

STATE OF SOUTH CAROLINA  
In the Supreme Court

APPEAL FROM AIKEN COUNTY  
Court of Common Pleas

The Honorable Doyet A. Early, III Circuit Court Judge

**RECEIVED**

AUG 08 2014

S.C. SUPREME COURT

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

**RETURN TO PETITION OF BELL AND BODMAN  
TO WITHDRAW AS COUNSEL**

Responding to the Petition of Matthew Bodman, Esquire ("Bodman") for David  
Bell, Esquire ("Bell") to withdraw as counsel for respondents Terry Brown and  
Forlando Brown herein, Petitioner asserts the Court should allow the withdrawal,

but take into account that Bell, has worked with Respondents Dallas and Cannon to defraud multiple courts; his deception includes false statements about the value of Brown's assets, and the Christie's sale and GRAMMY. Some of his misrepresentations, joined in by Bauknight, were reflected in this Court's opinion in *Wilson v. Dallas*, 403S.C. 411,743 S.E.2d 746 (2013). Petitioner also incorporates her Motion to Require Withdrawal and Affidavit dated July 29, 2013.

She also asks this court to note following facts:

- a. On April 28, 2014, after learning of Bell's involvement with Kilpatrick Stockton - the source of the false GRAMMY claim - Petitioner called Robert Potter, Esquire, to learn more.
- b. Mr. Potter returned Appellant's call, but they did not speak.
- c. An email of January 30, 2011 [App., p. 181], shows that the office of AG Wilson was dealing with Bodman, Bell and " J. Trigg" of Kilpatrick Stockton on the secret January 2011 amendment by AG McMaster, Terry Brown and others to the McMaster Legacy Trust, and transfer from Terry Brown to Forlando [App. 55 181-188].
- d. Petitioner has not received a response to her letter of June 26, 2014 to Robert Potter, a copy of which is attached as Exhibit A.
- e. Petitioner and Buchanan were prevented by Respondent Bauknight's 3-year interference with three FOIA cases from learning more about the Bell/Kilpatrick Stockton association. The FOIA interference continues today.
- f. With knowledge that Wingate was not legally authorized to sue for the State/AG or Bauknight to speak "on behalf of" the State/AG, Bell Levenson and Tommie Rae signed the 40% Wingate contract and approved the Wingate Suit complaint.
- g. Bodman claims Bell never appeared in the Wingate Suit, but he appeared at court-ordered mediation in 2012.
- h. In 2011, Bell and Bodman joined with Bauknight in the false claim that Brown's worldwide music empire was worth less than \$4.7

Million when he died.

- i. At the same time they were working on a proposed sale to Oprah Winfrey's counsel for as much as \$200 Million.
- j. Sale talks did not proceed because Bauknight was not interested in a sale.
- k. Bell and Bauknight have colluded since 2010 to advance Tommie Rae's claim that she is Brown's spouse even though Forlando has stated under oath she was not Brown's spouse; knew it; and begged Brown to marry her.
- l. The record in the now-dismissed federal complaint 3:08-cv-00014-WOB, of which the court is asked to take judicial notice, gives a history of Bell's 7-year fraud on multiple counts.
- m. Bell/Bodman joined Bauknight's false \$4.7 Million claim with knowledge that their own client, Folando Brown, had testified under oath that the correct \$84 Million value was conservative and that \$150 Million offers were available in late 2008.
- n. Bell/Bodman joined and promoted the false GRAMMY claim with knowledge that it was Dallas, Forlando, and some family members who joined together to sabotage the Christie's sale; and fabricate claims again Buchanan and Petitioner.
- o. Bauknight adopted Bell's false Christie's sale claims.
- p. Bauknight even added to the false GRAMMY claim on July 3, 2014 when he filed a false affidavit in Aiken Case 2013-CP-02-1337 asserting Buchanan and Appellant had damaged the GRAMMY in transit.
- q. Bauknight has been asked to withdraw this false affidavit, but has not done so to date.
- r. The court is asked to take judicial notice that Bauknight claims Forlando/Bell did nothing wrong in his 4-year attempt to enjoin the 2000 Trust from taking any action until the Cannon Trustees were reinstated.
- s. The Court is asked to take judicial notice that in the Forlando Federal Suit, in 2014 Bell gloated over the permanent damage

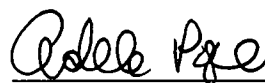
done to Buchanan's and Appellant's reputation in *Wilson v. Dallas* with resulted from his own false GRAMMY claims and, in part, his joining in the false \$4.7 Million value claim.

