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May 18, 2015

The Honorable Daniel E. Shearouse  
Clerk of Court  
South Carolina Supreme Court  
P.O. Box 11330  
Columbia, SC 29211

**RECEIVED**

MAY 22 2015

**SO SUPREME COURT**

Re: Estate of James Brown  
In Re.: Alan Wilson, et al. v. Albert H. Dallas et. al  
Appellate Case No. 2009-142286

Dear Mr. Shearouse:

I am writing to inform the Court that the Supreme Court portal incorrectly reflects that I am the former attorney for Jeanette Mitchell. I have been the attorney for Jeanette Mitchell since 2007. Please correct the records to reflect that I am the current attorney for Jeanette Mitchell.

Also, enclosed is an original and one copy of a Reply to the Status Report filed by Judge Doyet A. Early, III in the above case. Please file the original and stamp the copy then return the copy in the enclosed self- addressed postage-pre-paid envelope.

Thank you for your assistance in this matter.

With Kind regards,

William J. Barr  
Attorney at Law

Encl: as stated.

cc: Attorneys of record

**RECEIVED**

MAY 22 2015

**SC SUPREME COURT**

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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APPEAL FROM AIKEN COUNTY  
The Honorable Doyet A. Early, III, Circuit Court Judge  
Case No.: 2008-CP-02-1647

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APPELLATE CASE NO.: 2009-142286

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Alan Wilson, in his capacity as Attorney General of the State of South Carolina, Daryl J. Brown, on behalf of his minor children, Lindsey B and Janise B; Deanna J. Brown Thomas, on behalf of her minor child, Jason L.; Yamma N. Brown, on behalf of her minor children, Sidney L., Carrington L., and Tonya B.; Vanisha Brown; Larry Brown; Tommie Rae Hynie Brown; and James B., through his Guardian ad Litem, Respondents,

v.

Alan H Dallas, Alfred A. Bradley, and David G. Cannon, individually and as (purported) Trustees of the James Brown 2000 Irrevocable Trust; Adele J. Pope and Robert L. Buchanan, Jr., Personal Representatives of the Estate of James Brown and Trustees of the James Brown 2000 Irrevocable Trust; Terry Brown; Romunzo Brown; Forlando Brown; Cinnamon N. M. Parris; LaRhonda Pettit; Jeanette Mitchell; and Russell L. Bauknight, as Special Administrator and Special Trustee for the Estate of James Brown and the James Brown 2000 Irrevocable Trust; are Appellants and Alan H Dallas, Alfred A. Bradley, and David G. Cannon, individually and as (purported) Trustees of the James Brown 2000 Irrevocable Trust, Terry Brown; Romunzo Brown; Forlando Brown; Cinnamon N. M. Parris; LaRhonda Pettit; Jeanette Mitchell; and Russell L. Bauknight, as Special Administrator and Special Trustee for the Estate of James Brown and the James Brown 2000 Irrevocable Trust; are Respondents. In re: Estate of James Brown and The James Brown 2000 Irrevocable Trust, u/a/d/ August 1, 2000.

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RESPONSE TO STATUS REPORT FILED BY JUDGE DOYET A. EARLY, III

May 19, 2015

William J. Barr, Esq.  
Vera Gilford, Esq.  
Attorneys for Jeanette Mitchell, Tonya Brown,  
Cherquarius Williams and Ciara Pettit, proposed  
LSA for LaRhonda Pettit. (deceased)  
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Respondents, Jeanette Mitchell, Tonya Brown, Cherquarius Williams, daughter of LaRhonda Pettit (deceased) and Ciara Pettit, daughter of and (proposed Limited Special Administrator “LSA”) of LaRhonda Pettit (deceased) by and through their undersigned counsels file this Response to clarify, correct and further comment on the Status Report (“Report”) filed by the Honorable Judge Early.

