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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.

**APPENDIX
TO
REPLY TO RETURN TO MOTION TO
STRIKE INITIAL BRIEF
OF RESPONDENTS**

Exhibit 1

Law Office of Adele J. Pope, P.C.
1228 Walnut Street
Newberry, South Carolina 2108
(803) 413-0753

July 7, 2025

The Honorable Clifton Newman
Post Office Box 516
Kingsree, South Carolina 29556-0516

Re: Rule 11 Request Pope vs. Estate and Trust of James Brown
Fee Claim filed June 2009; Disallowance Served: May 29, 2013
Summons and Petition for Allowance filed: June 10, 2013
Pope Excluded from other Aiken James Brown Cases: June 13, 2013
Aiken County: 2013-CP-02-1337 (Case 1337)

Dear Judge Newman:

I write to request that Your Honor, with the consent of opposing counsel, take the following actions:

- a. Rescind or void Your Honor's non-appealable Orders of 2020 allowing Mr. Bauknight and the Clerk of Court to retain without accounting my \$47,972 SA Fee earned in 2007 and awarded in 2008, with interest from March 2008.
- b. Direct Defendants to forthwith pay to me, my \$47,972, with interest as stated in the Order of January 2008, until the funds are delivered to me.

After you direct the above, I request that Your Honor recuse himself in this case, cited as "Case 1337" on Exhibit A, and in all current and future cases in which I am a party or counsel.

This request is based on Exhibit A, attached, an *ex parte* communication of February 4, 2022, in which Mr. Bauknight, through counsel, provides a biased and incorrect "Update" to Your Honor of this Case 1337 and Richland County Case 2010-CP-40-4900 ("Case 4900"). Mr. Bauknight describes Case 4900 incorrectly claiming it is an action of the Estate and "children." Case 4900 was brought in 2010 to secure \$20 million from James Brown's charity for Tomirae Hynie, who is not a member of James Brown's family. Only about half of James Brown's 10 known children were parties and all of those repudiated Ms. Hynie's claims a dozen years ago.

Mr. Bauknight's claim in the *ex parte* communication that I am the reason he has been unable to distribute \$4 million a year in "I Feel Good" scholarships since at least 2013 is inflammatory and false. Mr. Bauknight could have begun distributing millions of dollars each year in "I Feel Good" scholarships even before *Wilson v. Dallas* was issued in 2013.

I do not yet know what the attachments to the February 4, 2022, email were, or whether there were additional incorrect "Updates" given *ex parte* to Your Honor.

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Since June 10, 2015, I have had no role whatsoever in the raging battle between Ms. Hynie and some of James Brown's children or any other involvement in the resolution of James Brown's estate. I do have a clear role and standing to attempt to correct Mr. Bauknight's *ex parte* efforts to bias Your Honor and the infection that bias has infused into Case 1337 and Your Honor's rulings and orders in Case 4900 where Ms. Hynie had been seeking for 15 years to blame the damage she caused to James Brown's estate on Robert Buchanan, Esq., and me. I believe that the record in the two cases, the 2020 orders and orders issued after the February 4, 2022, "Update" confirm that SWB and Mr. Bauknight were successful in their efforts to infect this case and Case 4900 and cause Your Honor to violate my Due Process, First Amendment, FOIA and other rights for the benefit of Ms. Hynie, SWB's primary clients since 2013, and those aligned with her.

It is my hope that Defendants will promptly consent to my above requests, and that Your Honor will grant them. If Defendants' counsel does not consent in writing to all relief requested in this Rule 11 consultation letter within 10 days, I ask that Your Honor convene an in-person status conference as soon as convenient after that time to address my concerns.

The following is a brief description of the facts on which I base my position that the above relief should be granted. I incorporate in their entirety the transcript of the Case 1337 non-jury trial (2017-2018) and the full record in the still-pending FOIA criminal trial initiated against me by Mr. Bauknight on February 4, 2024, as part of my explanation.

Background Facts and Buchanan/Pope Service & Fee Claim Before Case 4900 Filed

In 1999 James Brown and financier David Pullman valued James Brown's music empire at \$100 million and James Brown took out the \$26 million "Pullman Loan."

In 2000, with Ms. Hynie present, James Brown finalized his estate plan consisting of his Will and 2000 Irrevocable Trust. By then Ms. Hynie had been concealing her marriage to Javed Ahmed from James Brown for three years while planning to be the future "Mrs. James Brown."

In 2001 Ms. Hynie submitted a false sworn marriage application to the Aiken Probate Court and "married" James Brown.

In 2003 James Brown's trustees discovered Ms. Hynie's bigamy and she promised to remedy it within six weeks. She couldn't, so she hired a South Carolina attorney to annul the Texas marriage where she had lived with her husband.

In 2004 James Brown sued Ms. Hynie to void the alleged marriage to him. She counterclaimed, but her efforts failed. Ms. Hynie consented never to claim to be James Brown's spouse, a status available in South Carolina at the time.

In 2006 Ms. Hynie discarded her handwritten notes describing her first marriage and her begging James Brown to "renew our vows" after he discovered her bigamy. The handwritten notes

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made public in 2007 show James Brown was bitter and refused to marry Ms Hynie.

James Brown died on Christmas Day, 2006, with no spouse, a dozen or more claimed children, six of whom he recognized, an estate valued by four trustees at \$100 million, a \$15 million Pullman Loan debt that was fully paid in 2011 and an estate plan excluding all past and future spouses from obtaining any part of his assets. James Brown had brought in \$80 million since 1999. In 2007 *Forbes* would name James Brown as a top-earning dead celebrity with \$5 million of income the year after he died.

Ms. Hynie was not with James Brown when he died. She was in California. Within six weeks of James Brown's death, she filed suit claiming more than half of his charity for herself and her son; and by the end of 2007, she filed two additional suits to set aside James Brown's Will, 2000 Trust and "I Feel Good" charity.

In March, 2007, James Brown's PR/Trustees discovered, transcribed and widely disseminated Ms. Hynie's handwritten bigamy admissions. They also revealed her false statements to the Charleston County Family Court where she obtained an annulment to her Texas marriage without personally serving her husband.

One month before Ms. Hynie filed the will and trust contests, Mr. Buchanan and I were elevated from our position as joint Special Administrators (SAs) to joint PR/Trustees under James Brown's Will and 2000 Trust. From November, 2007, until May, 2013, Mr. Buchanan and I had a duty as trustees to protect James Brown's "I Feel Good" charity from Ms. Hynie and all who sought to dismember it. We did that.

In January 2008 the circuit court ordered that Mr. Buchanan and I be paid just over \$300,000 in SA fees on a "time + costs" basis for us and our staffs. Because my staff was much larger, I received a larger share of the fee. The order stated that we would be paid interest on all amounts not paid within 60 days, and that our service as PR/Trustees would be on the same basis, as a deposit towards a full commission.

In February 2008 Ms. Hynie persuaded the circuit court to issue an *ex parte* order sealing her bigamy admissions that had been public and widely disseminated for nearly a year. The *ex parte* order directed that nobody could discuss the known and widely discussed contents of the bigamy admissions. The circuit court even allowed Ms. Hynie's attorney to retain the original bigamy admissions as an "officer of the court."

In August, 2008, Ms. Hynie persuaded the Attorney General (AG) to participate in a settlement deal that "stipulated" she was James Brown's spouse and gave her a quarter of James Brown's "I Feel Good" charity. The 2008 Settlement put Ms. Hynie and the AG in control of James Brown's assets through the "Legacy Trust."

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In 2009 Mr. Bauknight, trustee of the Legacy Trust, recommended that the circuit court approve the 2008 Settlement. When the circuit court approved the settlement, Mr. Bauknight became both PR/Trustee for Defendants and trustee of the Legacy Trust which sought to dismember James Brown's charity. Mr. Bauknight failed to remain neutral in that conflict and has taken Ms. Hynie's side for the last 16 years.

By June 2009, Mr. Bauknight had hired a dozen Legacy Trust attorneys charging \$375 - \$500, including William Newsome, Esq., his \$440-an-hour "probate claims expert." That fall he hired Peter Afterman on a "deferred pay" basis as the Legacy Trust's music manager.

Mr. Buchanan and I were replaced by Mr. Bauknight in May 2009. Before we were replaced, Mr. Buchanan and I had earned about \$2.1 million in the 18 months as provided in the 2008 order. We had brought in more than \$5 million of income per year. In May, 2009, we delivered \$99 million of James Brown assets to Mr. Bauknight and promptly and fully accounted for our service as PR/Trustees.

We also delivered 145 boxes of public James Brown documents dating back 20 years. The 145 boxes of tax, financial, music, business and personal and legal records confirm that we had properly and conservatively valued James Brown's assets at \$100 million less the Pullman Loan debt. The Pullman Loan, reduced to \$9 million when we delivered the James Brown assets to Mr. Bauknight, was fully paid in 2011.

In July, 2009, Mr. Buchanan and I filed our Claim for the \$2.1 million we had earned by May, 2009, under the circuit court's 2008 order and the additional \$2.8 million request we made to the circuit court, in its discretion, for our entire 5 1/2 year service, including the appeal of the 2008 Settlement which resulted in *Wilson v. Dallas*. This would have given me the unpaid \$47,972 SA fee, with interest, a PR/Trustee commission of \$1.4 million and a possible additional fee for all of the future years we served James Brown's Will, 2000 Trust and charity (until 2013) of about \$1.4 million. Mr. Buchanan would have received a total PR/Trustee commission of \$2.1 million, including the \$50,000 he had already received.

Mr. Buchanan and I supported our 2009 Claim with a 56-page Affidavit and 18 exhibits, including our detailed time records, confirming how we had used the 145 boxes and information we gathered to value and protect Brown's \$100 million fortune and the 41/42 share of that fortune he had given to the "I Feel Good" charity. We believed, and I still believe, that James Brown's "I Feel Good" Charity, at \$80 million when Mr. Brown died, was the largest private foundation ever created by someone who had been born and died in the state at the time. It was substantially larger than the Ray Charles Foundation, which was about \$50 million.

If Mr. Bauknight or Mr. Newsome, his probate claims expert, had believed that our 2009 Fee Claim was too high, they could have delivered us a "Disallowance" at any time. This would have quickly resolved any dispute over the amount of the fee by requiring us to file suit within 30 days or lose our claim to any disallowed amounts. Mr. Buchanan and I resolved over \$30 million in claims

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 in favor of James Brown's estate, including the S.C. claim by the Pullman Group of more than \$20 million efficiently with very small legal fees..

In 2009 Ms. Hynie proposed a massive devaluation of James Brown's assets to discredit "Bobadele" – Mr. Buchanan and me. By September, Mr. Bauknight, aided by Peter Afterman, had produced the \$4.7 Million Appraisal which has been concealed for 15 years while it has been used by Ms. Hynie and Mr. Bauknight to falsely accuse us of a federal felony.

SWB Infects Aiken 1337 and FOIA Cases for Ms. Hynie before June 10, 2015 Order

SWB – like Mr. Bauknight – has had a fiduciary duty to James Brown's 2000 Trust (and "I Feel Good" charity) and to the family members named in the Will and 2000 Trust. He has a conflicting fiduciary duty under the Legacy Trust to Ms. Hynie who is not James Brown's spouse and was intentionally excluded from both the Will and 2000 Trust.

In May, 2010, Ms. Hynie and Mr. Bauknight engaged Sweeny, Wingate & Barrow, PA (SWB) and Ms. Hynie agreed to pay SWB's 40% contingency. Mr. Bauknight agreed to advance costs for Ms. Hynie and other Legacy Trust "owner-beneficiaries" to sue Mr. Buchanan and me in Case 4900 to try to stop the appeal that became *Wilson v. Dallas*. The AG did not sign or authorize SWB to bring Case 4900.

The next day The Attorney General, Ms. Hynie and others sued us in Case 4900 for the benefit of the Legacy Trust "owner-beneficiaries." [Complaint, Case 4900]

Case 4900 is not – as Mr. Bauknight claims in Exhibit A -- an action by the "Estate" and "James Brown Children" filed against "Ms. Pope for breach of fiduciary duty." It is a case brought 15 years ago by Mr. Bauknight and Ms. Hynie to punish Mr. Buchanan and me for upholding our fiduciary duty to James Brown's estate and attempting to prevent Ms. Hynie from taking \$20 million from James Brown's "I Feel Good" charity.

Mr. Buchanan and I moved to dismiss Case 4900 as violating our Due Process rights because SWB represented the AG who had a duty to protect James Brown charity and because Ms. Hynie brought Case 4900 to dismember the "I Feel Good" charity and conceal all of the public documents and evidence to refute her claims.

In 2011 SWB, acting for the AG, Ms. Hynie and others, secured dismissal without prejudice of the first Case 4900 appeal. [See Ct. Appeals file.]

For 10 years – until 2020 – in Case 4900 SWB concealed the fact that the AG had not signed the SWB Fee Agreement. SWB also concealed the AG's April 2013 letter confirming that the AG did not hire SWB and the now-governor's sworn testimony that he did not authorize Case 4900 and did not sue me. [See Deposition of Governor McMaster, Case 1337]

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In 2011, in spite of the absurdity on the face of it, SWB, Ms. Hynie and Mr. Bauknight began making the false claim in Case 4900 and to the Supreme Court that Mr. Buchanan and I had overstated James Brown's assets to the IRS by \$80 million to get a \$5 million commission on what they claimed was James Brown's \$5 million estate. While making the claim, they have concealed both the 145 boxes that confirm the \$100 million value and the incorrect \$4.7 Million Appraisal for 14 years in Case 4900 and in Case 1337 since it was filed. [See Affidavit of B. Bauknight & Custody Receipt signed by Mr. Bauknight filed in Case 4900 in 2010]

For the next 14 years, Mr. Bauknight would use 20 attorneys and spend tens of millions of dollars to secrete public documents that debunked Ms. Hynie's false claims, including that Mr. Buchanan's and my appeal of the 2008 Settlement which gave her \$20 million was "ill considered."

By 2012 Mr. Bauknight had threatened me with sanctions and additional lawsuits if I made discovery requests or FOIA requests that he believed inappropriate. [See FOIA Ltr. Black, 6/11] Mr. Bauknight and SWB had helped move two FOIA cases to Richland County and consolidated one with Case 4900. SWB, acting for the AG without legal authority, was also seeking the notes and sources of a reporter who published an interview about the "explosive" contents of Ms. Hynie's handwritten bigamy admissions.

In 2012 Mr. Buchanan reached a settlement of his fee claim and his counterclaims against Ms. Hynie and others. He was paid his full SA fee and an additional \$550,000. I was still owed my \$47,972, with interest, and my PR/Trustee fee claim was outstanding, but Mr. Newsome did nothing.

On April 24, 2013, the Attorney General notified SWB that the Office of the AG had never hired SWB, would not pay its fee and that SWB should disgorge the funds Mr. Bauknight had advanced for Case 4900. [Ltr. AG Wilson to SWB, 4/24/13] SWB continued to act for the AG until 2018, using the Office of the AG to advance Ms. Hynie's goals. Eleven years later SWB continues to conceal the April 24, 2013, letter that confirms that SWB was never legally hired by the AG in Case 4900.