- t. The court is asked to take notice that Bell continues to partner with Tommie Rae and Bauknight in the Wingate and FOIA Suits, while now claiming to represent incarcerated son Michael in more than five cases.

### **Conclusion**

Bell and Bodman should withdraw, but this court should consider that Bauknight continues to partner with Bell and Tommie Rae Hynie in the Wingate Suit and FOIA interference which is damaging the "I Feel Good" Foundtation, its copyrights and Appellant.

Respectfully submitted,



---

Adele J. Pope, *pro se*  
1228 walnut Street  
Newberry, South Carolina 29108  
803-4130753  
[adele@popelawfirm.com](mailto:adele@popelawfirm.com)  
S. C. Bar No. 4501

August 6, 2014

EXHIBIT A

Law Office of Adele J. Pope, P.C.  
1228 Walnut Street  
Newberry, South Carolina 29108  
(803) 413-0753

June 26, 2014

Robert Potter, Esquire  
Kilpatrick Townsend  
The Grace Building  
1114 Avenue of the Americas  
New York, New York 000365-7703

Re: Saving the James Brown "I Feel Good" Private Foundation.

Dear Rob:

Thank you very much for calling me back several weeks ago when I called to see if you would speak for a moment about something on your "blog" related to James Brown's Estate. I misspoke. It was your firm's website (copy attached).

I will make a long story as short as possible.

With Robert Buchanan, Jr., I served as a Court-appointed PR/Trustee of the Estate of entertainer James Brown and trustee of his 2000 Irrevocable Trust from November 2007 until May 26, 2009.

Since the S.C. Supreme Court decision of *Wilson v. Dallas*, 743 S.C.2d 746 (2013) I have spent about 90% of my legal time *pro bono publico* trying to help convince the Attorney General of South Carolina and others of the importance of not dismembering (again – see decision) the \$80+ million "I Feel Good" Foundation Brown established for scholarships for needy students under two successive estate plans.

Brown's "I Feel Good" Foundation is dedicated solely to providing scholarships for needy students studying in Georgia and South Carolina – something we can use.

To the extent Brown's 2000 Irrevocable Trust was not funded prior to his death on Christmas Day 2006, his music empire (including Royalties to more than 800 songs and Publicity Rights) poured into the 2000 Trust. After a \$2 million gift for education trusts for 7 designated grandchildren, the 2000 Trust goes to the "I Feel Good" Trust.

In July 2008 about 350 of the thousands of items of personal property and memorabilia Brown owned were placed with Christie's for sale. [Brown gave personal effects to about half of his claimed children, less estate taxes.]

\*\*\*\*\*

Bob and I enjoyed a cooperative relationship with the National Academy of Recording Arts & Sciences during our tenure, as Mr. Brown had enjoyed throughout his career. I understand the same is true of the Estate since we were replaced.

On July 17, 2008 about 350 of Brown's thousands of items of personal property and memorabilia were to be sold by Christie's. In those 350 was a Grammy ©.

The sale was necessary because the estate was illiquid because of some well-publicized pre-death takings, and needed funds to defeat challenges to what I believe was an ironclad estate plan. [A backup 1999 Will/Revocable Trust also gave the music empire to the "I Feel Good" Foundation.] And the tax apportionment was such that the six children who got Brown's personal effects had to bear the estate taxes.

Nine days before the sale, a challenge to the sale was filed in the S.C. Court of Appeals by a former trustee. After days of briefing, etc., and with the support of the S.C. Attorney General, the Court of Appeals directed on July 14 that the Christie's sale proceed. The selection for sale, including the Grammy ©, had been approved by a lower court. And the Court of Appeals also had the catalogue in the filings.

On the day of the sale, or perhaps a day or so earlier, Bob and I were advised by Christie's that a challenge had been filed to the sale of the Grammy©.

On the day of the sale, with an attorney for some of the family members present, we were told by Christie's representatives that there was no legal basis to withdraw the Grammy© from the sale. [I don't believe we saw the pleadings, and I assume that it was Christie's – rather than Mr. Brown's Estate – named on the pleadings.]

