

STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

The Honorable Doyet A. Early, III Circuit Court Judge

Appellate Case No. 2014-000794

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SC Court of Appeals

MICHAEL DEON BROWN, JAMES CURTIS, AND JANE DOE and JOHN DOE
Numbers I, II, III and IV, by their proposed Guardian *ad Litem*, and Adele Pope, as
Creditor/Proponent of Will of James Brown dated June 15, 1999 and on behalf of
Others under S.C. Trust Code § 62-7-405 Appellants,

v.

James B., Terry Brown, Tommie Rae Hynie and David Sojourner, Jr.,.....
..... Respondents.

IN RE:
THE ESTATE OF JAMES BROWN, A/K/A JAMES JOSEPH BROWN

PETITION FOR REHEARING

Appellants respectfully petition this Honorable Court to Rehear and reinstate the
appeal dismissed by Order of the Honorable Paul E. Short, Jr. for the Court dated June
16, 2014 (the "Dismissal Order"). A copy of the Dismissal Order is attached as Exhibit
A.

Because they were enjoined from participation in the hearings which resulted in
the orders which are the subject of this appeal, and the Clerk of Court; the Honorable

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the orders which are the subject of this appeal, and the Clerk of Court; the Honorable

Doyet A. Early, III, has directed that unheard motions filed between May 8 and June 10, 2013 be removed from the public record; and, as Chief Administrative Judge, has directed the Clerk to unfile and return motions filed by Appellants and persons not parties to an action in violation of their Due Process and Equal Protection rights. Appellants respectfully request that the Court take judicial notice pursuant to Rule 201(d) SCRE, of all filings in cases related to the estate of entertainer James Brown (the "Estate") and the James Brown 2000 Irrevocable Trust (the "2000 Trust") documents since Brown's death on December 25, 2006.

Appellants request that the Court's judicial notice under Rule 201(d) include the Appendix filed herewith, the Petition for Certiorari and Appendix on filed in S.C. Supreme Court Case 2014-001279; the Return and Opposition to Motion to Dismiss and Initial Brief of Appellant in Appellate Case No. 2014-000250; and the filings of Appellant in Appellate Case No. 2013-001649.

Because the Attorney General ("AG") has denied compliance under the South Carolina Freedom of Information Act ("FOIA") as to public James Brown documents since 2011; is seeking to have three FOIA suits transferred to Richland County and made a part of Richland County Case 2010-CP-40-4900 (the "Wingate Suit"); and is denying FOIA compliance as to matters which are the subject of discovery motions in the Wingate Suit, all of which damages the property rights of all Appellants, Appellants respectfully ask that this Court take judicial notice of; *sua sponte* direct the unsealing of (where sealed), and consider the following documents:

1. The so-called Hynie "diary" – widely known handwritten notes of Tommie Rae on which AG McMaster relied in his 2008 decision to give 25% of Brown's "I Feel Good" Trust to Tommie Rae.

2. The \$4.7 million claimed at-death "appraisal" of Brown's worldwide music empire on which AG Wilson based his false felony claims against Robert Buchanan, Jr. and Appellant Pope, and based on which Russell Bauknight and the AG told the S.C. Supreme Court that the amount Brown gave to the "I Feel Good" Trust was less than \$3 million.
3. The Wingate Litigation Retention Agreement - a copy of which is produced at page 440 of the Appendix.
4. The ethics opinion of Prof. Nathan Crystal which Bauknight delivered *ex parte* to the circuit court on July 8, 2013, and which purportedly asserts Bauknight may defend the estate plan of James Brown while he continue to be a fiduciary for Tommie Rae Hynie and agent (without GAL) for her son.
5. The AG's Legacy Trust and amendments, which sued Buchanan and Appellant Pope for tens of millions of dollars to stop the *Wilson v. Dallas* appeal.
6. The Peoples DNA Protocol test results for James B.
7. The commission and fee agreements related to the AG's 2008 Settlement, as ordered produced by the Clerk on March 15, 2010, but which are missing from the Clerk's office. [See Appendix, p. 121]

The Dismissal Order should be vacated and the appeal reinstated for each of the reasons set forth below.

1. The Court overlooked or misapprehended that each Appellant is aggrieved by the appealed orders; each Appellant has standing to Appeal; and the appealed orders are immediately appealable because they finally determine material rights of Appellants; continue the injunction of orders issued in fourteen James Brown cases on June 13, 2013 (the "June 13 Orders"); continue the State's violation of Due Process, First Amendment and Equal Protection rights of all Appellants begun by action of the South Carolina AGI on August 10, 2008; and place all Appellants, The James Brown "I Feel Good" Trust and the "I Feel Good" Foundation's royalty copyrights to more than

800 songs in direct jeopardy. [See *Private Foundations*, App. p. 196]

2. The Court overlooked or misapprehended that the only reason Appellants are not parties in the cases in which the appealed orders were issued, and Appellant Pope is not their GAL, is that they have been enjoined since June 13, 2013 by improper State Action from participating in the hearings which resulted (and are resulting) in:

a. The June 13 Orders which are the subject of Appellate Case No. 2013–001649, by which Appellant Pope was deprived without proper notice, hearing or cause, from participating in any James Brown Estate or Trust case even though she was illegally sued by the Estate, 2000 Trust and Attorney General (“AG”) in 2010; had pending counterclaims for the destruction of her career and reputation in that pending suit; is an attorney with special expertise in the relationship of State Probate Law and the termination rights provisions of the Federal Copyright Act; has not been fully paid for her 2007 SA service to the Estate even though her claim was allowed and court approved; has not been paid a dime of her allowed, court-approved partial PR/Trustee commission due since May 26, 2009; and has worked *pro bono publico* since May 8, 2013 to enforce the “I Feel Good” Foundation and aid any heirs, devisees or beneficiaries seeking to uphold James Brown’s noble plan to leave his \$100 million music empire to the “I Feel Good” Foundation to be used solely to provide millions (under IRS guidelines) of dollars of scholarship funds to needy students each year.

b. The June 13 Orders and subsequent orders, which are the subject of this appeal, which purport to prevent Robert Buchanan Jr. and Appellant Pope from restoring their good reputations the AG has acknowledged they had when he brought an illegal suit against them in 2010; prevent Buchanan from voiding a “settlement” where \$500,000 in “I Feel Good” Trust funds were used to secure release from Buchanan’s counterclaims for Tommie Rae Hynie (“Tommie Rae”), her son, Bauknight and the AG’s Legacy Trust.

c. The June 13 Orders and appealed orders, by which Buchanan and Appellant Pope continue to be aggrieved because the State/AG, through the law firm of Kenneth Wingate, Esquire, (“Wingate”) is seeking to prolong by stay for what may be five years or more the false claims in the Wingate Suit which have destroyed their reputations and careers and have already resulted – through inappropriate State action – in their replacement without existence or showing of cause in the May 26, 2009 being converted into removal which alludes to the State/AG’s false

allegation that they sought a \$2.1 commission and \$2.8 commission from a \$5 million estate and that the false allegation that there was something improper about the Christie's sale where the AG himself asked this Court to proceed with the sale; the sale was properly conducted; the sale was approved by three Court orders; but the AG/Wingate – two years later and in order to derail the *Wilson v. Dallas* appeal – made (and continues) the false allegation that there was something improper about the Christie's sale.

d. The June 13 Orders and the appealed orders, which allow the State/AG to continue to sue Buchanan and Pope in the Wingate Suit for tens of millions of dollars for not accepting a 2007 \$100 million dollar offer to buy Brown's music empire while telling the South Carolina Supreme Court that the music empire was worth less than \$4.7 million, and that there were no offers.