On May 8, 2013, the Supreme Court's *Wilson v. Dallas* decision remanded the James Brown estate case to implement James Brown's estate plan. At the time the "I Feel Good" charity had returned to \$95 million and was poised to pay \$4 million a year or more in scholarships to needy students in Georgia and S.C., but that was not what Ms. Hynie and Mr. Bauknight wanted.

On May 10, 2013, SWB, purporting to speak for the AG, but acting for Ms. Hynie and Mr. Bauknight, asked for, and received, a 3-year stay of Case 4900 and my 2011 FOIA cases.

On May 29, 2013, just weeks after the Supreme Court issued *Wilson v. Dallas*, Ms. Hynie's

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attorney announced to the circuit court her plans to ignore the Supreme Court's ruling and reinstate the 2008 Settlement that made her "Mrs. James Brown" and gave her what we believed was about \$20 million, a quarter of the "I Feel Good" charity.

After Ms Hynie's announcement - at the hearing site - Mr. Newsome, who was one of three attorneys with Mr. Bauknight at the status hearing, served a Disallowance of my fees. [See Disallowance, Case 1337] This required me to file Case 1337, which I did on June 10, 2013.

In 2015 the circuit court declared Ms. Hynie to be James Brown's spouse, then failed to inform the Supreme Court of Ms. Hynie's May 29, 2013, announcement, through counsel, of her plan to defy the Supreme Court. The circuit court's Status Report of May 8 said the circuit court had not heard any whisper of a settlement since *Wilson v. Dallas*.

The Supreme Court's June 10, 2015, Order abruptly ended my 2-year effort to encourage the AG and others to stop Ms. Hynie's announced plan to reinstate the 2008 Settlement. At that point I could do nothing for the "I Feel Good" charity and made every effort to end my relationship with the Estate and 2000 Trust, not be blamed for the damage Ms. Hynie and those aligned with her had caused, and be fairly paid for 5 ½ years' work. I had gathered more than one million pages of public James Brown documents to confirm what Mr. Buchanan and I had done.

From 2015 until February, 2020, I had no role in the bitter fight that pitted Ms. Hynie and Mr. Bauknight against James Brown's children that was taking place in the Aiken Circuit Court, the federal court of California, the S.C. Supreme Court and the S.C. District Court.

From 2015 until today my sole goal has been to defend myself in Case 4900 and be reasonably paid for my 5 ½ years' work in Case 1337. I also want to be left alone with what is now approximately 2 million pages of public James Brown documents Mr. Buchanan and I have gathered to defend ourselves since January, 2008, when one of Brown's grandson's sued us in federal court in an effort to obtain reinstatement of the thief David Cannon as James Brown's trustee.

SWB, Mr. Bauknight and Ms. Hynie had threatened sanctions against Mr. Buchanan and me since 2008 and sought them since at least 2011, but by 2018 Mr. Bauknight was paying SWB's Mark Gende, Esq., - in addition to a 40% contingency--- \$350 an hour to resist all efforts to lift the stay in Case 4900. Mr. Gende's goals were to sully me, to help Ms. Hynie escape the jurisdiction of the Court by a move to London, U.K. and to conceal public documents that confirm that Mr. Bauknight's 2013 claim that I "raped" James Brown's estate is wrong.

In 2017 I offered to settle my claims against Defendants in Case 4900 and Case 1337 for \$2.1 million when the circuit court denied, at Mr. Bauknight's request, the jury trial both Defendants and I had sought in Case 1337 since 2013. That transcript and the 14 witnesses who were ignored by the circuit court tell the true story of what happened.

By 2018 Mr. Bauknight admitted to a federal court that he had spent tens of millions of

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dollars from what he claimed was James Brown's \$5 million estate and, as set out below, by 2019 Mr. Bauknight, SWB, and Ms. Hynie, had infected the Aiken 1337 circuit court orders with the false information SWB and Bauknight had been making in Case 4900 since 2010. That was the year SWB and Louis Levenson, Esq., who had abandoned Venisha Brown when he signed the SWB 40% contingency agreement for her in 2010, began their effort to infect Your Honor even before he was assigned to Case 4900.

Rather than recount the entire history herein, I have set out below a brief outline of how SWB, Mr. Bauknight and some of their attorneys, especially Mr Gende, Mr. Newsome and M.: Black, have known the same facts Mr. Buchanan and I knew in 2011 when we all had a duty not to harm James Brown's Estate, 2000 Trust and "I Feel Good" charity. These facts show that Mr. Buchanan and I complied with that duty, but SWB and Mr. Bauknight cast their lot with Ms. Hynie, who had been intentionally excluded by Mr. Brown from all involvement in the estate and 2000 Trust. They then blamed Mr. Buchanan and me for the damage caused by their decision to become aligned with Ms. Hynie against James Brown's estate plan and later his family. For 7 years they used, without authority, the prestige of the Office of the AG, to bolster Ms. Hynie's claims. For the next eight years Mr. Gende was paid extra to help Ms. Hynie, Mr. Levenson, Mr. Bauknight and Mr. Afterman infect any case and demean any party who did not honor Ms. Hynie as the widow, including Case 4900 and Case 1337.

Motivation of the Signers of the SWB Fee Agreement AG McMaster Did Not Sign

The primary infection of both Case 4900 and Case 1337 for 15 Years from 2010 until 2025 is the concealing of the public SWB Fee Agreement from 2010 until 2020 while both Mr. Bauknight and SWB acted for Ms. Hynie using, without authorization, the power and presige of both Governor McMaster and AG Wilson. Then Mr. Bauknight paid Mr. Gende \$350 an hour from 2018 until 2025 to file vitriolic motions to strike and sanction so that Ms. Hynie could escape the jurisdiction of the S.C. Courts and the Due Process and other issues of the First 7 years of Case 4900 and Case 1337 would be rendered moot.

This deception to benefit Ms. Hynie was known to all signers of the SWB Fee Agreement, and all have participated in the concealing of the public SWB Fee Agreement to support Ms. Hynie's false claims. For 15 years all have helped SWB secure orders to seal public documents to damage Mr. Buchanan and me for Ms. Hynie's benefit. They did so with knowledge of the falsity of her claims.

SWB and all signers knew AG McMaster did not sign or legally authorize SWB to use the State/AG to advance Ms. Hynie efforts. The motives of those signers include:

- a. An SWB attorney signed the SWB Fee Agreement; knew AG McMaster did not sign; but engaged in scorched-earth efforts to conceal that the AG did not authorize SWB to bring Case 4900 from 2010 until 2025.

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- b. Alan Medillin, Esq. signed for Tomirae Hynie who wanted \$20 million from the 2008 Settlement and had concealed her handwritten bigamy admissions since 2007.
 - c. David Bell, Esq. a Georgia attorney whose client was trying to reinstate the thief David Cannon as James Brown's trustee in S.C. Dist. Ct. Case 3:08-cv-00014-WOB, signed for Terry Brown who had a right of first refusal to buy the music empire Mr. Bauknight and Mr. Afterman valued at \$4.7 Million.
 - d. Louis Levenson, Esq. abandoned his minor grandchildren clients to get a \$6 Million legal fee from the 2008 Settlement if he could stop the appeal of the 2008 Settlement that gave Venisha Brown & 4 of her siblings \$20 Million. After he was fired by Venisha and others, he made false statements in both Case 1337 and Case 4900 to damage Mr. Buchanan and me that also damaged Venisha and his grandchildren former clients. [See Motion, April 2025]
 - e. Russell Bauknight, trustee of the James Brown "Legacy Trust" which sought to take 50% + \$2 million from James Brown's 2000 Trust and give it to Ms. Hynie, five Levenson clients, 1 Bell client, and others James Brown had intentionally excluded from his estate plan.

From 2010 until 2016, purporting to act for the AG, SWB told Judge Casey Manning that the Case 4900 damages were for the Legacy Trust, which SWB described as the "Charitable Trust Settlement Entity," to be distributed as follows:

- a. Attorney General 47 ½%
- b. Ms Hynie ("spouse") 23.75%
- c. Venisha and 5 other "children" 4.79% each.

By 2020 SWB and Mr. Bauknight began claiming to Your Honor that Case 4900 was for the "children" and "Estate." This was false in 2010 and has been false ever since. Mr. Buchanan and I never owed a duty to the Legacy Trust or its "owner-beneficiaries."

By 2011 SWB and all of the above knew that neither AG McMaster nor AG Wilson had been informed of Ms. Hynie false claims or that Mr. Bauknight's \$80 Million devaluation of James Brown's assets to \$4.7 Million was a tax and charitable disaster. Yet all concealed from AG Wilson from 2011 until 2025 the following known facts:

1. Ms. Hynie was not James Brown's widow, as her handwritten bigamy admissions confirmed.
2. AG McMaster did not sign the SWB Agreement or authorize Case 4900 to be filed.
3. 145 Boxes of public documents confirm James Brown died with a \$100 million estate.

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- 4. The 2008 Settlement in which Mr. Hynie sought \$20 million dismembered the "I Feel Good" charity.
- 5. Ms. Hynie had no termination rights to James Brown's 850+ copyright royalties.
- 6. The \$80 million devaluation of James Brown's music empire to \$4.7 million was wrong.
- 7. If the Bauknights did not correct their claims to the IRS that James Brown died with a \$4.7 million music empire and a spouse, it would shift nearly 1/3 of the assets out of the "I Feel Good" charity and take \$1 million of "I Feel Good" scholarships from needy students each year, in addition to causing tens of thousands of dollars of unnecessary income taxes each year that James Brown had carefully avoided.

There was nothing new and no secret about the tax and charitable damage done by the \$4.7 Million Appraisal, and nobody needed to see it to understand the big, apparently-intentional mistake Peter Afterman and Mr. Bauknight had made. Ms. Hynie's son reported the details of the \$4.7 Million Appraisal to the Supreme Court in 2013. Yet SWB and Mr. Bauknight infected Case 4900 and Aiken 1337 from early 2011 until 2025 by concealing what became 2 million pages or more of public James Brown documents that could have ended Case 4900 in 2011 and Case 1337 before it began.

In short, Your Honor inherited two FOIA cases and Case 1337 and Case 4900 after they had been infected for a decade by Ms. Hynie's false claims and documents concealed by SWB and Mr. Bauknight to benefit her. This does not diminish the damage Your Honor has done to me and to my counsel by that infection, exacerbated by the *ex parte* "Update."

The false claim that my \$2.1 million claim was for \$19 million and that I have prevented Mr. Bauknight from distributing \$4 million a year in "I Feel Good" scholarships he could have been distributing for a decade is as inflammatory as it is false.

The Due Process, First Amendment and FOIA violations, coupled with Your Honor's withholding of my money to benefit Ms. Hynie in Aiken 1337 and harsh treatment of my attorneys, compel me to make this motion, as does the false filing by Mr. Bauknight, through Mr. Black, with Your Honor in February 2024.

Mr. Bauknight's attorney, Mr. Black, received the \$4.7 Million Appraisal from AG Wilson under FOIA in January 2024. Then Mr. Bauknight made the false statement to Your Honor, through Mr. Black, that I "knew" the Attorney-General did not have a copy of the \$4.7 Million Appraisal. In fact, I knew AG Wilson did have the \$4.7 Million Appraisal because I had delivered it to AG Wilson through SWB in February 2017.

Mr. Bauknight has left Your Honor infected with this false claim for more than a year, and the harsh treatment of my counsel and me since that time has confirmed that the infection Mr.

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Bauknight and SWB have sought since May 29, 2013, has been successful.

I stand ready to provide Your Honor with documentation for all of the above.

Because I believe that both Case 4900 and Case 1337 had been severely infected before SWB, Mr. Bauknight, some of his attorneys and Mr. Levenson began making the false claims, including in the *ex parte* "Update," they have made, and which resulted in Your Honor's harsh orders and my criminal trial which remains unresolved, it is my hope that this matter can be resolved quickly and efficiently with consent of Your Honor and counsel.

Sincerely,



Adele J. Pope

Enclosure

cc: David Black, Esq.

Kirsten Smalls, Esq.

Exhibit A

From: Black, David
To: cnewman@courts.org; cnewman@courts.org; Clifton Newman (cnewman@courts.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

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
Columbia, SC 29201
PO Drawer 2426 (29202)
T: 803.540.2072, F: 803.727.1409
DBlack@nexsenpruet.com

www.nexsenpruet.com

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Exhibit 2

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF AIKEN)	Case No. 2013-CP-02-1337
Adele J. Pope,)	
Plaintiff,)	
v.)	Motion for Recusal,
Estate of James Brown and The)	and Return of Funds
James Brown 2000 Irrevocable Trust,)	
Defendants.)	

To: The Honorable Clifton Newman and Defendants and Their Counsel:

You will please take notice that ten (10) days after service hereof, or as soon thereafter as counsel may be heard, at a time and place to be designated by the Court, Plaintiff will move before the Honorable Clifton Newman for an order as follows:

1. Directing that Plaintiff's \$47,972 with interest from March 2008 at the legal rate until paid to her, be forthwith delivered by Defendants to Plaintiff;
2. Voiding the interlocutory 2020 orders taking Plaintiff's \$47,972 and interest; and
3. Recusing himself in this case and all current and future cases in which Plaintiff is a party or counsel.

The grounds of this motion are as follows:

- a. Judge Newman, infected by false, inflammatory, defamatory and racially motivated claims made to him by Mark Gende, Esq., an attorney since 2010 for Tomirae Hynie, issued two 2020 orders taking Plaintiff's money in this case to benefit Ms. Hynie and those aligned with her in n Richland County Case 2010-CP-40-4900 (Richland 4900) since 2010.
- b. In order to induce Judge Newman to issue harsh, biased, discriminatory rulings, violating Plaintiff's Due Process, First Amendment, Equal Protection, FOIA and other civil rights, Mr. Gende claimed that he was working in Richland 4900 for Defendant Estate and James Brown's "children," including Venisha Brown (Venisha). This was false.
- c. For 15 years Mr. Gende's main individual client was Ms. Hynie, who began deceiving

James Brown 28 years ago when she was 28 years old and who has been deceiving Mr. Brown, his estate, his children, including Venisha, and multiple courts and judges, including Judge Newman, since that time.