1. The South Carolina Supreme Court’s internet portal incorrectly reflects that William Barr is the “Former” attorney for Jeanette Mitchell (“Mitchell”). A request has been made to Clerk of the Supreme Court to reflect that William J. Barr is the current attorney representing Jeanette Mitchell. The undersigned attorneys were not served a copy of the Status Report, but request copies of future filings.
2. The Report references orders outlined below in paragraphs [2 (a) - (g)]. Copies of these orders were not attached to the Report. Due to a few errors noted herein, it would have been more accurate for the Report to have attached copies of any Orders referenced therein.

**a. June 13, 2013 Administrative Order**

1. This order was not received by the undersigned counsel(s) although the undersigned was a party of record during the appeal.
2. Page 3 of the Report states that the June 13, 2013 Order allowed 45 days for parties interested in applying for a fiduciary position to apply. It did not mention how extensively this position was advertised. Considering the nature of this case (eight years, millions of dollars, alleged conflicts of interest, and lack of or questions about financial transparency, it seems that allowing more advertising and/or an independent selection team may help to facilitate the remand dictates of the South Carolina Supreme Court.
  - a. Page 4 of the Report outlines many financial benefits the Estate/Trust has received under Mr. Bauknight’s leadership, however, if the Supreme Court had not put a stop to the Settlement Agreement, Jeanette Mitchell would never have been declared an heir, Tonya Brown would never have been declared an heir, Ciara Pettit and Cherquarius Williams would never have had an opportunity to be declared heirs. Also, the true value of the Estate and financial benefits (personal and charitable) under the Settlement Agreement may never have been known.
3. Page 5 of the report states that in an effort to address the remand matters outlined in the June 13, 2013 order, the clerk was directed to open a new civil action regarding legal fees and was to send notice to all current parties of record in Case 1647. The undersigned did not receive information on this new case and was not kept abreast of this proceeding. See item 8 below.

- b. December 16, 2013 Order** severing case numbers 02849, 02850 and 02851 from 1647.

- i. Case numbers 028 49 and 02850 (Tommie Rae's claim for elective share and omitted share) were separated from the main Case number 1647. Tommie Rae was entitled to only one option elective share or omitted share. Since Tommie Rae could not have been entitled to both elective and omitted share options, it seems more efficient to combine these two issues into only one, not two additional case numbers.
- c. **January 22, 2014 Order** granting Jeanette Mitchell's Motion to Intervene.
- i. The date listed in the Report for this Order is in error. The Order granting Mitchell's Motion to Intervene in case numbers 2013-CP-02-02849, 2013-CP-02-02850 and 2013-CP-02-02851 was signed by Judge Early on January 2015 not 2014.
  - ii. To further comment on the Order granting Mitchell's Motion to Intervene in these three cases: These three cases derived from the main case number 2008-CP-02-1647 ("1647"). Jeanette Mitchell was already a party represented by attorney William Barr in case 1647 before it was severed. Therefore, when case 1647 was separated into three additional case numbers (2013-CP-02-028490, 2013-CP-02-02850 and 2013-CP-02-02851), Mitchell and her attorney William Barr should have automatically been included as a party and counsel in those three derivative cases. However, Mitchell and her attorney were required to spend extensive hours preparing and filing a Motion and Subsequent Motion to Intervene, researching a Memorandum of law in support thereof, attending hearings and arguing why her Motion to Intervene should be granted
  - iii. Furthermore, on about May 29, 2014, when Jeanette Mitchell's Attorney Vera Gilford filed a Pro Hac Vice Application for admission under South Carolina attorney, William Barr, in case numbers (2013-CP-02-02849, 2013-CP-02-02850 and 2013-CP-02-02851), attorney Barr was already the representing Mitchell in case number 1647. However, the **June 17, 2014 Order (attached)** admitted Gilford's Application only for case numbers 1647, 02849 and 02850, but improperly excluded case number 02851. Even after Gilford was admitted Pro Hac Vice to represent Mitchell in case numbers 02849 and 02850, attorneys Gilford and Barr were still required to file motions, memorandums of law, and attend hearings in order for Mitchell to be allowed to intervene in those cases.
  - iv. Page 2 of the Report states "...while discovery matters were being addressed I strongly urged the parties to agree on a Joint Stipulation of the Facts to eliminate any argument that factual issues precluded summary Judgment. The parties after much discussion finally agreed to a Joint Stipulation of Facts. This Stipulation was agreed to prior to the Court's January 22, 2015 Order granting Mitchell's Motion to Intervene in this case. Therefore, the Joint Stipulation of Facts for Tommie Rae's Motion for Summary Judgment was created without notice to or participation by the undersigned attorneys.
  - v. The Joint Stipulation of Facts excluded the Prenuptial Agreement, which contained material facts relevant to Rae's Motion for Summary Judgment