The estimate for the item (#167 in the catalog) was, however, \$15,000 - \$20,000. And Bob and I were advised that if the item were sold and held in escrow until the challenge resolved, the legal cost would be \$5,000. Possibly more. Because the existence of the challenge allowed us to withdraw the Grammy © without penalty, we simply made the business decision to withdraw the Grammy © without further analysis.

Under the same order which approved the Christie's sale, thousands of Brown's items were placed in museums for safekeeping pending challenges to the estate plan. That seemed like a happy place for the Grammy ©. It was returned to the S.C. State Museum for safekeeping. [I think it was later placed at the Augusta Museum of History.]

Less than a month after the sale, however, the Attorney General of our State "settled" everything. He gave 52 ½% of the "I Feel Good" Foundation to Brown's companion and about half of Brown's dozen or more claimed children.

\*\*\*\*\*

The Attorney General's settlement also stipulated that a non-wife would be treated as Brown's wife, making a mess of the "I Feel Good" Foundation's ongoing plan to confirm Brown had no surviving spouse; complete an official DNA testing protocol for non-presumed children; and enter into termination rights agreements under the Federal Copyright Act with the most cooperative half (or half + 1) of the children who made up the heirs baseline.

With a duty to uphold the estate plan, Bob and I had to challenge the Attorney General's settlement. Someone who thought the AG's plan was a good idea was appointed to review it. The AG's settlement was approved in 2009 by the circuit court. Then we had to appeal.

In what could happen only in James Brown land, during the 4-year appeal, Bob and I were sued in 2010 by the Attorney General and his trustee – for tens of millions of dollars – for:

1. Conducting the appeal that would void the settlement.
2. Not accepting a \$100 million offer to sell Brown's music empire while the Attorney General and his trustee were simultaneously telling the S.C. Supreme Court the music empire was worth only \$4.7 million when Brown died and there had never been an offer to buy the assets.
3. Claimed problems with the Christie's sale approved two years earlier in three unappealed orders, including the Ct. of Appeals Order endorsed by the Attorney General 3 days before the sale.

[The Plaintiffs are currently in default as to counterclaims for abuse of process, etc., but the suit is bogged down. A new A G now says the old AG didn't authorize the State/AG's private attorney to sue us, and is seeking to be dropped as a party.]

Bob and I tried to stay focused on trying to save Brown's estate plan, and apparently failed to pay enough attention to protecting ourselves.

The May 8, 2013 *Wilson v. Dallas* decision did everything we wanted for the "I Feel Good" Foundation – voiding both the settlement and the fiduciary appointment of the AG's trustee. But Bob and I were not reinstated, even though our lower court replacement had been solely a result of the settlement.

The Supreme Court's decision took notice of "allegations" not within the record about the Christie's sale and about the claim that we were seeking an almost \$5 million PR/Trustee commission (for six years' work) from a claimed \$5 million estate.

\*\*\*\*\*

The \$5 million value claim will eventually be straightened out because it bears so little relation to reality. The Christie's criticism is a little more subtle; was not contained in the record; and seems to have come directly by the Court from your firm's post.

Here's the problem:

The same people who dismembered the "I Feel Good" Foundation before have announced their intention to do it again – taking \$50 million from needy students. I would like for my *pro bono* work to try to prevent that to be as effective and believable as possible. Our state has lots of needy students who could use those scholarships.

Would it be possible for you to confirm for me in some informal way:

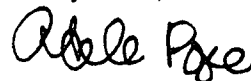
1. The name and case number of the filing referenced in your firm's attached document, and that James Brown's Estate was never sued.
2. How close your filing was to the sale.
4. That you, Bob and I never spoke or discussed the sale of the Grammy © or any other aspects of the July 17, 2008 Christie's sale.
5. That you were unaware (if it is true) until I called and wrote of what I have represented was the rationale of Brown's Estate and Trust for the withdrawal of the Grammy © from the sale.

I know you are busy, but would very much appreciate this courtesy. And it could make a difference in whether James Brown's noble estate plan to benefit needy students is carried out. [See the decision.]

I don't need a letter. A phone call would be great. My number is 803-413-0753. Or my email is [adele@popelawfirm.com](mailto:adele@popelawfirm.com)

Thank you again for calling me back earlier. And thank you in advance if you are able to do this.

