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Exhibit A

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STATE OF SOUTH CAROLINA	)	**IN THE COURT OF COMMON PLEAS**
COUNTY OF RICHLAND	)	**FOR THE FIFTH JUDICIAL CIRCUIT**
	)	
Russell L. Bauknight, as Personal Representative of the Estate of James Brown and as Trustee of the James Brown 2000 Irrevocable Trust, et al.,	)	**Case No. 2010-CP-40-04900**
Plaintiffs,	)	
v.	)	**FINAL ORDER**
Adele J. Pope,	)	
Defendant.	)	

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Before the Court is the Estate of James Brown's (the "Estate")[1] Motion for Entry of Judgment by Default against Defendant Adele J. Pope, filed on May 16, 2023. The Court conducted an evidentiary hearing on the Motion on November 20, 2025 in Aiken County. Present for the Estate were Kenneth B. Wingate, Esq., Mark V. Gende, Esq., and Aaron J. Hayes, Esq., all of Sweeny, Wingate & Barrow, P.A. Defendant Adele J. Pope, Esq. appeared *pro se* after firing her attorney Adam T. Silvernail at the outset of the hearing. After careful consideration of the testimony and exhibits offered by the Estate, as well as the arguments of the parties presented at

[1] This action has been maintained by the real party in interest, Russell L. Bauknight as Personal Representative of the Estate of James Brown and Trustee of the James Brown 2000 Irrevocable Trust (collectively, "the Estate"). *See* Rule 17(a), SCRCP ("An executor, *administrator*, guardian, bailee, [and] *trustee of an express trust* . . . may sue in his own name without joining with him the party for whose benefit the action is brought.") (emphasis added).

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the hearing, the Court GRANTS the Motion for Entry of Judgment by Default. As explained below, the Court awards the Estate damages in the amount of $15,481,011.23, and the Clerk of Court shall enter judgment accordingly.

BACKGROUND AND PROCEDURAL HISTORY

Case 4900

This action, Case No. 2010-CP-40-04900 ("Case 4900"), is the Estate of James Brown's breach of fiduciary duty lawsuit against Adele J. Pope, seeking to recover damages sustained by the Estate during her tenure as co-personal representative of the Estate and co-trustee of the James Brown 2000 Irrevocable Trust.[2] Case 4900 was filed in 2010. In 2023, after years of abusive litigation tactics, Judge Clifton Newman struck Pope's Answer and held her in default. *See* May 8, 2023 Sanctions Order, C/A No. 2010-CP-40-04900 ("May 8 Sanctions Order"). On May 16, 2023, the Estate filed the instant Motion for Entry of Judgment by Default. Before the Motion could be heard, Pope appealed the May 8 Sanctions Order. In affirming the Order, the South Carolina Supreme Court provided a succinct summary of the Estate and Pope's history in these matters:

> James Brown—"'The Hardest-Working Man in Show Business 'and 'The Godfather of Soul'"—died in 2006. *Wilson v. Dallas*, 403 S.C. 411, 416, 743 S.E.2d 746, 749 (2013). He left an estate whose $4.7 million value was accepted—after an audit—by the Internal Revenue Service. In his will he provided that everything in his estate except "his personal and household effects" went to "The James Brown 2000 Irrevocable Trust." *Id.* Of those funds, "$2 million ... [was] designated for the education of Brown's grandchildren." 403 S.C. at 417, 743 S.E.2d at 750. The rest he left to "The James Brown 'I Feel Good 'Trust." Id. We explained in *Wilson v. Dallas* that "Brown declared" the ' "I Feel Good 'Trust" funds,

[2] Pope's Co-defendant in Case 4900 was Robert Buchanan, who settled all claims in 2012 and has not been a party since.

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> shall be used solely for the tuition, educational expenses, and financial assistance of ... poor and financially needy children, youth, or young adults (Who are both qualified and deserving) who seek and have need of such assistance to obtain and further their education at the many educational entities and/or institutions available in the States of South Carolina and Georgia.

Id. (alteration in original).

....

> Pope and Robert L. Buchanan Jr. were appointed in [November] 2007 as ... personal representatives of Brown's estate and trustees of the 2000 Irrevocable Trust after the original representatives were forced out on allegations of misconduct. *Wilson*, 403 S.C. at 416, 419, 743 S.E.2d at 749, 751. In 2008, former Attorney General Henry D. McMaster intervened in the administration of the estate and negotiated a settlement agreement that called for the removal of Pope and Buchanan as personal representatives, placing [Plaintiff] Russell L. Bauknight in their stead. 403 S.C. at 420, 743 S.E.2d at 751. The circuit court approved the settlement in 2009, *id.*, and we affirmed the removal on appeal, 403 S.C. at 449, 743 S.E.2d at 767.
>
> Upon her removal from the roles of personal representative and trustee in 2009, Pope began a massive effort to undo the settlement and her removal and to reassert her control over Brown's estate and the trusts created under it. In 2010, Bauknight and others filed this lawsuit against Pope seeking damages for her misconduct in her former role as personal representative and trustee and for her continued actions to the detriment of the estate and the trusts even after she was removed from those roles.

Bauknight v. Pope, 445 S.C. 408, 412–13, 914 S.E.2d 848, 850–51 (2025). Upon receipt of the remittitur from the Supreme Court, this Court conducted a status conference on September 8, 2025 and heard from the parties regarding the scope and anticipated duration of the default damages hearing. Thereafter, the Court scheduled this matter for a non-jury damages hearing on November 20, 2025.

