

THE 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. 2014-000250

Adele J. Pope,.....Appellant,

v.

Estate of James Brown, Deceased; The James Brown 2000 Irrevocable Trust;
Russell L. Bauknight, Individually, as former Executor *de son tort*, and in every
current and former fiduciary status claimed or held as to the Estate of James
Brown and the James Brown 2000 Irrevocable Trust,.....Respondents,

And Robert L. Buchanan, Jr.,.....Interested Party.

REPLY BRIEF OF APPELLANT ADELE J. POPE
TO BRIEF OF ESTATE OF JAMES BROWN AND
JAMES BROWN 2000 IRREVOCABLE TRUST (BAUKNIGHT)

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OCT 28 2014

SC Court of Appeals

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ISSUES IN REPLY

- I. Bauknight's Fiduciary Brief Protects Tommie Rae and the McMaster Legacy Trust - Not the "I Feel Good" Trust
- II. Appellant's Standing is Fully Support in the Complaint, the Record and Appellant's Briefs.
- III. Bauknight's Collusion With Bell in the Wingate Suit, the Forlando Federal Suit and Elsewhere Supports Reversal of the Rule 12(b) Dismissal Orders.

INTRODUCTION

Appellant submits this reply to the initial brief of "Respondents" served July 30, 2014 by Russell L. Bauknight ("Bauknight") on behalf of the estate of entertainer James Brown and the James Brown 2000 Irrevocable Trust (the "Estate/2000 Trust").

Appellant seeks to reverse orders of the Honorable Doyet A. Early, III dismissing under Rule 12(b) most of Appellant's causes of action in Appellant's complaint to void Bauknight's damage to Appellant under a pre-remittitur, *ex parte* appointment order; remove Bauknight for cause; and for an accounting, damages and related relief. (the "Dismissal Orders").

Appellant rejects all statements and conclusions in Bauknight's fiduciary brief except as specifically agreed to herein. Appellant adopts and incorporates her brief and her reply brief as to Bauknight, Individually. She asks this Court to take judicial notice of her Petition for Certiorari and Appendix filed in Supreme Court Case No. 2014-001279, and Appellant's Reply to Return of Bauknight to

Petition for Certiorari filed August 11, 2014.

Instead of protecting Brown's "I Feel Good" Foundation, Bauknight's fiduciary² brief advances the position of Tommie Rae Hynie ("Tommie Rae") and Louis Levenson, Esquire ("Levenson").

On May 29, 2013 Tommie Rae and Levenson announced their intention to dismember Brown's "I Feel Good" Foundation a second time. This was just three weeks after the South Carolina Supreme Court's decision in *Wilson v. Dallas*.³

Bauknight's fiduciary brief updates this Court on what Bauknight describes as the estate litigation since *Wilson v. Dallas*. The brief then fails to report on five cases in which Bauknight embroiled the Estate and 2000 Trust during *Wilson v. Dallas* for the benefit of Tommie Rae and the settling parties.⁴

Bauknight fails to inform the Court that he has continued to support the seven-year fraud of David Bell, Esquire ("Bell") and Bell's clients, Terry Brown ("Terry") and Forlando Brown ("Forlando"), on State and Federal Courts.

Nothing in Bauknight's fiduciary or individual brief supports a denial by this

¹ Appellant's Petition for Writ of Certiorari was denied by the Supreme Court on October 23, 2014, after the Initial Brief was filed.

² All of the appointments of Bauknight and his appointee David Sojourner since May 8, 2013, are being challenged. See Supreme Court Case No. 2014-001279.

³ 403 S.C. 411, 743 S.E. 2d 746 (2013)

⁴ The cases are: 1. Richland County Case 2010-CP-40-4900 ("Wingate Suit"); 2. A FOIA suit to obtain the Wingate Litigation Retention Agreement (FOIA # 2); 3. A FOIA suit to obtain the \$4.7 million appraisal and a copy of the McMaster Legacy Trust and Amendments (FOIA #1); 4. Summer vs. the Attorney General, Newberry County Case No. 2012-CP-36-00688; and 5. Federal District Court Case No. 3:08-cv-00014-WOB (the "Forlando Federal Suit").

Court of the requested relief. This Honorable Court should reverse the Rule 12(b) Dismissal Orders. The Court should find that Bauknight's irreconcilable conflicts compel his removal. The case should be remanded for a hearing; Bauknight's removal; and the direction to proceed on all dismissed causes of action in the complaint.

