

STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

The Honorable Courtney Clyburn Pope, Circuit Court Judge

Case No. 2026-000330

Trial Court Case No. 2013-CP-02-1337

Adele J. Pope..... Appellant,

v.

Estate of James Brown and the James Brown 2000 Irrevocable Trust..... Respondents.

MOTION TO STRIKE

Appellant respectfully moves pursuant to Rule SCACR 208(b)(2) , 208(b)(1) (A) – (F) and the constitutional and statutory authorities cited in Appellant’s Initial Brief filed herein on April 4, 2026, including the First Amendment, Due Process and Equal Protection Causes of the U.S. Constitution, which brief and authorities are incorporated herein by reference, for an order striking the Initial Brief of Respondents and Respondents’ Designation of Matter to be Included in the Record on Appeal. Appellant seeks an extension to file Appellant’s Initial Reply Brief until ten days after the Court rules on the motion to strike.

The grounds of this motion are that Respondents, after seeking a 30-day extension of time to file and serve their initial brief and designation of matter on April 2, 2026, filed on May 4, 2026 an initial brief which blatantly disregards the requirements of SCACR 208(b)(2) and its reference with Rule 208 and Rule 208(b)(1)(A) – (F). Both the brief and designations contain numerous matters which are wholly unsupported by the record, which Respondents failed to present to the lower court, and which violate settled principles for a proper brief outlined on page 11 of Respondents' ARGUMENT in their initial brief.

Background of Violations by Respondents of Rule 208(a) and (b)

This matter, as contemplated in SCACR, is a post-judgment Motion for Recusal and Return of Funds, along with related relief, filed on July 23, 2025. The relief sought in the July 2025 motion is the recusal of the Honorable Clifton Newman; the return of approximately \$160,000 of Appellant's funds Judge Newman had ordered held for the benefit of the James Brown Legacy Trust ("Legacy Trust") and its primary owner-beneficiary, Tomirae Hynie; the voiding of the complaint in "Richland 4900;" and the voiding of all orders issued in any case in which Judge Newman was a judge and Appellant was a party from and after February 4, 2022.

February 4, 2022, is the date David Black, Esq., began a 3-year secret *ex parte* communication with Judge Newman, the full details of which are still unknown. What is known is that Sr. Asst. AG C.H. (Sonny) Jones was copied on David Black's secret *ex parte* update with Judge Newman even though the Office of the Attorney General (AG) was not a party to either of Appellant's cases discussed *ex parte* with Judge Newman. Also known is the fact that David Black's known secret *ex parte* communication was intended to update Judge Newman solely on cases related to Appellant Adele Pope.

Between February 4, 2022, and the filing of this matter in July 2025, David Black, his client Russell Bauknight, AG Jones, Judge Newman and the Office of the AG never reported David Black's secret *ex parte* communications with Judge Newman lasting for three years.

What is known is that David Black's secret *ex parte* communications with Judge Newman were intended to, and did, make Judge Newman believe the patently false claim that Appellant was demanding \$19 million from James Brown's estate. Appellant actually offered to settle every year since 2017 for \$2.1 million or less.

David Black's secret *ex parte* communications with Judge Newman that spanned three years, and were known to the State/Attorney General, were intended to instill in Judge Newman the false belief that Russell Bauknight's failure to distribute what could have been \$4 million or more in James Brown "I Feel Good" scholarships every year since 2013 was the fault of Appellant, rather than the decision of Bauknight alone.

David Black's secret *ex parte* communications with Judge Newman over the three-year period, were intended to make Judge Newman believe that Appellant, an 82-year-old white lawyer, was the sole reason that the lawsuit filed by the Legacy Trust and Bauknight "on behalf of the Attorney General of South Carolina" in 2010 has been delayed for what is now 16 years. Black, AG Jones and Black's client Bauknight all knew that this claim was both false and inflammatory. The undisputed evidence presented to Judge Newman and Judge Clyburn Pope in this matter is that the Attorney General, Legacy Trust, Hynie and Bauknight have been the cause of 15 years of delay and disruption to conceal the bigamy of Hynie and the false claims and false statements made to the IRS in 2010 and since of Bauknight.

