

# EXHIBIT 1

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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SC Court of Appeals

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APPEAL FROM AIKEN COUNTY  
Court of Common Pleas

The Honorable Doyet A. Early, III, Circuit Court Judge

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Case Nos. 2007-CP-02-0122, 2007-ES-02-0056

Appellate Case No. 2012-212917

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

Adele J. Pope .....Appellant,

v.

Alan Wilson, Attorney General of the State of South Carolina, Russell L.  
Bauknight, as Special Administrator and Special Trustee for The Estate  
of James Brown and The James Brown 2000 Irrevocable Trust, and  
Tommie Rae Brown, ..... Respondents.

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**RETURN TO POPE'S MOTION TO STRIKE THE MOTION  
TO DISMISS FILED BY VARIOUS SETTLING PARTIES**

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Movant/Appellant Adele Pope's ("Pope") motion to strike is meritless, and should be denied. All of the individuals listed in Pope's motion are parties to this case, Case No. 2007-CP-02-0122 ("Case 122"). The parties listed in Pope's motion are not named in the caption of this appeal because Pope disregarded a circuit court order and improperly fashioned her own caption in this case. Pope's motion to strike should be dismissed as it contradicts her prior legal position in this case and Judge Early's April 8, 2008 Order

requiring that all parties use the proper case 122 caption.

**A. Pope's Improper Case 122 Caption Should Be Rejected**

On June 3, 2012, now adverse to her former co-trustee Bob Buchannan, Pope requested that the circuit court reconsider or vacate her former co-defendant Bob Buchanan's settlement with the Trust and Estate, all of the settling parties, and the Attorney General on the basis that the wrong caption had been used for the settlement. In support of her position she argued "[t]he caption of Case No. 2007-CP-02-0122 ("Case 122"), with the exception of the additions or changes shown in bold, was established by Order of Jg. Early dated April 8, 2008 which directed that all future filings use said caption." See Exhibit A, Pope Motion to Reconsider or Vacate Case 122 Order. Pope further argued that the settlement with Mr. Buchanan should be vacated because it did not name the proper parties of record. Now before this forum, in the same legal proceeding, Pope chooses to ignore Judge Early's April 8, 2008 Order<sup>1</sup> requiring that "[a]ll future filings in connection with this matter shall bear the caption attached as Exhibit A." Astonishingly, and in direct conflict with her prior legal position in this matter, Pope has requested that this Court strike the Settling Parties Motion to Dismiss. Why? Because she improperly removed certain parties from the caption, and since she has decided that they are not parties to the caption created via her own word processor, their filings should be rejected.

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<sup>1</sup> See Exhibit B, p. 49, at par. 5 and attached p. 50 exhibit (a), Judge Early's April 8, 2008 Order requiring that all parties use the full Case 122 caption (Case 122 lists the settling parties).

This Court should not allow Pope to cavalierly disobey an order from the circuit court and now take an inconsistent legal position<sup>2</sup> on appeal. Accordingly, this Court should not waste precious judicial resources by entertaining such unnecessary and frivolous<sup>3</sup> motions; Pope's motion to strike should be dismissed, the settling parties are proper parties of record in Case 122 pursuant to Judge Early's April 8, 2008 Order.

#### **B. Signatures of the Case 122 "Settling Parties" Attorneys**

Pope further argues in her brief that she does not know whether all of the attorneys listed on the motion to dismiss have approved that motion. That is an absurd statement, and the inference it carries is insulting—that an officer of this Court would knowingly place the names of other lawyers and their clients on pleadings without the lawyer's approval. But to be absolutely clear: the lawyers have reviewed and approved the motion. Had they not approved, their names would not have been on the motion.

Pope also takes issue with the manner in which the parties signed their motion to dismiss. The settling parties signed in the manner challenged by Pope because that is how they have customarily signed motions and briefs over the past three years. For example, in the settlement agreement appeal pending before the Supreme Court, the parties signed their motions and briefs in essentially the same manner. (*Wilson v. Dallas*,

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<sup>2</sup> This is the second time Pope has taken an inconsistent legal position before this Court. On February 12, 2010, this Court applied judicial estoppel against Appellant Pope for taking inconsistent legal positions within the same matter. See **Exhibit C**, February 12, 2010 Court of Appeals Opinion at fn. 3, applying judicial estoppel against Appellant Pope.

<sup>3</sup> Taking another inconsistent legal position, completely contrary to her position in this appeal, Pope argued that Mr. Buchanan's settlement should be vacated as the circuit court lacked jurisdiction over Case 122 because of the Supreme Court appeal (See **Exhibit A**, at p. 5, par. 17 "[t]he court failed to find and conclude that both this Court and the Richland County Court lack jurisdiction in this matter, which is before the S.C. Supreme Court." (emphasis added)).

Respondents Brief's Signature Pages, **Exhibit D**). Pope never raised a finger when the settling parties filed their briefs and motions in this manner before the Supreme Court.

The parties signed in this manner<sup>4</sup> because, as the settling parties, they spoke with one voice. Had the settling parties not proceeded in this manner (speaking with one voice and through one brief), then the voluminous and cumbersome record in this case would have been even more voluminous and cumbersome. The settling parties only sought to reduce the clutter.

### **C. Pope's Improper Attempts to Divide the Settling Parties**

Pope concludes her motion to strike with a shotgun style diatribe regarding the impact of the three-year-old settlement on Attorney Louis Levenson's clients. In the underlying actions and the global settlement agreement, Mr. Levenson represents several of James Brown's biological children, heirs that were named in James Brown's Will. Throughout the past three years, Pope has attempted to divide Mr. Levenson's clients by improperly contacting Mr. Levenson's clients through third parties.<sup>5</sup> No third party, former trustee,<sup>6</sup> or Adele Pope speaks for Mr. Levenson's clients. Whether or not the

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<sup>4</sup> In an effort to resolve the alleged signatory concern and instead focus on the merits of Pope's appeal, the settling parties' attorneys have also individually signed off on all of the filings. See Settling Parties September 24, 2012 Reply to Pope's Return to Motion to Dismiss Appeal (individually executed signature pages joining motion).

<sup>5</sup> More than 50 articles have been published in what appears to be an effort to bolster Ms. Pope's legal position in the James Brown litigation and the James Brown Settlement Agreement Appeal. These articles, as well as Ms. Pope's appearance of improper contact with Mr. Levenson's clients, are subject to a motion in the 4900 action currently pending before Judge Manning. (See **Exhibit E**, Settling Parties Motion concerning Adele Pope and third party media campaign and articles); See also, Mr. Levenson and Mr. Gende's letters to Ms. Pope requesting that such improper client contact cease and desist (**Exhibits F and G**).

<sup>6</sup> As this Court will recall, Mr. Dallas served as a co-trustee with his longtime friend and now felon, David Cannon (Mr. Cannon pled guilty to several charges of breach of trust relating to misappropriated James Brown estate funds). Dallas contends that he is owed

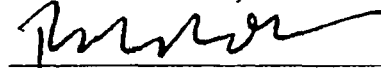
global settlement agreement is upheld will be determined by the Supreme Court and it serves no useful purpose to pepper this court with unnecessary and irrelevant allegations<sup>7</sup> regarding James Brown's children.

