

The Supreme Court of South Carolina

Alan Wilson, et al.

v.

Albert H. Dallas, et al.

Appellate Case No. 2009-142286

**RECEIVED**

MAY 13 2015

**S.C. Supreme Court**

COMES NOW, Darryl Brown, et al., by and through counsel, and responds to the Status Report filed with the Court on May 8, 2015.

**DISCOVERY**

Despite a strong desire to take depositions, to serve interrogatories and to obtain documents pursuant to subpoena and requests to produce, all discovery in and for all of the issues surrounding the James Brown Estate have been stayed. Since the Supreme Court rendered its decision in 2013, no depositions have been taken nor has any discovery been allowed. Discovery for all issues has been stayed by the Court. There are contested issues that need to be resolved by discovery. Furthermore, the power to conduct an investigation with subpoenas, depositions and other discovery tools is required to fully flush out the facts and issues involved in various James Brown Estate matters.

**TOMMIE RAE HYNIE OMITTED SPOUSAL CLAIM**

Despite the strong urging of the opponent of Tommie Rae Hynie, no discovery has been permitted or allowed in the Tommie Rae Hynie marital status case. The trial court required the parties to agree on as many facts as could be agreed upon. A joint stipulation of facts was entered. However, this joint stipulation did not address the disputed facts. Furthermore, there are disputed facts known and unknown. To date, no discovery has been permitted or allowed as to the issue of

Tommie Rae Hynie's marital status. The court ruled (on summary judgment) without allowing any depositions, subpoenas, interrogatories or notice to produce. The summary judgment ruling of the trial court is fatally flawed because it ignored known facts, no discovery was allowed or permitted.

### **MEDIATION**

The parties to certain issues have been directed to mediation. However, the parties did not agree to the mediation. There is no chance that the mediation will resolve any issues. Furthermore, the trial court ordered the Estate to pay all costs of mediation. Therefore, the parties will attend mediation without responsibility to pay the mediator.

The parties did not select the mediator. The mediator was selected by the Court. The parties were ordered to be present at the mediation despite the belief that it is a futile and wasted effort.

### **WILL CONTEST**

To date, there has been no discovery order entered in and for the Will contest. Despite, assertion to the contrary in the status report, the parties have not agreed to a discovery order nor has a consent scheduling order been circulated. No discovery has been allowed despite a representation to the contrary in the status report.

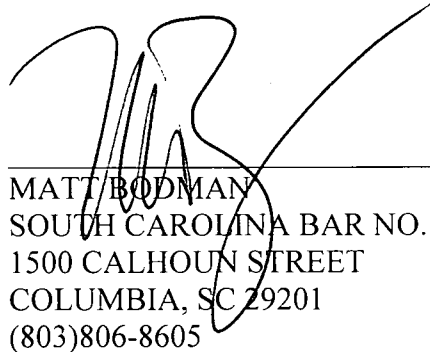
### **THREE TRUSTEES**

Instead of following the dictates of the Will to appoint three trustees to oversee the James Brown legacy trust, the Court only appointed one special administrator. This was done when an existing special administrator represented to the trial court that following the directions contained in the Will would be cumbersome and inefficient. Therefore, to avoid the dictates and directives

of the Will, the trial court appointed a special administrator rather than three trustees as directed by the Will.

This 13<sup>th</sup> day of May, 2015.

Respectfully submitted,



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