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**Mar 05 2024**

S.C. SUPREME COURT

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

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

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**Appellate Case No. 2023-001253**

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

And

Tommie Rae Brown, individually and on behalf of her minor child, James B. II; Daryl J. Brown, individually and on behalf of his minor child Janise B.; Lindsey Delores Brown; Deanna J. Brown Thomas; Jason Brown-Lewis; Yamma N. Brown, individually and on behalf of her minor children Sydney L. and Carrington L.; Tonya Brown; Venisha Brown; Larry Brown; and Terry Brown, Plaintiffs,

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

And

Tommie Rae Brown, individually and on behalf of her minor child, James B. II; Daryl J. Brown, individually and on behalf of his minor child Janise B.; Lindsey Delores Brown; Deanna J. Brown Thomas; Jason Brown-Lewis; Yamma N. Brown, individually and on behalf of her minor children Sydney L. and Carrington L.; Tonya Brown; Venisha Brown; Larry Brown; and Terry Brown, are Respondents,

v.

Adele J. Pope, Appellant.

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**REPLY TO APPELLANT’S RETURNS TO MOTION TO CONSOLIDATE AND  
TRANSFER**

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REPLY ARGUMENTS

By way of reply to Appellant’s February 29, 2024 Return to Respondents’ Motion to Consolidate and Transfer, Respondents offer a few brief comments:

- I. Pope, through her counsel in Case Nos. 2023-1253 and 2023-1941, does not object to the procedural relief requested in the Motion to Consolidate and Transfer. However, Appellant improperly conflates these cases with a FOIA appeal that is not the subject of this Motion and without a shred of evidence attempts to deflect blame from Pope for the Estate’s inability to begin offering scholarships.**

In her Return, Appellant clearly consents to the full scope of the procedural request made in Respondents Motion to Consolidate and Transfer. For instance, she states that “Appellant does not object to this Court taking jurisdiction over Appellate Case No. 2023-1941,” referring to the transfer request made in the Motion. (Ret., at p. 5.) Further, Appellant states that, regarding the February 7, 2024 Petition filed in this Court’s original jurisdiction, “Appellant does not object to consolidation of that matter and Case No. 2023-1941 with this case,” referring to the consolidation request made in the Motion. (*Id.*)

However, Appellant in her Return references “the pending appeal in a 2011 FOIA matter,” Ret., at p. 6, which is not the subject of this Motion and in which the undersigned is not involved. Respondents wish to clarify that the “2011 FOIA matter” has not been brought before this Court by Appellant or these Respondents and has nothing to do with the issues on appeal in this case.

Moreover, without a shred of evidence, Pope conjures the specter of an alleged third-party agreement as the reason the Estate cannot distribute scholarships (Ret. filed by Counsel, Case 2023-1253, at 5.). The Estate hereby states for the record that no such agreement exists. Pope's unsupported speculation is merely an effort to shift blame. Pope's years-long litigation, littered with frivolous filings intended to delay these proceedings and exact a financial penalty from the Estate, her fruitless appeals of nearly every trial court order, and her refusal even to consider *every* attempt to resolve the case are solid, *admissible* proofs that she, not the Estate or any alleged third-party agreement, is the cause of the scholarship distribution delay. The Estate simply cannot dismiss its claims without a mutual release because Pope has proven time and again that she will continue to file cases and appeals unless part of the resolution of this matter is an enforceable agreement that all parties truly walk away.

**II. Appellant, in her *pro se* capacity in Case No. 2024-\_\_\_\_, does not object to the procedural relief requested in the Motion to Consolidate and Transfer.<sup>1</sup>**

In spite of its voluminous contents (35 pages of "Return" plus 151 pages of Exhibits), Respondents note that nowhere in Pope's *pro se* filing does she object to the procedural relief requested in the Motion to Consolidate and Transfer.

CONCLUSION

Respondents respectfully request that this Court grant the now unopposed Motion to Consolidate and Transfer, thereby transferring Case No. 2023-1941 to this Court and consolidating it and the February 7, 2024 Petition with the current appeal, so that all of those matters may be heard expeditiously and with finality.

Respectfully submitted,

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<sup>1</sup> Respondent Russell L. Bauknight, as Personal Representative of the Estate of James Brown, is represented by Maynard Nexsen, P.C. (J. David Black, Esq. and Kirsten E. Small, Esq.) in the matter in which Appellant Pope is *pro se*.

**SWEENEY, WINGATE & BARROW, P.A.**

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March 5, 2024