

STATE OF SOUTH CAROLINA
In the Supreme Court

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APPEAL FROM AIKEN COUNTY
Court of Common Pleas

S.C. Supreme Court

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.

**MOTION TO ADD THE ATTORNEY GENERAL OF SOUTH CAROLINA,
THE JAMES BROWN LEGACY TRUST AND CERTAIN HEIRS OF
JAMES BROWN AS RESPONDENTS, AND FOR RELATED RELIEF
AND MEMORANDUM IN SUPPORT OF MOTION**

TO: THE HONORABLE CHIEF JUDGE AND THE ASSOCIATE JUDGES OF THE
COURT:

Based on recent events in Richland County Case 2010-CP-40-4900 ("Case 4900") in which Attorney General Alan Wilson, Respondents Tommie Rae Hynie, James B. and Terry Brown, and the James Brown Legacy Trust, controlled by the Attorney General, are Plaintiffs and Counterclaim Defendants sharing a single private counsel, Appellant moves this Honorable Court for an Order as follows:

1. Making Alan Wilson in his capacity as Attorney General of South Carolina, a Respondent in this Appeal;
2. Making the James Brown Legacy Trust ("Legacy Trust") a Respondent in this appeal;
3. Making the following James Brown heirs who are not challenging Brown's Will or The James Brown "I Feel Good" Trust Respondents in this appeal:
 1. Nicole Parris;
 2. Jeanette Mitchell Bellinger;
 3. Lisa Brown;
 4. Daryl Brown;
 5. the estate of La Rhonda Waller, deceased;
 6. Michael Deon Brown, incarcerated in California; and
 7. Tonya Brown.

Appellant further moves for an order directing the Attorney General and the Legacy Trust to conclude in the first instance two 2011 FOIA suits, including one consolidated with Case 4900, brought by Appellant in 2011.

The grounds of this motion are that two years after this Court's decision in *Wilson v. Dallas*, 403 S.C. 411, 743 S.E.2d 746 (2013), the Attorney General and Legacy Trust are continuing as co-plaintiffs and sharing a private lawyer in Case 4900 with, Respondent Hynie and others who announced their intention on May 29, 2013 to dismember the "I Feel Good" Foundation and its copyrights a second time. This continuing alliance damages Appellant's property rights and her interest as a citizen; damages the property rights of the half of Brown's real heirs not challenging the estate plan; and threatens private philanthropy in our State. The Attorney General and the

Legacy Trust should answer to this Court for their failure to follow the mandate of *Wilson*. Heirs excluded and _____ damaged since May 8, 2013 by this State action favoring Hynie and those chosen by the Attorney General should be given a fair right to participate and object.

This motion is supported by Appellant's brief filed herein, which is incorporated herein; the affidavit filed herewith; and the following memorandum.

MEMORANDUM IN SUPPORT OF MOTION

Entertainment icon James Brown died on December 26, 2006 leaving his \$100 million¹ music empire to his "I Feel Good" Foundation to provide scholarships for needy students. He had no spouse. He had about a dozen children who qualify as his heirs under the Federal Copyright Act.

Respondents Dallas and Cannon were Brown's fiduciaries between 1999 and Brown's death. During that period more than \$70 million was generated in Brown's name or the name of his entities. He made more than \$5 million a year during each of the last three years of his life. But Cannon misappropriated more than \$12 million of those funds.

In the eight years since Brown's death, Appellant and Robert Buchanan, Jr. are the only two fiduciaries who have protected the "I Feel Good" Foundation as embodied both in Brown's 2000 estate plan and 1999 backup Will; protected the 800+ copyrights James Brown gave the "I Feel Good" Foundation; sought only reasonable

¹ Brown's 800+ copyrights, which make up about half of the music empire, were valued in 2006 by the Royal Bank of Scotland (RBS) in a professional appraisal at \$42 million. The major copyrights, which produce \$3+ million each year, were subject to a \$15 million debt to the N.Y. Teachers (TIAA). The TIAA Debt was paid in full in 2011.

compensation; properly valued Brown's assets in IRS filings; and performed in a professional manner without vitriolic attacks and repeated attempts to sanction those who disagree with them. Despite this, for almost five years they have been the target of the Attorney General and lawyers expecting to reap \$20 million or more in legal fees if they could stop the appeal of the 2008 settlement, or now redo the void settlement.