e. The June 13 Order and the appealed orders, which allow the State/AG, Bauknight – and now his appointee David Sojourner (“Sojourner”) to make the false claim that Tommie Rae and her son are heirs of James Brown – when they are not – and that Appellant/heirs Michael, James Curtis, the DOE Defendants, and DNA-proven and Estate-acknowledged daughters Jeanette, LaRhonda, and Nicole are not.

f. The June 13 Orders and the appealed orders, which allow the AG to accuse Buchanan and Pope of a career-threatening felony based on a public appraisal which the AG has never seen; and the AG and Bauknight are concealing under FOIA.

g. The June 13 Orders and the appealed orders, which allow Bauknight, by false value claims, to reduce the amount of required scholarships for needy students from the “I Feel Good” Trust from over two million per year to less than \$100,000.

h. The June 13 Orders and appealed orders, which are allowing David Bell, Esquire (“Bell”) and Tommie Rae – with the permission of Sojourner and Bauknight – to usurp the Federal Copyright Act termination rights agreement the Estate/2000 Trust should now have with Michael, LaRhonda, Jeanette, Lisa, Nicole, James Curtis (subject to DNA confirmation) and identified DOE Defendants which will protect the “I Feel Good” Foundation's copyrights to 800+ songs for decades.

i. The June 13 Orders and appealed orders, are allowing the Bauknight and Wingate to continue to wield the power and

authority of the State/AG through the Wingate Suit and the AG's Legacy Trust to bring about a second takeover of Brown's private property and the "I Feel Good" Trust which will take \$50 million from scholarships for needy students; destroy the property rights of all Appellants; and threaten private philanthropy and private property rights in the State of South Carolina.

j. As is shown at page 479 through 506 of the Appendix, the continuation today and possibly for years to come, of the illegal Richland County Case 2010-CP-40-4900 (the "Wingate Suit") which is an unconstitutional delegation of the State's power to a private law firm serving non-residents of South Carolina; has deprived all Appellants and Buchanan of the dignity and respect under the laws of South Carolina and the Constitutions of South Carolina and the U.S. which their civil status and/or service to Brown's estate plan and the "I Feel Good" Foundation demands; and of their property rights.

k. The June 13 Orders and appealed orders which purport to prevent Brown's heirs, devisees, creditors and others under Section 62-7-405, including Buchanan and Pope from enforcing the "I Feel Good" charitable foundation even though the AG has withdrawn his support; the Settlor is deceased and the claimed Trustee is irreconcilably conflicted by his service as a fiduciary and agent for Tommie Rae, an agent for her son (without GAL) in the Wingate Suit.

l. The June 13 Orders and appealed orders which prevent Buchanan and Pope from restoring their careers and reputations by refuting the State/AG's career-threatening false claim that the two committed the federal felony of intentionally overstating the value of James Brown's worldwide music empire by \$79 million (at about \$84 million) for the improper purpose of obtaining a \$2.1 million commission for Buchanan and a \$2.8 million commission for Pope for 4-6 years of service to Brown's.

m. The June 13 Orders and appealed orders which deny all Appellants the right to demonstrate that Bauknight's less-than \$4.7 million at-death value of James Brown's music empire was knowingly false and fabricated, and the AG's reliance on the fabricated value to attack Buchanan and Pope and seek their removal as fiduciaries without even looking at the false appraisal was reckless.

n. The June 13 Orders and appealed orders, which prevent Buchanan and Pope from demonstrating that AG McMaster should not have relied on the false claim made to him on May 19, 2010, as reported to the S. C. Supreme Court, that he would breach his

fiduciary duty as Attorney General if he did not sue Buchanan and Pope in the Wingate Suit for conducting the *Wilson v. Dallas* appeal.

o. The June 13 Orders and appealed orders which prevent all Appellants from demonstrating that the State/AG, Bauknight and Sojourner are seeking to benefit Tommie Rae and her son, damage Appellants; and damage the "I Feel Good" Foundation by trying to take away the acknowledged status of James Brown's real heirs who passed the Estate's official Peeples DNA Protocol, even though Appellants and Brown's DNA-proven daughters provide the "I Feel Good" Foundation with the ability to obtain for about \$100,000 per year what AG McMaster proposed to secure by giving Tommie Rae and the Levenson clients more than \$50 million of the "I Feel Good" Foundation – cooperation in the Estate/"I Feel Good" Trust's was fabricated

p. The June 13 and appealed orders which help reinstate the AG's 2008 settlement and takeover of Brown's private property and private foundation and the unnecessary payment from the \$50 million taken from the "I Feel Good" Trust of more than \$20 million that should be used for scholarships for needy students to Levenson, Bell, and counsel for Tommie Rae, even though the claims of their clients were without merit.

q. The June 13 Orders and appealed orders purport to prevent Buchanan, Pope and Appellant from exercising their rights under the South Carolina Freedom of Information Act ("FOIA"), where the State/AG has blocked FOIA compliance since 2011; supported the intervention by Bauknight as agent for Tommie Rae in FOIA suits; and attempted to transfer all FOIA cases seeking James Brown documents to Richland County and consolidate them with the illegal Wingate Tort Suit to prevent release of public documents under FOIA.

r. The June 13 Orders and appealed orders have allowed Tommie Rae, Bauknight and Louis Levenson, Esquire ("Levenson") to proceed unimpeded – and aided by Sojourner and Bauknight – with their announced intention to reinstate the State takeover of James Brown's private property by the AG and the placing of Brown's property under the control of the State; followed by the claim – being made today in FOIA Suits – that the property taken over by two AG s and 9 or more taxpayer-paid attorneys is private and not subject to FOIA.

s. The June 13 Orders and appealed orders continue to condone the State/AG's and Russell Bauknight's mishandling of the criminal proceeding of felon David Cannon where the \$5 million Cannon

took in 1999 was never part of the \$12 million indictment; no restitution was sought from Cannon; funds Brown gave the "I Feel Good" Trust were used for Levenson to visit Cannon's \$1 million retirement home on Roatan Island in the Caribbean; Cannon was induced NOT to support the 2000 estate plan and backup 1999 Will, but to support the AG/State's rewriting of Brown's estate plan and takeover of Brown's private property; and – while under indictment – Cannon was named as the State/AG's witness against Buchanan and Pope in the Wingate Suit brought to stop the *Wilson v. Dallas* appeal.

t. The June 13 and appealed orders allow the State/AG to sue South Carolina citizens for tens of millions of dollars for the benefit of the AG's Legacy Trust created with assets taken from a South Carolina citizen's estate; treat non-heirs the AG favors as heirs to the detriment of real heirs; direct no DNA testing of non-presumed heirs; destroy the reputations and careers of properly-serving fiduciaries by false felony claims based on a false appraisal the AG has not even seen; insure the removal of the proper fiduciaries by the Supreme Court by a fabricated lawsuit; knowing false and unsupported claims that an \$80+ million foundation is worth less than \$3 million; condone false representations by his appointed trustee to the IRS about the properly-serving fiduciaries; condone false statements to the Supreme Court about the value of the asset, the heirs and the Federal Copyright Act termination rights provisions and false claims about the alleged impropriety and claimed greed of the properly-serving fiduciaries; then claim that the illegal suit the State/AG has conducted for three years against the two people who dared to put the Supreme Court in a position to prevent the State takeover of Brown's private property was not properly authorized and the State/AG, but allow Wingate and Bauknight to continue the suit for years under the name of the State/AG.

u. The June 13 and appealed orders are allowing the State/AG, through agent Bauknight, to continue to extend for years his 4-year destruction of the careers of Buchanan and Pope by seeking a stay in the Wingate Suit in Richland County until all matters are concluded in Aiken County while – at the same time – telling the Aiken Court that Buchanan and Pope cannot be paid until the Wingate Suit in Richland County is concluded. [See App., p. 479 - 506]

v. The June 13 and appealed orders allow the State/AG to continue its 3-year denial of FOIA rights to all citizens wanting to know what went wrong with the Attorney General's oversight of James Brown's "I Feel Good" Trust by denying James Brown FOIA requests then, when FOIA suits are filed, allowing Bauknight to intervene and

attempting to consolidate them with the Wingate Tort Suit.

