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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

The Honorable Courtney Clyburn Pope, Circuit Court Judge
Case No. 2013-CP-02-1337

Appellate Case No. 2026-000330

Adele J. Pope, Appellant,

v.

Estate of James Brown and The James Brown 2000
Irrevocable Trust, Respondents.

INITIAL BRIEF OF RESPONDENTS

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INTRODUCTION

In July 2025, Appellant Adele Pope was desperate to avoid the coming day of reckoning—a default damages hearing and imposition of a substantial monetary judgment—for the harm she caused the Estate of James Brown during her disastrous tenure as its personal representative. *See Bauknight v. Pope*, Richland Cty. Ct. Common Pleas No. 2010-CP-40-04900 (“Case 4900”). In an attempt to delay that reckoning, she filed a deeply offensive and patently frivolous Motion for Recusal in a closed case, *Pope v. Estate of James Brown*, Aiken Cty. Ct. Common Pleas No. 2013-CP-02-01337 (“Case 1337”), seeking the recusal of the Honorable Clifton B. Newman, who was then the presiding judge in both cases.

Like her Motion for Recusal, Ms. Pope’s opening brief is a mishmash of misleading (or outright false) statements, grievances, and conspiracy theories, all around one central theme: Adele Pope, and *only* Adele Pope, knows what is best for the Estate of James Brown and the James Brown 2000 Irrevocable Trust (collectively, “the Estate”).

Ms. Pope is wrong, as every circuit court judge, every Court of Appeals panel, and every Supreme Court decision has recognized. The Supreme Court has repeatedly warned Ms. Pope against interfering in cases where she has no standing and, in cases where she is a party and has standing, against engaging in frivolous and abusive litigation tactics that serve only to prolong litigation. She has incurred multiple sanctions of increasing severity, including striking her answer in Case 4900 and the institution of criminal contempt proceedings by the Supreme Court. Ms. Pope’s response to all of this was to file the Motion for Recusal, excoriating a nationally esteemed jurist as racist and

accusing longstanding, respected members of the Bar of fraud and perjury. The circuit court rightly rejected the Motion as improperly filed in a closed case and violative of the Supreme Court's orders forbidding Ms. Pope from attempting to interfere with the Estate.

Ms. Pope now appeals and has filed an opening brief that devotes little of its 24 pages to whether the circuit court abused its discretion in denying the Motion for Recusal—the only issue actually before this Court. The remainder of Ms. Pope's brief catalogs, yet again, her irrelevant and wholly baseless accusations and aspersions against virtually every individual, lawyer, and judge with the temerity to disagree with or rule against her in Estate-related matters.

For the reasons set forth herein, the Estate respectfully suggests that the most appropriate response to Ms. Pope's continuing antics is a swift and unequivocal affirmance of the circuit court.

COUNTER-STATEMENT OF THE CASE

Case 1337 arose out of the Estate's denial of Ms. Pope's claim seeking compensation for serving as the co-personal representative of the Estate and co-trustee of the Trust from November 2007 to May 2009.¹ Following a lengthy bench trial, the Honorable Doyet A. Early, III issued a detailed and thorough order (the "Fee Order") on January 16, 2019, denying Ms. Pope's fee claim on the grounds that any benefits she realized for the Estate were "overwhelmed and surpassed by the detriments she caused." (R. p. __ (Fee Order at 60).) This Court affirmed Judge Early's decision in May 2022, and the Supreme Court denied certiorari in April 2023. (R. pp. __ (Op. No. 2022-UP-229, May 25, 2022 (Appeal No. 2020-000362)); R. p. __ (Order Denying Certiorari, Apr. 18, 2023 (Appeal No. 2022-1195).) Accordingly, Case 1337 has been fully resolved on the merits and is now closed.

