

**RECEIVED**

**Apr 30 2024**

**S.C. SUPREME COURT**

**STATE OF SOUTH CAROLINA  
In the 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 ADELE J. POPE IN OPPOSITION TO MOTION FOR SANCTIONS  
SOUGHT BY SWEENEY, WINGATE AND BARROW, P.A.**

---

PERSONALLY APPEARED BEFORE ME, ADELE J. POPE, who being duly sworn, deposes and says.

1. The public record on May 19, 2010 when Robert Buchanan, Jr. and I were sued by the

Attorney General of South Carolina, the James Brown Legacy Trust, Tomirae Hynie and the remaining Respondents in “Richland 4900 showed:”

- Iconic entertainer James Brown died on Christmas Day 2006 with no spouse; at least a dozen claimed children; and a \$100 million estate in which he left the bulk of his assets to his “I Feel Good” education charity for needy students in S.C. and Georgia.
- James Brown’s “I Feel Good” Trust, at \$80 million was believed by many to be the largest private charity for education of needy students to be created by a Black man who was born and died in South Carolina, and by some to be the largest private foundation created by a South Carolina resident at the time.
- James Brown had made \$80 million between 1999 and his death in 2006 and no less than \$5 million each year since his death.
- In 1999 James Brown had taken out a \$26 million “Pullman bond” debt, with almost 8% interest, which was reduced to about \$15 million when he died; down to \$9.2 million when Russell Bauknight became PR/Trustee; and was 12 years ahead of the projected repayment schedule.
- The Attorney General had brokered a settlement in 2008 that, after being modified, put James Brown’s assets in Respondent Legacy Trust, then gave 47.5% of James Brown’s assets to the AG’s new charity, with the first \$2 million going to descendants, and 23.75% going to Respondent Tomirae Hynie..
- Ms. Hynie had assigned her “termination rights” under Sections 203 and 304 of the U.S. Copyright Act and claimed they were worth half of “tens of millions” of dollars, but they were worth zero.
- Ms. Hynie had made false claims to James Brown, including concealing her marriage and conducting a marriage ceremony with Mr. Brown, from 1997 until his death.
- James Brown had more than a dozen claimed “heirs” under the U.S. Copyright Act who had (children and grandchildren) equal rights (per stirpes) to termination rights, acting by majority after 56 or 35 years to the then-approximately 1,000 song copyrights James Brown devised to the “I Feel Good” Trust.
- Termination rights are complex, but a majority of heirs (per stirpes) could elect to claw back some of Brown’s U.S. (only) royalties beginning slowly in 2012 and lasting until the new post-death copyrights were 35 years old.
- Some U.S. royalties, like “derivative actions” could not be clawed back by James Brown’s heirs by exercising termination rights, and the non-U.S. half of James Brown’s \$5 million annual royalties would not be subject to termination rights claims.

- A proper determination of Brown's heirs under the Copyright Act was essential to the protection of the "I Feel Good" Trust's \$5+ million royalty income, and the projected \$4 million annual "I Feel Good" scholarships that could be paid in 2013, or earlier if the parties agreed.
- In 2009 Mr. Bauknight had asked the circuit court to accept the AG's 2008 settlement which attempted – but could not – declare Brown's descendant heirs under the Copyright Act.
- The AG's 2008 settlement, which Mr. Bauknight recommended, left out at least 5 known heirs under the Copyright Act, Jeanette, LaRhonda, Nicole, Respondent Tonya Brown Fegan, and incarcerated son Michael Deon Brown, all of whom, by passing a \$300 DNA test would have the same rights as James Brown's acknowledged children under the Act.
- The AG's 2008 settlement "stipulated" that Respondent Hynie was the "spouse" of James Brown which, if not reversed by the Supreme Court, would have allowed her to be entitled to control, with Respondent James Brown II (if he passed his paid-for \$300 DNA test under the estate's official "Peoples Protocol"), termination rights to the U.S. royalties to the "I Feel Good" Trust's then-1,000+ songs, which, in 2017 would be worth \$8.8 million .
- There were many strategies to reduce the impact of termination rights, the obvious ones being to confirm Ms. Hynie's bigamy which she admitted in public handwritten notes found in 2007 and sent to the Attorney General from Brown's estate; to complete DNA testing under the Peoples Protocol for \$300 a person for any Will contestants; and to tell the Court the truth about termination rights, including that they would never apply to James Brown's non-U.S. royalties, which made up about half of the \$5+ million royalty income stream James Brown devised to the "I Feel Good" education charity.
- In May 2010 James Brown's "I Feel Good" Trust was almost back to the \$95 million it should have been when James Brown died, and would be back at \$95 million in October 2011 when the Pullman bond debt was fully paid.
- Mr. Bauknight and Respondents Hynie and James Brown II would claim that the Pullman bond debt was \$19 million when James Brown died and \$14 million when Mr. Brown took over, but these were both incorrect.
- The reason why Brown's "I Feel Good" charity was only \$80 million at his death was that resigned trustee David Cannon had stolen \$17 million from the \$80 million James Brown brought in between 1999 and his death, including the \$5 million "check to nobody" that Mr. Cannon had laundered through a Barnwell bank in 1999; the Morgan Stanley account that was \$10 million in 1999, rose to \$12 million, and was cleaned out by Mr. Cannon by 2003; and the \$900,000 Mr. Cannon had taken in 2006 from funds that should have been deposited into M & T Bank to pay down the Pullman bond loan even further.
- It had taken until February 2010 for Cannon to be indicted because, for unknown reasons, SLED had designated the Cannon investigation which was ordered by the Attorney General