3. The Court overlooked or misapprehended that Appellant Pope is aggrieved by the Dismissal Order which improperly prevents Appellant Pope from serving as an attorney in the James Brown cases; protecting herself in the Wingate Suit from false felony claims lodged by the State/Attorney General and other State actors; deprives her without Due Process of the right to represent Michael and the other Appellants as *pro bono publico* guardian *ad litem* ("GAL"); and prevents her from protecting herself against the false claim that Tommie Rae Hynie was Brown's spouse and Tommie Rae's son was Brown's son, even though he is not presumed to be a son and has refused official DNA testing.

4. The Court overlooked or misapprehended that the Dismissal Order, like the June 13 Orders and appealed orders, allows the circuit court to refuse a hearing on the appointment of a GAL to protect the interest of Appellants Michael, James Curtis and the DOE Defendants, which has deprived them of their property right to prove that Tommie Rae is now Brown's spouse; and to be represented *pro bono publico* by a GAL or attorney who has expertise in the relationship between the Federal Copyright Act termination rights provisions and State Probate Law, and who is willing to serve them *pro bono publico*;

5. The Court overlooked or misapprehended that the Dismissal Order:

a. Deprives Appellants and all others under South Carolina Trust Code Section 62-7-405 of the right to protect the "I Feel Good" Foundation as embodied in the 2000 estate plan and 1999 backup Will, which set out James Brown's often-stated and well-known desire to leave his entire \$100 million music empire to the "I Feel Good" Foundation, as set out in

four valid documents executed over two years and a voice tape of James Brown.

b. Continues the unconstitutional and fundamentally unfair State action of declaring Tommie Rae Hynie the spouse of James Brown and her son a child of James Brown where Tommie Rae was not the spouse and her son – a non-presumed heir – has refused DNA testing under the Estate's official Peoples DNA Testing Protocol is presumed NOT to be a child or heir under the Federal Copyright Act.

c. Results in the flagrant violation of both the letter and spirit of the Supreme Court's decision in *Wilson v. Dallas*, 403 S.C. 411, 743 S.C. 2d 746 (2013) which voided the proposed dismembering of the "I Feel Good" Foundation in favor of Tommie Rae and others.

d. Prevent Appellants from filing motions to become parties; protest the failure of service on them; participate in the proper election of a fiduciary as directed by *Wilson v. Dallas*, and by which the circuit court and clerk have violated their constitutional right of access to the courts by removing and cancelling their unheard motions from the public records; voiding same; and returning them as if unfiled. [See Appendix, p. 501-506].

e. Allows Sojourner, claiming authority under an ex parte SA order and an unconstitutional ST appointment of the probate court and circuit courts respectively, to favor Tommie Rae and her son and prevent them from protecting their property rights under the Federal Copyright Act to show that Tommie Rae was not Brown's spouse, and reach fair termination rights with the Estate/"I Feel Good" Trust that will provide each of them \$20,000 or more each year for life; provide their children the same or a greater benefit under the Copyright Act after their deaths, even though all were intentionally excluded by Brown from his two valid estate plans; and provide them the satisfaction of being identified as Brown's real heirs under the March 15, 2008 Order of Judge Early in the Levenson Will/Trust contest which – until the June 13 Orders – was Case 2008-CP-02-0872 ("Case 872").

f. Makes it appear, by improper action of Sojourner, that Tommie Rae and James B. timely and/or appropriately filed their Elective Share, Omitted Spouse and Omitted child claims, when neither filed an appropriate claim; both filed the claims in the wrong court; neither attached the required Summons to the Petition; neither named the known heirs, as required by the South Carolina Probate Code ("SCPC"); neither served any heir or devisee, including Appellants; and such petitions should be summarily dismissed as defective both procedurally and factually.

g. Deprives Appellants of their right to demonstrate to the Courts that Tommie Rae is entitled to nothing under the estate or the Copyright Act because she is not Brown's spouse; is not a heir of James Brown either under State Law or the Federal Copyright Act; and even if the spouse has waived all right under the Copyright Act; and even if such waiver were declared invalid, is entitled to no more than 1/3 of \$4.7 Million LESS expenses of administration, value she placed on Brown's music empire in filings with the S.C. Supreme Court.

h. Deprive Appellants of their right to contract with a fiduciary who is NOT serving Tommie Rae; who is protecting the Estate/"I Feel Good" Trust and who will make fair termination rights deals with the HALF (or half + 1) of Brown's real heirs who are NOT challenging Brown's noble plan to leave his entire music empire to the "I Feel Good" Trust.

i. Deprives them of the right to support the estate plan and "I Feel Good" Trust under both the 2000 estate plan and 1999 Will which makes the estate plan ironclad and which Sojourner has placed in jeopardy under the 10-year rule of the SCPC.

3. The Court overlooked or misapprehended that Bell has not; cannot; and will not protect the rights of Michael, who is incarcerated in California; is entitled to a GAL under Rule 17 (c) SCRCP; who has called Pope unsolicited to express his appreciation for Pope's actions; whose former attorney in California (who protected his rights as a minor child of James Brown) asked Appellant Pope to contact Michael to serve as Michael's attorney, but Pope declined – instead notifying the circuit court of the contacts and applying to serve as *pro bono publico* GAL under Rule 17 (c).

4. The Court overlooked or misapprehended that Bell has made numerous material and false filings with State and Federal Court and Grievance Boards since 2007 to obtain the assets of the "I Feel Good" Trust for Forlando and Terry Brown while claiming to support the noble estate plan of James Brown; is not protecting the interest of Michael in the pending proceedings; and is actively attempting – and being allowed by Sojourner – to siphon off the Estate/"I Feel Good" Trust's rights to properly

recognize Michael and reach a fair termination rights agreement with Michael – and his son after his death.

5. The Court overlooked or misapprehended that Bell, a Georgia attorney, is presently working to secure for Forlando/Terry the James Brown assets in at least 10 James Brown cases; is actively engaged in the practice of law in South Carolina; and has repeatedly violated the *pro hac vice* requirements of the South Carolina Supreme Court since 2007.

6. The Court overlooked that a GAL for Michael would be necessary even if Bell were Michael's attorney because to adequately protect Michael's interest, and that of his son, to be part of both the State and Federal Copyright Act baseline heirs of James Brown; to confirm Brown had no spouse; and to allow only those non-presumed children who agree to take, and pass, the Peeples DNA protocol to be considered heirs, he must be actively represented involved in at least seven James Brown South Carolina cases by someone who represent his interest and is not – like Bell – aligned with Tommie Rae and her son in the Wingate Suit. [See Wingate Litigation Retention Agreement signed by Bell to stop the *Wilson v. Dallas* appeal which restored Michael's rights. The Wingate Suit is still pending, and Bell is still partnered with Tommie Rae. See App. p. App., pp. 422-440.]