A. The Deposit Orders

During the course of the proceedings in Case 1337, Judge Early granted partial summary judgment to Ms. Pope, ruling that she was entitled to receive \$47,972 plus accrued interest for her work as a Special Administrator of the Estate and Special Trustee of the Trust from March to November 2007 (the "SA Fees"). (R. pp. ____ (Order Granting Partial Summary Judgment, Aug. 16, 2017).) In November 2019, as a post-judgment

¹ Robert L. Buchanan served as Ms. Pope's co-personal representative and co-trustee. Mr. Buchanan settled all disputes with the Estate and Trust in 2012, at which time he renounced any claim to compensation for his work as a fiduciary. Mr. Buchanan has never been a party to Case 1337, which was filed in 2013.

administrative matter, the Estate sought leave to deposit the SA Fees with the court to preserve their availability as a set-off against any award of damages against Ms. Pope in Case 4900. (R. pp. ___ (Mot. to Deposit Funds, Nov. 14, 2019).) Judge Newman, assigned to James Brown matters following Judge Early's retirement, granted the Estate's motion and, in the Amended Deposit Order, directed that interest would continue to accrue at the post-judgment rate of 8.75%. (R. pp. __ (Deposit Order); R. pp. __ (Amended Deposit Order).) This Court dismissed Ms. Pope's subsequent appeal of the Deposit Orders as interlocutory. (R. p. __ (Order of Dismissal, Oct. 14, 2020 (Appeal No. 2020-000967) ("967 Dismissal Order").) The Supreme Court denied certiorari on May 28, 2021, and this Court issued its remittitur on June 1, 2021. (R. p. __ (Order Denying Certiorari, May 28, 2021 (Appeal No. 2021-000160); R. p. __ (Remittitur, Jun 1, 2021 (Appeal No. 2020-000967)).)

B. Mr. Black's February 2022 Email

On February 4, 2022—after Ms. Pope's improper interlocutory appeal of the Deposit Orders had been dismissed and while her appeal of the Fee Order was pending before this Court—Mr. Black sent an email to Judge Newman to update him on the status of Ms. Pope's appeal of the Fee Order and her appeal of certain orders in Case 4900. (R. p. __ (D. Black Email).) Mr. Black's email reads, in its entirety:

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

(R. p. __ (D. Black email).) Mr. Black's email does not discuss the merits of either appeal, does not disparage Ms. Pope in any way, and relays only information that was publicly available on this Court's docket.

C. Entry of Default in Case 4900

Although nothing in Case 4900 is before the Court in this appeal, events in that action nevertheless form part of the background here. On May 8, 2023, Judge Newman entered an order in Case 4900 striking Ms. Pope's answer as a sanction for litigation misconduct, including her "vexatious, serial, and abusive repetition of the same motion [to lift the automatic appellate stay] that she has lost each previous time." *Bauknight as Tr. of James Brown 2000 Irrevocable Tr. v. Pope*, 445 S.C. 408, 422, 914 S.E.2d 848, 855 (2025) (quoting Judge Newman's order). On April 16, 2025, the Supreme Court issued a published opinion affirming the sanction imposed by Judge Newman with a minor alteration to the attorneys' fees portion of the sanction. *See id.* at 422, 914 S.E.2d at 856.

The remittitur issued on May 7, 2025. See Remittitur, *Bauknight as Tr. of James Brown 2000 Irrevocable Tr. v. Pope*, May 7, 2025 (Appeal No. 2023-001253).

D. Motion for Recusal

In July 2025, when all that remained in Case 4900 was for the circuit court to conduct a default damages hearing and impose a final default judgment, Ms. Pope filed the Motion for Recusal in Case 1337. The Motion accuses Judge Newman of issuing “vitriolic, racially-motivated orders and attacks on” Ms. Pope that purportedly stemmed from his “increasing racial and age bias against” her, “an elderly white woman.” (R. pp. __ (Mot. for Recusal at 2, 7).) Ms. Pope blamed Judge Newman’s alleged bias on attorney Mark Gende, lead counsel in Case 4900, whom she accused of making unspecified “false, inflammatory, defamatory, and racially motivated claims” about her, and on Mr. Black’s February 2022 email. (R. pp. __, __ (Mot. for Recusal at 1, 2).) Notably, all of the “punitive, harsh, and discriminatory actions” (R. p. __ (Mot. for Recusal at 2)) purportedly taken by Judge Newman against Ms. Pope after Mr. Black’s February 2022 email *occurred in Case 4900*, not in Case 1337. No orders had been filed in Case 1337 since the Amended Deposit Order on June 18, 2020.