Case 1337

Part of the relevant background for this action is the previously concluded litigation instituted by Pope for payment of fees she contended were owed to her for her work as a fiduciary

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of the Estate, *Pope v. Estate of James Brown*, C/A No. 2013-CP-02-01337 (Aiken Cty. Ct. Common Pleas) ("Case 1337"). Case 1337 was tried before the Honorable Doyet A. Early, III over the course of several months in 2017 and 2018. In January 2019, Judge Early issued a lengthy, detailed opinion of which this Court takes judicial notice. *See* Jan. 16, 2019 Order, C/A No. 2013-CP-02-01337 ("Case 1337 Final Order"). In addition to specific findings discussed further below, Judge Early held that Pope was entitled to no fee and concluded that "any benefits Mrs. Pope provided to the Estate and Trust are overwhelmed and surpassed by the detriments *she caused*." *Id.* at p. 60 (emphasis added). The Court of Appeals affirmed the Case 1337 Final Order, and the Supreme Court denied certiorari. *See Pope v. Estate of James Brown*, 2022-UP-229 (Ct. App. 2022), *cert. denied*, App. Case No. 2022-001195 (2023).[3] The Estate asserts, and this Court agrees, that the findings of the Case 1337 Final Order are binding on Pope in this action pursuant to the doctrine of collateral estoppel.

APPLICABLE LAW

"It is well settled that by suffering a default, the defaulting party is deemed to have admitted the truth of the plaintiff's allegations and to have conceded liability." *Roche v. Young Bros., Inc., of Florence*, 332 S.C. 75, 81, 504 S.E.2d 311, 314 (1998) (citing *Howard v. Holiday Inns Inc.*, 271 S.C. 238, 246 S.E.2d 880 (1978); *Schenk v. Nat'l Health Care, Inc.*, 322 S.C. 316, 471 S.E.2d 736 (Ct. App. 1996); *State ex rel. Medlock v. Love Shop, Ltd.*, 286 S.C. 486, 334 S.E.2d 528 (Ct. App. 1985)). "In a default case, the plaintiff must prove by competent evidence the amount of his

[3] Also entered in Case 1337 is an order governing the funds due to Pope—held in trust for the purpose of being a credit against a potential judgment in Case 4900—stemming from Pope's brief service as Special Administrator for the Estate. *See* June 18, 2020 Am. Order Granting Def.'s Motion to Deposit Funds Into Court, C/A No. 2013-CP-02-01337. Upon the entry of the judgment described herein in Case 4900, the Estate shall file a partial satisfaction of judgment in the amount of said funds plus the interest described in the June 18, 2020 Amended Order.

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damages, and such proof must be by a preponderance of the evidence." *Limehouse v. Hulsey*, 404 S.C. 93, 116, 744 S.E.2d 566, 579 (2013) (quoting *Jackson v. Midlands Human Res. Ctr.*, 296 S.C. 526, 529, 374 S.E.2d 505, 506 (Ct. App. 1988)). A defaulting defendant's participation in a default damages hearing is limited to cross-examination and objection to the plaintiff's evidence. *Limehouse v. Hulsey*, 404 S.C. 93, 117, 744 S.E.2d 566, 579 (2013).

"Collateral estoppel, also known as issue preclusion, prevents a party from relitigating an issue that was decided in a previous action, regardless of whether the claims in the first and subsequent lawsuits are the same." *Carolina Renewal, Inc. v. S.C. Dep't. of Transp.*, 385 S.C. 550, 554, 684 S.E.2d 779, 782 (Ct. App. 2009) (citing *Judy v. Judy*, 383 S.C. 1, 7, 677 S.E.2d 213, 217 (Ct. App. 2009)). "The party asserting collateral estoppel must demonstrate that the issue in the present lawsuit was: (1) actually litigated in the prior action; (2) directly determined in the prior action; and (3) necessary to support the prior judgment." *Id.* (citing *Beall v. Doe*, 281 S.C. 363, 369 n. 1, 315 S.E.2d 186, 189-90 n. 1 (Ct. App. 1984).

PRELIMINARY MATTERS

This Court's Authority

As an initial matter, and contrary to Pope's repeated assertions, the undersigned has jurisdiction and authority to rule on these matters. The Supreme Court has issued an order granting jurisdiction over Case 4900 to the undersigned.

Pope's August 22, 2025 Affidavit

Pope filed a "Motion for Recusal, and Return of Funds" in Case 1337, where she is *pro se*, on July 23, 2025. The motion sought to recuse Judge Newman from Case 1337 "and all current and future cases in which Plaintiff [Pope] is a party or counsel" on the grounds that Judge Newman has been "infected by false, inflammatory, defamatory and racially motivated claims made to him

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by" Mr. Bauknight's counsel in both Case 1337 and Case 4900. Pope subsequently attached the Motion for Recusal as an exhibit to an Affidavit she filed in this case on August 22, 2025. The Court finds this August 22 filing frivolous and will not address it, except to note that the Supreme Court's appointment of the undersigned to preside over Case 4900 renders moot any attempt to seek Judge Newman's recusal.

Pope's Purported *Pro Se* Filings

For fifteen years, Pope has been represented in this matter by Adam Silvernail, Esq. (among others). On November 5, 2025, however, Pope filed a notice of appearance on her own behalf and made several filings signed solely by herself as a purported *pro se* litigant. It thus appeared to the Court that Pope was attempting to engage in some kind of hybrid representation, where she represented herself for some purposes and was represented by Mr. Silvernail for others.