7. The Court overlooked or misapprehended that Bell is currently protecting the interest of Terry and Forlando Brown in more than 10 James Brown cases, most in violation of *pro hac vice* rules, but has not moved to make Michael a party the Tommie Rae and James B. Cases, confirming that his claim is to suppress Michael's rights – not protect them – defeating Michael's right to protect himself and his son against Tommie

Rae under State law, which is necessary to secure his position under the Federal Copyright Act.

8. The Court overlooked or misapprehended that Bell's improper acts and fraud on the courts since 2007 include, but are not limited to:

a. In September 2007, filing a known false stipulation for Forlando and Terry that Brown's wholly-owned company JBE, Inc., was NOT in Brown's 2000 Trust when both Bell and Forlando had actual knowledge from the trustees who established the 2000 Trust with Brown that JBE, Inc. was in the Trust.

b. On January 2, 2008, attaching a known fabricated second Schedule B to the 2000 Trust, created by Dallas and Cannon after Brown's death, to the claimed copy of the 2000 Trust filed in the the Forlando Federal Suit, to make it appear that Brown's Publicity Rights – about half of the \$100 million music empire –had been transferred to the 2000 Trust before Brown died. [They had not.]

c. In 2008 blaming his false 2007 stipulation on Buchanan and Pope, even though there was no basis to do so.

d. In early 2008 claiming to the Federal Court that Forlando was an impoverished student desiring to carry out the noble estate plan of his grandfather James Brown when Forlando was actually seeking to dismember the "I Feel Good" Trust and – with no monetary contribution – had been given a 39% ownership in TJBL, the entity seeking to acquire the "I Feel Good" Trust assets.

e. In 2008 filing two false affidavits with the federal court that were material in preventing Forlando's fabricated claims from being dismissed in 2008 and allowing the attempt by Bell and Forlando to enjoin the 2000 Trust until felon David Cannon and Albert Dallas were reinstated to threaten the 2000 Trust until they were dismissed in 2012 . Bell did so with knowledge that a federal injunction would have derailed the *Wilson v. Dallas* appeal.

f. In 2008, to achieve a civil result in the James Brown cases, Filing six false grievances against Levenson in two states, including claiming falsely that Levenson forged a signature on the 30% contract Forlando, Terry and brother Romunzo had reached with Levenson in January 2007 to help them dismember the "I Feel Good" Trust.

g. In 2009, after Terry joined the AG's 2008 settlement and acquired a right of first refusal to buy the music empire (the "ROFR"), threatening a judicial grievance against Mr. Buchanan if he did not immediately resign as PR/Trustee and abandon support of Brown's estate plan.[Buchanan is a federal magistrate. He reported the matter both to Judge Early and to the appropriate Federal body.]

h. Secretly signing the Wingate Litigation Retention Agreement on May 19, 2011, to try to derail the *Wilson v. Dallas* appeal (and Michael's rights) when he had knowledge Wingate was not authorized to file suit on behalf of the State/Attorney General and Bauknight had no authority to speak for the State.

i. Making the known false claim to the Supreme Court that Tommie Rae and her son controlled the termination right to Brown's 800+ songs when he knew from *Private Foundations* and his own investigation that the claim was false.

i. Making the knowing false claim to the S. C. Supreme Court in 2011 for Terry that Brown's music empire was worth less than \$4.7 million when Brown died, when he had actual knowledge that counsel for Oprah Winfrey was discussing a possible payment of \$200 million for Brown's music empire as he was making the false representation.

k. Making the known false claim to the S.C. Supreme Court that Tommie Rae was Brown's spouse and that she and her son controlled the Federal Copyright Act termination rights when he had actual knowledge that she was not the wife; had begged Brown to marry her after he discovered she was married when they had a 2001 ceremony; and that she and Brown were actually separated for the last time months before his death.

l. Making the false claim to the S. C. Supreme Court in 2011 that there was never an offer to buy Brown's music empire when his client Terry had participated in THREE \$90 million – \$100 million offers as part of TJBL in late 2007 and early 2008; where his client Forlando had testified under oath that \$150 million offers were available in late 2008; and while he was involved with an inquiry by Oprah Winfrey's counsel that did not proceed only because Bauknight – having told the IRS and the Supreme Court that the music empire was worth \$4.7 million – was unwilling to proceed with the sale.

m. Authorizing the law firm of Kenneth Wingate, Esquire ("Wingate") to sue Buchanan and Pope for conducting the *Wilson v. Dallas* appeal which restored Michael's rights as an heir, and to make the false claim that there were problems with the Christie's sale when he had actual

knowledge the Christie's claim was false; Forlando had reasonable opportunities to withdraw any item – including the Grammy – from the sale, but did not do so; and Forlando had testified under oath that the family, although feuding over other issues, got together to sabotage the Christie's sale and did not even buy items they later decided they wanted, although they had funds to do so.

n. Authorizing Wingate to make the false claim that there were problems with the Christie's sale for the sole purpose of discrediting Buchanan and Pope when he had actual knowledge that the Christie's sale was authorized by three unappealed Court Orders, including one of this Court.

o. Authorizing Wingate to sue in the name of the State/AG and Bauknight to claim the mighty power of the State as the AG's agent, when Bell had actual knowledge that the Wingate Suit was not authorized, and that the private Wingate firm could not legally sue Buchanan and Pope as the State's sole attorney while also representing Tommie Rae, her son and other non-residents.

p. Colluding with Bauknight in 2011 to conceal from State and Federal Courts, and from release under FOIA, the amendment of the Legacy Trust by AG McMaster in early 2011 and transfer from Terry to Forlando of the ROFR", which Forlando knew to be worth more than \$100 million, but which Bell's client Terry was telling the S.C. Supreme Court was worth less than \$4.7 million.

q. Colluding with Bauknight and Sojourner after the *Wilson v. Dallas* decision to prevent the protection of the 2000 Trust and 1999 backup Will, and to siphon off termination rights agreement which should belong to Michael, the DNA-proven daughters, and the Estate/"I Feel Good" Trust.

9. The Court overlooked or misapprehended that the appeal involves both the specifically designated orders and:

All Orders issued as part of, and from and after the injunction imposed by Orders of the Honorable Doyet A. Early, III and the Honorable Liz Godard dated June 13, 2013, which are the subject of an appeal pending in the South Carolina Court of Appeals, affecting Appellants.

10. The Court overlooked that the circuit court violated the property rights of all

Appellants and damaged the "I Feel Good" Foundation by its disregard for the remand mandate of *Wilson v. Dallas*.

11. The Court overlooked or misapprehended that on May 8, 2013 the S.C. Supreme Court issued its final *Wilson v. Dallas* decision. The decision:

- a. Voided Bauknight's fiduciary appointments under the Will and Trust;
- b. Remanded the matter for the appointment of fiduciaries in accordance with Brown's documents, and for review of attorneys' fees and other costs in relation to the matter.

12. The Court overlooked or misapprehended that the final *Wilson v. Dallas* decision deleted a footnote in the February 27, 2013 decision which related to:

a. The Wingate Suit where Buchanan and Pope were sued by the AG, Tommie Rae, Bauknight as agent for both, and the AG's Legacy Trust on May 19, 2010, for tens of millions of dollars. The claimed wrongdoing, included:

- (1) conducting the *Wilson v. Dallas* appeal;
- (2) claimed problems with the 2008 Christie's sale which the AG had asked this Court to approve;
- (3) failure to accept a 2007 \$100 million offer for Brown's assets.

b. A FOIA Suit filed by Appellant Pope in 2011 to obtain:

- (1) A copy of the AG's Legacy Trust, which had sued Buchanan and Pope, with amendments;
- (2) A copy of the \$4.7 million at-death valuation of Brown's music empire on which AG Wilson was basing the false claim that Buchanan and Pope had committed a federal felony ("FOIA #1")
- (3) Which Suit had been transferred to Richland County at the request of the AG and in which Bauknight, for Tommie Rae and James B., is seeking to intervene and stop FOIA compliance.

c. A second FOIA Suit ("FOIA #2") filed in August 2011 in which the AG

and Bauknight:

(1) Were successful in having FOIA #2 moved from Newberry County to Richland and consolidated with the Wingate Suit;

(2) Appellant has sought since 2011 the public Wingate Litigation Retention Agreement used to sue Buchanan and Pope in 2010.