- d. Defendants exacerbated Ms. Hynie's false claims, through Mr. Gende, by further infecting Judge Newman with more false, inflammatory, and racially motivated claims to benefit Ms. Hynie and damage Plaintiff, an 81-year-old white attorney who, with Robert Buchanan, Esq., faithfully served Defendants and James Brown's "I Feel Good" education charity, as was their duty, from 2007 until 2013.
- e. From and after the \$47,972 taking, Judge Newman, infected by the false, explosive claim that Plaintiff – not Russell Bauknight – was responsible for Mr. Bauknight's decision in 2012 and every year thereafter, not to distribute millions of dollars in "I Feel Good" scholarships from James Brown's charity continued to issue harsh, biased orders against Plaintiff in Richland 4900 and this case.
- f. By February 2022, as shown on Exhibit 1, Defendants, through Mr. Bauknight and counsel David Black, Esq., provided Judge Newman with an *ex parte* "Update," intended to fuel Judge Newman's increasing racial and age bias against Plaintiff for the benefit of Ms. Hynie in Richland 4900.
- g. By August 2023 Judge Newman, irreparably infected with the false belief that Plaintiff was responsible for Mr. Bauknight's failure to distribute tens of millions of dollars in "I Feel Good" scholarships, had issued vitriolic, racially-motivated orders and attacks on Plaintiff and her counsel that violated her Due Process, First Amendment, Equal Protection, FOIA and other civil rights and fed into Mr. Gende's plan to damage Plaintiff for the benefit of Ms. Hynie, intimidate Plaintiff's fine counsel to abandon her, leave Plaintiff without counsel or funds to defend herself, and render issues about Ms. Hynie's 2010 scheme to take \$20 million from James Brown's charity, call it less than \$2 million, and blame the damage on Robert Buchanan, Esq. and Plaintiff moot.
- h. Among the punitive, harsh and discriminatory actions taken by Judge Newman against Plaintiff after the false *ex parte* "Update(s)" by Mr. Black was a hearing held by Judge Newman without Plaintiff's counsel, at the behest of Mr. Gende, as Plaintiff celebrated her 80th birthday with family out of state.
- i. Judge Newman, infected by Ms. Hynie's false claims, through Mr. Gende, and by the false, inflammatory claim that Plaintiff was preventing millions of dollars of "I Feel Good" scholarships from being distributed each year to needy students of all races in Georgia and South Carolina, failed to call Plaintiff's counsel when Judge Newman and Mr. Gende knew that counsel reasonably believed that the hearing was cancelled and that the matter should not go forward.
- j. Judge Newman, notified immediately of Mr. Gende's attempt to push through an order of Judge Newman generated at an *ex parte* hearing that could have been avoided with

a phone call to counsel, signed the order that violated not only the Due Process and Equal Protection rights of Plaintiff and her counsel, but the privacy rights of Plaintiff's family.

- k. After knowing of the 80th birthday and counsel's reasonable belief that Judge Newman had cancelled the hearing, Judge Newman did nothing to level the playing field that had been tilted by his infection with Mr. Gende's and Defendant's false, inflammatory and discriminatory claims. Urged on by Mr. Gende's firm, Judge Newman issued yet another punitive, inflammatory and biased order punishing Plaintiff and her counsel, advancing Ms. Hynie's effort to isolate Plaintiff by intimidating her counsel into abandoning her, and even to intimidate her family. Or to delay Richland 4900 until Plaintiff and her counsel were all dead or retired.
- l. Mr. Gende then appealed the Order and sought – and may have obtained -- \$20,000 – as a reward for his success for Ms. Hynie in a hearing that could have been avoided by a phone call either from Judge Newman or counsel. He did all this for Ms. Hynie, while claiming to act for Venisha's estate and a dozen family members who have publicly challenged Ms. Hynie's false claims for more than a dozen years.
- m. Defendants have contributed to Mr. Gende's outrageous, false, racially discriminatory attacks on Plaintiff for Ms. Hynie by paying him \$350 - \$375 an hour, in addition the costs being advanced for Ms. Hynie and the 40% contingency Ms. Hynie agreed to pay Mr. Gende's firm, to file vitriolic, delaying, motions to strike, motions for sanctions, and motions to prevent lifting of the stay both in Richland 4900 and in "related appeals," to make it appear that Plaintiff – not Ms. Hynie who has asked, and obtained, more than 9 years of stays in Richland 4900 – is responsible for the delay in Richland 4900 and the patently false claim that the resolution of Richland 4900 is causing Mr. Bauknight to withhold millions of dollars of "I Feel Good" scholarships each year.
- n. Judge Newman, at the behest of Mr. Gende, continues to issue biased orders that ignore the public record and the evidence before him and repeat Mr. Gende's false claim that Plaintiff is responsible for more than a decade of stays and delays initiated by Mr. Gende's firm to benefit Ms. Hynie, allow her to escape the jurisdiction of the South Carolina courts in London, U.K., and render the issues of her use, through Mr. Gende's firm, of the power and prestige of the Office of the AG, without authority, to take \$20 million from James Brown's "I Feel Good" charity, conceal public documents, and claim that she has taken less than \$2 million.
- o. While making false and inflammatory claims against Plaintiff and her counsel, Mr. Gende, Mr. Black and other attorneys working since 2010 for Ms. Hynie and the "Legacy Trust" have concealed more the 2 million pages of public documents, secured and defended *ex parte* orders to protect Ms. Hynie, violated court rules and made false, inflammatory claims to multiple courts, including by the *ex parte* "Update(s)" of 2022.

- p. The purpose of Mr. Gende's false claims and Mr. Black's *ex parte* contact was to inflame Judge Newman's bias so that he would punish Plaintiff into accepting a "walkaway" offer from Ms. Hynie in Richland 4900 and consent to sealing public James Brown documents that confirm the damage Ms. Hynie and those aligned with her did between 2008 and 2013 in Richland 4900 and elsewhere to Venisha, her father's charity, Mr. Buchanan, Plaintiff, and anyone else who tried to protect James Brown's "I Feel Good" charity.
- q. On February 7, 2024, Defendants joined Ms. Hynie, through Mr. Gende, in a scheme to attempt to deprive Plaintiff not only of her assets, her reputation, and her counsel, but of her law license and her liberty.
- r. After Mr. Black obtained under FOIA a \$4.7million appraisal of James Brown's assets Mr. Bauknight and Peter Afterman produced in 2010, Mr. Bauknight, through Mr. Black, made the known false claim to Judge Newman that Plaintiff's FOIA request for the same \$4.7M appraisal was improper because Plaintiff "knew" that AG Wilson did not have the document.
- s. In March 2024, after Mr. Bauknight filed a similar petition in the S.C. Supreme Court which would result in a FOIA criminal contempt charge, AG Wilson advised the courts that he did, in fact have the \$4.7M appraisal, and had had it since at least 2017. This was the year Plaintiff delivered a copy of the \$4.7M appraisal she had gotten from Mr. Bauknight to AG Wilson, Ms. Hynie, Venisha and a dozen others under an order requested by Mr. Gende acting for AG Wilson, Ms. Hynie, Venisha, and a dozen others.
- t. Instead of notifying both courts and withdrawing the criminal claim, Mr. Black and Mr. Gende engaged in a scheme to advance Ms. Hynie's false claims by sharing the 75 CDs, including the CD containing the \$4.7M appraisal that Mr. Gende received on behalf of AG Wilson, Ms. Hynie and fifteen others, but claiming, falsely, that Mr. Gende had not opened the 75 CDs he received in 2017 or shared them with his many Richland 4900 Plaintiffs.
- u. Mr. Gende then made the known false statement to the Supreme Court in a criminal proceeding that he had not opened the 75 CDs, claiming that he could not have been the source of the \$4.7M appraisal received by AG Wilson in 2017.
- v. Defendants, for 18 months have failed to withdraw or correct the known false filing of February 7, 2024, in Judge Newman's court, while urging Judge Newman to issue more punitive, biased orders against Plaintiff.
- w. In 2011 Mr. Black, as attorney for Richland 4900 Plaintiff "Legacy Trust," began threatening sanctions and an additional lawsuit against Plaintiff if she made FOIA or discovery requests that did not suit Mr. Bauknight, trustee of the Legacy Trust that was already being controlled *de facto* by Ms. Hynie,

- x. As set out below, the signatories who joined in Ms. Hynie's Fee Agreement with Mr. Gende's firm in 2010 -- Mr. Bauknight, Louis Levenson, Esq., and David Bell, Esq.— advanced Ms. Hynie's scheme to devalue James Brown's music empire by \$80 million so she could take \$20 million from Brown's charity, make it appear that she was Brown's spouse and taking less than \$2M, and blame the damage on Mr. Buchanan and Plaintiff. Mr. Gende's firm was still carrying out this scheme a decade later as Ms. Hynie, Mr. Bauknight, Mr. Bell and Mr. Levenson worked together to infect more than 100 lower court orders between 2010 and 2020, including many in this case and Richland 4900.
- y. Judge Newman became a victim of Ms. Hynie's fraud, as have other courts, but none has sanctioned Mr. Buchanan, Plaintiff or their fine counsel in the harsh, biased, discriminatory manner that Judge Newman - plied with false, inflammatory and discriminatory "facts" – has done.

Ms. Hynie, through Defendants and Mr. Gende, has achieved her goal -- to infect Judge Newman with racially motivated, false information, including with at least one false, inflammatory *ex parte* communication, so that Judge Newman will deprive Plaintiff of her property, her attorneys, her law license and her liberty and Ms. Hynie can render the issues in Richland 4900 moot and escape to London, U.K.

A reasonable solution for curing the likely permanent infection of Judge Newman and leveling the playing field for Plaintiff and her counsel is to void the 2020 orders taking Plaintiff's funds for the benefit of Ms. Hynie and for Judge Newman to recuse himself in this case and every current or future case in which Plaintiff is a party or counsel.

This motion is based on the orders of Judge Newman from and after February 2020 and public evidence of Ms. Hynie's and the Legacy Trust's deception, false statements and changed positions under oath, their concealing of public James Brown documents and their *ex parte* "Update(s)," intended to irrevocably bias Judge Newman against Plaintiff and her fine counsel. It is also based on the Due Process, First Amendment, and Equal Protection clauses of the U.S. Constitution, the Rules of Judicial Ethics and other applicable law, as well as the memorandum

that follows. Other information, including the attachments to the 2022 *ex parte* "Update" and any additional *ex parte* "Updates" about Plaintiff's cases provided to Judge Newman, may be presented at the hearing in this matter.

MEMORANDUM IN SUPPORT OF RECUSAL AND RELATED RELIEF

Summary of Relief Requested

Unfortunately, when Judge Newman was assigned to Richland 4900 in December 2019, he had already been infected on November 27, 2019, by Mr. Bauknight's false claim that Richland 4900 was a "companion case." As Exhibit 2 and 3 confirm, Richland 4900 never had a companion in any case. This began the bias which resulted in depriving Plaintiff of a level playing field in this case and Richland 4900.

By 2019 – even before Judge Newman was assigned to Richland 4900 – Defendants' fiduciary, Ms. Hyine and a small number of their many attorneys began using nefarious, and ultimately *ex parte*, efforts to infuse Judge Newman with bias based on the patently false claim that Mr. Bauknight's decision not to distribute millions of dollars of "I Feel Good" scholarship funds each year since at least 2013 was the fault of Plaintiff.

Plaintiff has no interest in Mr. Bauknight's decisions or anything that has happened since June 10, 2015, except to defend herself against attempts to blame Ms. Hynie's and Mr. Bauknight's actions on her in Richland 4900.

Judge Newman was infected by January 2020 with the false belief that Plaintiff had engaged in "flagrant" violations of Supreme Court's orders and had been on a "continual quest to involve herself in all James Brown matters" by defending herself in the "Companion 4900 case." The record showed that nothing could be further from the truth, but Judge Newman immediately adopted the claim. It was only a small step to infuse Judge Newman with the false, explosive

claim that Plaintiff, an elderly white woman, had been holding up the payments of millions of dollars of “I Feel Good” scholarships.

The biased, racially charged, false claims had no support in the record, but Judge Newman did not look at the record. He relied on the false claims of Ms. Hynie’s lawyer who claimed to be acting for the “Estate” and “children.”

Judge Newman is now irrevocably infected and his biased, discriminatory orders have reduced Plaintiff to defending herself against Ms. Hynie and Mr. Bauknight, once trustee of the Legacy Trust, who have spent 15 years and millions of dollars to blame their decisions between 2008 and 2010 on Mr. Buchanan and Plaintiff.

A review of who did – and who did not – bring Richland 4900, and what their motives were, is one way of addressing this unfortunate, complex web of deception by Ms. Hynie and a small number of her many attorneys, including Mr. Gende.

To provide some semblance of a level playing field, Judge Newman should void his 2020 orders taking Plaintiff’s assets and recuse himself in this case and every current and future case in which Plaintiff is a party or counsel.

The 2010 Fee Agreement, Richland 4900 and the \$4.7 Million Appraisal

In 2010 Ms. Hynie’s attorney, Mr. Bauknight, and two other attorneys signed the Fee Agreement with Mr. Gende’s firm to bring Richland 4900 and Mr. Bauknight, with the help of Peter Afterman, produced the \$4.7M appraisal.

Now-Governor Henry McMaster did not sign the Fee Agreement and testified under oath in 2016 that he did not know he was a Plaintiff in Richland 4900 until after leaving office as AG in 2011.

The only persons who signed the 40% Fee Agreement with Mr. Gende’s firm and their

goals were:

1. Ms. Hynie's attorney¹ – to stop the appeal of the 2008 Settlement, take \$20 million from Brown's charity and call it less than \$2M, and to blame the damage on Mr. Buchanan and Plaintiff.
2. Mr. Bauknight – to support Ms. Hynie's goals through the Legacy Trust and advances from Defendant Estate.
3. Mr. Levenson – to secure a \$6+million fee from the 2008 Settlement.
4. Mr. Bell – to keep Mr. Cannon from going to prison, help his clients buy James Brown's music empire under the 2008 Settlement, and blame the damage on Mr. Buchanan and Plaintiff.

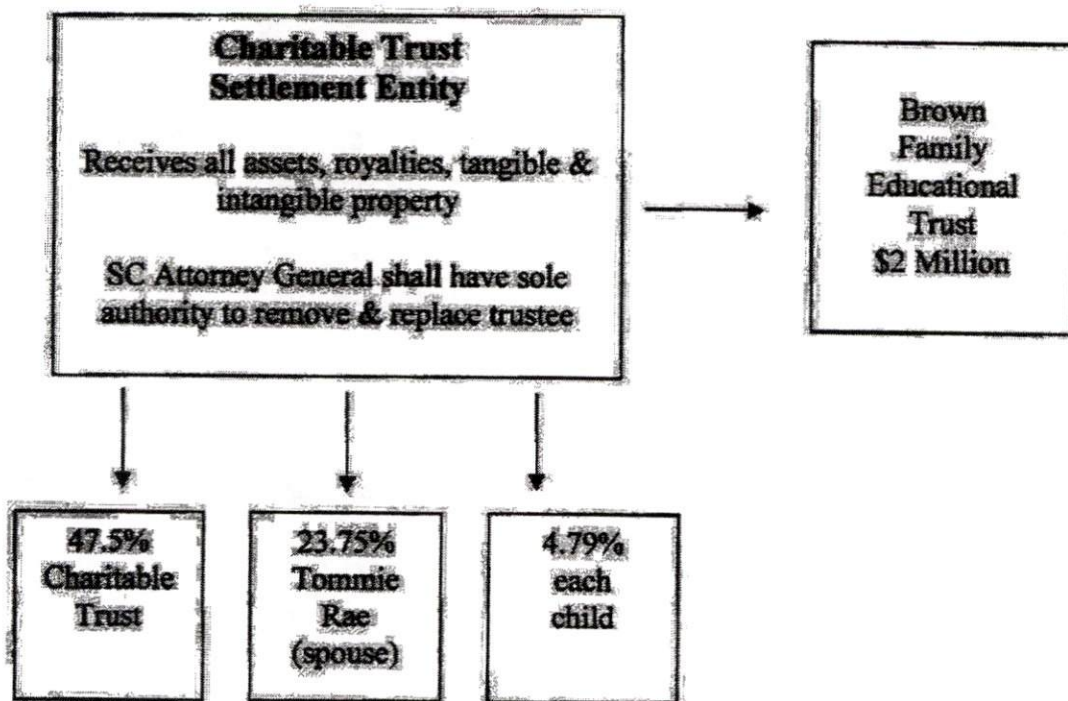
None of the dozen Richland 4900 Plaintiffs who were clients of Mr. Bell and Mr. Levenson signed the 40% Fee Agreement.