#### CONCLUSION

For the reasons stated above, the Court should dismiss Pope's appeal and accompanying motion to strike. This Court should not sit idly by, allowing a party to take inconsistent legal positions in direct contravention of prior filings and a Court Order. In the alternative, if this action is not dismissed, as it did before, this Court should judicially estop Appellant Pope from taking inconsistent legal positions in this matter. Respondents also request that, if the appeal is not dismissed, they be granted an additional thirty (30) days from the date of this Court's ruling or lifting of the stay to file Respondent's initial brief.

Respectfully submitted,

ROSEN LAW FIRM, LLC



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Robert N. Rosen  
Christopher Paton  
Rosen Law Firm, LLC  
18 Broad Street, Suite 201  
Charleston, SC 29401

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millions of dollars in fees that are due or that may have been due under a 50% *administrative fee allowance* that he alleges that Mr. Brown authorized. It appears that Mr. Dallas has now teamed up with Ms. Pope in efforts to overturn the three-year-old 2009 global settlement agreement (See Exhibit A, p. 8, par. 33 wherein Pope advocates and purports to speak for Mr. Dallas). Mr. Dallas and Mr. Cannon are no longer parties to this action as their appeals have concluded.

<sup>7</sup> For example, while completely irrelevant to this proceeding, yet interestingly entertaining, the Darryl Brown letter that Pope and a third party obtained and now reference as a "shocking revelation" is unsigned and misspells Daryl Brown's name.

S. Alan Medlin  
1713 Phelps Street  
Columbia, SC 29205

T. Heyward Carter, Jr.  
Andrew W. Chandler  
M. Jean Lee  
Evans, Carter, Kunes & Bennett  
115 Church Street  
Charleston, SC 29402

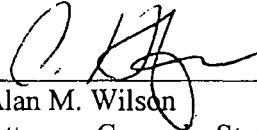
David L. Michel  
Michel Law Firm, LLC  
15 State Street  
Charleston, SC 29401

Attorneys for Respondent Tommie Rae Brown

September 27, 2012

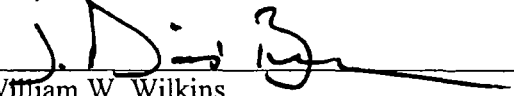
Charleston, South Carolina

The Settling Parties hereby join and support Tommie Rae Brown's Return to Adele Pope's Motion to Strike and Tommie Rae Brown's Motion to Dismiss Adele Pope's appeal regarding the diary orders.



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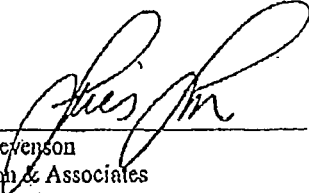
Alan M. Wilson  
Attorney General - State of South Carolina  
Robert D. Cook  
Deputy Attorney General  
C. Havird Jones, Jr.  
Assistant Deputy Attorney General  
Mary Francis Jowers  
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J. David Black  
Fred L. Kingsmore, Jr.  
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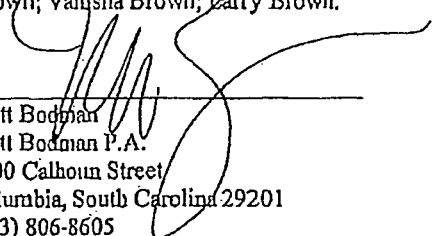
Attorneys for Russell L. Bauknight, as the court appointed Trustee of the James Brown 2000 Irrevocable Trust and Personal Representative for the Estate of James Brown and as the Special Administrator and Special Trustee for the Estate of James Brown and the James Brown 2000 Irrevocable Trust



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Louis Levenson  
Levenson & Associates  
125 Broad Street  
Atlanta, Georgia 30303  
(404) 659-5000

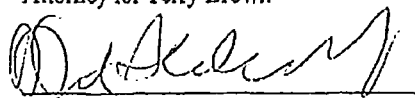
Attorney for James Brown Children and Grandchildren Daryl J. Brown, individually and on behalf of his minor child Janise Vanisha Brown; Lindsey Delores Brown, Deanna J. Brown Thomas, Jason Brown Lewis; Yamma N. Brown, individually and on behalf of her minor children, Sydney Lumar, Carrington Lumar, and Tonya Brown; Vanisha Brown; Larry Brown.



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Matt Bodman  
Matt Bodman P.A.  
1500 Calhoun Street  
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Attorney for Terry Brown



---

A. Peter Shahid, Jr.  
Shahid Law Office, LLC  
89 Broad Street  
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Attorney for Guardian ad Litem for James Brown II

# EXHIBIT A



**YOU WILL PLEASE TAKE NOTICE THAT** ten days after service hereof, or as soon thereafter as she may be heard, Adele J. Pope ("Pope"), without seeking return of the \$500,000.00 payment to Robert L. Buchanan, Jr. will move before the Circuit Court, the Honorable Doyet A. Early III, at the Aiken County Courthouse located at 109 Park Avenue S.E., Aiken, South Carolina, Rule 59(a) (b) and (e) and 60(a)(b) SCRPC, for an order vacating, setting aside, altering and/or amending the attached Order of the Honorable Doyet A. Early III issued in this Case on May 24, 2012.

Notice of the entry of the Order was received by Movant on June 2, 2012.

#### **NOTATION REGARDING CAPTION**

The Caption of Case No. 2007-CP-02- 0122 ("Case 122"), with the exception of the additions or changes shown in bold, was established by Order of Jg. Early dated April 8, 2008 which directed that all future filings use said caption<sup>1</sup>.

The Caption in the Order as to which Movant seeks relief used the Case 122 number, but names Russell L. Bauknight, Petitioner, as the sole party. The Certificate of Service appears to be from another Case, but also uses the number of Case 122.

#### **OBJECTIONS**

The Court erred by failing to find, consider and/or conclude each of the matters enumerated herein as set out below.

1. The Court failed to find and conclude as a matter of law that Bauknight was required to give notice to Pope, James D. Bailey and others with First Priority Administrative claims because Bauknight's Inventory and Appraisalment ("I&A") claims

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<sup>1</sup>Lindsey Delores Brown and Jason Brown Lewis are no longer minors. Buchanan and Pope were replaced by Bauknight in a Order dated May 26, 2009, now on appeal to the S.C. Supreme Court.

that Brown's principal asset, his worldwide music empire, was worth less than \$4.7 Million at death. If true, which is denied, the Buchanan and earlier Lewis & Babcock distributions – about 20% of the claimed value -- place the following First Priority Claimants and others, whose claims/awards exceed the claimed value of the Estate, in jeopardy:

- |                                |                                   |
|--------------------------------|-----------------------------------|
| a. Albert H. Dallas            | \$6,000,000                       |
| b. ALPS                        | \$ 310,000                        |
| c. The Hartford                |                                   |
| d. James D. Bailey             |                                   |
| e. Hull, Towell                |                                   |
| f. Adele J. Pope (1/8/08 Ord.) | \$1, 750,000 (approx, w/interest) |
| g. Pope (add'l comm. claim)    |                                   |

2. The Court failed to find and conclude that the payment to Buchanan without a corresponding payment of \$1.5 Million to Pope was a direct and intentional violation by Bauknight of S.C. Probate Code § 62-3-805 (b) which provides that "no preference shall be given in the payment of any claim over any other claims of the same class."

