiken attorney Robert Buchanan, asserting that they caused tens of million of dollars in damages to Brown's assets while serving as trustees from Nov. 2007 to May 2009.

Ironically, the AG's office has since agreed to filings by Bauknight to the Internal Revenue Service that the entire Brown music empire was worth a mere \$4.7 million at his death in 2006, even though it was bringing in about \$4-5 million in royalties every year.

The legal Goliaths of Nexsen/Pruet and Sweeny, Wingate and Barrow filed the suit for sanctions in their continuing effort to block the release of the contingency fee contract under which McMaster engaged the Wingate law firm to sue Pope and Buchanan for their "vigorous" defense of James Brown's estate plan. Their efforts include an appeal to the S.C. Supreme Court of a settlement deal cut by McMaster that gave away over half of what Brown intended to be used for the education of poor children to claimed relatives that Brown intentionally disinherited—essentially dismantling Brown's estate plan.

After months of having her FOIA requests for the contract dodged by Wilson's office, Pope filed an FOIA lawsuit in August. The suit names only Wilson as a defendant, but at a hearing in November, Gende asked that his private clients—including Bauknight and other claimed relatives—be added as defendants.

The FOIA is intended to grant every citizen access to public documents and government business, and as a public official, Wilson would be subject to the FOIA law. None of Wingate's individual clients are public bodies, and Pope had not requested documents or information from them.

All of the AG's contingency fee contracts contain language that confirms they are public documents. AG Wilson has released other contracts on his website, and through his assistant Sonny Jones, Wilson has confirmed that the McMaster/Wingate contract is also a public document. The AG's office has not responded to an emailed question: is the McMaster/Wingate contract is the only one not released by Wilson?

Judge Frank Addy declined to rule on whether the private parties should be added as defendants in Pope's FOIA lawsuit against AG Wilson, but he ordered the FOIA lawsuit to be consolidated with the McMaster/Wingate lawsuit against Buchanan/Pope in Richland County.

In Pope's answer, she claimed that Gende's motion to add private plaintiffs to a lawsuit involving public documents was intended to delay the release of the contract and to deny her the exercise of her FOIA rights.

The FOIA includes criminal penalties for violation of the law, a fine of no more \$100 for first offense. Gende's motion for sanctions and penalties asserts Pope has accused his private clients of criminal activity by advising the court that they are intentionally interfering with her FOIA rights.

In essence, Gende did exactly what Black threatened in July: he is attempting to have Pope sanctioned and penalized for attempting to exercise her rights under the FOIA.

Several affidavits of private citizens and journalists from Aiken, Newberry, and Lexington counties have been filed by Pope with a motion for Judge Addy to reconsider the consolidation of the FOIA and civil cases.

All affidavits emphasized the importance of protecting the public interest and keeping the FOIA strong. Several, including one filed by Debra Spence, widow of former Congressman Floyd Spence, asked the question: what is AG Wilson hiding.

"I am concerned that AG Wilson's refusal for more than four months to release a public document makes it appear that he is covering up an inappropriate or questionable agreement," she said.

Spence also wanted the court to consider: Black, speaking for Bauknight, made “vicious statements about Mrs. Pope and Mr. Buchanan that were repeated in hundreds of media outlets. The next day, I heard another Nexsen Pruet lawyer and Mr. Jones from the AG’s office trying to justify to our Supreme Court why Henry McMaster gave away what was correctly described as Mr. Brown’s ‘noble estate plan.’ Since then, AG Wilson’s refusal to release the McMaster contract has focused my attention on other troublesome things McMaster did – or is said to have done – in connection with Brown’s estate and trust, and I believe the public has a right to learn what really happened.”

Other affidavits in support of the FOIA, not all of them filed, include those from: journalist Vic MacDonald, whose pursuit of documents led to a Reid Montgomery press award for protecting the FOIA; copyright expert Jeff Smith, who has written an article for publication on the copyright issues related to the James Brown estate; and this reporter, who has requested the McMaster/Wingate contract at least six times by telephone, email, and as of last week, by certified mail. The FOIA requires a response in 15 working days.

In Pope’s affidavit, she states there is no basis under the law for any of Gende’s private clients to enter a FOIA lawsuit against a public official, and that Gende’s motion was intended to cause “delay and denial” of her rights.

She said the contract should be released because it is a public document that could determine: a) whether any public purpose is being served; b) whether the AG has proposed an illegal fee-sharing arrangement with individuals; c) whether the following provision, found in other contingency fee contracts, is appropriate: “(t)he AG shall retain 10 percent of Special Counsel’s fees awarded under this suit.”

The Goliath law firms have now made good on the threat of July 15. They are asking for sanctions and penalties against a private citizen for the exercise of her rights under the FOIA.

The longer AG Wilson allows the Goliaths to pound David, the more it appears that he is hiding something. How big and how bad, or how small and innocuous, no one will know—until the document is released.

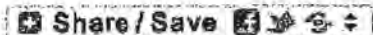




#### **Attribution:**

Goliaths Roar in James Brown FOIA Lawsuit; David Asks What Is AG Alan Wilson Hiding?

Sue Summer

December 10, 2011

The Newberry Observer

 Share / Save    

#### News

[← Fla. woman wants her statements out of NY trial](#)

[Three indicted in forgery of late state Rep. Ulysses Jones’ will \(TN\) →](#)

## Exhibit C

CRIME & COURTS Richmond Co. | Columbia Co. |

# Newberry, S.C., journalist asked for sources in James Brown legal dispute

By Meg Mirshak  
Staff Writer

Friday, Sept. 21, 2012 5:13 PM

Last updated Friday, Jan. 4, 2013 4:03 PM

A Newberry, S.C., journalist is caught in a legal tangle over confidential sources who she said revealed that soul singer James Brown's widow has doubts about the legality of their marriage.

Sue Summer said her source or sources have confirmed that Tomi Rae Hynie Brown, the woman who says she was married to Brown at the time of his death, had begged Brown to marry her. They were married before she was divorced from another man, and Brown said he was too embarrassed to marry her a second time, according to Summer's source.

"In (her) diary, she records pleading with Mr. Brown to marry her, which would indicate she knew she was not his wife," Summer said.

A semiretired freelance reporter for *The Newberry Observer*, Summer was served with a subpoena in August requesting her interview notes and written, audio and video records relating to several Brown relatives and former and current estate trustees.

Summer fought the subpoena, citing shield laws that protect a journalist's right to privileged information, until it was withdrawn this week.

On Tuesday, South Carolina Attorney General Alan Wilson asked Mark Gende, a private attorney representing his office, to cancel the subpoena. Bryan Stirling, a spokesman for Wilson, said a letter was sent to Summer's attorney, Jay Bender, dropping the request on Wednesday.

"I believe the subpoena was issued to keep me from writing about this case – to make me stop," Summer said.

Summer was also served with a subpoena in May requesting she turn over any communications or documents relating to Hynie Brown's diary, which is under a court gag order.

Brown lived in Beech Island and died at age 73 on Christmas Day 2006. He left his personal and household effects to named adult children, up to \$2 million for a family educational fund, and the remainder to the James Brown I Feel Good Trust to help needy students in Georgia and South Carolina schools.

Brown's relatives and others bickered for years about the will and whether Hynie Brown was the wife until then-South Carolina Attorney General Henry McMaster renegotiated the assets.

The settlement negotiated by McMaster shifted considerable assets to Brown's family members. It gave half to a James Brown Scholarship Fund, a quarter to spouse Hynie Brown and a quarter to the six adult children named in the will.

Summer began covering the story in August 2011 after fellow Newberry County resident Adele Pope, a former trustee of the Brown estate who is currently involved in a lawsuit related to the estate, was denied Freedom of Information Act requests by the attorney general's office.

Pope and Aiken lawyer Robert Buchanan appealed McMaster's settlement deal claiming that Brown wanted more of his money to help educate children in need and not so much to go to his family. Both were sued by the attorney general's office for causing damage to the estate when it was under their control from 2007 to 2009.

Summer said she is still waiting for the attorney general's office to provide documents she requested through the Freedom of Information Act.

# COLUMBIA JOURNALISM REVIEW

The future of media is here

## Exhibit D

02:32 PM - September 13, 2012

### James Brown estate case reporter slapped with subpoenas

The 60-year-old journalist believes South Carolina is attempting to hush her

By Hazel Sheffield

When the judges responsible for distributing the estate of the late musician James Brown started refusing freedom of information requests from the estate's former trustees last year, a 60-year-old, semi-retired freelance reporter named Sue Summer wondered why. She started reporting on the squabbles over Brown's estate for her local paper, the *Newberry Observer*, when she wasn't caring for her granddaughter. In the year since her first story ran, Summer believes the attorney general—and therefore the state—has attempted to stop her digging three times, culminating in an extremely broad subpoena issued last month that lists the attorney general as a plaintiff. It requests that she turn over all her on- and off-the-record material pertaining to the case.

