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Jun 26 2025

S.C. SUPREME COURT

EXHIBIT A

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

) IN THE COURT OF COMMON PLEAS
)
) Case No.: 2010-CP-40-4900

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 Vanisha Brown; Lindsey
Delores Brown; Deanna J. Brown Thomas; Jason
Brown-Lewis; Yamma N. Brown, individually
and on behalf of her minor children, Sydney
L., Carrington L., and Tonya Brown; Venisha
Brown; Larry Brown; and Terry Brown

AFFIDAVIT OF
ADAM T. SILVERNAIL

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 VANISHA BROWN; LINDSEY
ELORES BROWN; DEANNA J. BROWN
THOMAS; JASON BROWN - LEWIS;
YAMMA N. BROWN, individually and on
behalf of her minor children, SYDNEY
L., CARRINGTON L., and TONYA BROWN;
VENISHA BROWN; LARRY BROWN; and
TERRY BROWN,

Plaintiffs.

v.

Adele J. Pope,

Defendant.

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

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

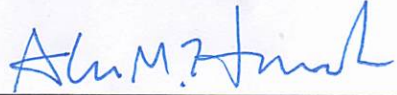
2. I am an attorney licensed to practice law in South Carolina, and I have represented Adele J. Pope in this action since 2011.
3. I attach a true and correct copy of a thread of emails among counsel and the Court in the above-referenced action in July-August 2023 as **Exhibit A**, and I certify that every statement made by me therein is true to the best of my knowledge. I also note that two emails which are privileged (but which my system nonetheless includes in this thread) are redacted.
4. I attach a true and correct copy of a thread of emails among counsel in the above-captioned action in May 2017 as **Exhibit B**, and I certify that every statement made by me therein is true to the best of my knowledge.
5. I attach a true and correct copy of a thread of emails among counsel in the above-captioned action in July 2017 as **Exhibit C**, and I certify that every statement made by me therein is true to the best of my knowledge.

FURTHER DEPONENT SAYETH NOT.



ADAM T. SILVERNAIL

SWORN TO before me this 16th
Day of November, 2023



Notary Public for South Carolina
My Commission Expires: 9/20/31

EXHIBIT A

electronic mail, or any other reader of such electronic mail, is not the intended recipient, any use, dissemination, distribution, or copying of the communication is strictly prohibited. If you received this message in error, please send a reply, delete the message immediately, and do not forward this message to any other person.

ELECTRONICALLY FILED - 2023 Nov 16 4:38 PM - RICHLAND - COMMON PLEAS - CASE#2010CP4004900

[Redacted]

[Redacted]

[Redacted]

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[Redacted]

[Redacted]

[Redacted]

[Quoted text hidden]

Newman, Clifton Law Clerk (Gabrielle Williams) <CNewmanLC@sccourts.org> Mon, Jul 24, 2023 at 2:55 PM
To: "Aaron J. Hayes" <AJH@swblaw.com>
Cc: "Mark V. Gende" <MVG@swblaw.com>, "Ken B. Wingate" <KBW@swblaw.com>, "Tiffany N. Nelson" <TNN@swblaw.com>, Adam Silvernail <adam@silvernailfirm.com>, Daryl Williams <dwilliams@gertzandmoore.com>

Good afternoon,

Are the parties available during the week of August 7th to have this heard by Webex before Judge Newman?

Thank you for your email. Plaintiff's counsel will make themselves available at the court's convenience any time that week for the hearing.

Mark Gende

Mark V. Gende, Esq.

Sweeny, Wingate & Barrow, PA

1515 Lady Street

Columbia, South Carolina 29201

T 803.256.2233

F 803.256.9177

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ELECTRONICALLY FILED - 2023 Nov 16 4:38 PM - RICHLAND - COMMON PLEAS - CASE#2010CP4004900

ELECTRONICALLY FILED - 2023 Nov 16 4:38 PM - RICHLAND - COMMON PLEAS - CASE#2010CP4004900

[Redacted]

[Redacted]

Adam Silvernail <adam@silvernailfirm.com>
To: "Newman, Clifton Law Clerk (Gabrielle Williams)" <CNewmanLC@sccourts.org>
Cc: "Aaron J. Hayes" <AJH@swblaw.com>, "Mark V. Gende" <MVG@swblaw.com>, "Ken B. Wingate" <KBW@swblaw.com>, "Tiffany N. Nelson" <TNN@swblaw.com>, Daryl Williams <dwilliams@gertzandmoore.com>

Mon, Jul 31, 2023 at 9:58 AM

Dear Ms. Williams:

I can be available on days other than August 8 and 11 that week, although my client will be out of state for most of that week. I also note that we will shortly be filing a Notice of Appeal of Judge Newman's recent Order granting sanctions in this matter.

Adam Silvernail

--
Law Office of Adam T. Silvernail, LLC
803/779-1770

Physical address:
1905 Marion Street
Columbia, South Carolina 29201

Mailing address:
Post Office Box 7995
Columbia, South Carolina 29202-7995

[Quoted text hidden]

Newman, Clifton Law Clerk (Gabrielle Williams) <CNewmanLC@sccourts.org>
To: Adam Silvernail <adam@silvernailfirm.com>
Cc: "Aaron J. Hayes" <AJH@swblaw.com>, "Mark V. Gende" <MVG@swblaw.com>, "Ken B. Wingate" <KBW@swblaw.com>, "Tiffany N. Nelson" <TNN@swblaw.com>, Daryl Williams <dwilliams@gertzandmoore.com>

Mon, Jul 31, 2023 at 10:38 AM

Mr. Silvernail,

If your client is out of the State most of the week, will they be able to log onto the Webex hearing for whichever date we all can agree upon for that week?

