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STATE OF SOUTH CAROLINA

JUL 29 2014

In the Supreme Court

S.C. Supreme Court

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

The Honorable Doyet A. Early, III Circuit Court Judge

Appellate Case No. 2014-001279

Alan Wilson, in his Capacity as Attorney General of South Carolina; and others, Plaintiffs,

v.

Albert H. Dallas and others, Defendants.

Of whom Adele J. Pope, Individually and on behalf of Others under South Carolina Trust Code Section 62-7-405, is the.....Petitioner,

And Terry Brown, Forlando Brown, James B., David G. Cannon, Albert H. Dallas and Tommie Rae Hynie are..... Respondents,

And Alan Wilson in his Capacity as Attorney General of South Carolina, Deanna J. Brown Thomas and Robert L. Buchanan, Jr., are Additional Interested Persons.

IN RE:

The Estate of James Brown and The James Brown 2000 Irrevocable Trust u/a/d August 1, 2000

MOTION TO REQUIRE WITHDRAWAL OF COUNSEL
BELL AND BODMAN AND MEMORANDUM

Pursuant to Rules 240, 264 and 404(g) and (h), SCACR and other applicable law, Petitioner respectfully moves this Court to require the withdrawal of Georgia attorney David B. Bell, Esquire, ("Bell") and his sponsor Matt Bodman, Esquire, from this appeal based on one or more of the following grounds:

1. Messrs. Bell and Mr. Bodman were terminated by Respondents Terry Brown ("Terry") and his son Forlando Brown ("Forlando") and directed to stop representing them in all James Brown matters, but have not withdrawn.
2. The withdrawal of Bell may help stem the tide of fraud perpetrated on this Court, the Richland County Court, the Federal District Court and others by Mr. Bell, supported by the sponsorship of Mr. Bodman.
3. Bell is now participating in this appeal from more than a dozen James Brown cases and has recently entered an appearance in four cases on behalf of incarcerated son Michael Deon Brown, but has done nothing since September 2013 to protect Michael's interest against Tommie Rae Hynie ("Tommie Rae") with whom Bell secretly brought Richland County Case 2010-CP-40-4900 (the "Wingate Suit") to try to stop the *Wilson v. Dallas* appeal.
4. On information and belief, Bell is siphoning off the right (and obligation) of the Estate/"I Feel Good" Trust to reach fair termination rights agreements with the HALF (or half + 1) of Brown's real heirs to protect for decades the \$3+ million royalty stream Brown gave to the "I Feel Good" Trust for the benefit of Daryl Brown and Tommie Rae.
5. As is demonstrated by the Orders of the Honorable Doyet A. Early, III, dated July 28, 2014, attached as Exhibits A & B, Bell has acquiesced for months in the attempts of David Sojourner, Esquire to defeat the interest of Brown's real, DNA-proven heirs, and to exclude those heirs who are not challenging the estate plan and whose property interest, like that of the "I Feel Good" Trust, is protected by confirming that Tommie Rae was not Brown's spouse.
6. Both Forlando and Terry have openly supported James Brown's estate plan and "I Feel Good" Trust since the May 8, 2013 decision in *Wilson v. Dallas*, 403 S.C. 411, 743 S.E.2d 746 (2013), but Bell, Tommie Rae Hynie and Louis Levenson, Esquire ("Esquire") are still pursuing their May 19, 2010 contract and lawsuit, Richland County Case 2010-CP-40-4900 (the "Wingate Suit"), to obtain \$20 million in legal fees by reinstating the McMaster settlement.

7. Since Bell and Bodman have no further authority to speak for the Terry and Forlando, they should be informed of this proceeding, and they – or new counsel – should speak for them at this critical time.

Memorandum Supporting Motion

Bell is the embodiment of the unchecked fraud on multiple courts and extraordinary vitriol which have characterized the James Brown litigation since 2007. He had been at the very heart of that fraud for almost seven years. Buchanan's telephone notes from the day Bell was joining the McMaster settlement, attached hereto as Exhibit C, evidence Bell's talent for threats of Rule 11 sanctions and Bar grievances to achieve the results he wants. Bodman has condoned and supported this for four of the seven years.