Judge Clifton Newman did not respond to Appellant's July request for a confidential status conference. Instead David Black filed a motion to strike. The motion to strike is the only pleading, motion or evidence submitted by Black or Respondents in this matter.

Between the filing of the Motion for Recusal and Return of funds, Appellant filed numerous sworn statements and admissions, including of Governor Henry McMaster and experts, to confirm that all relief sought in the Motion for Recusal and Return of Funds, including the voiding of the Richland 4900 complaint, the return of Appellant's funds, and the voiding of all orders of Judge Newman related to Appellant after the first Black *ex parte* communication on February 4, 2022, is proper.

Neither Black nor Respondents filed any evidence to refute the relief sought in Appellant's July 2025 Motion for Recusal and Return of Funds.

In an extraordinary hearing of November 20, 2025 a new circuit judge, the Honorable Courtney Clyburn Pope, appeared. Judge Clyburn Pope declined to show Appellant the order by which she had been substituted for Judge Newman, who has had statewide, exclusive jurisdiction over this case for since November 2019. Then Judge Clyburn Pope ruled from the bench. that she would not hear any motions, and that Aiken 1337 was over.

The sole basis Judge Clyburn Pope identified for her ruling was that Appellant was prohibited from filing any motions because of the Supreme Court's June 10, 2015, Order. Judge Pope also stated that the issues raised were moot because Judge Clifton Newman was no longer the judge.

After the ruling, Judge Pope refused to allow Appellant to proffer the documents to confirm that the Supreme Court's June 10, 2015, Order did not deny Appellant her right to have a fair tribunal without *ex parte* contacts being made by David Black. Judge Clyburn Pope failed to

consider the undisputed sworn record that showed that David Black, Tomirae Hynie and the Legacy Trust Black has represented since 2009, had been engaged in 16 years of hiding of public documents, *ex parte* communications with the Honorable Doyet Early III and Judge Clifton Newman, false filings with the IRS, false representations to the U.S. Copyright Office and false statements to the Supreme Court.

Judge Clyburn Pope, while declining Appellant's proffer, did allow Appellant to list the documents proffered. Those documents show that from the time Judge Newman was appointed, David Black, Russell Bauknight, and Mark Gende, Esq., inundated Judge Newman with race-, gender- and age-based false claims while concealing the public documents to show that it was Bauknight and Hynie, with the consent of the Office of the Attorney General, who had lied to the IRS, lied to the U.S. Copyright Office, lied to the Supreme Court, and concealed public documents. At the same time, they falsely accused Buchanan and Appellant of the federal felony of overstating James Brown's assets by \$80 million to the IRS to get a \$5 million commission on what they claim was James Brown's \$5 million estate.

Mark Gende's firm, speaking for Hynie, Bauknight and purportedly the AG, as Judge Newman knew from the Richland 4900 complaint, had been seeking to dismember James Brown's charity since 2010. [Complaint]. By the end of 2010 Bauknight, with knowledge of Sr. Asst. AG "Sonny" Jones, had produced the fabricated \$4.7 million document which devalued James Brown's worldwide music empire by \$80 million. Bauknight made the patently false claim to the IRS that James Brown died with a \$5 million estate, a \$4.7 million worldwide music empire, and a "widow" who got less than \$2 million from the McMaster settlement deal.

The undisputed facts are that the Honorable Alan Wilson has known since 2013 about the false tax filings of Bauknight, the false felony claim, and the fact that the massive \$80 million

devaluation took nearly 1/3 of James Brown's assets from the "I Feel Good" charity and took \$1 million of "I Feel Good" scholarships a year from needy students of all races in Georgia and South Carolina.

The undisputed facts are that AG Wilson notified Mark Gende's firm in 2013 that the Office of the AG never hired Gende's firm to bring Richland 4900, and Governor McMaster confirmed this under oath in 2016. Yet AG Wilson did not stop AG Sonny Jones from participating with Black in the coverup of the fraud of Bauknight and Hynie. AG Wilson has allowed his FOIA staff to actively participate in the coverup of the fraud of Hynie, Bauknight and the Legacy Trust from 2011 until 2026.