- vi. Page 2 of the Report states, “James Brown, II’s case has been resolved. By consent order dated May 8, 2014, the parties reached an agreement regarding the DNA test as to the paternity of James Joseph Brown, II.” However, the Consent Order was before the court granted Mitchell’s Motion to Intervene. Therefore, Mitchell had no notice of these discussions, did not participate, and was not a consenting party to the May 8, 2014 consent order regarding James Brown, II.
- d. **February 7, 2014 Order** identifying parties for each respective case.
  - i. This Order has not been located and cannot be accessed on-line. A CD with all the pleading was purchased for \$200.00. Today’s advancements in on line services, should avoid a system where the files in the James Brown cases can only be accessed by making an appointment with one of two individuals at the Clerk’s office in Aiken, South Carolina.
- e. **May 8, 2014 Consent Order** resolving James Brown, II paternity issue
  - i. See 2 (c) (vi) above.
  - ii. Since mid-2007 the Estate has been aware that Jeanette Mitchell and LaRhonda Pettit were DNA tested with a 99.99% probability of being heirs of James Brown. Yet, after the Supreme Court remanded this case, a Motion was filed to Dismiss Mitchell and Pettit’s claims. There were no discussions of consenting to their status as heirs. Only after extensive legal proceedings was Mitchell declared an heir. Legal fees should have been awarded to Mitchell’s attorneys. The two daughters of LaRhonda Pettit are still facing legal proceedings that appear more to exclude rather than include them as heirs of James Brown. It seems a legal injustice to allow James Brown II to be declared an heir by a Consent Order in which all parties did not participate, while daughters of Pettit are required to provide extensive evidence that they are heirs, despite positive DNA test results.
- f. **May 21, 2014 Protective Order** for James Brown II DNA samples.
  - i. This Order included a protocol specifically for obtaining DNA samples from James Brown, II. The Report states that DNA samples were taken from James Brown II on June 11, 2014 and from James Brown on December 25, 2005, a period of nine years. All other parties submitted DNA samples under a different protocol issued early in 2007.
  - ii. Furthermore, some experts believe that DNA has an expiration date but are unsure exactly when that date is. This is because the formula for human life encoded in sub-microscopic molecules of deoxyribonucleic acid is fragile, and breaks down over time.
- g. **January 13, 2015, Order** granting Tommie Rae’s Motion for Summary Judgment
  - i. This Order should be reconsidered for numerous reasons outlined in Mitchell’s Objections to Tommie Rae’s Motion for Summary Judgment filed October 3, 2014; Mitchell’s Response filed October 31, 2014; and

Mitchell's Motion to Reconsider filed January 23, 2015. Including, but not limited to discovery not being completed, and Tommie Rae's April 15, 2004 annulment was obtained with improper service of process. SC Code 15-9-710 provides that service may be by publication only when, after due diligence the person cannot be found within the state and that fact appears in an affidavit. The court in Caldwell v. Wiquist, 402 S.C. 565, 741 S.E.2d 583 (S.C. App., 2013) said the statute requires strict compliance showing in an affidavit that after due diligence the person "cannot be found within the state." The affidavit in this case did not state this language. The court in Miles v. Lee, 319 S.C. 271, 460 S.E.2d 423 (S.C. App., 1985), found such omission to be fatally defective. A party may collaterally attack when lack of jurisdiction appears on the face of the record. Id. S.C. Const. art. I, § 22 requires due notice and an opportunity to be heard.