REPLY TO BAUKNIGHT'S FACTUAL ALLEGATIONS

Bauknight's Counter-Statement of the Case and Facts on pages 1 thorough 5 of the reply is simply not incorrect. It is troublesome because the Estate/2000 Trust's own records do not support certain "facts", even if they were referenced by the Supreme Court in *Wilson v. Dallas*.

For example, on p. 3 Bauknight says "Tommie Rae [and] ...Brown's children and grandchildren entered into a compromise agreement....." The brief cites *Wilson v. Dallas*. But the Estate/2000 Trust records are clear that four DNA-proven children, and daughter Lisa from Brown's first marriage, were simply ignored in the settlement.

The same is true of the GRAMMY claim referenced on page 4 of the fiduciary brief. Estate/2000 Trust records confirm that the GRAMMY claim which reached the Supreme Court was false. The false Christie's sale claim began with Albert Dallas, Bell and Forlando. It was enhanced by the incorrect Kilpatrick Stockton ("KP") boast that attorney Robert Potter, Esquire, had "halted" the GRAMMY sale.

Estate/2000 Trust records are clear this is not the case. The GRAMMY was properly placed in the Christie's 2008 sale under three court orders, and

properly withdrawn without penalty over urging of Christie's counsel to leave it in.

Another incorrect "fact" is the assertion that the May 26, 2009 Order of Judge Early removed Buchanan and Pope for cause. The order itself makes clear this is not the case.

A Rule 12(b) dismissal relates to the facts alleged in the complaint. *Plyler v. Burns*, 373 S.C. 637, 645, 647 S.C.2d 188, 192 (2007).

ARGUMENT IN REPLY

I. Bauknight's Brief Protects Tommie Rae and the McMaster Legacy Trust – Not the "I Feel Good" Foundation.

On page 5 of the fiduciary brief, Bauknight seeks to update the Court on "Estate Litigation after *Wilson v. Dallas*." But then he does not speak of the three suits under the South Carolina Freedom of Information Act ("FOIA"), S.C. Code Ann. §30-4-10 *et seq.*, and two other lawsuits, in which Bauknight continues to promote the interests of Tommie Rae Hynie and the McMaster Legacy Trust.

The brief supports the series of "big lies" which were used to just justify the Attorney General's 2008 dismembering of the "I Feel Good" Foundation.

They include the false claims that:

1. Tommie Rae was Brown's spouse.
2. The 2008 Settlement did not cause estate tax problems.
3. Brown's worldwide music empire was worth \$4.7 million - not \$100 million less the now-paid TIAA Debt – when he died.
4. Buchanan and Appellant were greedy, incompetent felons who intentionally overstated Brown's assets to the IRS by \$79 million to get a \$5 million commission on a \$5 million estate.
5. Brown's four DNA-proven children, and daughter Lisa from

his first marriage/divorce decree, do not exist.

6. Tommie Rae and her son control the termination rights to Brown's copyrights under the Federal Copyright Act.
7. It makes sense to give Tommie Rae and the Levenson clients half of the "I Feel Good" Trust when the copyrights to Brown's 800+ songs can be secured for about \$100,000 a year from HALF (or half + 1) of Brown's real heirs NOT challenging the estate plan.
8. The ironclad estate plan of James Brown as embodied in Brown's 2000 estate plan and backup 1999 Will is defective.

In 2011 Bauknight told the Supreme Court that Tommie Rae's elective share claim was a "slam dunk;" Brown's worldwide music empire was worth less than \$4.7 million; and that Buchanan and Appellant intentionally overstated the value of Brown's assets to the IRS by \$79 million to get a \$5 million fee. He told the Supreme Court that there would be nothing in the "I Feel Good" Trust by 2023 if the 2008 McMaster Settlement were not upheld; that Brown's estate and the 2000 Trust had no corpus to speak of; and that there were never any offers to buy the James Brown assets.

These statements were not correct. For example, as Bauknight was making the \$4.7 million value claim, he and Bell were working with counsel for Oprah Winfrey on a possible sale of the music empire for up to \$200 million.

Nothing has changed. Bauknight still serves and sues to benefit Tommie Rae, Levenson and the McMaster Legacy Trust.

Bauknight's disloyalty, as set out in the complaint, compels reversal of the Rule 12(b) orders.

