

STATE OF SOUTH CAROLINA

In the Court of Appeals

RECEIVED
AUG 27 2013
SC COURT OF APPEALS

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

The Honorable Doyet A. Early, III Circuit Court Judge
The Honorable Liz Godard, Clerk of Court

Case No. 2007-CP-02-0122; Case No. 2008-CP-02-0872;
Case No. 2008-CP-02-0322; Case No. 2010-CP-02-0721;
Case No. 2012-CP-02-1059; Case No. 2008-CP-02-1426;
Case No. 2008-CP-02-1712; Case No. 2008-CP-02-2127;
Case No. 2008-CP-02-1556; Case No. 2008-CP-02-1557;
Case No. 2008-CP-02-1758; Case No. 2008-CP-02-1759;
Case No. 2008-CP-02-1647; Case No. 2013-CP-02-1348

Alan Wilson, in his Capacity as Attorney General of
South Carolina; and others Plaintiffs,

v.

Albert H. Dallas and others .. Defendants.

OF WHOM:

Adele J. Pope, Individually and on Behalf of Others under South Carolina Trust
Code Section 62-7-405, is.....Appellant,

AND:

Terry Brown, Forlando Brown, James B., David G. Cannon, Albert H. Dallas and
Tommie Rae Hynie are.....Respondents

AND:

Alan Wilson in his Capacity as Attorney General of South Carolina, Deanna J.
Brown Thomas and Robert L. Buchanan, Jr., are...Additional Interested Persons.

IN RE:

The Estate of James Brown and The James Brown 2000 Irrevocable Trust
u/a/d August 1, 2000

RETURN AND OPPOSITION TO MOTION TO DISMISS

OVERVIEW

On the Order of fifty million dollars of scholarship money was taken from future students of South Carolina and Georgia in a 2008 settlement brokered by a former Attorney General of South Carolina ("AG").

The settlement was approved by the circuit court on May 26, 2009. It was appealed by Appellant and Robert L. Buchanan, Jr.

On May 8, 2013 the South Carolina Supreme Court overturned the settlement in its *Wilson v. Dallas* decision¹.

Since May 8, four of Brown's seven acknowledged grandchildren and at least two of his six acknowledged children have supported release of the State's hold on Brown's private property and announced their intention to honor his carefully crafted estate plan.

Counsel for James Brown's companion Tommie Rae Hynie ("Tommie Rae") and Atlanta attorney Louis Levenson, Esquire, however, remain committed to the former settlement. On May 29 they declared an intention to seek an *in camera* hearing to reinstate the voided settlement. From a reinstated settlement, these attorneys would be paid about \$20 million.

¹Opinion No. 27227.

Three orders issued without notice or hearing on June 13, 2013² (the “June 13 Orders”) virtually assure that James Brown’s companion and a few disgruntled relatives will again deprive needy students of millions of dollars over many years in the future. This threat looms even though the theories developed post-settlement to justify the now-voided 2008 agreement have, over the course of the appeal, been demonstrated to be pure folly.

Despite this, the June 13 Orders virtually insure that heirs, devisee, creditors and fiduciaries who have dared to challenge the plan the State, through 10 taxpayer-paid attorneys, has advanced for five years, will be punished. Appellant and Robert Buchanan, Jr. are among them. All former fiduciaries other than Mr. Bauknight are among them. James Brown’s son Daryl is among them. James Brown’s son Terry has declared that he is among them.

The place to challenge an appellant’s standing is in the respondent’s brief, where the flexible concept of standing can be measured in light of the full record. *See, e.g., Home Medical Systems, Inc. v. South Carolina Dept. of Revenue*, 382, S.C. 556, 558, 677 S.C. 2d 582, 584 (2009), where the Supreme Court “deferred ruling on the motion to dismiss until after a full briefing on the issue and oral argument.” Because three orders were issued in fourteen cases, one order by a clerk of court, this appeal is unique. The traditional procedure should be followed.

Mr. Bauknight makes his motion under authority of two *ex parte* orders

²Two June 13 Orders were issued by the Honorable Doyet A. Early, III. The third wa issued by the Honorable Liz Godard, Clerk of Court for Aiken County. The Clerk’s order commences a new proceeding and gives certain directives.

secured before the *Wilson v. Dallas* remittitur. Mr. Bauknight also serves as trustee of the Legacy Trust created by the State to hold James Brown's private assets to be taken over in their entirety by the original settlement.

