

THE STATE OF SOUTH CAROLINA  
IN THE Court of Appeals

APPEAL FROM AIKEN COUNTY  
Court of Common Pleas

Doyet A. Early, III, Circuit Court Judge

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Appellate Case No. 2013-000250

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Adele J. Pope,.....Appellant,

v.

Estate of James Brown, Deceased; The James Brown 2000 Irrevocable Trust;  
Russell L. Bauknight, Individually, as former *Executor de son tort*, and in every  
current and former fiduciary status claimed or held as to the Estate of James  
Brown and the James Brown 2000 Irrevocable Trust,.....Respondents,

AND:

Robert L. Buchanan, Jr.,.....Interested Party.

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**SUPPLEMENTAL RETURN AND MEMORANDUM OPPOSING LETTER  
MOTION OF RUSSELL L. BAUKNIGHT, INDIVIDUALLY, TO BE DISMISSED  
AS PARTY TO THIS APPEAL; REQUESTING JUDICIAL NOTICE UNDER  
RULE 201(d) , SCRE; AND REQUESTING CONSIDERATION OF  
DOCUMENTS AS TO WHICH BAUKNIGHT, INDIVIDUALLY,  
IS PREVENTING DISCLOSURE FOR BENEFIT OF TOMMIE RAE HYNIE ,  
HER SON AND OTHERS**

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Appellant submits this Supplemental Return and Memorandum opposing  
the Letter/Motion of Russell L. Bauknight to be dismissed, individually, as a party  
to this appeal.

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## The Appeal Directly Involves Individual Wrongdoing of Bauknight:

Appellant opposes the Motion as follows:

1. For each and every reason stated in her Return and Memorandum opposing Bauknight's Letter/Motion, filed in this Court on May 28, 2014, which is incorporated herein by reference as fully as if set out herein.
2. The essence of this lawsuit and appeal upon dismissal, as well as of Appellate Case No. 2013-2582, for which a Petition for Certiorari was filed in the South Carolina Supreme Court on June 13, 2014, is the individual, intentional wrongdoing of Bauknight to benefit Tommie Rae, himself and others adverse to the "I Feel Good" Foundation at the expense of Robert Buchanan, Jr., Appellant, the "I Feel Good" Trust and the HALF of Brown's real heirs under the Federal Copyright Act who are not challenging Brown's noble estate plan.
3. Bauknight, individually, has made material, false statements to multiple courts which have damaged Appellant, Robert Buchanan, Jr. and the James Brown "I Feel Good" Foundation, both before and after the May 8, 2013 decision in *Wilson v. Dallas*, and with individual intent to evade the remand mandate of *Wilson v. Dallas*.
4. Bauknight, individually, and/or in conjunction with Tommie Rae Hynie, and others fabricated a claim that the \$84 million worldwide music empire of James Brown was worth less than \$4.7 million at Brown's death on Christmas Day 2006, and told the IRS and the S.C. Supreme Court that Brown's Will and 2000 Trust put less than \$3 million in the "I Feel Good" Foundation. This claim was material and false.
5. Bauknight, individually, claims to be the sole person to have looked at a fabricate "appraisal" which he asserts supports this outrageous claim, and which – as of June 2014 – the Attorney General of South Carolina says he never saw.
6. Bauknight, claiming with apparent but no legal authority to speak for the State/Attorney General, individually, in 2011 began to lodge the false claim against Robert Buchanan, Jr., and Appellant that they committed the federal felony of overstating Brown's worldwide music empire by \$79 million to the IRS for the improper purpose of obtaining a \$2.1 million commission for Buchanan and a \$2.8 million commission for Appellant.