The attacks on Petitioner and Buchanan, who always acted jointly, continued until Buchanan was financially broken in 2012. Since then, they have focused on Petitioner. But the "I Feel Good" Foundation is the real victim.

The fraud of Bell on two attorneys general, this Court and others:

- a. Began in September 2007 with Bell's filing of a known false stipulation that Brown's 2000 Trust had no assets;
- b. Continued in January 2008 when Bell brought a fabricated federal suit, 3:08-cv-00014-WOB, to enjoin Brown's 2000 Trust from acting until Cannon and Dallas were reinstated. [Bell's complaint contained a fabricated Schedule B to Brown's 2000 Trust which appeared to shift approximately \$40 million from Brown's estate to the 2000 Trust.]
- c. Was exacerbated by Bell's filing of six fabricated grievances against Levenson in two states, accusing him of forgery, to advance his position.
- d. Was enhanced in 2008 and later by the false claim that Buchanan and Petitioner improperly conducted the Christie's sale, approved by three courts and the attorney general, including the false claim about the placement and the proper decision to withdraw the GRAMMY.

- e. Was exacerbated by Bell's use, with Cannon and Dallas, of more than thirty lawyers from prestigious firms, including Kilpatrick Stockton, Powell Goldstein (now Bryan Cave), Hull Towell, to advance their agenda.
- f. Was demonstrated in February 2008 when Attorney General Henry McMaster appeared on WIS TV with Bell's client Forlando to repeat the false claims of Bell, Dallas and Cannon about Buchanan and Petitioner.
- g. Increased the threat to The James Brown "I Feel Good" Trust when Terry joined with Tommie Rae and Levenson in the McMaster settlement in 2009 while Forlando claimed to support the estate plan in federal court.
- h. Became increasingly vitriolic on January 29, 2009, as Bell joined the McMaster Settlement for Terry, while opposing it for Forlando, as evidenced Exhibit C, notes of Buchanan from January 2009.
- i. Was worsened by Bell's letter of March 2009 threatening a judicial grievance against Buchanan, a federal magistrate judge.
- j. Has continued for four years while Bell and Bodman have taken material opposite positions in different cases at the same time.
- k. Was worsened on May 19, 2010 when Bell contracted with Levenson, Bauknight and Tommie Rae to bring the fabricated Wingate Suit against Buchanan and Pope to stop the *Wilson v. Dallas* appeal.
- l. Is continuing today in the Wingate Suit where Kenneth Wingate, Esquire has asked the Honorable L. Casey Manning to delay the fabricated claims until all matters are concluded in Aiken County.
- m. Has been furthered by Bell's support for Bauknight's 3-year attempt to interfere in three FOIA suits; seek sanctions against Petitioner for exercising FOIA rights; consolidate FOIA suits with the Wingate Suit; and prevent release of the following public documents:
1. The Wingate Litigation Retention Agreement;
 2. The claimed \$4.7 million appraisal of Brown's music empire;
 3. The McMaster Legacy Trust and its 2011 amendment;
 4. The widely-known, previously disseminated "Hynie diary."
- n. Continued in January 2011 when AG McMaster, Terry, Levenson and counsel for Tommie Rae secretly amended the McMaster Legacy Trust and Terry transferred his right of first refusal to buy the music

empire ("ROFR"), and Bauknight and Terry began secret due diligence on a sale of the music empire for as much as \$200 million.

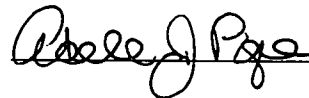
o. Became more troublesome in May 2011 when Bodman told this Court, for Terry, that the music empire was worth less than \$4.7 million at Brown's death.

p. By mid-2011 threatened the careers of Buchanan and Petitioner when Bell joined Bauknight and AG Willson in the false felony claim that the two had intentionally overstated the value of Brown's music empire to the IRS on the federal estate tax return by \$79 million for the improper purpose of obtaining a \$5 million commission. [In 2008 Bell had made the false claim that Buchanan and Pope ousted the innocent Cannon to obtain the proper \$5 million commission on Brown's \$100 million estate.]

q. Continued in the federal suit where Bell and Bauknight claimed Forlando had done nothing wrong and Bell gloated to the Court in 2014 over the permanent damage to the reputations of Buchanan and Pope resulting from the decision in *Wilson v. Dallas*.