in 2007 as “routine,” even though stealing \$17 million from a charity was not routine.

- Bob Buchanan and I had fully documented Cannon’s \$17 million theft and two forgeries to cover up the theft by early 2008, and, with circuit court approval, attorneys had been hired and lawsuits filed which sought both the return of the \$17 million from Mr. Cannon and the damage which had been caused by one law firm, an accountant, and one of Cannon’s two co-trustees by the coverup of Cannon’s theft.
- Since Alan Medlin, Esq., contacted me and asked to nominate me as a special administrator (SA) for James Brown’s estate, and Judge Doyet Early had appointed Mr. Buchanan and me, Mr. Medlin’s client, Ms. Hynie, had called David Cannon a thief and a liar who extorted James Brown with threats of a felony complaint and a long prison sentence over a punch the strong James Brown had given Mr. Cannon, and others called him an “animal.”
- At the first James Brown hearing Ms. Hynie’s attorney expressed fear that Mr. Cannon and his co-trustees would carry off a quick sale of James Brown’s \$100 million music empire for as low as \$20 million just to get the 10% commission they claimed, and he had reason to be concerned.
- Mr. Cannon and his co-trustee Albert “Buddy” Dallas had, in fact, secretly obtained documents from Atlanta firm Powell Goldstein (PG) which they were trying to use to move James Brown’s \$100 million of assets out of South Carolina to Georgia just as Mr. Buchanan and I were uncovering Mr. Cannon’s theft in 2007.
- In addition, in 2007 Mr. Cannon had wired \$866,000 to Honduras at a time when he told the circuit court he had no money, to build a \$1 million turnkey seaside retirement mansion on Roatan Island in the Caribbean, and had planned to move there by 2009.
- Mr. Buchanan and I had fully accounted for our actions as SAs, and been awarded about \$300,000 (no attorneys’ fee) as SA’s for 8 months, of which Mr. Buchanan had been paid his approximately 30%, and I had been paid all except \$47,972 of my SA fee, which according to our agreement with Mr. Brown’s estate which we had asked the circuit court to approve, was earning interest at 8 <sup>3</sup>/<sub>4</sub>% until paid.
- The circuit court had approved our service as PR/Trustee on an hourly basis, capped with a full commission, which we believed was just under \$5 million, for as long as we served, which had been since November 2007 and would continue until May 2013.
- The AG’s 2008 settlement provided that we would be replaced, because, as Mr. Medlin described “the Attorney General doesn’t want them,...” even if we won the appeal of the AG’s 2008 settlement.
- Mr. Buchanan and I had filed a protective claim for the fees we had earned on the hourly basis (\$350 or less) of \$550,000 for Mr. Buchanan and \$1.47M for me because I had a very large staff that helped us both. Mr. Buchanan had been paid about \$50,000 of the PR/Trustee fee, and I had been paid nothing.