Mr. Bauknight, for the AG's Legacy Trust, is currently suing appellant for tens of millions of dollars. In that suit he also speaks for Brown's companion. Both the Legacy Trust and Mr. Bauknight for the companion are today blocking compliance with S. C. Freedom of Information Act ("FOIA") requests made in July 2011. They are seeking sanctions against appellant in the FOIA suit in which they are trying to intervene.

The actual damage to appellant's career, reputation and First Amendment and Due Process rights caused by the June 13 Orders deserves resolution in light of a concrete and full record. The threats to the personal liberty of Robert Buchanan, Jr. and appellant by a false federal felony claim lodged against them by the State's highest legal officer and Mr. Bauknight acting under color of State law, compound the need for a full record. As does the need to explore how the Legacy Trust, created and controlled by the AG, continues to block FOIA requests and pursue lawsuits which Attorney General Alan Wilson has informed the Supreme Court the State intends to abandon.

For these reasons, appellant submits that the question of standing should be resolved in the traditional way, after the appeal has been fully briefed and the Record filed, so that the Court can address the issues with full knowledge of all facts.

FACTS

Because this dispositive motion has been filed before the Record on Appeal has been gathered and filed, Appellant accompanies this Return with an affidavit summarizing just some the machinations of Mr. Bauknight during the pendency of the *Wilson v. Dallas* appeal. They make clear that Mr. Bauknight has abandoned James Brown's estate plan and is committed, instead, to the Legacy Trust, James Brown's companion and counsel for some of the former settling parties.

After the May 8 decision, AG Wilson announced intention to withdraw the power of the State from the protection of Brown's companion and Mr. Levenson with whom the State had spoken "as one" for four years. Mr. Bauknight, however, continues through the AG's Legacy Trust, to aid in their plan to destroy James Brown's estate plan in favor of the State-controlled Legacy Trust.

Mr. Bauknight supports his motion with the June 13 Orders which are the subject of this appeal. They contain strong language. A party, however, cannot prevent appellate review of orders by reciting the findings of the very orders which are the subject of the appeal. Many of the factual findings and holdings of the June 13 Orders will be challenged in the appeal. They were reached without notice or hearing. For example, the claim that one's removal as a fiduciary would result in the loss of Due Process, First Amendment and creditors' rights in more than a dozen cases must be challenged. Appellant expects to challenge the circuit court's attempts to cast a shadow on Appellant's ability to protect herself in suits against her by James Brown's estate, the 2000 Trust and beneficiaries, as well as the State.

She will challenge the loss of her Due Process and First Amendment rights as related to 5 1/2-year-old gag orders, and her ability, with others, to testify as a witness or expert where it will help protect either her own claim or James Brown's 2000 Estate Plan and backup 1999 Will.

In the absence of a Record, appellant respectfully refers to her affidavit. Pertinent facts will be mentioned in the context of the argument sections below, and a Summary of Facts since the May 8 decision is appended to this Return as an Addendum and incorporated herein.

ISSUES ON APPEAL

Mr. Bauknight asks the Court to determine the question of standing in a vacuum, before the issues on appeal have ever been framed. Those issues will not be solidified until the appellant's brief is written, but at the heart of the appeal will be the violation of the Due Process, First Amendment and statutory rights of those who have and will challenge Mr. Bauknight's, Mr Levenson's and the companion's continuing plan to destroy James Brown assets and leave James Brown's private assets in control of the State.

Appellant is expected to show that the June 13 Orders violate Due Process rights of Appellant and others by leaving Mr. Bauknight, who is committed to Brown's companion and the destruction of Brown's estate plan, in control of James Brown's estate and 2000 Trust.

Appellant is expected to show that because AG Wilson has announced his intention to withdraw from the James Brown Aiken case she, some respondents, and others under S. C. Trust Code Section 62-7-405 have standing to help enforce

the James Brown "I Feel Good" Trust as embodied in the 2000 Estate Plan of James Brown and in his backup 1999 Will.

Appellant is expected to show that Mr. Bauknight, by at least May 22, 2012 had abandoned the estate plan of James Brown when he claimed, purporting to speak for the Estate and in open court, that Judge Early had found Brown's companion to be his spouse. This damaging statement was without basis.