When Respondents Terry and Forlando are able to speak for themselves or through new counsel it will be known whether they will continue Bell's actions.

Respectfully submitted,



Adele J. Pope, *pro se*
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803-413-0573
Adele@popelawfirm.com
S.C. Bar No. 4501

July 29, 2014

FILED 7.29.14
 Lij Gadard
 J.C.P. & G.S.
 Anita Knoepfle 9:30
 Deputy Clerk

Exhibit
A

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF AIKEN)	SECOND JUDICIAL CIRCUIT
)	
)	CASE NO. 2008-CP-02-01647
)	
IN RE:)	ORDER DENYING MOTION TO DISMISS
)	CLAIM OF JEANETTE MITCHELL AS AN
THE ESTATE OF JAMES)	HEIR OF JAMES BROWN
BROWN A/K/A JAMES JOSEPH)	
BROWN)	
_____)	

This matter came before the court on July 8, 2014 on David C. Sojourner Jr., Limited Special Limited Administrator's, ("LSA") Motion to Dismiss Jeanette Mitchell's Motion to be Declared an Heir of the Estate of James Brown. The LSA reasoned that Mitchell failed to obtain an adjudication of paternity, within eight months of James Brown's death, pursuant to S.C. Code Ann. § 62-2-109.

BACKGROUND

On December 28, 2006 three days after the death of James Brown, Jeanette Mitchell's attorney, Robert A. Young ("Young") send by certified mail with return receipt requested a notice to Albert H. Dallas claiming Jeanette Mitchell as an heir of James Brown. Young also requested additional information. The signed mail receipt shows that Dallas received the notice on January 11, 2007. Subsequently Dallas filed an Informal Petition with the probate court on January 18, 2007. Question 4b of the application asked for the names, addresses and ages of intestate heirs. The response signed by Dallas stated "Unknown at this time if any." Thereafter, Dallas failed to provide Young with any information.

On May 21, 2007, Mitchell submitted to a DNA test and tested 99.9 percent positive to be the daughter of James Brown. Test results were forwarded to the Personal Representatives of

James Brown. Throughout settlement discussions in the Estate of James Brown, proceeding Mitchell was listed in the pleadings and was included in discussions of Educational Benefits. Mitchell's attorney William J. Barr participated in settlement hearings. Mitchell was listed in the caption of settlement documents. No one contested Mitchell's claim from 2007, through 2013, when the Motion to Dismiss was filed by the USA.

The Court considered oral arguments of counsel citing Parker v. Parker, 313 S.C. 482, 413 S.E.2d 388 (S.C. 1994) , where the probate court denied a request to exclude an intestate heir who was listed in an informal application filed in probate court. In Parker no DNA test was obtained and no adjudication of paternity was obtained within eight months of decedent's death or six months of appointment of the personal representative, pursuant to S.C. Code Ann 62-2-109. No one contested Parker's claim and she was allowed to participate in legal proceedings for four years. Applying equitable estoppel the probate court in Parker denied a request to exclude her as an heir. On appeal both the Circuit and the Supreme Court affirmed. The Supreme Court found the preamble to S.C. Code Ann. § 62-2-109 to be non-mandatory.

S.C. Code Ann. § 62-3-301 (a) (ii) provides that applications for informal probate shall be verified by the applicant to be accurate and complete to the best of his knowledge and belief as to the names and addresses of the spouse, children, heirs (regardless of whether the decedent died intestate and determined as if the decedent died intestate.

Based upon evidence submitted into the record by the respective parties and the oral argument of counsel I make the following findings of fact and conclusions of law.

This court has jurisdiction of the subject matter and parties in this matter.

That shortly after the death of James Brown, Dallas received notice of Mitchell's claim on January 11, 2007, from Mitchell's attorney Robert Young.

That Dallas failed to list Mitchell as an intestate heir in section 4b of the Informal Petition filed with the probate court on January 18, 2007.