Gabrielle

[Quoted text hidden]

Adam Silvernail <adam@silvernailfirm.com> Mon, Jul 31, 2023 at 10:53 AM
 Draft To: "Newman, Clifton Law Clerk (Gabrielle Williams)" <CNewmanLC@sccourts.org>
 Cc: "Aaron J. Hayes" <AJH@swblaw.com>, "Mark V. Gende" <MVG@swblaw.com>, "Ken B. Wingate" <KBW@swblaw.com>, "Tiffany N. Nelson" <TNN@swblaw.com>, Daryl Williams <dwilliams@gertzandmoore.com>

Dear Ms. Williams:

My client will be with her extended family celebrating her 80th birthday during next week and will not be available to log in

--

Law Office of Adam T. Silvernail, LLC
803/779-1770

Physical address:
1905 Marion Street
Columbia, South Carolina 29201

Mailing address:
Post Office Box 7995
Columbia, South Carolina 29202-7995

[Quoted text hidden]

Mark V. Gende <MVG@swblaw.com> Wed, Aug 2, 2023 at 12:09 PM
 To: "Newman, Clifton Law Clerk (Gabrielle Williams)" <CNewmanLC@sccourts.org>
 Cc: "Aaron J. Hayes" <AJH@swblaw.com>, "Ken B. Wingate" <KBW@swblaw.com>, "Tiffany N. Nelson" <TNN@swblaw.com>, Daryl Williams <dwilliams@gertzandmoore.com>, Adam Silvernail <adam@silvernailfirm.com>

Gabrielle,

Just checking back on getting the hearing on plaintiff's motion to compel set, as discussed below. There has been no notice of appeal filed as of now, so we would like to go ahead with the hearing as soon as the court can be available.

Thanks,

Mark V. Gende, Esq.

Sweeny, Wingate & Barrow, PA

1515 Lady Street

Columbia, South Carolina 29201

T 803.256.2233

F 803.256.9177

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1905 Marion Street
Columbia, South Carolina 29201

Mailing address:
Post Office Box 7995
Columbia, South Carolina 29202-7995

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Aaron J. Hayes <AJH@swblaw.com> Fri, Aug 11, 2023 at 10:02 AM
 To: Adam Silvernail <adam@silvernaillawfirm.com>
 Cc: "Newman, Clifton" <CNewmanJ@sccourts.org>, "CNewmanSC@sccourts.org" <CNewmanSC@sccourts.org>, "Mark V. Gende" <MVG@swblaw.com>, "Ken B. Wingate" <KBW@swblaw.com>, "Tiffany N. Nelson" <TNN@swblaw.com>, Daryl Williams <dwilliams@gertzandmoore.com>, "Newman, Clifton Law Clerk (Sutania Radlein)" <cnewmanlc@sccourts.org>, Adele Pope <adele@popelawfirm.com>

Good morning, Judge Newman. Plaintiffs request that the Court sign the proposed order.

The below email thread contains the entirety of the Court’s and the parties’ communications regarding the date and time of the hearing. It is clear that the Court set the date and time of the hearing, with notice to Mr. Silvernail, and the Court never issued any instructions to the contrary nor did Mr. Silvernail ever advise of a scheduling conflict.

Also, as Plaintiffs argued yesterday and as reflected in the proposed order, there is no appellate stay over the current discovery dispute, because Plaintiffs are entitled to the requested information regardless of what happens in the current appeal. Therefore, the discovery dispute is “not affected by the appeal,” and thus the circuit court still has jurisdiction pursuant to Rule 241(a), SCACR.

Thank you,



Aaron J. Hayes | *Of Counsel*
Sweeny, Wingate & Barrow, P.A.

Cell: (803) 517-4338

Office: (803) 256-2233

From: Adam Silvernail <adam@silvernaillawfirm.com>
Sent: Thursday, August 10, 2023 6:12 PM
To: Aaron J. Hayes <AJH@swblaw.com>

ELECTRONICALLY FILED - 2023 NOV 15 4:38 PM - RICHLAND - COMMON PLEAS - CASE#2010CP4004900

EXHIBIT B

From: [Black, David](#)
To: cnewmanlc@sccourts.org; cnewmansc@sccourts.org; Clifton Newman (cnewmanj@sccourts.org)
Cc: [Sonny Jones](#)
Subject: James Brown Estate: Adele Pope Appeals
Date: Friday, February 4, 2022 1:39:38 PM
Attachments: [Bauknight v. Pope 3.pdf](#)
[EC Adele Pope v. Est. of James Brown 1.pdf](#)

You don't often get email from dblack@nexsenpruet.com. [Learn why this is important](#)

Dear Judge Newman,

I am writing to update the Court on the two remaining appeals concerning the James Brown Estate. The first appeal is now set to be heard in the Court of Appeals on Tuesday, February 8, 2022. That appeal concerns Richland Case 4900 (Appellate Case No. 2018-002229). Case 4900 is the action the Estate and the James Brown Children filed against Ms. Pope for breach of fiduciary duty. Ms. Pope has appealed Judge Manning's denial of her 12(b) motion to dismiss the case and Judge Early's order dismissing her counterclaims that were filed against the Estate and James Brown Children. The second appeal deals with case 1337 (Appellate Case No. 2019-000362). That appeal is now set for March 7, 2022. Case 1337 is the action Ms. Pope filed against the Estate concerning her claim against the Estate for fiduciary/PR fees. Ms. Pope has appealed Judge Early's order rejecting her claim for fiduciary/PR fees.

As the Court has requested the Estate will continue to keep you updated concerning the final two cases that need to be resolved prior to Mr. Bauknight closing the Estate and funding scholarships.

With kind regards,

David Black

J. David Black

Member: Admitted in SC, DC
Nexsen Pruet, LLC
1230 Main Street, Suite 700
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PO Drawer 2426 (29202)
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