

8

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. 2013-001649

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.....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, Respondents.

REPLY TO RETURN OF RUSSELL BAUKNIGHT IN OPPOSITION TO
POPE'S MOTION FOR EXPEDITED SUPERSEDEAS AND STAY

Appellant submits this Reply to the Return of the Respondent Estate
of James Brown and The James Brown 2000 Irrevocable Trust, speaking

RECEIVED

NOV 24 2014

SC Court of Appeals

through Russell L. Bauknight ("Bauknight"), dated November 20, 2014.

Bauknight filed his Return with the Court on November 20, 2014 by hand delivery, but mailed it by ordinary first class mail to Appellant. As of 3:46 p.m. Friday, November 21, it has not been received. Appellant responds to the unofficial posted copy of the public website of the South Carolina Court of Appeals.

Like the responses of Tommie Rae Hynie, for whom Bauknight serves as both agent and fiduciary in Richland County Case 2010-CP-40-4900 ("Case 4900"), Bauknight's responses, in large measure, conflict with the facts and the record of the fourteen Aiken James Brown cases which are the subject of this appeal; in FOIA cases; and in Case 4900. The difference is that counsel for Mr. Bauknight, unlike those of Ms. Hynie, are actively involved in three FOIA cases and Case 4900.

In reply Appellant incorporates both her Reply to Tommie Rae and the Affidavit of Adam Silvernail filed with the reply. In addition, some of Bauknight's inaccuracies are addressed below.

a. Bauknight's Response Must be Considered in Light of his Fiduciary Service to Tommie Rae.

Bauknight simply cannot overlook that more than 20 months after the first decision in *Wilson v. Dallas*, 403 S.C. 411, 743 S.E.2d 746 (2013) he serves as both fiduciary and agent for Tommie Rae. She is a 23 ½% beneficiary

of the McMaster Legacy Trust which remains, with Tommie Rae herself, a Plaintiff in Case 4900.

Bauknight has told the IRS that Tommie Rae is Brown's spouse. And he refuses to notify the IRS differently. And the Attorney General refuses to make him.

Bauknight serves as agent in Case 4900 for Tommie Rae's son, without a GAL.

Bauknight, while serving as agent for Tommie Rae and her son, told the South Carolina Supreme Court on November 1, 2011 that copyright terminations are "all this case is about;" that Tommie Rae's elective share claim was a "slam dunk;" that Tommie Rae and her son control the Federal Copyright Act termination rights to the 800+ songs James Brown gave his "I Feel Good" Foundation; and that if the 2008 McMaster settlement stipulating that she was to be considered Brown's wife for all purposes were not upheld to by the Supreme Court, by 2023 there would be nothing left in the "I Feel Good" Foundation.

Undaunted by *Wilson v. Dallas*, when he heard on May 29, 2013 that Tommie Rae and Louis Levenson, Esquire were asking the Honorable Doyet A. Early, III to go *in camera* and reinstate the settlement which dismembered the "I Feel Good" Foundation, he did nothing except tell the Court that Appellant must be expelled from the James Brown estate and trust cases.

Without notice or a hearing that happened on June 13, 2013. In the three orders which are the subject of this appeal.

b. Bauknight repeats the False \$5 Million Fee Claim.

Like Tommie Rae, on page 1 of his Return Bauknight claims Appellant is motivated by a \$5 million fee claim. He claims she is a potential estate creditor “**and nothing more.**” He claims Pope is attempting to use this appeal as a platform to further expand her involvement with the Estate.

Like Tommie Rae, Bauknight knows Appellant has never sought a \$5 million fee, and:

1. Tommie Rae nominated Appellant as special administrator (“SA”) and approved her appointment as PR/Trustee.
2. Tommie Rae approved a 2008 Court Order of Judge Early which awarded Appellant about \$217,000 for her 7 months’ work as SA; found that her work load had doubled since she became PR/Trustee; awarded her a fee for her work and that of her staff on a time + costs basis; and that approximately \$1.38 million was due her under the Order on May 26, 2009, with interest, when she was replaced.
3. Bauknight has refused to pay even the \$48,000 of unpaid 2007 SA fee until Case 4900 is concluded, but asked to stay Case 4900.
4. Buchanan was paid the amount he was due under Judge Early’s 2008 Order only after releasing Tommie Rae from his counterclaims in Case 4900 and agreeing not to protect himself or the “I Feel Good” Foundation in a Petition for Rehearing, an unconscionable condition not approved by the Supreme Court.
5. Appellant’s and Buchanan’s counsel conducted the 4-year defense of the Attorney General’s settlement for only about \$200,000, due in large measure to the *pro bono publico* service of lead appellate counsel James Richardson, Esquire.

6. Appellant has worked *pro bono publico* since May 8, 2013, to help any heir, devisee or other person who seeks to enforce the "I Feel Good" Foundation or protect its copyrights.