7. Bauknight, individually, has continued the false and material claim until today, and has used and abused the office he secured improperly to badger, coerce and threaten those who have faithfully and efficiently served Brown's estate plan and the "I Feel Good" Foundation.
8. Bauknight, individually, contracted with Tommie Rae Hynie, Louis Levenson, Esq., and David Bell, Esquire, to bring the false Wingate Suit for the purpose of destroying the careers and reputations of Buchanan and Appellant so that they would drop the *Wilson v. Dallas* appeal.
9. Bauknight, individually, worked with Tommie Rae, Levenson and Bell in authorizing the law firm of Kenneth Wingate, Esquire, to claim that both Bauknight and Wingate had legal authority to speak for the State/Attorney General in suing to benefit Tommie Rae and others – when neither had such authority.
10. Bauknight, individually, convinced the Attorney General of South Carolina that he would breach his fiduciary duty as AG if he did not file the fabricated Wingate Suit against Buchanan and Pope on May 19, 2010.
11. Bauknight, individually, paid Buchanan \$500,000 from Estate funds, after withholding proper payment due Buchanan since 2009 and upon finding him in deep financial distress as a result of his loyal service to the "I Feel Good" Trust, to obtain releases from Buchanan's counterclaims for the McMaster Legacy Trust, Tommie Rae, Tommie Rae's son, and others.
12. Bauknight, individually, without cause, abandoned the 2000 Trust's counterclaims for attorneys' fees against Forlando Brown despite Forlando's alliance with felon David Cannon; four-year attempt to paralyze the Estate/2000 Trust; fraud on the Court; and other wrongdoing, resulting in the Federal Court's decision that Forlando acted wrongfully, but not requiring him to pay for the wrongdoing.
13. Bauknight, individually, and for the benefit of Hynie and her son, for whom he TODAY serves as agent, has interfered since 2011 in FOIA compliance in three FOIA lawsuit, and even sought sanctions against Appellant for exercising her FOIA rights.
14. Bauknight, individually, and under false claim of State authority, continues to slander Buchanan and Appellant; has refused to pay Appellant \$1.4 million she has been due since 2009; has refused to pay Tressa Hayes, Esquire the \$85,000 she was owed, has refused

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to pay James Bailey, Esquire, the approximately \$100, 000 he was owed, with interest while:

- a. Paying Nexsen Pruet more than \$770,000 in 2013 to aid him in preventing FOIA compliance; concealing the fabricated \$4.7 million fabricated "appraisal;" and preventing Tommie Rae's deposition and a finding that she was not Brown's spouse;
- b. Paying his appointee Sojourner more than \$250,000 in three months of 2013 to fight the REAL heirs of James Brown (for the benefit of Tommie Rae and her son), in an attempt to allow Tommie Rae, Bell and others to siphon off the termination rights agreements under the Federal Copyright Act Bauknight should have made by 2011. with the HALF of Brown's children not challenging Brown's estate plan. And should be making now.
- c. By paying Wingate a 40% contingency fee and \$563,000 to bring a suit in the name of the State/Attorney General against Buchanan and Pope with no legal authority to do so; and fight FOIA compliance to prevent disclosure that the suit was not legal.
- d. By claiming that Tommie Rae was Brown's spouse and that her elective share claim was a "slam dunk," with knowledge of its falsity.

15. A timely Supplemental Notice of Appeal has been filed with respect to the March 10, 2014 Order (the "Second Dismissal Order") and the Form 4 Order denying Appellant's Motion to Alter and Void, even though the Second Dismissal Order violated Rule 205, SCACR, and the lower court lacked jurisdiction to issue it.

16. Every wrongful act of Bauknight since May 26, 2009 has been individual because he was acting as executor *de son tort* from May 26, 2009 until May 8, 2013. He has acted under *ex parte* and improper appointments since then, for his individual benefit and that of Tommie Rae and her son.

#### MEMORANDUM

By his motion to be dismissed individually, Plaintiff fails to acknowledge

that the near-loss of \$50 million to the noble estate plan of James Brown was his individual act, both in conjunction with – and claiming authority which he lacked to speak for – two Attorneys General.

This Court is asked to take judicial notice under Rule 201 (d), SCRE of the actions of Bauknight, individually, in each case described in the Appendix which supports this Return.

The Court is also asked to consider as part of the record, and take judicial notice under Rule 201(d) of the documents in the Appendix and following documents which are within the public record or otherwise public, and which Bauknight, individually, has secreted in three FOIA Suit, the Wingate Suit; and Aiken County, even though none is appropriately subject to protection under Rule 41.1 SCRCP or any applicable law.

