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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 Clifton Newman, Circuit Court Judge
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.

INITIAL REPLY BRIEF OF APPELLANT

Adele J. Pope, *Pro se*
SC Bar #4501
1228 Walnut Street
Newberry, South Carolina 29108
Telephone: (803) 413-0753
adele@popelawfirm.com

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Appellant makes the following reply to the Brief of Respondents.

**I. Respondent's Brief Signed by David Black, Esquire,
is Unworthy of Consideration**

On February 4, 2022, David Black sent the Honorable Clifton Newman an improper *ex parte* email, copied to a Senior Assistant Attorney General, which stated:

From: Black, David
To: cnewman1@sccourts.org; cnewmansc@sccourts.org; Clifton Newman (cnewman1@sccourts.org)
Cc: Sonny Jones
Subject: James Brown Estate: Adele Pope Appeals
Date: Friday, February 4, 2022 1:39:38 PM
Attachments: Bauknight v. Pope 3.pdf
EC Adele Pope v. Est. of James Brown 1.pdf

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

[Email, 2/4/22, R.]

Judge Newman did not report the email to Appellant or any court. Nor did Black, or the Attorney General. [Ltr. Pope to Jg. Newman d. 7/7/25, R.] The Attorney General was not a party to either of Appellant Adele Pope's cases discussed by Black in the *ex parte* email.

Black's brief ignores the seriousness of his ethical lapses in the email and the law related to *ex parte* communications.

Black's *ex parte* email of February 4, 2022, launched three years of discriminatory, vitriolic Orders signed by Judge Clifton Newman, but authored by Black and other attorneys for Black's clients. [Mot. Alt, p.11, R.] Judge Newman believed Black's false claim that an almost 78-year old woman was the sole reason David Black's client had not distributed \$4 Million of James Brown's "I Feel Good" scholarships to needy students in Georgia and South Carolina for 10 years.

Black's brief admits on Page 1 that Judge Newman's Orders after the first *ex parte* communication Judge Newman became increasingly severe and included striking her Answer in "Case 4900". Judge Newman believed the patently false claim in Black's *ex parte* email that no "I Feel Good" scholarships could be paid until Appellant's cases were ended and James Brown's estate was closed. [Mot. Recusal, p.2, R. ; email 2/4/22, R., ; R. Brief, pp. 1-17]

The truth was that Black's clients and Tomirae Hynie had sought and obtained nine years of delays and prevented all discovery in "Case 4900"¹ since they filed it against Appellant and Robert Buchanan in 2010. [Ltr. 7/7/25, R. ; Mot. Recusal, p. 3, R.]

Judge Newman's discriminatory Orders made their way into the Appellate Courts, causing this Court and the Supreme Court to believe that delays by Appellant – not Black's clients – were the reason \$40 million or more of "I Feel Good" scholarship had not already been distributed since James Brown's death.²

¹ Richland County Case No. 2010-CP-40-4900 was filed by "SWB," the firm of Mark Gende, Esq., against Robert Buchanan Appellant in 2010. It is referred to in Black's *ex parte* email.

² See, for example, S.C. Court of Appeals Case No. 2023-001253, Black's clients make the false claim on February 24, 2024, that "Pope has obstructed scholarships to an entire school-aged generation... since 2009."

Mark Gende, Esquire, an attorney for Tomirae Hynie and Black's clients in "Case 4900" since 2011, helped fuel Judge Newman's angry attacks in "Case 4900". [Mot. Recusal, pp. 15-17, R.] In addition, Gende was paid by Black's clients to delay and disrupt appeals in "Case 4900" and "related" cases. See Motion for Taxation of Costs, S.C. App. Case No. 2023-0001941 (Ct. App.).

The secret *ex parte* communications between David Black and Judge Newman continued for three years. Judge Newman did not report the explosive *ex parte* communications to Appellant or to any court, nor did Black, or the Attorney General. [Ltr. Pope to Jg. Newman d. 7/7/25, R.]

Appellant learned of the improper *ex parte* communications only after Black's false claims resulted in a FOIA criminal contempt case against Appellant in 2024 in the South Carolina Supreme Court. See App. Case No. 2023-1941 (Ct. App.). [Ltr. d. 7/7/25, p., R. Mot. Alt, p.5, R.] Black also filed a similar false claim on the same day with Judge Newman. [Mot. 2/7/24, R.]