3. The Court failed to find and conclude that the Buchanan payment compels a corresponding proportionate payment to Pope, and is improper as a distribution to or for the benefit of Tommie Rae Hynie, Terry Brown and others.

4. The Court failed to find and conclude that all terms other than the actual direction for payment are unjust and a result of the improper financial strangulation of Buchanan for the improper purpose of extracting a benefit for Hynie and others.

5. The Court failed to find and conclude that the payment set out in the Order makes an inappropriate \$262,000 distribution to Hynie and others because:

- a. Hynie is not a beneficiary of the estate and is entitled to nothing unless and until the S.C. Supreme Court rules in her favor.

- b. Having withdrawn her spousal claim, Hynie has no standing except as a beneficiary of the "Legacy Trust."
  - c. The Estate cannot properly purchase releases from Buchanan's counterclaims in Case 2010-CP-02-4900 ("Case 4900") for Hynie and others.
  - d. The Estate cannot purchase a release for non-beneficiary Tonya Brown.
6. The Court failed to find and consider that distributions cannot be made to or for the benefit of "Legacy Trust" beneficiaries pending the Case 1647 appeal.
  7. The Court failed to find or consider that it lacks jurisdiction over a settlement where a Motion to Enforce Settlement is pending in Richland County Case 4900.
  8. The Court failed to find and consider that Mark Gende, Esq., lacks the authority to execute the Consent on behalf of Nexsen Pruet, LLC.
  9. The Court failed to find and consider that Alan Wilson, the Attorney General of South Carolina, did not sign any Settlement Agreement with Buchanan or ask either this Court or the Case 4900 Court to force approval of any Buchanan Settlement, and that Mr. Gende cannot speak for the State of S. C. or bind its general fund.
  10. The Court failed to find and consider find that Bauknight's Petition commenced a new case which was not properly commenced in the Probate Court.
  11. The Court failed to find and consider that Buchanan cannot be bound by a mediation agreement which names no parties, contains no signatures, is not signed by any party, and there is substantial doubt whether some of the parties even know they are represented by the Wingate Law Firm in Case 4900 which was purportedly brought – and now purportedly settled with Buchanan -- on their behalf.
  12. The Court failed to find and consider that the Case 4900 settlement is a minor settlement where the procedure for approval of minor settlements was not

followed.

13. The Court failed to find and consider that the mediation agreement which some are trying to enforce is unconscionable, unconstitutionally vague as to parties and otherwise, and therefore void.

14. The Court failed to find and conclude that the following statement:

Buchanan has agreed to release all claims against the Estate and Trust in all current litigation involving James Brown, any estate or trust related thereto, and any beneficiary and/or party involved in any such litigation and has agreed to bring no future suits involving the James Brown Estate, the 2000 James Brown Irrevocable Trust, **other trusts**, beneficiaries, and/or fiduciaries in exchange for .... commissions [Emphasis supplied]

is void unless properly presented to and approved by the S. C. Supreme Court because it prevents Buchanan from carrying out his duties in the Case 2008-CP-02-1647 ("Case 1647") appeal.

15. The Court failed to find and conclude that while the payment to Buchanan is wholly acceptable under the January 8, 2008 Order, the remainder of the provisions and findings in the May 24 Order should be stricken as improper and/or inappropriate.

16. The Court failed to find and conclude that Bauknight has breached his duty under the Will and James Brown 2000 Trust by extracting a promise during a pending appeal that Buchanan will not take appropriate measures to protect the Estate Plan of James Brown without seeking permission of the Supreme Court to do so.

17. The Court failed to find and conclude that both this Court and the Richland County Court lack jurisdiction to this matter, which is before the S. C. Supreme Court.

18. The Court failed to find and consider that Hynie, Terry Brown, Bauknight and others who valued Brown's worldwide music empire at less-than \$4.7 Million have

unclean hands.

19. The Court failed to find and consider that Hynie and Bauknight (who has not read or asked to read the Hynie "diary") have unclean hands, having represented to the S.C. Supreme Court that Hynie's spousal claim is a slam dunk; and that – if she is not the spouse – six claimed children are Brown's sole heirs, when they have actual knowledge that Cinnamon Parris, Jeanette Mitchell and LaRhonda Pettit are James Brown's only proven heirs under the Federal Copyright Act Termination Provisions.

20. The Court failed to find and conclude that Buchanan has designated a Successor if he cannot fully serve as PR/Trustee, and that the Supreme Court should be so notified.

21. The Court failed to consider and find that Hynie lacks standing to extract any promise from Buchanan.

22. The Court failed to consider and conclude that it is improper for the Estate/2000 Trust to make distributions to or for the benefit of any Legacy Trust beneficiaries until first priority claimants have been paid or provided for and the Supreme Court has ruled.

23. The Court failed to find and conclude that each Plaintiff in Case 4900 – including purportedly the State of S. C. – must identify and pay its portion of any Buchanan settlement, and that it is improper for the Estate to pay it.

24. The Court failed to find and conclude the \$500,000 payment is appropriate under the January 8, 2008 Order provided a direct corresponding proportionate payment is made to Pope as soon as liquidity allows, and that the remainder of the Order be stricken.

25. The Court failed to find and conclude a hearing with the appraisal of Brown's music empire produced before the hearing, as required by law, and all First Priority Claimants given notice, is necessary to determine whether Brown's music empire is worth about \$85 Million – as sworn by Bauknight, Pope, Bradley and Dallas in I&A s -- or less-than \$4.7 Million, as sworn by Bauknight, because this value is essential to the determination of all commissions – including Buchanan's – except payments made under the January 8, 2008 Order.

26. The Court failed to find and conclude, as a matter of law, that the signatory attorneys on the Petition, Mediation Agreement and Motion to Compel Settlement lack the authority to bind the Attorney General of South Carolina ("AG").

27. The Court erred in failing to find that it lacked personal jurisdiction to approve terms which violate the Due Process rights of First Priority Claimants.

28. The Court failed to find and conclude, as a matter of law, that a settlement is void where it is impossible to tell the parties to the settlement.

29. The Court failed to find as a matter of law that it cannot and should not lend its approval to a settlement which on its face allows a current PR/Trustee to attempt to coerce another fiduciary not to perform, and/or to abandon, his fiduciary duty.

30. The Court failed to find and conclude that Bauknight/Gende's representation of the individual interests of Hynie and Terry Brown renders them unable to make a recommendation on behalf of the Estate/2000 Irrevocable Trust.

31. The Court failed to find and conclude that Bauknight's irreconcilable conflicts in promoting the individual interests of Hynie and Terry Brown have rendered him incapable of protecting the Estate or 2000 Trust.

32. The Court failed to find and conclude that the Order as requested was intended by Bauknight/Hynie/Terry Brown to discriminate unfairly against Pope, by not paying her the proportionate "time plus costs" amount because she:

- a. Continues to assert that Hynie was not Brown's surviving spouse;
- b. Continues to assert that Bauknight/Terry' Hynie's less-than \$4.7 Million purported value of Brown's worldwide music empire, where Terry has a right to buy it at "fair market value" and previously offered \$90 - \$100 Million, is outrageous;
- c. Refuses to abandon the Case 1647 appeal.