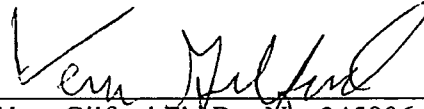
- ii. Furthermore, in December 2001 when Tommie Rae married James Brown she was already married, pursuant to Lukich v Lukich, 368 SC 47, 627 SE 2d 754 (Ct App.2006). Ahmed signed a marriage license under penalties of perjury that he was not married to anyone else when he married Tommie Rae. This evidence should have been considered.
3. Page 1 of the Report states that all parties' counsel attended a Status Conference on May 29, 2013 concerning the remand of Wilson v. Dallas, 403 S.C. 411, 743 S.E. 2d 746 (S.C. 2013), undersigned counsel has no record of notice or attending this hearing.
  4. Page 2 of the Report references that "...a consent Order has been circulated and awaits my execution if the stay is lifted." The undersigned attorneys of record have not received a copy of the referenced "Consent Order" or participated in any discussions.
  5. The Report references a theme to insure that all remanded matters were moved forward in an expeditious manner and efficient administration of the estate and trust.
    - a. With regard to the Report's reference of efficiency the following should be noted,
      - i. Due to the enormous number of parties involved in the James Brown case, it would seem more efficient to have allowed all discovery to conclude prior to the hearing on Tommie Rae Hynie's Motion for Summary Judgment. If, the Motion was granted (which it was) it created a high probability that one or more of the parties would appeal, which would delay the resolution of other outstanding issues that needed to be litigated. On the other hand, if the Tommie Rae's Motion for Summary Judgment was denied, it created a possibility that after discovery was completed a subsequent Motion for Summary Judgment would be filed based upon newly discovered evidence. Either outcome would have caused more delay in the resolution of this case. If truly desired, this delay could have been avoided by simply allowing discovery to be completed before a hearing on the Motion for Summary Judgment. The case is approaching the ten year mark. For the reasons stated herein, there appears to be more benefit in inefficiency and delay of this matter than in resolving it.

6. The Report states on Page 3, “LaRhonda Pettit has filed a claim that she is entitled to an intestate share of Mr. Brown’s estate... but it appears she has not sought an order confirming her status as an heir.”
  - a. See, paragraph 2 (e) (2) above.
7. The Report also states that the parties to this case are correctly identified in the Wilson v. Dallas case, Appellate Case No. 2009-142286, and in the Administrative Order dated June 13, 2013, which removed Adele Pope, Robert Buchanan Alfred Bradley, Albert Dallas and David Cannon). **This information is not accurate.** LaRhonda Pettit was a party to the Supreme Court appeal and was alive at the time of the June 13, 2013 Order. She subsequently passed away. The record should properly reflect a representative on her behalf. On March 15, 2015, a Motion was filed by undersigned attorney Vera Gilford, (through South Carolina attorney Tigris Jenkins), on behalf of Pettit’s two daughters Cherquarius Williams and Ciara Pettit, proposing that Ciara Pettit be appointed LSA to represent her mother LaRhonda Pettit’s interest in this matter, since LaRhonda Pettit had no assets or estate in Houston, Texas where she was domiciled and died.
8. The Report states on page 6, “Judge Manning and I signed a joint order requiring that the parties in both cases participate in mediation.” Upon receiving the **Order for Mediation** in December 2014, the undersigned was first made aware of case number 4900.
  - a. Prior to the December 2014, Order instructing that all parties attend mediation in case number 4900, Jeanette Mitchell, Ciara Pettit and Cherquarius Williams had no knowledge of case number 4900. Prior to December 2014, the undersigned counsel had conversations concerning her client’s claims with the attorney selected by the court as the mediator for case number 4900. To avoid an apparent conflict those conversations ceased in December 2014 after the undersigned counsel received the Court’s Order for mediation in Case 4900.
  - b. The Mediation Order directed that all parties attend mediation in person and that mediation expenses were to be covered by the Personal Representative. It required all parties to participate in a telephone conference prior to mediation. During the telephone conference, the personal representative stated that he would not pay the travel fees of parties who lived out of town to attend the mediation, although they were ordered to attend in person. The mediation was subsequently cancelled.
9. The Report states on page 3 that discovery is being conducted in the challenges to the Will and Trust. It further states that a proposed scheduling order is being circulated. The undersigned attorneys are unaware of this proposed scheduling order.
  - a. On March 15, 2015, attorneys Vera Gilford (along with South Carolina attorney Tigris Jenkins who filed an Entry of Appearance for Tonya Brown), filed a Rule 60 Motion of Tonya Brown to Withdraw and/or Strike a Notice to Withdraw her Challenge to the Will and Trust previously filed by attorney Bell on or about March 29, 2014. Also, filed on March 15, 2015 was a Demand Notice along with the \$10 filing fee for attorney Vera Gilford to be notified of filings in these proceeding. No notices have been received by either undersigned attorneys in the above matters regarding discovery or trial for challenges to the Will and Trust.