- The protective claim, which Mr. Buchanan and I submitted jointly, as all our acts were joint, was between \$500,000 (earned) and a maximum of \$2.1 million for Mr. Buchanan for what would be 5 ½ years; and between \$1.47 million (earned) for the my work and the work of my staff and a maximum of \$2.8 million.
- James Brown's estate had been very illiquid, but Mr. Buchanan and I had negotiated a right of publicity contract in 2009 projected to bring in \$1 - \$2 million a year for two years while the appeal of the AG's 2008 settlement was pending.
- Mr. Buchanan and I had urged Mr. Bauknight and his attorney Fred Kingsmore, Esq., to consider the right of publicity contract with GreenLight, a Bill Gates company, and Mr. Kingsmore said it seemed like a good idea, but he would have to ask David Bell, Esq., who was then the attorney for Respondent Terry Brown.
- Mr. Bauknight did not accept the GreenLight contract, and so-far as I knew then, or know now, did not enter into a right of publicity contract during the two years.
- By June 2009 Mr. Buchanan and I had delivered \$99 million of James Brown assets to Mr. Bauknight; fully accounted; delivered 145 boxes of public James Brown Historical and estate administration documents to Mr. Bauknight, and reminded him to collect the public James Brown tax and IRS-related file from resigned court-appointed CPA William Sellars, Mr. Bauknight's former partner, who had resigned.
- Our two fine attorneys, James Bailey, Esq. (now deceased) and Tressa Hayes, Esq., (in N.C.) for administrative purposes had charged, as I recall, less than \$250,000 for both for 18 months' work, including about 6 days of trial in which we opposed the AG's 2008 settlement and the defeating of about \$35 million in claims, including the \$31 million S.C. claim of David Pullman, the financier on James Brown's 1999 "Pullman bond."
- Mr. Buchanan and I had also hired Matthew Ballenger, Esq., for the New York portion of the Pullman \$31 Million claim in 2007, and that had been resolved in favor of the Estate in 2009, and became final after we were replaced.
- I did not know this until 2020, when Mr. Bauknight's fee schedule was released under FOIA by the AG, but Mr. Buchanan, our two fine attorneys for administration and I were replaced by Mr. Bauknight, who charged a fee based on the value of the assets each year; a percentage of certain sales; and \$350 and hour for litigation and CPA services. His spouse, the "custodian of records" for James Brown's estate charged \$350 for CPA services; Mr. Kingsmore charged \$440 an hour; and other attorneys in Mr. Kingsmore's firm charged \$375 - \$500 an hour.
- In June 2009 Mr. Bauknight advised me that he had hired 10 attorneys in Mr. Kingsmore's firm.
- James Hardin III, Esquire had produced a detailed of Mr. Buchanan's and my joint service

when the thief former trustee David Cannon, who had stolen about \$15 million from the “I Feel Good” education charity, through David, Bell, Esq., and PG, and using James Brown’s ambitious 21-years-old grandson, was seeking to enjoin Respondent 2000 Trust to cover up his theft; reap another \$5 million from a \$100 million sale of Mr. Brown’s music empire; and escape to Honduras.<sup>1</sup>

- W. Steven Johnson had prepared an affidavit/opinion praising Mr. Bauknight’s and my joint service in 2009.<sup>2</sup>

- Mr. Bauknight had signed a June 2009 Custody Receipt describing in about 85 pages the 145 boxes of public James Brown documents and neither he nor Mr. Buchanan and I had attested to the confidentiality of any document because the 2008 Confidentiality Order, by its terms and by agreement of the parties had been abandoned, waived and disregarded

2. I am 80 years old and this affidavit is based on my personal knowledge.
3. My Attorney Daryl Williams, provided by my liability carrier, and working jointly with Mr. Buchanan’s attorneys Elizabeth Van Doren Gray, Esq. and others, was deeply immersed in, and familiar with events as they unfolded prior to 2013. Since my malpractice insurance available to protect myself against the onslaught of lawsuits had dwindled to about \$20,000, my legal team uses Mr. Williams as little as needed.
4. My attorney Adam Silvernail knows more about James Brown than anyone I know, since he was an undergraduate assistant in my Columbia when Alan Medlin, Esq., contacted me and asked me to be nominated as special administrator in 2007.
5. My attorney Jeff Smith has specialized knowledge about the Copyright Act, musical and termination rights issues which were important to Mr. Buchanan and me prior to 2008 when the AG’s settlement was reached; FOIA matters when he did not represent me; and matters

---

<sup>1</sup> Mr. Hardin would agree under oath in 2017 that the factors Mr. Buchanan and I used to value James Brown’s music empire at \$99 million were those traditionally used by professionals.