By 2019, when Judge Newman was assigned to Aiken 1337, Bauknight was paying Hynie's attorney Gende to disrupt, delay and conceal public James Brown documents. Judge Early, bowing to known false claims of Hynie, Bauknight and the Legacy Trust, declared Hynie to be James Brown's spouse and even adopted the known false claim that James Brown died with a \$4.7 million music empire.

From 2019, with the help of Sonny Jones and AG Wilson's FOIA staff, Bauknight, Tomirae, the Legacy Trust, Black and Gende have continued their coverup of the Hynie/Bauknight/Legacy Trust fraud on the IRS, the Copyright Office and the Courts.

Through *ex parte* filings and orders, and the sealing of public records, David Black, Bauknight and Tomirae had persuaded Judge Early to blame Hynie's and Bauknight's IRS fraud on Buchanan and Appellant.

In 2020 Judge Newman was ensnared by David Black's patently false claim that Appellant was not entitled to the \$47,972 Judge Early – despite his hostility – had awarded to Appellant. By then Bauknight had made the false claim to Judge Newman that Appellant's \$2.1 million fee claim

for 5 years' service protecting James Brown's charity was a \$19 million demand for 18 months service from someone who had damaged the charity.

David Black made the false claim to Judge Newman that Richland 4900 and Appellant's fee claim were companion cases. As the Complaint shows, that is not true. Richland 4900 was brought to benefit the Legacy Trust and the AG and Hynie, its supermajority owner-beneficiaries. By then Black, Bauknight and Gende were falsely characterizing Richland 4900 as a case brought by the "Estate" the "Children." Actually, the real children were battling the bigamist Tomirae and Bauknight in federal court at the time, in a case in which Appellant had no role. As a result of the Supreme Court's June 2015 Order, Pope also had no interest in the outcome.

In 2021 James Brown's estate sold for a reported \$90 million. Again, Appellant had no role and no interest in the outcome. Appellant just didn't want to be blamed for a \$90 million sale of a Charity which was worth almost \$100 million in 2011, earned \$5 million a year for the next decade, and sold for \$90 million. Yet AG Wilson was telling Judge Newman that he had never seen or possessed the \$4.7M document on which all of Bauknight, Hynie's, Black's and Gende's false claims had rested for a decade. In addition, 145 boxes of public James Brown document, including James Brown's Will, Trust and the estate tax return had been put under lock and key.

In 2022, David Black, with knowledge of the office of the AG, the state's enforcer of charities, began a 3-year secret *ex parte* communication with Judge Clifton Newman. Even though The Pullman Group had filed an \$11,500,000 claim against the estate – one that Buchanan and Appellant had resolved in 2009 – Black began making the secret, false *ex parte* claim to Judge Newman that Appellant was the sole reason Russell Bauknight had not been able to distribute \$4 million of scholarships a year under the IRS's "Five Percent Rule" since the Pullman loan was paid off in 2011. This was patently false and discriminatory. The AG knew it was false.

Bauknight knew it was false. Black knew it was false. Judge Newman immediately began to adopt the false claims of both Black and Gende, who had been pushing Tomirae Hynie's fraud since 2011.

As the biased orders issued by Judge Clifton Newman made their way through the Court of Appeals, Gende exacerbated the false, discriminatory claims by shouting to the Court that Appellant sought \$19 million. While he did so, Gende was secretly being paid by Bauknight to advance the false claim both to Judge Newman and to the Appellate Courts that a white woman had been keeping him from paying \$4 million a year in scholarships to needy students of all races in Georgia and South Carolina for a decade.

By now, Black and Bauknight, while joining the AG in concealing the 145 boxes and \$4.7M document they had shared with Hynie and her son for years, began making the false claim that James Brown's estate had to be closed in order for scholarships to be paid. This false *ex parte* claim had not a scintilla of evidence in law or fact to support it, but Judge Newman, based on his harsh, discriminatory orders and reprimands of both Appellant and her counsel, believed it.

As Appellant shared her 80th birthday out of state, Judge Newman held an *ex parte* hearing without notifying Appellant's counsel. Even when he learned of his error, Judge Newman proceeded with another harsh order, at the request of Gende, that violated the Due Process, First Amendment and Equal Protection rights of Appellant and her spouse.