Respectfully submitted,



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MAY 22 2015

STATE OF SOUTH CAROLINA )  
COUNTY OF AIKEN )

IN THE COURT OF COMMON PLEAS  
SECOND JUDICIAL CIRCUIT **SC SUPREME COURT**

IN RE: THE ESTATE OF )  
JAMES BROWN A/K/A )  
JAMES JOSEPH BROWN )

C/A No. 2008-CP-02-01647 -019  
C/A No. 2013-CP-02-02849 *copy*  
C/A No. 2013-CP-02-02850 *copy*

**ORDER ADMITTING VERA E. GILFORD PRO HAC VICE IN ESTATE OF JAMES BROWN**

This matter comes before the Court pursuant to Rule 404 (c )(5) SCACR, on Motion to Admit Attorney Vera E. Gilford Pro Hac Vice in the above-entitled cases and other related matters. Vera Gilford is a member of the Florida Bar in good standing. I have carefully reviewed the Pro Hac Vice Application and Motion of Vera Gilford and find that the Motion is Granted

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED

That Vera E. Gilford is admitted Pro Hac Vice in the above-entitled cases and other related matters.

AND IT IS SO ORDERED.

*[Signature]*

The Honorable Doyet A. Early III

Bamberg, South Carolina  
June, 17 2014

STATE OF SOUTH CAROLINA  
COUNTY OF AIKEN  
I, Liz Godard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

JUN 23 2014 *all*  
*[Signature]*  
C.C.C.P. & G.A., Aiken County, S.C.  
*[Signature]*  
Deputy Clerk

6-23-14  
*[Signature]*  
C.C.C.P. & G.S.  
*[Signature]* 1230  
Deputy Clerk

*[Handwritten mark]*

STATE OF SOUTH CAROLINA )  
COUNTY OF AIKEN )

IN THE COURT OF COMMON PLEAS )  
SECOND JUDICIAL CIRCUIT )

CASE NO.: 2008-CP-02-1647 )

IN RE: )

ESTATE OF JAMES BROWN )  
A/K/A JAMES JOSEPH BROWN )

CERTIFICATE OF SERVICE ) **SC SUPREME COURT**

**RECEIVED**

MAY 22 2015

I certify that a copy of Jeanette Mitchell's Reply was served on the following parties of record by email at the following addresses on this 19<sup>th</sup> day of May, 2015.

The Honorable Doyet A. Early  
Second Judicial Circuit Judge  
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