The Estate moved to strike the Motion for Recusal. (R. pp. __ (Motion to Strike).) Ms. Pope responded by filing, on September 2, 2025, an “Affidavit Related to False Statements of David Black, Esq. Prior and Subsequent to *Ex parte* ‘Update’ of February 2022.” (R. pp. __ (Affidavit).) On November 5, 2025—roughly two weeks prior to the default damages hearing in Case 4900, scheduled for November 20, 2025—Ms. Pope filed a “Motion to Vacate,” followed on November 13, 2025 by her Return to the Motion to

Strike. (R. pp. ___ (Motion to Vacate); R. pp. ___ (Return to Motion to Strike).)

E. November 20, 2025 Hearing

Subsequent to Ms. Pope’s filing of the Motion for Recusal, the Supreme Court assigned the Honorable Courtney Clyburn Pope to preside over Case 1337 and Case 4900. (R. p. ___ (Tr. of Hr’g, Nov. 20, 2025 (“Case 1337 Hr’g Tr.”) 3:21-24).) Judge Clyburn Pope scheduled a hearing in Case 1337 for November 20, 2025, at 9:30, immediately prior to the default damages hearing in Case 4900. During this hearing, Judge Clyburn Pope correctly advised Ms. Pope that since Judge Newman was no longer assigned to Case 1337, the Motion for Recusal was moot. (R. p. ___ (Case 1337 Hr’g Tr. 7:4-5).) Judge Clyburn Pope noted that Case 1337 was closed and that on June 10, 2015 the Supreme Court had cautioned Ms. Pope against “continued attempts to involve herself in the resolution of the Estate and Trust,” including by filing “any further motions or appeals in the actions involving the Estate and Trust of James Brown . . . in which she clearly has no standing.” (R. p. ___ (Case 1337 Hr’g Tr. 6:18-21);² see R. p. ___ (Case 1337 Hr’g Tr. 14:14-15 (“I am determining that this case, 1337, is closed. So I’m not hearing any motions.”); R. p. ___ (Case 1337 Hr’g Tr. 32:11-13 (refusing to accept Ms. Pope’s proffer of documents “based on the 2015 order, also, because the case is closed and I do find that the motions are improper.”).) Nevertheless, Judge Clyburn Pope allowed Ms. Pope to list all of the documents she would have proffered to the court. (R. p. ___ (Case 1337 Hr’g Tr. 15:10-12);

² Judge Clyburn Pope erroneously stated the date of this order as February 19 2015, but she was clearly quoting the Supreme Court’s June 10, 2015 Order in *Ex Parte Adele J. Pope*, Appeal No. 2013-001649.

R. pp. __ (Case 1337 Hr'g Tr. 17:25-30:24).) Following this, Judge Clyburn Pope reiterated that she would not hear any motions in Case 1337 because it was closed. (R. p. __ (Case 1337 Hr'g Tr. 33:17-19).)

On December 1, 2023, Ms. Pope sought reconsideration of Judge Clyburn Pope's rulings. (R. pp. ____ (Motion to Alter or Amend).) On January 8, 2026, Judge Clyburn Pope entered a Form 4 Order denying this motion. (R. pp. __ (Form 4 Order, Jan 8, 2026).) Ms. Pope timely filed her notice of appeal on February 5, 2026. (R. pp. __ (Notice of Appeal).)