The next day, Mr. Gende's firm filed the Richland 4900 Complaint for AG MccMaster, Ms. Hynie, Mr. Bauknight and a dozen family members. As explained by Mr. Gende's firm, 100% of the damage sought from Mr. Buchanan and Plaintiff in Richland 4900 will go to the Legacy Trust for distribution 47.50% to the AG, 23.75% to Ms. Hynie and 4.79% to six "children," including Venisha.

An attorney with Mr Gende's firm described to the Honorable Casey Manning the way Mr. Bauknight, trustee of "Legacy Trust" created by the 2008 Settlement, which he called a "Charitable Trust Settlement Entity," would divide up the damages they sought from Plaintiff and Mr. Buchanan in Richland 4900:

¹ Since 2017 more than a dozen attorneys, including at least six at Mr. Gende's firm, have represented Ms. Hynie in her quest to be designated James Brown's widow, take a quarter of the assets of his charity, and blame the damage on Plaintiff and Mr. Buchanan. They include, 1. Robert Rosen, Esq., 2. Jean Lee, Esq., 3. David Michel, Esq., 4. Alan Medlin, Esq., 5. Arnold Goodstein, Esq., 6. Gerald Malloy, Esq., 7. Mr Gende, 8. Kenneth Wingate, Esq., 9. Everett Kendall, Esq., 10. Aaron Hayes, Esq.

The Charitable Trust is diagrammed as follows:



From 2010 until 2019, when Judge Newman was assigned to Richland 4900, Mr. Gende's firm, for the benefit of Ms. Hynie represented that all of the following were true:

1. Ms. Hynie was the spouse of James Brown. [False]
2. AG Henry McMaster authorized Richland 4900. [False]
3. Mr. Gende's firm's Contingency Fee Agreement is confidential. [False]
4. Mr. Buchanan and Plaintiff valued James Brown's assets at \$100M to get a \$5M commission on James Brown's \$5M estate, a federal felony. [False]
5. The \$4.7M appraisal "proves" the 2008 Settlement saves taxes. [False]
6. Ms. Hynie controls termination rights are worth "tens of millions" of dollars. [False]
7. The 2008 Settlement is good for James Brown's charity and saves taxes. False

By 2017 Solicitor General Cook said that in 40 years with the AG's Office he had never seen a case like Richland 4900. Mr. Bauknight's claims to Judge Newman that a case pursued for

Ms. Hynie's benefit was "the Companion 4900 case" was false, and began the infection of Judge Newman even before he was assigned to Richland 4900 in December 2019.

Between 2010 and 2020, Mr. Gende and Mr. Levenson had used Venisha to help Ms. Hynie. Venisha and the family terminated Mr. Levenson in 2016 but by then, Judge Early had been infected with Ms. Hynie's claims. As he told the Supreme Court:

After thorough deliberation, by order dated January 13, 2015,
I granted Tommie Rae Brown's motion for summary judgment holding
she was the surviving spouse of Mr. Brown.

Signatory Mr. Bell Gets Result for Thief David Cannon and his Clients (2011)

When David Bell, a Georgia attorney not authorized to practice law in S.C., signed the contract with Mr. Gende's firm to bring Richland 4900, he and his clients had been working since 2007 to keep resigned trustee David Cannon out of prison and use a sale of Brown's music empire to whitewash the \$17M Mr. Cannon had stolen from the "I Feel Good" charity, and the three forgeries SLED had found that Mr. Cannon used to cover up the theft.

Mr. Cannon entered a plea and Mr. Bauknight did nothing to seek prison time or restitution. His client Terry got to do due diligence on a possible purchase. That was what Mr. Bell wanted.

By the time of the May 29, 2013, status conference, where Ms. Hynie and Mr. Levenson announced their plan to defy the Supreme Court's *Wilson v. Dallas* decision and reinstate the 2008 Settlement, Mr. Bell and his clients were satisfied, had done as much as they could do for Mr. Cannon, and did not need Mr. Gende's firm any longer. Mr. Bell told Judge Early that his clients were satisfied with *Wilson v. Dallas*.²

² Terry Brown and his brother Daryl Brown, after terminating Mr. Bell and Mr. Levenson, urged Judge Early to require Mr. Bauknight to enforce their father's Will.

2011 – The Pullman Bond is Paid Off and “I Feel Good” Scholarships Can be Paid

On June 3, 2011, Mr. Bauknight, Ms. Hynie and others, claimed:

Moreover, the IRS records show that the Estate’s charitable deduction was not impacted by the Settlement Agreement, and further, the Estate was able to favorably utilize the marital deduction because of the Settlement Agreement. All of this reveals that Appellants’ assertions in their brief regarding the alleged negative tax consequences that would flow from the Settlement Agreement are patently incorrect. These official IRS documents are relevant to the current appeal, as they are records of the Estate that contradict Appellants’ misleading valuation and tax assertions contained within their brief. [Reply, June 3, 2011, p. 2]

And:

....Appellants’ opposition to is simply an attempt to appear credible regarding their fee petition. The basis for their valuation argument has been shown to be groundless. The documents addressing the positive tax consequences from the Settlement Agreement and the date of death valuation should be considered by the Court. [Reply, pp. 9 – 10]

By 2016 Ms. Hynie’s and Defendants’ expert Roger Miller had testified that “frothy” investors were willing to pay 15 – 20 times the annual \$5 million royalties (up to \$100M) for James Brown’s “solid gold” music catalogue alone in 2009 when it was handed over to Mr. Bauknight and as much or more at James Brown death. This was in addition to the image and likeness.

The IRS did not object to the \$4.7M value because it generated tens of thousands of dollars of income taxes each year Mr. Brown had carefully and legally avoided.

Mr. Bauknight, Ms. Hynie and others also told the Court:

At the date of James Brown’s death, the intellectual property assets of his Estate were worth roughly \$4.7 Million. As noted, this figure accounted for the huge debt burden. Once the debt is repaid, the royalty stream from James Brown’s intellectual property will begin to fund the education of underprivileged children and young adults all over South Carolina and Georgia.

2011 was the year that “huge debt burden” was lifted and “I Feel Good” scholarships could have begun to be paid.³ The Buchanan/Plaintiff fee claim was no impediment, but if Mr. Bauknight believed they were, he could have disallowed the claim and resolved it promptly.

In 2011 Mr. Gende’s firm resisted depositions of Ms. Hynie and AG McMaster, both delayed until 2016, and resisted all document discovery in Richland 4900. This was the case for the next 10 years.

The decision not to begin distributing “I Feel Good” scholarships was Mr. Bauknight’s alone.

2012 – Mr. Bauknight Chooses Not to Distribute Millions in “I Feel Good” Scholarships

In 2012 Mr. Buchanan settled his claims against Defendants for \$.5M and Plaintiff offered to let the AG, Venisha, Defendants and others out of Richland 4900. The offer would have been the end of Richland 4900 for Defendants and prevented the Disallowance that required Plaintiff to file this case.⁴

Mr. Gende’s firm rejected the offers, filed them and moved to strike them from the record.

Nothing prevented Mr. Bauknight from distributing millions of dollars in “I Feel Good” scholarships in 2012.

³ As Mr. Gende’s and Defendants’ expert Roger Miller would later report, “frothy” investors were willing to pay 15 – 20 times annual royalties (\$80M -- \$100M) for James Brown music catalogue, not considering his image and likeness. Mr. Buchanan’s and Plaintiff’s assessment at the time was that James Brown’s charity was back to at least \$95 million in 2011 when the Pullman loan was paid. Under the IRS’s “Five Percent Rule” for private charities such as the “I Feel Good” Trust and the Ray Charles Foundation, this meant that James Brown’s charity could begin paying \$4 million or more each year in “I Feel Good” scholarships. It had \$5M in annual income to do so.

⁴ Defendants had still not resolved the \$5M claim of Albert Dallas in 2020, even though it was ready for summary judgment in 2009. See Motion *in Limine*, Case No. 2008-CP-02-320, filed by Defendants on 2/17/20.

2013 – Peter Afterman Works for “Widow” and No “I Feel Good” Scholarships Distributed

On April 24, 2013, AG Wilson, through the Chief Deputy AG, wrote Mr. Gende’s firm:

This is to advise that the Attorney General’s Office has no responsibility for the legal fees to Sweeny, Wingate & Barrow as this Office did not employ the firm’s services.

Your letter is entitled “Privileged Attorney Client Communication.” Please be advised that the Office of the Attorney General has never been a Client of Sweeny, Wingate & Barrow in this matter. [Exhibit 4]

The April 24 letter of AG Wilson and *Wilson v. Dallas* gave Mr. Bauknight a fresh start and an opportunity, if he chose, to sever his alliance with Ms. Hynie and begin distributing \$4 million or so in “I Feel Good” scholarships each year. He did not choose this path. Mr. Bauknight’s music manager, Peter Afterman, and he claimed until 2020:

1. Ms. Hynie was James Brown’s spouse.
2. If Ms. Hynie were not James Brown’s spouse his charity would be ruined.
3. Ms. Hynie holds half of tens of millions of dollars of termination rights.⁵

These claims were not correct in 2010 or 2020. Still, nothing prevented Mr. Bauknight from distributing millions of dollars of “I Feel Good” scholarships that year.

2014 – Mr. Bauknight Elects Not to Distribute Millions in “I Feel Good” Scholarships

Mr. Bauknight elected not to distribute millions of dollars in “I Feel Good” scholarships. That was his choice.

2015 – Mr. Bauknight Does Not Award “I Feel Good” Scholarships and Stay Continues

Mr. Bauknight chose not to distribute millions of dollars in “I Feel Good” scholarships in 2015. Plaintiff had no role or input in the decision, and her fee claim did not prevent it.

⁵ See Affidavit of Peter Afterman, filed October 27, 2019 in *In re Estate of James Brown a/k/a James Joseph Brown*, Case No. 2018-001990. [Exhibit 3]

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2016 – Mr. Bauknight Spends \$3.5M but Elects Not to Distribute Scholarships

Mr. Bauknight spent more than \$3.1M in 2016, but elected not to distribute any of the millions James Brown earned for “I Feel Good” scholarships. Plaintiff had no role or input in any of Mr. Bauknight decisions.

2017 – Mr. Bauknight Elects Not to Settle or Distribute “I Feel Good” Scholarships

In 2017 Judge Early awarded plaintiff summary judgment as to her \$47,972 2007 SA fee with interest. Defendants did not seek reconsideration. Plaintiff offered to settle all claims for \$2.1M. That year, Mr. Bauknight spent \$3.552M. [Exhibit 5]

Mr. Bauknight chose not to distribute the millions of dollars in “I Feel Good” scholarships he could have distributed in 2017. As he did so, he paid Mr. Gende \$350 an hour to file vitriolic motions to stay, strike, and sanction to further delay and stay Richland 4900 and related appeals.

Plaintiff has no role in any decision of Mr. Bauknight and only protected herself against the false and scurrilous claims being made against her in this case and Case 4900.

2018 – Mr. Bauknight Elects Not to Distribute “I Feel Good” Scholarships

Mr. Bauknight, for his own reasons, elected not to distribute \$4 million or any amount of “I Feel Good” scholarships in 2018. Plaintiff’s 2017 offer to settle all differences with Defendants for \$2.1M stayed open in 2018 and future years.

2019 – Mr. Bauknight Chooses Not to Distribute “I Feel Good” Scholarships

Mr. Bauknight, for his own reasons, elected not to distribute any “I Feel Good” scholarships in 2019. Mr. Bauknight, Peter Afterman and Ms. Hynie all continued to claim that James Brown died with a \$4.7M music empire and that Ms. Hynie controlled tens of millions of dollars of termination rights. [See Afterman Affidavit, Exhibit 3]

On October 27, 2019 Defendants’ music manager Peter Afterman, who had worked with

Mr. Bauknight on the \$80M devaluation of the music empire to \$4.7M in 2010, had been working with Ms. Hynie's attorneys to help her siphon U.S. royalties from the "I Feel Good" charity since 2013, had been withdrawn as an expert by Defendants in 2016, but claimed to be an expert and made the following statements to the to the Supreme Court in opposition to Venisha and the children of James Brown:

If Tommie Rae Brown is not James Brown's surviving spouse, the Charitable Trust will substantially lose its funding within the next six years....

I agree with the projection in the Settlement Agreement that the termination rights for James Brown are worth tens of millions of dollars.

These were the same claims Ms. Hynie was making in 2010, and against which Plaintiff protected herself ONLY in her cases. She had no role or input in the battle between Ms. Hynie and the family.

As had been the case since 2017, Ms. Hynie, made vitriolic filings and secured orders from Judge Early to stay and delay Richland 4900 as Ms. Hynie moved to London, U.K., and claimed to have escaped the jurisdiction of the S.C. courts, and the Legacy Trust began claiming it never existed.

2020 – Mr. Gende Makes False Claims to Judge Newman to Benefit Ms. Hynie

By 2020 Venisha's Estate had been warring with Ms. Hynie and Mr. Bauknight in S.C. Dist.Ct. Case 1:18-cv-02191-JMC but Mr. Gende, claiming to represent Venisha, infected Judge Newman with the same claims Ms. Hynie had made since 2010 in the Case 4900 complaint.

Judge Newman adopted these claims based on the false representations of Defendants and Mr. Gende, ignoring the record in Case 4900 and the public record that Mr. Gende was working for Ms. Hynie against Venisha and trying to blame what was then 10 years of false claims by Ms. Hynie on Plaintiff and Mr. Buchanan while claiming he was working for the James Brown

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children. Worse, Venisha's former attorney Mr. Levenson was now helping Venisha.

By 2020, Richland 4900 Plaintiff Deanna Brown-Thomas, Venisha's PR, was demanding information for Mr. Bauknight. [Exhibit 9], and that Mr. Levenson – abandoning Venisha and his other clients – was helping Ms. Hynie.