II. Appellant's Standing is Fully Supported in the Complaint, the

Record and Appellant's Briefs

On pages 7 through 10 of his fiduciary brief, Bauknight asserts that Appellant lacks standing to pursue this appeal. The Estate/2000 Trust has abandoned or failed to preserve most of his arguments by his admission below that under §62-3-611 of the SCPC persons interested in the estate may seek removal of a personal representative. Appellant is “a person interested in the estate.” She is a creditor. And creditors are interested persons. See S.C. Code Ann. §62-1-201(23). [Hg. 12/3/13, R. Vol. I, p. 417 - 422]

As to Appellant's additional standing under SCTC Section 62-7-405 as an “other”, Bauknight claimed at first that the section would not apply because the Attorney General was involved. When it was made clear that the Attorney General had withdrawn from the Aiken cases, he did not pursue the claim.

Describing at the December 3, 2013 hearing how her claim is directly affected in this case, Appellant said:

And I am a lucky creditor because what will help save my claim may also help restore or keep what Jim Richardson allowed our Supreme Court to restore. And that is \$91 million of the \$100 million that should be today in the James Brown I Feel Good Trust... [Tr. Hg. 12/3/13, p. 16, l. 12 - 16, R. Vol. I, p.422.]

On June 13, without notice or hearing, the circuit court and clerk issued the June 13 Orders purporting to enjoin Appellant from participating in any James Brown estate or trust case. They addressed the complaint in this case, filed just three days earlier.⁵

⁵ The June 13 Orders are now being appealed in S.C. Court of Appeals Case No. 2013-001649. The Court is asked to take judicial notice of the filings of

At the July 9, 2013 hearing Appellant addressed her standing to participate in all James Brown matters affecting her property interests and liberty.

She said in part:

MS POPE: Case 1647 was appealed by Bob Buchanan and me to the Supreme Court of South Carolina. Nobody joined us in that appeal. We did the duty Your Honor appointed us to do even though neither of us had sought that appointment. We vigorously defended the estate plan of James Brown as required by his will, by his trust and by the law.

The Supreme Court on May 8th agreed and overturned the settlement, and it gave everything else we sought except our continued service as fiduciaries. As it stands now, nobody is looking after the interests of the estate of James Brown.

For that and other reasons set out in my memos, Bob and I have standing to be in this case and in every James Brown case that affects the legitimacy of James Brown's estate plan or our claims as its former fiduciaries...

I ask the Court to acknowledge that it has no jurisdiction to control the schedules or the outcome of [the Wingate Suit]

Four years ago in your order dated April 8th, 2008...[You] went on to say: This court finds that Buchanan and Pope were properly appointed, have properly performed and should continue in both capacities.

I do not believe, Your Honor, that you, nor Bob, nor I could have anticipated that one of the twists and turns that would occur would be that three years later a private attorney speaking for the State of South Carolina would tell a Richland County Court that your April 8th order was mere victor [sic] 6

I don't believe Your Honor or we would have anticipated that the attorney general would work for four years to secure 20 million dollars of fees and commissions for Mr. Bauknight and the

Appellant in that case, including her initial brief and the filings related to the withdrawal of Bell, who had defrauded State and Federal Courts for 7 years.

⁶ Appellant said "dicta."

attorneys involved in the settlement, taking it from the I Feel Good Foundation...

It can be traced to March 15, 2010, That was the day Your Honor ordered the Clerk of Court to deliver to Bob and me the fee arrangements of Mr. Bauknight and all of the attorneys for the settling parties. Those fee arrangements you directed the clerk to deliver us were not in the clerk's office. They are not in the clerk's office today.

The attorney general will not release them. The attorneys will not release them. If details of the 20 million dollars that Attorney General Wilson's predecessor thought it was okay to pay Mr. Bauknight and all those attorneys for the settling parties had been released back in 2010, maybe the attorney general would not have been so quick to call Bob Buchanan a felon because he asked for a 2.1 million dollar commission for five and a half years of valuable service to the I Feel Good Trust.

Maybe he would not have accused me of being a felon for asking for a fair fee for defending the I Feel Good Foundation for five and a half years against Tommie Rae's lawyers, against seven taxpayer-paid lawyers working for the attorney general, and against about 35 more lawyers seeking to feed on the carcass of the I Feel Good Foundation and the scholarships for needy children they were trying to destroy.

They [the June 13 Orders] prevent Bob and me from restoring our careers and our reputations. They prevent me from defending against the false claims of the Attorney General of South Carolina, They even threaten my liberty where the State's highest criminal officer has falsely accused me of being a federal felon.

Your Honor, I do have standing to protect myself in this court and all other courts. I have the right to file motions and have them heard without Your Honor or any other judge directing that they be stricken from the public record before they are heard.