SUMMARY OF ARGUMENT

Although Ms. Pope filed the Motion for Recusal in Case 1337, her real goal was to disrupt and delay proceedings in Case 4900. This is clear from the fact that in July 2025, there was nothing pending in Case 1337 for Judge Newman to recuse himself from. Ms. Pope attempted to give the Motion a veneer of legitimacy by purporting to seek reconsideration of the Deposit Orders, but she presented no changed circumstances or other basis for such reconsideration. Judge Clyburn Pope properly rejected the Motion for Recusal as improper because Case 1337 was closed and because the Motion contravened Supreme Court orders prohibiting Ms. Pope from making frivolous filings for the purpose of interfering with the operation of the Estate. Judge Clyburn Pope acted well within her discretion and her ruling should be affirmed.

Apart from being improperly filed, the Motion for Recusal plainly fails for several reasons. The Motion is moot, because Judge Newman is no longer presiding over Case 1337 or Case 4900. It is also untimely, because according to Ms. Pope's own allegations Judge Newman's supposed bias was known to her long before she became aware of Mr. Black's February 2022 email. Finally, the Motion is patently meritless. Ms. Pope has presented no evidence of bias or prejudice other than the mere fact that Judge Newman ruled against her in entering the Deposit Orders. As a matter of law, an adverse ruling alone is insufficient to show bias requiring recusal.

ARGUMENT

I. THE COURT SHOULD DISREGARD THE IRRELEVANT PARTS OF MS. POPE'S BRIEF

Ms. Pope's Notice of Appeal in this matter identifies certain rulings made by Judge Clyburn Pope during the November 20, 2025 hearing in Case 1337 and the January 8, 2026 Form 4 order denying her motion to alter or amend. (R. pp. ____ (Notice of Appeal).) It is axiomatic that matters not relevant to the orders identified in Ms. Pope's Notice of Appeal should not be included in her brief. *See* Rule 208(b)(1)(C), SCACR (providing that the statement of the case "shall contain a *concise* history of the proceedings, insofar as *necessary* to an understanding of the appeal" (emphasis added)); Rule 208(b)(1)(E), SCACR (providing that a brief may contain "a separate statement of facts *relevant to the issues presented for review*" (emphasis added)); *cf. Parker v. S.C. Pub. Serv. Comm'n*, 281 S.C. 215, 218, 314 S.E.2d 597, 599 (1984) (refusing to consider matters asserted in a brief that were not relevant to the appeal). In blatant disregard of this basic rule, Ms. Pope's brief is replete with irrelevant statements and arguments that have nothing to do with Case 1337 or the orders on appeal.³

The Estate will not burden the Court with an exhaustive catalog of every irrelevant statement in Ms. Pope's brief but instead will simply list the irrelevant topics:

³ Moreover, Ms. Pope seeks to support her irrelevant factual statements by citing, and designating to the Record on Appeal, materials that are equally irrelevant and which, in many cases, are not in the record for Case 1337. Her designation of such materials is improper. *See* Rule 209(b), SCACR (providing that a party's designation of matter to the record on appeal "shall not include any matter . . . which is not relevant to the appeal"); Rule 210(c), SCACR (providing that the record on appeal "shall not . . . include matter which was not presented to the lower court or tribunal").

- The 2024 criminal contempt proceedings against Ms. Pope for violating Supreme Court orders directing her to cease her attempts to interfere with the Estate (*e.g.*, Br. of Appellant at 3-4, 6 n.2);
- Litigation over FOIA requests filed by Ms. Pope and her associates (*e.g.*, *id.* at 13);
- Claims that the Estate improperly concealed “145 boxes” of confidential Estate documents (*e.g.*, *id.* at 11, 14);
- The date-of-death valuation performed by the investment banking firm Philpott Ball & Werner and Ms. Pope’s claim that the valuation is a “massive \$80 million devaluation fraud” (*id.* at 11; *see also, e.g.*, *id.* at 4, 12, 13);
- Alleged fraud supposedly masterminded by Tommie Rae Hynie (*e.g.*, *id.* at 9, 11, 13);
- The “Legacy Trust” (*e.g.*, *id.* at 10);
- Biased rulings by Judge Early (*e.g.*, *id.* at 13, 14, 15, 16); and
- Case 4900 (*e.g.*, *id.* at 6, 10, 14, 16-17, 21; *see also id.* at 23-24 (arguing that “The Richland 4900 Complaint Should Be Dismissed Because It Is Unconstitutional, Illegal, and the Product of Fraud” (allcaps omitted)).)