33. The Court failed to find and conclude that Bauknight acted improperly by seeking a secret commission order where he has represented to the Dallas Bankruptcy Court that all PR commissions must be determined together, but has since fought for 9 months to prevent any hearing on the Dallas commissions where:

- a. Dallas vigorously supports the Estate Plan of James Brown;
- b. Dallas is attempting – as is Pope – to void the "diary" gag orders; and
- c. Dallas has publicly asserted that the less-than \$4.7 Million valuation is outrageous.
- d. Dallas has vigorously asserted that the Court should have considered James Brown's own voice tape, the Hynie diary and other valuable evidence that Hynie's claims and the challenges to Brown's Estate Plan were baseless.

34. The Court failed to find and conclude that Buchanan/Pope's proper proportional "time plus costs" payments under the January 8, 2008 Order have been of record for nearly 3 years but were intentionally ignored by Bauknight.

34. The Court failed to find and conclude that the Order, except for the \$500,000 payment is wholly void as a violation of the Due Process rights of Pope and others because Bauknight, with knowledge of its impropriety, presented to this Court,

under the Caption of Case 122, without petition, notice or hearing in Case 2008-CP-02-1647, an *ex parte* Motion to Lift Stay Case 1647, and did for *ex parte* and improperly for the sole and improper purpose of discriminating against Pope, Dallas and others who are entitled to payment and/or a hearing but will not meet the demands of Hynie, Terry Brown and Bauknight as their agent.

35. The Court failed to find and conclude that it is a violation of the Due Process rights of all other PR/Trustee commission claimants to approve a commission of 12% of what the PR has sworn under oath was the value of James Brown's music empire in an order request *ex parte*, without a petition, notice to any party in Case 1647, or any hearing.

36. The Court failed to find and conclude that only Bauknight – not Buchanan – engaged in the *ex parte* request for a critical ruling without notice or a hearing.

37. The Court failed to find and conclude that Bauknight has now deceived this Court and the Dallas Bankruptcy Court in matters related to the determination and payment of commission in order to advance the individual interests of Hynie and Terry Brown, for whom he serves as trustee.

Respectfully submitted,



Adele J. Pope  
1228 Walnut Street  
Newberry, South Carolina 29108  
Telephone: 803- 413-0753

*Pro Se*

June 3, 2012

# EXHIBIT B

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	SECOND JUDICIAL CIRCUIT
COUNTY OF AIKEN	)	(On Removal from Probate Court)
	)	
	)	CIVIL ACTION NO. 2007-CP-02-0122
	)	
	)	ORDER DENYING MOTION TO
IN RE:	)	RECONSIDER APPOINTMENT OF
	)	SUCCESSOR PERSONAL
THE ESTATE OF JAMES BROWN	)	REPRESENTATIVES AND TRUSTEES
A/K/A JAMES JOSEPH BROWN	)	AND GRANTING RELATED RELIEF
	)	

This matter came before me on March 7, 2008 on motion of the former PR/Trustees of the Estate of James Brown and the James Brown 2000 Trust and others for reconsideration of this Court's Order dated November 20, 2007 as it relates to the appointment of Robert L. Buchanan, Jr. and Adele J. Pope as Personal Representatives ("PRs") of the Estate of James Brown, deceased, and as Trustees of the James Brown 2000 Irrevocable Trust (the "2000 Trust") and its subtrusts.

In addition to Buchanan and Pope, other parties to this proceeding present in person or represented by counsel were the original petitioners Daryl J. Brown, Vanisha Brown, Larry Brown, Deanna J. Brown Thomas, Yamma N. Brown, Terry Brown, Tonya Brown, Lindsey Delores Brown, Janise Vanisha Brown, Jason Brown Lewis, Sydney Lumar, Carrington Lumar, Romunzo Brown, Forlando Brown and Tommie Rae Brown.<sup>1</sup> Also present or represented by counsel were James Joseph Brown II, Cinnamon Nicole Memickle Paris and LaRhonda Pettit;<sup>2</sup>

DAE  
#1

<sup>1</sup> These are all acknowledged children of James Brown; the children of the acknowledged children; and Mr. Brown's claimed spouse.

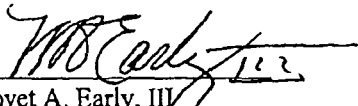
<sup>2</sup> These persons claim to be children of James Brown.

FILED 4-10 2008  
*[Signature]*  
 DEPUTY CLERK  
*[Signature]*  
 Deputy Clerk Aiken\_Probate\_004355

the said Robert L. Buchanan, Jr. and Adele J. Pope were appointed Personal Representatives of the Estate of James Brown and Trustees of the James Brown 2000 Irrevocable Trust on November 20, 2007, and that such appointments remain in full force and effect.

3. The costs of this action, including reasonable attorneys' fees, shall be equitably charged to Cannon, Bradley and Dallas, pursuant to South Carolina Trust Code § 62-7-1004. Such amounts shall be determined by affidavits and brief arguments (without testimony) at the hearing to be held on May 9, 2008.
4. Without affecting the validity or finality of the appointment of the PR/Trustees, the Attorney General of South Carolina or any Interested Person may bring an action in the appropriate Court to determine the effect, if any, on the 2000 Trust of the July 26/28 documents, if found.
5. All future filings in connection with this matter shall bear the caption attached as Exhibit A.

AND IT IS SO ORDERED.

  
Doyet A. Early, II  
Resident Judge, Second Judicial Circuit

April 8, 2008  
Bamberg, South Carolina

EXHIBIT A

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	SECOND JUDICIAL CIRCUIT
COUNTY OF AIKEN	)	(On Removal from Probate Court)
	)	
DARYL J. BROWN, individually and on behalf of	)	CIVIL ACTION NO. 2007-CP-02-0122
his minor children, LINDSEY DELORES	)	
BROWN and JANISE VANISHA BROWN,	)	
VANISHA BROWN, LARRY BROWN,	)	
DEANNA J. BROWN THOMAS, individually and	)	
on behalf of her minor child JASON BROWN	)	
LEWIS, YAMMA N. BROWN, individually and on	)	
behalf of her minor children SYDNEY LUMAR	)	
and CARRINGTON LUMAR and TONYA	)	
BROWN; TERRY BROWN, ROMUNZO	)	
BROWN and FORLANDO BROWN,	)	
	)	
and	)	
	)	
TOMMIE RAE HYNIE BROWN,	)	
	)	
and	)	
	)	
ROBERT L. BUCHANAN, JR. and ADELE J.	)	
POPE as Personal Representatives and Trustees	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
DAVID G. CANNON, ALBERT H. DALLAS,	)	
ALFRED A. BRADLEY, as former Personal	)	
Representatives and former Trustees; and other	)	
Interested Persons: HENRY DARGAN	)	
McMASTER in his capacity as Attorney General	)	
of the State of South Carolina;	)	
MANUFACTURERS & TRADERS BANK;	)	
JAMES JOSEPH BROWN II, CINNAMON N.M.	)	
PARIS, LARHONDA PETITT and JEANETTE	)	
MITCHELL, as potential heirs of James Brown,	)	
	)	
Defendants	)	
	)	
IN RE:	)	
ESTATE OF JAMES BROWN AND THE JAMES	)	
BROWN 2000 IRREVOCABLE TRUST	)	

The above caption represents the status of the parties as of March 7, 2008.

