

Tanya A. Gee
Special Counsel

October 1, 2014

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

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SC Court of Appeals

**Re: In Re: The Estate of James Brown
Appellate Case No. 2013-001649**

Dear Ms. Kitchings:

We have received this Court's letter dated September 23, 2014, setting forth the caption in this matter. Before the caption suggested is used on the Final Briefs and Record on Appeal, I wanted to reach out and explain why the caption proposed may not be correct.

As explained in the Estate of Brown's Petition for Rehearing, filed February 18, 2014, the caption on the Orders appealed from is as follows:

Charleston
Charlotte

Columbia

Greensboro

Greenville

Hilton Head

Myrtle Beach

Raleigh

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

The Orders appealed from are administrative in nature and deal with over a dozen pending Estate of Brown cases. Accordingly, the appropriate caption on this appeal would seem to be:

Ex parte: Adele J. Pope, Appellant,

In re: Estate of James Brown a/k/a James Joseph Brown, Respondent.

The caption proposed by the Court appears to be taken from Ms. Pope's Notice of Appeal. In her Notice of Appeal, Ms. Pope recycled the caption used in the previous James Brown appeal, which culminated into a May 2013 opinion from the Supreme Court. That previous appeal involved the settlement agreement forged between the Estate, the Attorney General's Office, and family members of James Brown. However, that caption does not reflect the parties (or the posture of the parties) in the orders involved in *this* appeal. By way of illustration, we have already been

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contacted by the attorneys for Mr. Dallas enquiring as to whether they needed to make an appearance in this appeal. Mr. Dallas was a party in the prior appeal, but was not a party to the lower court case in this appeal.

I understand that determining the caption on appeal can sometimes be difficult, and this case is particularly tricky. However, the former caption dealt with one particular aspect of the James Brown case, and the administrative orders in this appeal are best captioned using the trial court's title thereby avoiding any confusion once the case is ultimately remitted. *Cf.* Rule 267(a), SCACR (explaining in the context of an appeal from an administrative tribunal that "the title shall remain the same as the title before the tribunal regardless of whom is the appellant").

I appreciate your consideration of our suggestion regarding the case caption. We look forward to hearing from you and will caption our Final Brief as this Court directs.

Very truly yours,


Tanya A. Gee 

TAG/hjr

cc: Adele J. Pope, Esquire
Eugene C. Covington, Jr., Esquire
Robert N. Rosen, Esquire
Albert P. Shahid, Jr., Esquire
John Andrew Donsbach, Sr., Esquire
David G. Cannon