Many of the items in Ms. Pope’s designations to the record on appeal are likewise irrelevant to the issues on appeal.

Blatantly improper filings are a hallmark of Ms. Pope’s prior appeals in James Brown matters, leading to multiple motions to strike.⁴ History shows that such motions only serve Ms. Pope’s purposes by delaying the appeal while the motion is briefed,

⁴ By the Estate’s count, Ms. Pope’s repeated violations of the Appellate Court Rules have resulted in at least *twenty-one* motions to strike. (*See* Docket, Appellate Case No. 2014-000250 (two motions to strike); Docket, Appellate Case No. 2017-001899 (four motions to strike, plus a motion for sanctions for yet another violation of the Appellate Court Rules); Docket, Appellate Case No. 2018-002229 (*eight* motions to strike); Docket, Appellate Case No. 2019-000362 (three motions to strike); Docket, Appellate Case No. 2021-000518 (three motions to strike).)

considered by the Court, and during the time given to Ms. Pope to submit an amended filing. For Ms. Pope, such delays are a feature, not a bug. *See, e.g., Order, Bauknight v. Pope*, Appeal No. 2020-001713 (Mar. 28, 2023) (“This case [Case 4900] has been ongoing since 2010, and [Ms. Pope’s] frivolous filings and attempts to repeatedly delay the matter have frustrated the prompt resolution of this case.”).)

The Estate will not play into Ms. Pope’s hands by filing yet another motion to strike. Rather the Estate trusts that the Court – which by this point is thoroughly familiar with Ms. Pope’s litigation tactics – will simply disregard the irrelevant matters littered throughout her brief and the irrelevant materials included in the Record on Appeal.

II. THE CIRCUIT COURT PROPERLY REFUSED TO CONSIDER IRRELEVANT MATERIALS MS. POPE SOUGHT TO PROFFER IN A CLOSED CASE

As noted *supra*, Case 1337 concerned Ms. Pope’s claim for fees for her service as PR/Trustee from 2007 to 2009. As of April 2023, that claim is fully and finally resolved. Similarly, the Deposit Orders – which this Court previously determined are interlocutory and not appealable – are fully resolved in that there is no further action to be taken until Judge Clyburn Pope enters a default judgment order in Case 4900, at which point it can be determined whether the deposited funds will be used as a setoff against the judgment or will be paid over to Ms. Pope. In light of this procedural posture, Judge Clyburn Pope was absolutely correct to rule that the Motion for Recusal and related filings by Ms. Pope were improper and would not be considered.

Judge Clyburn Pope was also correct to rule that the Motion for Recusal was filed in violation of the Supreme Court’s orders, including its order of June 10, 2015 prohibiting

Ms. Pope from further interference with the Estate. Ms. Pope contends that the Supreme Court's order does not preclude her from making filings in cases where she is a party and thus has standing. (R. pp. __ (Motion to Alter or Amend, Dec. 1, 2025, at 2-3).) As Judge Clyburn Pope clearly recognized, however, allowing Ms. Pope to participate in a case to which she is a party is not *carte blanche* to make frivolous filings for purposes of delay. That is why the Supreme Court admonished Ms. Pope for causing delay through frivolous filings as the defendant in Case 4900, in the Order of March 28, 2023 cited above. And when Judge Newman struck Ms. Pope's answer in Case 4900 as a sanction for her abusive litigation tactics as a party in that litigation, the Supreme Court affirmed. *See Bauknight as Tr. of James Brown 2000 Irrevocable Tr.*, 445 S.C. at 422, 914 S.E.2d at 856. In light of the example set by the Supreme Court's actions, it was clearly within Judge Clyburn Pope's discretion to prohibit Ms. Pope from using Case 1337 as a vehicle for the same kind of obstructionist tactics she employed in Case 4900.