South Carolina's appellate courts have plainly recognized that "there is no right to 'hybrid representation 'that is partially pro se and partially by counsel." *Miller v. State*, 388 S.C. 347, 347, 697 S.E.2d 527, 527 (2010); *see also State v. Devore*, 416 S.C. 115, 120–21, 784 S.E.2d 690, 693 (Ct. App. 2016) (observing that there is no right to hybrid representation under either the United States or South Carolina constitution). The prohibition on hybrid representation applies equally to criminal and civil matters. *See* Trial Handbook for South Carolina Lawyers § 1:31, *Hybrid Representation* (5th ed.) (stating that "it necessarily follows" from the prohibition on hybrid representation in criminal cases that "there is no right to 'hybrid representation 'in civil cases"). Moreover, the prohibition on hybrid representation applies equally to litigants who, like Pope, are also attorneys. *See, e.g., Frank M. McDermott, Ltd. v. Moretz*, 898 F.2d 418, 422 (4th Cir. 1990); *Schumm v. State*, 866 N.E.2d 781, 796-97 (Ind. Ct. App. 2007) (citing several cases for the proposition that "an attorney may not both represent himself and have the assistance of counsel").

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With the exception of a motion to relieve counsel,[4] the Court is prohibited from accepting filings from litigants who are represented by counsel. *See Miller*, 388 S.C. at 347, 697 S.E.2d at 527. *Miller* was emphatic on this point, stating that the *pro se* motion in that case "should not have been accepted, and should not have been ruled upon. The motion was essentially a nullity." *Id.*; *see also Devore*, 416 S.C. at 122, 784 S.E.2d at 694 (dismissing appeal and stating, "We find Devore was represented by counsel at the time he sent his March 21, 2013 pro se letter and, therefore, that document could not qualify as a proper motion or notice of appeal and is, essentially, a nullity"). In light of these holdings the Court is required to disregard and not rule upon Pope's attempted *pro se* filings dated November 5, 13, 14, and 18, 2025, which were filed when Pope was represented by counsel.

Motion for Recusal Filed December 31, 2025

On December 31, 2025, Pope filed a Motion for the undersigned's recusal from this case. Having reviewed the Motion and exhibits, the Court finds that it is frivolous and of the same character as the other filings which resulted in Pope's Answer being stricken in the first place. Moreover, this Court is not biased or prejudiced against Pope, and therefore the December 31 Motion is denied *in toto*.

THE DEFAULT DAMAGES HEARING

Opening

The default damages hearing was noticed for 10:00 am on November 20, 2025. At the commencement, the Estate opposed Pope's attempt to represent herself, because up to that point Mr. Silvernail had acted as counsel of record and had represented to counsel for the Estate only days before the hearing that he would be representing Pope. However, upon Pope's statement on

[4] No such motion has been filed in this case.

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the record that she had fired Mr. Silvernail on the morning of the damages hearing, the Court allowed Pope to proceed *pro se*. As noted above, Pope also sought to argue a motion to dismiss and motion to recuse included within her *pro se* filings discussed above, which this Court declined to hear.

During opening statement, the Estate's counsel indicated the Estate would present evidence of damages in three distinct, substantive categories of Pope's breaches of fiduciary duty: 1) Pope's mismanagement of clearance requests and clearance request opportunities; 2) Pope's mismanagement of an auction of James Brown memorabilia; and 3) Pope's mismanagement of copyrights. While it could have pursued other areas of damages, the Estate limited its damages presentation to these three areas in an effort to conclude this years-long matter in one day and in a manner that used the Court's time efficiently. Transcript, p. 17, ln. 17-21. The Estate contended that liability for these actions was established by Pope's default in Case 4900, and further that causation of the damages to the Estate from each of these three specific breaches was established conclusively in the Case 1337 Final Order, to which Pope is bound pursuant to the doctrine of collateral estoppel. Thus, the Estate's contention was that the only remaining issue for this Court to determine is the amount of damages attributable to these three breaches.

Pope's opening focused on her oft-repeated contention that Case 4900 was not brought by the Estate but rather several individuals—certain Beneficiary Plaintiffs—with whom she takes issue. Pope also referenced her contention that the Estate has failed to mitigate its damages.[5]

[5] As a defaulting defendant, Pope is barred from presenting affirmative defenses, such as failure to mitigate damages. *See Limehouse*, 404 S.C. at 117, 744 S.E.2d at 579 (holding that a defaulted defendant's participation in the post-default hearing is limited to cross-examination and objection to plaintiff's evidence); *see also Perry v. Green*, 313 S.C. 250, 255, 437 S.E.2d 150, 153 (Ct. App. 1993) (citing *Adams v. Orr*, 260 S.C. 92, 194 S.E.2d 232 (1973)) ("[t]he burden of proving lack of due diligence in minimizing damages is on [the defendant].).