13. The Court overlooked or misapprehended that on May 10, 2013 the AG's and Tommie Rae's attorney of record , in a suit also secretly brought by Bell, Wingate, told the Honorable L. Casey Manning, Jr., Presiding Judge in the Wingate Suit:

...the new Supreme Court opinion upholds the for-cause removal of ...Pope as a fiduciary of the James Brown Estate. In upholding her for-cause removal the court relies on some of the very same allegations made by the Case 4900 Plaintiffs against Mrs. Pope...Because of her for-cause removal, she can have no further part in the Estate and Trust.

AND

... [T]he Supreme Court, in substituting the new opinion has completely eliminated Footnote 29 of the prior opinion. Footnote 29, while only dicta in the now replaced opinion, addressed, among other items, the FOIA matters and called for them to be heard "in the first instance" without any clear definition of what that meant. Such language is totally absent from the new order. While the court does recognize that the Attorney General is contesting releasing some documents pursuant to FOIA, the court no longer puts any primacy or priority on any court hearing these matters... the claim of privilege must be decided before any court can make a determination of the application of any FOIA claim.

...Therefore, Case 4900 Plaintiffs and Proposed FOIA Intervenors respectfully request that Case 4900 be held in abeyance in its entirety until all the underlying issues related to the Plaintiffs are resolved by the Aiken Court. [Emphasis supplied.]

14. The Court overlooked or misapprehended that before a May 29, 2013 status conference, at which no testimony was allowed and of which no record was

made, the circuit court directed that anyone with ideas about the post-*Wilson v. Dallas* conduct of the James Brown cases was required to file a formal motion by May 26, 2013.

15. The Court overlooked or misapprehended that Appellant Pope was the only person to file such a motion. She filed three reasonable motions dealing with several of the Aiken James Brown cases, including Dallas' \$6 million commission claim suit; and the appointment of a special administrator/special trustee ("SA/ST") to protect the Will and 2000 Trust where Bauknight was aligned with Hynie. The motions addressed the issue of Bauknight being an agent for Tommie Rae in the Wingate and FOIA Suits.

16. The Court overlooked or misapprehended that Appellant Pope contacted Bell, Dallas and others to garner support for the estate plan, and the 1999 backup Will, which is in jeopardy under the 10-year rule, and which only Buchanan and Pope have protected and sought admission to probate in the unlikely event that the 2000 estate plan is set aside.

17. The Court overlooked or misapprehended that these persons could not or would not protect the 1999 Will, which – along with James Brown's own voice tape – made estate plan establishing the "I Feel Good" Trust ironclad. Cannon's counsel supported Pope's action, but said Cannon was unable to help.

18. The Court overlooked or misapprehended that Appellant Pope called to the attention of the Court that Tommie Rae and all former challengers of the Will/2000 Trust had admitted in writing in the Wingate Suit:

... the establishment of a Charitable Trust intended to provide financial assistance to deserving students who seek education in South Carolina and Georgia. **This objective as the often stated and well-known desire**

of James Brown. [Emphasis supplied.]

19. The Court overlooked or misapprehended that on May 29 counsel for Tommie Rae and Louis Levenson, Esq. (“Levenson”), asked the Honorable Doyet A. Early, III to go *in camera* and reinstate the AG’s 2008 settlement which the Supreme Court had just declared void., and which dismembered the “I Feel Good” Trust.

20. The Court overlooked or misapprehended that the claim that giving \$50 million of the “I Feel Good” Trust to the Levenson clients, clients of David Bell, Esq. (“Bell”) and Tommie Rae was good for the “I Feel Good” Trust was wholly without merit, and based on the following material claims:

- a. That Brown’s music empire was worth less than \$4.7 million. [It was conservatively valued at about \$84 million at Brown’s death.]
- b. The Tommie Rae was Brown’s spouse. [She was not.]
- c. That Tommie Rae and her son controlled the Federal Copyright Act termination rights to Brown’s 800+ songs. [This was false.]
- d. That nothing would be in the “I Feel Good” Trust in 2023 if the AG’s 2008 settlement were not approved. [This is false.]
- e. That Michael, Jeanette, La Rhonda, Nicole, Lisa, James Curtis are not heirs and have no claim to the termination rights. [This is false.]
- f. That the \$3+ million annual royalty stream could not be secured for decades, as all fiduciaries prior to Bauknight had shown, by confirming that Brown died without a spouse and reaching Federal Copyright Act termination rights agreements with the most cooperation HALF (or half + 1) of Brown’s children NOT challenging the “I Feel Good” Trust.

21. The Court overlooked or misapprehended that the “I Feel Good” Trust’s Royalty stream was being protected when the AG’s settlement which *Wilson v. Dallas*

declared void was reached by:

- a. Confirming that Tommie Rae was not Brown's spouse, and had waived all State and Federal rights prior to her void ceremony.
- b. Confirming that the claims of Tommie Rae and James B. were without merit and filed in the wrong court;
- c. Completing the official Peoples DNA Protocol under Order of the Honorable Doyet A. Early, III in Case 2008-CP-02-0122 (the "Levenson suit") to increase the heirs-at-death baseline to protect the "I Feel Good" Trust's copyright with agreements with the most cooperative HALF (or half + 1) of Brown's children.
- d. Continuing the same program with grandchildren after the death of Brown's children.
- e. Reaching termination rights agreements for as little as \$100,000 per year for all 5 or 6 of Michael, La Rhonda, Jeanette, Lisa, Nicole and/or others not challenging the estate plan.

22. The Court overlooked or misapprehended that when the AG's now-void settlement was reached Brown's plan to leave his entire music empire to the "I Feel Good" Foundation was being shown to be ironclad in the Levenson Suit by:

- a. Admissions by the contestants of the validity of the estate plan;
- b. Tommie Rae's and Venisha's being present and witnessing the Will and 2000 Trust;
- c. The counterclaim for alternate probate of the 1999 backup will, which also leaves the music empire to the "I Feel Good" Trust.
- d. James Brown's own voice tape.

23. The Court overlooked or misapprehended that on May 29, based on a pre-remittitur *ex parte* special administrator("SA") appointment obtained by Bauknight served a notice of disallowance with impending bar (the "Disallowance") purporting to disallow all of the following:

1. Pope's unpaid 2007 SA fees of about \$47,000, with legal interest.
2. Pope's unpaid, allowed, and court-approved payment for PR/Trustee commissions from 11/20/08 - 5/26/09 , about \$1.4 million plus interest:
3. Legal Fees incurred in defense of the Estate Plan, including 7 days of hearings and a 4-year appeal (Hayes & Bailey) of about \$ 200,000.
4. Buchanan's right to recover if the claimed "settlement" in the Winagate Suit is declared void.
5. Buchanan's and Pope's right to attorneys' fees for the 4-year defense against a frivolous lawsuit brought by Bell on January 2, 2008, Case 3:08-cv- 00014-WOB. to enjoin the 2000 Trust from taking any action until David Cannon and his co-trustee Albert "Buddy" Dallas were reinstated.
6. Attorneys' fees from the Estate and/or Bauknight for his interference since 2011 in FOIA #1, FOIA #2.

