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Apr 30 2024

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

S.C. SUPREME COURT

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

Supreme Court Case No. 2024-000573

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

And

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

v.

Adele J. Pope, Petitioner.

AFFIDAVIT OF ADAM T. SILVERNAIL

PERSONALLY APPEARED BEFORE ME Adam T. Silvernail, who, being duly sworn, deposes and says:

1. I am over the age of twenty-one (21), competent to testify and give this affidavit of my own personal knowledge.

2. I, along with W. Jeffrey Smith, Esquire, and Daryl L. Williams, Esquire, are counsel for Petitioner Adele J. Pope in the above-captioned appeal.

3. I have prepared and filed previous affidavits in response to motions of Respondents for sanctions. I attach a copy of my Affidavit, dated April 11, 2023, as **Exhibit A** hereto, which includes my Affidavit, dated September 25, 2020, as an exhibit.

4. All statements in both of these affidavits remain true and offer some of the history of Respondents use of threats, intimidation and motions for sanctions to try to prompt Mrs. Pope's counsel to distance ourselves from her.

5. The Petition for Writ of Certiorari which is the subject of Respondents' April 23, 2024 motion for sanctions was filed in good faith.

6. All factual allegations contained within the Petition are supported by the record, and no legal argument set out in the Petition was made without a good-faith basis.

7. The appeal currently pending before this Court as Case No. 2023-1253 relates to Orders of Circuit Court which impose the harshest available sanctions against my client, and I would not advise any client to let those Orders stand without seeking appellate review.

8. Likewise, the Orders on appeal in the above-captioned matter were issued during a time when I believe the circuit court was without jurisdiction to issue them; we have therefore sought review of these Orders to avoid the disclosure of my client's and her husband's private financial information "without objection" under Orders issued without jurisdiction.

9. We have not filed our Petition for purposes of delay; indeed, I am very eager to see this case, which has spanned my entire career, concluded promptly. I strongly believe my client, who continues to have to defend herself against allegations made on behalf of the

South Carolina Attorney General nearly 14 years ago, also wishes to see these matters brought to a just conclusion as quickly as possible.

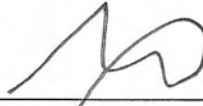
10. When Respondents' counsel invited me to disavow myself of arguments made in our Petition, presumably so that my own client would be left alone to answer to Respondents' outrageous allegations, I did not believe it appropriate to dignify their correspondence with a response. I do not believe any reasonable and honorable lawyer would file a document in good faith, then turn tail on the client when the other side threatens sanctions in order to intimidate parties or counsel into abandoning their argument.

11. I do not recall ever having been the subject of a motion for sanctions, other than those made by one or more Respondents in this and other cases tied to the Estate and Trust of James Brown.

12. I do not believe moving for sanctions, unless warranted by egregious conduct, is an appropriate litigation strategy, and I do not believe I have filed more than three or four such motions in my career – most or all in this case, prompted by Respondents' extraordinary attempts to stymie and avoid discovery on the claims they brought in 2010.

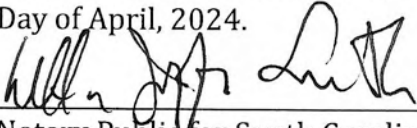
13. While I understand that this Court may disagree with the arguments presented in the Petition, I respectfully submit that it was made in good faith and forms no basis for sanctions of my client, my co-counsel or me.

FURTHER DEPONENT SAYETH NOT.



Adam T. Silvernail

SWORN TO before me this 30TH
Day of April, 2024.



Notary Public for South Carolina

My Commission Expires: 2/27/2027

RECEIVED

Apr 30 2024

S.C. SUPREME COURT

EXHIBIT A

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY

Court of Common Pleas

The Honorable Doyet A. Early, III, Circuit Court Judge

The Honorable L. Casey Manning, Circuit Court Judge

Appellate Case No.: 2022-001713

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

And

ALAN WILSON, in his capacity as Attorney General of the State of South Carolina; Tommie Rae Brown, individually and on behalf of her minor child, James B.; Daryl J. Brown, individually and on behalf of his minor child Janise B.; Lindsey Delores Brown; Deanna J. Brown Thomas; Jason Brown-Lewis; Yamma N. Brown, individually and on behalf of her minor child Sydney L. and Carrington L.; Tonya Brown; Venisha Brown; Larry Brown; and Terry Brown, Respondents.

v.