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Exhibits Admitted Upon Judicial Notice

At the beginning of the Estate's evidentiary presentation, the Court took judicial notice of and admitted into evidence documents from Case 4900, its appeals, and Case 1337 relevant to the damages hearing:

1. The Notice of Hearing and Certificate of Service;
2. The Estate's Motion for Entry of Judgment by Default;
3. The May 8 Sanctions Order;
4. The Supreme Court decision affirming the May 8 Sanctions Order and modifying the monetary sanction to reflect a total due of $31,387.50;
5. The Case 4900 Complaint;
6. The Case 1337 Final Order;
7. The appellate court decisions affirming the Case 1337 Final Order;
8. A June 15, 2023 Court of Appeals order awarding the Estate's costs of $2,558.64 from a prior Case 4900 pretrial appeal filed by Pope;
9. An August 13, 2025 Supreme Court order awarding the Estate's costs and a sanction—totaling $15,000—from a prior Case 4900 pretrial appeal filed by Pope;
10. An Order of Judge Early granting summary judgment in the Estate's favor concerning Pope's counterclaims in Case 4900; and
11. The appellate court decisions affirming the granting of summary judgment in the Estate's favor concerning Pope's counterclaims in Case 4900.

Testimony

I. Damages Related to Clearance Requests

The Estate's first witness was Mr. Bradley Sharp, CFA. Mr. Sharp was offered as an expert on "valuation and calculation of musical licensing and lost profit damages, including clearance

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requests." Transcript, p. 44, ln. 10-14. Mr. Sharp holds a B.A. in economics from the University of California, Los Angeles. Mr. Sharp is a founding partner of Los Angeles-based Virtu Global Advisors, LLC. Mr. Sharp testified that he supervises approximately 300 music catalogue valuations per year. Notable estates on whose catalogues Mr. Sharp has worked include Tom Petty, Elvis Presley, and Prince. The Court accepted Mr. Sharp's *curriculum vitae* into evidence without objection, which lists additional qualifications. Exhibit 12. Notably, Mr. Sharp testified at trial in Case 1337, and was qualified as an expert in the same subject matter. After *voir dire*, Mr. Sharp was qualified as an expert by this Court. Transcript, p. 49, ln. 13-16. The Court also entered into evidence an expert report prepared by Mr. Sharp. Exhibit 13; Transcript, p. 52, ln. 4-16.

Mr. Sharp explained that a "clearance" is a type of music licensing, wherein a contractual permission is granted for the use of an artist's music in various commercial applications such as films, television shows, advertisements, and video games. "Clearance requests are effectively a contractual permission to use music in a specific commercial application. So that would be a request to use, let's say, a piece of music in a film or television series, an advertisement, a video game. They tend to be a fairly large sources of revenue for high-quality music catalogues." Transcript, p. 43, ln. 23 – p. 44, ln. 6. As held by Judge Early in the Case 1337 Final Order, Pope had a duty to respond timely to clearance requests and market the Estate's catalog to generate additional clearance requests, neither of which Pope did. Pope's maladministration of clearances caused damages to the Estate. *See* Case 1337 Final Order, at pp. 34-38.

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To calculate the damages, Mr. Sharp examined the Estate's "fixed fee"[6] clearance data for the years of Pope's tenure compared to the first four years of Russell Bauknight's tenure. Doing so allowed him to apply a "but-for" approach to valuing Pope's mismanagement of the clearances, which according to Mr. Sharp is a standard and reliable valuation methodology employed by professionals in this field. The "but-for" valuation approach analyzes what the clearance revenue would have been during the relevant period "but for" the occurrence of the mismanagement. Transcript, p. 53, ln. 15 – p. 54, ln. 9.

Mr. Sharp reviewed documentation of the clearance activity for the Estate from 2008 to 2013. First, he analyzed the volume of clearance activity during that time frame. Second, he analyzed the clearance approval rate relative to the number of clearance requests received. Third, he analyzed the dollar amount in revenue generated by all clearance requests. Transcript, p. 54, ln. 21 – p. 55, ln. 6.

Mr. Sharp found that from January 1, 2008 to May 26, 2009 (the date of Pope's removal as personal representative and trustee of the Estate), Pope received a total of 125 clearance requests, of which 68 she approved and 57 she did not approve, resulting in an approval percentage

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[6] Mr. Sharp explained that a "fixed fee" arrangement is "a proposal to use a piece of music for a particular opportunity in exchange for a fixed dollar amount." Transcript, p. 58, ln. 11-12. Some clearance requests involve "variable fees," where the amount paid is "tied to contingent events that [Mr. Sharp] wasn't able to actually measure or analyze." Transcript, p. 58, ln. 14-16.

Mr. Sharp testified his clearance damages calculations are conservative. In analyzing the flat fee clearance request damages, Mr. Sharp used "the minimum amount or the smallest fixed fee that [he] could isolate for each clearance opportunity." Transcript, p. 58, ln. 20-22. Mr. Sharp used only objectively verifiable terms for his calculations and did not use average values for potential high or low fixed-fee opportunities, which were possible under the terms of the agreements. Had he used average values or potential high values, the damages would have been higher. Transcript, p. 58, ln. 20 – p. 59, ln. 2. Variable fee clearance requests, were excluded from Mr. Sharp's damages calculations. According to Mr. Sharp, had he included variable fee clearances in his analysis, the damages figure would have increased. Transcript, p. 58, ln. 7-22.

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of 54.4%. Additionally, Pope's clearance approval rate dropped from 65% in 2008 to 43% in 2009. Exhibit 13, p. 3.