Appellant is expected to show that the June 13 Orders purport to deprive her of standing to demonstrate in the Wingate Suit and every Aiken County suit what had been strengthened over the years: that Brown's companion was just that; that she and her son do not control Brown's copyright Termination Rights. There was simply no basis in 2008 – and there is none now – to take nearly \$25 million from scholarships for needy students; give her more than \$11 million; and give her attorney more than \$10 million.

Appellant is expected to show that the June 13 Orders purport to deprive her of standing to demonstrate in both courts that Mr. Bauknight has been the voice for this attempt to cause nearly \$25 million damage to the Estate/2000 Trust.

Appellant is expected to show that the June 13 Orders violate her First Amendment Rights by depriving her of standing to challenge the 2008 Hynie "diary" Gag Orders necessary to protect herself in a suit Brown's companion bought against her in 2010 for tens of million of dollars for appealing the settlement. Being ungagged to share widely-known information is part of appellant's defense.

Appellant is expected to show that the June 13 Orders deprive her of the rights as an Interested Person and creditor under S.C. Probate Code Sections

62-1-201(2), 62-3-204 to participate in all cases which affect her unpaid \$2.8 million claim.

Appellant is expected to show that the June 13 Orders violate her Due Process and creditor's rights by preventing her from demonstrating that the fabricated less-than \$4.7 Million value placed by Mr. Bauknight on the music empire should not serve as the value of the Estate/2000 Trust on which the following PR/Trustee claims are considered:

Mr. Dallas	\$6 million
Appellant	\$2.8 million
Robert Buchanan	\$2.1 million
Mr. Bauknight	Requested but disclosure refused.

Appellant is expected to show that the June 13 Orders violate her Equal Protection and FOIA rights because they allow the State and Mr. Bauknight – because they sued Appellant in 2010 -- to continue to avoid the obligation of the State/AG and the Legacy Trust to produce public documents.

Appellant is expected to show that the June 13 Orders violate her FOIA rights in light of the following statement by counsel for Mr. Bauknight and others to Judge Manning on May 12, 2013:

The Supreme Court, in substituting the new opinion has completely eliminated Footnote 29 from the prior opinion. Footnote 29, while only dicta in the now replaced opinion, addressed, among other items, the FOIA matters and called for them to be heard "in the first instance" without any clear definition of what that meant. Such language is totally absent from the new order. . . the court no longer puts any primacy or priority on any court hearing these matters.

...

..Therefore, Case 4900³ Plaintiffs and Proposed FOIA interveners respectfully request that [the Wingate/FOIA Suits] be held in abeyance in its entirety until all underlying issues related to the Plaintiffs are resolved by the Aiken Court. [Emphasis supplied.]

Appellant is expected to show that the June 13 Order issued by the clerk of court exceeds her jurisdiction; violates the rights of proponents of the 2000 and 1999 estate plans of James Brown and creditors who have protected them; and fails to give proper notice to anyone.

Appellant is expected to show that she and Mr. Buchanan tried to resolve the State's false criminal claim that they intentionally overstated Brown's music empire by \$79 million for an improper purpose without a public fight or accusations of the kind that the State made against them. She is expected to show that Mr. Bauknight made that impossible, As a result, Due Process demands that they be allowed to demonstrate in every James Brown case that Mr. Bauknight's less-than \$4.7 million value is outrageous and should be corrected. And their value is correct. As was the value of Mr. Bradley and Mr. Dallas on their Inventory & Appraisement.

ARGUMENT

I. Untested legal issues should not be resolved on an insufficient record.

The form and scope of the June 13 Orders is unprecedented. It is extraordinary for a circuit judge to direct that unheard motions be removed from the public records prior to being heard. It is extraordinary that he direct that he will not

³ The Wingate Suit is also referred to as "Case 4900."

hear them. It is extraordinary for a circuit judge to instruct the clerk of court not to accept a filing by appellant, or anyone.

It is extraordinary for a circuit court to direct a Clerk to commence an action and issue directives.

It is more extraordinary that these orders were issued with no notice or hearing, and were called administrative orders.

It is a familiar principle of South Carolina jurisprudence that novel legal questions should not be decided until the facts have been fully explored. The application of that rule occurs as to a motion to dismiss a complaint, asserting that South Carolina does not take the plaintiff's view of the law and will not do so in the future. See, e.g. *Evans v. State*, 344 S.C. 60, 67-60, 543 S.C. 2d547, 551 (2001).

