



THE STATE OF SOUTH CAROLINA  
IN THE Court of Appeals

RECEIVED

DEC 03 2014

APPEAL FROM AIKEN COUNTY  
Court of Common Pleas

SC Court of Appeals

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.

**APPELLANT'S RETURN AND OPPOSITION TO MOTION OF RESPONDENT  
ESTATE (BAUKNIGHT) TO FILE RETURN OUT OF TIME**

If Russell L. Bauknight's Motion to File Out of Time helped the Estate of James Brown or its primary beneficiary, The James Brown "I Feel Good" Trust, Brown's private foundation for needy students, Appellant would not oppose the request to file out of time. The motion, however, promotes the intention of David Bell, Esq., Louis Levenson, Esq. and Brown's companion Tommie Rae Hynie to dismember the "I Feel Good" Foundation a second time, in direct defiance of this

Court's decision in *Wilson v. Dallas*, 403 S.C. 411, 743 S.E.2d 746 (2013). Mr. Bauknight has served that interest, and has been its principal spokesperson, since May 19, 2010. He continues to use funds James Brown intended for needy students, and to claim the authority to speak for the Attorney General of South Carolina, in carrying out this mission.

The plan to defy *Wilson* and dismember the "I Feel Good" Foundation a second time was publicly announced by Tommie Rae's counsel and Levenson on May 29, 2013. Bauknight, as both agent and fiduciary for Tommie Rae and the Attorney General's Legacy Trust, has carried it out since.

As discussed below in brief, to carry out this mission Bauknight is currently promoting the 7-year fraud of Forlando Brown in the federal courts; continuing his 3½ -year-interference with FOIA in two counties and the South Carolina Court of Appeals; and attempting to prevent any progress in Richland County Case 2010-CP-40-4900 ("Case 4900").

#### **Bauknight's Promotion of Forlando Brown's Fraud in the Federal Courts**

Russell Bauknight became involved with the 7-year fraud of Forlando Brown in 2009 when Forlando's father Terry obtained a right of first refusal to buy Brown's music empire (the "ROFR") at what the parties to the settlement voided by *Wilson* described as "fair market value."

From 2007 until *at least* the summer of 2014, Bell represented Forlando and Terry. Forlando had been suing in federal court since 2008 to enjoin Brown's 2000 Trust from taking any action until felon David Cannon and his co-

trustees were reinstated.

In 2009 when Terry obtained the ROFR under the Attorney General's (AG's) 2008 settlement, Bell began representing Terry and Forlando while they took opposite positions in Federal and State Court.

In 2010, while opposing the AG's settlement for Forlando in federal court, Bell signed the 40% contingency fee contract with the firm of Kenneth Wingate, Esq., ("SWB") to sue Robert Buchanan, Jr., and Appellant for conducting the appeal which resulted in *Wilson*. Others who signed were Bauknight, Levenson and counsel for Tommie Rae.

On May 19, 2010, all using SWB, the AG, Tommie Rae and others sued Buchanan and Appellant for tens of millions of dollars in Case 4900 to stop the *Wilson* appeal. At the same time Forlando/Bell continued to sue in federal court asserting Buchanan and Appellant would not protect Brown's 2000 Trust.

In Case 4900 Bauknight holds today all of the following, irreconcilable, positions:

1. Fiduciary and agent for Tommie Rae;
2. Agent (with no guardian *ad litem*) for Tommie Rae's son, James B.;
3. Trustee of the AG's Legacy Trust;
4. PR/Trustee under Brown's Will and 2000 Trust;
5. Agent for at least four Levenson clients who are contesting Brown's estate plan; and
6. Claimed agent for the Attorney General of South Carolina.
7. Agent for Tonya, a claimed grandchild of Brown who is not a party to

the AG settlement or included in Brown's estate plan.

In January 2011 Bauknight assisted in the secret transfer of Terry's interest in Brown's estate, the AG's settlement and the ROFR to Forlando.