Mr. Sharp then found that in 2010 through 2013, Mr. Bauknight received a total of 1,031 clearance requests, of which 853 he approved and 178 he did not approve, resulting in an approval percentage of 82.7%. Mr. Bauknight's clearance approval percentage remained high and essentially constant throughout this period, ranging from 86% in 2010, 79% in 2011, 80% in 2012, and 85% in 2013. Exhibit 13, p. 4. Therefore, the pace of total clearance opportunities generated per year increased 189% under Mr. Bauknight's administration compared to Pope's administration. Exhibit 13, p. 5. Moreover, the pace of approved clearance opportunity revenue (fixed fee only) increased 307% under Mr. Bauknight's administration. Exhibit 13, p. 6.

To calculate clearance-related damages attributable to Pope, Mr. Sharp then calculated the average annual fixed fee clearance revenue that would be expected under a reasonable fiduciary's administration. Mr. Sharp used the first four years of Bauknight's administration for this purpose.[7] Mr. Sharp then found that Pope generated $2.015 million in clearance revenue during her 1.4 years of administration (2008 through May 26, 2009), which averages to $1.436 million per year, and Mr. Bauknight generated $23.289 million in clearance revenue during his first four years of administration (2010-2013), which averages $5.822 million per year. Using Mr. Bauknight's actual world $5.822 million per year average as the baseline for the results a reasonable administration should achieve dealing with the Estate's clearance opportunities, Mr. Sharp then

[7] The Case 1337 Final Order finds that Pope failed to properly respond to clearance requests because she did not retain a music industry expert to assist her, because she simply did not respond to many requests, and because she was preoccupied in 2009 with challenging a settlement agreement between the Estate and various family members. Mr. Bauknight, in contrast, retained a professional music manager to advise him on, among other things, clearance requests and, therefore, is an appropriate example of a prudence or reasonable conduct.

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calculated the amount of fixed clearance opportunities Pope should have achieved during her period of administration by multiplying $5.822 million by Pope's 1.4-year period of administration, resulting in $8.167 million. Mr. Sharp then deducted the $2.015 million of clearance revenue generated by Pope and arrived at an amount of $6.152 million, representing lost opportunity caused by Pope's mishandling of the clearances.

II. Damages Related to The Christie's Sale

The Estate next presented Mr. Mike Gutierrez as an expert concerning the appraising and auctioning of celebrity personal property and memorabilia. Transcript, p. 81, ln. 1-3. After *voir dire*, the Court qualified Mr. Gutierrez as an expert. Transcript, p. 83, ln. 5-6. The Court also admitted into evidence Mr. Gutierrez's *curriculum vitae*, Exhibit 14, and his expert report, Exhibit 15.

Mr. Gutierrez is a member of the International Society of Appraisers and is an accredited Uniform Standards of Appraisal Practice (USPAP) appraiser. Mr. Gutierrez was an on-air appraiser for the popular PBS show *Antiques Roadshow* for several seasons. Mr. Gutierrez has evaluated property belonging to numerous musicians and other famous persons, including Sylvester Stallone, Bob Dylan, Janis Joplin, and Gary Rossington (Lynyrd Skynyrd). As held by Judge Early in the Case 1337 Final Order, Pope mismanaged a Christie's auction of James Brown memorabilia that took place during her tenure, rushing the auction and making it take place "with insufficient time to obtain maximum value." *See* Case 1337 Final Order, at p. 55. Mr. Gutierrez

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also testified that Pope's management of the Christie's sale failed because she did not allow "enough prep time" for the auction. Transcript, p. 101, ln. 8.[8]

Mr. Gutierrez employed a comparison methodology to arrive at the amount of damages Pope caused the Estate by mishandling the Christie's Sale of Mr. Brown's iconic personal property. He testified this methodology is standard in his field and yields a reliable result. First, he reviewed the 329 items sold during the Christie's sale and made his own independent appraisal of what each item should have sold for in 2008, when Pope demanded the auction be held. He did this by viewing the catalog photographs for each item, investigating the amounts paid for substantially similar items in 2008, and compared his findings with other internet sources used by the auction industry. Transcript, p. 90, ln. 6-15. Mr. Gutierrez appraised each item using USPAP-accepted methods. Transcript, p. 91, ln. 2.

Next, Mr. Gutierrez totaled his expected sales price for the 329 items to establish a total expected gross sale amount for what should have been generated by the Christie's Sale. Using this method, Mr. Gutierrez determined that the items should have sold for a gross total of $1,364,529.00. Accounting for reasonable deductions for fees owed to the auction house, Mr. Gutierrez opined that the amount the Estate should have earned was $1,293,560.96, if the sale had been conducted properly. Mr. Gutierrez then compared this figure with the actual post-auction deposits from the sale submitted into the Estate's bank account by Pope to determine the difference (i.e., the damages) caused by Pope's failure to properly handle the auction. Pope deposited a total of $554,077.87 into the Estate as a result of the sale, after deductions for fees owed to the auction

[8] During Pope's cross-examination, she mistakenly stated Mr. Gutierrez has testified about "delay" related to the Christie's sale. The Estate objected to the question because it sought to relitigate matters already established concerning the mismanagement of the Christie's sale in Case 1337. The Court agreed and directed Pope to move on to another line of questioning.

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house. The difference between Mr. Gutierrez's expected net financial earnings if the auction had been properly handled ($1,293,560.96) and the actual amount of Pope's auction-related deposits ($554,077.87) is $739,483.09, which Mr. Gutierrez testified represents the financial damages Pope caused the Estate by mishandling the Christie's sale.