All my best,



Adele J. Pope

cc: Robert L. Buchanan, Jr., Esquire  
Enclosure:

Kilpatrick Stockton - *Halted auction of GRAMMY Award for The National Academy of the Recording Arts & Sciences*



## Robert N. Potter

ASSOCIATE

The Grace Building, 1114 Avenue of the Americas  
New York, NY, 10036-7703  
USA

t +1 212.775.8733

f +1 212.775.8816

Rpotter@kilpatricktownsend.com

---

### Services

Copyright; Anti-counterfeiting & Gray Market; Trademark; Trademark & Trade Dress Litigation; Intellectual Property Litigation

### Industries

Entertainment, Media & Sports; Fashion & Luxury Goods

Rob Potter focuses his practice on trademark and copyright litigation and counseling, with an emphasis on anti-counterfeiting and Internet infringement. Mr. Potter routinely litigates disputes in state and federal courts around the country and before the Trademark Trial and Appeal Board, and advises clients on intellectual property matters across a wide range of industries including entertainment, luxury goods, and technology.

Mr. Potter has successfully represented clients in a broad array of copyright and trademark matters, including successful oral argument before the Second Circuit in affirming a summary judgment victory for client Sony Pictures Entertainment. Mr. Potter also has experience in obtaining and enforcing temporary and preliminary injunctive relief in trademark and anti-counterfeiting matters.

Mr. Potter was recognized as a 2013 New York "Super Lawyer" and a New York "Rising Star" in 2011 and 2012 for Intellectual Property Litigation by *Super Lawyers* magazine.

### Experience Highlights

Worked on teams handling the following matters:

Trademark and dilution action for Bank of America Corporation

Successfully represented Bank of America in a trademark and dilution action involving the use of the name Banc America Auto Sales for a reseller of cars on the Internet and in a brick and mortar business in Florida.

Intellectual Property counsel for bar/restaurant owner

Represented bar/restaurant owner in connection with numerous trademark and right of publicity issues, along with copyright analysis with regard to publicity and promotion.

Trademark counsel for heirs of Jaco Pastorius

Representing the heirs of Jaco Pastorius, the celebrated bass guitarist, in obtaining the return of the well-known "Bass of Doom" bass guitar, twenty years after it was stolen from Jaco Pastorius.

Coty Inc. et al. v. C Lenu Inc. et al.

Obtained a \$500,000 consent judgment and permanent injunction against C Lenu, Inc. and its principals. C Lenu operated a decoding facility that used tools, chemicals and other methods to remove codes and other quality-control and anti-counterfeiting measures from DAVIDOFF, CALVIN KLEIN and other Coty fragrance products. Under the injunction, C Lenu, as well as its customers and suppliers, are prohibited from trafficking in infringing Coty fragrances of any kind, including decoded Coty fragrances.

*Coty Inc., et al. v. C Lenu, Inc., et al.*, No. 10-21812 (S.D. Fla. filed June 3, 2010).

Trademark enforcement services for *Fortune* 500 consumer electronics and computer software multinational corporation  
Represents a California-based *Fortune* 500 multinational corporation that designs and manufactures consumer electronics and computer software products in trademark enforcement work, including lead counsel representation of client in multiple proceedings before the Trademark Trial and Appeal Board.

Litigation for a leading publisher of fashion magazine  
Represented leading publisher of fashion magazines in connection with lawsuit arising from termination of license agreement.

*Cabell v. Sony Pictures Entertainment, Inc.*  
Served as lead counsel in representing Sony Pictures Entertainment Inc., actor/writer Adam Sandler and writer Judd Apatow, et al., in a copyright, trademark and unfair competition suit in federal court in New York. The firm successfully obtained summary judgment of copyright and trademark rights on behalf of Sony Pictures Entertainment Inc., rejecting claims of film and advertising infringements and lighting the way for the movie *You Don't Mess With The Zohan*. The Court of Appeals for the Second Circuit affirmed the district court's grant of summary judgment to our client.

*Cabell v. Sony Pictures Entm't, Inc.* 714 F. Supp. 2d 452 (S.D.N.Y. 2010), aff'd, No. 10-2690-CV, 2011 U.S. App. LEXIS 13057 (2d Cir. June 24, 2011).