III. THE MOTION FOR RECUSAL IS MOOT, UNTIMELY, AND MERITLESS

A. The Motion Is Moot

Through the recusal motion, Ms. Pope sought Judge Newman's removal from Case 1337 and Case 4900. (R. p. __ (Mot. for Recusal at 1).) She obtained exactly this relief when the Supreme Court assigned Judge Clyburn Pope to preside over both cases. (R. p. __ (Case 1337 Hr'g Tr. 3:21-23).) As Judge Clyburn Pope observed, her assignment by the Supreme Court conclusively established her jurisdiction and authority. Accordingly, Judge Clyburn Pope correctly concluded that the motion was moot.

B. The Motion Is Untimely

“Timeliness is essential to any recusal motion. To be timely, a recusal motion must be made at counsel’s first opportunity after discovery of the disqualifying facts.” *Davis v. Parkview Apartments*, 409 S.C. 266, 289, 762 S.E.2d 535, 547 (2014) (internal quotation marks omitted). Regardless of when Ms. Pope learned of Mr. Black’s February 2022 email to Judge Newman, her motion is untimely. As *Davis* makes clear, a motion for recusal must be filed as early as possible after the moving party becomes aware of the grounds for recusal—*i.e.*, that the judge “has a personal bias or prejudice against [the] party.” *Patel v. Patel*, 359 S.C. 515, 524, 599 S.E.2d 114, 118 (2004). According to Ms. Pope’s own allegations, she has been the victim of bias and “harsh” rulings by every judge that has presided over Case 1337. (Br. of Appellant at 13 (“By 2014, Judge Early was on Black’s and Bauknight’s and Hynie’s side.”); *id.* at 14 (“By 2017 . . . Judge Early was sealing depositions and issuing orders to prevent dissemination of public evidence, including in depositions.”); *id.* at 15 (“In 2017, Judge Early denied Pope a jury trial, or even an advisory jury”). Similarly, Ms. Pope contends in her brief (*id.* at 17) that Judge Newman exhibited bias as early as 2020 by issuing orders that were not supported by the evidence. *See Patel*, 359 S.C. at 524, 599 S.E.2d at 118 (“A judge’s impartiality might reasonably be questioned when his factual findings are not supported by the record.”).

Thus, Ms. Pope’s own brief asserts that Judge Newman’s bias stretches back to 2020. And yet, she waited until July 2025—when the default damages hearing in Case 4900 was approaching—to seek his recusal. The motion was plainly untimely, and its untimeliness constitutes an alternative grounds for affirmance.

C. The Motion Is Meritless

In addition to being both moot and untimely, the Motion for Recusal is patently meritless. As noted *supra*, and contrary to Ms. Pope’s misrepresentations, Mr. Black’s email neither discusses the merits of any case nor disparages Ms. Pope; it merely advises Judge Newman that oral argument has been scheduled in two pending appeals. Its content does not even rise to the level of “ex parte scheduling, which is specifically allowed under the Canons of Judicial Ethics.” *Brailsford v. Brailsford*, 380 S.C. 443, 450 n.6, 669 S.E.2d 342, 346 n.6 (Ct. App. 2008).⁵

Mr. Black’s email provides no support whatsoever for the Motion for Recusal. “[A] judge should disqualify himself in a proceeding ... where he has a personal bias or prejudice against a party.” *Patel*, 359 S.C. at 524, 599 S.E.2d at 118 (citing S.C. App. Ct. R. Rule 501 Canon 3(E)(1)(a)). “To compel recusal, the alleged bias of the judge must be personal, as distinguished from judicial, in nature.” *Christensen v. Mikell*, 324 S.C. 70, 74, 476 S.E.2d 692, 694 (1996). And, “[i]t is not enough for a party seeking disqualification to simply allege bias; the party must show some *evidence* of that bias or prejudice.” *Roche v. Young Bros. of Florence*, 332 S.C. 75, 85, 504 S.E.2d 311, 316 (1998) (emphasis added). Ms. Pope claims that Mr. Black’s February 2022 email caused Judge Newman to enter “discriminatory and harsh” orders against her. (Br. of Appellant at 2.) But this is