<sup>2</sup> In 2017 and 2017 Mr. Johnson again praised our work, and rejected Mr. Bauknight’s notion that a concealed \$4.7 million valuation of Brown’s \$100 million music empire was correct because an IRS agent failed to challenge it, especially when the IRS, by the low value, was able to collect from Mr. Bauknight (at the charity’s expense) hundreds of thousands of dollars of income taxes Mr. Herring and James Brown had carefully avoided.

since 2018 or early 2019 when he joined our legal team.

6. I emphatically deny that I or any member of our legal team has ever made a knowing false statement to the Courts (although I note that recently one of us failed to file a necessary “not” in one of the many documents we have had to file in the last year.).
7. I affirmatively assert that I, and all of my counsel, experts and witnesses have acted properly, and none, to my knowledge has ever made a false statement to any court, but state affirmatively that I have witnessed Mr. Bauknight, David Black, Esq., Mark. Gende, Esq., Alan Medlin, Esq., Louis Levenson, Esq., and David Bell, Esq., file known false statements.
8. In addition, since 2008, Mr. Buchanan and I have been threatened with sanctions and/or “Rule 11 problems” by Mr. Medlin, Mr. Levenson, Mr. Bell, Mr. Black, Mr. Gende and other signers of the 2010 SWB Special Counsel Litigation Retention Agreement with Attorney General Henry McMaster, which Attorney General McMaster did not sign or authorize. I have falsely been accused of “raping” James Brown’s estate; trying to take \$19 million from needy students; preventing Mr. Bauknight from paying distributions he could have made in 2013; and leaving the estate with only \$17,000 instead of \$99 million.
9. I ask the Court to consider the October 2016 deposition of now-Governor McMaster, the 2017 deposition of Attorney General Alan Wilson; the deposition of Judge (Retired) Walter Williams; Solicitor General Robert Cook; AG Auditor Sandra Matthews; Sr. Asst. AG Creighton Waters; and the depositions of the AG’s 7 experts and my experts taken in 2016 and 2017 in Aiken 1337, which were on file in this case before the August 10, 2023 hearing for a full understanding of the value of James Brown’s assets; who has respected the Confidentiality Order filed February 1, 2017 in this case; and who has flagrantly rejected it.
10. I respect and support what my attorneys have filed today; ask the court not to sanction

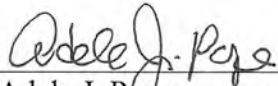
anyone; ask the Court to find that SWB has openly violated the Confidentiality Order in Aiken 1337 of its client the Estate/2000 Trust of James Brown to benefit its former “client” the Attorney General and the remaining Respondents, and it is SWB – not my counsel and me – who should be subject to sanctions..


11. The 2008 Confidentiality Order in 3-08-cv-00014 (the Forlando Suit) is not a ruling that anything is confidential, but a right for attorneys, in good faith, to declare their belief that documents are confidential if they meet the requirements and maintain the documents in accordance with the Order.
12. Neither the 2008 Forlando Suit Confidentiality Order nor the Confidentiality Order in this case, filed February 1, 2017 allows any document that is or was public to be confidential.
13. The 139+ boxes of James Brown documents and 73 CDs Mr. Buchanan and I have gathered since 2008 to defend ourselves in the Forlando Suit and this lawsuit, were not kept confidential, but I sealed the \$4.7 million valuation solely out of respect, but believed that Mr. Bauknight had not told the truth to the court because he had shared the \$4.7 million and its underlying documents and information with Forlando Brown, Peter Afterman, James Brown II and others.
14. While the Attorney General, SWB and Respondents flaunted their failure to comply with the Confidentiality Order and claimed public documents were confidential, they seek to deny my right to used the Confidentiality Order properly to protect my private financial information from being distributed by Ms. Hynie and the Attorney General.
15. Mr. Gende’s false claims became more virulent after February 7, 2017, when he and other members of SWB released to Attorney General Wilson, Ms. Hynie and a dozen Legacy Trust owner-beneficiaries and others 73 James Brown CDs, and reviewed without any claim of

confidentiality 139 boxes in my home office in May 2017.

16. Neither Mr. Gende, nor the “client” Attorney General Wilson claimed any confidentiality as to the 73 CDs, and a later statement that the OAG had a large upload of James Brown documents is consistent with the delivery to his claimed attorney.

FURTHER DEPONENT SAYETH NOT.

  
Adele J. Pope

SWORN TO BEFORE ME this 30<sup>th</sup> Day of  
April 2024  
  
\_\_\_\_\_  
Notary Public for South Carolina (L.S.)  
My Commission expires: 6/23/29