Also in January 2011, a law firm with whom Bell and Forlando were associated, published an incorrect post about the withdrawal of the GRAMMY from the Christie's sale.<sup>1</sup>

In May 2011, without disclosing the transfer to Forlando, Bauknight and Terry told the South Carolina Supreme Court that Brown's worldwide music empire was worth less than \$4.7 million when he died. Forlando testified both before and after that Appellant's and Buchanan's \$84 million value was correct and conservative. At the time, Forlando and Bauknight were working on a possible sale for as much as \$200 million.

In 2012, Forlando – facing certain loss in Federal District Court Case No. 08:cv-00014-WOB where he and Bell were seeking to enjoin the 2000 Trust until felon David Cannon was reinstated as trustee - claimed to have fired Bell. He dropped all of his claims against the 2000 Trust, Buchanan and Appellant. Forlando told the federal court he had no assets and no expectation of assets in the State James Brown proceedings to meet the costs of his 4-year suit.

In 2013, Bauknight dropped the 2000 Trust's requests for attorneys' fees from Forlando, payable from his Trust share; claimed Forlando had done nothing

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The lawyer credited with "halting" a GRAMMY sale which was proper, but alleged in the post to be improper, did not know about the post.

wrong; testified in favor of the settlement; and claimed the \$4.7 million value was correct. He also claimed the transfer from Terry to Forlando did not take place. In addition, Bauknight hired Wingate to help assure that Appellant not be reimbursed for the legal cost of preventing a federal injunction that would have paralyzed the 2000 Trust and prevented the *Wilson* appeal.

In 2013, Bell began to siphon off copyright termination agreements the "I Feel Good" Trust should now have with Brown's incarcerated son Michael; daughter Lisa; and other DNA-proven heirs ignored in the first settlement. Bauknight and his special administrator have aided Bell in this effort.

In short, since 2011, Bauknight has actively covered up and endorsed Forlando's, Terry's and Bell's 7-year fraud on the federal and state courts.

### **Bauknight's 3 ½ -Year FOIA Interference**

In July 2011, a member of the law firm now representing Bauknight in his capacity as PR/Trustee wrote Appellant claiming the AG's Legacy Trust was private, and not subject to a FOIA request. He said if Appellant continued to exercise her FOIA rights as to the Legacy Trust, he would seek sanctions against her. Bauknight has carried out his counsel's threat for 3½ years. He had done so to conceal public documents which will help Brown's estate, estate plan and the "I Feel Good" Foundation.

In 2011, Bauknight moved to intervene in a FOIA suit brought by Appellant to obtain the public Wingate Litigation Agreement for the private firm representing the AG in Case 4900. The FOIA suit was transferred to Richland

County and consolidated with Case 4900. As of December 1, 2014, no hearing has been held. And Bauknight has requested that no hearing be held.

In 2011, Bauknight, acting both for the AG's Legacy Trust and for the Estate, sought to stop release under FOIA of the AG's Legacy Trust and Amendments, even though the Legacy Trust was suing Appellant in Case 4900. As of December 1, 2014, Bauknight and the AG are still seeking to consolidate this FOIA suit with Case 4900, and subordinate it to discovery in Case 4900.

In April 2013, Bauknight moved to intervene in, and stop FOIA compliance of a journalist seeking various James Brown documents, including the public, handwritten notes of Tommie Rae. When the circuit court refused Bauknight's requests to intervene in the journalist's suit; transfer it to Richland County; and consolidate it with Case 4900, Bauknight appealed. His appeal is now S. C. Court of Appeals Case No. 2014-002222. He claims his notice of appeal stays the Attorney General's FOIA compliance.

#### **Bauknight's Interference With Court-Directed Mediation in Case 4900**

In April 2013, Bauknight and the Attorney General asked the Case 4900 court not to hold any hearings in Case 4900 or the two FOIA cases referenced above until all Aiken cases were concluded. The request was made formal in a 2014 filing. The Richland Court, until November 3, 2014, has complied.

