

THE STATE OF SOUTH CAROLINA  
IN THE Court of Appeals

**RECEIVED**

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APPEAL FROM AIKEN COUNTY  
Court of Common Pleas

**SC Court of Appeals**

Doyet A. Early, III, Circuit Court Judge

\_\_\_\_\_  
Appellate Case No. 2013-000250  
\_\_\_\_\_

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.

\_\_\_\_\_  
**AFFIDAVIT OF ADELE J. POPE OPPOSING MOTION OF RUSSELL L.  
BAUKNIGHT, INDIVIDUALLY, TO STRIKE RECORD ON APPEAL**  
\_\_\_\_\_

1. I am informed and believe that the Motion to Strike the Record on Appeal  
(ROA) dated November 3, 2014, which Russell L. Bauknight, individually, made with the  
Estate and 2000 Trust, continues Mr. Bauknight's 4-year use of funds James Brown  
gave his "I Feel Good" Trust for scholarships for needy students to benefit Mr.  
Bauknight and Tommie Rae Hynie, individually. This includes Mr. Bauknight's actions

under claimed authority to speak for the Attorney General of South Carolina. Mr. Bauknight has claimed to speak jointly for Ms. Hynie, the Attorney General and the Attorney General's Legacy Trust since May 2010, when he filed Richland County Case 2010-CP-40-4900 ("Case 4900") in an effort to stop the appeal which resulted in the decision in *Wilson v. Dallas*, 403 S.C. 411, 743 S.E.2d 746 (2013).

2. In Case 4900 Mr. Bauknight holds all of the following positions, and others:

1. Russell Bauknight as trustee of the Attorney General's "Legacy Trust", beneficiaries of which include, Ms. Hynie a will-contestant;
2. Mr. Bauknight as agent for Ms. Hynie;
3. Mr. Bauknight, as agent for Ms. Hynie's son James B., with no GAL;
4. Mr. Bauknight, as agent for Tonya Brown, a claimed grandchild; and
5. Mr. Bauknight, as agent and fiduciary for Mr. Levenson's clients.

3. Mr. Bauknight has continued to serve Ms. Hynie, her son, and will contestants despite Ms. Hynie's announced decision on May 29, 2013 – just three weeks after the *Wilson v. Dallas* decision – to dismember the "I Feel Good" Foundation a second time.

4. Before the *Wilson* decision, Mr. Bauknight and Ms. Hynie had claimed to the Supreme Court that Ms. Hynie was Brown's spouse; that Ms. Hynie's elective share claim was a slam dunk; that Ms. Hynie and her son controlled the Federal Copyright Act termination rights related to 800 songs James Brown gave the "I Feel Good" Trust; and that Brown's worldwide music empire at Brown's death was worth only \$4.7 million. Public documents and the record show all of these claims to be false.

5. Since 2011, Mr. Bauknight has tried to intervene in three S. C. Freedom of Information Act (FOIA) cases to prevent release of the public documents which will

show his claims, and those of Ms. Hynie, to be false. In addition, he and the Attorney General have succeeded in preventing a hearing in two FOIA suits since 2011; have had one FOIA suit consolidated with Case 4900; and have succeeded in preventing any hearing in Case 4900 since May 8, 2013.

6. The private attorney who represents Mr. Bauknight, the Attorney General, the Legacy Trust, and Ms. Hynie is working this week, November 2014, to prevent a court-announced mediation in Case 4900 and the portion of this Case "1337" not on appeal.

7. Exhibit A, part of the emails circulated in the past week related to a mediation directed by the Honorable Doyet A. Early, III, and the Complaint which is the subject of this action, ROA, pp.82-144 and pages 129-142 in particular, demonstrate Mr. Bauknight's continued action in the name of the State – but without authority – to crush anyone who defies this second attempt to dismember the "I Feel Good" Foundation.

8. Mr. Bauknight, Ms. Hynie and all Case 4900 Plaintiffs have been seeking relief from default in Case 4900 since late 2010, but since 2013 have succeeded in preventing any hearing in Case 4900.