2021 – \$90M Sale but Mr. Bauknight Does Not to Distribute “I Feel Good” Scholarships

By the time the *New York Times* reported that James Brown's assets had sold for \$90 million, both Mr. Bauknight and Mr. Gende were infecting Judge Newman and the media with the false claim that Plaintiff's \$2.1 million fee claim was \$19 million and that it was preventing the distribution of millions of dollars of “I Feel Good” scholarships each year. This was not true, but Judge Newman was infected with the false notion that Pope was standing in the way of James Brown's desire to provide millions of dollars of “I Feel Good” scholarships each year.

2022 – Mr. Black's *Ex Parte* “Update” and the \$11.5 Million Pullman Group Claim

As shown on Exhibit 1, on February 4, 2022, Mr. Black sent an *ex parte* email involving this case and Richland 4900 to Judge Newman in which he claimed to “update the Court on two remaining appeals concerning the James Brown estate.”

Mr. Black did not tell Judge Newman that Ms. Hynie was the primary Plaintiff in Richland 4900, or that the Richland 4900 complaint seeks damages only for the Legacy Trust and its owner-beneficiaries – not for Mr. Brown's estate. Instead, he said “Case 4900 is the action the Estate and the James Brown Children filed against Ms. Pope for breach of fiduciary duty.” As the Complaint, Exhibit 2, shows, Richland 4900 was brought so that Ms. Hynie and others who were intentionally excluded by James Brown, but included in the 2008 Settlement, could punish Mr. Buchanan and Plaintiff for complying with their duty to protect James Brown's charity from Ms. Hynie and others seeking to dismember it.

The inflammatory, biased heart of the *ex parte* Update of February 4, 2022 says:

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. [Emphasis supp.]

Plaintiff does not know what the attachments shown on Mr. Black's *ex parte communications* were. Nor does she know whether, as Mr. Black suggested, that the *ex parte* communication had been requested by Judge Newman.

What is clear about the *ex parte* communication is that every order of Judge Newman after February 4, 2022, was infected with the false notion that Plaintiff – not Mr. Bauknight – was the one who disrespected James Brown and his children by preventing perhaps tens of millions of dollars in “I Feel Good” scholarships from being paid since at least 2013 when *Wilson v. Dallas* was decided.

There is absolutely no basis for Mr. Bauknight's claim or the claim in the *ex parte* communication that Plaintiff is in any way responsible for Mr. Bauknight's decision not to fund “I Feel Good” scholarships a dozen years ago. There is no basis for the claim that the estate must be closed for the “I Feel Good” Trust to be funded.

From and after the February 4, 2022 *ex parte* “Update” Judge Newman issued increasingly hostile and discriminatory orders that deprived Plaintiff of level playing field in this case, as well as in Richland 4900.

Infected by the false and inflammatory *ex parte* “Update” and other false information provided by Mr. Bauknight and Mr. Gende, for Ms. Hynie, Judge Newman ignored the record and the facts and punished Plaintiff. As a single example, neither Judge Newman nor Defendants nor Mr. Gende ever cited Exhibit 9, the \$11.5 Million claim filed in 2022 by the Pullman Group as a reason that scholarships might be delayed.

2023 – 2025 Judge Newman Issues Harsh, Discriminatory Orders

By 2023 as Plaintiff approached her 80th birthday, Judge Newman’s actions towards Plaintiff and her counsel in Richland 4900 became more hostile without basis, blaming Plaintiff for delays even though the Estate was processing an \$11.5 M claim over two years.

By 2024 Mr. Black, Mr. Gende, Ms. Hynie and Mr. Bauknight began an effort before Judge Newman to deprive Plaintiff of her law license and liberty.

Plaintiff incorporates in its entirety in this memorandum the transcript of the criminal proceeding, including all filings in this court and the Supreme Court, as evidence of the lengths to which Mr. Gende and Ms. Hynie are willing to go.

Mr. Gende and Mr. Black, so far as is known to Plaintiffs, are the only two of approximately 150 attorneys who have represented parties in state and federal matters following the death of James Brown 15 year ago willing to testify to the Supreme Court to support their clients’ known false claims. [See Mr. Gende’s claim that he did not open the 75 CDs and Mr. Black’s testimony about the 90+-page Custody Receipt and its contents.]

As always, Plaintiff has no interest or role in what Mr. Bauknight and Ms. Hynie do, only that any damage caused by their actions not be blamed on Plaintiff.

Documents to Support Recusal

Plaintiff submits that the full record of Richland 4900 confirms the need for the relief requested but attaches the following Exhibits: 1. *Ex Parte* communication of 2/4/22; 2. Complaint, Richland 4900; 3. Affidavit of Peter Afterman, 10/27/19; 4. Ltr. AG to Gende’s firm, 4/24/13; 5. Accounting coversheets, 2016 and 2017, w/ltr. 3/9/20; 6. Partial Deposition, Gov. McMaster, 10/10/16; 7. Partial Deposition, James Hardin, Esq. 8. Partial Deposition, W. Steven Johnson, Esq. 9. Pullman \$11.5M Claim, 8/29/22; 10. Deanna Brown-Thomas Demand for Notice, 2/25/20.

Conclusion

Plaintiff has been appropriately defending herself for fifteen years in Richland 4900 against the scurrilous, false claims of Tomirae Hynie. False claims by Mr. Gende for Ms. hynie and Defendants have infected Judge Newman's orders since 2020 and violated the Due Process, Equal Protection and other civil rights of Plaintiff. They have deprived Plaintiff and her counsel of Due Process and other constitutional and legal rights and invaded the privacy of her family.

Judge Newman should void the 2020 orders taking Plaintiff's fund and recuse himself from this case and all current and future cases in which Plaintiff is a party or counsel.

Respectfully submitted,

s/Adele J. Pope
Adele J. Pope, *pro se*
1228 Walnut Street
Newberry, South Carolina 29108
(803)413-0753
adele@popelawfirm.com
S.C. Bar No. 4501

July 23, 2025

Rule 11 Certification

I certify that I consulted with opposing counsel and the Court on July 7, 2025, and proposed a status conference, but have received no response and believe that further consultation would serve no useful purpose.

s/Adele J. Pope

Exhibit 3

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF AIKEN)	Case No. 2013-CP-02-1337
Adele J. Pope,)	Affidavit Related to False Statements of David Black, Esq. Prior and Subsequent to Ex parte "Update" of February 2022
Plaintiff,)	
v.)	
Estate of James Brown and The James Brown 2000 Irrevocable Trust, Defendants.)	

Personally appeared before me, Adele J. Pope, who being duly sworn, deposes and says:

1. I am over 21 years old and this affidavit is based on my own personal knowledge.

2. I have observed the sharp practices and *ex parte* filings of David Black, Esq., since June 2009, the month Robert Buchanan, Jr., Esq. and I filed our joint fee claim, my portion of which became this case, Aiken County Case No. 2013-CP-02-13307 (Aiken 1337)

3. In 2009 Mr. Black began representing the James Brown Legacy Trust ("Legacy Trust"), an entity formed by his client Russell Bauknight as trustee, the Attorney General of South Carolina (AG) Tomirae Hynie, Venisha Brown (Venisha) Brown and others.

4. In 2009 Mr. Buchanan and I delivered 145 boxes of public James Brown documents to Mr. Black's client which confirm that James Brown died with no spouse, a \$100 million estate and a Pullman debt of about \$15M as described on the Inventory & Appraisal filed in 2007 and the estate tax return Mr. Buchanan, CPA William Sellars and I filed in 2008.

5. The tax return contains several public appraisals, including a \$1.2M appraisal of James Brown's household goods and appraisals of the Beech Island mansion and home estate. Mr. Bauknight agreed for himself and for the persons who became the plaintiffs in Richland County Case 2010-CP-40-4900 (Richland 4900) to share these documents with Mr. Buchanan and me, but he did not.

6. In 2024 Mr. Black claimed to the Supreme Court that these 145 boxes of public James Brown documents and the Custody Receipt which describes them are confidential, which is false.

7. I am informed and believe that all Confidentiality orders which do not violate Due Process rights are bound by the rule that no document which was formerly public may be designated as "Confidential" yet Mr. Black and his client have spent 15 years designating public documents confidential.

8. In 2010 the Legacy Trust and others sued Mr. Buchanan and me for the benefit of the Legacy Trust and its owner-beneficiaries, Ms. Hynie, the AG and six other persons, including Venisha.

9. In 2010 Mr. Black's client, aided by Peter Afterman, procured a \$4.7M appraisal of James Brown's music empire that has been used for 15 years to falsely accuse Mr. Buchanan and me of a federal felony, and which is patently incorrect.

10. The \$80 million devaluation resulted in a shifting of nearly 1/3 of the assets out of James Brown's "I Feel Good" charity over to a Family Trust for 7 of James Brown's grandchildren, increasing their trust from about \$2 million to about \$30M.

11. Based on my review of their sworn testimony, I do not believe that Mr. Black or his client ever told AG Henry McMaster, AG Alan Wilson or any member of the AG's

staff that his client's \$80 million devaluation had resulted in this \$30 million loss to the "I Feel Good" Charity or about the unnecessary income taxes it would caused to James Brown's charity for two decades.

12. Because Mr. Black's client did not file a proper required accounting, with beginning and ending values of James Brown's assets, for 2010 or any year thereafter, and because he has never funded the "I Feel Good" Trust, which could have been funded no later than 2013, and because he has concealed the 145 boxes of public James Brown documents since the 2010 \$80M devaluation, it is difficult for the courts, the AGs and the public to understand how the \$80M devaluation by Mr. Black irrevocably damage James Brown's "I Feel Good" charity. This is especially true after Mr. Bauknight and his spouse/CPA Beth Bauknight refused to correct the \$4.7M value despite their knowledge of the damage it caused James Brown's estate.

13. By December 2010 Mr. Black was involved in the decision to conceal the \$4.7M appraisal from the Supreme Court so it would have the maximum damage to Mr. Buchanan and me and give maximum help to Ms. Hynie and Legacy Trust owners.

14. In 2011 Mr. Black, speaking for the Legacy Trust, but calling it the "James Brown Trust, threatened me with sanctions or another lawsuit if I continued to make FOIA request unacceptable to his client.

15. In 2011 the Pullman loan debt was paid off and I believed that James Brown's estate was back to \$100M and his "I Feel Good" charity back to \$95 million and prepared to distribute \$4 million in "I Feel Good" scholarships each year.

16. I have formed, advised and been a fiduciary of private charitable trusts ranging from \$100,000 or less to \$50 million or more for more than 20 years, and have

an LLM in Estate Planning from the University of Miami, and it is my opinion, to a reasonable degree of certainty within my field of expertise that there was no impediment to the "I Feel Good" Trust's being funded with at least 2/3 of James Brown's assets no later than 2013, and that there is no reasonable basis for Mr. Black, or anyone else to claim that the Estate of James Brown must be closed in order for millions of dollars of "I Feel Good" scholarships to be paid each year.

17. In 2012 Mr. Black's client, Mr. Bauknight, presented an affidavit asserting that he had managed the Legacy Trust in Columbia for several years, but thereafter both Mr. Black and Mr. Bauknight claimed that the Legacy Trust never existed.

18. In 2013 Mr. Black presented to the Honorable Doyet Early an *ex parte* ethics opinion of Nathan Crystal, Esq., purporting to give the judge comfort that his client had no conflict in protecting James Brown's Will and 2000 Trust even though he had sought to dismember it from 2009 until 2013.

19. At the time of the ethics opinion, which was not disclosed to me by Mr. Crystal despite my request after Mr. Bauknight named him as an expert against me in Aiken 1337, Mr. Bauknight's music manager was already working with Ms. Hynie and his music manager, Peter Afterman, who was engaged by Ms. Hynie's attorneys to help her secure royalties devised to James Brown's charity.

20. Because Mr. Bauknight and Mr. Crystal have both declined to allow me to review the ethics opinions despite Mr. Crystal's being named as an ethics expert against me in Aiken 1337, I do not know whether Mr. Crystal considered these matter in his *ex parte* ethics opinion submitted by Mr. Black's client to Judge Early.

21. In addition, Mr. Black and Mr. Bauknight claimed to the federal court that the

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\$4.7M appraisal was confidential even though Peter Afterman was the "music industry expert" for the \$80M devaluation, he was working at the time of for attorneys for Ms. Hynie and her son, and Ms. Hynie's son had described the contents of the \$4.7M appraisal to the Supreme Court as being about \$23.7M in song copyrights less a \$19 million Pullman loan debt, an overstatement of more than \$3 million of the debt.

22. By then, Mr. Black, Mr. Bauknight and his spouse Beth Bauknight, the CPA and custodian of records, were concealing the \$1.2M Christie's appraisal of James Brown's household goods, and apparently did not consider that in the \$23.7M figure.

23. Mr. Black's client also apparent failed to give any value to the remaining 10,000 items of personal property, as Mr. Black, in 2020, told the Honorable Clifton Newman that those items were worth less than \$.5M.

24. In 2013 Mr. Black and his client claimed, with knowledge of its falsity, that the Wingate Special Counsel Litigation Retention Agreement (Wingate Fee Agreement) was confidential.

25. When Mr. Black and his client made that claim to the federal court, both had actual knowledge that AG Henry McMaster had not signed the Wingate Fee Agreement, but that Mark Gende, Esq., and other members of his firm, were claiming that the AG was their client.

26. In 2018 Mr. Black, again, filed *ex parte* with Judge Early litigation records of the tens of millions of dollars he had spent since 2009 attempting to enforce and/or reinstate the 2008 settlement brokered by the AG.

27. Judge Early, after reviewing the *ex parte* filing by Mr. Black which he had ordered Mr. Black's client to produce to us in redacted copy, discarded the tens of

millions of dollars in litigation costs, leaving my counsel and me unable to produce the document on appeal.

28. The fact that Mr. Bauknight had spent tens of millions of dollars was only known because he admitted that to the Honorable Michelle Childs in a federal proceeding in which he, Ms. Hynie and and others were being sued by Venisha (now deceased) and other children of James Brown.

29. I believe that the discarding of this *ex parte* filing was evidence of the lower court's infection with bias against me and in favor of Mr. Black's client and Ms. Hynie, and that the bias was directly attributable to the concealing of 145 boxes of public James Brown documents and *ex parte* filings by them and Ms. Hynie.

30. The *ex parte* concealed expenditures were just more proof, along with 145 boxes of public James Brown documents dating back to the 1990s, 33 depositions and 75 CDs, that the \$4.7M appraisal is wrong and the \$100M on the original I& A was correct and saved taxes.

31. By then Mr. Black's client Mr. Bauknight, along with Ms. Hynie, the AG and Venisha's estate, had received from me 75 CDs which contained about 100 public documents Mr. Black had designated as confidential, even though they were public.

32. As is shown on Exhibit A, this concealing of public documents shared with Ms. Hynie and others for years, caused the FOIA Office of AG Alan Wilson to claim that it never had the \$4.7M appraisal four years after it had been uploaded.