On November 3, 2014, the logjam was broken when it was announced by the Aiken court that a joint mediation involving Case 4900 would be ordered by the Aiken Court and the Honorable L. Casey Manning, to whom Case 4900 is assigned. Since November 3, 2014 Bauknight and Wingate have gone to

extraordinary lengths to interfere with this important direction. They seek to have Bell, Levenson and counsel for Tommie Rae - not the Plaintiffs - appear at mediation. They also seek to mediate the 2011 FOIA case.

In an unsuccessful 2012 mediation in case 4900, which might have resulted in a settlement to avoid *Wilson*, Levenson, was allowed to appear at the mediation instead of all of the following plaintiff/counterclaim defendants:

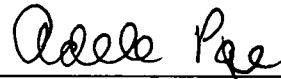
1. Daryl Brown - James Brown's son who had repudiated the settlement and terminated Levenson before the 2012 mediation.
2. Deanna, Yamma, and Larry Brown - contesting the estate plan.
3. Venisha - who was incarcerated in Georgia, and had no GAL.
4. Sydney L. and Carrington L. - minor grandchildren with no GAL who lost both their \$285,000 education trust and substantial copyright act rights under the settlement.
5. Janice and Lindsey Brown - adult beneficiaries of the 2000 Trust he does not represent.
6. Tonya - a claimed grandchild not in the AG's settlement or Brown's estate plan.

### **Conclusion**

The Motion to File Out of Time was not made by Bauknight with his own counsel and resources. It was made using funds James Brown gave to a charitable trust Bauknight is seeking to dismember. His Motion works against the Estate of James Brown and against the "I Feel Good" Foundation which is Brown's primary beneficiary. It should be denied. The Supreme Court should certify this case and Appellate Case No. 2013-001649 for transfer as requested

in the Motions to Certify.

Respectfully submitted,



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

December 1, 2014

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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 1<sup>ST</sup> day of December, 2014, I served the APPELLANT'S  
RETURN AND OPPOSITION TO MOTION OF RESPONDENT ESTATE  
(BAUKNIGHT) TO FILE RETURN OUT OF TIME in this matter 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 Wilkins, Esquire  
J. David Black, Esquire  
Tanya A. Gee, Esquire  
William G. Newsome, III Esquire  
Nexsen Pruet  
1230 Main Street, Suite 700

P.O. Box 2426  
Columbia, South Carolina, 29202-2426

Sheila Bias, Esquire  
Frederick Crawford, Esquire  
Richardson, Plowden & Robinson, P.A.  
1900 Barnwell Street  
Columbia, South Carolina 29202

Robert L. Buchanan, Jr.  
212 Newberry St., NW  
Post Office Box 463  
Aiken, South Carolina 29802



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1228 Walnut Street  
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S.C. Bar No. 4501  
*Pro Se*

December 1, 2014

**Adele J. Pope**  
**1228 Walnut Street**  
**Newberry, South Carolina 29108**

December 1, 2014

The Honorable Daniel E. Shearouse  
Clerk of Court  
Supreme Court of South Carolina  
1231 Gervais Street  
PO Box 11330  
Columbia, South Carolina 29211

Re: Pope v. Estate of James Brown and others  
Appellate Case No. 2014-000250

Dear Mr. Shearouse:

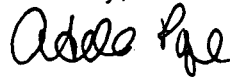
In connection with the above-referenced matter, enclosed please find the following:

1. Original and Seven (7) copies, APPELLANT'S RETURN AND OPPOSITION TO MOTION OF RESPONDENT ESTATE (BAUKNIGHT) TO FILE RETURN OUT OF TIME;
2. Original and seven (7) copy, Proof of Service;

By copy of this letter, I am sending a copy of the Return and Opposition to the S.C. Court of Appeals.

Kindly file the originals and required copies and return a file-stamped copy of each. Thank you.