While there is no record of a hearing, because there was none, there is a record of the actions taken by the circuit court, Mr. Bauknight, the companion and others

South Carolina courts have confirmed repeatedly that "the rule [of standing] is not an inflexible one." *Thompson v. South Carolina Comm'n on Alcohol & Drug Abuse*, 267 S.C. 463, 467, 229 S.E.2d 718, (1976). Accord: *Sloan v. Wilkins*, 362 S.C. 430, 608 S.E. 2d 579 (2005); *Davis v. Richland County Council*, 372 S.C. 497, 642 S.C. 2d 740 (2007). Standing is assessed under all the facts and circumstances of the particular case – in this case fourteen. The Probate Code affords broad rights to creditors, who are Interested Persons with a right to demand notice of any proceeding. See § 62-1-201 (20).

The unique and unprecedented facts and composition of the June 13 Orders make it all the more important to await a full Record before assessing the important question of whether these extraordinary orders must be overturned. The motion should therefore be denied, and the question of standing addressed in due course, in briefing and oral argument.

Our Supreme Court recognizes the following sources of standing:

Standing may be acquired: (1) by statute; (2) through the rubric of "constitutional standing; or (3) under the public importance" exception.

ATC South, Inc. v. Charleston County, 380 S.C. 191, 669 S.E.2d 337 (2008)

Appellant has acquired standing in all three ways.

II. Appellant has standing under the Probate Code and Trust Code

Under § 62-1-308 appellant is an Interested Person injured by the actions of the State, Mr. Bauknight and others with respect to the James Brown's Estate and 2000 Trust. She has been injured by being deprived of her right to defend herself as to a false felony claim; in suits against her; and by violation of her FOIA rights.

The Attorney General is only one of several persons who may maintain a proceeding to enforce the James Brown "I Feel Good" Trust. S.C. Code Ann. § 62-7-405 (c) . Appellant and those who support Brown's estate plan are among the "others." This is especially important under the circumstances at hand. AG Wilson has announced his withdrawal. And former PR/Trustees Cannon and Dallas have impediments. James Brown's 1999 backup will – virtually identical to his 2000

Estate Plan – is in danger of the 10-year rule of § 62-3-108 of the S.C. Probate Code.

III. Appellant has “constitutional standing.”

Appellant has been ousted, without notice or hearing, from fourteen Aiken County cases in which issues material to her PR/Trustee commission claims, her reputation, her livelihood and her personal liberty are at stake. She has been materially impaired in her ability to defend herself in suits lodged against her by the Estate, 2000 Trust, Forlando Brown, and others, and by the State of South Carolina.

She had been told that her filings will be removed from the public record, and that she is prohibited from filing documents. The clerk has been instructed by a circuit judge not to accept her filings. The Clerk’s Order is unprecedented. The Order does not simply create a new case number. It commences and action It does so in clear violation of the Rules 3, 4, 5, 17 and 19 SCRPC.

These wrongs give appellant standing under the three-part test of constitutional standing:

First, the plaintiff must have suffered an “injury in fact - an invasion of a legally protected interest which is (a) concrete and particularized, and (b) “actual or imminent,” not “Conjectural” or “Hypothetical”. Second, there must be a causal connection between the injury and the conduct complained of – the injury has to be “fairly...trace[able] to the challenged action of the defendant, and not ...th[e] result [of] the independent action of some third party not before the court.” third, it must be “likely,” as opposed to merely “speculative,” that the injury will be redressed by a favorable decision.”

ATC South, Inc., supra, quoting *Lujan v. Defenders of Wildlife*, 504 U.S. 555,

5600-61.

Each of the injuries suffered by Appellant is concrete and actual. Each is clearly attributable to the order depriving her of First Amendment and Due Process rights. Each excludes her from notice, hearing and proper participation where issues related to her reputation, ability to practice law, and \$2.8 million claim are at stake. See for example *Davis v. Richland County Council*, 372, S.C. 497, 642 S.E. 2d 740 (2007).) Recreation Commissioners had standing to challenge the constitutionality of a statute authorizing their removal from office.); *Smiley v. South Carolina Dept. of Health & Environ. Control*, 374 S.C. 326, 649 S.E.2d 31 (2007) (recreational) jogger had standing to challenge permit for removal of beach sand.)

It is likely that the Court will determine that orders issued by a clerk of court and by a circuit judge with no notice or hearing and which affect First Amendment, Due Process and other rights of appellant and others in fourteen or more cases will be redressed in a favorable decision.