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

Of whom Adele J. Pope is Appellant.

AFFIDAVIT OF ADAM T. SILVERNAIL

PERSONALLY APPEARED BEFORE ME Adam T. Silvernail, who being duly sworn, deposes and says:

1. I am over the age of eighteen (18), competent to testify and give this affidavit of my own personal knowledge.
2. I am a member of the South Carolina Bar, having been admitted in November 2010, and shortly thereafter joined Daryl L. Williams as counsel for Defendant/Appellant Adele J. Pope in this case.
3. Adele is currently represented by Charles E. Carpenter, Jr., Daryl L. Williams, Wm. Jeffrey Smith and me, and this has been the makeup of our team for several years.
4. I have also represented Adele in other matters related to the Estate and Trust of James Brown, including FOIA cases in this Court, appeals from the Circuit Court, and a case in the Federal District Court, later appealed to the Fourth Circuit Court of Appeals.
5. My practice has been devoted primarily to litigation involving estates, trusts and/or property for more than a dozen years. These matters are very often hotly litigated and emotional, and clients often focus on personal slights, real or perceived, rather than the legal issue before the Court. For my entire career, I have worked with clients to avoid unnecessary or inflammatory "mudslinging" where the evidence is irrelevant to the matter before the Court. I have never had to do so in any case where I have represented Adele.
6. I do not advertise, maintain a website or subscribe to any referral service; all of my clients come from person-to-person referrals. The vast bulk of those are from other attorneys, many of whom I have worked with in other matters.
7. I am very fortunate to have started my career by working with James B. Richardson, Jr. on the appeal that would result in *Wilson v. Dallas*, 743 S.E.2d 746 (2013). Jim, who is one of the most experienced, talented and honorable lawyers I have known, mentored me early in my practice.

8. Jim and Adele also frequently gave my name when other attorneys were looking for a probate litigator, and I had the opportunity to work with many of the best probate lawyers very early in my career.

9. Richland 4900 was one of the first cases I became involved in as an attorney, and remains the most extraordinary case I have ever been involved in.

10. This case is extraordinary procedurally and substantively, in that it is the only action I have been able to locate in which the South Carolina Attorney General shared private counsel with numerous private individual clients, without anyone from the AG's office appearing on the pleadings.

11. This case has also been extraordinary in that the Plaintiffs brought the action, then spent years delaying discovery by refusing to appear at depositions, filing dozens of motions for protective orders, and refusing to produce non-confidential documents without onerous confidentiality orders.

12. We have made extensive attempts to obtain proper discovery and move this case forward, as well as seeking appellate intervention and review of important, novel and Constitutional issues as necessary.

13. From 2010 until 2013, the Circuit Court processed motions filed in this case in approximately the manner I have seen in other civil proceedings, albeit with a larger than usual number of motions filed.

14. After the *Wilson v. Dallas* decision was issued, however, Sweeny, Wingate & Barrow, P.A. ("SWB"), which has represented all Plaintiffs from the inception of this suit, took the position that it had a "judicially created conflict" and that this case would need to be stayed until all litigation among its various clients (in which some of SWB's clients were adverse and/or

actively litigating against others) was resolved. We sought hearings on various matters, but SWB's request and subsequent insistence that discovery not proceed resulted in a *de facto* stay of the case until it was reassigned to the Honorable Doyet A. Early, III in March 2016.

15. At the time Judge Early took the case over, there was a massive backlog of motions, including pending Rule 59 motions never decided by Judge Manning, who had previously been assigned to the case. Judge Early ordered that discovery would "begin anew" in an effort to avoid the morass of discovery disputes which had arisen in the nearly 6 years the case had been pending.

16. Within a couple of months after Judge Early took over the case, Plaintiffs moved for summary judgment on all of our counterclaims, asserting that no discovery or factual inquiry was necessary. Judge Early eventually agreed and granted summary judgment in July 2017. That Order remains on appeal, with a Petition for Certiorari pending before the Supreme Court.