# EXHIBIT C



## The South Carolina Court of Appeals

TANYA A. GEE  
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February 12, 2010

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Senior Assistant Attorney General C. Havird Jones, Jr.  
Office of the Attorney General  
P.O. Box 11549  
Columbia, SC 29211

Re: In Re: The Estate of Brown, James (Dallas)

Dear Counsel:

Enclosed is a copy of an Order of the Court Granting Motion to Substitute and Motions to Intervene in the above case.

# The South Carolina Court of Appeals

In Re: The Estate of James Brown,  
a/k/a James Joseph Brown, Albert H.  
Dallas and Alfred A. Bradley, Trustees  
of the Irrevocable Trust Agreement of  
James Brown,

Appellants,

v.

Adele J. Pope and Robert L. Buchanan,  
Jr., Putative Trustees of the Irrevocable  
Trust Agreement of James Brown,

Respondents.

The Honorable Doyet A. Early, III  
Aiken County  
Trial Court Case No. 2007-CP-02-00122

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ORDER GRANTING MOTION TO SUBSTITUTE  
AND MOTIONS TO INTERVENE

---

This matter comes before the court pursuant to (1) Russell L. Bauknight's (Bauknight) Motion to Substitute Party, filed October 5, 2009, requesting this court to substitute him as the Respondent in place of Adele J. Pope (Pope) and Robert L. Buchanan, Jr. (Buchanan) in this appeal (the Dallas and Bradley Appeal); (2) Pope and Buchanan's motion, filed October 8, 2009, to reject any return filed by the Attorney General (AG) in response to Bauknight's substitution motion; (3) Tommie Rae Hynie Brown's (Widow) Motion to Intervene and Return in Support of the AG's Return,<sup>1</sup> filed October 13, 2009; and (4) James Brown's Beneficiaries' (the Beneficiaries) Motion to Intervene and Return in Support of the AG's Return, filed October 19, 2009.

## FACTS

This case revolves around the estate of the late James Brown (the Estate) and the James Brown Irrevocable Trust (the Trust). In 2000, James Brown executed his Last Will and Testament and chose David G. Cannon (Cannon),<sup>2</sup> Albert H. Dallas (Dallas), and Alfred Bradley (Bradley) to serve as personal representatives (PR) of the Estate and trustees of the Trust. In

---

<sup>1</sup> The AG's return, filed October 9, 2009, was in support of Bauknight's Motion to Substitute.

<sup>2</sup> Amidst allegations of impropriety arising out of his handling of trust assets, Cannon resigned as PR of the Estate and trustee of the Trust on August 10, 2007, leaving only Dallas and Bradley as PRs and trustees. Immediately thereafter, the circuit court issued an order relinquishing Cannon's "signatory authority on all transactions, accounts, contracts, checks and/or instruments or undertakings of any kind for James Brown, the Estate, the Brown Entities, and the Brown Trusts." The circuit court held another hearing on September 24, 2007, and found Cannon in contempt for violating the August 10, 2007, order. Cannon appealed this finding of contempt to this court, and in an opinion dated June 23, 2009, this court affirmed the finding of contempt. See Ex Parte: David G. Cannon, In Re: The Estate of James Brown, Op. No. 4570 (S.C. Ct. App. Filed June 23, 2009) (Shearhouse Adv. Sh. No. 29 at 53). Cannon filed a Petition for Rehearing and Petition for Rehearing *En Banc* in that appeal (the Cannon Appeal). Bauknight filed a motion to be substituted for Pope and Buchanan and to submit a return in the Cannon Appeal. This court granted Bauknight's motion.

January 2007, several of Brown's family members petitioned the circuit court seeking (1) the termination of the appointment of Cannon, Dallas, and Bradley, and (2) an emergency appointment of a Special Administrator (SA) for the Estate. By order dated January 26, 2007, the Probate Court of Aiken County removed the action to the Court of Common Pleas for Aiken County. In March 2007, circuit court Judge Doyet A. Early, III denied the petition seeking the removal of the PRs, but he granted the petition for appointment of an SA, selecting Pope and Buchanan to serve as SAs of the Estate.

On November 20, 2007, Dallas and Bradley announced their intentions to resign as PRs of the Estate and trustees of the Trust. The circuit court immediately accepted the resignations and appointed Pope and Buchanan as the successor PRs of the Estate and trustees of the Trust. Thereafter, Dallas and Bradley filed, among other things, a motion to reconsider, vacate, and amend the circuit court's order accepting their resignations. The circuit court denied this motion, and Dallas and Bradley timely filed a notice of appeal. That appeal (the Dallas and Bradley Appeal) is presently before this court.

After being appointed PRs and trustees, Pope and Buchanan sought the circuit court's assistance and permission to auction off certain of Brown's possessions to generate funds to protect the assets of both the Trust and the Estate. In February 2008, the circuit court issued an order directing the auction take place. Pope and Buchanan negotiated a deal with Christie's to conduct an auction on July 17, 2008. However, eight days before the auction, Dallas and Bradley filed a motion to enforce the automatic stay in this court, arguing Pope and Buchanan were not legally allowed to dispose of property while the order removing Dallas and Bradley and

appointing Pope and Buchanan as PRs/trustees was still under appeal. In response, Pope and Buchanan filed a motion requesting the stay, if any, be lifted because the circuit court had accepted Dallas and Bradley's resignations and they, therefore, had "no beneficial interest in the Trust." This court held in favor of Pope and Buchanan:

[W]e find that regardless of whether Rules 205 and 225 [now renumbered as Rule 241], SCACR, provide for an automatic stay, this Court elects to lift the stay. The auction may take place as scheduled, and for practical purposes, Pope and Buchanan may continue to act as trustees while this appeal is pending.

In May 2009, many of the various parties involved (the Settling Parties) collectively settled the majority of the litigation revolving around the Estate and the Trust. As part of the settlement, the Settling Parties agreed it was in the best interests of the Estate and the Trust to replace Pope and Buchanan with a professional PR. Accordingly, Pope and Buchanan were removed as SAs/PRs and trustees by the circuit court on May 26, 2009. In the May 26, 2009, order, Judge Early appointed Bauknight to replace Pope and Buchanan as SA/PR and trustee. Specifically, Judge Early held:

The [S]ettling [P]arties propose . . . [Bauknight] be appointed as the replacement [PR] and trustee. I find that he is qualified and willing to serve and suffers from no conflicts of interest because the settling parties have all consented to his appointment and, because the settlement agreement places all possible probate estate and trust assets into the same settlement entity, he has no conflict of interest by serving as both [PR] and trustee. Pursuant to [Bauknight's] testimony, I find that no transition period is necessary before the appointment of [Bauknight] to replace Pope and Buchanan.

. . .  
[Bauknight] is immediately appointed as [PR] of the Estate and Trustee of the [Trust] in replacement of Pope and Buchanan.

