

# The South Carolina Court of Appeals

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 Appellant,

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.

Appellate Case No. 2013-001649

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## ORDER

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Respondent Russell Bauknight, as Personal Representative of the Estate of James Brown and Trustee of the James Brown 2000 Irrevocable Trust (Bauknight) has filed a motion to strike forty-nine of the sixty-seven matters designated by Appellant for inclusion in the record on appeal, arguing some of the matters post-date the orders on appeal, are designated from other cases, are not part of this appeal, were not presented below, are irrelevant, or are otherwise inappropriately designated.

Appellant filed a request for a forty-five day extension to file a return and to file "related motions." Appellant also filed a request for a forty-five day extension to serve and file her initial reply brief. Bauknight filed a motion to dismiss, contending Appellant's request for excessive extensions is another indicator of the frivolous nature of the appeal.

Bauknight's motion to dismiss is denied at this time; however, Appellant's requests for forty-five day extensions are also denied. Appellant shall follow the timelines set forth in this order.

Bauknight's motion to strike is hereby granted. *See* Rule 209(b), SCACR ("[T]he Designation may only propose to include . . . materials which may be properly included in the Record on Appeal."); Rule 210(c), SCACR ("The Record shall not . . . include matter which was not presented to the lower court or tribunal."); Rule 209(b), SCACR ("A party shall not include any matter in [her] Designation which is not relevant to the appeal."). Within fifteen days of the date of this order, Appellant shall serve and file an amended Appellant's initial brief and designation of matter that strikes the forty-nine stricken matters, which are listed in Bauknight's motion to strike, from the designation and omits any reference to the matters in the brief. Any initial reply brief shall be served and filed within twenty days of the date of this order.

  
FOR THE COURT

Columbia, South Carolina

cc:

Adele J. Pope  
David B. Bell, Esquire  
Matthew D. Bodman, Esquire  
Eugene C. Covington, Jr., Esquire  
Robert N. Rosen, Esquire  
Albert P. Shahid, Jr., Esquire  
William W. Wilkins, Esquire  
J. David Black, Esquire  
Fred Lewis Kingsmore, Jr., Esquire

**FILED**  
2/6/14

Burl F. Williams, Esquire  
Tanya Amber Gee, Esquire  
John Andrew Donsbach, Sr., Esquire  
David G. Cannon