17. Plaintiffs' counsel has repeatedly threatened or moved for sanctions against Adele and/or her counsel.

18. This began in January 2012, when SWB moved for sanctions against us in a FOIA case to which its clients were not parties. That case arose after Adele made a FOIA request for public documents from the AG, and the AG refused to produce documents to her under FOIA. SWB moved to intervene on behalf of its private clients, for the extraordinary purpose of stopping the AG from releasing the public Wingate Special Counsel Litigation Retention Agreement, which has subsequently been Ordered released by this Court in that FOIA case. I believe this motion – filed approximately a year after I began practicing law – was intended to intimidate me (then a young lawyer) into abandoning my client. The motion was never heard or decided, and SWB eventually abandoned its attempt to intervene in the FOIA case.

19. Although SWB has repeatedly accused me of acting unethically or unprofessionally

in this and related cases since 2012, Kenneth B. Wingate, Esq., has referred multiple clients to me in the intervening years. Although I may have been contacted more recently by potential referrals I did not take on, I know that Ken referred one of his own clients to me in 2019 to handle a matter on which, if I remember correctly, he had a conflict.

20. Most recently, SWB moved for sanctions and a finding of contempt in the Court of Appeals in Case No. 2018-2229, alleging that Adele and I were attempting to somehow manipulate the Court through a clerical error in our Final Brief. I attach a copy of the affidavit I filed in response to that motion, which sets out the details of the matter, as **Exhibit A**.

21. The 2020 motion for sanctions was denied, and none of the motions or requests for sanctions made by SWB against Adele and/or her counsel have been granted.

22. In my entire career, which now spans more than 12 years, I have never been the subject of any motion for sanctions filed by anyone other than Plaintiffs or their counsel. Nonetheless, Plaintiffs' counsel has consistently and repeatedly threatened, requested or moved for sanctions, as well as alleging more than once that my client or I have acted unethically.

23. This case has become extremely procedurally complex, with multiple appeals, multiple reassignments, and an unusual volume of discovery disputes. While our team has taken all reasonable measures to protect our client, I do not believe we are the reason this case has gone on for more than 13 years.

24. For example, in 2017 Plaintiffs were allowed to examine every document in Adele's possession or control, which amount to more than 100 boxes. Plaintiffs' counsel spent 4 days at Adele's home and office; although they copied dozens of CDs containing electronic material, they have never attempted to copy a single page from her boxes of records.

25. Our motions to lift the stay have all been made in good faith and based on

developments giving new or further reasons to lift the stay. For example, we learned in late 2020 that public documents which had never been released show that the AG told SWB in 2013 that SWB had never represented the AG. See **Exhibit B**. This was a shock, since SWB had continued as sole counsel of record for the AG for years after that, without disclosing the letter to the parties or the Courts.

26. I have never filed a document indicating another lawyer's signature without his or her permission. In this case, all members of our team have been involved in every filing. I have acted as the lead counsel in recent years, both because of my extensive familiarity with the history of this case and because of my availability.

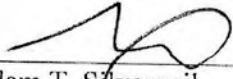
27. We are aware and sensitive to the fact that Charlie Carpenter is a caregiver to his wife, who requires full-time care. Charlie has nonetheless made himself available to review filings and discuss the case.

28. Likewise, Daryl Williams has dealt with health and family issues, as well as working toward retirement.

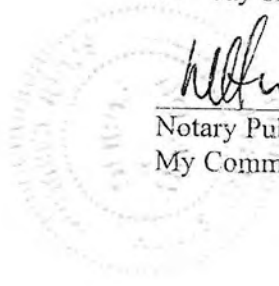
29. During 2018 and 2019, when I was also dealing with a life-threatening health condition, Daryl and Walter H. Bundy, Jr. (who was then co-counsel) primarily handled the matter, but kept me informed of everything they did; I participated as much as possible during my treatments and recovery.

30. I take very seriously the allegations, and deny, made by SWB that I have acted improperly, and I certify that I have never filed any document to delay this case or for any other improper purpose. Every filing we have made has been in accordance with the Rules of Civil Procedure, the Rules of Professional Conduct and the normal standards of practicing law.

FURTHER DEPONENT SAYETH NOT.


Adam T. Silvernail

SWORN TO BEFORE ME THIS
11th day of April, 2023.