One example of a number of blistering Orders issued by Judge Newman as the *ex parte* "updates" continued resulted from an *ex parte* hearing held by Judge Newman as Appellant celebrated her 80th birthday out of state with her family. [Mot. Alt., p. 22, R.]

The afternoon of Judge Newman's *ex parte* hearing in August 2023, Appellant's "Case 4900" counsel Adam Silvernail received a proposed order sent to Judge Newman. Silvernail advised Judge Newman that the hearing had been cancelled, but Judge Newman failed to address the impropriety of the *ex parte* hearing in his Order. See Notice of Appeal with Orders, filed 12/15/23, App. Case No. 2023-1941 (Ct. App.). Mot. Recusal, p. 2, R.,

Judge Newman signed the Order sent after the *ex parte* hearing. It directed Appellant to send her personal income tax returns "without objection" to Tomirae Hynie and sixteen others

“without objection” within 10 days. [Ltr. Pope, AG, Cook, Zelenka, p. 5]

Senior Assistant Attorney General Clyde “Sonny” Jones³ was copied on Black’s February 4, 2022, *ex parte* email. [Email 2/4/22, R.] The AG’s role in the *ex parte* “updates” is still not known.

As Black’s and Judge Newman’s *ex parte* communications continued for three years (2022-2025), the Attorney General withheld from multiple courts the “\$4.7M document” he claimed to be an at-death “appraisal” of James Brown’s worldwide music empire. [Aff. Black False, p.2, R.,] The concealed \$4.7M document was generated by Black’s clients in 2010. It has been used by the Attorney General for 15 years to falsely accuse Appellant and Robert Buchanan of a federal felony. [Mot. Recusal, p. 9, R.]

The Attorney General and Black’s clients claim that the concealed \$4.7M document “proves” that Appellant and Buchanan overstated the value of James Brown’s assets to the IRS so they could be paid \$4.9 Million in commissions from what the AG, Black, and his clients claim is James Brown’s \$5 Million estate. [Ltr. 7/7/25, p. 5, R.] They fail to point out that Brown’s annual revenues for the six years prior to his death averaged more than \$5 Million per year. [Ltr.7/7/25, p. 3, R.]

On February 7, 2024, as the secret *ex parte* communications continued, David Black began two attempts in two courts to deprive Appellant of her property, law license, and liberty. [See Motion, 1337, 2/7/25, R. ; Also see Supreme Court Case No. 2024-000500]

While Black himself obtained a copy of the \$4.7M document from the AG under FOIA, Black told Judge Newman and the Supreme Court that Appellant had made a “fraudulent” FOIA request for the same \$4.7M document he received under FOIA. [Email, Pope to Zelenka, 4/10/24,

³ The Attorney General and his staff are referred to herein as “AG” or “Attorney General.”

R.] Black told Judge Newman and the Supreme Court that Appellant “knew” the AG did not have a copy of the \$4.7M document.⁴

The truth was that the Attorney General had the \$4.7M document. The AG’s attorney, Mark Gende, had obtained it for the AG, Hynie, and Black’s clients from Appellant in 2017. Black told Judge Newman and the Supreme Court that the \$4.7M document was confidential. It was not. [Proffered Exhibit No. 23, Silvernail Affidavit].

Since at least 2013, Black’s clients had shared the \$4.7M document with Hynie, her lawyers, and Peter Afterman. Afterman worked both for Black’s clients and Hynie. He helped Hynie siphon off royalties devised to James Brown’s charity. [Ltr. Pope to Jg. Newman d. 7/7/25, p. , R.] [Affidavit of Afterman, d. 10/14/20]

The fabricated \$4.7M document was the product of Black’s client’s massive \$80 Million devaluation of James Brown’s music empire in 2010. Since then, Black and the AG had both claimed that the concealed \$4.7M document “proved” that the AG’s 2008 settlement voided by *Wilson v. Dallas* was good for James Brown’s “I Feel Good” charity. It was not.