To the extent that Appellant is able to have a platform to further expand, through her *pro bono publico service*, her involvement with the Estate to convince this Court, the Attorney General, the general public or Bauknight himself that a second dismembering of the "I Feel Good" private foundation will be bad for the foundation and private philanthropy in South Carolina, she wants to do so.

c. The mediator has been announced.

As of 3:50 the afternoon of November 20 Judge Early announced that a mediator had been selected by Judge Manning in the Case where the Attorney General, his Legacy Trust, Bauknight as agent for Tommie Rae and her son are suing Appellant for tens of millions of dollars for conducting the *Wilson v. Dallas* appeal. And she is counterclaiming that it is Bauknight, Tommie Rae, the Attorney General and James B., with certain others, who should not have intermeddled in the estate of James Brown with intent to dismember the "I Feel Good" Foundation.

Appellant refutes all remaining claims of Bauknight.

Conclusion

Tommie Rae is not Brown's spouse. Bauknight knows it. Most Case 4900 Plaintiffs know it. She knows it. And Bauknight knows that

agreement with only HALF of Brown's real heirs will protect the "I Feel Good" Foundation and its \$3+ million royalty stream for decades. The mediation in Case 4900 creates a possibility that the "I Feel Good" Trust may be saved. Only someone representing Tommie Rae or Louis Levenson would not want that result. Now that the mediator has been announced, the stay should be for only a few months, with required monthly reports, to allow all parties to attend in accordance with ADR requirements. The stay should be granted, and the mediation and conclusion of Case 4900 and the FOIA matters should proceed in the first instance as contemplated by the Supreme Court in footnote 29 of its first *Wilson* opinion.

Respectfully submitted,

Adele Pope

Adele J. Pope
1228 Walnut Street
Newberry, South Carolina 29108
Telephone: 803-413-0753
Email: adele@popelawfirm.com
S.C. Bar No. 4501

November 21, 2014

RECEIVED

NOV 24 2014

SC Court of Appeals

Adele J. Pope
1228 Walnut Street
Newberry, South Carolina 29108
(803) 413-0753

November 21, 2014

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, South Carolina 29211

Re: Wilson and others v. Dallas and others
Appellate Case No. 2013-001649

Dear Ms. Kitchings:

In connection with the Motion and Memorandum of Appellant for Expedited Supersedeas and Stay of November 24, 2014 Summary Judgment Hearing of Respondent Tommie Rae Hynie (also known as Tommie Rae Brown) on her Spousal Claim and Stay of Spousal Determination Pending Mediation in Case 2010-CP-40-4900, enclosed please find the following:

1. Original and one copy of REPLY TO RETURN OF RUSSELL BAUKNIGHT IN OPPOSITION TO POPE'S MOTION FOR EXPEDITED SUPERSEDEAS AND STAY;
2. Original and one copy of Proof of Service of the Reply.

Kindly file the originals and return a file-stamped copy of each in the enclosed, stamped envelope provided for your convenience. Thank you.

Sincerely,



Adele J. Pope
S.C. Bar No. 4501

Enclosures

cc: Counsel as shown on Proofs of Service

RECEIVED

NOV 24 2014

SC Court of Appeals

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. 2013-001649

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, Respondents.

PROOF OF SERVICE

I certify that on the 21st day of November, 2014, I have served a copy of the
REPLY TO RETURN OF RUSSELL BAUKNIGHT IN OPPOSITION TO POPE'S
MOTION FOR EXPEDITED SUPERSEDEAS AND STAY in this matter on the
Respondents described below by depositing a copy of same in the United States
Mail, postage prepaid, addressed to them or their attorneys of record, and email
where shown, as follows:

RECEIVED

NOV 24 2014

SC Court of Appeals

Tanya A. Gee, Esquire
PO Drawer 2426
Columbia, South Carolina 29202-2426

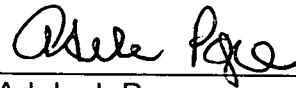
David G. Cannon
P. O. Box 865
Barnwell, SC 29812

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

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

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

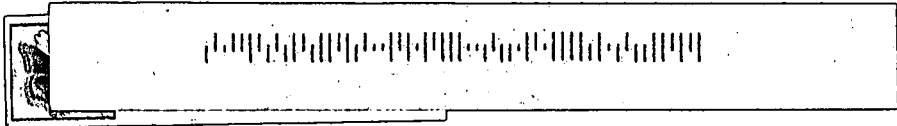
John A. Donsbach, Sr., Esquire
504 Blackburn Drive
Augusta, Georgia 30907



Adele J. Pope
1228 Walnut Street
Newberry, South Carolina 29108
Telephone: 803-413-0753
Email: adele@popelawfirm.com
S. C. Bar No. 4501

November 21, 2014

Pro Se



RECEIVED

NOV 24 2014

SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, South Carolina 29211