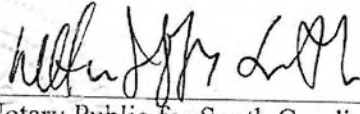

Notary Public for South Carolina
My Commission expires: 04/27/2027

EXHIBIT A

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SEP 25 2020
SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals
APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

The Honorable Doyet A. Early, III, Circuit Court Judge
The Honorable L. Casey Manning, Circuit Court Judge

Appellate Case No.: 2018-002229

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

And

ALAN WILSON, in his capacity as Attorney General of the State of South Carolina; Tommie Rae Brown, individually and on behalf of her minor child, James B.; Daryl J. Brown, individually and on behalf of his minor child Janise B.; Lindsey Delores Brown; Deanna J. Brown Thomas; Jason Brown-Lewis; Yamma N. Brown, individually and on behalf of her minor child Sydney L. and Carrington L.; Tonya Brown; Venisha Brown; Larry Brown; and Terry Brown, Respondents.

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

Of whom Adele J. Pope is Appellant.

AFFIDAVIT OF ADAM T. SILVERNAIL

PERSONALLY APPEARED BEFORE ME Adam T. Silvernail, who being duly sworn, deposes and says:

1. I am over the age of eighteen (18), competent to testify and give this affidavit of my own personal knowledge.

2. I am a member of the South Carolina Bar, having been admitted in November 2010, and I am one of the attorneys for Appellant Adele J. Pope in this appeal.

3. In addition, I represent or have represented Mrs. Pope in multiple other matters in this Court and the Circuit Court which relate to the Estate and 2000 Trust of the late James Brown.

4. I was admitted to the Bar in November 2010, and I joined Mrs. Pope's existing counsel in representing her at that time. The lawsuit underlying this appeal (known as "Richland 4900") had been pending for about six months.

5. From its inception, Richland 4900 has been extraordinarily slow and difficult, with Sweeney, Wingate and Barrow, P.C., the Plaintiffs' counsel, filing dozens of motions to delay and avoid basic discovery. Simple matters like beginning to depose the dozen-plus Plaintiffs took years¹, and Plaintiffs have never meaningfully responded to requests for production of documents.

6. At its commencement, this case was the first instance of the South Carolina Attorney General and private plaintiffs joining together, represented solely by a single private law firm, to sue two South Carolina citizens for money damages. To date, I have never become aware of a similar case anywhere in the Country. We sought early on to have this case dismissed and/or have private counsel Wingate enjoined from representing the AG and private plaintiffs in this tort suit, but the Circuit Court declined to do so. This Court declined to review the matters as premature and dismissed our Petition for Writ of Prohibition as a result of its declining to take the appeal.

¹ Although this case was filed in May 2010, the first Plaintiffs' depositions were not completed until late 2012, after months of effort on our part to secure them. To put in perspective the level of difficulty of making those depositions happen, I note that in December 2012 Mrs. Pope had to listen by phone from a storage closet in the hospital where her daughter was being treated for a life-threatening brain tumor discovered just the day before the deposition of Daryl Brown. We knew that any necessary rescheduling of that deposition would delay this case for months more. Most of the Plaintiffs' depositions were taken in 2017, and some are yet to be taken.

7. During the course of this case, Plaintiffs have repeatedly moved for protective Orders regarding depositions and document production. Most of these motions have never been heard, ostensibly due to Plaintiffs securing multiple actual or constructive stays of the case; the assignment and reassignment of this case to three (3) different Circuit Court judges; and the sheer volume of motions filed. To be clear, we have filed numerous motions to compel depositions and discovery, as well as a number of substantive motions, primarily attempting to narrow and dispose of issues in this case via partial summary judgment; most of these have also gone unheard.

8. In addition to this case, I represent or have represented Mrs. Pope in two FOIA cases (collectively involving Plaintiffs AG and Legacy Trust, and in one of which Wingate sought to intervene on behalf of his private clients for the explicit purpose of ensuring the AG did not release public documents); a Federal Court case (in which Plaintiff Bauknight was involved, represented by Nexsen Pruet, LLC); and Aiken County Case No. 2013-CP-02-1337, which is Mrs. Pope's action against the Estate and 2000 Trust of James Brown for payment related to her service as Special Administrator, Personal Representative and Trustee of the Estate of James Brown and James Brown 2000 Irrevocable Trust (in which Plaintiff Bauknight is represented by Nexsen Pruet, LLC).