The massive \$80 Million devaluation by Black’s client took nearly one-third of the assets of James Brown’s charity, \$30 Million, and “gave” it to Brown’s family. This caused a loss of \$1 Million a year in “I Feel Good” scholarships. It also generated tens of thousands of dollars of unnecessary income taxes each year. [Ltr. Pope to Jg. Newman d. 7/7/25]⁵

⁴ See proffered Exhibit No. 23 of Pope, Affidavit of Silvernail supporting motion relating to CDs, and Custody Receipt, Sup. Ct. Case No. 2024-000500. The Silvernail Affidavit confirms that the \$4.7M was not confidential any time after 2017 as claimed by Black and Gende.

⁵ See Appellant’s Brief at Pages 9-11 for the history of Bauknight’s massive \$89 Million devaluation scheme and the \$30 Million it took from James Brown’s charity.

Black filed documents seeking to hold Appellant in criminal contempt in this case, “Case 1337,” and in the Supreme Court. [Pope/Zelenka email, 4/10/24, R.,] He did not tell the Supreme Court about his *ex parte* emails.

The AG’s Chief Prosecutor did not produce Black’s February 4, 2022, *ex parte* email to Appellant or the Supreme Court in the FOIA criminal matter.

The AG’s sole prosecution witnesses in Appellant’s FOIA criminal case in the Supreme Court were Black and Gende. (See Transcript, Sup. Ct. Case No. 2024-000500, Hearing 5/29/24, 6/4/24). [Mot. Alt, p. 5, R.] No one informed the Supreme Court of Black’s ongoing *ex parte* “updates” or the false claims Black was making to Judge Newman.

Black’s criminal contempt matter filed with Judge Newman on February 7, 2024, is still pending. Neither Black, nor Judge Newman, informed Appellant of the ongoing *ex parte* communications in this case, “Case 1337” in Black’s *ex parte* email. [Email, 2/4/22, R.]

Gende, Black, and their clients had been making false claims to Judge Clifton Newman and the Appellate Courts since 2019, but they did not rise to the level of Black’s *ex parte* communication with Judge Newman.⁶

Ex parte communications are improper. (*Patel v. Patel*, 359 S.C. 515, 524, 599 S.E. 2d. 114, 118 (2004)). Our Supreme Court has recently set out the importance of the proper handling of the recusal of judges. Supreme Court Order d. 6/4/26. Neither Judge Newman, nor Judge Clyburn Pope, properly addressed the improper three-year *ex parte* communications between David Black and Judge Newman. [See Transcript, Sup. Ct. Case No. 2024-000500]. The lower courts have ignored them.

⁶ In November 2019, Black’s clients deposited nearly \$100,000 of Appellant’s money with the Aiken Clerk of Court in violation of an order of the Honorable Doyet Early. Judge Newman approved the taking based on false claims by Black made to the Court at the hearing.

None of Judge Newman, the AG's prosecutor, or Black disclosed the ongoing *ex parte* communications between Black and Judge Newman, known to the AG for two years, as Black and the AG's Chief Prosecutor sought to deprive Appellant of her law license and liberty over a FOIA request for a document used widely since 2010 to falsely accuse her of a federal felony. [Ltr. 7/7/25, p. 5, R. ; Mot. Alt, pp. 19, 21, R.]

Appellant promptly notified Judge Newman when she learned of his 3-year *ex parte* communication with Black. Appellant's 11-page letter of July 7, 2025, to Judge Clifton Newman set out in detail her requests for a hearing, his recusal, and other relief. Neither Judge Newman nor Black responded. [Ltr. Pope to Jg. Newman d. 7/7/25, R.,]

Appellant then filed her Motion for Recusal and Return of Funds [Mot. Recusal, R.]. Judge Newman did not conduct a hearing or make a response. The only filing by Respondents prior to the November 20, 2025, hearing was a Motion to Strike filed on August 5. [Mot. Strike, R.] At the November 20 hearing, Black appeared, but was not placed under oath. [Tr., Hg. 11/20/26, p. R.]

Respondents have presented no evidence to deny the relief sought by Appellant below. Respondents' brief simply ignores the critical issues and the seriousness of this action for relief from the damage of a 3-year false, explosive, and discriminatory *ex parte* communication. Respondents' brief makes no apology for Black's poisoning of years of Orders of Judge Newman by his extraordinary, explosive *ex parte* communication with Judge Newman. Their brief violates rules and is not worthy of consideration by this Court.