III. Damages Related to Musical Copyrights

The Estate's final witness was Mr. Roger Miller, as an expert in musical copyrights, including their value, purchase, sale, and the impact of termination rights. Transcript p. 129, ln. 23-25. After *voir dire*, the Court qualified Mr. Miller as an expert in those areas. Transcript, p. 134, ln. 2-3.

Mr. Miller earned a Bachelor of Arts in music from Northwestern University and earned a Master of Business Administration from Columbia University. Mr. Miller has significant experience valuing, acquiring and managing intellectual property, including eleven years as an assistant vice president at Broadcast Music Incorporated (BMI), where he oversaw the administration of BMI's catalog of over seven million works and was in charge of distributing annual international royalty income. Transcript, p. 126, ln 7-13. Mr. Miller also founded Alchemy Copyrights, also known as Bicycle Music, which acquired music catalogs, music publishing rights, and master recording rights. Transcript, p. 127, ln. 2-8. Mr. Miller has spent a number of years doing independent transaction advisory services, including valuing music rights for acquirers and sellers of musical content. Transcript, p. 127, ln. 10-20. Mr. Miller is also a CFA holder (Chartered Financial Analyst), a highly valued credential in the financial world. Transcript p. 127, ln 3-7. Mr. Miller has been involved in valuing or purchasing or selling songs of celebrities such as Billie Holiday, Tammy Wynette, Marvin Hamlisch, Nine Inch Nails, Cyndi Lauper, Creedence Clearwater Revival, Pete Seeger, Arlo Guthrie, and many others. Transcript, p. 128, ln. 11-13. Mr.

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Miller also testified at trial in Case 1337, and was qualified as an expert in the same subject matter. Mr. Miller's *curriculum vitae* was admitted into evidence as Exhibit 16. Transcript, p. 125, ln. 15, 16. On motion of the Estate, the data underlying Mr. Miller's testimony was sealed due to his necessary use of the Estate's sensitive financial data.[9]

As held by Judge Early in the Case 1337 Final Order, Pope "failed to understand the value of the proceeds of the [copyright] termination rights provided in the [2009 settlement described in *Wilson v. Dallas*]." Case 1337 Final Order, at p. 34. However, Mr. Miller's methodology and the number representing his opinion as to the amount of damages Pope caused the Estate by "mishandling and failure to consolidate the termination rights with the rights of the Estate," Transcript, p. 124, 21-24, are part of the unsealed testimony and provide a thoroughly adequate basis for this order. Mr. Miller's report, entered into evidence as Sealed Exhibit 17, is on file with the Court under seal. Mr. Miller employed what to a layperson is a complex methodology to reach his damages opinion, but testified his methodology is "consistent with what an expert would apply in [his] field to reach the conclusions [he has] reached," Transcript p. 137, ln. 24 – p. 138, ln. 2, and produces a reliable result, Transcript p. 138, ln. 6-8.

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[9] In support of the motion to seal, the Court received several court's exhibits from the Estate which establish the long history of the confidential nature of this data in the Estate's litigated matters with Pope:

1. The confidentiality order entered in Case 4900.
2. The Case 4900 confidentiality order receipt signed by Roger Miller.
3. An order in Case 1337 dated June 16, 2017.
4. Another order in Case 1337 dated June 16, 2017, confirming the confidentiality of Roger Miller's deposition designations.
5. The Supreme Court's 2025 Order holding Pope in criminal contempt for attempting to circumvent confidentiality orders entered in James Brown Estate cases.

In short, the confidential nature of the sealed portions of Roger Miller's testimony is well-established.

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Mr. Miller explained that upon James Brown's death, his US copyrights became subject to his heirs 'ability to terminate prior assignments of those rights to music publishers. Heirs possess what is known as "termination rights," which allow an artist (or, if applicable, his heirs) to terminate prior assignments to third parties. According to Mr. Miller, the net effect to the Estate of the existence of termination rights is that the US rights held by the Estate have a limited lifespan and thus the Estate's marketable interest in the catalog of US rights becomes less and less valuable to the Estate as the time for heirs to terminate and renegotiate the rights approaches. In other words, sophisticated and rational purchasers of the Estate's US music rights will be willing to pay less and less as the date of termination by heirs draws nearer. Consolidation of the heirs 'termination rights with the Estate—an idea that was rejected by Pope improperly, as explained in the Case 1337 Final Order—would have resulted in a unified catalog that was more valuable because the constraints of termination would be eliminated and the music rights would then be more efficiently marketable, because a purchaser would be able to work though one source to negotiate a new deal instead of working through multiple heirs who may have divergent interests to negotiate deals. The multiple heirs scenario would have the effect of increasing the cost of deals and therefore diminishing the deals 'financial viability.

In order to calculate the damages from Pope's refusal to consolidate, Mr. Miller first looked at James Brown's top 22 works as listed in the Philpot Ball Werner report.[10] Mr. Miller located the date those 22 works sold (2021), and then calculated what those works *would* have sold for in 2021, the year the Estate sold its interests to a commercial buyer, by applying a reasonable market multiple of the sort that would be applied to a catalog that did not have looming, unaccounted for terminations. Sealed Transcript p. 6, ln. 2-5. Since those top 22 works represented 65% of the

[10] The Philpot Ball Werner Report is discussed at length in the Case 1337 Final Order.

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Estate's music royalty income, Mr. Miller then grossed up his projected total sales price by a factor of 1.65, to reach a final projected sales price for the US rights catalog, had termination rights proceeds been consolidated during Pope's administration. Sealed Transcript p. 13, ln. 8-11.