This latest subpoena comes after the Facebook page Summer made to document her reporting was taken down after she published a piece in March detailing seven ways Attorney General Alan Wilson allegedly violated the Freedom Of Information Act, she told CJR. (The page has since been reinstated.) In May, Summer received her first subpoena, from the lawyers of a woman called Tommie Rae Hynie, who claims she was married to James Brown at the time of his death. The subpoena specifically demanded all of Summer's reporting on Hynie's diary, which is seen as key to the case. The newest subpoena, issued on behalf of Brown's children, was served on August 22, with a deadline of October 26.

"This is the third attempt to make me go away," said Summer, who believes the subpoenas are being issued to scare her off the case. "They want me to hush very quickly."

Brown died on Christmas Day, 2006, leaving behind strict instructions about how his estate should be distributed. He intended for most of his money to go towards founding the "I Feel Good" trust, which would provide scholarships to needy children in South Carolina and Georgia. He also made provisions for six of his children—he may have as many as 12—and asked that a family education trust be held for seven designated grandchildren. He left nothing to Hynie.

But when one of the three trustees chosen by Brown to enact his wishes was accused of siphoning off millions of dollars from the trust in November 2007, then-South Carolina Attorney General Henry McMaster intervened to appoint new ones. McMaster himself drew up a settlement deal called the Legacy Trust in 2009, which reduced the funding for Brown's "I Feel Good" charity. When McMaster refused FOI requests from former trustees to release the details of the Legacy Trust and information on how the estate was valued in August 2011, Summer first became interested in the case.

McMaster also redirected some 23.5 percent of Brown's estate to Hynie. Part of Summer's reporting included two unnamed sources who confirmed that Hynie was already married when she exchanged vows with Brown and that she knew her marriage to the singer was a sham.

"These stories don't just drop off a tree in your backyard!" Summer said. "I live in a small town. I write for the *Newberry Magazine*, I write for the paper, I host a radio show, and the fact that it came here... wouldn't you have wanted to do it?"

When Summer was served with her second subpoena in August, she said that she felt she was missing a part of the story—why would the state make repeated efforts to discourage her from publicizing the case? She took a closer look at the attorney general Alan Wilson's re-election campaign contributions from July (Wilson took over from McMaster as attorney general last year). Two coincidences caught her eye.

On the day of Summer's subpoena hearing in May, Wilson—who is responsible for deciding the final distribution of the estate—received election campaign contributions from a law firm who have hired private practice lawyers to secure Tommie Rae Hynie a share. (Wilson did not respond to a request for comment.) Summer also discovered that one of Hynie's two high-powered attorneys teaches law at the University of South Carolina where McMaster has worked as a fundraiser since finishing his AG term.

"It certainly raises an eyebrow," Summer said. "As a matter of fact, Wilson was on a bus tour promoting transparency in government on the very day that I was issued a subpoena by his lawyer."

Lou Ann Anderson, a journalist in Texas who founded estateofdenial.com in 2007 to document probate cases in the courts, told CJR that the Brown case looks particularly bad on the state. "The idea that assets appear to be being diverted from intended beneficiaries and have been rediverted to unintended parties or outside parties, i.e. the lawyers—that happens regularly. The fact that this is all being orchestrated by a state government—that is unusual," Anderson said.

"This AG office appears to be helping to finance a certain number of lawyers who are then going out and hiring private practice lawyers to pursue this. We say 'appears,' because with them being unwilling to comply with these FOI requests, we can't know. They really are looking to have their cake and eat it. They don't want to comply with this, but at the same time they're targeting this reporter, wanting her to give up her rights," Anderson said.

The *Newberry Observer* is not offering Summer legal counsel at this time. She is being represented by the South Carolina Press Association. Summer, the only journalist in South Carolina reporting on the case, fears that weakened regional newsrooms mean fewer resources are available to keep state governments in check.

"After a year, after seeing the violations of the Freedom Of Information Act, after seeing what they've tried to do to the Shield Law, the one thing that I am convinced of at this point is that the traditional watchdog of the FOIA has always been newspapers," Summer said. "But we are now in such a weakened position, I don't know that we can fulfill that function as well as we did in the past, and I'm concerned about that. There was a time when I would have been fighting to get a little piece of this story."

Summer's lawyer has issued a letter stating that she is protected from the subpoena under the Shield Law, which gives reporters the right to refuse to testify. They have not had any response. Summer said she will continue to report on the case.

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Hazel Sheffield is a former assistant editor at CJR. Follow her on Twitter @hazelshffield.

# Exhibit E

# SCPA E BULLETIN

South Carolina Press Association

www.scpres.org

YOUR WEEKLY CONNECTION TO INDUSTRY & MEMBER NEWS

MAY 2, 2013

## Mark Sanford and the billboard



By Jay Bender  
SCPA Attorney

Johnny Carson won a suit against a California portable toilet firm for using the name "Here's Johnny."  
 Woody Allen won a suit against a clothing company that featured a billboard with a drawing of a person strongly resembling Woody.  
 Bette Midler won a suit against an auto manufacturer that used one of her backup singers to imitate Bette in a radio jingle.  
 The suits all had one thing in common: they were characterized as invasions of the privacy of the famous person. The claim is generally known as "misappropriation of personality or likeness for a commercial purpose."  
 As most of you now know, an online dating site for those wishing to have an extramarital fling has posted a double billboard along I-26 featuring a photo of former governor, current candidate for Congress and admitted adulterer Mark Sanford suggesting that next time he wants to go on a "hike" he use AshleyMadison.com "to find his running mate."  
 Does Sanford have a claim?

In theory, yes. That is assuming Sanford did not consent to the use of his image because consent would be a defense to the claim. **Read more:**

## Larry Flynt 'endorsement' ad goes unpublished in Lowcountry

According to the Charleston City Paper, infamous smut mag publisher Larry Flynt reportedly shopped around a print ad to S.C. newspapers this week, including the Charleston City Paper, but as of Wednesday afternoon, the ad has yet to appear on newsstands.

Flynt released a statement to media outlets yesterday, saying, among other things, that the papers who refused his ad were acting as censors.

I was surprised and dismayed that a distinguished newspaper like The Post and Courier decided to act as a censor and refused to publish my paid advertisement endorsing Mark Sanford for Congress. I was even more surprised when the publisher of the Charleston City Paper also refused my family friendly advertisement endorsing Mark Sanford. These newspapers' shameful decisions to act as censors instead of voices of democracy damage their reputations as standard bearers of the First Amendment and freedom of speech. They have both disgraced themselves. I have endorsed Mark Sanford because he is America's great s explorer for exposing the sexual hypocrisy of traditional values. The Post and Courier and Charleston City Paper now stand as the leading examples of hypocrisy in America regarding the First Amendment.

City Paper Publisher Noel Memmer stands behind his right to refuse any ad and rejects the idea of it being censorship. "I was approached about running this ad by LFP, Inc. and rejected it on the grounds that I thought it was an inappropriate mockery of our local election," says Memmer. "I knew it would garner a lot of press, but it wasn't the kind I wanted us to be associated with."

Advertising director Blair Barna and editor Stephanie Barna believe the City Paper should've taken the ad. "I was so excited when I heard about the ad buy that I was shocked we ended up in a weekend-long argument about whether or not to take the ad," says Stephanie. "Larry Flynt is a champion of the First Amendment and we should've run his ad, regardless of whether or not it made a mockery of the election."

"This is not a First Amendment issue," said SCPA Executive Director Bill Rogers. "This is a decision by a publisher not to accept an ad that does not meet his or her publication standards."

Rogers said the First Amendment protects publishers and speakers from government limitation of their rights, which is not the case with the Flynt ad.

He said newspaper publishers regularly reject ads for reasons that include libel, legality, obscenity, community standards and false information, but they have complete latitude to decide what ads they will publish to their readers. "The right of a publisher to reject an advertisement extends to Mr. Flynt himself." **Read more:**

## Bender, McLean interviews added to newspaper history site

Two new interviews have been posted to SCPA's Oral History website. They are with Tom McLean, retired executive editor of The State, and Jay Bender, media attorney and the Reid H. Montgomery Freedom of Information Chair at the University of South Carolina.

McLean talks about his years at The State newspaper, Hurricane Hugo, and the transformation of the industry, including group ownership and the impact of Vietnam. He also talks about the Jim Fitts case, which led to criminal libel being declared unconstitutional in our state. And he remembers Ben Morris, long-time publisher of the paper.

Bender discusses major legal issues during his career, including the Susan Smith trial, the Lost Trust cases and many other landmark legal cases in our state.

The Oral History project is co-sponsored by the USC J-School and the Humanities Council<sup>SC</sup>.

Others included in the project include: Jim Davenport of AP, Hubert Osteen of The Item in Sumter, Kent Krell from AP and The State, Dean Livingston of The Times and Democrat in Orangeburg, Bunny Richardson formerly of The State/Record, Jack Bass of Charleston, Bill Kinney from Bennettsville, Barbara Williams of The Post and Courier,



May 9: Webinar: Overcome Objections and Close More Sales!