24. The Court overlooked or misapprehended that a motion to void the Wingate Suit "settlement" as against public policy is pending because "I Feel Good" funds paid for releases for Tommie Rae, her son, and others.

25. The Court overlooked or misapprehended that the Disallowance referenced the false felony claim that Buchanan and Pope: that they had improperly valued the assets on the estate tax return without basis.

26. The Court overlooked or misapprehended that Bauknight had actual knowledge the claim was false and the \$4.7 million claim which was outrageous because:

- a. A 2006 Professional Appraisal by the Royal Bank of Scotland ("RBS") had valued the Royalties – about half of the value of the music empire – at \$42 million.
- b. TJBL had made three offers of \$90 million - \$100 million for the music empire in late 2007 and early 2008.
- c. Buchanan and Pope, while still SAs , and prior to their

PR/Trustee appointment, had moved Judge Early to value the music empire for the estate tax return based on the following formula consistent with their \$84 million value placed under oath on the estate tax return:
Music empire = $12\frac{1}{2} - 14 \times$ (annual Royalties + $\frac{1}{2}$ road revenues)
LESS TIAA Debt.

d. The annual Royalties had been about \$3 million per year for decades, and road revenues for 2003 - 2006 were \$18 million.

e. Counsel for Oprah Winfrey has express interest at \$200 million, but Bauknight refused to proceed.

27. The Court overlooked or misapprehended that the Disallowance forced Appellant Pope to file suit within 30 days or face not being paid for her SA work in 2007; her PR/Trustee work between November 2007 and May 2008; also Buchanan, Tressa Hayes, Esq., and James Bailey, Esquire, not being properly paid.

28. The Court overlooked or misapprehended that Bauknight served the Disallowance to avoid review under the *Wilson v. Dallas* remand of:

a. A 2010 40% contingency fee contract with the Wingate Firm which Bauknight and the AG had kept secret in two FOIA suits since August 2011.

b. A \$563,000 2012 payment to Wingate, in addition to the 40% contingency

c. \$25,000 to Philpott Ball to produce a claimed \$4.7 million "appraisal" of Brown's music empire at death which reduces the "I Feel Good" Trust from about \$80 million to about \$2 million and purports to reduce the annual required payout to provide scholarships for needy students from several million per year less than \$100,000.

d. Undisclosed amounts proposed to be paid to Bauknight himself; his counsel; counsel for Tommie Rae; counsel and a GAL for James B.

29. The Court overlooked or misapprehended that by the end of 2013 Bauknight

would make the following additional payments, which have not been scrutinized:

A. \$770,000 + to Nexsen Pruet

B. \$250,000+ to the law firm of Sojourner.

30. The Court overlooked or misapprehended that on June 10 Appellant Pope filed suit to void the Disallowance; void Bauknight's pre-remittitur appointment; and/or remove him for cause based on his continued service to Tommie Rae and James B., and other actions during the *Wilson v. Dallas* appeal.

31. The Court overlooked or misapprehended that The June 10 complaint was accompanied by a request for hearing which the SCPC requires and the circuit court declined to set.

32. The Court overlooked or misapprehended that on June 13, 2013, without notice to any of Appellants and without hearing the circuit court issued the June 13 Orders were issued. The June 13 Orders enjoined Appellant Pope, with others, from participating in the appointment process; the remand fee and commission review; and other critical matters affecting their property rights and financial interests

33. The Court overlooked or misapprehended that the June 13 Orders continue the State's favoritism of Tommie Rae and her son which began in August 2008 and as a result of which all Appellants suffer similar damage, namely:

1. The injunction against Appellant Pope which has been carried out by the circuit court's refusal to conduct a hearing on her request to serve as GAL for Michael,

2. The refusal to appoint a GAL or allow James Curtis to be tested is allowing Tommie Rae and Bell, aided by Bauknight and Sojourner, to siphon off contracts which the HALF of Brown's children NOT challenging the estate plan should now be making with the Estate/2000 Trust for the benefit

of Bell/Terry, Tommie Rae, and others who continue baseless challenges to Brown's estate plan.

3. The refusal of the circuit court to conduct a hearing on voiding the unconstitutional gag orders damages the property rights of all Appellants.

4. The refusal of the circuit court to accept motions filed by non-parties, the circuit court's allowing Bauknight and Sojourner to proceed with heirs determination which actually undoes the Estate's official recognition of heirs.

5. The State's continued favoritism to Tommie Rae and James B. through Bauknight, Sojourner and the orders is improper and violates Due Process and Equal Protection rights.

34. The Court overlooked or misapprehended that The circuit court, for almost a year since *Wilson v. Dallas*, has refused to conduct a hearing on the 2012 motion to declare the Gag Orders void or expired.

35. The Court overlooked or misapprehended that The 2008 Gag Orders are clearly an unconstitutional prior restraint in violation of the First Amendment Rights of all Appellants, and threaten damage to them and to the "I Feel Good" Trust.

36. The Court overlooked or misapprehended that The Gag Orders prevent more than a dozen people who have confirmed that Tommie Rae was not Brown's spouse from speaking of the widely known contents of her own discarded writing which Tommie Rae's own lawyer admits does irreparable harm to her claim.

37. The Court overlooked or misapprehended that on or about June 24 the Clerk refused to file Appellant's Pope's motion to alter or amend the June 13 Orders, and the Clerk has since unfiled Appellants' motion to intervene and returned it.

38. The Court overlooked or misapprehended that on July 2, 2013 a status

conference was held on some James Brown cases, with no notice to heirs.

39. The Court overlooked or misapprehended that on or about July 26, 2013 both Buchanan and Pope (reserving objections) filed information about their service and fees and required by the June 13 Orders.

40. The Court overlooked or misapprehended that Bauknight did not disclose any of the payments set out above before his appointment on October 1, and the circuit court praised him and his counsel without inquiring.

41. The Court overlooked or misapprehended that Buchanan described how Bauknight's withholding of any of the \$500,300, with interest at the legal rate, from 2009 had placed Buchanan in desperate financial condition.

42. The Court overlooked or misapprehended that although Pope has worked *pro bono publico* since May 8, 2013, she is entitled to reasonable pay for her SA and PR/Trustee service under the January 8 Order, with interest as stated in the Order.

43. The Court overlooked or misapprehended that Appellant Pope suffered the same or greater financial damage to her career as Buchanan. The false felony claim by the Attorney General and Bauknight as his claimed agent have rendered her unable to serve as a consultant and/or expert.

44. The Court overlooked or misapprehended that On July 2, 2013, and since, Appellant Pope renewed her request for a hearing which the circuit court had declined to hold on the so-called Hynie "diary" Gag Orders issued in 2008.

45. The Court overlooked or misapprehended that on July 8, 2013 Bauknight delivered *ex parte* to the circuit court what he describes as an ethics opinion of Prof. Nathan Crystal showing he has no conflict, but the circuit court declines to release it.

46. The Court overlooked or misapprehended that on July 9, 2013 the circuit court heard, and orally denied, the Motion for reconsideration of the June 13 Orders.

47. The Court overlooked or misapprehended that on July 10, the circuit court issued a form 4 denial of the June 13 Orders.

48. The Court overlooked or misapprehended that in July and August Bauknight attempted to evade a deposition in the Forlando Federal Suit claiming he knew nothing about the counterclaims in the suit in which the 2000 Trust had been a party since 2008.