Next, Mr. Miller noted that had the rights been consolidated during Pope's tenure, the Estate would have been in a very strong or, in his words, a "pole position to monetize those [] rights" through exercising terminations and/or renegotiating deals. Transcript, p. 136 ln. 24-25. But because of Pope's failure to consolidate rights, the Estate could not secure this strong, priority position. In fact, the Estate stood only to lose the now-diminishing value of the music copyrights to the heirs. Mr. Miller's analysis assigned a value to the Estate's lost opportunity to monetize. Sealed Transcript p. 15, ln. 2-4.

Finally, and to be fair to Pope, Mr. Miller calculated and then subtracted from the Estate's lost opportunity value a projected reasonable value of termination rights proceeds retained by James Brown's heirs, i.e. certain of the Beneficiary Plaintiffs. Sealed Transcript p. 16, ln. 11-13. Mr. Miller did this to account for the fact that some of the value lost to the Estate due to terminating rights remains with the heirs and would not be available to the Estate. Sealed Transcript p. 13, ln. 19-25; p. 14, ln 1-16.

In short, Mr. Miller calculated the lost value to the Estate by calculating an anticipated US rights catalog sales price (assuming consolidated rights) and adding with it anticipated monetization opportunities (assuming consolidated rights). Sealed Transcript p. 14, ln. 24-25; p. 15, ln 1-4. He then subtracted the value retained by the heirs and not available to the Estate to reach a net damages amount of $8,540,582 to the Estate due to Pope's mismanagement of the Estate's copyrights. Sealed Transcript p. 16, ln. 11-13.

Closing

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In the Estate's closing argument, the Estate established that the damages were related to: 1) the relevant allegations of the Case 4900 Complaint, 2) the Case 1337 Final Order (establishing causation), and 3) each expert's testimony as to the amount of damages within the sections of the Complaint and Final Order matching that expert's scope of expertise. The Estate also provided a tabulation of the total amount of unpaid fees, costs, and sanctions associated with Case 4900. All told, the Estate's total request for judgment was $15,481,011.23.

In her closing argument, Pope asserted that this Court is without jurisdiction to hear this matter. Further, and despite being in default, Pope reiterated her version of the history of these matters and continued to assert her various disagreements with certain of the Beneficiary Plaintiffs. Pope also reiterated her mitigation of damages argument.[11]

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After careful consideration of the Estate's exhibits, the testimony of the three experts presented at the hearing, and the arguments of the parties, the Court finds and concludes as follows:

Default and Collateral Estoppel

The Court agrees with the Estate that liability and causation are established conclusively, as detailed below. Therefore, the sole remaining issue for the Court to decide is the amount of damages for each category of loss the Estate chose to present to the Court.[12] Pope, by the order of the Hon. Clifton Newman, as affirmed by the South Carolina Supreme Court, is in default in Case

[11] Throughout the hearing, Pope referenced Mr. Buchanan. *See* n. 2, *supra*. To the extent Pope is arguing that Mr. Buchanan bears some or all of the fault, or that Pope's liability to the Estate should be reduced in whole or in part, the Court makes two observations: 1) Pope is precluded from asserting affirmative defenses, *see* n. 4, *supra*, and 2) Pope's personal fault was adjudicated in the Case 1337 Final Order. *See* S.C. Code Ann. § 62-3-808(b) ("[a] personal representative is individually liable for ... torts committed in the course of administration of the estate only if he is personally at fault"); *accord* S.C. Code Ann. § 62-7-1010(b) (trustees).

[12] The Case 4900 Complaint lists several additional categories of maladministration; at the hearing, The Estate chose to present evidence of damages only as to the three categories discussed herein.

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4900. Therefore, as a matter of law liability is admitted and the well-pled factual allegations of the Case 4900 Complaint are established, including but not limited to Pope's liability for:

a. "Mishandling an auction of personal property at great cost to the estate and trust[.]" (Compl., at ¶ 18.e.)

b. "Failing to understand the fundamentals of the operation of the music business, which includes the essential value of the trust and estate[.]" (Compl., at ¶ 18.o.i.)

c. "Failing to understand the basic operation of federal copyright law and its impact on the estate and its valuation[.]" (Compl., at ¶ 18.o.ii.)

d. "Failing to use due diligence in pursuing business opportunities for the estate and trust[.]" (Compl., at ¶ 18.c.)

Moreover, pursuant to the Case 1337 Final Order, as affirmed on appeal, Pope was found to have caused "detriment" to the Estate in several areas ("the Court concludes that any benefits Mrs. Pope provided to the Estate and Trust are overwhelmed and surpassed by the detriments she caused," Order filed January 16, 2019, Case 1337, p. 60), corresponding to the categories listed in the Case 4900 excerpts cited in the preceding paragraph, including but not limited to:

a. Auction mishandling: " Pope failed to properly manage the Christie's sale, and in doing so, breached her duty of prudence." Case 1337 Final Order, at p. 39.

b. Clearances mishandling: "The Court finds that Mrs. Pope mismanaged the handling of the clearances[.]" *Id.*, at p. 34.

c. Copyrights mishandling: "[S]he failed to understand the value of the proceeds of the termination rights provided in the settlement." *Id.*

d. As summarized succinctly by Judge Early: "Pope's failures harmed the Estate and Trust." *Id.*

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Each element of the doctrine of collateral estoppel applies to the Case 1337 Final Order, including the portions cited above. The findings of mishandled clearances, a mishandled auction, and mishandled copyrights by Pope are binding on her in this action because those issues were:

a. Actually litigated. The Case 1337 Final Order indicates that during the lengthy Case 1337 trial, expert testimony was presented by the Estate in each of these three areas.

b. Directly determined. As quoted above.

c. Necessary to support the judgment. Pope's breaches of duty in these three areas, among others, are the stated rationale for Judge Early's conclusion that Pope was due no fee and that the detriments caused by her outweighed any benefit provided. Case 1337 Final Order, *passim*.