May 10: Webinar: What You Could Be Missing in Photoshop

May 30: Weekly Circulation Roundtable, SCPA Offices, Columbia

May 31: PALMY Ad Contest deadline  
- rules for newspaper members  
- rules for associate members

June 6: Daily Editors Roundtable, SCPA Offices, Columbia

June 13: Ad Basics Workshop, SCPA Offices, Columbia

June 14: Daily Publishers Roundtable, SCPA Offices, Columbia

June 20: Basic and Advanced InDesign Workshop, SCPA Offices, Columbia

July 18: Basic and Advanced PhotoShop Workshop, SCPA Offices, Columbia

August 2: Ad Directors Roundtable, SCPA Offices, Columbia

August 8: Weekly Editors Roundtable, SCPA Offices, Columbia

August 15: Basic and Advanced Adobe Illustrator Workshop, SCPA Offices, Columbia

September 12: Ad Design Workshop, SCPA Offices, Columbia

Sept. 19: Advanced InDesign and PDF Workshop, SCPA Offices, Columbia

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GOLD

### ATHLON SPORTS



# Exhibit L

STATE OF SOUTH CAROLINA COURT OF COMMON PLEAS  
COUNTY OF AIKEN

-----

ADELE J. POPE,	:	
	:	Civil Action No.:
Plaintiff,	:	
	:	2013-CP-02-1337
vs.	:	
	:	
ESTATE OF JAMES BROWN and THE	:	
JAMES BROWN 2000 IRREVOCABLE	:	
TRUST,	:	
	:	
Defendants.	:	

---

DEPOSITION OF THOMAS H. POPE, III, ESQUIRE

---

DATE TAKEN: April 11, 2017  
TIME BEGAN: 10:30 a.m.  
TIME ADJOURNED: 11:25 a.m.  
LOCATION: Pope & Hudgens  
1508 College Street  
Newberry, South Carolina  
REPORTED BY: Tami I. Watters, RPR, CRR  
EveryWord, Inc.  
P.O. Box 1459  
Columbia, South Carolina 29202  
(803) 212-0012

1 APPEARANCES:

2 LAW OFFICE OF ADELE J. POPE, P.C.  
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bwilliams@nexsenpruet.com  
10 Representing the Defendants  
11  
12  
13  
14  
15  
16  
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22  
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24  
25

1 enforcement of the state and he did take control,  
2 and that's not appropriate. So I think the  
3 paragraph is correct.

4 Q Okay. So your opinion all ties into the  
5 presence of the attorney general in this  
6 litigation?

7 A That one does, yeah.

8 Q Okay. What does Case 4900 or Journalist  
9 Sue Summer have to do with this case?

10 A Well, my experience in the Sue Summer  
11 case was -- like, I met the same stone walls that  
12 Adele has. That's really basically it. Because we  
13 were requesting documents.

14 She's a journalist and, on her behalf, we  
15 made -- with Jay Bender's, co-counsel, help, we  
16 sought out the documents that were very important  
17 to the James Brown case and to the public, and  
18 those would be the fee agreement Sweeny Wingate had  
19 with the attorney general and all the parties,  
20 which we got.

21 It was actually produced in the federal  
22 case while our FOIA request was pending, but we got  
23 that. We asked for the Hynie diaries. They were  
24 produced by an unknown, anonymous third party while  
25 this was pending.

1           But we prevailed and the judge awarded  
2 her attorney's fees in that. We did not get the  
3 \$4.7 million appraisal documents because the AG's  
4 office said they did not have that.

5           I mean, I'm not denying they did not have  
6 those documents, but after the final order was  
7 issued, we asked the judge to reconsider  
8 whether they -- if they had used those documents  
9 under FOIA, then they should still be protected and  
10 they should go get those documents from whoever had  
11 them and present them to us. And the judge  
12 declined to rule on that because the case was over,  
13 as he saw it, and he did not rule.

14           But we were successful in large part, and  
15 we got Ms. Summer's attorney's fees paid. So  
16 that's the relation.

17           I mean, it doesn't -- what it is, it is.  
18 We got documents that related to 4900, but that  
19 wasn't the only purpose of it.

20           Q     Okay. You mentioned the 4.7 million  
21 appraisal. Why did you want to see that?

22           A     Because it seems preposterous. I mean,  
23 she thought it did, I think it does. Anybody in  
24 the world thinks it does. You ask a guy on the  
25 street that ...

1 Q Do you know -- have you ever seen it?

2 A No, I've never seen it.

3 Q You have never signed a confidentiality  
4 order and looked at it?

5 A I've never seen it, any part of it.

6 Q Okay.

7 A I mean, there are farmers in  
8 Newberry County that are worth more than that; I  
9 mean, honestly. It's ludicrous.

10 He had a \$3 million-plus stream of income  
11 every year before he died.

12 Q So you've never looked at it, but you  
13 just assume it's incorrect?

14 A I would bet my life on it being  
15 incorrect.

16 Q Okay. And then what is -- why was -- do  
17 you understand what the appraisal has inside of it?

18 A What --

19 Q Analysis?

20 A Assets and liabilities, I guess.

21 Q No. An analysis of the revenue stream,  
22 copyrights and --

23 A Yes. That sort of thing should be in  
24 there, yeah.

25 Q Okay.

1           A     Publicity rights, there's the property.  
2 All that. Whatever. Whatever he had. And  
3 publicity rights and copyrights apparently are very  
4 valuable.

5           Q     Okay.

6           A     I'd say that James Brown is probably --  
7 in terms of his cultural popularity, he's probably  
8 right there with Elvis. He might be a step behind  
9 him, but not much.

10          Q     How much in publicity rights did  
11 Mrs. Pope and Mr. Buchanan generate during their  
12 fiduciary service?

13          A     I don't know. They tried to do one with  
14 Corbis.

15          Q     Do you know the terms of that deal?

16          A     I don't.

17          Q     Okay. Beyond Corbis, do you know if they  
18 generated any other publicity rights?

19          A     I don't know.

20          Q     How about the prior fiduciaries?

21          A     How about what?

22          Q     The prior fiduciaries. Were they able to  
23 do it?

24          A     No. I think they were so busy stealing,  
25 they never got around to it.

# Exhibit M

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Forlando J. Brown, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 Adele J. Pope, individually and As Trustee of )  
 the Irrevocable Trust established by James )  
 Brown in August 1, 2000, and )  
 )  
 Robert J. Buchanan, Jr., individually and As )  
 Trustee of the Irrevocable Trust established by )  
 James Brown in August 1, 2000, )  
 )  
 Defendants. )

Civil Action No.: 3:08-cv-00014-WOB-JGW

**AFFIDAVIT OF ADELE J. POPE  
OPPOSING CONFIDENTIALITY  
DESIGNATION OF WINGATE  
SUIT LITIGATION AGREEMENT  
AND BAUKNIGHT APPRAISAL**

PERSONALLY APPEARED BEFORE ME, Adele J. Pope, who being duly sworn

deposes and says:

1. This affidavit is based on my own knowledge and belief.
2. I am informed and believe that the attempt of Russell L. Bauknight to designate the Wingate Litigation Agreement and the less-than \$4.7 million Bauknight Appraisal confidential should be denied for the following reasons:

- a. The documents are public under the S. C. Freedom of Information Act ("FOIA") and are not confidential for discovery purposes.
- b. Mr. Bauknight and Wingate have shared, or should have shared the contents of the Wingate Appraisal and the Wingate Agreement with other Wingate clients and Bauknight's co-plaintiffs in the Richland County Suit filed May 19, 2010, including:
  - i. Attorney General (former) Henry McMaster;
  - ii. Russell Bauknight on behalf of Henry McMaster as Attorney General;
  - iii. Russell Bauknight on behalf of Tommie Rae Hynie;
  - iv. Tommie Rae Hynie
  - iv. Russell Bauknight on behalf of James B., Hynie's son;

- v. James B. (Hynie's son), without a Guardian ad Litem ("GAL")
- vi. Tonya Brown, a stranger to the Estate and 2000 Trust;
- vii. Russell Bauknight on behalf of Tonya Brown;
- viii. Terry Brown
- ix. Russell Bauknight on behalf of Terry Brown
- x. Russell Bauknight on behalf of Deanna B. Thomas a Will/Trust contestant;
- xi. Deanna B. Thomas;
- xii. Sydney L., Carrington L. minors without GALs.
- xiii. Russell Bauknight on behalf of Sydney L. and Carrington L.
- xiv. Daryl Brown – who has testified in a deposition he was not told of the Wingate Suit prior to its commencement.
- xv. Russell Bauknight on behalf of Daryl Brown, apparently without disclosure that he and the Wingate Firm were commencing the Richland County Suit.
- xvi. Russell Bauknight as trustee of the Legacy Trust created by Henry McMaster to hold the private assets of James Brown in the proposed state takeover.

c. Mr. Bauknight and the Wingate Firm attorneys have violated the S. C. Freedom of Information Act ("FOIA") and acted in bad faith as to FOIA.

d. Mr. Bauknight and the Wingate Firm have abused the discovery system in Aiken County, Richland County and this Court.

e. All of the information necessary for the Bauknight Appraisal was public for most or all of the period from August 10, 2007 until May 29, 2009.