49. The Court overlooked or misapprehended that Bauknight concealed both from the federal court and in two FOIA suits that in January 2011 the AG's Legacy Trust had been amended to allow Terry to begin due diligence on seeking a purchaser.

50. The Court overlooked or misapprehended that in his August 20, 2013 deposition Bauknight claimed that Buchanan's and Appellant Pope's action in conducting the *Wilson v. Dallas* had not been helpful. He said:

That's poppycock. Pure speculation from your client [Pope]. Fantasy...I'm the person who actually looked at this. And I said it was a fair and reasonable settlement. I don't know where this fantasy is that \$50 million was gone away. Number one, your client made up that number. Your client did that in a self-serving fashion so that she could take \$5 million out of this estate for her retirement. So to say that this would have diminished is a load. A total load. I looked at this. I say. You have no clue how termination rights where [sic]. You don't know the value. . . She has no clue what she was dealing with and put stuff in the paper that it's just totally fabricated untrue. It blows me away that someone with a law degree can be so dishonest and get away with it. ...You know, what? That's set aside by the Supreme Court. That's fine. I've got a new roadmap, and I'm going to follow this new roadmap to a T....

...[Y]our client raped this estate taking every dime out of it for her own fees and for Bob's fees and her lawyer's fees leaving it insolvent....Your client didn't even try. Your client didn't know the numbers. I know the

numbers. There was no diminished Legacy Trust. That's fabrication from your client.

51. The Court overlooked or misapprehended that at the same deposition Bauknight claimed his \$4.7 million "appraisal" was confidential, as was the Wingate Litigation Retention Agreement.

52. The Court overlooked or misapprehended that of Sojourner, Bauknight said:

...I made it clear to Dave Sojourner that I would be part of the process. That I would assist him in every way I possibly could. I fully believe I am the right person to do that job. And I will oversee every action he takes....

53. The Court overlooked or misapprehended that on September 23, 2013 Bell's client Terry contacted Warner/Chappell through copyright attorney Marc Toberoff to say that he – with others, excluding Michael – would shortly be exercising termination rights under 17 U.S.C. 304.

54. The Court overlooked or misapprehended that Terry and all acknowledged children have confirmed that Tommie Rae is not Brown's spouse, but Bell has not dropped his alliance with her in the Wingate Suit, to Michael's extreme detriment.

55. The Court overlooked or misapprehended that because of Tommie Rae's relatively young age, declaring that she is Brown's spouse when she was not – as the AG attempted to do in the now-void 2008 settlement – will damage the rights of Michael, James Curtis and the DOE Defendants, and their children, under the Federal Copyright Act for decades.

56. The Court overlooked or misapprehended that Michael, who is

incarcerated in California, has a right under Rule 17 (c) SCACR to an unconflicted GAL to represent his interest in this complex matter; Appellant Pope has agreed to do so *pro bono publico*; and Appellant has expertise in the area and a deep knowledge of the James Brown probate issues.

57. The Court overlooked or misapprehended that in October 2013 the court in the Forlando Federal Suit released the Wingate Litigation Agreement, revealing that Bell had secretly been part of a suit to try to stop appeal of a settlement which dismembered the 2000 Trust and Michael's rights in State Court while he told the federal court he supported the estate plan.

58. The Court overlooked or misapprehended that since 2007 Bell has committed numerous improper acts, all intended to damage Buchanan and Appellants, including Michael.

59. The Court overlooked or misapprehended that at the September 4, 2013 hearing no questions were allowed to be asked, or asked by the Court, of either Sojourner or Bauknight about:

- a. Bauknight's continuing service as a fiduciary to Tommie Rae and James B., which is directly adverse to all Appellants;
- b. Bauknight's control over Sojourner as expressed by Bauknight in August.
- c. Sojourner's knowledge of the March 15, 2008 Order which directed a proper heirs determination.
- d. Sojourner's knowledge of the importance of a proper heirs determination to identify the most-cooperative and least expensive HALF of Brown's heirs who are not challenging the estate plan to reach termination rights agreements with under the Federal Copyright Act.

e. Bauknight's 40% contingency fee and \$563,000 payment to Wingate to continue to try to destroy the "I Feel Good" Foundation.

f. The false felony claim lodged by Bauknight against Buchanan and Pope under color of State authority, and by the Attorney General relying on Bauknight's claimed \$4.7 million value without seeing it.

g. Bauknight's refusal to release the Wingate Litigation Agreement;

h. Bauknight's refusal to release the fee agreements of lawyers wanting more than \$20 million from the 2008 settlement;

60. The Court overlooked or misapprehended that all Appellants were aggrieved and their property rights damaged by the failure of service of the Bauknight/Sojourner petitions on them and being enjoined the September 4 hearing.

61. The Court overlooked that but for the unconstitutional June 13, 2014 orders; the subsequent rejection by the Clerk of filings by and on behalf of Appellants; and other State action, all Appellants would now be parties to all cases where Tommie Rae, James B., or any other person might be declared an heir of James Brown.

62. The Court overlooked or misapprehended that for all of the reasons stated in the Petition for Certiorari and Accompanying Appendix, of which the Court is asked to take judicial notice under 201(d) SCRE, and which is found as S.C. Supreme Court Appellate Case No. 2014-001279, the Bauknight/Sojourner appointment Order of October 1, 2010, violated both the mandate of *Wilson v. Dallas* and their Due Process and Equal Protection rights.

63. The Court overlooked or misapprehended that the *ex parte* SA appointment order secured by Sojourner from the probate court further violated *Wilson v. Dallas*, their Due Process rights and their Equal Protection rights.

64. The Court overlooked or misapprehended that for all of the reasons stated

in filings in Appellate Case No. 2013-001649, for which judicial notice under Rule 201(d) SCRE is requested, the June 13 Orders violated the Due Process, Equal Protection and First Amendment rights of all Appellants, and the orders on appeal in this case continue to violate:

- a. The right of the incarcerated Michael to be represented by an unconflicted and competent GAL, serving *pro bono publico*;
- b. The right of James Curtis and other DOE Defendants to protect their Federal Copyright Act termination rights against Bauknight, Tommie Rae and Sojourner;
- c. The right of Appellant Pope, a creditor, and other creditors who support the "I Feel Good" Trust to do so in light of the conflicts of Bauknight and Sojourner and the withdrawal of the AG.
- d. The right of Appellant Pope and Buchanan to protect themselves from false claims and to be properly paid.
- e. The right of Buchanan and Pope to protect themselves and each other against false felony claims based on a secret, fabricated \$4.7 million "appraisal" of the music empire.
- f. The right of Appellant, Buchanan and others under the S.C. Trust Code to seek to enforce the "I Feel Good" Trust, or a creditors to do the same under the SCPC.

65. The Court overlooked or misapprehended that the Bauknight/Sojourner appointment violated all notions of fairness because:

- a. The July 29, 2013 Bauknight Summons and Petition seeking to be sole PR/Trustee under the Will and 2000 Trust. The summons and Petition did not name a single heir in either the caption or the body. It was not served on anyone. Attached to the Petition was a second petition seeking the appointment of Sojourner. It was not served on any Appellant, although they were required by the SCPC to be served and named.
- b. On September 4, 2013, with no service on or proper notice to any Appellant, the circuit court conducted a "hearing" which was not a hearing as contemplated by Due Process.

c. The "hearing" failed to even meet the definition of hearing under the SCPC because no examination of Bauknight or Sojourner was allowed.

d.. Only the circuit court asked questions, and failed to inquire about: any of Bauknight's wrongdoing; the above payments; Bauknight's refusal to file the claimed \$4.7 million "appraisal" even though required to do so by the Probate Code; Bauknight's material misstatements to the Supreme Court; or Bauknight's bringing a suit claiming to be acting "on behalf of" the Attorney General when he had no such authority.