That Mitchell submitted an authenticated DNA test reflecting a 99.9 percent result of being James Brown's child.

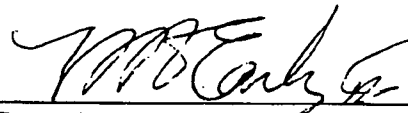
That Mitchell was allowed to participate in legal proceedings.

That Mitchell relied on the silence of the parties and was lulled into a position believing there was no contest to her claim from 2007 through December 2013.

That equitable estoppel applies to prevent the LSA from dismissing Jeanette Mitchell's claim as an heir of James Brown.

ACCORDINGLY, based upon clear and convincing evidence and equitable estoppel, the LSA's Motion to Dismiss Jeanette Mitchell's claim as an heir of James Brown is denied.

IT IS SO ORDERED.



Doyet A. Early, III
Chief Administrative Judge
Second Judicial Circuit

July 28 2014
Laurens, SC

Exhibit B

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)
Tommie Rae Brown,)
)
Petitioner,)
)
v.)
)
David C. Sojourner, Jr., in his capacity)
as Limited Special Administrator and)
Limited Special Trustee, Deanna Brown)
Thomas, Yamma Brown, Vanisha)
Brown, Larry Brown, Terry Brown and)
Daryl Brown,)
)
Respondents,)
)
IN RE:)
)
THE ESTATE OF JAMES BROWN)
A/K/A JAMES JOSEPH BROWN)
_____)

IN THE COURT OF COMMON PLEAS

CASE NO. 2013-CP-02-02849 - *Original*
(*Omitted Spouse Claim*)
CASE NO. 2013-CP-02-02850 - *cert/copy*
(*Elective Share Claim*)

SCHEDULING ORDER

WILCO 7.29 and 14
Liz Godard
C.C.P. & G.S.
Anita Knoepfle 930
Deputy Clerk

Pursuant to Rule 16 of the South Carolina Rules of Civil Procedure, the Court orders as follows:

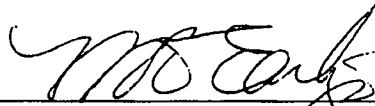
1. The Court will hear Petitioner's April 24, 2014 motion for partial summary judgment and the Limited Special Administrator's May 29, 2014 Motion for Summary Judgment on the issue of whether Petitioner is Decedent's surviving spouse on September 30, 2014 at the Aiken South Carolina County Courthouse. The Parties shall observe the following schedule regarding this motion:
 - a. The Parties shall submit to the Court a joint stipulation of facts necessary for the Court to rule upon Petitioner's motion for partial summary judgment no later than July 23, 2014.
 - b. Petitioner shall file and serve a Memorandum of Law setting forth the law and facts supporting all theories upon which Petitioner contends she is entitled to this partial summary judgment, as well as all affidavits and evidence in support of Petitioner's theories, no later than August 4, 2014;
 - c. The Respondents shall file and serve Memoranda of Law setting forth the law and facts supporting all counterarguments to Petitioner's theories, as well as

all affidavits and evidence in support of Respondents' counterarguments, no later than August 19, 2014;