Clearances

Regarding the issue of the music clearances, as noted above the Court heard testimony from intellectual property valuation expert Brad Sharp. The Court finds Mr. Sharp's testimony credible and his methodology sound. Mr. Sharp's testimony is sufficient to establish the Estate's damages resulting from Pope's mismanagement of the clearances and clearance opportunities by a preponderance of the evidence. Mr. Sharp testified, and the Court agrees, that Pope's mismanagement of the clearances resulted in lost opportunities for the Estate valued at $6,152,000.00.

The Christie's Sale

Regarding the issue of the Christie's sale, as noted above the Court heard testimony from celebrity auctions expert Mike Gutierrez. The Court finds Mr. Gutierrez's testimony credible and his methodology sound. Mr. Gutierrez's testimony is sufficient to establish the Estate's damages

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resulting from Pope's mismanagement of the Christic's sale by a preponderance of the evidence. Mr. Gutierrez testified, and the Court agrees, that Pope's mismanagement of the auction resulted in a loss to the Estate of $739,483.09.

Copyrights

Regarding the issue of copyrights, as noted above the Court heard testimony from copyrights expert Roger Miller. The Court finds Mr. Miller's testimony credible and his methodology sound. This Court deems Mr. Miller extremely well-qualified in the field of the valuation of musical rights, including the very complex field of termination rights and their impact on negotiating the value of US musical rights. His testimony, although complex, was logical and well-presented. Mr. Miller's testimony is sufficient to establish that the Estate is owed damages from Pope's mismanagement of the copyrights by a preponderance of the evidence. After consideration of Mr. Miller's testimony the Court finds that Pope's mismanagement of the copyrights resulted in lost opportunities to the Estate valued at $8,540,582.00.

Unpaid Court Costs, Fees, and Sanctions

The Court takes judicial notice of various orders entered during the life of Case 4900 requiring Pope to pay costs, fees and sanctions to the Estate, which to date are unpaid. These orders are:

a. The June 15, 2023 appellate case order awarding $2,558.64 for costs on appeal.

b. The May 8, 2023 Order, as modified, awarding sanctions of $31,387.50.

c. The August 13, 2025 appellate case order awarding $15,000 in fees and sanctions.

These three orders, added together, total $48,946.14. The Court is not "re-awarding" these sums, rather the Court simply is adding these already-awarded sums to the final judgment so that the Estate may collect these unpaid monies from Pope.

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Totals

In sum, the Estate has proven, by a preponderance of the evidence, damages caused to the Estate by Pope in the following amounts:

a.	Mishandled clearances:	$6,152,000.00
b.	Mishandled auction:	$739,483.09
c.	Mishandled copyrights:	$8,540,582.00
d.	Unpaid costs, fees, and sanctions:	$48,946.14
	Total:	$15,481,011.23

CONCLUSION

For the reasons discussed above, the Court GRANTS the Estate's Motion for Entry of Judgment by Default against Pope. Additionally, the Court REJECTS and/or DENIES the filings made by Pope as described above.

The Clerk of Court is directed to enter judgment against Adele J. Pope and in favor of Russell L. Bauknight, as Personal Representative of the Estate of James Brown and Trustee of the James Brown 2000 Irrevocable Trust, in the amount of $15,481,011.23.

AND IT IS SO ORDERED.

Courtney Clyburn Pope
Circuit Judge

Aiken, South Carolina

August 20, 2026

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FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Richland
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2010 CP-40-04900

Russell L. Bauknight, as Personal Representative of the Estate of James Brown and as Trustee of the James Brown 2000 Irrevocable Trust, et al.	Adele J. Pope
PLAINTIFF(S)	DEFENDANT(S)

Submitted by: The Hon. Courtney Clyburn Pope	**Attorney for :** ☐ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.

☐ **ACTION DISMISSED** *(CHECK REASON)*: ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other

☐ **ACTION STRICKEN** *(CHECK REASON)*: ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other

☐ **STAYED DUE TO BANKRUPTCY**

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** *(CHECK APPLICABLE BOX)*: ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.
Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
Russell Bauknight, as Personal Representative of the Estate of James Brown and Trustee of the James Brown 2000 Irrevocable Trust	Adele J. Pope	$15,481,011.23
		$

		$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.
Note: Title abstractors and researchers should refer to the official court order for judgment details.
E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Circuit Court Judge **Judge Code** **Date**

For Clerk of Court Office Use Only

This judgment was entered on the day of , 20 and a copy mailed first class or placed in the appropriate attorney's box on this day of , 20 to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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Richland Common Pleas

Case Caption:	Russell Bauknight , plaintiff, et al vs Adele J Pope , defendant, et al
Case Number:	2010CP4004900
Type:	Order/Other

So Ordered

The Honorable Courtney Clyburn Pope

Electronically signed on 2026-08-24 13:10:36 page 27 of 27