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Jun 19 2025

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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

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Appellate Case No. 2024-00573 (S. Ct.)  
Appellate Case No. 2023-001941 (Ct. App.)

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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, Respondents,

v.

Adele J. Pope, Petitioner

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**RESPONDENTS' MOTION FOR TAXATION OF COSTS**

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**PROCEDURAL HISTORY**

Appellant Adele J. Pope filed this Notice of Appeal on December 15, 2023. *See* Not. of Appeal, App. Case No. 2023-001941. On December 20, 2023, the Court of Appeals *sua sponte* dismissed the appeal as an impermissible interlocutory appeal of a discovery order. *See* Order, App. Case No. 2023-001941. On January 4, 2024, Pope petitioned the Court of Appeals for rehearing or rehearing *en banc*. *See* App.'s Pet. for Rehearing and Suggestion for Rehearing *En Banc*, App. Case No. 2023-001941. On February 23, 2024, Respondents, in the interests of judicial economy and to attempt to consolidate the various appellate matters foisted upon them

by Pope, filed a motion in the Supreme Court to consolidate and transfer the then-pending James Brown Estate-related appeals. *See* Mot. to Consolidate and Transfer, App. Case No. 2023-001253. On March 18, 2024, the Court of Appeals denied Pope’s petition for rehearing. *See* Order, App. Case No. 2023-001941. On March 28, 2024, the Supreme Court denied the Motion to Consolidate and Transfer, noting that “it appears the court of appeals will expeditiously conclude the matter [i.e., App. Case No. 1941].” Order, App. Case Nos. 2023-001253 and 2023-001941. The Supreme Court noted “our continuing concern with Respondent-Appellant Adele J. Pope’s repeated abusive and meritless filings regarding the underlying estate and trust.” *Id.*

Despite the Supreme Court’s above-quoted comments, on April 10, 2024 Pope filed a Petition for Writ of Certiorari in the Supreme Court, asking the Supreme Court to review the Court of Appeals’ dismissal of the appeal. *See* Pet. for Writ of Cert., App. Case No. 2023-001941. Pope’s Petition was assigned Supreme Court appellate case number 2024-00573. Respondents opposed the petition and requested sanctions. *See* Ret. to Pet. for Writ of Certiorari and Mot. for Sanctions, App. Case No. 2024-00573 (filed April 23, 2024) (Return and Motion, plus exhibits, attached hereto collectively as **Exhibit A**). On June 4, 2025, the Supreme Court denied the Petition and held the request for sanctions in abeyance pending Respondents’ “provision of an accounting as to the total attorney’s fees and costs incurred in this matter in conjunction with a motion under Rule 222, SCACR.” Order, App. Case No. 2024-00573. Per the Supreme Court’s instructions, this Motion follows.

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## **STANDARD OF REVIEW**

When a petition for writ of certiorari to the Supreme Court is denied, a motion for taxation of costs should be directed to the Court of Appeals.<sup>1</sup> *See* Rule 222(e), SCACR. “Unless otherwise ordered by the appellate court or agreed by the parties, costs *shall* be taxed against the appellant when the appeal is dismissed or judgment on appeal is affirmed.” Rule 222(a), SCACR (emphasis added). “In addition, the [prevailing] party shall be entitled to recover an attorney’s fee in an amount which shall be set by order of the Supreme Court.” Rule 222(b), SCACR. The attorneys’ fee recovery is set currently at \$2,500.00. *See* Rule 222, SCACR, at n.1. However, additional costs are allowed “in the most extraordinary circumstances.” *See* Rule 222(b), SCACR.

## **ARGUMENT**

The Court should tax costs against Appellant pursuant to Rule 222, SCACR. The parties have no agreement otherwise, and to date the Court has issued no instruction requiring the parties to bear their own costs. Since the appeal of the judgment below was dismissed, and the petition for certiorari was denied—all in Respondents’ favor—the mandatory costs taxation provision of Rule 222 is triggered. Respondents request \$2,500.00 in attorneys’ fees as provided by Rule 222 n.1.

Additionally, because Pope’s conduct in this and related appeals most certainly constitutes a “most extraordinary circumstance,” Respondents also request an additional

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<sup>1</sup> Since Respondents directed their Motion for Sanctions to the Supreme Court during the pendency of the petition for writ of certiorari, and since the Supreme Court has stated that the Motion for Sanctions is in abeyance, Respondents have co-captioned this motion with the Supreme Court appellate case number and submitted this motion into the Supreme Court case file as well as the Court of Appeals case file.

\$20,213.50<sup>2</sup> in attorneys' fees and \$50.00 in motion filing fees, to allow the Estate to recover the total attorneys' fees and costs incurred in defense of this frivolous appeal and petition for writ of certiorari. *See, e.g.*, Exhibit A (detailing the frivolous nature of this petition, Pope's prior bad acts, and Respondents' counsel's unheeded warnings not to proceed). Pursuant to Rule 222(d), Respondents' Itemized Statement of Costs is attached hereto as **Exhibit B**, and a fees-plus-costs statement is appended thereto.

### CONCLUSION

Due to these most extraordinary circumstances, Respondents request that this Court tax costs against Petitioner Pope in the amount of \$22,763.50. Respondents request that this taxation of costs become part of the judgment of the appellate court, and that said judgment of costs be added to the remittitur. *See* Rule 222(e), SCACR. Finally, Respondents request such other and further relief as the Court sees fit.

Respectfully submitted,

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

s/ Aaron J. Hayes

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**ATTORNEYS FOR RESPONDENTS**

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<sup>2</sup> Respondents' total attorneys' fees associated with this appeal are \$22,713.50. \$20,213.50 represents the amount that exceeds the automatic \$2,500.00 fee recovery amount.

Columbia, South Carolina

June 19, 2025