1. The \$4.7 Million Claimed "Appraisal," on file in the Forlando Federal Suit which purportedly supports the false felony claims, Bauknight's claim that Brown gave less than \$3 million to the "I Feel Good" Foundation; and Bauknight's claim that the needy student will receive only a few thousand dollars annually under IRS guidelines, rather than millions.
2. The so-called Hynie "diary" which Bauknight has refused to produce in discovery and blocked by attempted FOIA intervention, to benefit Tommie Rae, although Attorney General McMaster used it in his decision to give Tommie Rae 25% of the "I Feel Good" Foundation.
3. The Fee Agreements paid or promised in connection with *Wilson v. Dallas* which Judge Early directed public and to be filed with the Clerk of Court in 2010, but which are missing. [Bauknight, individually, refuses to file proper copies.]
4. The Wingate Litigation Retention Agreement, which shows that Bauknight, Tommie Rae, Bell and Levenson – expecting \$30 million from the "I Feel Good" Trust if they could stop the *Wilson v. Dallas*

appeal, authorized Wingate to bring an illegal lawsuit in the name of the State/AG, with Bauknight making the illegal claim that he spoke "on behalf of Henry McMaster as Attorney General of South Carolina."

6. The James B. DNA results, which Bauknight and his appointee are secreting even though James B's GAL and mother gave public interviews in 2008 claiming James B. passed an unauthorized DNA test.

The needy students and heirs and creditors who protected Brown's estate plan from Bauknight's *individual* assault should not bear the cost of Bauknight's individual wrongdoing. Bauknight must be held individually responsible for the damage to Appellant :

1. By the false claim, made under color of State authority, that Appellant and Robert Buchanan, Jr. committed a federal felony by overstating Brown's music empire to the IRS by \$79 million on the estate tax return for the improper purpose of obtaining a \$5 million commissions;
2. For all damage resulting from the false and fabricated \$4.7 million claim, including the removal of Buchanan and Appellant from positions which they were properly performing;
3. For the damage resulting from the false and fabricated claims Bauknight made about the Christie's sale;
4. For the false and fabricated claims made in three FOIA Suits;
5. For false representations to the Supreme Court about the value of James Brown assets; the heirs of James Brown; and the Federal Copyright Act termination provisions.
6. For the false claim to the Supreme Court that Hynie was Brown's spouse and her elective share claim was a slam dunk.
7. For the fabricated Wingate Suit brought to stop the *Wilson v. Dallas* appeal.
8. For interference and collusion with Forlando Brown in the Forlando

Federal Suit which prevented recovery by the 2000 Trust, Buchanan and Pope for Forlando's fabricated 2008 suit to enjoin the 2000 Trust from taking any action until Cannon and Dallas returned as trustees.

9. For his failure to recover a single dime of the \$17 million taken by Cannon, and failure to even report the \$5 million taken in 1999 – now past the statute of limitations.

10. For naming Cannon as a witness in the Wingate Suit and coercing him NOT to support the noble estate plan of James Brown.

11. For representing Tommie Rae Hynie and her son, a minor, TODAY, without a GAL for the minor, in the Wingate Suit and a FOIA suit, which representation is irreconcilably conflicted with service to the Will and 2000 Trust of James Brown.

### **Request for Judicial Notice and Unsealing of Record**

Pursuant to Rule 201 (d) Plaintiff asks that this Court take judicial notice of filing in each of the cases referenced in the Appendix filed herewith, including but not limited to the sample documents filed therein. Under Rule 201 (a) and (b) the fact that Bauknight took the actions stated are adjudicative facts because they are not subject to reasonable dispute in that they are ....(2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.

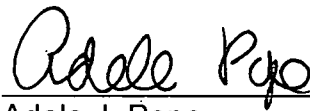
It is a fact that Bauknight has take the positions shown in his filings each of the suits reference in the Appendix. The accuracy of the statements he made – even when the statements were false – can be readily determined.

This memorandum is supported by documents cited herein, the initial brief of Appellant, the Appendix, and the documents Bauknight has secreted as set out above.

## Conclusion

For the reasons stated herein this Honorable Court should take required judicial notice under Rule 201(d) of the facts contained herein and in the Appendix which show that the damage to Appellant and wrongdoing of Bauknight are individual. The Court should deny Bauknight's request to be dismissed, individually, as a party to this appeal.

Respectfully submitted,



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S.C. Bar No. 4501  
*Pro Se*

June 17, 2014

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APPEAL FROM AIKEN COUNTY  
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AND:

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PROOF OF SERVICE

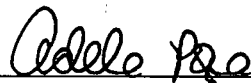
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I certify that on the 17<sup>TH</sup> day of June, 2014, I served the Supplemental  
Return on Respondents by depositing a copy of same in the United States Mail,  
postage prepaid to them or their attorneys of record as follows:

William Newsome, Esquire  
J. David Black, Esquire  
William Wilkins, Esquire  
Nexsen Pruet  
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June 17, 2014