The Court should grant all relief sought by Appellant, including the return of her funds, the voiding of the Richland 4900 Complaint, and the voiding of all Orders of Judge Newman in Appellant's cases after he began the 3-year *ex parte* communication with Black in 2022.⁷

II. This Court Should Strike the Richland 4900 Complaint

On July 7, 2025, Judge Clifton Newman had before him inescapable evidence that Hynie, Gende, Black, and Black's clients had lied to him since he was assigned statewide jurisdiction over Appellant's cases in 2019. [Ltr. Pope to Jg. Newman d. 7/7/25, R.]

Case 4900 is not a "companion" case to this case, as alleged by Black. It was not brought for the "Children" or the "Estate" as claimed. [Complaint, Ltr. Pope to Jg. Newman d. 7/7/25, pp.] It was designed to rewrite James Brown's Will, destroy his charity, and defy his wishes for his \$100 Million fortune. [Complaint] It was brought against Buchanan and Appellant because they appealed the settlement approved by Judge Early which destroyed Brown's estate plan, resulting in *Wilson v. Dallas*, in which this Court ruled for Appellants.

Case 4900 was unconstitutional and illegal when it was filed against Buchanan and Appellant in 2010. It was not legally authorized by AG Henry McMaster. [Depos. McMaster, R.] Case 4900 was also repudiated as illegal by AG Wilson in 2013. [Ltr. 4/24/13, R.]

Evidence that Case 4900 is unconstitutional was concealed from the Honorable Casey Manning, Judge Doyet Early, and Judge Clifton Newman by the appearance of Sr. Asst. AG Sonny Jones.

When deposed in Case 4900 in 2016, the Honorable Henry McMaster declared emphatically to Appellant "Ma'am, I did not sue you." [Depo. McMaster, p.49, 50 R.]

⁷ Appellant incorporates herein by reference her Motion to Strike Respondents' Brief, her Reply to Respondents' Return, and her Brief as additional support for her request that the Court not consider the Brief of Respondents and grant all relief sought in Appellant's Brief.

Instead of dismissing Case 4900, Black's clients, Hynie, and attorneys acting for the AG doubled down on their effort to cover up the fraud of Hynie and Black's clients. They wanted to blame the damage done by the \$30 Million Black's client took from James Brown's charity by his \$80 Million devaluation on Appellant and Robert Buchanan. [Mot. Recusal, p.2, R.]

Instead of ending Case 4900 and beginning distributions of \$4 Million a year for "I Feel Good" scholarships, the AG, Hynie, and Black's clients paid nine experts to appear in Appellant's fee claim case, "Case 1337." The experts tried to help Black's clients "prove" that James Brown died with a \$5 Million estate and a "widow" who controlled "tens of millions of dollars" of "termination rights" from James Brown's 1,000 song copyrights.⁸

False claims made by Black, Gende, and their clients to multiple courts since 2010 have delayed the day of reckoning for Case 4900 for 16 years. Those false claims were exacerbated by more false claims to Judge Newman that began in 2019. The damage was increased by Black's 3-year *ex parte* communication with Judge Newman and four years of poisoned Orders, all drafted by Black and other attorneys for Black's clients.[Ltr.7/7/25, R.]

Neither Judge Newman, nor Respondents, presented any evidence to refute the testimony of Governor McMaster in 2016 and the letter of AG Alan Wilson in 2013 that the Office of the AG never authorized Case 4900 to be brought in the name of the State/AG. [Wilson email, 4/24/13, R.; McMaster depos., pp., R.]

⁸ Experts paid to try to bolster Hynie and Bauknight's false claims included Brad Sharpe (CA) at \$700 an hour; 4 lawyers at \$600 an hour; 2 accountants; Roger Miller, a copyright expert, and an expert in memorabilia. They were hired to try to "prove" that the McMaster settlement deal giving a quarter of Brown's charity to Hynie was good for James Brown's charity and saved taxes. See Order of Judge Early in "Case 4900" dated 1/16/19.