III. This is a case of public importance.

The "public importance" exception to traditional rules of standing is clearly recognized in this state. See, e.g. *Sloan v. School Distr. of Greenville County*, 342, S.C. 515, 537 S.C. 2d 299 (Ct. App.2000); *Sloan v. Greenville County*, 356 S.C. 531, 590 S.E. 2d 338 (Ct. App. 2003).

The actions taken in the June 13 Orders are of substantial public significance. They affect the expectation of litigants. They may win or lose, but their positions have a right to be considered.

There has been substantial State action which precludes review. The State and the Legacy Trust are still suing appellant, and the case may be delayed for years. A troublesome settlement was reached by the State with Mr. Buchanan in which Mr. Buchanan was compelled by the State not to provide maximum protection to a charity. FOIA requests from 2011 have not been met.

The judge who has presided over these matters now directs that appellant be materially impaired – punished – for having faithfully served The James Brown “I Feel Good” Foundation for six years. This is a matter of public importance.

Where, as here, the criminal proceeding of a former fiduciary is tied to the James Brown civil proceedings; no restitution is sought against him; and he is listed as the witness of the State against appellant in a civil tort proceeding, it is a matter of public importance.

Where, as here, the State has sued Appellant then said that her FOIA rights are suspended for the duration of the suit, it is a matter of public importance.

Where, as here, those who save \$50 million for a private foundation are punished and those who seek to take it away again are rewarded by the Attorney General or the presiding judge, it is a matter of public importance.

Where, as here, a clerk of court commences a suit, designates parties and issues directives to the detriment of appellant and others, it is a matter of public importance.

From May 26, 2009 until May 8, 2013 appellant has been attacked, and sued, and denied FOIA rights by the State through the Attorney General. Since May 8, 2013 the State has denied appellant’s basic Due Process and First

Amendment rights, along with those rights as a creditor and other rights under the S.C. Probate Code and Trust Code, through the June 13 Orders.

The motion to dismiss should be denied. Appellant has standing to appeal the June 13 Orders.

[Factual Addendum attached hereto with supporting Affidavit of appellant, both incorporated herein.]

Respectfully submitted,



Adele J. Pope

Pro Se

1228 Walnut Street

Newberry, South Carolina 29018

803-413-0753

adele@popelawfirm.com

August 25, 2013

FACTUAL ADDENDUM

- On May 8, 2013 Mr. Bauknight's fiduciary appointments are declared void.
- On May 9, 2013 Mr. Bauknight obtains a broad *ex parte* SA appointment from the Aiken Cty. Probate Court.
- On May 12, 2013 Mr. Bauknight obtains a broad *ex parte* ST appointment from the Honorable Doyet A. Early, III.
- May 16, 2013 Judge Early announces all relief must be requested by Proper motions with accompanying memoranda.
- May 21, 2013 Appellant files Motion to Expedite Intervention: Add Parties; and Determine Commissions and Attorneys' fees in Case No. 2008-CP-02-1426 (Dallas).
- May 22, 2013 Appellant files Motion for Scheduling Order and Appointment of Limited SA/ST to Comply with Mandate of Supreme Court Decision *Wilson v. Dallas* .
- May 29, 2013 Mr. Bauknight delivers Notice of Disallowance
Brown's son Terry praises decision saving Estate Plan.

Tommie Rae' s counsel and Louis Levenson seek to reinstate McMaster Settlement.
- June 6, 2013 Daryl Brown asks Governor to help save Brown's Estate Plan
- June 10, 2013 Appellant files Complaint to void pre-remittitur appointments of Mr. Bauknight; void Notice of Disallowance; and proceed with Remand.

Also files Motion for Expedited Voiding of Claimed Appointment; Notice of Disallowance, etc.
- June 13, 2013 Judge Early and Ms. Godard issue June 13 Orders
- June 24, 2013 Appellant delivers Motion to Alter, etc. Told by Clerk that Judge Early has instructed her not to accept filings by appellant except in one case. After appellant discusses need to file in cases in which Orders issued, Clerk excuses herself; makes call; and appellant is allowed to file motion.

July 2, 2013 Appellant asks Judge Early, then writes at his direction, to assist with delivering fee agreements of counsel in McMaster Settlement. Under his March 15, 2010 Order the Clerk was directed to give them to appellant and Robert Buchanan, Jr.. But they are not in Clerk's office.