I have the right to be ungagged or at least to seek to be ungagged from your Honor's five-year-old gag orders issued with no hearing and without supporting affidavits.

I have this standing based on the Fifth, the First, and the 14th

Amendments of the Constitution of the United States of America that governs you and me and every citizen of this state.

I also have some plain old standing under the probate code. I am an interested person. I am a creditor with rights.

And I have standing as an other under the South Carolina trust code. Someone interested in the enforcement of the I Feel Good Trust because my claim rests on the reasonableness of the defense of that trust.

That standing includes a right to participate in every case which affects my fair commission for services as personal representative of James Brown's estate as that term is defined in the probate code. It is not 18 months. It is five and a half years. It is based on my rights under the probate code as a creditor and an interested person.

The June 13th order[s] should be voided because they distort the playing field. They do not do justice. They leave the protections of the James Brown estate plan and my own claim and Bob's claim in the hands of a fiduciary who has fought the estate plan of James Brown for four years, who has not accounted, who has defrauded the Court, who has intentionally misstated facts about the heirs of James Brown and their rights and who has not, cannot and will not protect the 2000 or the '99 will of James Brown or give me a fair hearing on my claim.

The State through this Court and the attorney general has deprived Bob and me of our property rights and even threatened our liberty.

Many of the questions which must be decided are not pending before you. They are in Richland County where the State represented by private attorney and as a co-Plaintiff with Tommie Rae Hynie sued Bob and me in 2010...

Tommie Rae is not James Brown's family, ... the attorney general should not have joined as her co-Plaintiff to sue me for conducting the Wilson versus Dallas appeal, nor Bob.

And I have standing to show that it is the State's conduct, not mine, the State's attempt to crush anyone who protects James Brown's two valid estate plans. That is the conduct which must come to an end.

Mr. Bauknight valued James Brown's worldwide Music Empire which had earned six million dollars a year for the three years before his death at less than 4.7 million dollars.

Where is that valuation? It is hidden under lock and key. The attorney general will not release it under FOIA. Mr. Bauknight will not release it, although he is required to do so by the probate code.

4.7 million dollars for those royalties and the right to exploit James Brown's image and persona for decades.

The Attorney General of South Carolina told the Supreme Court that Mr. Bauknight's valuation was right. He said that the other five fiduciaries who had served James Brown for over 15 years were wrong about the value.

The Attorney General of South Carolina also told the Supreme Court in 2011 that there never was an offer to buy James Brown's Music Empire.

Now, you and I were there when the first one came. The attorney general said there was never an offer at the same time he was suing Bob and me for tens of millions of dollars for not accepting a hundred million dollar offer.

The attorney general endorsed Bauknight's false claim that but for the McMaster settlement there would be nothing in the I Feel Good Trust in 2023.

The attorney general nodded approval as Mr. Bauknight told the Supreme Court that Tommie Rae Hynie's elective share claim was a slam dunk.

The State's protector of charities was gagged by Your Honor's orders from doing his public duty to protect the I Feel Good Foundation. But it's worse than that. He wasn't [just] gagged, but he worked for years to prevent the ungagging of his own office. That is truly unprecedented.

Appellant has standing. Her claim to standing is not moot and has never been abandoned, as claimed by Bauknight on page 8 of the fiduciary brief.

III. Bauknight's Collusion With Bell in the Wingate Suit, the Forlando Federal Suit and Elsewhere Supports Reversal of the Rule 12(b) Dismissal Orders

Bauknight asserts on page 10 that Appellant's claims have no merit. He compares this case to *Estate of Boyce v. Work*, 305 S.C. 43, 406 S.C. 2d 184 (Ct. App. 1991): It does not compare. In *Boyce* the Court had jurisdiction to act.

Bauknight's *ex parte* order can be declared void by this Court because the Supreme Court had sole jurisdiction over the matter when it was issued

Bauknight alleges on pages 12 and 13, that Appellant seeks to be the voice of the Estate and "I Feel Good" Trust. She does not. As a citizen with special expertise and interest, and at no cost to the "I Feel Good" Foundation, Appellant does want to help see that it is not dismembered again, as Levenson and Tommie Rae have announced they intend to do. Every day private citizens dedicate their time and energy, without pay, to do the same thing for private foundations. ⁷ Those running the private foundations usually welcome them.

Whether Appellant will prevail at trial is not the subject of this appeal. The issue is whether the Court should have dismissed the causes of action under Rule 12(b). The Wingate Suit, the Forlando Federal Suit⁸ and Bauknight's FOIA interference confirm that the complaint demonstrated merit.