Appellant did not know of the continuing false secret *ex parte* communications of Black and Judge Clifton Newman, known to the Office of the AG.

In 2023, as Judge Newman's harsh, discriminatory orders made it through the Appellate Courts, Judge Early's harsh discriminatory orders were being shown to have been based on false "facts." Hynie was not James Brown's spouse and James Brown did not die with a \$5 million

estate, a \$4.7 million music empire and a spouse who took less than \$2 million from the McMaster settlement deal. Buchanan and Pope had saved \$50 million for James Brown's charity. Beginning in 2013, however, Sr. Asst. AG Sonny Jones, Hynie and Bauknight had worked together, and with AG Wilson's FOIA staff, to hide the truth.

On February 7, 2024 Black, through Bauknight, initiated the false claim in Aiken 1337 to Judge Newman that Appellant should be held in contempt for making a FOIA request for the \$4.7M document that was not an appraisal of James Brown's music empire. Hynie's son had revealed in 2013 that it was merely an incorrect valuation of a portion of the music empire.

Appellant moved to dismiss the claim before Judge Clifton Newman because Black and Bauknight were pursuing the same false claims in the Supreme Court. They were doing so with Hynie and the Legacy Trust's attempt to intervene.

Black and Bauknight persisted, and Judge Newman, the AG and Black and Bauknight all continued to conceal the secret, false *ex parte* communications.

As Appellant defended herself in a criminal contempt case brought in the S.C. Supreme Court based on false facts, Black and Gende joined Attorney General Alan Wilson in prosecuting one of the two people who had saved the "I Feel Good" charity from the Attorney General, Hynie, the Legacy Trust and Bauknight between 2009 and 2013.

When Appellant notified Judge Newman of her recently- acquired knowledge of the three-year false *ex parte* communication known to the AG as he pursued a FOIA criminal case against Appellant, with Black and Gende as the sole witnesses, he took himself off of Appellant's case.

Judge Clifton Newman, however, did not repair the damage done by Black's, Gende's and Bauknight's race-, gender- and age-baiting.

Neither Respondents nor Judge Newman nor AG Alan Wilson has come forward to correct the extraordinary damage done to Appellant. Not even in the fall of 2025 when Appellant offered to drop all of the cases the Legacy Trust, Hynie and the AG have been pursuing against Appellant for \$1 PR/Trustee commission, the costs of defending these actions (without attorneys' fees) and return of her \$47,972, with interest.

Judge Courtney Pope, without any evidence provided in the record by Judge Newman, Respondents or Gende refused to address the damage done by Black egregious secret *ex parte* communications over three years. Black, without putting himself under oath, was unapologetic.

On May 4, 2026, the Initial Brief of Respondents and Designation of Matter to be Included in the Record were filed by Respondent in this matter. Both documents went outside the record and violated multiple rules intended to provide Appellant with a fair appeal in this extraordinary *ex parte* recusal matter and request for return of funds and related relief. Some are set out below.

ISSUES ON APPEAL

Respondents did not exercise the right under Rule 208(b)(2) to re-state the issues on appeal, which are:

- I. DID THE LOWER COURT'S DISMISSAL OF THIS CASE WITHOUT CONSIDERING THE RELIEF SOUGHT IN THE RECUSAL MOTION AND SUBSEQUENT MOTION VIOLATE APPELLANT'S STATUTORY AND CONSTITUTIONAL RIGHTS TO A FAIR TRIBUNAL AND A LEVEL PLAYING FIELD TO RECOVER HER FUNDS TAKEN BY RESPONDENTS?
- II. SHOULD ALL RELIEF SOUGHT WITH RESPECT TO DAVID BLACK'S IMPROPER *EX PARTE* COMMUNICATIONS BE GRANTED?
- III. SHOULD THE RICHLAND 4900 COMPLAINT BE DISMISSED BECAUSE IT IS UNCONSTITUTIONAL AND ILLEGAL AND THE PRODUCT OF FRAUD.