9. Mr. Bauknight paid Mr. Wingate \$563,000 in 2012, in addition to a 40% contingency; Nexsen Pruet \$770,000 in 2013; and the Adams and Reece \$250,000 in two months of 2013 to advance his plan and that of Ms. Hynie and the Attorney General's Legacy Trust.

10. With knowledge (as defined in the Trust Code) of its falsity, Mr. Bauknight and Mrs. Hynie have represented to the Supreme Court that Ms. Hynie was Brown's spouse; that Brown's music empire was worth less than \$4.7 million when Brown died;

that Ms. Hynie's elective share claim was a "slam dunk;" and that Ms. Hynie and James B. control the Federal Copyright Act termination rights to 800 songs Brown gave to the "I Feel Good" Foundation for needy students.

11. At the same time, Mr. Bauknight has refused to pay me even the \$48,000 court-ordered payment for my 2007 service as special administrator. Mr. Bauknight claims this cannot be paid until Case 4900 is decided. Yet he, the Attorney General and Ms. Hynie – through their joint counsel – are working to prevent any hearing or mediation in Case 4900.

12. Mr. Bauknight knows that I have worked *pro bono publico* since May 8, 2013 to help protect the "I Feel Good" Foundation and its copyright to more than 800 songs for needy students.

13. I am informed and believe that the attempt to strike the ROA continues Mr. Bauknight plan to use "I Feel Good" funds to damage me financially and evade review of his wrongdoing.

14. I am informed and believe that the Appendix of which Mr. Bauknight now complains was part of the Memorandum designated by Mr. Bauknight, individually; was properly placed in the ROA because it was part of the Memorandum, being the documents the Court was asked to take judicial notice of under Rule 201(d) in the Memorandum.

15. I made every effort to keep Mr. Bauknight's two individual attorneys informed of every aspect of the ROA, including sending them drafts of the Index, which noted that the Appendix would be partial. Should Mr. Bauknight, individually, believe that

there are other portions to be included, the appropriate remedy would be to include the pages he desires in a supplement with the approximately 3 pages I inadvertently omitted from the Estate/2000 Trust's designations.

16. I do not believe that Mr. Bauknight, individually, has any basis to complain about the Supplemental Affidavit of Buchanan & Pope, and its Exhibits, which begin at page 488 of the ROA.

17. Two lawyers for Mr. Bauknight, individually, and at least two for the Estate/2000 Trust, were notified that the Joint Affidavit as to which the Estate/2000 Trust now makes objection, was designated by the Estate/2000 Trust: An email from me to Ms. Sheila Bias dated Tuesday, September 30, 2014, states in part:

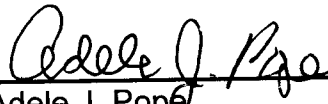
4. The Joint Affidavit is Bob's and my claim which was designated by the Estate/2000 Trust, meaning that I did not need to designate it. Our claim could actually have been considered to be the joint affidavit PLUS the answer and counterclaims in the Wingate Suit, the Answer and Counterclaims in the Forlando Suit, our response to the Motion for Review of Compensation filed by James B. in 2009 and other things. The Notice of Disallowance purported to disallow all of these claims, and Russell did not attach to the Notice of Disallowance the actual things he was purporting to Disallow, which is customary.

I believe the Estate/2000 Trust concurs that the affidavit (with Exhibits) is what the Notice of Disallowance intended to disallow, and which was designated by the Estate/2000 Trust – so that I was not required to designate it. [Email of Pope to Bias, dtd. 9/30/14, w/ copies to others.]


18. I am informed and believe that the appropriate remedy to the Joint Motion to Strike is to deny the motion. In the alternative, Mr. Bauknight, individually, should be allowed to designate additional pages of the Appendix he claims should be added, to be made part of a supplement with the approximately 3 pages inadvertently omitted by

Appellant as designated by the Estate/2000 Trust.

FURTHER DEPONENT SAYETH NOT.