⁷ Bauknight's suggestion that the scrivener's error of not citing the Due Process and First Amendment Clauses of the U.S. Constitution, Amend. V, I and XIV, in the Table of Authorities in the initial brief abandons Due Process and First Amendment arguments would be an unduly harsh result.

⁸ 3:08-cv-00014-WOB. The Court is asked to take judicial notice of the entire record of this 7-year-old case, including the deposition of Bauknight taken on August 20, 2013.

A. The Wingate Suit fails to Meet the Attorney General's Own Standards as Articulated in Cephalon

On May 19, 2010 Bell, Levenson, Tommie Rae and Bauknight, as the complaint states, contracted to bring the Wingate Suit through a private law firm ("Wingate") in the name of the Attorney General. Bauknight is a plaintiff both "on behalf of" the Attorney General and on behalf of Tommie Rae and her son. Her son has no guardian *ad litem*.

The South Carolina Court of Appeals has before it an appeal from a June 2, 2014 order of the Honorable G. Thomas Cooper, Jr. in case 2012-CP-40-07317, (the "CEPHALON Suit") dealing with the some of same constitutional issues raised in the Wingate Suit.

In CEPHALON the circuit court found that it was proper for the Attorney General to engage outside special counsel to sue CEPHALON. The circuit court outlined the Attorney General's own guidelines for the use of outside, contingency-fee counsel to sue in the name of the State. None of the CEPHALON constitutional safeguards is present in the Wingate Suit.

The Wingate Suit is the first time known to Appellant the Attorney General has engaged a private law firm ("Wingate") to sue individual South Carolina citizens in a tort suit, with the private law firm as sole counsel for the Attorney General and others, including nonresidents.

The Wingate Suit is the first known suit where the Attorney General has not signed the pleadings.

Bauknight's and the Attorney General's actions in the Wingate Suit have been made more troublesome by their three-year fight to prevent release under

FOIA of the public Wingate Litigation Retention Agreement. This bitter fight was waged by Wingate even though the Wingate Agreement itself says it is a public document, and that all documents delivered to Bauknight in the Wingate Suit are subject to FOIA.

Among the things the CEPHALON Suits finds make the Attorney General's use of special outside counsel appropriate is that the Attorney General maintains control of the litigation and acts in the public interest. That is not the case in the Wingate Suit. Wingate is acting for Tommie Rae and the McMaster Legacy Trust, of which Bauknight is the trustee. Bauknight claims the McMaster Legacy Trust, created by the Attorney General, is private and not subject to FOIA.

The State's and Bauknight's actions in the Wingate Suit and related FOIA matters compel Bauknight's removal and reversal of the Rule 12(b) Dismissal Orders.

B. Bauknight Supports Bell/Forlando's Seven Years of Fraud

The complaint is clear that Forlando and Bell, with Terry, have defrauded multiple courts for years. Forlando and Terry hired Levenson in January 2007 to dismember the "I Feel Good" Foundation. By March 2007 they had terminated Levenson and hired Bell, who was aligned with felon David Cannon and his co-trustee Albert Dallas. Years of dirty tricks and fraud on multiple courts followed.

By early 2008 Bell had filed a known false stipulation in State Court; attached a false Schedule B prepared by Dallas and Cannon to the copy of the 2000 Trust filed in the Forlando Federal suit; and filed six false grievances

against Levenson.

In 2008 Forlando, Dallas and Bell Interfered with the Christie's sale. The false GRAMMY claim came later.

The Bell/Forlando fraud increased in January 2009 when Bell began representing Forlando in opposing the Attorney General's settlement and Terry in being part of it, and obtaining a right of first refusal to buy the music empire (the "ROFR").

In March 2009 Bell threatened Buchanan with a judicial grievance – Buchanan is a federal magistrate judge – if he did not resign his position with the Estate/2000 Trust.

In 2010 Bell secretly joined Bauknight in bringing the Wingate Suit to stop the *Wilson v. Dallas* appeal. He did so while claiming to the federal court that the 2000 Trust should be protected, and Buchanan and Appellant were not protecting it.

In 2011 Terry secretly gave Forlando his share of the Estate and the ROFR. Forlando and Bauknight began due diligence for a sale of the music empire. Terry told the Supreme Court that Bauknight's \$4.7 million value claim was correct, while Bell, Forlando and Bauknight were working on a proposal to sell the music empire to Oprah Winfrey for as much as \$200 million. Forlando said under oath in the Forlando Federal Suit that the \$4.7 million was "bogus."