On June 1, 2009, Pope and Buchanan filed a Motion to Reconsider the May 26, 2009, order. Judge Early denied the motion in an order dated July 8, 2009. On July 21, 2009, Pope

and Buchanan appealed the circuit court's May 26 and July 10 orders to this court. That appeal is still pending.

On July 17, 2009, Bauknight filed a motion in this court requesting the court substitute him in place of Pope and Buchanan in the Cannon appeal. This court granted Bauknight's motion to substitute in the Cannon appeal because (1) having been removed by the circuit court, Pope and Buchanan no longer had an interest in the management of the Estate and Trust, and (2) when Pope and Buchanan were in Bauknight's position, they had previously argued that a recently removed PR/Trustee does not retain an interest in the Estate/Trust while the appeal of their removal is pending.

On July 24, 2009, Bauknight filed an application to lift the stay with the circuit court, seeking authority to act for the Estate and Trust during Pope and Buchanan's appeal of the May 26 and June 10 orders. On September 16, 2009, Judge Early granted Bauknight's application to lift any stay that might have been in place as a result of Pope and Buchanan's appeal of the May 26 and June 10 orders.

On October 5, 2009, Bauknight filed a Motion to Substitute Party requesting this court substitute him in place of Pope and Buchanan in the Dallas and Bradley Appeal. On October 8, 2009, Pope and Buchanan filed a motion to reject any return filed by the AG. On October 9, 2009, the AG filed a return in support of Bauknight's substitution motion. On October 13, 2009, Widow filed a motion to intervene in the Dallas and Bradley appeal and a return in support of the AG's return. On October 19, 2009, the Beneficiaries filed a motion to intervene in the Dallas and

Bradley Appeal and a return in support of the AG's return. Pope and Buchanan filed returns and memoranda in opposition to both Widow's and the Beneficiaries' motions to intervene.

### LAW/ANALYSIS

In his supporting memorandum, Bauknight presents the same arguments that supported his motion to be substituted in the Cannon appeal. Specifically, he argues (1) Pope and Buchanan's continued involvement in the matter would prejudice the Estate and Trust, and (2) Pope and Buchanan should be judicially estopped from asserting they should remain as PR/Trustees during the pendency of the Dallas and Bradley Appeal because when they were in Bauknight's position (i.e., when they were first appointed to replace the former PR/Trustees), they took a position directly contrary to their current position.<sup>3</sup> We agree.

The South Carolina Appellate Court Rules provide for the substitution of a party by motion to the appellate court. See Rule 265(c), SCACR ("If substitution of a party is desired for any reason other than death or incompetency, substitution shall be by motion to the appellate

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<sup>3</sup> Pope and Buchanan have taken inconsistent positions as to whether a newly appointed PR/trustee, such as Bauknight, should be able to exercise control over an estate/trust during the pendency of the recently removed PR/trustees' appeal. When the circuit court appointed Pope and Buchanan to replace Dallas and Bradley as PRs/trustees, Pope and Buchanan argued Dallas and Bradley, as the recently removed PRs/trustees, retained "no beneficial interest" in the Estate. Therefore, to allow Pope and Buchanan to manage the Estate and Trust while Dallas and Bradley's appeal was pending was proper. This court agreed and gave Pope and Buchanan exclusive control over the Estate and Trust while Dallas and Bradley's appeal was pending. Now, however, Pope and Buchanan argue that, despite being the recently removed PRs/trustees, they continue to have a beneficial interest in the management of the Estate so long as their appeal of their removal is pending. Thus, Pope and Buchanan make the same argument now that Dallas and Bradley made against them when they were first appointed. As such, Pope and Buchanan ask this court to find that although their substitution for Dallas and Bradley was proper under the circumstances, Bauknight's substitution for them is now improper. We decline to accept this line of reasoning.

court."). Furthermore, the South Carolina Rules of Civil Procedure provide the substitution of parties may be made by the appellate court during the pendency of an appeal. See Rule 25(e), SCRCP ("Substitution of parties under the provision of this rule may be made by the trial court either before or after judgment, or pending appeal, by the appellate court.").

The test of whether an amendment allowing a party substitution should be allowed is whether the amendment will prejudice or work an injustice to the adverse party. Shah v. Richland Mem'l Hosp., 350 S.C. 139, 147, 564 S.E.2d 681, 685 (Ct. App. 2002). Thus, for the purposes of this motion, the question is whether granting Bauknight's motion to substitute as a party will prejudice Pope and Buchanan. We find that not only will the substitution not prejudice Pope and Buchanan, but the failure to substitute will prejudice the Estate and the Trust.

The circuit court explicitly removed Pope and Buchanan as PRs and trustees and appointed Bauknight. In doing so, the circuit court relieved Pope and Buchanan of any fiduciary duty to the Estate or the Trust. It is, therefore, questionable whether Pope and Buchanan have any interest in the management of the Estate or the Trust because the circuit court has discharged them. See Glenn v. E.I. Dupont De Nemours & Co., 254 S.C. 128, 134, 174 S.E.2d 155, 158 (1970) (holding an action for wrongful death instituted by a discharged administratrix should be dismissed because such action was a nullity).

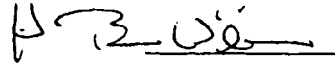
It is, however, unquestionable that Bauknight, as the court-appointed PR/trustee, does have an interest in ensuring the proper management of the Estate and Trust. At the same time the circuit court relieved Pope and Buchanan of their duties, it also placed upon Bauknight the


fiduciary duty to manage and control the Estate and Trust. Thus, Bauknight should be substituted because the liability for mismanagement of the Estate or the Trust now falls on him, not Pope and Buchanan. See Shah, 350 S.C. at 148, 564 S.E.2d at 685 (holding the substitution of a successor company was necessary so that the party who would be ultimately responsible for judgment would have opportunity to be heard). Moreover, as Judge Early stated, "[I]t is important to allow for consistent administration of the Estate and Trust," and "to interfere with Bauknight's continuing administration of the Estate and Trust would not be in the best interests of the Estate, the Trust, or the beneficiaries." If third parties transacting with the Estate and the Trust cannot be certain who possesses the power to bind the Estate and Trust, there will be a chilling effect on the continued operation and management of the Estate and Trust. Furthermore, to restrict Bauknight's ability to exercise control during the pendency of Pope and Buchanan's appeal will certainly prejudice the Estate and Trust.

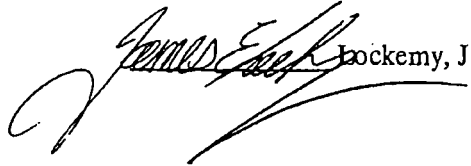
### CONCLUSION

Accordingly, Bauknight's motion to substitute in the Dallas and Bradley Appeal is hereby GRANTED. As to the Beneficiaries' and Widow's motions to intervene and returns in support of the AG's return, we interpret those motions as requests to join in the AG's return, which itself was no more than a return in support of Bauknight's substitution motion. Thus, to the extent those motions were filed for that purpose, they are hereby GRANTED. Finally, because we have granted Bauknight's motion to be substituted as Respondent in this case, Pope and Buchanan's motion to reject any return filed by the AG is hereby DENIED.