All of these issues relate to the record that was made in this post-trial matter between July 23, 2025 and oral dismissal on November 20, 2025. Respondents did not present any evidence to the lower court to refute Appellant's claim that all relief sought in July 2025 and in this appeal should be granted.

THE INTRODUCTION VIOLATES RULES 208(b)(2) and 208 (b)(1)(C)

Rule 208(b)(1), which applies to Respondents who seek to file a Counter-Statement of the issues on appeal under Rule 208(b)(2), states that the brief must "contain under appropriate headings and in the order here indicated:"

The INTRODUCTION, on pages 1 and 2, purportedly part of the Statement of the Case, blatantly violates Rule 208 (b)(1) (C), goes beyond the records, and does not contain a single citation to the record. It should be stricken in its entirety.

The one thing the INTRODUCTION shows, although it violates every rule of propriety, is the venom and hatred which David Black and his client Russell Bauknight infused into the orders of Judge Newman by secret, false and discriminatory *ex parte* contacts with Judge Newman over more than three years.

Black is totally unapologetic, claiming that the 3-years secret *ex parte* contact was proper. Black's firm even bragged about his "testimony" to the Supreme Court. This was the false testimony he gave in the criminal trial two years after the secret *ex parte* communications known to the Office of the AG and not disclosed.

The undisputed facts properly proffered, but rejected by the Lower Court, show the actual facts that James Brown died with a \$100 million estate which was hijacked by the AG's alliance with Ms. Hynie in 2008. The hijacking was approved by the Lower Court in 2009. In 2010 Mr.

Bauknight produced the fabricated \$4.7M document and began making the false claim to the IRS and Supreme Court that James Brown died with a \$5 million estate and a spouse.

The State/AG supported the false IRS claims made to the IRS and Supreme Court by Bauknight and Hynie. From 2011 David Black, Tomirae's attorney Mark Gende, Esq., the State/AG joined forces with Tomirae Hynie to conceal and claim as confidential 145 boxes of public James Brown documents confirming that Brown died with a \$100 million estate with a \$15 million debt; that Ms. Hynie was an admitted bigamist; that the \$80 million devaluation not only resulted in tens of millions of dollars of unnecessary income taxes paid by James Brown's estate, but a shifting of nearly 1/3 of the "I Feel Good" charity's assets out of James Brown's charity and over to family members.

The State/AG also supported the false claims of Russell Bauknight and Tomirae Hynie that as "Mrs. James Brown," Ms. Hynie controlled "tens of millions of dollars" of federal termination rights.

To cover up Mr. Bauknight's false statements to the IRS and the Supreme Court that James Brown had a widow who took less than \$2 million in the 2008 McMaster settlement deal, the State/AG, Ms. Hynie, Mrs. Black not only concealed public documents, but falsely accused Robert Buchanan and Appellant of overstating the value of James Brown's music empire by \$80 million to get a \$2.1 million commission for Mr. Buchanan and a \$2.8 million commission for

The State/AG knew this false felony claim was false in 2013 when Appellant and her counsel had a personal visit with the Attorney General and his senior staff.

Of the 150 lawyers who represented various people who wanted to dismember James Brown's "I Feel Good" charity, only David Black and Mark Gende were willing to make known false claims to a criminal tribunal.

By 2019 Mr. Bauknight was making the false claim to Judge Newman in cases in which Appellant had not been a party since 2013 that Appellant was seeking \$19 million from a \$5 million estate for 18 months' work.

The truth *at the time the false statement was made to Judge Newman* by Mr. Bauknight in 2019, was that Appellant was seeking only \$2.1 million for 5 years' work (2007 – 2013) and payment of her \$47,972 which was earned in 2008 and was taken by interlocutory order of Judge Newman in 2020.

As a part of the Statement of the Case, the Introduction violates every possible aspect of Rule 208(b)(1)(C). It is not “ a concise history of the proceeding.” It does not give the correct date of the “commencement of the...matter,” July 23, 2025. It contains entirely “contested matters.” It does not recount the “action of the court,” either Judge Newman or Judge Clyburn Pope. It does not recount the approximately \$160,000 of Appellant's money Mr. Bauknight is holding for the benefit of Tomirae Hynie and her allies.