3. In the past 35 years I have been involved in the preparation of numerous estate tax returns and worked on the valuations accompanying them. It is my opinion to a reasonable degree of professional certainty in my field that all available financial documents for seven years

before James Brown's death and 2 ½ year after his death were the only documents which could have helped determine the fair market value of James Brown's music empire at death.

4. All of the records necessary to conduct the fair-market value appraisal of Brown's IP assets and music empire were available for inspection and copying without limitation by all Interested Persons, including strangers to the Estate/2000 Trust such as Ms. Hynie, Tonya Brown and James B., for most of the time from and after the Order of the Honorable Doyet A. Early, III dated August 10, 2007 and until Mr. Buchanan and I were replaced on May 26, 2009.

5. During brief periods some documents might not have been available, but such period were brief. For example, the estate tax return was designated confidential in State Court and this suit between September 2008 and January 2009. It was then fully discussed in open court and is now a part of the record on appeal in *Wilson v. Dallas*.

6. I am sure Mr. Bodman will confirm, if asked, that the confidentiality document he signed was during one of those brief periods, and that Forlando and Terry had lengthy and continuing access to the James Brown historical documents and documents related to the operation of the estate and 2000 Trust until May 26, 2009.

7. Attached as Exhibit A is a copy of my letter to Attorney General Alan Wilson sent on September 16, 2013 after I learned that Mr. Bauknight claimed that he did not show the Bauknight Appraisal to the Office of the Attorney General.

8. To date I have not had an opportunity to meet with AG Wilson.

9. Mr. Bauknight, his attorneys at Nexsen Pruet and the Wingate Firm have been fighting the release of public documents under FOIA since the Summer of 2011. The following are just a few examples of their actions:

a. In May 2011 AG Wilson and Bauknight both told the *Wilson v. Dallas* Court that “the IRS rejected Appellants’ contention that the settlement agreement will cause additional tax liability, but instead, that the Estate is owed a \$10,000 federal tax refund due to Appellants’ overpayment...”

The Supplemental Inventory and Appraisal ... reveal that the date of death value, [sic] the James Brown Estate and Trust were actually valued at roughly \$6.5 Million....”

[A footnote explains that the home is \$1.2 Million of that figure.]

AND

“Accordingly the date of death valuation of these taxable interests was corrected from \$84 million to \$4.697 Million.

b. By November 2011 Wingate and Mr. Bauknight, for Hynie, Terry Brown and others, were bitterly fighting FOIA and discovery requests to see the Appraisal and other public documents, and had had tried to intervene in two FOIA suits. The fight continues today [See Exhibits B,C and D]

c. By 2012 it was clear that the Wingate Suit had been brought without the knowledge of a number of the claimed plaintiffs.

d. In 2012 Wingate and Mr. Bauknight began fighting to keep a 4-year-old Gag Order in place [Exhibit E.]

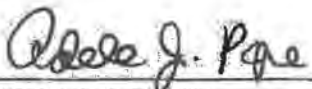
10. Between the two *Wilson v. Dallas* decisions I had a meeting with AG Wilson, and we had discussed these important issues. [See Exhibit F]

11. By May 2013 AG Wilson had terminated the Wingate Firm and asked to be dropped as a party to the Wingate Suit. He had also told the Supreme Court the FOIA matters should be resolved shortly.

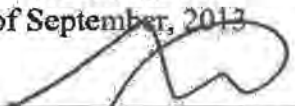
12. Wingate and Mr. Bauknight, however, asked the Richland County Court in May 2013 to delay all hearings on everything, including the AG’s attempt to withdraw and the FOIA suits, until all matters are concluded in Aiken.

13. Wingate's clients, including Terry, Mr. Bauknight and others, have been seeking relief from default as to my counterclaims (as to which they failed to timely respond) since late 2010.

FURTHER DEPONENT SAYETH NOT.

  
ADELE J. POPE

SWORN TO before me this  
27<sup>th</sup> day of September, 2013

  
\_\_\_\_\_  
Notary Public for South Carolina  
My Commission expires: 2/12/2016

(L.S.)

# Exhibit A

**EXHIBIT A**  
**Law Office of Adele J. Pope**  
**1228 Walnut Street**  
**Newberry, South Carolina 29108**

September 16, 2013

The Honorable Alan Wilson  
South Carolina Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211-1549

Re:

Request for Meeting Re: Bauknight Claim that AG Wilson never saw Appraisal on which False Felony Claim Based.

Mr. Bauknight's Continuing Interference with FOIA Rights

Dear Attorney General Wilson:

I ask to meet with you at your earliest convenience to deal with actions of Russell Bauknight taken within the last 30 days to perpetuate the false felony claim lodged against Robert Buchanan, Jr. and me by your office between 2011 and 2013.

Mr. Bauknight still speaks of record "on behalf of" the Attorney General of South Carolina in Richland County Case 2010-CP-40-4900 (the "Wingate Case"). Until that is corrected, the State/AG appears to bolster Mr. Bauknight's actions.

Your office assured the S.C. Supreme Court in March 2013 that the FOIA cases would proceed expeditiously.

Instead, on May 10 Mr. Bauknight told the Court in the Wingate Suit that the Supreme Court (by omitting the FOIA footnote) has no further interest in FOIA compliance. He asked Jg. Manning to delay the FOIA cases for what may be years.

Then on September 11, 2013 Mr. Bauknight asked the Federal Court to impose a confidentiality Order on two public documents requested under FOIA since 2011:

- a. The Wingate Litigation Retention Agreement; and
- b. The appraisal claiming the at-death value of James Brown's worldwide music empire was less than \$4.7 million.

In an August 20 federal deposition Mr. Bauknight claimed – for the first time – that your office never saw the less-than \$4.7 million appraisal which served as the basis of the felony claim lodged against Mr. Buchanan and me for two years.

Ltr. to Attorney General Wilson  
September 16, 2013  
Page 2

\*\*\*\*\*  
Mr. Bauknight clings to the notion that James Brown's worldwide music empire was worth less-than \$4.7 million at death – not the correct value of approximately \$84 Million. He clings to the notion that Ms. Hynie and her child control the Termination Rights. He clings to the false felony claims. His August 20 deposition says, in part:

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.

These are strong words for one speaking "on behalf of" the State/AG. It is doubly troubling when the less-than \$4.7 million appraisal has been under "lock and key" for three years despite the requirement of the S.C. Probate Code to file it.

Mr. Bauknight's claims about Ms. Hynie's control of the Termination Rights has been shown to be wrong. You have now asked to be dropped from the lawsuit the State/AG filed against us in 2010 based on somebody's (false) claim that AG McMaster would breach his fiduciary duty if he did not sue us on May 19, 2010.

It is time to undo the damage done by these false felony claims, and the above two public documents are one place to start.

Since October 2012 we have discussed the damage caused by the State/AG's adoption of Mr. Bauknight's false claim that Bob and I intentionally overstated the value of Brown's assets by \$79 million on the Estate Tax Return for the improper purpose of securing a \$5 million commission. Section 7206 of the IRC says:

Ltr. to Attorney General Wilson  
September 16, 2013  
Page 3

\*\*\*\*\*

**I.R.C. § 7206 - FRAUD AND FALSE STATEMENTS**

**Any person who -**

**(1) DECLARATION UNDER PENALTIES OF PERJURY - Willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that is made under penalties of perjury, and which he does not believe to be true and correct as to every material matter; or**


**... shall be guilty of a felony and, upon conviction thereof, shall be fined ... , or imprisoned not more than 3 years, or both, together with the costs of prosecution. [Emphasis supplied.]**

If it is true that you have not looked at the appraisal, and that you relied on Mr. Bauknight's guidance, I ask that we look at it together and assess whether there is an easy way to set these matters straight.

I ask that we meet at your earliest convenience to discuss this serious matter. I am sending this letter to my counsel Adam Silvernail, as I would like for him to join us.

We are available almost any morning at your convenience, and on most Tuesday and Thursday afternoons with a little notice.

Thank you in advance for the opportunity to speak with you.

Sincerely,  
  
Adele J. Pope

AJP/ja  
cc: Adam Silvernail, Esq.  
Robert Buchanan, Jr., Esq.

# Exhibit F

**Law Office of Adele J. Pope**  
**1228 Walnut Street**  
**Newberry, South Carolina 29108**

Exhibit F

April 1, 2013

The Honorable Alan Wilson  
South Carolina Attorney General  
John W. McIntosh, Esquire  
Chief Deputy Attorney General  
Robert D. Cook, Esquire  
Assistant Deputy Attorney General  
C. Havird Jones, Esquire  
Senior Assistant Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211-1549

Re: Hynie "Diary" Gag Order Appeal  
Appellate Case No. 2012-212917

Dear Attorney General Wilson, John, Bob and Sonny:

Since the February 27, 2013 Decision has voided AG McMaster's "stipulation" that Tommie Rae Hynie was Brown's spouse, I ask that Attorney General Wilson either:

1. Move to withdraw from the Hynie "Diary" Gag Order Appeal; or
2. Join me in asking the Court to either Rule on the Appeal or Remand it to Judge Early for a Ruling.