⁵ Notably, in *Brailsford* the appellant—represented by Ms. Pope—made a contention remarkably similar to Ms. Pope’s argument here, namely, that an innocuous communication regarding a scheduling matter demonstrated that the trial judge was biased and must be recused. *See id.* at 450-51, 669 S.E.2d at 346.

impossible, because the last order Judge Newman issued in Case 1337 was the Amended Deposit Order, entered on June 18, 2020, two years before Mr. Black's email.

To the extent Ms. Pope contends the Deposit Orders reflect a personal bias or prejudice against her that arose prior to the February 2022 email, this argument too is meritless. "The fact a trial judge ultimately rules against a litigant is not proof of prejudice by the judge, even if it is later held the judge committed error in his rulings." *Mallett v. Mallett*, 323 S.C. 141, 147, 473 S.E.2d 804, 808 (Ct. App. 1996). And, while a ruling may be evidence of bias or prejudice if it is unsupported by the evidence, there is ample support in the record for Judge Newman's entry of the Deposit Orders.⁶

As the Estate explained in its briefing and at argument before Judge Newman in support of the Deposit Orders, the approximately \$100,000 the Estate sought to deposit was far less than the millions of dollars in potential damages that could be awarded against Ms. Pope in Case 4900.⁷ The purpose of depositing these funds was to ensure they would be available in the event of a judgment against Ms. Pope. Judge Newman agreed with the Estate's reasoning, commenting that paying the funds into the court would protect the assets of the Estate. (R. p. __ (Tr. of Hr'g, Jan. 30, 2020 ("Deposit Order Hr'g Tr.") 19:18-19 ("[I]f the funds were deposited, then wouldn't that have the effect of

⁶ To be clear, the Deposit Orders are interlocutory and non-appealable, as reflected in this Court's dismissal of Ms. Pope's prior appeal. (R. pp. __ ('967 Dismissal Order).) The basis for the Deposit Orders is discussed herein only for the purpose of demonstrating that the Motion for Recusal is without merit.

⁷ Indeed, the evidence presented at the default damages hearing in Case 4900 showed that Ms. Pope's malfeasance caused more than \$20 million in damages to the Estate.

protecting the assets?")) Judge Newman also noted, again correctly, that that payment of the funds into the court until the resolution of Case 4900 would not disturb Ms. Pope's priority in the funds. (R. p. __ (Deposit Order Hr'g Tr. 20:8-10 ("So when the dust settles, if there's money, you'd be the first in line to get it?" Mr. Silvernail [then-counsel for Ms. Pope]: "Yes.")) In the Amended Deposit Order, Judge Newman further protected Ms. Pope by directing that interest would continue to accrue until the resolution of Case 4900.

By entering the Deposit Orders, Judge Newman protected both Ms. Pope and the Estate by ensuring that the funds would be available for distribution at the conclusion of Case 4900. The Deposit Orders are supported by the facts and circumstances and provide no basis for recusal.

IV. THE DEPOSIT ORDERS ARE INTERLOCUTORY AND NOT APPEALABLE

Ms. Pope's argument that the Deposit Orders are erroneous (Br. of Appellant at 21), is not before the Court because the Deposit Orders are interlocutory and not appealable, as this Court has already ruled. (R. pp. __ ('967 Dismissal Order); *see* R. pp. __ (Motion to Dismiss Appeal, No. 2020-000967 (Aug. 10, 2020)).)

CONCLUSION

For the reasons set forth above, this Court should affirm.

Respectfully submitted,

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