  
Adele J. Pope

SWORN TO BEFORE ME this 7<sup>th</sup>  
Day of November, 2014

 (L.S.)  
Notary Public for South Carolina  
My Commission expires:

My Commission Expires October 7, 2019

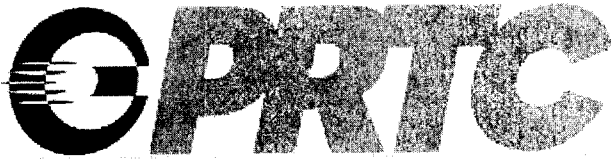


Exhibit A

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adele@popelawfirm.com

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**Re: CASE 2010-CP-40-4900 and CASE 2013-CP-02-1337 Mediation**

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**From:** Early, Doyet A.

**To:** Adele Pope

**Cc:** Early, Doyet A. Law Clerk \(\Alicia Bores\), Manning, L. Casey, Mar Goodstein\), adam@silvernailawfirm.com, kbw@swblaw.com, BNewson

I assume you mean all parties to the Richland case and your case in Aiken. This will not effect the other matters being litigated in Aiken

Sent from my iPhone

> On Nov 4, 2014, at 7:49 AM, Adele Pope  
<adele@popelawfirm.com> wrote:

>

> Dear Judge Early and Judge Manning:

>

> Thank you again for working toward a meaningful mediation in the above cases. Adam Silvernail and I have spoken, and want to raise with you right away something we think prevented a settlement -- or at least substantial progress - before the 2013 Wilson v. Dallas decision.

>

> In the 2012 mediation in Case 4900, half or more of the Plaintiff/Counterclaim Defendants obtained exemption from attending the mediation.

>

> The mediation proposed by Judge Early and Judge Manning involves only two cases. Some people in the James Brown cases are not

> part of either. But many are.

>

> We believe that applying a fundamental mediation rule -- that all parties must attend -- is essential to a successful outcome.

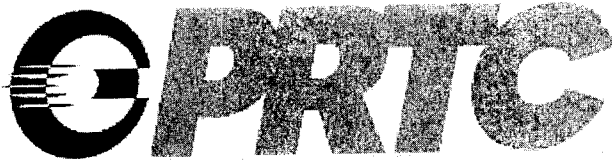
>

> Thank you for your consideration.

>

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Delete Block Mark Read Move to Folder

**Re: CASE 2010-CP-40-4900 and CASE 2013-CP-02-1337 Mediation**

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**From:** Adele Pope  
**To:** dearlyj@sccourts.org  
**Cc:** dearlylc@sccourts.org,dearlyc@sccourts.org,CManningJ@sccourts.org

Dear Judge Early:

In addition to the appeal of the June 13, 2013 Orders, now pending in the South Carolina Court of Appeals, the the Appeal of Your Honor's 12(b) rulings in Case 2013-CP-02-1337, i am currently an active party only in Richland County Case 4900, Aiken County Case 1337 (unappealed portion), 2 FOIA suits in which the Estate/2000 Trust is attempting to intervene, one of which is consolidated with Case 4900; and the Forlando Federal Suit.

It is my understanding that the proposed mediation touches only on the unappealed portion of Case 1337 and Case 4900.

The current Plaintiff/Counterclaim Defendants in Case 4900 are: James B., Tommie Rae, Deanna, Yamma, Venisha, Tonya, Larry, Terry, Jason Lewis, Janice V. Brown, Daryl Brown, Lindsey D. Brown, the James Brown Legacy Trust, the Estate, the James Brown 2000 Irrevocable Trust; and Russell Bauknight as agent for minors James B., Sydney L., Carrington L. and for others.

Thank you again.  
Adele Pope  
November 4, 2014

<-----Original Message----->

>From: Early, Doyet A. [dearlyj@sccourts.org]  
>Sent: 11/4/2014 9:02:18 AM  
>To: adele@popelawfirm.com  
>Cc:

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**From:** "Newsome, William G." <BNewsome@nexsenpruet.com>  
**To:** "Adele Pope" <adele@popelawfirm.com>  
**Cc:** "agwilson@scag.org", "bcook@scag.org", "agjwmcinto@scag.gov", "jdonsbach@donsbachking.org", "shshidlo@bellsouth.net", "gcovington@covpatlaw.com", "dgcannon2001@gmail.com", "mrosen@rosen-lawfirm.com", "kbw@swblaw.com", "asilvermail@mkb-law.com", "rbuchananjr@atlanticbnn.net", "rbauknight@BPSCPAS.COM", Tanya A.", "Wilkins, William W." <agwilson@scag.org;bcook@scag.org;agjwmcinto@scag.gov;jdonsbach@donsbachking.org;shshidlo@bellsouth.net;gcovington@covpatlaw.com;dgcannon2001@gmail.com;mrosen@rosen-lawfirm.com;kbw@swblaw.com;asilvermail@mkb-law.com;rbuchananjr@atlanticbnn.net;rbauknight@BPSCPAS.COM;TGee@nexsenpruet.com;TGee@nexsenpruet.com;BWilkins@nexsenpruet.com;BWilkins@nexsenpruet.com>  
**Subject:** RE: REQUEST FOR CONSENT TO TRANSFER 2014-001649 TO SUPREME COURT AND EXPEDITE [IWOV-NPCOL1.FID1033932]  
**Date:** 11/6/2014 1:26:29 PM

Adele: Russell does not consent in any of his capacities. And no matter how many times you repeat the false statement, he is not now, nor has he ever been, agent for Tommie Ray Hynie Brown.

PS Once again, you have several bad email addresses in your email. Please correct this. Many of the intended recipients are not receiving your emails.

**William G. Newsome III, J.D., LL.M. (Tax)**  
Certified Specialist in Estate Planning  
& Probate Law  
NEXSEN PRUET, LLC  
1230 Main Street, Suite 700 (29201)  
P.O. Drawer 2426, Columbia, SC 29202  
T: 803.253.8268, F: 803.727.1486  
bnewsome@nexsenpruet.com  
[www.nexsenpruet.com](http://www.nexsenpruet.com)

## NEXSEN PRUET

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**From:** Adele Pope [mailto:adele@popelawfirm.com]  
**Sent:** Thursday, November 06, 2014 12:35 PM  
**To:** Newsome, William G.  
**Cc:** agwilson@scag.org; bcook@scag.org; jmcintosh@scag.org; jdonsbach@donsbachking.org; shshidlo@bellsouth.net; gcovington@covpatlaw.com; dgcannon2001@gmail.com; mrosen@rosen-lawfirm.com; kbw@swblaw.com; asilvermail@mkb-law.com; rbuchananjr@atlanticbnn.net; rbauknight@BPSCPAS.COM; Gee, Tanya A.; Gee, Tanya A.; Wilkins, William W.; Wilkins, William W.  
**Subject:** RE: REQUEST FOR CONSENT TO TRANSFER 2014-001649 TO SUPREME COURT AND EXPEDITE [IWOV-NPCOL1.FID1033932]

Billy,

That was quick. I assume Russell's position is the same as Trustee of the James Brown 2000 Trust and The James Brown "I Feel Good" Foundation.

I was hoping the Attorney General would have a position of what was best for the "I Feel Good" Foundation since Russell continues to serve as agent for Ms. Hynie, the McMaster Legacy Trust and others in Case 4900.

Best,  
Adele  
November 6, 2014

<-----Original Message----->

>From: Newsome, William G. [BNewsome@nexsenpruet.com]  
>Sent: 11/6/2014 11:56:42 AM  
>To: [adele@popelawfirm.com](mailto:adele@popelawfirm.com)  
>Cc:  
>[agwilson@scag.org](mailto:agwilson@scag.org); [bcook@scag.org](mailto:bcook@scag.org); [jmcintosh@scag.org](mailto:jmcintosh@scag.org); [jdonsbach@donsbachking.org](mailto:jdonsbach@donsbachking.org); [shshidlo@bellsouth.net](mailto:shshidlo@bellsouth.net); [gcovington@covpatlaw.com](mailto:gcovington@covpatlaw.com); [dgcannon2001@gmail.com](mailto:dgcannon2001@gmail.com); [mrosen@rosen-lawfirm.com](mailto:mrosen@rosen-lawfirm.com); [kbw@swblaw.com](mailto:kbw@swblaw.com); [asilvermail@mkb-law.com](mailto:asilvermail@mkb-law.com); [rbuchananjr@atlanticbnn.net](mailto:rbuchananjr@atlanticbnn.net); [rbauknight@BPSCPAS.COM](mailto:rbauknight@BPSCPAS.COM); [TGee@nexsenpruet.com](mailto:TGee@nexsenpruet.com); [TGee@nexsenpruet.com](mailto:TGee@nexsenpruet.com); [BWilkins@nexsenpruet.com](mailto:BWilkins@nexsenpruet.com); [BWilkins@nexsenpruet.com](mailto:BWilkins@nexsenpruet.com)  
>Subject: RE: REQUEST FOR CONSENT TO TRANSFER 2014-001649 TO SUPREME COURT AND EXPEDITE [IWOV-NPCOL1.FID1033932]