33. After Judge Newman's assignment to my cases, on November 2, 2020, Mr. Black, in cases from which I was excluded under the Supreme Court's June 10, 2015, Order made slanderous false statement against me to Judge Newman, comparing me

to the thief David Cannon, who stole \$17 million from funds devised to James Brown's charity, reducing the value of the charity at James Brown's death from its intended \$95M or more to \$80M.

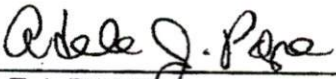
34. Mr. Black, as shown on Exhibit B, made the patently false statement that I was claiming \$19M from James Brown's estate, a false claim his partner William Newsome, Esq., had begun to make in 2018, at the same time Mr. Black was concealing the tens of millions of dollars spent by Mr. Black's clients from an alleged \$5 million estate.

35. I offered to settle all matters with James Brown's estate and 2000 Trust in 2017 for \$2.1M and have repeated that offer every year since.


36. The Pullman Group made a claim in excess of \$11M in 2022 after the James Brown assets were sold, and it is my opinion to a reasonable degree of professional certainty that even that claim, which Mr. Buchanan I resolved in 2008, was not a reason to stop paying millions of dollars in "I Feel Good" scholarships each year.

37. I still do not know what other "updates" Mr. Black and Mr. Bauknight provided to Judge Newman, or the full content of the February 2022 "update," but I do know that the claims made by Mr. Black *ex parte* to His Honor were material, false, and infected the court with bias resulting in His Honor's holding about \$150,000 of my money for the benefit of Ms. Hynie and other Legacy Trust owner-beneficiaries.

FURTHER DEPONENT SAYETH NOT.


ADELE J. POPE

SWORN TO before me this 2d
day of September, 2025



Notary Public for South Carolina (L.S.)
My Commission expires: 4-27-29

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Exhibit 4

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STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
)
 COUNTY OF AIKEN) Case No. 2013-CP-02-1337
)
 Adele J. Pope,)
)
 Plaintiff,)
)
 v.)
)
 Estate of James Brown and The)
 James Brown 2000 Irrevocable Trust,)
)
 Defendants.)
)
 _____)

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
 COUNTY OF RICHLAND)
) 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)
)
 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)
 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,)
)
Plaintiffs.)
)
v.)
)
Adele J. Pope,)
)
Defendant.)
)

Subject to the final determination of the Motion for Recusal of the Honorable Clifton Newman pending in Case No. 2013-CP-201-1337 (“Aiken 1337”) and based in part on the *ex parte* “update” of His Honor by David Black, Esq., (“Black”) of February 4, 2025, and the false statements of Black in Aiken 1337 since February 4, 2022, including under oath to the Supreme Court of South Carolina, as well as the ongoing fraud of Plaintiffs James Brown Legacy Trust and Tomirae Hynie, Plaintiffs in Richland County Case 2010-CP-40-4900 (“Richland 4900”), Plaintiff moves for an Order as follows:

1. Determining the Motion for Recusal of Judge Newman related relief sought confidentially in July 2025 in Aiken 1337, but affecting both Aiken 1337 and Richland 4900 prior to the following matters because, as of today, only Judge Newman has jurisdiction to hear matters in both Aiken 1337 and Richland 4900.
2. Dismissing the Complaint in Richland 4900 as Unconstitutional, a Violation of the Due Process and Equal Protections Rights of Pope and Robert Buchanan, Jr., which, on April 24, 2013 was converted by the Law firm of Sweeny Wingate & Barrow, P.A. (“SWB”) and partner, Mark Gende, Esq., into an unauthorized State/AG action to cover up the fraud of Hynie and the improper alliance with Hynie and one or more members of the Office of the Attorney General.
3. Voiding under Rule 60 every order issued which can be legally voided under that Rule based on the fraud and false statements, including under oath, of Black, Gende, Hynie, and Peter Afterman, as well as others to be identified.
4. Voiding under the Constitution of the United States all orders in which SWB, Gende or any of its attorneys acted for the State of South Carolina/AG without authority to do so.

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This motion is based on the sworn testimony and exhibits of Attorney General Alan Wilson, Governor Henry McMaster, Solicitor General Robert Cook, former Chief Deputy AG John McIntosh, Sr. Asst. AG Creighton Waters, Sr. Asst. AG Clyde Jones, Asst. AG Mary Frances Jowers, the SLED Reports found in in the Office of the Criminal Division of the Attorney General, including Exhibit A, and the full record of the effort of Black and Hynie, with the assistance of certain staff of the Office of the Attorney General of South Carolina, to criminalize efforts by Plaintiff Adele Pope in Aiken 1337 and Defendant Adele Pope in Richland 4900 to defend herself in these cases.

The motion is further based on the fact that from 2010 until 2018 Mr. Gende's firm, SWB, and Mr. Gende himself, as confirmed by the depositions of Kenneth Wingate, Esq., and Everett Kendall, Esq., acted for the State/Attorney General, without legal authority, to benefit Plaintiff's Tomirae Hynie, Plaintiff Legacy Trust, Plaintiff James Brown II and those aligned with them, using the power of the State of S.C./Attorney General to deprive Plaintiff of her First Amendment, FOIA, Due Process, Equal Protection and other civil rights, and to secure orders from infected courts, through *ex parte* and other devious means that discriminated against Pope based on her age, race, sex and the fact that she was telling the truth about the value of James Brown's music empire and that the claims being made by Hynie and those aligned with her were false. SWB and Gende took these actions with the following knowledge:

1. Governor McMaster, as AG did not authorize SWB to act for the State/AG.
2. Gov. McMaster did not sign the SWB Fee Agreement which, concealed for 10 years.
3. Sr. Asst. AG Jones had no authority to act but presented himself as a client.
4. SWB introduced AG Jones to Judge Manning to make it appear that SWB had authority to act for the State/AG.

5. SWB, acting without authority for the State/AG deceived Judge Manning for 6 years with Hynie's false claim, all made with unauthorized support of the State/AG.
6. In 2011, SWB acted without legal authority to obtain dismissal of the first of the Richland 4900 appeals for the Attorney General without consulting him as required under the Due Process Clause for all State action by private attorneys.
7. SWB, without advising AG Alan Wilson participated with Hynie and others in a massive \$80M devaluation of James Brown's music empire to \$4.7M, then used the fabricated \$4.7M Appraisal to falsely accuse Defendants Buchanan and Pope of the federal felony of overstating Brown's assets to the IRS by \$80M to secure a \$5M commission on what Hynie claims is James Brown's \$5M estate. This false claim continues today.
8. SWB knew at least from the filing on March 14, 2013, that the false felony claim was false, as demonstrated to an attorney for Richland 4900 Plaintiffs Hynie and James Brown II to the Supreme Court:

Effectively the appraisal confirmed by the IRS on audit, which is for the date of death value, shows **the royalty stream**¹ belonging to the estate worth approximately \$4.7 million, which is the fair market value of the royalty stream less outstanding associated debt of approximately \$19 million arising from bonds² secured by the royalty stream. Thus, without the bond debt the royalty stream would be approximately \$24 million, **a valuation derived from taking the royalty stream up to the termination dates and discounted back** to the date of death for present value purposes. Seen in this light the \$4.7 million date of death valuation for the royalty stream, as confirmed by the IRS, does not seem as counterintuitive as it otherwise might to a layman guessing what the value of the estate may be...

9. The attorney for Hynie and James II added in the public Supreme Court filing the false claims that have been the backbone of Richland 4900 for 15 years:

The termination rights [are] a critical factor in the determination of whether any charitable intent by James Brown will be recognized.

...The net result of the Court ignoring the reality of the value of the termination rights based on a procedural deficiency is that the charitable trust will be effectively annihilated.

¹ Emphasis added.

² The almost 8% Pullman loan that was paid off between Mr. Brown's death in 2006 and in October 2011. Mr. Buchanan, Mr. Bradley, Mr. Dallas and I said it was about \$15 million at Mr. Brown's death. Mr. Bauknight said \$19 million.

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He added: **“Without the [2008] settlement any charitable trust would be short-lived.”** [Pet. Resp. James B. for Rehearing 6/14/13, Case no. 2008-CP-02-1647]

10. SWB learned from Attorney General Alan Wilson on April 24, 2013, one month after Hynie revealed that that the \$80M devaluation to \$4.7M was not correct, that the Office of the Attorney General did not hire SWB, confirming that Richland 4900 was unconstitutional and a violation of the Due Process rights of Buchanan and Pope, but continued acting for the State/AG without authority; continued the false felony claim; and further violated Pope’s FOIA, First Amendment and Equal Protection rights by consolidating – on behalf of the State/AG -- the SWB Fee Agreement FOIA case and attempting to consolidate the \$4.7M Appraisal FOIA case to conceal public documents confirming the \$100M value of James Brown’s estate from the courts.
11. From *Wilson v. Dallas* until 2018, SWB concealed the AG’s April 24, 2013, letter and obtained by deception from both Judge Manning and Judge Doyet Early numerous orders in Richland 4900 on behalf of the State/AG which orders violated the Due Process, FOIA , First Amendment and Equal Protection clauses of the U.S. Constitution, and without consulting with AG Wilson.
12. Gende testified under oath in 2024 that he had never shown AG Wilson the fabricated \$4.7M Appraisal and Black testified under oath that AG Wilson had no right to have a copy.
13. Among the deceptive actions of SWB to violate Pope’s constitutional rights was the failure to deliver to AG Wilson offers in 2012, 2017 and 2018 that could have ended any involvement of the Estate/Trust or AG Wilson in Richland 4900. Black also rejected the offers in 2017, 2018, 2019, 2021, 2022, 2023, 2024 and 2025.
14. This deceptive State/AG action for 7 years has infected the courts and Office of the AG with bias and discrimination, which ultimately resulted in a criminal prosecution orchestrated by Black and SWB’s Gende, with the help of State/AG Prosecutor Don Zelenka, to deprive Pope of her law license, liberty, property, and Due Process, First Amendment, Equal Protection and FOIA rights, all as a result of SWB’s illegal state action for 7 years to benefit Hynie and those aligned with her.
15. In 2016, SWB deceived Judge Early for the benefit of Plaintiffs Hynie and the Legacy Trust by concealing AG Wilson’s April 24, 2013, Letter confirming that the Office of the AG never hired SWB and claiming a right to participate in depositions of the Attorney General and staff in Aiken 1337 to benefit what SWB claimed was its “client,” the AG, in Richland 4900.
16. SWB took this illegal action to benefit Hynie, the Legacy Trust and those aligned with them and to allow the State/AG and its chosen trustee to claim that it had

benefitted James Brown's "I Feel Good" charity by had allowing its trustee to spend tens of millions of dollars with impunity, allowing its trustee to shift nearly 1/3 of the "I Feel Good" charity to family members, allowing a known bigamist to take millions from royalties devised to the charity, and allowing the thief David Cannon to steal \$17M from James Brown's charity with impunity, blaming this damage on Buchanan and Pope.

17. SWB knew from the deposition of AG Henry McMaster in October 2016 that he had never authorized SWB to act for the State/AG, but continued to act for AG Wilson to benefit Hynie and those aligned with her, deceiving both the Richland 4900 and Aiken 1337 courts with the false claim that SWB acted for the State/AG.
18. When ordered to testify in 2017, two SWB attorneys, under oath and concealing AG Wilson's April 24, 2013, letter, claimed that SWB had continuously represented the AG from 2010 to 2017,
19. In addition, for Hynie's benefit, SWB, with no legal authority to act for the State/AG, took two extraordinary actions in late 2016 and 2017.
20. SWB, acting for AG Wilson and Hynie, engaged 9 experts, to be paid for by James Brown's charity despite AG Wilson's admonition that SWB was required to disgorge funds advanced to it.
21. In 2017, AG's and Hynie's expert Roger Miller made clear that the public \$4.7M Appraisal was wrong, as were the false affidavits and claims of Hynie and Peter Afterman and those aligned with them, because they were based both on a false value for the \$42+M royalty stream (to \$23.7M) and a distorted reading of Sections 203 and 304 of the U.S. Copyright Act.
22. Miller confirmed that the \$4.7M Appraisal failed to consider that half of James Brown's \$5M annual royalty stream from non-U.S. Copyrights, not subject to termination rights, and that Hynie, a non-spouse, had no termination rights.
23. Miller also confirmed that 10 years after Brown's death the termination rights of all heirs of James Brown were worth only \$8.8M, but SWB had tried to conceal this public fact for 8 years.
24. SWB already knew since 2010 that the massive \$80M devaluation to \$4.7M had shifted nearly 1/3 of James Brown's assets and \$1M a year of income over to a trust for family members, part of Hynie's May 29, 2013 plan, to defy the Supreme Court's decision in *Wilson v. Dallas*, take \$20M from the charity; and make the false claim that she had taken less than \$2M because she controlled half of the termination rights worth "tens of millions" of dollars.
25. Acting for the State/AG without authority, and for the benefit of the Legacy Trust,

Hynie and those aligned with her, SWB managed to delay and disrupt FOIA request for 14 years and acquired for the AG, but used for the benefit of Hynie 145 boxes of public James Brown documents, 75 CDs of public James Brown documents, including 2 copies of the \$4.7M Appraisal, then tried to subject them to confidentiality orders, violating further the Due Process, First Amendment, FOIA and other civil rights in the name of the State/AG for Hynie and those aligned with her.

26. As shown on Exhibit A, the 145 boxes of public James Brown documents were reviewed by the Office of the Attorney General and the law firm of David Black, but SWB partner Gende joined Mr. Black in 2024 in making numerous false statements in an effort to criminalize Pope's 2011 FOIA request for the \$4.7M Appraisal that had been used since 2010 to falsely accuse Buchanan and Pope in the name of the State/AG of a felony.
27. In 2018, based on admissions of Black and Bauknight in federal court, Bauknight had spent tens of millions of dollars to advance Hynie's effort, to defy the Supreme Court's *Wilson v. Dallas* decision as announced by Hynie on May 29, 2013, and for Hynie to take \$20M from Brown's "I Feel Good" charity, to claim that she took less than \$2 million and to blame the damage on Buchanan and Pope.
28. The tens of millions of dollars of litigation costs were filed *ex parte* with Judge Early in 2018, and he discarded them without review
29. Black and SWB secured more than 40 orders issued after April 24, 2013 and *Wilson v. Dallas* where Judge Manning and Judge Early were deceived by SWB and certain members of AG Wilson's staff into believing that Hynie's fraudulent \$4.7M Appraisal and false spousal claims were true.
30. By 2018 Black's partner and Hynie had further infected Judge Early with the false claim that Pope's \$2.1M offer was 9 times its actual amount.
31. From 2019 until 2025, while still concealing the fabricated \$4.7M Appraisal James Brown II had made public in 2013, the Hynie bigamy admissions made public in 2007, the 145 boxes of public James Brown documents made public in August 2007 and viewed by the Office of the AG and many others by 2009 and the 75 CDs, SWB joined Black and Hynie in the attempt to criminalize Pope's actions and those of her counsel and to irreparably infect Judge Newman with the false claim that their actions for the State/AG and for Hynie were to benefit the "I Feel Good" charity..
32. In the effort to damage Buchanan and Pope, SWB and Hynie, in addition to Black, used false affidavit by Peter Afterman, false claims by Russell and Beth Bauknight, including under oath, and at least one malicious *ex parte* communication to "update" Judge Newman with false "facts," as confirmed in the Motion to Recuse

filed in Aiken 1337 and accompanying documents, all of which are incorporated herein by reference.