As you may recall, I began trying to void the Gag Orders in March 2012, as part of Case 4900. The Order on appeal was issued as part of Aiken Case 122.

As you know from your own copy of the "diary" and Sonny's and Mary Frances' email communications with Buddy Dallas in 2008, it is important for witnesses to be unengaged as to the known contents of these documents.

A May 29, 2012 Affidavit of Case 4900 witness Albert Dallas says:

Mr Wells called me, to the best of my recollection, around 1<sup>st</sup> of March, 2007...boxes and debris left in home of James Brown.

The diary was copied and transcribed by David Cannon and his secretary, whose name I do not recall. As trustee, I felt that this was information that needed to be

Letter to Attorney General Wilson and others  
April 1, 2013  
Page 2

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turned over to the Court and numerous copies were made available to a number of interested parties at a hearing, the exact date of which I do not recall.

As personal representative and trustee until November 20, 2007, I feel it is imperative....that the content be revealed for any and all probative questions presented to the Court...I was required to vigorously defend the estate plan....a release from Judge Early's order is necessary in order that all...facts be made available to all interested parties. To that end, I request by this affidavit that the Tommie Rae Diaries be released.

A May 30, 2012 Affidavit of Tom Wells describes finding the "Hynie diary" in a pile of boxes appearing to be discarded. He says: "I read through it, called Mr. Dallas, and met Mr. Dallas on that same afternoon. At the meeting, I turned the diary over to Mr. Dallas. I have not seen it since.

As Sonny and Mary Frances will recall, the "diary," which had been widely disseminated and discussed for months, was mailed to about 15 people by Wayne Byrd, Esquire, in early 2008. Recipients included AG McMaster, the AG of Georgia and others within and outside the reach of the Aiken Court.

The Gag Orders were issued in February and March of 2008. Sonny and Mary Frances – in violation of the Order, unless void – failed to turn in AG McMaster's copies to the Clerk and – again in violation, unless void – received another copy from Dallas.

On August 13, 2012, after Judge Early declined to rule on voiding the Gag Orders, I filed a notice of appeal. I named AG Wilson as a Respondent because AG Wilson, through Sonny, had opposed voiding the Gag Orders.

To expedite a decision on this matter, I filed my brief on August 14.

The attempts to void the Gag Orders started a search by AG Wilson and Hynie, through Mr. Wingate in Case 4900, for the person – not me - who had revealed the widely known diary contents to journalist Sue Summer.

Thereafter filings by Hynie's attorney, endorsed by Sonny for AG Wilson, not only repeated the joint position two Attorneys General and Hynie have taken in Case 4900 from its inception, but took vitriolic shots at me. [Bob was not included in the vitriol because Bauknight had purchased Hynie's release from Bob's claims with Estate funds.]

Included were:

1. A claim of lack of jurisdiction because Case 1647 was pending in the Supreme Court.
  2. An alternative claim that the "diary" orders are the law of the case.
- ...
- P. 6. ..."there is no conflict of interest like self-interest." Pope's \$2.5 Million Conflict of Interest . . . She had the "audacity to file a claim for that amount. Her claim is simply egregious **when viewed against the backdrop of her actual work and the value of the Estate and Trust...**

"In addition to correcting numerous problems from Pope's administration, including tax problems stemming from her failure to file income tax returns due during her administration, her successor Bauknight also addressed the estate tax.

" Mr. Bauknight did what a personal representative should have done...obtained an independent, professional valuation of the intellectual property....**James Brown's Estate was found to be worth \$6.5 Million at the date of his death...**

"That independent professional valuation was then submitted to and scrutinized by the ...IRS.. A division that deals exclusively with business and royalty valuations....**federal government refunded \$10,000 in estate taxes that Pope erroneously concluded were due..**

"...**Haphazardly claimed the date of death value of James Brown's Estate was worth varying amounts around \$100 Million, not one of them ever provided any substantiation for that figure.**

"The number was created by Cannon, Dallas and Bradley (and followed by Pope), yet never substantiated by an analytical business valuation moder or methodology.

"**Since late 2008 the family and the Attorney General have been in agreement that the litigation must end. "Similarly, the family and the Attorney General are in agreement that Pope's conduct must come to an end. .."** [Emphasis supplied.]

Letter to Attorney General Wilson and others

April 1, 2013

Page 4

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Attached to this was the following statement signed by Sonny for AG Wilson, Robert Cook, himself and Mary Frances:

"The Settling Parties hereby join and support Tommie Rae Brown's Motion to Dismiss Adele Pope's appeal regarding the diary orders..."

My Reply asserted that the above attacks detracted from the important issue of this appeal:

Should Judge Early have heard the challenge to the 4 ½ year-old Hynie "diary" Gag Orders and declared those gag orders void *ab initio* or expired?

I also asserted that:

"Attacks by the Attorney General on a person asking our Supreme Court important questions about the right of individuals in South Carolina to create and maintain privately-run foundations raises another question: Why?"

I hope you will agree that this support by the AG/State for Hynie's position should not continue after the February 27 Decision. I hope, also, that you will see from the above how important it is for AG Wilson's current position to be known as to the following matters:

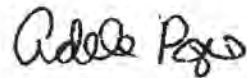
- a. Is it true the State/AG will no longer bolster Hynie in her attempts to secure assets James Brown gave to The James Brown "I Feel Good" Trust?
- b. Is it true the State/AG will not take advice from Hynie's counsel about the value of her claims?
- c. Is it true the State/AG no longer endorses Bauknight's allegation that Brown's music empire and claims against Cannon, etc. were worth less than \$4.7 Million at death?
- d. Is it true the State/AG no longer asserts that Buchanan and Pope committed the federal felony of intentionally overstating Brown's assets by \$79 Million on the Estate Tax Return for the improper purpose of receiving a large commission?

Simply moving through Sonny, your counsel of record, to withdraw from the Hynie "Diary" Gag Order Appeal, will be an important first step in making clear that since February 27, 2013 AG Wilson intends to protect the "I Feel Good" Trust – not Hynie.

I apologize for the length of this letter, but was concerned Bob and John might not recall the details of this appeal.

Thank you for your consideration.

Sincerely,



Adele J. Pope

AJP/ja

Enclosure: Dallas email to Sonny & Mary Frances (Redacted by AG Wilson)

# Exhibit N



1 APPEARANCES

2 For the Pro Se Plaintiff(s):  
3 ADELE J. POPE, Attorney/Esquire  
4 LAW OFFICE OF ADELE J. POPE, PC  
5 1228 Walnut Street  
6 Newberry, South Carolina 29108  
7 adele@popelawfirm.com

8 For the Defendant(s):  
9 J. EMORY SMITH, JR., Attorney/Esquire  
10 OFFICE OF THE ATTORNEY GENERAL, STATE OF SOUTH  
11 CAROLINA  
12 Rembert Dennis Building, 5th Floor  
13 1000 Assembly Street  
14 Columbia, South Carolina 29201  
15 ESmith@scag.gov

16 WILLIAM G. NEWSOME, III, Attorney/Esquire  
17 NEXSEN PRUET ADAMS KLEEMEIER, LLC  
18 1441 Main Street, Suite 1500  
19 Columbia, South Carolina 29201  
20 bnewsome@nexsenpruet.com

21 MARK V. GENDE, Attorney/Esquire  
22 SWEENY WINGATE & BARROW, P.A.  
23 1515 Lady Street  
24 Columbia, South Carolina 29201  
25 MVG@SWBLAW.com  
(Representing Plaintiffs of Richland Case 4900)

1 **Q. Mr. Cook, did you and I have a discussion about**  
2 **this very problem in March of 2013?**

3 MR. SMITH: Object to form the question  
4 and scope.

5 MR. NEWSOME: Same objections.

6 MR. GENDE: Same.

7 A. I know we met with you and Mr. McIntosh and  
8 General Wilson and I believe myself. I think you  
9 had asked not to have Mr. Jones there I believe as  
10 I remember. I can't remember every detail of our  
11 discussion, but I'm sure you raised it.

12 **Q. Did I raise my concern that valuing James Brown's**  
13 **music empire at about 4.7 million would slash**  
14 **James Brown's charity to almost nothing?**

15 MR. SMITH: Object to the form and scope.

16 MR. NEWSOME: Same objection.

17 MR. GENDE: Same objection.

18 A. I believe you did.

19 **Q. Did you get the idea from that meeting that I was**  
20 **there to be greedy and get myself a big fee?**

21 MR. SMITH: Object to the form and scope.

22 MR. NEWSOME: Same objection.

23 MR. GENDE: Same.

24 A. No, I did not.

25 **Q. Did I seem to sincerely want to save the James**

1           **Brown "I Feel Good" Trust?**

2           MR. SMITH: Object to the form and scope.

3           MR. NEWSOME: Same objection.

4           MR. GENDE: Same objection.

5       A.    Yes, you did.

6       **Q.    Did you tell me at that meeting that you were**  
7       **hearing some of the things I said for the first**  
8       **time?**

9           MR. SMITH: Form and scope objection.

10          MR. NEWSOME: Same objection.

11          MR. GENDE: Same objection.

12       A.    I don't remember every detail in the meeting, but  
13            I remember you saying some of those things and  
14            both myself and General Wilson said that.