>  
>Dear Adele: On behalf of Russell Bauknight in his capacity as Personal Representative, we do NOT consent to transfer of the appeal in 2014-001649.

>  
>Best, Billy

>  
>William G. Newsome III, J.D., LL.M. (Tax)  
>Certified Specialist in Estate Planning  
>& Probate Law  
>NEXSEN PRUET, LLC  
>1230 Main Street, Suite 700 (29201)  
>P.O. Drawer 2426, Columbia, SC 29202  
>T: 803.253.8268, F: 803.727.1486

9

>[bnewsome@nexsenpruet.com](mailto:bnewsome@nexsenpruet.com)

>[www.nexsenpruet.com](http://www.nexsenpruet.com)

>

>

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>From: Adele Pope [<mailto:adcle@popclawfirm.com>]

>Sent: Thursday, November 06, 2014 9:13 AM

>To: [agwilson@scag.org](mailto:agwilson@scag.org); [bcook@scag.org](mailto:bcook@scag.org); [jmcintosh@scag.org](mailto:jmcintosh@scag.org);

>[jdonsbach@donsbachking.org](mailto:jdonsbach@donsbachking.org); [shshidlo@bellsouth.net](mailto:shshidlo@bellsouth.net); [gcovington@covpatlaw.com](mailto:gcovington@covpatlaw.com);

>[jdgcannon2001@gmail.com](mailto:jdgcannon2001@gmail.com); [mrosen@rosen-lwfirm.com](mailto:mrosen@rosen-lwfirm.com); Gee, Tanya A.; Newsome, William

>G.; Wilkins, William W.

>Cc: [kbw@swblaw.com](mailto:kbw@swblaw.com); [asilvermail@mkb-law.com](mailto:asilvermail@mkb-law.com); Newsome, William G.;

>[rbuchananjr@atlanticbnn.net](mailto:rbuchananjr@atlanticbnn.net)

>Subject: REQUEST FOR CONSENT TO TRANSFER 2014-001649 TO SUPREME COURT AND EXPEDITE

>

>Dear Attorney General Wilson, Staff, Mr. Cannon and Counsel for Terry Brown,

>Forlando Brown, James B., Buddy Dallas, the Estate, the

>2000 Trust and Tommie Rae:

>

>Based in part on the Wingate Firm's interference this week with the joint

>direction of Judge Early and Judge Manning that we

>proceed to mediation in Richland Case 2010-CP-40-4900 ("Case 4900"), I ask you to

>let me know by noon Monday, November 10

>if you will each consent to transfer of this appeal (Appellate Case No. 2013-

>001649) to the Supreme Court, and a request for an

>expedited ruling on the appeal.

>

>A transfer to the Supreme Court may help break the logjam in the 4 1/2- year-old-

>suit by the Attorney General, the McMaster Legacy

>Trust and others against Bob Buchanan and me, and in the FOIA suits the Attorney

>General has consolidated -- or seeks to consolidate - with it

>

>For those who have not followed closely, here's a brief chronology of the actions

>of the Attorney General, the McMaster Legacy Trust, and Respondents Tommie Rae,

>James B. and Terry in Case 4900:

>

>

>May 2010 - Attorney General, the McMaster Legacy Trust, Tommie Rae, Terry,

>James B., etc., in Case 4900 sue Bob and

>Adele. All share private attorney Wingate.

>

>Fall 2010 - Wingate seeks relief from default as to counterclaims, after failing

>to timely respond.

>

>March 2011 - Court of Appeals rejects (without prejudice) request for early review

>of question: May Attorney General share private

>attorney Wingate with non-resident Plaintiff/Counterclaim Defendants, including

>Tommie Rae and minor James B.?