AND IT IS SO ORDERED.

 Williams, J

 Pieper, J

 Lockemy, J.

Columbia, South Carolina

cc: R. Wayne Byrd, Esquire  
Audra M. Byrd, Esquire  
R. Hawthorne Barrett, Esq.  
Curtis Ott, Esq.  
James Daniel Bailey, Esquire  
Tressa T.H. Hayes, Esquire  
Senior Assistant Attorney General C. Havird Jones, Jr.

# EXHIBIT D



ALAN WILSON  
ATTORNEY GENERAL

**RECEIVED**

MAY -2 2011

May 2, 2011

S.C. Supreme Court

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

RE: The Estate of James Brown and the James Brown 2000 Irrevocable  
Trust dated August 1, 2000.

Dear Mr. Shearouse:

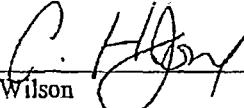
Enclosed for filing are the original and 15 copies of Respondents' Final Brief. Also enclosed are the Certificate of Counsel and Proof of Service.

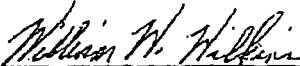
Very truly yours,

C. H. Jones, Jr.  
Senior Assistant Attorney General

cc:  
See attached Certificate of Service



  
Alan Wilson  
Attorney General, State of South Carolina  
C. Havird Jones, Jr.  
Senior Assistant Attorney General  
Robert D. Cook  
Assistant Deputy Attorney General  
J.C. Nicholson, III  
Assistant Attorney General  
Mary Frances Jowers  
Assistant Attorney General  
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55 East Camperdown Way (29601)  
Post Office Drawer 10648  
Greenville, South Carolina 29603-0648  
(864) 370-2211  
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*Attorneys for James Brown Children and Grandchildren Daryl J. Brown, Individually*

*and on Behalf of His Minor Children, Lindsey Delores Brown and Janise Vanisha Brown; Deanna J. Brown Thomas, Individually and on Behalf of her Minor Child, Jason Brown Lewis; Yamma N. Brown, Individually and on Behalf of Her Minor Children, Sydney Lumar, Carrington Lumar, and Tonya Brown; Vanisha Brown; Larry Brown*

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*Attorney for Stephen M. Slotchiver,  
Guardian ad Litem for James Brown II*

May 2, 2011

Columbia, South Carolina

# EXHIBIT E

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

RUSSELL L. BAUKNIGHT, as Trustee of the James Brown 2000 Irrevocable Trust and the James Brown Legacy Trust, as Personal Representative of the Estate of James Brown, and on behalf of Alan Wilson, in his capacity as Attorney General of the State of South Carolina; Tommie Rae Brown, individually and on behalf of her minor child, James Brown II; Daryl J. Brown, individually and on behalf of his minor child Janise Vanisha Brown; Lindsey Delores Brown; Deanna J. Brown Thomas; Jason Brown-Lewis; Yamma N. Brown, individually and on behalf of her minor children Sydney Lumar and Carrington Lumar; Tonya Brown; Venisha Brown Larry Brown; and Terry Brown

and

ALAN WILSON, in his capacity as Attorney General of the State of South Carolina; TOMMIERAE BROWN, individually and on behalf of her minor child, JAMES BROWN II; DARYL J. BROWN, individually and on behalf of his minor child JANISE VANISHA BROWN; LINDSEY DELORES BROWN; DEANNA J. BROWN THOMAS; JASON BROWN-LEWIS; YAMMA N. BROWN, individually and on behalf of her minor children SYDNEY LUMAR and CARRINGTON LUMAR; TONYA BROWN; VENISHA BROWN; LARRY BROWN; and TERRY BROWN,

Plaintiffs

v.

Adele J. Pope

Defendant

IN THE COURT OF COMMON PLEAS

FOR THE FIFTH CIRCUIT

Civil Action No. 2010-CP-40-4900

JEANETTE W. MCGHEE  
C.C.P. &

2012 AUG 23

FILED

RICHLAND COUNTY

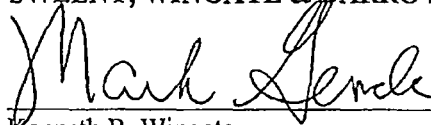
PLAINTIFFS' MOTION FOR  
DIRECTION FROM THE COURT  
CONCERNING POTENTIAL  
PREJUDICIAL TRIAL PUBLICITY

TO: ADAM SILVERNAIL, ESQUIRE, DARYL WILLIAMS, ESQUIRE, ATTORNEYS  
FOR DEFENDANT POPE, AND TO DEFENDANT POPE ABOVE-NAMED:

Plaintiffs hereby request that the Court provide Plaintiffs with guidance on how to proceed in this matter in light of the potentially prejudicial trial publicity that has occurred. For the Court's reference, Plaintiffs have accumulated and indexed a portion of the pretrial publicity that this case has generated (see Binder of Articles, attached hereto as Exhibit A). Upon information and belief, Defendant Pope, her counsel, and/or persons acting on behalf of Defendant Pope may be responsible for many of the statements contained at Exhibit A<sup>1</sup>. Plaintiffs are concerned that these statements may be doing continuing harm to the Estate of James Brown and may prejudice this adjudicative proceeding.

Respectfully submitted,

**SWEENEY, WINGATE & BARROW, P.A.**



Kenneth B. Wingate  
Mark V. Gende  
Aaron J. Hayes  
1515 Lady Street  
Post Office Box 12129  
Columbia, South Carolina 29211  
(803) 256-2233

**ATTORNEYS FOR THE PLAINTIFFS**

Columbia, South Carolina

August 23, 2012

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<sup>1</sup> For example, the July 11, 2012 letter of Adam Silvernail to Judge Manning in case 4900 has appeared on *Newberry Observer* reporter Sue Summer's Facebook page (See screenshot from Facebook page, attached hereto as Exhibit B). Upon information and belief, neither counsel for Plaintiffs nor Judge Manning's office disclosed this letter to Sue Summer.



## Media Binder Index

### **ABC Columbia**

1. *High SC Court to Take Up James Brown Settlement*: 11/1/11

### **Aiken Standard**

2. *Woman Again Lays Claim to Brown Trust*: 5/19/10
3. *AG Asked to Turn Over James Brown Documents*: 8/9/11
4. *James Brown Manager Convicted*: 10/28/11

### **August Chronicle**

5. *SC Supreme Court Hears James Brown Estate Feud*: 11/1/11
6. *Arguments Begin in James Brown Settlement Case*: 11/11/11
7. *Judge Dismisses Man's James Brown Claim*: 3/12/12
8. *Former James Brown Songwriter, Producer Sues for Property Rights*: 3/14/12
9. *S.C. Supreme Court Sticks Ex-Brown Trustee with Attorney's Fees*: 5/2/12