- d. The Petitioner shall file and serve a Responsive Memorandum setting forth the law and facts supporting all theories responsive to the Respondents' counterarguments, as well as all affidavits and evidence in support of Petitioner's responsive theories, no later than September 2, 2014.
 - e. The Respondents shall file and serve Memoranda of Law setting forth the law and facts supporting all counterarguments to Petitioner's responsive theories, as well as all affidavits and evidence in support of Respondents' counterarguments, no later September 10, 2014.
2. Petitioner shall respond to the Limited Special Administrators April 23, 2014 1st Requests for Admission, 2nd Interrogatories, and 2nd Requests for Production on or before June 16, 2014.
 3. All other discovery in these two cases is stayed pending the Court's ruling upon Petitioner's April 24, 2014 motion for partial summary judgment on the issue of whether Petitioner is Decedent's surviving spouse.
 4. The Parties shall resume all written discovery following the Court's ruling on Petitioner's partial motion for summary judgment and shall respond to all discovery requests stayed by this Order on or before fifteen (15) days following the Court's ruling. All remaining written discovery must be completed on or before sixty (60) days following the Court's ruling. Additional written discovery requests shall be served on a date that affords the responding party the full time to respond under the applicable rules of the South Carolina Rules of Civil Procedure prior to the written discovery completion date set forth in this paragraph.
 5. The Parties shall identify and disclose all expert witnesses intended to be offered at trial, along with all written discovery relevant to such witnesses, on or before sixty (60) days following the Court's ruling on Petitioner's motion for partial summary judgment.
 6. The Parties shall complete all depositions on or before one hundred twenty (120) days following the Court's ruling on Petitioner's motion for partial summary judgment.
 7. The Parties may, with the written consent of counsel for each Party, conduct written discovery and depositions up to the time of trial, provided the other deadlines in this Order are not affected. If the parties do not consent to additional written discovery and depositions, the parties may petition this Court for additional time.
 8. The Parties shall file and serve all dispositive motions on or before one hundred fifty (150) days following the Court's ruling on Petitioner's motion for partial summary judgment.

9. The Court will schedule a pre-trial hearing, pursuant to Rule 16 of the South Carolina Rules of Civil Procedure, approximately two (2) weeks prior to the trial date. Prior to such hearing the Parties shall confer regarding the exchange of a list of witnesses, the stipulation of facts not in controversy, and a list of exhibits proposed to be offered at trial and their admissibility,
10. The Court shall set a day-certain trial date for this case not before March 1, 2015, or thirty (30) days after the Court rules upon all dispositive motions, whichever comes later.
11. This Order shall be subject to further modification by the Court upon motion of any party and for good cause shown.

AND IT IS SO ORDERED.



The Honorable Doyet A. Early III

Lauras, South Carolina

July 28th, 2014

Exhibit C

BUCHANAN LAW OFFICE, P.A.

Attorneys and Counselors At Law
Post Office Box 463 • 212 Newberry Street, N.W.
Aiken, South Carolina 29802 - 0463
803-649-2586 Telephone • 803-649-1392 Facsimile

Robert L. Buchanan, Jr.

Robert E. Johnson
Of Counsel

To: File

Date: 1/29/09

Subject: Brown

called Lewis Levinson - collectively settling phys. planning
to make Rule 11 motions, bar complaints, etc. Glad he
told me - get me a TT's lawyer today. I'm getting pissed off, too.
I don't plan to be here long. Just doing jobs - how can I
be taking it personally when Will directs me to ignore any
spouse or former spouse? (He had no answer.) He said
OK - see me tomorrow.

Signed: _____

PHONE CALL

FOR	<u>BB</u>	DATE	<u>1/28/09</u>	TIME	<u>7:28 PM</u>
NAME	<u>Lewis Levinson</u>				
PHONE/MOBILE	<u>404-396-1755</u>				
MESSAGE	<u>early need to talk gathering storm - hear his point of view</u>				
SIGNED					
<input type="checkbox"/>	TELEPHONED				
<input type="checkbox"/>	RETURNED YOUR CALL				
<input type="checkbox"/>	PLEASE CALL				
<input type="checkbox"/>	WILL CALL AGAIN				
<input type="checkbox"/>	CAME TO SEE YOU				
<input type="checkbox"/>	WANTS TO SEE YOU				

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Persons.

IN RE:

The Estate of James Brown and The James Brown 2000 Irrevocable Trust
u/a/d August 1, 2000

PROOF OF SERVICE

I certify that on the 29TH of July, 2014, I have served the MOTION TO
REQUIRE WITHDRAWAL OF COUNSEL BELL AND BODMAN in the above
matter on Respondents as shown below by depositing a copy of same in the United
States Mail, postage prepaid, addressed to 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

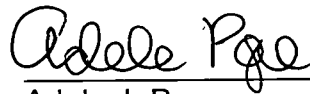
David G. Cannon
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Barnwell, SC 29812

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Greenville, SC 29602

Robert N. Rosen, Esquire
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J. David Black, Esquire
William W. Wilkins, Esquire
Tanya A. Gee, Esquire
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Petitioner, *pro se*

July 29, 2014