July 3, 2013 Appellant serves affidavit in support of voiding June 13 Orders

July 8, 2013 Mr. Bauknight's counsel submits *ex parte* email to Jg. Early containing ethics opinion of Prof. Nathan Crystal that his counsel who has worked against James Brown's estate plan may represent Mr. Bauknight in defending it.

July 9, 2013 Judge Early hears Motion to Alter, etc. June 13 Orders. Orally denies. Then requests permission of counsel of Mr. Bauknight to discuss ethics opinion. Given.
[Mr. Bauknight opposes release of email, opinion.]

July - Aug. 2013 Mr. Bauknight objects to delivery of previously-ordered compensation agreements of settling parties to appellant despite Order and finding they are not confidential.

July 26, 2013 Reserving objections. appellant files Statement Required under Clerk's Order. She has received no PR/Trustee compensation. She has not been fully paid her court-Ordered payment for SA service in 2007.

Mr. Buchanan files letter to Judge Early.

July 31, 2013 Appellant files corrected notice of appeal.

August 1, 2013 Appellant moves for compensation orders, less-than \$4.7 million appraisal and Legacy Trust documents, with others, for this appeal.

August 15, 2013 Appellant learns that Brown's son Daryl is launching a campaign to save the Estate Plan. In an interview he reported that he and daughters Lindsey and Janise did not receive several offers made by her to Daryl in 2012.

August 16, 2013 Appellant requests that the Attorney General, Bauknight and Wingate agree to a a new mediation with appellant, Daryl, Lindsey and Janise in the Wingate Suit because Wingate and Mr. Bauknight failed to communicate the offers to them. Also, appears that Mr. Levenson attended mediation in place

of Daryl when he was not Daryl's lawyer.

August 20, 2013

After objecting to his deposition being taken in the Forlando Federal Suit; telling the Federal Court he knows nothing about the counterclaims, although the 2000 Trust has been a party to the Forlando Federal Suit since January 2, 2008; then attempting to drop the 2000 Trust's counterclaims against Forlando; then being directed by the Federal Magistrate Judge to appear at deposition; then appealing the Magistrate Judge's decision; Mr. Bauknight appears at deposition in the Forlando Suit.

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The Honorable Liz Godard, Clerk of Court

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u/a/d August 1, 2000

PROOF OF SERVICE

I certify that on the 25th Day of August, 2013, I have served the RETURN AND OPPOSITION TO MOTION TO DISMISS on Respondents and counsel for Russell L. Bauknight by depositing a copy of same in the United States Mail, postage prepaid, addressed to their attorneys of record as follows:

ATTORNEYS OF RECORD FOR RESPONDENTS OR RESPONDENTS

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Matthew D. Bodman, Esquire
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Barnwell, SC 29812

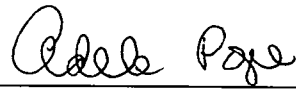
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August 25, 2013

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August 25, 2013

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

RECEIVED

AUG 27 2013

SC Court of Appeals

Re: Wilson and Others v. Dallas and Others, Adele J. Pope...Appellant
AND Terry Brown and Others, Respondents AND Alan Wilson and
Others Additional Interested Persons

Aiken County Case No. 2007-CP-02-0122; Case No. 2008-CP-02-0872; Case No. 2008-CP-02-0322; Case No. 2010-CP-02-0721; Case No. 2012-CP-02-1059; Case No. 2008-CP-02-1426; Case No. 2008-CP-02-1712; Case No. 2008-CP-02-2127; Case No. 2008-CP-02-1556; Case No. 2008-CP-02-1557; Case No. 2008-CP-02-1758; Case No. 2008-CP-02-1759; Case No. 2008-CP-02-1647; Case No. 2013-CP-02-1348

Dear Ms. Kitchings:

In connection with the above-referenced appeal, enclosed please find an original and seven copies of the following:

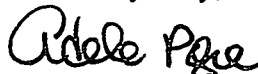
1. Return and Opposition to Motion to Dismiss
2. Affidavit of Adele J. Pope

Also find an original and one copy of the proof of service for each.

Kindly return a file-stamped copy of each. A stamped envelope is provided for the Court's convenience.

Thank you.

Yours very truly,



Adele J. Pope
Appellant, *Pro Se*

cc
Counsel and Parties as shown on Certificate