For an attorney who spent three years infecting a respected circuit judge with false *ex parte* claims and made it appear that that the State/AG condoned the Lower Court's infection with false, race-, gender- and age-based claims is unseemly, at best.

It should be stricken for direct violation of the SCACR.

THE COUNTER-STATEMENT OF THE CASE VIOLATES RULES 208(b)(2) AND 208 (b)(1)(C) AND INCLUDES NUMEROUS MATTERS NOT IN THE RECORD.

Like the Introduction, Respondents' Counter-Statement of the Case, pages 3-8 simply ignores Rule 308(b)(1)(D) as it applies to Respondents in this post-judgment matter.

In violation of Rule 268 SCACR, Respondents use a memorandum opinion which was finalized on April 18, 2023, more than a year after after David Black's first *ex parte* email infected Judge Newman with race-, gender- and age-related bias to justify David Black's February 4, 2022

ex parte “update.” [p. 3] On page 4, Section B, Respondent claims that the email “reads in its entirety...”

This serious misstatement of the record is material. Respondents fail to state that Sr. Asst. AG C. H. “Sonny” Jones was copied on the email, making it appear that the State/AG supported this *ex parte* communication with Judge Newman. Respondents state that in the 35-page transcript, Black attempted to justify his *ex parte* communication by saying it was not inappropriate because the State/AG was on the email. Respondents also fail to note that there was an attachment to the first email.

Judge Clifton Newman did not respond when asked about the *ex parte* email and other *ex parte* updates which he, according to Black’s email, requested.

Appellant is unaware of an incident where an unpublished order which was not presented to the lower court and was on appeal at the time can be used to justify an *ex parte* communication by a lawyer for a litigant which is copied to the non-party State/AG. This is especially true where the non-party State/AG and the attorney, David Black, have been allied against the excluded party for 11 years in her attempts to obtain the \$4.7M Document that will prove the false felony claim against her is false.

On page 3 Respondents made the statement that in 2023 – a full year after the first known *ex parte* contact of David Black: “Accordingly, Case 1337 has been fully resolved on the merits and is now closed.”

Yet, as Respondents confirm on page 4 , Respondent secured dismissal of the Deposit orders as “interlocutory.” Respondents also make the incorrect and wholly unsupported statement on page 4 that Judge Newman, assigned to James Brown matters following Judge Early’s retirement, granted the motion. This is both incorrect and not within the record.

One of the terms used by Respondents in their Introduction is appropriate to the whole purported Counter-Statement of the Case. It is “a mishmash of misleading (or outright false) statements...”

Most importantly, Respondents put no documents in the record at the hearing. Even David Black’s tirade against Appellant is not under oath. It is not evidence. Respondents’ Counter-Statement violates every possible rule. Of 201(b)(2) and 208 (b) (1) (A) – (F):

- It is not a concise statement of this matter, which is an appeal of both Judge Newman’s and the Lower Court’s refusal to rule on the constitutional violation of the *ex parte* contacts of David Black, known to the State/AG at a time when David Black, his client Russell Bauknight and the State/AG were withholding public documents from Appellant; falsely accusing her of impropriety for properly valuing James Brown’s estate at \$100 million; concealing public evidence, including 145 boxes of public James Brown’s documents, confirm the \$100 million was correct; and falsely accusing Appellant and Robert Buchanan of the federal felony of overstating the value of James Brown’s estate by \$80 million to cover up Russell Bauknight’s false understatement to the IRS and Courts of James Brown’s music empire.
- It is not a recounting of the proceedings “insofar as is necessary to an understanding of the appeal.
- It fails to state the July 2025 date of commencement of the matter.
- It ignores the nature of the matter, which is a post-judgment motion for recusal; return of funds; and voiding of improper orders issued after attorney David Black, with knowledge of the State/AG began on February 4, 2022 to infect order of Judge Newman with bias, and the refusal by both Judge Newman and Judge Clyburn to address the motion.
- It is the further denial of Appellant’s constitutional rights by the Lower Court by the erroneous finding that this case is ended because of the June 10, 2015, Order.