15       **Q.    Do you recall my concern about Mr. Bauknight's**  
16       **having filed documents with the IRS to claim that**  
17       **Tommie Rae was the spouse and not changing them as**  
18       **a result of the decision?**

19          MR. SMITH: Object to form and scope.

20          MR. NEWSOME: Same objections.

21          MR. GENDE: Same objections.

22       A.    I can't particularly recall that, but -- you know,  
23            I don't doubt what you're telling me.

24       **Q.    Might I have told you that it could cause**  
25       **terrible problems for the 900 copyrights James**

# Exhibit O

**STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND**

RUSSELL L. BAUKNIGHT, as Trustee of the James Brown 2000 Irrevocable Trust and the James Brown Legacy Trust, as Personal Representative of the Estate of James Brown, and on behalf of Henry Dargan McMaster, in his capacity as Attorney General of the State of South Carolina; Tommie Rae Brown, individually and on behalf of her minor child, James Brown II; Daryl J. Brown, individually and on behalf of his minor child Janise Vanisha Brown; Lindsey Delores Brown; Deanna J. Brown Thomas; Jason Brown-Lewis; Yamma N. Brown, individually and on behalf of her minor children Sydney Lumar and Carrington Lumar; Tonya Brown; Venisha Brown Larry Brown; and Terry Brown

and

HENRY DARGAN MCMASTER, in his capacity as Attorney General of the State of South Carolina; TOMMIE RAE BROWN, individually and on behalf of her minor child, JAMES BROWN II; DARYL J. BROWN, individually and on behalf of his minor child JANISE VANISHA BROWN; LINDSEY DELORES BROWN; DEANNA J. BROWN THOMAS; JASON BROWN-LEWIS; YAMMA N. BROWN, individually and on behalf of her minor children SYDNEY LUMAR and CARRINGTON LUMAR; TONYA BROWN; VENISHA BROWN; LARRY BROWN; and TERRY BROWN,

Plaintiffs

v.

Adele J. Pope and Robert L. Buchanan, Jr.,  
Defendants

**IN THE COURT OF COMMON PLEAS  
FOR THE FIFTH JUDICIAL CIRCUIT**

Civil Action No. 2010-CP-40-4900

JEANETTE W. McBRIDE  
C.C.P. & G.S.

2010 OCT -1 PM 3:43

FILED

**AFFIDAVIT OF BETH BAUKNIGHT**

1. I am Beth Bauknight. I am employed with the firm of Bauknight, Pietras & Stormer, P.A. The statements contained herein are made from my personal knowledge.

2. Since approximately May 26, 2009, I have served as the custodian of the records relating to the Estate of James Brown. I am personally familiar with documents that were filed by the former Personal Representatives, Adele Pope and Robert J. Buchanan, in the Aiken County Probate Court.

3. Attached hereto at Exhibit A is a true and correct copy of an "Interim Accounting" filed by the former Personal Representatives on May 20, 2009.

4. Attached hereto at Exhibit B is a true and correct copy of a "Final Accounting" filed by the former Personal Representatives on June 24, 2009.

**Further, the Affiant sayeth not.**

Beth Bauknight  
Beth Bauknight

SWORN TO and subscribed before me  
This 1st day of October, 2010

Hannett W. Craps  
Notary Public for South Carolina  
My Commission Expires: 9/19/2016

STATE OF SOUTH CAROLINA  
COUNTY OF AIKEN

PROBATE COURT

IN THE MATTER OF ESTATE OF JAMES BROWN  
CASE NUMBER 2007-ES-02-0056

ACCOUNTING  
(Supplemental and Amended)

[ ] FINAL  
[X] INTERIM #1A

The undersigned Personal Representatives submit this Supplemental and Amended Accounting, which covers the period from November 20, 2007, through May 20, 2009.<sup>1</sup>

The attached documentation sets forth a complete accounting for the period specified, which is summarized as follows:

	Income	Principal	Total*
Beginning Balance			\$100,000,000.00
Plus: Receipts			\$ 6,196,325.60
Subtotal			\$106,196,325.60
Less: Disbursements			\$ ( 6,333,310.58)
Ending Balance			\$ 99,863,015.02

\*If a consolidated accounting, use this column.

The Personal Representatives declare that this account has been examined and that its contents represent a correct statement of all receipts and disbursements and are true to the best knowledge and belief of the Personal Representatives.



FORM #360PC (7/87)  
SCPC 3-704, 3-1003

PAGE 1 OF 2

<sup>1</sup> This amends and supplements the accounting that covers November 20, 2007 through June 20, 2008.

Filed: 5-20-2009  
Sue H. Roe  
Judge of Probate

STATE OF SOUTH CAROLINA  
CORRECT COPY OF THE ORIGINAL ACCOUNTING TO BE FILED WITH THE COURT AND THE ORIGINAL TO BE FILED WITH THE PROBATE COURT.  
20th DAY OF MAY A.D. 2009  
Sue H. Roe  
JUDGE OF PROBATE FOR AIKEN COUNTY, S.C.

*Handwritten initials/signature*

JUN 29 2009

STATE OF SOUTH CAROLINA  
COUNTY OF AIKEN

PROBATE COURT

IN THE MATTER OF ESTATE OF JAMES BROWN  
CASE NUMBER 2007-ES-02-0056

ACCOUNTING

FINAL (RESERVING ALL RIGHTS)<sup>1</sup>  
 INTERIM #

The undersigned Personal Representatives submit this Final Accounting, which covers the period from May 21, 2009, through May 27, 2009, and relates to the assets of the Estate of James Brown and the James Brown 2000 Irrevocable Trust.

The attached documentation sets forth a complete accounting for the period specified, which is summarized as follows:

	Income	Principal	Total*
Beginning Balance			\$ 99,863,015.02
Plus: Receipts			\$ 2,338,393.75
Subtotal			\$ 102,201,408.77
Less: Disbursements			\$(102,201,408.77)
Ending Balance in hands of Buchanan and Pope			\$ 0*

\*If a consolidated accounting, use this column.

The Personal Representatives declare that this account has been examined and that its contents represent a correct statement of all receipts and disbursements and are true to the knowledge and belief of the Personal Representatives.



FORM #360PC (7/87)  
SCPC 3-704, 3-1003

PAGE 1 OF 2

<sup>1</sup> \$99,860,509.21 was delivered to Russell L. Bauknight, reserving all rights pursuant to the appeal of this Court's Termination of Appointment dated May 26, 2009 and all objections and reservations to the Order of the Honorable Doyet A. Early, III, dated May 26, 2009.

Filed: 6-24-2009  
Sus H. Roe  
Judge of Probate  
By: S. Ready

JUN 29 2009

Signature: 

Name: Robert L. Buchanan, Jr.

Address: 212 Newberry Street NW

P.O. Box 463

Aiken, South Carolina 29802-0463

Telephone(O): 803-649-2586

Signature: 

Name: Adele J. Pope

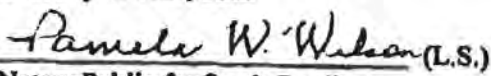
Address: 1218 Taylor Street

PO Drawer 7125

Columbia, SC 29202-7125

Telephone(O): 803-779-1870

SWORN to before me this  
24th day of June, 2009

 (L.S.)

Notary Public for South Carolina

My Commission Expires: 04-08-2012

Form 886A (Rev 1/99)	Department of the Treasury Internal Revenue Service	
<b>Explanation of Items</b>		
Estate of James Brown	Social Security Number	Date of Death 12 25 2006

<b>Schedule F, Other Miscellaneous Property</b>			
	Description	Shown on Return	As Corrected
2	Royalty Interests, Reversion Rights, etc	84 000,000	4,697 736
	Total of these items	84 000 000	4 697,736
	Shown on Return		84 000,000
	Change to schedule		<79 302 264>

Item 2 - Royalty Interests Reversion Rights Etc  
Valuation of these interests was corrected to fair market value based upon expert opinion and financial analysis. Adjustment is per section 2031 Internal Revenue Code

**RECEIVED  
ESTATE TAX DEPARTMENT  
ONLY**

# Exhibit P



HENRY McMASTER  
ATTORNEY GENERAL

April 22, 2010

James Richardson, Jr., Esquire  
1229 Lincoln St.  
Columbia, SC 29201

RE: Settlement Negotiations



Dear Jim:

As a follow-up to our telephone conversation yesterday, Wednesday, April 21, 2010, please accept this letter as one last effort to resolve our differences before the Settling Parties commence an action.