9. Although the cases in which I have represented Mrs. Pope have continuously constituted a meaningful portion of my practice, I have represented diverse clients in various civil actions (often concerning estates, trusts, fiduciary duties and/or property) in the Probate and Circuit Courts in more than a dozen counties, as well as this Court, the South Carolina Supreme Court, the Federal District Court and the United States Court of Appeals for the Fourth Circuit.

10. I began my practice as a sole practitioner and, other than approximately a year and a half at a small firm in 2014-2016, have been a sole practitioner for my entire career. Having no

in-house colleagues for day-to-day guidance has left me deeply appreciative of a handful of lawyers who were generous with their time and knowledge early in my career, as well as countless lawyers who have kindly, gladly answered questions or given thoughtful input on various issues. My family has no other lawyers, and I had no association with the profession prior to law school, other than having worked as a staff member in Mrs. Pope's office. Nonetheless, the Bar has been a welcoming, supportive and collaborative community.

11. Because this and the related cases were among the first I worked on in my practice, I am thankful that my mentors were there to make clear that the conduct of this litigation was not representative of how we practice law. In addition to the fact that this case was brought against two practicing South Carolina lawyers, each with long and exceptional careers, masses of procedural motions and "gotcha" litigation have plagued it from its inception.

12. When I had been practicing for about a year, the Wingate firm moved for sanctions against Mrs. Pope and me in a FOIA case we filed against the AG. The Wingate firm had sought to intervene for the express purpose of keeping the AG from releasing its contract with the Wingate firm. When we pointed out that the FOIA statute provided that interfering with the FOIA rights of a third party was a misdemeanor, the Wingate firm alleged that I had violated Rule 4.5 of the Rules of Professional Conduct. Rule 4.5 prohibits leveraging threats of criminal prosecution in order to better one's position in civil litigation, but we had threatened nothing and sought to gain no advantage – only to properly vindicate Mrs. Pope's FOIA rights. The motions to intervene and for sanctions were never heard and were either withdrawn or abandoned by the Wingate firm.

13. That motion was startling to receive at that point in my practice. I take very seriously my obligations to the Court, my clients, my colleagues and third parties. I was fortunate to learn a great deal about those obligations and how to mind them from Mrs. Pope during my time

on her staff and as her attorney.

14. Unfortunately, moving for sanctions, suggesting my conduct or my client's was sanctionable, and/or moving to strike based on allegations of false statements or noncompliance with governing rules would quickly become quotidian in this and the other James-Brown-related cases in which I have represented Mrs. Pope. Dozens of such motions have been filed in the lower Courts and in this Court. To date, no sanctions have ever been granted against Mrs. Pope or me in any case where I represent her. A minority of the motions to strike have been granted to correct procedural issues, but the other relief (such as dismissal, attorneys' fees or other sanctions) usually sought in those motions has been denied.

15. I note that I have never been subject to a motion for sanctions or a motion to strike a document for noncompliance with the Rules outside of cases involving the Wingate firm and/or Nexsen Pruet, LLC as counsel for Plaintiff Bauknight.

16. The background above is, I believe, useful context for the Wingate firm's most recent motions. As noted in our return, I acknowledge that an oversight led to the last three sections of citations listed in Wingate Chart 1 not being corrected in our Amended Brief. I now know that this was a result of my printed copy of Chart 1 missing its last two pages. To be clear, I am certain this was a result of my own collating or printing error, and I take full responsibility for the inadvertent error.

17. I am compelled to give this affidavit in light of the Wingate firm's seeking to hold Mrs. Pope in contempt for what amounts to an embarrassing (to me) but easily corrected error.

18. In the previous motion to strike our Brief, the Wingate firm alleged Mrs. Pope and her counsel had undertaken an intentional and nefarious scheme to somehow manipulate this Court's thinking by omission of certain citations to a document in the Record which the Wingate

firm posits to be somehow damaging. Notably, the Brief as filed still included numerous references to that very document.

19. In our response, I noted truthfully that Mrs. Pope had no direct involvement in the preparation or filing of the final Brief; that the omissions were inadvertent on my part; and that we were glad to file an amended Brief to correct them. Upon review, it became clear that I had utilized a non-final draft of the initial Brief to create the final, and that was why the content differed.