RESPONDENTS’ STATEMENT ABOUT THE EX PARTE EMAIL VIOLATE RULE 208

On page 4 and 5, in addition to leaving off that the State/AG was notified of the *ex parte* email and “updates” of David Black, and the fact that there was an attachment to the email, the statements are argumentative and incorrect, in violation of Rule 208 as stated above.

Respondents state that the email does not “discuss the merits of either appeal, does not disparage Ms. Pope in any way,…” In addition to being argumentative, this is false.

Black’s client Russell Bauknight had already made the false statement to Judge Clifton Newman in a case in which Pope was unable to defend herself:

He told Judge Newman, he says,[“] Your Honor, I think, he says, The Fact that Ms. Pope to this day is continuing litigation with the Estate and with the children, claiming that 4900 was the Estate and the Children, not Ms. Hynie and the Legacy Trust.[“]

And I think it horrendous. [“] I can’t imagine somebody on the record saying they settled [sic.]for 19 million dollars for a year and a half work. And It disgusts me how much money had been wasted fighting the David Cannons’s of the world, that would be the man who stole \$17 million from James Brown’s charity, and the Buddy Dallas of the world, who covered up for Mr. Cannon and the Adele Popes.

As shown in the record of the hearing, David Black’s client Russell Bauknight had already infected Judge Clifton Newman with bias by comparing me to the thief David Cannon and his co-trustee. Bauknight did so while claiming he had been working for the “children,” when, in fact he had been working since 2009 to cover up Hynie’s bigamy, help her secure \$20 million or more from James Brown’s charity, and tell the IRS she was the “widow” and got less than \$2 million.

As shown on page 20 of the transcript, Appellant’s affidavit of false statements of Mr. Black, which *is* a part of the record on appeal in this case, confirms that Judge Newman had already been primed for the race-related, gender-related and age-related attack on Pope.

To this, David Black’s *ex parte* email added:

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’s closing the Estate and funding scholarships. [p. 5]

This was as racially charged as it was false. Also, it is still not known whether Judge Newman actually “requested” that Black provide this secret *ex parte* affidavit and requested, or

allowed that it be conducted without Appellant's knowledge, but with the knowledge of the State/AG.

There is not a scintilla of evidence that Bob Buchanan or Adele Pope prevented Russell Bauknight from paying \$4 million a year of "I Feel Good" scholarships every year for 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025 or 2026.

This was not Judge Newman's racial bias. It was David Black's and his client's use of the "children" and the "charity" to cover up Russell Bauknight's absurd \$80 million devaluation of James Brown's estate and the use of the concealed false \$4.7M document to blame the damage and Bauknight's false IRS claims, on Buchanan and Appellant.

For purpose of this Motion to Strike, what is important is that Judge Clifton Newman has not spoken. David Black claims that the *ex parte* secret communications were proper. They are part of the false claim that Buchanan (until 2012) and Appellant until 2026, have prevented the more than \$40 million of "I Feel Good" scholarships that Bauknight chose not to pay since 2011. If anyone is responsible for this failure, it is AG Alan Wilson, the "protector" of charities.

The evidence that Judge Newman was enraged by the *ex parte* communication combined with the false claim that Appellant was making a \$19 million demand on a \$5 million estate is clear.

All of the collective lies and concealing of public documents created a perfect storm of understandable bias against the 82-year of white woman when Judge Newman was told that Appellant had been holding up scholarships since at least 2013 to needy students of all races in Georgia and South Carolina.

The Statement of the Case should be stricken. It is wholly unsupported by the record. It is inflammatory. It does not even deal with the fact that on February 7, 2024, David Black and

Russell Bauknight – who now claim that the case is over – filed a false Motion for Sanctions in Judge Newman’s court in Aiken 1337.

The facts make clear that David Black and his client, with the assistance of the State/AG (whether active or passive), used improper, secret *ex parte* updates with Judge Newman over a 3-years period to attempt to deprive an 82-year old lawyer who had protected James Brown by telling the truth that Tomirae Hynie was a bigamist and James Brown died with a \$100 music empire, of her law license, liberty, and Due Process, Equal Protection and First Amendment rights.