>

>2012 - Attorney General has one FOIA suit consolidated with Case 4900. Attorney

>General and McMaster Legacy Trust

>seek consolidation of second FOIA suit with Case 4900. [These 2011 FOIA suits are

>still pending]

>

>2012 Attorney General, while suing Bob and Adele for not accepting \$100 million

>offer, tells Supreme Court Brown's

>music empire worth \$4.7. [In 2013 AG says his office did not review appraisal]

>

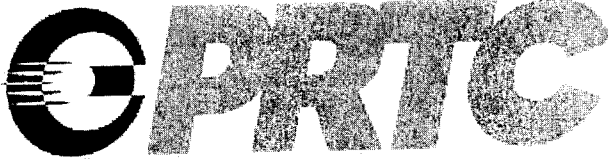
>July- Oct. 2012 Case 4900 Plaintiffs/Counterclaim Defendants obtain Mediation

>Order, then more than half of Plaintiff/Counterclaim

>Defendants obtain exemption from attending mediation.

>

>Problems making mediation unsuccessful include:  
>  
>Plaintiff/Counterclaim Defendants Jason Lewis, Lindsey Brown and Janice Brown -  
>not Plaintiffs in any  
>Aiken Case -- represented by Louis Levenson  
>  
>Louis speaks for Plaintiff/Counterclaim Defendant Daryl, who openly supports  
>estate plan, and  
>Plaintiff/Counterclaim Defendants Yanna and Deanna, who are seeking to set aside  
>Estate Plan.  
>  
>Attorney General/ McMaster Legacy Trust sharing private lawyer with Tommie Rae,  
>James B., etc.  
>  
>Plaintiff/Counterclaim Defendant James B., without a GAL, represented by Russell  
>  
>Either Russell or Louis speaking for minor Plaintiff/Counterclaim Defendants  
>Sydney & Carrington.  
>  
>  
>February 27, 2013 First Wilson v. Dallas decision directs FOIA cases and Wingate  
>Suit (Case 4900) to be addressed in "first instance."  
>  
>March 2013 In Petitions for Rehearing Louis vows to continue Case 4900. Attorney  
>General tells Court he will be seeking to be  
>dropped as a party to Case 4900, hope FOIA suits to be resolved soon.  
>  
>By May 2013 Attorney General files motion to be dropped as a party, but his  
>attorney of record - Wingate Firm -- asks the Court  
>not to hear his motion, or anything else, until all Aiken matters concluded.  
>  
>May 8, 2013 Supreme Court omits Footnote 29, direction to complete Case 4900/FOIA.  
>  
>May 10, 2013 Wingate tells Judge Manning Supreme Court's omission of Footnote 29  
>means the Court places no importance on  
>completing Case 4900 or the two FOIA suits. Asks to stay all matters until Aiken  
>County litigation complete.  
>  
>June 13, 2013 Judge Early issues "June 13 Orders" which are the subject of this  
>appeal.  
>  
>January 2014 Judge Early dismisses most of Case 2013-CP-02-1337("Case 1337").  
>Adele's commission claim remains in Aiken.  
>  
>July 2014 Estate/2000 Trust says Adele's 2007 SA fee and commission claim cannot  
>be paid until Case 4900 resolved.  
>  
>October 28, 2014 Judge Early directs Adele/Estate to name 2 mediators within 2  
>days.  
>  
>October 30, 2014 Adele names Mike Polk or Karl Folkens  
>  
>October 31, 2014 Estate/2000 Trust names 1 unacceptable person and Bob Erwin.  
>Adele agrees to Erwin.  
>  
>November 3, 2014 Judge Early directs concerted effort on everyone's part to agree  
>to mediator by end of week of Nov. 10.  
>  
>November 4 forward Ken Wingate's firm, speaking for Attorney General, McMaster  
>Legacy Trust, and ALL Plaintiff/Counterclaim  
>Defendants, seeks to delay mediation based on Wingate Firm's conflict representing  
>all Plaintiff/Counterclaim  
>Defendants.  
>  
>Thank you for your consideration.  
>Adele Pope  
>November 6, 2014  
>  
>  
>  
>  
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**From:** Adam T. Silvernail