Bell, for Terry, claimed Tommie Rae was Brown's spouse, while Forlando openly discussed the so-called Hynie "diary," and confirmed under oath that Tommie Rae was not Brown's spouse and knew it.

In 2012 Forlando's frivolous suit, to enjoin the 2000 Trust from taking any action until the Cannon Trustees were reinstated, was dismissed. To avoid paying legal fees for his 4-year suit, Forlando lied to the Court, claiming he had no assets.

In 2013 and 2014, instead of holding Forlando responsible for the cost of defense of the 4-year attempted injunction, Bauknight claimed Forlando did nothing wrong. The 2000 Trust dropped any request for attorneys' fees. And Bauknight hired Wingate to prevent counsel from being paid for defending the Forlando injunction suit from January 2008 to May 26, 2009, including in a 2-day injunction hearing.⁹

In July 2014 Forlando and Terry terminated Bell and his South Carolina sponsor¹⁰ What will happen now remains to be seen.

Bauknight's secret collusion with Bell and Forlando constitutes cause for removal and reversal of the Rule 12(b) Dismissal Orders.

C. Bauknight's FOIA Interference and *Wilson v. Dallas*

In its first *Wilson v. Dallas* decision the Supreme Court on February 27, 2013 raised concern in footnote 29 about the Wingate Suit and FOIA suits. It

⁹ While newly engaged to represent Bauknight in Aiken, Wingate has told the Richland County Court that he is "judicially conflicted" by the *Wilson v. Dallas* decision, and can't determine which Wingate Suit plaintiffs are his clients. He has asked the Court to stay the Wingate Suit and the FOIA suits until all Aiken County cases are concluded.

¹⁰ Bell regularly represented Forlando and Terry in cases where he was not admitted *pro hac vice*. In the fall of 2013 Bell began to claim that he represented Brown's son Michael, incarcerated in California. Bell said Michael didn't need the required GAL, even though Bell was still working with Tommie Rae on the Wingate Suit.

directed that they be addressed in the first instance.

After the Attorney General advised the Court he was seeking to be dropped as a party to the Wingate Suit and hoped the FOIA matters would be resolved shortly, the Court deleted footnote 29 in its final, May 8 decision.

Between the decisions, Bauknight moved to intervene in a FOIA suit brought by a journalist and have it consolidated with the Wingate Suit. Among the documents sought was the so-called Hynie "diary."

On May 12, 2013 just four days after the *Wilson v. Dallas* decision, Wingate told the Richland County Court:

The Supreme Court, in substituting the new opinion has completely eliminated Footnote 29 from 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. . . the court no longer puts any primacy or priority on any court hearing these matters.

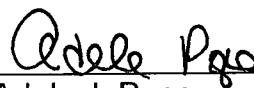
...
Therefore, Case 4900 Plaintiffs and Proposed FOIA Intervenors respectfully request that [the Wingate/FOIA Suits] be held in abeyance in its entirety until all underlying issues related to the Plaintiffs are resolved by the Aiken Court. [Emphasis supplied.]

Bauknight's FOIA interference to cover up his own wrongdoing, and make non-spouse Tommie Rae appear to be Brown's spouse, directly damage the "I Feel Good" Trust and Appellant. This damage is set out in the complaint. It supports reversal of the Rule 12(b) Dismissal Orders.

CONCLUSION

Bauknight has violated the constitution and the mandate of *Wilson v. Dallas* to advance a second dismembering of the "I Feel Good" Foundation and the destruction of the careers and reputations of Buchanan and Appellant. The Dismissal Orders, June 13 Orders and other State action have deprived Appellant of a level playing field. The Rule 12(b) Dismissal Orders should be reversed. To the extent this Court cannot remove Bauknight because of his irreconcilable conflict, the matter should be remanded for an immediate hearing and proceedings to remove him, and on all other matters raised in the complaint.

Respectfully submitted,



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current and former fiduciary status claimed or held as to the Estate of James
Brown and the James Brown 2000 Irrevocable Trust,.....Respondents,

AND:

Robert L. Buchanan, Jr.,.....Interested Party.

PROOF OF SERVICE

I certify that on the 27th day of October, 2014, I served the REPLY
BRIEF OF APPELLANT TO BRIEF OF ESTATE/2000 TRUST on Respondents
and on the Interested Party by hand-delivery, or by depositing a copy of same in
the United States Mail, postage prepaid to them or their attorneys of record as
follows:

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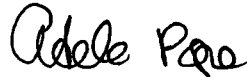
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