Respondents correctly state that “...nothing in Case 4900 is before this Court in this appeal.” Only the issue of whether the Richland 4900 complaint was unconstitutional was before Judge Newman. It was fully supported, including by the letter of AG Wilson of April 24, 2013, and the sworn deposition testimony of Governor McMaster that he never authorized Richland 4900.

The Statement of the Case is argumentative, goes outside the record, and violates the rules Respondents state on page 11. It should be stricken.

Judge Clifton Newman did not discriminate until Russell Bauknight and David Black, with the apparent consent of Sr. Asst. AG Jones, lied to him to cover up their \$80 million devaluation of James Brown’s charity, their false claims to the IRS and Courts, all done in 2010 and 2011 when Robert Buchanan and Adele Pope had a duty to protect James Brown’s estate.

RESPONDENTS’ ARGUMENTS ARE NOT SUPPORTED BY THE RECORD

Respondents state the requirements for a brief on page 11, then violates all of them. Having presented no evidence either by pleading or in the record, Respondents may not go outside the record to create “facts” in its Argument.

There is no evidence to refute Appellant's claim that Black, Bauknight, Gende and Sr. Asst. AG had been covering up the fraud of Bauknight, Hynie and the Legacy Trust committed in 2009, 2010 and later. This coverup infected Judge Newman through Black's secret, false *ex parte* updates that Black claims are perfectly proper.

It is still not known when Judge Newman departed from Aiken 1337. The Lower Court declined to provide Appellant with the order which apparently substituted her.

Appellant was subjected to harsh treatment as soon as David Black's client claimed, falsely, that Appellant was demanding \$19 million from a \$5 million estate. It was Black's secret 2022 – 2025 *ex parte* communication with Judge Newman, as Black was asking Judge Newman to sanction Appellant in Case 1337 and Hynie's attorney Gende was asking Judge Newman to sanction Appellant in other cases and appeals in Aiken 1337, that the infection of Black and Gende reached unconstitutional levels.

The Argument is so tied to matters outside the record and "facts" not found in the record that it should be stricken.

Respondents' Designation of Matter to be Included in the Records Should be Stricken

To the extent they do not duplicate designations of Appellant, Respondents' designations should be stricken from the Record. Respondents presented no evidence to the lower court. Respondents did not file any pleading in this Recusal and Return of Funds matter after it was commenced in July 2025. Judge Newman left the bench in both of Appellant's cases. There is no evidence properly presented by Respondents.

The Designation of Respondents should be stricken.

CONCLUSION

Respondents' Brief does not deny the applicable SCACR rules required of briefs and designations of matter in the record. Respondents do not deny most of the material facts in this serious Matter in which The Honorable Clifton Newman was baited into issuing orders which, at first, were merely wrong and based on false information provided by David Black, Esq., and Bauknight. By February 4, 2022, Judge Newman had succumbed to the race-, gender- and age-baiting of Bauknight, Black and Gende to cover up the fraud perpetrated on the IRS, Bauknight and the Legacy Trust at a time when Buchanan and Appellant had a duty to protect James Brown's charity.

Judge Newman has provided part of the relief requested. The Honorable Courtney Clyburn Pope declined to grant, or even address, the remainder of the relief requested to undo the violations of Appellant's Due Process, First Amendment and Equal Protection rights resulting from the secret 3-year *ex parte* updating of Judge Newman, with the knowledge of the State/Attorney General.

David Black is unapologetic about his undisputed 15-year use of *ex parte* orders, *ex parte* filings and concealing of more than 145 boxes to achieve the result that Tomirae Hynie and other Legacy Trust owner-beneficiaries seek. Respondents declined to present any evidence to refute the well-documented truth.

Respondents' initial brief and designation should be stricken.

Respectfully submitted,


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May 11, 2026

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SC Court of Appeals

**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. 2026-000330

Trial Court Case No. 2013-CP-02-1337

Adele J. Pope..... Appellant,


v.

Estate of James Brown and the James Brown 2000 Irrevocable Trust..... Respondents.

PROOF OF SERVICE

I certify that I caused to be served the served Motion to Strike Initial Brief of Respondents and Respondent's Designation of Matter to be Included in the Record on Appeal on Respondents by hand delivery on May 11, 2026 to their attorneys of record:

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