I am writing to propose that we agree in principle to three broad issues, which all the settling parties are willing to consider:

- (1) The settling parties will consider releasing Bob and Adele from any and all actions, delicts, omissions, etc. while they served as fiduciaries; and
- (2) The settling parties will consider allowing Bob and Adele to receive some commissions in addition to any amounts they have already been paid; and
- (3) In return, Bob and Adele will terminate all actions with prejudice and bring no more actions.

If we agree in principle to these three issues, we can meet to iron out the details. The details of the release would necessarily include the process for making both sides comfortable with the efficacy of the release, which may include court approval (Circuit Court and possibly Court of Appeals, as we may agree during the negotiations over details). The possibility of additional fees will be considered only if Bob and Adele finally respond to our requests to give us a broad breakdown of their proposed fees: how much time (and proposed fees) with respect to fighting the settlement versus how much time (and proposed fees) with respect to handling other matters related to the estate and trust. We will need that breakdown before the weekend if we are going to keep the fee issue on the table. We will need a general agreement in principle to all issues before the weekend as well. If by then we receive a response agreeing in principle, we

would begin meeting this coming Monday to iron out details. If not, I will keep the planned meeting with the Attorney General next week and we will get his OK to commence the lawsuit.

Very truly yours,

*C.H. Jones, Jr. / lny mfg*  
C.H. Jones, Jr.  
Senior Assistant Attorney General

cc:

Alan Medlin, Esquire  
Louis Levenson, Esquire  
David Bell, Esquire

**Law Office of  
James B. Richardson, Jr.**

1229 LINCOLN STREET  
COLUMBIA, SOUTH CAROLINA 29201

TELEPHONE 803/799-9412  
FAX 803/799-9628

April 27, 2010

**BY FAX AND BY MAIL**

C.H. Jones, Jr., Esquire  
Senior Assistant Attorney General  
P. O. Box 11549  
Columbia, SC 29211-1549

Re: Settlement Negotiations

Dear Sonny:

Bob Buchanan tried unsuccessfully to reach me by phone yesterday afternoon. He returned to Aiken Friday night after a 1200-mile round-trip drive, did not visit his office over the weekend, and yesterday (Monday) morning saw your letter of April 22d.

My clients are concerned that your letter does not respond to the good-faith offer which they presented to the Attorney General a month ago. Instead it deals only with the matter of fees and a release. Your letter treats the proposal for Court of Appeals approval of a settlement as a possible part of a process for making both sides comfortable with the efficacy of a release, but the proposal for Court of Appeals approval has a broader foundation than that.

My clients have asked me whether Mr. McMaster has seen their comprehensive settlement offer and, if so, what does he think of it? Does he agree to having the Court of Appeals reach the "substitution of judgment" question, which was essential to the settlement? Touching a few of the other elements contained in our settlement proposal, have Forlando and Romunzo agreed to pay for the Federal case? Do the parents of the minors agree that a GAL is critical? Does Mr. Slotchiver agree to sign on behalf of James II?

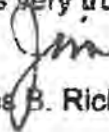
All these questions, which are the subject of the appeal, remain unaddressed.

You know that Ms. Hayes and I, who were engaged and are working solely to assist Mr. Buchanan and Ms. Pope in carrying out their mandate under the James Brown Estate Plan, will not be involved if the threatened lawsuit is commenced. I have been authorized, however, to tell you that my clients are willing to speak, *individually*, with an attorney for the Attorney General, other than you or Ms. Jowers, or to speak with Mr. Levenson, about why they do not think that such a suit would be helpful to anyone. Their only requirement for such a meeting would be that it be a private, confidential settlement conference, and that

they both attend.

I continue to feel that Mr. McMaster and the settling parties should respond fully to the comprehensive settlement proposal which we have placed on the table.

Yours very truly,



James B. Richardson, Jr.

**Law Office of Adele J. Pope**  
**1228 Walnut Street**  
**Newberry, South Carolina 29108**

Exhibit F

April 1, 2013

The Honorable Alan Wilson  
South Carolina Attorney General  
John W. McIntosh, Esquire  
Chief Deputy Attorney General  
Robert D. Cook, Esquire  
Assistant Deputy Attorney General  
C. Havird Jones, Esquire  
Senior Assistant Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211-1549

Re: Hynie "Diary" Gag Order Appeal  
Appellate Case No. 2012-212917

Dear Attorney General Wilson, John, Bob and Sonny:

Since the February 27, 2013 Decision has voided AG McMaster's "stipulation" that Tommie Rae Hynie was Brown's spouse, I ask that Attorney General Wilson either:

1. Move to withdraw from the Hynie "Diary" Gag Order Appeal; or
2. Join me in asking the Court to either Rule on the Appeal or Remand it to Judge Early for a Ruling.

As you may recall, I began trying to void the Gag Orders in March 2012, as part of Case 4900. The Order on appeal was issued as part of Aiken Case 122.

As you know from your own copy of the "diary" and Sonny's and Mary Frances' email communications with Buddy Dallas in 2008, it is important for witnesses to be unengaged as to the known contents of these documents.

A May 29, 2012 Affidavit of Case 4900 witness Albert Dallas says:

Mr Wells called me, to the best of my recollection, around 1<sup>st</sup> of March, 2007...boxes and debris left in home of James Brown.

The diary was copied and transcribed by David Cannon and his secretary, whose name I do not recall. As trustee, I felt that this was information that needed to be

Letter to Attorney General Wilson and others  
April 1, 2013  
Page 2

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turned over to the Court and numerous copies were made available to a number of interested parties at a hearing, the exact date of which I do not recall.

As personal representative and trustee until November 20, 2007, I feel it is imperative...that the content be revealed for any and all probative questions presented to the Court...I was required to vigorously defend the estate plan....a release from Judge Early's order is necessary in order that all...facts be made available to all interested parties. To that end, I request by this affidavit that the Tommie Rae Diaries be released.

A May 30, 2012 Affidavit of Tom Wells describes finding the "Hynie diary" in a pile of boxes appearing to be discarded. He says: "I read through it, called Mr. Dallas, and met Mr. Dallas on that same afternoon. At the meeting, I turned the diary over to Mr. Dallas. I have not seen it since.

As Sonny and Mary Frances will recall, the "diary," which had been widely disseminated and discussed for months, was mailed to about 15 people by Wayne Byrd, Esquire, in early 2008. Recipients included AG McMaster, the AG of Georgia and others within and outside the reach of the Aiken Court.

The Gag Orders were issued in February and March of 2008. Sonny and Mary Frances – in violation of the Order, unless void – failed to turn in AG McMaster's copies to the Clerk and – again in violation, unless void – received another copy from Dallas.

On August 13, 2012, after Judge Early declined to rule on voiding the Gag Orders, I filed a notice of appeal. I named AG Wilson as a Respondent because AG Wilson, through Sonny, had opposed voiding the Gag Orders.

To expedite a decision on this matter, I filed my brief on August 14.

The attempts to void the Gag Orders started a search by AG Wilson and Hynie, through Mr. Wingate in Case 4900, for the person – not me - who had revealed the widely known diary contents to journalist Sue Summer.

Thereafter filings by Hynie's attorney, endorsed by Sonny for AG Wilson, not only repeated the joint position two Attorneys General and Hynie have taken in Case 4900 from its inception, but took vitriolic shots at me. [Bob was not included in the vitriol because Bauknight had purchased Hynie's release from Bob's claims with Estate funds.]

Included were:

1. A claim of lack of jurisdiction because Case 1647 was pending in the Supreme Court.
  2. An alternative claim that the "diary" orders are the law of the case.
- ...
- P. 6. ...**"there is no conflict of interest like self-interest."** Pope's \$2.5 Million Conflict of Interest . . . She had the "audacity to file a claim for that amount. Her claim is simply egregious **when viewed against the backdrop of her actual work and the value of the Estate and Trust...**

"In addition to correcting numerous problems from Pope's administration, including tax problems stemming from her failure to file income tax returns due during her administration, her successor Bauknight also addressed the estate tax.

" Mr. Bauknight did what a personal representative should have done...obtained an independent, professional valuation of the intellectual property....**James Brown's Estate was found to be worth \$6.5 Million at the date of his death...**

"That independent professional valuation was then submitted to and scrutinized by the ...IRS.. A division that deals exclusively with business and royalty valuations....**federal government refunded \$10,000 in estate taxes that Pope erroneously concluded were due..**

"...**Haphazardly claimed the date of death value of James Brown's Estate was worth varying amounts around \$100 Million, not one of them ever provided any substantiation for that figure.**

"The number was created by Cannon, Dallas and Bradley (and followed by Pope), yet never substantiated by an analytical business valuation moder or methodology.

"**Since late 2008 the family and the Attorney General have been in agreement that the litigation must end. "Similarly, the family and the Attorney General are in agreement that Pope's conduct must come to an end. .."** [Emphasis supplied.]

Letter to Attorney General Wilson and others

April 1, 2013

Page 4

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Attached to this was the following statement signed by Sonny for AG Wilson, Robert Cook, himself and Mary Frances:

"The Settling Parties hereby join and support Tommie Rae Brown's Motion to Dismiss Adele Pope's appeal regarding the diary orders..."