**Date:** 11/4/2014 10:26:42 AM

**To:** Mark V. Gende

**Cc:** Ken B. Wingate, Joseph O. Thickens, Adele Pope

Mark:

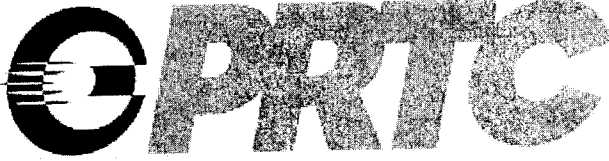
Please include Mrs. Pope in any correspondence sent to or including Judge Early. You have my explicit permission to do so, to the extent my request doesn't imply it.

Because Judge Early appears to be coordinating this possible mediation, which it now seems will involve both Case 4900 and Mrs. Pope's pro se matter in Aiken, I do not think it is appropriate for you to omit her from any correspondence with Judge Early. We did not ask Judge Early to coordinate mediation in Case 4900; I believe Judge Early suggested it as a way to finally resolve the Aiken County matter before him. As you recall, we have previously contacted you about the possibility of attempting mediation in Case 4900 again. Although that discussion did not lead to a mediation, we will of course engage in any mediation ordered by the Court.

The planning and coordination of any forthcoming mediation involving both Case 4900 and Case 1337 appears likely to happen in the a unified series of correspondence, and it is impractical for you to insist on omitting Mrs. Pope from any correspondence circulating among this larger group. This is especially true for correspondence including Judge Early. I do not represent Mrs. Pope in any matter pending before him, and you may not force her to incur the cost of counsel in another matter forwarding correspondence to her in this case where she is pro se.

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**From:** Adam T. Silvernail **Date:** 11/5/2014 3:34:05 P  
**To:** Mark V. Gende; 'cmanningj@sccourts.org';  
'cmanninglc@sccourts.org'  
**Cc:** J. Emory Smith \  
(ESmith@scag.gov\), 'dearlyj@sccourts.org', 'dearlylc@sccourts.org', Ke  
B. Wingate, Joseph O. Thickens, Adele Pope

Dear Judge Manning:

I disagree with nearly everything that Mr. Gende states regarding the Plaintiffs' proper and useful representation at the previous mediation. I would also remind the Court that both the previous Court-ordered mediation was held over our strenuous objection and prior to a single Plaintiff sitting for his or her deposition. Our motions to compel a number of Plaintiffs to attend depositions remain pending, and all were filed in 2011.

As you may recall from my letters between the last status conference in March 2013 and now, we have made every attempt to get this matter moving toward a conclusion. Sweeny, Wingate & Barrow has resisted, based on their own admitted conflict of interest. Now it appears that Mr. Gende, while acknowledging the conflict, want the Court's permission to once again hold a mediation where his clients, alleged clients and former clients are not present. Based on the previous mediation, we believe that any mediation held can only be effective to settle claims by and among *parties in attendance*.

I will not attempt to refute all of the inaccurate statements made in Mr. Gende's email, but will simply state that I do not believe ordering mediation under the same conditions which produced no progress would be worthwhile. We are and always have been eager to resolve the litigation, but the last

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STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

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APPEAL FROM AIKEN COUNTY  
Court of Common Pleas

**SC Court of Appeals**

The Honorable Doyet A. Early, III Circuit Court Judge

Appellate Case No. 2014-00250

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.

**PROOF OF SERVICE**

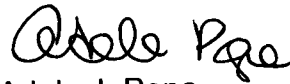
I certify that on the 7th day of November, 2014, I served the RETURN  
AND OPPOSITION TO MOTION TO STRIKE RECORD ON APPEAL OF  
BAUKNIGHT, INDIVIDUALLY, on Respondents and on the Interested Party by  
hand-delivery, or by depositing a copy of same in the United States Mail,  
postage prepaid to them or their attorneys of record as follows:

William Newsome, Esquire  
Tanya A. Gee, Esquire  
J. David Black, Esquire  
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and James Brown 2000 Irrevocable Trust

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November 7, 2014