66. The Court overlooked or misapprehended that since July 2013 the circuit court has refused to conduct a hearing on the release by Bauknight of the fee agreements ordered to be delivered in March 2010, but not in the Clerk's office.

67. The Court overlooked or misapprehended that the claim of all Appellants and their children to termination rights under the Federal Copyright Act is based on the confirmation that Brown died without a spouse.

68. The Court overlooked or misapprehended that the appealed orders, if not reversed, will continued violation of the Due Process and Due Process rights of all Appellants; the Equal Protection Rights of some; the South Carolina Probate Code ("SCPC"); the South Carolina Trust Code ("SCTC") rights of all; and the South Carolina Freedom of Information Act ("FOIA") rights of some.

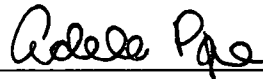
69. The Court overlooked or misapprehended that the circuit court's refusal to conduct a hearing on the appointment of a GAL for Michael and the refusal of the Clerk of Court, under direction of the Chief Administrative Judge, to accept motions of non-parties while allowing Tommie Rae and James B. to participate violates their Due Process, First Amendment, Equal Protection and statutory rights.

70. The Court overlooked or misapprehended that the *Wilson v. Dallas* decision

was not intended to be interpreted as it has been by the circuit court to:

- a. Deprive Appellant Pope and Robert L. Buchanan, Jr. of the right to defend themselves in the Wingate Suit.
- b. Deprive Appellant Pope of the right to void the unconstitutional 2008 Gag Orders where they she is being sued by Tommie Rae, and other Appellants the right to do the same to protect their property rights under the Federal Copyright Act.
- c. Deprive Appellant, Buchanan or any South Carolina citizens of their FOIA rights to obtain public James Brown documents.
- d. Require FOIA suits filed by other South Carolina citizens to be transferred to Richland County and consolidated with the Wingate Suit.
- e. Allow Bauknight to continue to serve as fiduciary for Tommie Rae and agent for James B. (with no GAL) and claim to protect the estate plan.
- f. Allow Sojourner to ignore the 1999 Will.
- g. Prevent Appellants and other Interested Parties from participating in suits which affect them.
- h. Continue, through Bauknight and Sojourner, the State's contract to favor Tommie Rae and James B.

Respectfully submitted,



Adele J. Pope
1228 Walnut Street
Newberry, South Carolina 29108
803-413-0753
S.C. Bar No. 4501
Attorney for Appellants

June 25, 2013

Exhibit A

The South Carolina Court of Appeals

In re: The Estate of James Brown a/k/a James Joseph Brown

Michael Deon Brown, James Curtis, Jane Doe and John Doe Numbers I, II, III, and IV, and Adele Pope, Appellants,

v.

James B., Terry Brown, Tommie Rae Hynie Brown, and David Sojourner, Jr., Respondents.

Appellate Case No. 2014-000794

ORDER

Adele Pope has filed a notice of appeal from the following orders of the circuit court:

- (1) Order of February 7, 2014, determining parties to severed omitted spouse claim, elective share claim, and pretermitted child claim (Case No. 2008-CP-02-1647);
- (2) Order of January 8, 2014, dismissing cross-claims of Cinnamon Nicole Parris and LaRhonda Pettit without prejudice (Case No. 2008-CP-02-1647);
- (3) Order of December 16, 2013, severing omitted spouse claim, elective share claim, and pretermitted child claim (Case No. 2008-CP-02-1647); and
- (4) Form Orders of February 26, 2014, and March 10, 2014, denying Pope's motions to alter, amend, and vacate orders dismissing heirs of James Brown and others from proceedings of James B. and Tommie Rae Hynie.

Pope signs her notice of appeal as "Attorney for Appellants." However, "Appellant" Michael Deon Brown's attorney, David B. Bell, has notified this Court that Pope does not represent Michael Deon Brown and he asks that his client's

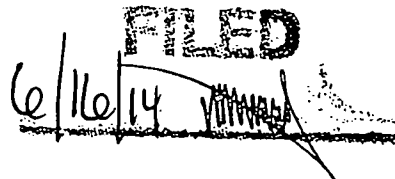
name be removed from the caption of this appeal.¹ As to the remaining "Appellants," they are not parties to Case No. 2008-CP-02-1647. In fact, the circuit court's administrative orders of June 13, 2013,² remove Pope from all James Brown Estate and Trust litigation, specifically including Case No. 2008-CP-02-1647, noting any litigation regarding Pope's fee petition will be assigned a separate case number. Because "[o]nly a party aggrieved by an order, judgment, sentence or decision may appeal" and an appeal may only be taken "as provided by law[] from final judgment, appealable order or decision," this appeal is dismissed. Rule 201, SCACR (emphasis added); *see also Nance v. Nationwide Ins. Co.*, 273 S.C. 617, 619, 258 S.E.2d 105, 106 (1979) ("An appeal filed by one who has ceased to be a party to a suit is a mere nullity." (internal quotation marks and citation omitted)).


FOR THE COURT

Columbia, South Carolina

cc:

Adele Jeffords Pope, Esquire
Robert N. Rosen, Esquire
Albert P. Shahid, Jr., Esquire
John Fisher Beach, Esquire
David B. Bell, Esquire



¹ We further question whether Pope represents James Curtis, Jane Doe and John Doe Numbers I, II, III, and IV. In her filings, Pope contends she is filing the appeal as a "proposed guardian ad litem" and as "Creditor/Proponent of the Will of James Brown." We note that nothing in our file indicates Pope has been appointed as the guardian ad litem for any of the "Appellants."

² The administrative orders were issued in response to our supreme court's decision in *Wilson v. Dallas*, 403 S.C. 411, 743 S.E.2d 746 (2013). Pope's appeal from these orders, appellate case number 2013-001649, is currently pending before this court.

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

The Honorable Doyet A. Early, III Circuit Court Judge

Appellate Case No. 2014-000794

MICHAEL DEON BROWN, JAMES CURTIS, AND JANE DOE and JOHN DOE
Numbers I, II, III and IV, by their proposed Guardian *ad Litem*, and Adele Pope,
as Creditor/Proponent of Will of James Brown dated June 15, 1999 and on
behalf of Others under S.C. Trust Code § 62-7-405 Appellants,

v.

James B., Terry Brown, Tommie Rae Hynie and David Sojourner, Jr.,
. Respondents.

IN RE:
THE ESTATE OF JAMES BROWN, A/K/A JAMES JOSEPH BROWN

PROOF OF SERVICE

I certify that on the 25th day of June, 2013, I have served the APPENDIX TO
PETITION FOR REHEARING in the above matter on Respondents and others as
shown below by depositing a copy of same in the United States Mail, postage
prepaid, addressed to them or their attorneys of record as follows:

David B. Bell, Esquire
Matthew D. Bodman, Esquire
619 Greene Street
Post Office Box 1011
Augusta, Georgia 30903-1101

Robert N. Rosen, Esquire
18 Broad Street, Suite 201
Charleston, SC 29401

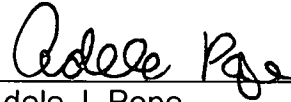
RECEIVED

JUN 25 2014

SC Court of Appeals

Peter Shahid, Jr., Esquire
89 Broad Street
Charleston, South Carolina 29401

John F. Beach, Esquire
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