Halted auction of GRAMMY Award for The National Academy of the Recording Arts & Sciences  
Represented The National Academy of the Recording Arts & Sciences, the organization which administers the prestigious GRAMMY award ceremony, in connection with efforts to halt Christie's auction of the GRAMMY awarded to James Brown, the "Godfather of Soul," in 1986 for the song "Living In America." Christie's refused to heed the firm's demand that it call off the auction, asserting that there were no enforceable restrictions on the sale of the statuette. The firm responded by promptly commencing a lawsuit in New York state court. Faced with the cloud on title resulting from the lawsuit, Christie's ultimately pulled the GRAMMY award from the auction literally minutes before the bidding on the award was set to begin. Christie's subsequently confirmed that it has returned the statuette with no plans to auction it in the future.

Trademark litigation for subsidiary to a *Fortune* 100 global infrastructure and financial services corporation  
Obtained, in less than one week's time, a temporary restraining order on behalf of a lender subsidiary to a *Fortune* 100 global infrastructure and financial services corporation thwarting the misuse of the client's trademark by a loan services company seeking to enter into a loan transaction with a world-famous boxing champion.

Copyright infringement for musician  
Served as lead counsel in representing a musician for copyright infringement and related claims against defendant website asserting ownership over the musician's copyrighted recordings and compositions. Obtained favorable settlement agreement for our client including declaration of full ownership in relevant songs.

Copyright infringement litigation for Arista Records and Outkast \*  
Obtained summary judgment victory for Arista Records and recording artist Outkast against claims for joint authorship and copyright infringement.

Shareholder derivative litigation against senior living facility  
Represent the officers and directors of a publicly held company in a shareholder derivative action pending in the Business Court in the State of North Carolina filed by holders of preferred shares. The allegations center on an alleged breach of fiduciary duty by the officers and directors in mismanaging the company and using company funds to benefit an outside entity owned by them. Individual claims against the officers and directors were successfully dismissed. Counsel also successfully obtained orders compelling written discovery from the plaintiff and a deposition of counsel for plaintiff in the state courts of North Carolina and New York. They successfully resolved all remaining derivative claims.

*Esquire Trade & Fin., Inc. v. Diversified Senior Serv., Inc.*, 08 CVS 6227 (Forsyth County filed Aug. 12, 2008).

*J. Christopher Burch v. Tory Burch LLC et al.*  
Served as IP counsel in a case in the Delaware Chancery Court. Represented fashion design house, Tory Burch, LLC which brought claims against a former director alleging that its former director competed unfairly against the company by launching a knockoff version of the "Tory Burch" brand created with the company's confidential information and in violation of his fiduciary duties and contractual obligations. Negotiated the settlement agreement which resolved the case.

*J. Christopher Burch v. Tory Burch LLC, et al.*, No. 7921-CS (Del. Ch., Nov. 5, 2012).

*GED Testing Service LLC et al. v. Amjad Pervaiz et al.*  
Obtained a \$6 million dollar default judgment and permanent injunction against online counterfeiters.

Defendants operated a ring of at least 32 websites, many of which prominently featured counterfeits of the federally registered GED® marks, through which they offered sham diplomas from fictitious high schools to consumers throughout the U.S. The defendants' scam was highly sophisticated and included a bogus Wikipedia entry, promotional YouTube videos, Facebook

STATE OF SOUTH CAROLINA  
In the Supreme Court

---

APPEAL FROM AIKEN COUNTY  
Court of Common Pleas

The Honorable Doyet A. Early, III Circuit Court Judge

---

Appellate Cade 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

---

**PROOF OF SERVICE**

---

I certify that on the 6<sup>TH</sup> day of August, 2014, I have served the RETURN TO  
PETITION OF BELL AND BODMAN TO WITHDRAW AS COUNSEL 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

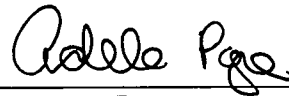
David G. Cannon  
P. O. Box 865  
Barnwell, SC 29812

Eugene C. Covington, Jr., Esquire  
P. O. Box 2343  
Greenville, SC 29602

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

J. David Black, Esquire  
William W. Wilkins, Esquire  
Tanya A. Gee, Esquire  
William G. Newsome, Esquire  
PO Drawer 2426  
Columbia, South Carolina 29202-2426

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



---

Adele J. Pope  
1228 Walnut Street  
Newberry, South Carolina 29108  
Telephone: 803-413-0753  
Email: [adele@popelawfirm.com](mailto:adele@popelawfirm.com)

Petitioner, *pro se*

August 6, 2014