33. By February 2020 Bauknight, under oath, was comparing Pope to the thief David Cannon in hearings by Judge Newman from which Pope was excluded while his music manager Peter Afterman was trying to persuade the Supreme Court that Hynie was James Brown's spouse and the life of the "I Feel Good" charity depended on her. [See Affidavits of Afterman filed in Hynie spousal proceeding in Supreme Court]
34. After James Brown's music empire sold for a reported \$90M, the attempts to criminalize Pope's right to protect herself in Richland 4900 became more vicious, and certain members of the AG's FOIA and civil staff joined Hynie, through SWB and Black in the violation of Pope, FOIA, First Amendment and Due Process rights, as well as her equal protection rights as a citizen to seek public documents.
35. Black claimed to Judge Newman that Pope's fee claim case was a "companion case" to Richland 4900, securing an Order which deprived Pope of her Due Process rights and property, then securing dismissal of the appeal of the illegal taking as a non-final order, resulting in a taking of more than \$150K of Pope's money by an order of Judge Newman based on Black's false claims.
36. By February 4, 2022 Judge Newman had been infected both by SWB and by Black, and well as by the Order of Judge Early obtained illegally while SWB acted for the State/AG, as well as by at least one improper *ex parte* filing, where Black made the improper claim that Pope's \$2.1 M offer was a \$19M demand and that it was Pope – not Russell Bauknight – who had prevented what could have been millions of dollars of "I Feel Good" scholarships.
37. The false discriminatory, racist claim that Pope was making a \$19M demand on James Brown's \$5M estate and stopping scholarships that Bauknight could have been paying for a dozen years hit the mark, causing Judge Newman to issue what – at the time – were inexplicable, extraordinarily vicious and harsh remarks and orders denigrating Pope, her family and even here counsel.
38. By 2023, SWB had conducted yet another *ex parte* hearing before just Newman, exacerbating the false claims, which resulted in another *ex parte* order violating Pope's and her family's First Amendment, Due Process, FOIA and Equal Protection Rights.
39. As is shown by the full transcript of Pope's May 29, June 4, 2024, criminal FOIA case, incorporated herein by reference, and the AG's refusal to release documents to Pope under FOIA, SWB's 7 years of illegal state action has irreparably deprived an 82-year-old attorney who did nothing but tell the truth; defend James Brown's charity until 2015; and defend herself from the State/AG's and Hynie false claims

after June 10, 2015 of her FOIA, First Amendment, Due Process, Equal Protection and other civil right.

40. Pope's efforts to address the malicious, defamatory *ex parte* Black "update" or updates with Judge Newman confidentially in July 2025, shortly after they were discovered, were unsuccessful, as was the effort to require him to release Pope's money held in violation of her Due Process rights for Hynie and the Legacy Trust.
41. Pope incorporates her Petition for Certiorari to the United States Supreme Court filed October 22, 2025, in its entirety.
42. Pope makes this motion on her own behalf in two cases because she has not received a Response in Aiken 1337 from Judge Newman, to the recusal motion which, because of the nature of Black's *ex parte* communications, involves both cases.
43. Pope respectfully requests that either Judge Newman, or such Judge as the Supreme Court may appoint, conduct the recusal motion and the request to return Pope's money held under a non-final order of Judge Newman, along with the other relief requested in Aiken 1337 in the first instance.
44. Pope makes this motion *pro se* in part because SWB, acting for the State/AG and certain members of the AG's FOIA and civil staffs, infected Richland 4900 as early as 2011 with the false claim the Pope's and Buchanan's attorneys Dary Williams, Esq. deceased, and Calhoun Watson, Esq., deceased had lied to the court.
45. By 2023 SWB had begun to claim that Adam Silvernail, Esq., Mr. Williams (again), Charles Carpenter, Esq., Thomas Pope, Esq, and other had lied to the court.
46. Pope is an 82 year old attorney whose career, like that of Robert Buchanan, Esq., was unblemished until Hynie took control of certain staff members of the Office of the AG, Black, Gende, and 18 members from their firms began calling them and their attorneys liars, when Hynie and those aligned with her were the liars.
47. Pope incorporates the 41 depositions on file herein and her own statements in every affidavit she had filed as further support for the dismissal of the Richland 4900 Complaint as an illegal state action and all of the relief sought herein.
48. Other than the summary dismissal of the Richland 4900 complaint, Pope respectfully requests that all matters related to the recusal sought in Aiken 1337, including an examination of the contents of the defamatory contents of the *ex parte* Black communication, and what other *ex parte* communications were held by Black and Judge Newman, be resolved in the first instance.

This motion is supported by the affidavits filed by Pope and her counsel since April 24,

2013 in Richland 4900 and Aiken 1337, the 41 depositions on file in Richland 4900, and the full record of Pope's criminal proceeding initiated by Gende, Bauknight and Black, as well as the parallel proceeding attempted in Judge Newman's court and the following Memorandum.

MEMORANDUM IN SUPPORT OF REQUESTED RELIEF

In 2010 Hynie and AG Clyde Jones allowed their trustee to value James Brown's \$100M music empire as follows:

Royalty Stream pledged for Pullman Loan	\$23.7 M
Less: claimed Pullman Loan	<u>\$ 19 M</u>
Claimed value by Bauknight/Afterman	\$ 4.7M

AG Jones, Hynie, Black and SWB, for 15 years, have claimed that this is the value of James Brown's music empire. It is not. Further, it is an incorrect value of the royalty stream. The 2006 Royal Bank of Scotland (RBS) professional appraisal of the same royalty stream shows:

Royalty Stream pledged for Pullman Loan	\$42 M (at least)
Less <u>actual at-death value</u> of Pullman loan	<u>\$15 M</u>
	\$27 M

The AG's civil staff, FOIA staff, Black, and Gende have embraced for 15 years the Bauknight/Hynie/AG Jones massive devaluation scheme, joined in the Bauknight/Hynie/Afterman massive overvaluation of the "termination rights," under Sections 203 and 304 of the U.S. Copyright Act.³ and the massive undervaluation of James Brown's charity.

Hynie's fraud was known by many in 2008, most by 2010 and all by 2017 when the

³ See Smith, A & Pope, A, "Private Foundations, Copyright Heirs and Musical Millionaires: why the James Brown 'I Feel Good' Trust doesn't...", on file in Richland 4900, James Brown 2000 Irrevocable Trust and Tritt, Lee-Ford, The Curious Case of the Estate of James Brown, GW L. Rev. for a complete understanding of how the Bauknights' massive devaluation and a sale to the family as contemplated by the AG's 2008 settlement forged by AG Jones would leave the "I Feel Good" Trust with almost nothing.

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AG/Hynie expert Roger Miller and others made clear what the values of Brown's music empire were in 2011 when the Pullman loan was paid off, namely:

<u>Music Empire by Bauknight/Afterman</u>		<u>Music Empire by Experts, Trustees</u>	
Copyrights	\$23.7 Million	Copyrights	\$80 + Million (Roger Miller)
Image (Rt. Pub.)	0	Image	\$40 + Million (RB.Alex..TJBL)
Other	0	Other	\$10 Million (TJBL)
Assets at death	\$23.7 Million		\$130 Million
Less Pulman Debt	(\$19 Million) [Incorrect]		(\$ 15 Million) [Correct]
At-death value	\$4.7 Million [Incorrect]		\$115 Million [Trustees + Miller]4

Judge Newman inherited in December 2019 two civil cases and two FOIA cases infected with 9 years of AG Support for Hynie's fraud, first from the illegal State/AG action of SWB for 7 years. Also with an overlapping problem caused by the AG's FOIA division's support for concealing of public James Brown documents from 2011 until now.

Most recently Pope asked the AG to undo her criminal matter, pay her \$1 for her 6 years' service to the Estate, 2000 Trust and Charity of James Brown, return her money taken in Aiken 1337, and pay her costs for the cases SWB, while acting for the State/AG between 2010 and 2018 tried to consolidate with Richland 4900.

The AG refuses to speak to Pope. SWB and Black continue the false claim that Pope is demanding \$19M from James Brown's \$5M estate. These claims are false. The State/AG action by SWB for 7 years and Mr. Bauknight continued claim to act "on behalf of" the State/AG to promote and conceal Hynie's fraud have ruined Pope's reputation career, and violated her First Amendment, Due Process, FOIA and Equal Protection rights.

4 See Petition for Rehearing, James B, by Peter Shahid, filed 3/14/2013, *Wilson v. Dallas*

Judge Newman did not start the problem. He inherited 9 years of fraud, false statement and concealed documents. The relief sought herein will help redress that illegal State/AG action.

CONCLUSION

Judge Newman's recusal motion and the relief requested therein should be held prior to any further action because any other court lacks jurisdiction to hear these matters. After the recusal and relief set out therein, the complaint in Richland 4900 should be dismissed and the other relief requested herein be granted. Failure to do so will result in further violation of Pope's First Amendment, FOIA, Due Process, Equal Protection and other civil rights.

Respectfully submitted,
s/Adele J. Pope
Adele J. Pope
1228 Walnut Street
Newberry, South Carolina 29108
(803) 413-0753
adele@popelawfirm.com

Pro se

November 5, 2025

Exhibit 6

ELECTRONICALLY FILED - 2025 Nov 13 4:35 PM - AIKEN - COMMON PLEAS - CASE#2013CP0201337

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

COUNTY OF AIKEN

) Case No. 2013-CP-02-1337

Adele J. Pope,

)

Plaintiff,

)

v.

)

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

)

Defendants.

)

)

)

)

)

)

)

)

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND

) 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

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and

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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;

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The Honorable Clifton Newman was the fourth state court trial judge whose orders have been infected by improper *ex parte* contacts and patently false statement, including under oath, of David Black, his client the Legacy Trust, through its trustee Russell Bauknight, and its current primary "owner-beneficiary" Tomirae Hynie.

Attorney David Black now seeks to strike Adele Pope's Motion for Recusal and Return of Funds made in 2025 shortly after Pope discovered David Black's secret, February 4, 2022 *ex parte* communication with the trial court.

Black's motion should be denied. As required by the rules, the Honorable Clifton Newman should hear the motion. If he is fully retired or unable to hear the motion, the Supreme Court should appoint a circuit court judge with jurisdiction to hear the recusal motion.

All relief sought in the Motion for Recusal and Return of Funds should be granted.

This motion is supported by the \$4.7M Appraisal on file under seal in Aiken 1337, which Pope asks that the Court consider as material to the Motion for Recusal, the Complaint in Aiken 1337, the April 24, 2013, Letter of Attorney General Alan Wilson and the October 2017 deposition of Governor Henry McMaster, on file herein. It is also based on the 41 depositions filed in Richland 4900, the Due Process, First Amendment and Equal Protection clauses of the U.S. Constitution and other applicable law and regulations and the following memorandum.

MEMORANDUM IN FURTHER SUPPORT OF RECUSAL AND RETURN OF FUNDS

Background Facts Related to Fraud of Legacy Trust

In 2007 Tomirae Hynie, posing as the spouse of entertainer James Brown, asked Judge Doyet Early to appoint Adele Pope as special administrator of James Brown's estate. Judge Early appointed Robert Buchanan and Pope.

Hynie said trustee David Cannon was a thief and trustee Cannon claimed Hynie was a bigamist. Both were correct. Both had spent a decade using underhanded tactics against each other

and James Brown trying to get the \$100 million fortune he wanted to leave 49/50 to his "I Feel Good" education charity.

By the end of the year Buchanan and Pope had ferreted out the tax fraud, theft and money laundering of Cannon. They had also identified the few attorneys, one CPA, and one trustee who had either directly lied under oath to the IRS and courts to support or cover up Cannon's theft and tax fraud. Instrumental to the discovery of the \$17 million Cannon had stolen and the understanding of his fraud were 145 boxes of public James Brown documents dating back to the 1990s. Judge Early made 80 of the boxes public in an August 2010 order. Buchanan and Pope added 65 additional boxes in their service to the estate and "I Feel Good" charity from 2007 until 2009. [See 95-page Custody Receipt, filed 10/1/10 in R4900]

In 2008 Hynie persuaded Judge Early to issue an *ex parte* order concealing her admitted bigamy. Then Hynie persuaded the AG to join her in the "McMaster Settlement" deal which created the James Brown Legacy Trust ("Legacy Trust") and put Hynie and the AG in supermajority control of James Brown's fortune.

As shown on page 9 of the Motion for Recusal, for the next 8 years the AG, Hynie and their Legacy Trust trustee, Russell Bauknight, called the Legacy Trust the "Charitable Trust Settlement Entity." By 2020 they were telling multiple court that Richland 4900 was the estate's case, or was the "children" and estate's action. The children were, in fact, suing Hynie and Bauknight at the time.

In 2009, without disclosing he and his spouse/CPA, Beth Bauknight, were already prepared to serve the Legacy Trust in the dismembering of the "I Feel Good" charity, Bauknight recommended that Judge Early approve the McMaster Settlement deal. The McMaster settlement proposed to give almost a quarter of James Brown's charity to Hynie, more than a quarter to clients of Georgia attorneys Louis Levenson and David Bell, and to put half in a private charity for the

AG. [p. 9]

In May 2009 Bauknight hired David Black as attorney for the Legacy Trust and within a month Bauknight had had hired 12 members of Black's law firm. Bauknight hired his spouse/CPA Beth as both custodian and accountant for the Legacy Trust.

By the fall of 2009 Bauknight and Peter Afterman were working on a massive \$80 million devaluation of the James Brown's assets. Hynie had proposed the massive \$80 million devaluation to discredit "Bobadele." The fabricated \$4.7M Appraisal, the result of the massive \$80 million devaluation, would arrive in September of the following year. Peter Afterman and Bauknight would become the mouthpiece for Hynie's false valuation claims from then until today.

In March 2010 one of Hynie's attorneys threatened Buchanan and Pope with a lawsuit by AG Henry McMaster if they didn't drop the appeal that became *Wilson v. Dallas*.

In May 2010 Bauknight, Levenson, Bell and one of Hynie's attorneys signed the public SWB Fee Agreement and hired the firm of Mark Gende, Esq. Bauknight, David Black and all signers of the SWB Fee Agreement knew that Governor (AG) McMaster did not legally authorize SWB to bring Richland 4900.

On May 19, 2010, the Attorney General, the Legacy Trust and its owner-beneficiaries sued Buchanan and Pope. They SWB Fee said they would share the proceeds in "aliquot" shares, giving Hynie and the six Levenson and Bell clients more than half of Brown's assets. Half of James Brown's dozen claimed children, including 3 DNA daughters, were left out while Hynie took half of their termination rights.