20. In our response, which I signed under the applicable Rules governing attorneys' candor with the Court and honesty among one another, I noted that the initial Brief was filed in mid-2019, when I was still very much in the midst of recovering from Acute Lymphoblastic Leukemia (ALL) and a therapeutic stem-cell transplant which treated it. As a result, by mid-2019 I was just beginning to spend any meaningful time practicing law; our filings were thus being circulated among client and multiple attorneys prior to my final review and filing.

21. From 2011-late 2017, I had consistently been the attorney on Mrs. Pope's team primarily responsible for drafting, finalizing, serving and filing documents with input and participation from the other attorneys and Mrs. Pope. In late 2017, I began experiencing health issues, and in January 2018, I was unexpectedly admitted to the hospital in dire shape and diagnosed with ALL. The treatment for ALL is intense, with a multi-chemotherapy regimen requiring more than a week per month of inpatient hospital stays. I did those treatments through June 2018, after which I was admitted to MUSC for a stem-cell transplant. At the time of my diagnosis, I had a very active and full solo practice (with no staff), and my health crisis caused an immediate professional crisis for my numerous active litigation files. The first few months of my illness and treatment were devoted to resolving a few matters that were in their final stages and working with clients to locate replacement counsel for the rest. Mrs. Pope had to immediately

refocus her attorneys to take on the day-to-day management this and her other cases (one of which was mid-trial at the time), where I had traditionally been available and relied upon among our team for many aspects of the litigation. As a result of her extra work and that of my current and former co-counsel, I did not have to withdraw from representing her.

22. For the stem-cell transplant, one is admitted to the hospital for several days of full-body irradiation, followed by several days of very intense chemotherapy. The goal is to completely kill off the patient's bone marrow (which produces our blood cells, including those which constitute our primary immune system) to make room for the transplanted stem cells to take foot and, hopefully, replace the cancerous bone marrow with that of the healthy donor.

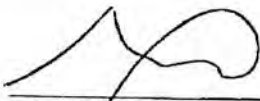
23. I spent a month in the hospital at MUSC and was required to live in Charleston near MUSC for another three months. While I have been fortunate that my recovery was relatively uncomplicated, returning to "normal" life is slow for any transplant patient. While I was back in Columbia during 2019, I had appointments at MUSC between weekly and monthly (depending on how things were going) during that year and suffered great fatigue and continuing medication adjustments. My initial return to practicing law was an oral argument before this Court in February 2019, followed by two others during the remainder of the year and one or two Circuit Court hearings during that period. In August 2019, when the initial brief was filed in this case, I was working approximately 10 hours per week at most. Today, I continue to take immunosuppressants and several other drugs to manage my immature immune system. I still go to MUSC at least monthly to monitor my recovery and manage chronic graft-versus-host disease, which results from transplants. I do not currently have a full-time law practice, although I have been able to resume taking on some cases.

24. The medical detail above is not something I relish addressing in a Court filing or

relying on to explain my error, but the Wingate firm's Reply to our previous return suggests that I was untruthful with the Court in my explanation for the error. I submit this affidavit to assure the Wingate firm and this Court of my candor.

25. Because it has never been my experience to have another attorney suggest that I was untruthful or intentionally shirked any Order or Rule, I again affirm that none of the oversights complained of was intentional. In fact, I had hoped to ensure the Wingate firm's satisfaction by providing a draft of our Amended Brief prior to filing for their review. Instead of noting my oversight – which could have and would have been corrected easily prior to filing – the Wingate firm ascribed some unintelligible ill-intent to my effort at collaboration and instead filed the instant motion and petition to punish Mrs. Pope for what was an inadvertent oversight.

FURTHER DEPONENT SAYETH NOT.


Adam T. Silvernail

SWORN TO BEFORE ME THIS
25th day of September, 2020.

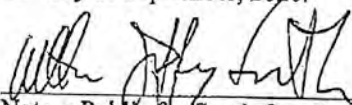

Notary Public for South Carolina
My Commission expires: 2/27/2027

EXHIBIT B



ALAN WILSON
ATTORNEY GENERAL

April 24, 2013

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

RE: Russell L. Banknight 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 1900 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/ak

SCANNED

REARER: C. DENNIS BUILDING • Post Office Box 11546 • Columbia, SC 29211-1546 • Telephone: 803-734-1970 • FAX: 803-253-6283