My Reply asserted that the above attacks detracted from the important issue of this appeal:

Should Judge Early have heard the challenge to the 4 ½ year-old Hynie "diary" Gag Orders and declared those gag orders void *ab initio* or expired?

I also asserted that:

"Attacks by the Attorney General on a person asking our Supreme Court important questions about the right of individuals in South Carolina to create and maintain privately-run foundations raises another question: Why?"

I hope you will agree that this support by the AG/State for Hynie's position should not continue after the February 27 Decision. I hope, also, that you will see from the above how important it is for AG Wilson's current position to be known as to the following matters:

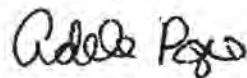
- a. Is it true the State/AG will no longer bolster Hynie in her attempts to secure assets James Brown gave to The James Brown "I Feel Good" Trust?
- b. Is it true the State/AG will not take advice from Hynie's counsel about the value of her claims?
- c. Is it true the State/AG no longer endorses Bauknight's allegation that Brown's music empire and claims against Cannon, etc. were worth less than \$4.7 Million at death?
- d. Is it true the State/AG no longer asserts that Buchanan and Pope committed the federal felony of intentionally overstating Brown's assets by \$79 Million on the Estate Tax Return for the improper purpose of receiving a large commission?

Simply moving through Sonny, your counsel of record, to withdraw from the Hynie "Diary" Gag Order Appeal, will be an important first step in making clear that since February 27, 2013 AG Wilson intends to protect the "I Feel Good" Trust – not Hynie.

I apologize for the length of this letter, but was concerned Bob and John might not recall the details of this appeal.

Thank you for your consideration.

Sincerely,



Adele J. Pope

AJP/ja

Enclosure: Dallas email to Sonny & Mary Frances (Redacted by AG Wilson)

**EXHIBIT A**  
**Law Office of Adele J. Pope**  
**1228 Walnut Street**  
**Newberry, South Carolina 29108**

September 16, 2013

The Honorable Alan Wilson  
South Carolina Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211-1549

Re:

Request for Meeting Re: Bauknight Claim that AG Wilson never saw Appraisal on which False Felony Claim Based.

Mr. Bauknight's Continuing Interference with FOIA Rights

Dear Attorney General Wilson:

I ask to meet with you at your earliest convenience to deal with actions of Russell Bauknight taken within the last 30 days to perpetuate the false felony claim lodged against Robert Buchanan, Jr. and me by your office between 2011 and 2013.

Mr. Bauknight still speaks of record "on behalf of" the Attorney General of South Carolina in Richland County Case 2010-CP-40-4900 (the "Wingate Case"). Until that is corrected, the State/AG appears to bolster Mr. Bauknight's actions.

Your office assured the S.C. Supreme Court in March 2013 that the FOIA cases would proceed expeditiously.

Instead, on May 10 Mr. Bauknight told the Court in the Wingate Suit that the Supreme Court (by omitting the FOIA footnote) has no further interest in FOIA compliance. He asked Jg. Manning to delay the FOIA cases for what may be years.

Then on September 11, 2013 Mr. Bauknight asked the Federal Court to impose a confidentiality Order on two public documents requested under FOIA since 2011:

- a. The Wingate Litigation Retention Agreement; and
- b. The appraisal claiming the at-death value of James Brown's worldwide music empire was less than \$4.7 million.

In an August 20 federal deposition Mr. Bauknight claimed – for the first time – that your office never saw the less-than \$4.7 million appraisal which served as the basis of the felony claim lodged against Mr. Buchanan and me for two years.

Ltr. to Attorney General Wilson  
September 16, 2013  
Page 2

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Mr. Bauknight clings to the notion that James Brown's worldwide music empire was worth less-than \$4.7 million at death – not the correct value of approximately \$84 Million. He clings to the notion that Ms. Hynie and her child control the Termination Rights. He clings to the false felony claims. His August 20 deposition says, in part:

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.

These are strong words for one speaking "on behalf of" the State/AG. It is doubly troubling when the less-than \$4.7 million appraisal has been under "lock and key" for three years despite the requirement of the S.C. Probate Code to file it.

Mr. Bauknight's claims about Ms. Hynie's control of the Termination Rights has been shown to be wrong. You have now asked to be dropped from the lawsuit the State/AG filed against us in 2010 based on somebody's (false) claim that AG McMaster would breach his fiduciary duty if he did not sue us on May 19, 2010.

It is time to undo the damage done by these false felony claims, and the above two public documents are one place to start.

Since October 2012 we have discussed the damage caused by the State/AG's adoption of Mr. Bauknight's false claim that Bob and I intentionally overstated the value of Brown's assets by \$79 million on the Estate Tax Return for the improper purpose of securing a \$5 million commission. Section 7206 of the IRC says:

Ltr. to Attorney General Wilson  
September 16, 2013  
Page 3

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**I.R.C. § 7206 - FRAUD AND FALSE STATEMENTS**

**Any person who -**

**(1) DECLARATION UNDER PENALTIES OF PERJURY – Willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that is made under penalties of perjury, and which he does not believe to be true and correct as to every material matter; or**

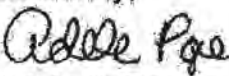
**... shall be guilty of a felony and, upon conviction thereof, shall be fined ... , or imprisoned not more than 3 years, or both, together with the costs of prosecution. [Emphasis supplied.]**

If it is true that you have not looked at the appraisal, and that you relied on Mr. Bauknight's guidance, I ask that we look at it together and assess whether there is an easy way to set these matters straight.

I ask that we meet at your earliest convenience to discuss this serious matter. I am sending this letter to my counsel Adam Silvernail, as I would like for him to join us.

We are available almost any morning at your convenience, and on most Tuesday and Thursday afternoons with a little notice.

Thank you in advance for the opportunity to speak with you.

Sincerely,  
  
Adele J. Pope

AJP/ja  
cc: Adam Silvernail, Esq.  
Robert Buchanan, Jr., Esq.

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**From:** Alan Medlin <amedlin@sc.rr.com>  
**Sent:** Friday, June 03, 2011 9:14 AM  
**To:** Black, David; AGSJONES@scag.gov; MFJowers@scag.gov; Kingsmore, Fred L.  
**Cc:** Williams, Burl F.  
**Subject:** Re: Reply to Motion to Supplement the Record--FINAL.DOC  
**Attachments:** Reply to Motion to Supplement the Record--FINAL medlin edit.DOC

Attached please find some editing suggestions. David, call me at your convenience: 920-1181.

Some other thoughts to consider:

Cox never made an offer so he never intended to value the property prior to due diligence; he didn't have the available information to do so prior to any due diligence, which never occurred. How can they with a straight face say that his "valuation" is binding when they know he didn't have the information to make a valuation, nor is he a professional appraiser.

They claim that the 3 amigos also valued the estate similarly. The 3 amigos also did not obtain any appraisal. Cite the 706 note where Bobadele state that the 3 amigos are untrustworthy but they are nevertheless basing their valuation on the 3 amigos inventory and appraisement.

Can we cite IRS rules re appraisal? Are there any applicable here? (Lad is looking at this for me.)

I assume we intentionally decided not to address some of the other fluff in their brief. For example, they berate us for timing issues: not giving them the appraisal while the record was being established. Of course we didn't. They have already demonstrated that they would sabotage the estate's dealings with the IRS by sending in the "roadmap." Do we want to address this somehow?

**From:** Black, David  
**Sent:** Thursday, June 02, 2011 11:30 AM  
**To:** <mailto:AGSJONES@scag.gov>; <mailto:MFJowers@scag.gov>; <mailto:amedlin@sc.rr.com>; <mailto:louis@levensonlaw.com>; <mailto:lori@levensonlaw.com>; Kingsmore, Fred L.  
**Cc:** Williams, Burl F.  
**Subject:** Fw: Reply to Motion to Supplement the Record--FINAL.DOC

Draft reply attached. We will need to file tomorrow. Please have any edits back to us by noon tomorrow. Sonny, I will also send you a hardcopy with Wilkins signature.

Thanks, David

---

**From:** Williams, Burl F.  
**To:** Black, David  
**Sent:** Thu Jun 02 11:25:57 2011  
**Subject:** Reply to Motion to Supplement the Record--FINAL.DOC

Burl F. Williams  
Nexsen Pruet, LLC  
1230 Main Street, Suite 700  
Columbia, SC 29201  
PO Drawer 2426 (29202)  
T: 803.540.2145, F: 803.727.1408

**Exhibit E-11**

15

JB-41\_000296

**From:** Alan Medlin <amedlin@sc.rr.com>  
**Sent:** Friday, June 03, 2011 9:14 AM  
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Nexsen Pruet, LLC  
1230 Main Street, Suite 700  
Columbia, SC 29201  
PO Drawer 2426 (29202)  
T: 803.540.2145, F: 803.727.1408

C-22  
**Exhibit E-11**

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JB-41\_000296