Buchanan and Pope claimed Richland 4900 was unconstitutional, but Bauknight, Hynie and SWB lawyers lied to Judge Manning, assuring him that an assistant AG was the representative of SWB's "client," Attorney General Henry McMaster. David Black knew what his client the Legacy Trust and its trustee were doing.

When the \$4.7M Appraisal arrived, David Black and Beth Bauknight put it under lock and key for what is now 15 years. David Black claimed under oath in 2024 that he had released a copy of the \$4.7M Appraisal only twice, and that AG Alan Wilson, the state official charged with the protection of funds given to public charities, has not right to see the \$4.7M Appraisal.

David Black and Hynie's lawyers, with others, agreed to conceal the existence of the \$4.7M Appraisal from the Supreme Court in *Wilson v. Dallas* for 8 months. [See Exhibit A , David Black's email of December 17, 2010, days before the brief was filed.]

While David Black and Hynie's lawyers finalized a brief, including for the AG, that did not disclose that the \$4.7M Appraisal had arrived, Bauknight and Black's partner the tax lawyer claimed to the IRS that James Brown died with a \$5 million estate, a \$4.7M music empire and a spouse. Hynie, who was given under \$1.5 million. Bauknight told the IRS that James Brown had given only \$3 million to charity – not the \$80 million four trustees, including Buchanan and Pope, believed he had given.

The IRS didn't object to the massive \$80 million devaluation. Under Brown's 2000 Trust the massive devaluation had shifted nearly 1/3 of the \$100 million music empire and 1/3 of the \$5+ million annual income out of the charity and over to a trust for Levenson and Bell clients. This meant that the IRS would collect tens of thousands of dollars of income taxes each year that James Brown had carefully avoided. James Brown loved education for needy students and hated taxes.

Beth Bauknight would be the CPA who, for the next decade, would report the income that Bauknight and David Black and others would not disclose to Judge Manning, Judge Early, or any court. They would tell the Supreme Court and every court for the next 10 years, that the McMaster settlement deal saved taxes. It did not. David Black, Beth Bauknight and the tax lawyer all knew that it was a lie.

Before David Black and his client Bauknight told the Supreme Court that James Brown died with a \$5 million estate, Bauknight had business in the Court of Appeals with SWB.

Bauknight, for the Legacy Trust, and SWB, acting without authority for Attorney General Wilson and AG McMaster, secured an order from Judge Manning dismissing Buchanan's and Pope's challenge to Richland 4900 as unconstitutional and a violation of their Due Process rights.

Buchanan and Pope said that it was unconstitutional and illegal for SWB, a private law firm, to be the sole attorney for the State/AG. They were right, but SWB and Bauknight, claiming that the Legacy Trust was controlled by the AG., obtained a dismissal without prejudice of the writ or prohibition and early appeal.

Richland 4900 was unconstitutional under the Due Process clause, and the Richland 4900 complaint should be dismissed. David Black's client the Legacy Trust and its trustee Bauknight, with SWB, have been able to prevent the courts from making a final ruling on this critical constitutional issue for 15 years by lying to the courts and concealing public documents.

From 2010 until 2020 David Black, Bauknight and SWB would claim that the public SWB Fee Agreement was the "epitome" of a private document. David Black would even try to get a federal court to declare this public document confidential. The federal court did not agree with David Black, but Black and his client and SWB continued to conceal the public SWB Fee Agreement that AG McMaster had not signed until 2020.

In May 2011 David Black, his client and Hynie, with others, revealed their false claim that James Brown died with a \$5 million estate, a \$4.7million music empire and a spouse who got less than \$1.5 million to the Supreme Court. This was when David Black, Hynie and the Legacy Trust rolled out the false claim that Buchanan and Pope had committed the federal felony of overstating the value of James Brown's assets by nearly \$80 million in an effort to get a \$5 million commission on James Brown's claimed \$5 million estate.

Added to this lie was yet another lie. David Black and his client Bauknight, with Peter Afterman, claimed that Hynie, as James Brown's spouse, controlled tens of millions of dollars of "termination rights" to the 850+ song copyrights owned by James Brown in his claimed \$4.7 million music empire. They claimed, incorrectly that the IRS did not reject the false claim presented by Bauknight "proved" that the McMaster Settlement deal "saved" taxes.

The IRS was happy with its tens of thousands of dollars of income taxes each year Brown's estate would not have had to pay if Bauknight had not carried out the \$80 million devaluation.

Tomirae Hynie's massive devaluation of James Brown's assets to discredit "Bobadele" was absurd. It ignored the \$80 - \$100 million value of James Brown's music catalogue, the \$40+ million of Brown's right of publicity, and many of the 10,000 items of personal property.

Bauknight was willing to lie to the IRS about the value and lie under oath to the Probate Court in a sworn amended inventory. Beth Bauknight, as CPA, was willing to file the income tax returns that showed the tens of thousands of dollars of taxes David Black and Bauknight were concealing from AG Wilson and the courts while they claimed that the massive \$80 million devaluation saved taxes. Both Bauknight and Peter Afterman were willing to lie under oath and claim that Bob Buchanan and Adele Pope had committed tax fraud when they properly valued James Brown's estate at \$100 million less a \$15 million "Pullman bond" debt that was paid off in 2011.

David Black, Beth Bauknight and members of SWB, primarily Mark Gende, Esq., would be charged for the next 14 years with covering up the false claims and securing orders to violate the Due Process, FOIA, First Amendment, and Equal Protection rights of Buchanan and Pope and anyone else who questioned why Attorney General McMaster would give half of Brown's charity to a bigamist and five of his dozen claimed children. Or why AG Wilson would conceal the public bigamy admissions of Hynie when it would save \$20 million in scholarships if he released the

public bigamy admissions that had been in the AG's office since 2008.

In 2012 and 2013 David Black and his clients the Legacy Trust and Bauknight joined Hynie in vitriolic claims to Judge Early and the Supreme Court that Pope could do nothing about the "fact" that Hynie was "Mrs. James Brown." David Black even told Judge Early that he had already ruled that Hynie was James Brown's spouse.

In 2012 David Black's client the Legacy Trust began a 6-year effort to stop the \$4.7M Appraisal from being released. David Black, Bauknight and the tax lawyer all knew that the purported appraisal did not value the \$40 million publicity rights and did not value the copyrights. Instead, the concealed Bauknight/Afterman \$4.7M Appraisal valued only the royalty stream pledged for the Pullman bond loan.

In 2013 an attorney for Hynie and her son revealed in a Supreme Court filing both what was wrong with the \$4.7M Appraisal and its purpose, to persuade the Court to let Hynie and six children represented by Levenson and Bell take more than half the charity. He said:

Effectively the appraisal confirmed by the IRS on audit, which is for the date of death value, shows **the royalty stream**³ belonging to the estate worth approximately \$4.7 million, which is the fair market value of the royalty stream less outstanding associated debt of approximately \$19 million arising from bonds⁴ secured by the royalty stream. Thus, without the bond debt the royalty stream would be approximately \$24 million, **a valuation derived from taking the royalty stream up to the termination dates and discounted back** to the date of death for present value purposes. Seen in this light the \$4.7 million date of death valuation for the royalty stream, as confirmed by the IRS, does not seem as counterintuitive as it otherwise might to a layman guessing what the value of the estate may be...

³ Emphasis added.

⁴ The almost 8% Pullman loan that was paid off between Mr. Brown's death in 2006 and in October 2011. Mr. Buchanan, Mr. Bradley, Mr. Dallas and I said it was about \$15 million at Mr. Brown's death. Mr. Bauknight said \$19 million.

He added:

The termination rights [are] a critical factor in the determination of whether any charitable intent by James Brown will be recognized.

...The net result of the Court ignoring the reality of the value of the termination rights based on a procedural deficiency is that the charitable trust will be effectively annihilated.

He concluded with:

“Without the [2008] settlement any charitable trust would be short-lived.”
[Pet. Resp. James B. for Rehearing 6/14/13, Case no. 2008-CP-02-1647]

The Supreme Court, even without knowing about the false claims Hynie was making about value, agreed with Buchanan and Pope that the McMaster Settlement deal dismembered James Brown’s “I Feel Good” charity.

On April 24, 2013, AG Alan Wilson wrote SWB a public letter confirming that the Office of the Attorney General had never hired SWB to bring Richland 4900. He said that if *Wilson v. Dallas* remained the same, SWB would have to disgorge what Bauknight had advanced for Hynie and the Legacy Trust owners. The Attorney General said the Office of the AG had never had any attorney-client privilege with SWB and was not going to pay SWB.

That should have been then end of Richland 4900, especially when Russell Bauknight promised the Supreme Court he would protect James Brown’s charity if reinstated, but it did not.

On May 29, 2013, Hynie’s attorney and Louis Levenson announced in open court their plan to reinstate the 2008 McMaster settlement that would give Hynie \$20 million, her attorneys close to half of that amount, and Levenson a \$6 million fee.

From 2013 until 2018 SWB continued to act for Attorney General Alan Wilson while concealing the April 2013 letter. Three Legacy Trust FOIA attorneys, Bauknight individually, and two members of the AG FOIA staff contributed to the 25 attorneys being paid millions of dollars

every year to try to prove that James Brown died with a \$5 million estate and a spouse, and that the expense was the fault of Buchanan and Pope.

By 2015 Judge Early had been totally infected by the combined false claims of the AG's FOIA staff, David Black, Hynie's six attorneys, and some members of AG Wilson's civil and FOIA staff who were helping conceal public documents.

Continuing to conceal the public Hynie bigamy admissions, Judge Early declared Hynie to be the spouse of James Brown. For the next five years, until 2020, Bauknight, SWB's Gende, David Black, Beth Bauknight and Peter Afterman continued to make the false claim that Hynie had owned half of tens of millions of dollars of termination rights proceeds.

In 2016 it was revealed that Beth and Russell Bauknight allowed James Brown's tax and charitable records with court-appointed CPA William Sellars to be destroyed after they abandoned them for more than 6 years.

By 2016 Bauknight was paying David Black's firm about \$2 million a year and had paid David Sojourner more than \$1.4 million to "defend" against Hynie's claims, but was also paying Peter Afterman \$20,000 a month, over objection of James Brown's children, to help Hynie take about \$4.4 million in termination rights that belonged to James Brown's children.⁵

By the end of 2016, Hynie's attorneys at SWB and David Black named 9 joint experts. When the experts said what David Black and Mark Gende did not want to hear, they secured orders sealing their depositions and documents.

SWB was using the power of the State/Attorney General without authority to help Hynie cover up the \$2 million of U.S. Royalties Hynie, with the assistance of Peter Afterman, had siphoned off from James Brown's "I Feel Good" charity by making the false claim to the U.S.

⁵ As shown on Exhibit B, David Black, which is annotated, David Black, Bauknight and Hynie were working with SWB and some AG FOIA staff to conceal more than a million pages of public James Brown documents, including his Will and Trust.

Copyright that she was James Brown's surviving spouse.

By 2017 SWB and AG Wilson's FOIA staff were concealing 75 CDs from me for the benefit of Hynie, and reviewing my entire James Browns file for her.

By 2018 David Black and his partner were asking Judge Early to ignore the testimony of their expert Roger Miller that James Brown's copyrights alone were worth \$80 – \$100 million, of a retired IRS attorney that the charity was worth at least \$100 million at Brown's death, and everything else that proved that the McMaster Settlement deal had been a tax and charitable disaster for James Brown's "I Feel Good" Trust. They also asked Judge Early to simply ignore 14 witnesses in Aiken 1337. That year Bauknight admitted to a federal court that he had spent tens of millions of dollars on litigation costs since 2009 from James Brown's claimed \$5 million estate.

In 2019 and 2020, in addition to all the false claims, David Black, Russell Bauknight and Mark Gende began infecting Judge Clifton Newman with three additional false claims: 1. that Pope's \$2.1 million fee claim was \$19 million; 2. that Bauknight's decision not to make "I Feel Good" scholarship distributions since 2013 was somehow Pope's fault, and not the fault of Hynie and those aligned with her; and 3. that Bauknight could not distribute "I Feel Good" scholarships until James Brown's estate was closed. These claims were false discriminatory and intended to bias the judge, as David Black's partner had biased Judge Early with the false \$19 million claim.

By 2020 Judge Newman, unaware of the continuing false claims being made by the Bauknights, Hynie, Peter Afterman and those aligned with Hynie, as well as the false claims of Black and Gende, took about \$140,000 of Pope's money in Aiken 1337 for the benefit of Hynie and those aligned with her. He continued to violate Pope's Due Process, First Amendment, FOIA and Equal Protection rights for the next five years.

By February 4, 2022, if not earlier, David Black was further infecting Judge Newman with secret *Ex parte* updates and both Gende and Black were claiming to speak for the "Estate" and "children" and "charity," concealing that they were acting for Hynie.

Even though the Supreme Court determined in 2020, the infection continue, as fully shown by the filings related to the Motion for Recusal, which are incorporated herein by reference.

By then Louis Levenson and Bell, the two other signers of the SWB Fee Agreement, and AG Emory Smith, were heaping false claims about Pope and her counsel on the court.

By 2023 the vicious efforts of the Bauknights, Hynie attorney Gende and Bauknight attorney were focused on the FOIA, civil and ultimately criminal divisions of the Office of Attorney General Alan Wilson.

The false filings of Black and Bauknight of February 7, 2024 in Judge Newman's court, which have never been retracted, and the full record of Pope's FOIA criminal case, now pending in the U.S. Supreme Court as Case 2025-531 explain how the expenditure of tens of millions of dollars by Bauknight from James Brown's charity and the willingness of Bauknight, David Black, Mark Gende, and Beth Bauknight to lie under oath to "prove" that James Brown died with a \$5 million estate and a spouse have changed the landscape.

The statements of AG Prosecutor Zelenka show how deeply the false claims penetrated the Office of AG Wilson, although David Black, under oath, claims he had no right to see the \$4.7M Appraisal.

Two million public documents and the tens of millions of dollars of litigation costs David Black filed *ex parte* in Judge Early's court, and which the court discarded without retaining a copy for review, make clear how unlevel the playing field in Richland 4900 and Aiken 1337 were for Pope when Judge Newsome inherited the cases.

Unfortunately, further material *ex parte* communications by David Black made matters worse, and now threaten the property, liberty and law license of an 82-year-old attorney who had done nothing but told the truth about James Brown's \$100 million fortune since 2007.

Filed herewith are the exhibits that show the extent to which the Court has been infected.

CONCLUSION

Judge Newman or another judge properly appointed if he has retired, should deny the motion to strike and grant all relief sought in the Motion to Recuse.

Respectfully submitted,

s/Adele J. Pope
Adele J. Pope
1228 Walnut Street
Newberry, South Carolina 29108
(803) 413-0753
adele@popelawfirm.com

Plaintiff Aiken 1337 Pro se

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