

THE 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

Ex parte: Adele J. Pope,

Appellant,

In re: Estate of James Brown a/k/a James Joseph Brown,

Respondent.

**THE ESTATE AND TRUST'S RESPONSE TO POPE'S MOTION TO
SUPPLEMENT THE RECORD AND STAY SPOUSAL PROCEEDINGS**

The James Brown Estate and August 1, 2000 Irrevocable Trust Agreement (“Estate & Trust”) submit the following response to the Motion of Adele J. Pope (“Pope”) to Supplement the Record on Appeal and Stay the Spousal Proceeding. In *Wilson v. Dallas*, this Court affirmed the removal of Pope as the Personal Representative and Trustee, finding that her future involvement would not be in the best interests of the Estate and Trust. 403 S.C. 448-49, 743 S.E.2d 746, 766-67 (2013). Pope’s post-remand conduct, however, has disregarded this Court’s holding. The real impact of her conduct is to make the post-remand estate litigation exponentially more expensive and time consuming for all concerned as she routinely disregards the rules in her litigation activities. Furthermore, the Estate and Trust’s lawyers spend an

inordinate amount of time responding to Pope's unrelenting litigation activities. Responding to Pope is like responding to non-lawyer *pro se* litigant. Pope, however, is a lawyer.¹

The motion pending before this Court is a good example. Rule 210(c) provides that the "[r]ecord shall not . . . include matter which was not presented to the lower court or tribunal." This appeal addresses whether the circuit court correctly applied this Court's decision in *Wilson v. Dallas* by removing Pope as a party in all of the pending lower court Estate and Trust cases, and refusing to allow her to play any role in those cases. Notwithstanding the limited scope of this appeal, Pope has filed a motion seeking to supplement the record to include a recent summary judgment decision by the circuit court in an unrelated case.²

Although all citizens have the absolute right to make use of the court system, the law requires that litigants have an actual legal interest at stake. *E.g., Duke Power Co. v. S.C. Pub. Serv. Comm'n*, 284 S.C. 81, 96, 326 S.E.2d 395, 404 (1985); *accord Ex parte Morris*, 367 S.C. 56, 62, 624 S.E.2d 649, 652 (2006) ("As a general rule, to have standing, a litigant must have a personal stake in the subject matter of the litigation."). The Estate and Trust believe that this Court's decision in *Wilson v. Dallas* foreclosed Pope's right to remain involved in Estate and

¹ It is for this reason that the undersigned have felt obligated to seek Rule 269, SCACR, sanctions against Pope. She is forcing the Estate and Trust to incur costs that it should not have to incur, and in doing so expend funds that would otherwise be deposited into a scholarship reserve.

² Another example of Pope's disregard for the rules is the brief in this case. The appellate court rules requires an appellant to include a Statement of the Case in his opening brief: "[t]he statement shall contain a concise history of the proceedings, insofar as necessary to an understanding of the appeal." Rule 208(b)(1)(C), SCACR. Additionally, Rule 208(b)(1)(C), prohibits an appellant from including contested matters in the Statement of the Case. Despite these parameters, Pope's Statement of the Case includes pages of information that are irrelevant to this appeal as well as a plethora of contested matters. In fact, parts of her Statement of the Case are misleading. For example, on page 12 she block quotes a footnote from the *withdrawn Wilson v. Dallas* decision without mentioning that this Court granted rehearing and deleted that footnote from its final opinion. Furthermore, pages 17 to 20 of the Statement of the Case discuss matters that occurred *after* the orders on appeal were issued, and therefore, should not be part of the record in this appeal. Rule 210(c), SCACR.

Trust proceedings in which she does not have any legal interest other than her pending claim for commissions and fees totaling almost \$5 million. Pope's unrelenting efforts to remain involved in Estate and Trust matters over which she has no legal interest is needlessly wasting valuable resources and court time. And her involvement is not needed, warranted, or legitimate.

The circuit court's decision to grant summary judgment in favor of Ms. Tommie Rae will unquestionably be presented to this Court for appellate scrutiny in the future. James Brown's children opposed Ms. Tommie Rae's motion and have since filed a Rule 59, SCRCP, motion. And, of course, the Estate and Trust, by and through its Limited Special Administrator and Limited Special Trustee, opposed Ms. Tommie Rae's motion and have likewise filed a Rule 59, SCRCP, motion.

Pope's litigation activities show a lack of respect for the law and are needlessly wasting Estate and Trust resources. The Estate and Trust respectfully ask this Court to intervene and restore the rule of law to these proceedings.

Respectfully submitted,

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Greenville, South Carolina

February 2, 2015

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PROOF OF SERVICE

I certify that this 2nd day of February, 2015, the undersigned served the foregoing
Response to Pope's Motion to Supplement the Record and Stay Spousal Proceedings via U.S.

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