Black's client deposited into the Clerk of Court nearly \$100,000 of Appellant's money for Hynie and those aligned with her. This violated Judge Early's Order. Then, Black sought Judge Newman's approval. [Mot. Strike, 8/6/25, pp. 3-4, R.,]

Gende helped Black's efforts by using the estate of Case 4900 plaintiff Venisha Brown as a springboard to make false claims to Judge Newman about Case 4900 and Appellant. [Aff. Blk. False Stmts., 11/2/25, p. 6, R.,]

Gende claimed to Judge Newman that he was "concerned" about Appellant's innocuous request for someone to protect Venisha's assets until creditors were determined.

Gende concealed from Judge Newman that he had violated the rights of Venisha, who was incarcerated, since he filed Case 4900 for her without her knowledge. Gende did not tell Judge Newman he had never seen Venisha; that Venisha had not signed his 40% contingency fee; that he had secured orders preventing Venisha from having a GAL even though she was imprisoned; and, that Venisha was suing Gende's primary clients, Hynie, and Bauknight, in U.S. Dist. Ct. Case No 1:18-cv-02191-JMC and. Ct. App. Case No. 2016-001727. Venisha and other Case 4900 plaintiff were suing Hynie and Black's client Russell Bauknight over alleged improper "backroom" copyright deals. [Ret. and Memo. Opp. Deposit, Case 1337, 11/25/19]

Judge Newman's ruling blessing Black's clients' 2019 taking of Appellant's then-approximately \$100,000 has no support in law or fact. With no accounting, the funds taken from Appellant for Hynie and her allies have now grown to more than \$160,000.

While Judge Newman's Order was biased, it was based on false statements by Black within the court. [Mot. Alt., p. 4, 12/1/25, R.] Appellant appealed the taking of her funds by Judge Newman. Respondents, through Black, convinced this Court in Appellate Case No. 2020-000967

that Appellant's efforts to recover her funds was premature. *See* Motion to Dismiss as Interlocutory, filed 8/7/20.

Now Respondents argue that the case is over. They ignore their own pending sanctions motion filed on February 7, 2024, as the secret *ex parte* communication between Black and Judge Newman continued. This case is not over. Still, it is time to return Appellant's funds.

The taking of the funds ordered by Judge Early to be paid to her violated Appellant's Due Process rights. Judge Clifton Newman further violated them with four years of biased and tainted orders in Case 4900 to benefit Hynie and others aligned with her.

This Court should direct that Appellant's funds, now more than \$160,000, be returned.

IV. All Orders of Judge Newman After February 4, 2022, Should be Voided

Judge Newman was necessarily confused when an alliance of the "protector" of charities, the "Estate" of James Brown and the "Children" all claimed to be protecting the "I Feel Good" charity they have sought for 16 years to destroy. [Black email 2/4/22, R.]

On July 7, 2025, Judge Newman knew that he had been duped since 2019 by David Black. Black claimed to be speaking for the "Estate" of an iconic entertainer who, but for a single old white woman, could have distributed \$50 million in scholarships to needy students.

Judge Newman had unwittingly contributed six years of poisoned Orders to a strategy that is best described as "Attack, Lie and Wait for Them to Die." Respondents' brief, penned by Black, uses words like "patently meritless" and "Blatantly Improper" to describe Appellant's request for a level playing field.

Black's February 4, 2022 email and Respondents' 17-page brief show how one corrupt public official, one corrupt trustee, and two lawyers willing to lie under oath can destroy a \$100

million charity if they have only one judge willing to use *ex parte* contacts and sealing of public records to cover up fraud.

Judge Newman did not know he was covering up fraud until July 7, 2025. Judge Newman believed that David Black and Mark Gende were telling the truth and protecting the “Charity”, the “Estate”. They were not.

James Brown died with a \$100 million estate, no spouse, a dozen claimed children and an ironclad Will. He had made \$80 million in the seven years before his death and \$5 million or more every year for the next 20 years. That is \$100 million.

All James Brown needed for his charity to distribute \$4 million or more a years in “I Feel Good” scholarships by 2011 was a \$300 DNA test, trustworthy trustees, and a level playing field in the courts. He also needed an AG only if something went wrong.