Sincerely,



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

**Enclosures**

cc: The Honorable Jenny Abbott Kitchings, Clerk, South Carolina Court of Appeals  
Tanya A. Gee, Esquire - Attorney for James Brown Estate and 2000 Trust  
William W. Wilkins, Esquire - Attorney for James Brown Estate and 2000 Trust  
J. David Black, Esquire - Attorney for James Brown Estate and 2000 Trust  
William G. Newsome, III, Esquire - Attorney for James Brown Estate and 2000 Trust  
Sheila M. Bias, Esquire - Attorney for Russell L. Bauknight, Individually  
Frederick A. Crawford, Esquire - Attorney for Russell L. Bauknight, Individually  
Robert L. Buchanan, Jr. - Interested Person



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Brown and the James Brown 2000 Irrevocable Trust,.....Respondents,

AND:

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

REPLY TO RETURN OF ESTATE OPPOSING MOTION TO CERTIFY

In order to facilitate the Court's consideration of this important matter, and  
subject to her motion opposing Respondent Estate's request to file its return out  
of time, Appellant submits this Return and objection to the Estate's Return.

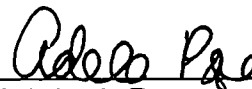
The Return does not serve the Estate of James Brown; its sole residuary  
beneficiary, the James Brown 2000 Irrevocable Trust; or the 2000 Trust's  
primary beneficiary, the "I Feel Good" Foundation. It serves Tommie Rae Hynie,

Louis Levenson, Esq., David Bell, Esq. and Mr. Bauknight, individually.

Appellant refutes the claims and incorporates her Reply to the similar arguments of Bauknight in the related S.C. Court of Appeals Case No. 2013-001649, for which certification is also sought. Appellant also incorporates her motion to certify; the complaint in Case 2010-CP-40-4900; the filings made in that case since the first decision in *Wilson v. Dallas*, 403 S.C. 411, 743 S.E.2d 746 (2013); the filings in Appellate Case No. 2014-002222; and her Return and Opposition to Motion of Respondent filed herewith to support of her position.

Judicial Economy, justice and the future of both The James Brown "I Feel Good" Foundation and private philanthropy in South Carolina will be served by this Court's certifying this appeal and the appeal in Case No. 2013-001649 to this Court.

Respectfully submitted,



---

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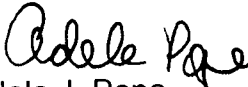
I certify that on the 1<sup>ST</sup> day of December, 2014, I served the REPLY TO  
RETURN OF ESTATE OPPOSING MOTION TO CERTIFY in this matter on  
Respondents and on the Interested Party by hand-delivery, or by depositing a  
copy of same in the United States Mail, postage prepaid to them or their  
attorneys of record as follows:

William Wilkins, Esquire  
J. David Black, Esquire  
Tanya A. Gee, Esquire  
William G. Newsome, III Esquire  
Nexsen Pruet  
1230 Main Street, Suite 700  
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1. Original and Seven (7) copies, REPLY TO RETURN OF BAUKNIGHT TO MOTION TO CERTIFY;
2. Original and seven (7) copies, Proof of Service;

By copy of this letter, I am sending a copy of the Reply to Return to the S.C. Court of Appeals.

Kindly file the originals and required copies and return a file-stamped copy of each. Thank you.

Sincerely,

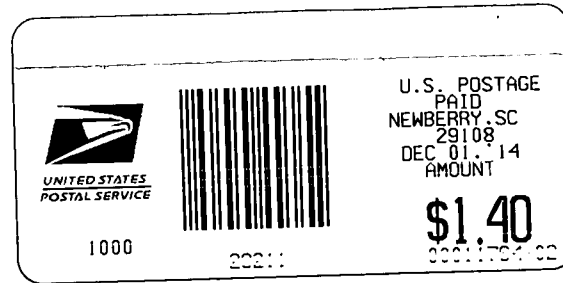
*Adele Pope*

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Robert L. Buchanan, Jr. - Interested Person

Law Office of Adele J. Pope, P.C.  
1228 Walnut Street  
Newberry, South Carolina 29108



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