The Attorney General's and the Legacy Trust's alliance with Tommie Rae, and attorneys Louis Levenson, Esq. and David Bell, Esq. in Case 4900 was intended to destroy the careers and reputations of Buchanan and Pope. It has hit the mark.

In May 2010, Bauknight, Bell, counsel for Hynie and Levenson secretly signed the Wingate 40% contingency fee contract. Most Case 4900 Plaintiffs did not sign. Some later claimed they did not even know about the suit until after it was filed.

Case 4900 seeks tens of millions of dollars of damages from Buchanan and Appellant for the following claimed wrongful acts, among others:

1. Conducting the appeal which resulted in the *Wilson v. Dallas* decision.
2. Challenging the Attorney General's settlement.
3. Valuing James Brown's music empire at about \$84 million, which was both correct and conservative.
4. Not accepting a 2007 \$100 million offer for the music empire in 2007. (The Attorney General and Hynie would shortly tell this Court there never was such an offer.)
5. Not understanding the Federal Copyright Act;
6. Alleged problems with the Christie's sale, which the Attorney General had asked the S. C. Court of Appeals to approve in one of 3 orders approving it.

Since late 2010 Hynie, the Attorney General and all other Case 4900 Plaintiffs

have been seeking relief from default after the private attorney they share failed to timely respond to the Case 4900 counterclaims.

Appellant and Buchanan have a right to a level playing field as they seek to recover their reputations from false claims.

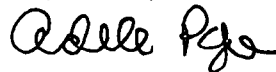
Addition of the non-contesting heirs will make it easy to show that Brown's 800+ copyrights can be preserved for the "I Feel Good" Trust for decades with modest termination rights agreement with only some of these real heirs. Appellant, they and the "I Feel Good" Trust should have a right to confirm that Brown had no spouse.

Since 2011 the Attorney General, Hynie and the Legacy Trust have interfered with and evaded the release under FOIA of public documents which will make even clearer that Hynie was not Brown's spouse; \$4.7 million is an improper value for Brown's music empire, and \$.5 million is improper for the tangible personal property.

CONCLUSION

Joining the Attorney General, the James Brown Legacy Trust and the non-contesting heirs in this appeal will promote justice, fair play and a level playing field for Appellant and the non-contesting Brown heirs who have a right to make fair termination rights agreements with the Estate and "I Feel Good" Trust. It will do the same for all others who believe that respecting James Brown's estate plan is essential to the protection of private philanthropy in South Carolina.

Respectfully submitted,



Adele J. Pope
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January 8, 2015

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APPEAL FROM AIKEN COUNTY
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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
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PROOF OF SERVICE

I certify that on the 8th day of January, 2015, I have served a copy of the
MOTION TO ADD THE ATTORNEY GENERAL OF SOUTH CAROLINA, THE
JAMES BROWN LEGACY TRUST AND CERTAIN HEIRS OF JAMES BROWN AS
RESPONDENTS, AND FOR RELATED RELIEF AND SUPPORTING
MEMORANDUM in this matter on the Respondents and others described below by
depositing a copy of same in the United States Mail, postage prepaid, addressed

to them or their attorneys of record, as follows:

Respondents:

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Attorney for Respondent Albert H. Dallas

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Attorney for Respondents Terry Brown and Forlando Brown

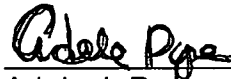
Others:

The Honorable Alan Wilson
The James Brown Legacy Trust
Russell L. Bauknight, Trustee and/or
Successor in Interest
c/o South Carolina Attorney General
Post Office Box 11549
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*Attorney of Record in Case 4900 for Respondents Hynie, James B., Terry Brown,
Estate and 2000 Trust, and for Proposed Respondents Daryl Brown, Tonya Brown,
Legacy Trust and Attorney General*

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January 8, 2015