Between 2007 until 2010 AG Sonny Jones and Bauknight, with the help of Judge Early, used an *ex parte* order to conceal Hynie’s bigamy. Without approval of AG Henry McMaster they filed Case 4900 and concealed the Fee Agreement McMaster did not sign. They told Judge Manning that Hynie was the “widow” and that AG McMaster was controlling Case 4900.

While they did this, Bauknight devalued James Brown’s assets by \$80 million, shifting nearly 1/3 of the charity -- \$30 million – over to a trust for the “family” Sonny Jones created for James Brown. While Bauknight lied to the IRS, Black worked on strategy.

From 2011 until 2019 Black and 17 other attorneys for Bauknight worked on the “Attack and Lie” strategy. Black’s *ex parte* communications with Judge Early were part of the strategy.

Black’s *ex parte* “ethics” opinion of 2013 assured Judge Early that Bauknight should be returned as James Brown’s trustee. When Black’s *ex parte* filing showed he had spent tens of million dollars attacking Brown’s charity, Judge Early discarded it.

The significant milestones in the 10-year Attack and Lie phase of Bauknight's strategy were Judge Early's ruling in 2015 that Hynie was James Brown's "widow"; Judge Early's failure to disclose to the Supreme Court Hynie's plans to defy them and reinstate the AG's 2008 settlement; and Judge Early's 60-page January 19, 2019, order drafted by Black's partner.

Black's partner asked Judge Early to ignore Governor McMaster's testimony that he did not authorize Richland 4900. He asked Judge Early to ignore a dozen witnesses, including retired IRS attorney Judge Walter Williams, who confirmed James Brown's died with a charity of at least \$100 million. He even asked Judge Early to ignore that the "Estate" had earned about \$60 million and Bauknight had spent tens of millions of dollars of that. And Judge Early did.

Judge Early also helped the Attorney General (AG Jones) and the Estate (Bauknight) seal and conceal millions of pages of documents Judge Early had ordered to be opened back in 2008.

Judge Clifton Newman arrived as the Attorney General and Bauknight began their "Attack, Lie and Wait for Them to Die" phase. Judge Newman was ensnared by the 16-year pattern of concealed documents, false filings, and *ex parte* communications.¹⁰

Judge Newman properly removed himself from the fraud. He did not hold a hearing to clean up the collateral damage and constitutional violations.

Appellant presented clear evidence to Judge Clyburn Pope that all of the relief sought in Appellant's motions for recusal and related relief should be granted. [Tr. Hearing, 11/20/25] Respondents, appearing through Black, presented no evidence that the relief should not be granted.

Neither Judge Newman, nor Appellants have denied that Newman's Orders became hostile and discriminatory as soon as he received the first *ex parte* "update" from Black. He also attacked

¹⁰ One of the documents the AG concealed was the letter from AG Wilson, through Chief Deputy John McIntosh, confirming that the Office of the AG had never hired Gende's law firm to bring "Case 4900"; had no attorney-client privilege with Gende's firm; and, did not intend to pay them. [Ltr. AG to SWB 4/24/13]

Appellant's counsel in an effort to intimidate them into abandoning Appellant. He held an *ex parte* hearing with a member of Gende's firm. [Mot. Rec., p. 2]

Respondents and Black did not file anything before the November 2025 hearing except the Motion to Strike. The Estate of James Brown has waived its rights to try to justify Black's actions.

The lower court judge, by refusing to conduct a hearing or accept proffers, generated further damage and violations of the even playing field to which Appellant is entitled.

All orders of Judge Newman after February 4, 2022, should be voided.

CONCLUSION

Respondents' brief fails to present any law or facts to refute Appellant's position. All relief sought in Appellant's motions for recusal, return of funds, and related relief sought in this appeal should be granted. It will help restore a level playing field distorted by *ex parte* communications of Hynie and Black dating back more than a decade. It will help mitigate the violations of Appellant's First Amendment, Due Process, FOIA, and Equal Protection rights by the *ex parte* communications.

The Orders of Judge Clyburn Pope should be reversed and the relief sought herein granted.

Respectfully submitted,

s/Adele J. Pope
Adele J. Pope, *Pro se* (SC Bar #4501)
1228 Walnut Street
Newberry, South Carolina 29108
Telephone: (803) 413-0753
adele@popelawfirm.com

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