### **Atlanta Post**

10. *The Estate Woes of James Brown: A Lesson in Planning*: 8/8/11

### **EstateofDenial.com**

11. *AG Asked to Turn Over James Brown Documents*: 8/11/11
12. *Wilson and James Brown Trustee Double Efforts to Prevent Release of Music Empire Documents (SC)*: 9/18/11
13. *AG Wilson Attempts to Exclude Affidavit of Local Copyright Expert in James Brown FOIA Lawsuit (SC)*: 1/6/12
14. *Recovery of James Brown's Missing Millions Delayed by AG, Outside Parties (SC)*: 3/7/12
15. *Actions surrounding 'The Godfather of Soul' James Brown's estate continue generating interest, questions (SC)*: 5/8/12
16. *New Article, Old Song Provides More to Ponder with James Brown estate controversy (SC)*: 5/19/12
17. *Dead or Alive- James Brown, Danny Tate Show Threats to Property Rights Thrive*: 5/22/12
18. *For Father's Day, Pappa Gets a Brand New Son: Las Vegas Man Claims James Brown Was His Father (SC)*: 6/17/12
19. *As James Brown Estate Saga Gains Spotlight, South Carolina Fights to Keep Public in Dark*: 8/18/12

### **EURweb**

20. *James Brown's Charitable Trust Fate Marinating in Confusion*: 3/11/2012
21. *James Brown's Son Regrets Contesting Will*: 7/1/12

### **Facebook**

22. *Images of Brief in Support of Summary Judgment and Opposing Motions to Dismiss and Strike of Attorney General Alan Wilson (Case no. 379) – printed 10/27/11.*
23. *Wall posts from "James Brown 'I Feel Good' Trust (FOIA Concerns)" page – printed 10/27/11*
24. *Images of Last Will of James Brown, printed 11/10/11.*

25. Images of *Deposition of Deanna Brown Thomas*, printed 11/11/11.
26. Images of *Unsigned Order* from Case No. 379; printed 11/28/11 (followed by printout with timestamp of the posting of the unsigned order from the wall of "James Brown 'I Feel Good' Trust (FOIA Concerns)").
27. Images of a group of Affidavits (Mary Holmes, Nancy S. Wells, Rev. Larry Fryer, Charles Bobbit, Gloria J. Boynton Mayo, Gloria Daniel, J.B. Ross, Talmadge Lewis, Emma Austin, Al Bradley, Andre Moses White) printed 11/28/11.
28. Wall post by "James Brown 'I Feel Good' Trust (FOIA concerns)": 12/8/11
29. Wall post by "James Brown 'I Feel Good' Trust (FOIA concerns)": 12/8/11
30. Preliminary version: *Goliaths Roar in James Brown FOIA Lawsuit*: Wall post by "James Brown 'I Feel Good' Trust (FOIA concerns)" 12/12/11
31. Revised Version: *Goliaths Roar in James Brown FOIA Lawsuit*: Wall post by "James Brown 'I Feel Good' Trust (FOIA concerns)" 12/12/11
32. Images of *Motion for Sanctions*, letter to Judge Addy from J. Emory Smith, and letter to J. Emory Smith from Adam T. Silvernail, from Case No. 379; printed 12/13/11.
33. Images of *Motion of AG to Strike Or Exclude Affidavit of Jeffrey Smith*; printed 1/4/12.
34. Images of *Plaintiff's Return To Motion Of AG To Strike Affidavit of W. Jeffrey Smith and Attachments*; printed 1/4/12.
35. Images of *Affidavit of W. Jeffrey Smith Opposing Striking Or Disregarding My Affidavit With Attachments*; printed 1/4/12.
36. Images of *Affidavit of Adele J. Pope Opposing Striking Or Disregarding Affidavit and Article of Jeff Smith and Other Affidavits; Opposing Dismissal and Supporting In Camera Review and Summary Judgment; Exhibit A- Affidavit Supporting Immediate Release of FOIA documents*; printed 1/4/12.
37. *Search for James Brown's Missing Millions Returns to Aiken*, dated 2/23/12, located 2/27/12
38. Facebook Comments regarding *Former James Brown Songwriter, Producer Sues for Property Rights* post on "Brown 'I Feel Good' Trust (FOIA Concerns)" Facebook page; post dated 3/22/12, comments printed 3/23/12
39. *AG Wilson Continues Battle To Conceal James Brown Documents and Deny FOIA Requests*: 3/21/2012
40. Images of *Pope Subpoena & Letters to AG, Rosen-* printed 5/14/12
41. Images of *Motion to Quash Subpoena, Filed by Pope 5/14/12-* printed 5/16/12
42. Images of *Pope Affidavit to Quash Subpoena & Unseal Documents-* printed 5/16/12
43. Images of *Motion to Vacate or Declare Void/Moot Orders related to Diaries of Tommie Rae Hynie Brown, and for related relief-* printed 5/16/12
44. Images of *Gende (AG's at) tries to force Buchanan settlement, Pope responds-* printed 5/22/12
45. Images of *Buchanan Counterclaim in Forlando suit, Black Letter-* printed 5/22/12
46. Images of *Gende (AG) seeks to force Buchanan into compliance with settlement-* printed 5/22/12
47. Wall post by "James Brown 'I Feel Good' Trust (FOIA concerns)": 6/13/12
48. Wall post by "James Brown 'I Feel Good' Trust (FOIA concerns)": 6/15/12 re: Sue Summer's article *AG Wilson Ask Judge to Conceal Diaries of James Brown's Companion*
49. Wall post by "James Brown 'I Feel Good' Trust (FOIA concerns)": 6/25/12
50. Images of *Silvernail letter to Judge Manning, July 11, 2012-* printed 7/13/12
51. Images of Silvernail return re: Opposition to Dallas Deposition- printed 8/2/12
52. Images of *Daryl Brown Pleads with AG Wilson: Protect the Needy Children-* printed 8/14/12

53. Wall post by "James Brown 'I Feel Good' Trust (FOIA concerns)": 8/14/12

**financialplanning.com**

54. *James Brown Squabble Highlights Importance of Proper Estate Planning*: 8/30/11

**Forbes**

55. *James Brown's Estate and Wishes Remain in Limbo*: 8/8/11

56. *Court Battles and Debt Leave James Brown Estate Not Feeling Good*: 11/1/11

**Fox 54 Augusta**

57. *James Brown Trust Hearing in S.C. Supreme Court*: 11/14/11

**FreeTimes**

58. *Future of Private Philanthropy in S.C. at Stake in Supreme Court Case*: 11/10/2011

**Grantland**

59. *James Brown and the Other Side of the Masters: James Brown's Augusta*: 4/6/12

**Huff Post: Black Voices**

60. *The Estate Woes of James Brown: A Lesson in Planning*: 8/8/11.

**NBC Augusta**

61. *Former James Brown Trustee David Cannon Could Avoid Jail*: 6/16/2010

**Newberry Observer**

62. *AG's Promise to Release Contracts May Resolve Newberry James Brown FOIA Case*: 9/21/2011

63. *Attorney General Still Refuses to Release Documents in Two Newberry FOIA Cases Related to James Brown Music Empire*: 9/29/11

64. *Will James Brown's Last Wish be Granted?*: 10/12/11

65. *Wingate Firm, James Brown Children, Others Ask to Join Wilson in Fighting Release of Public Documents*: 11/2/11

66. *Former James Brown Trustees Ask S.C. Supreme Court to Restore "I Feel Good" Trust to Original \$80 Million*: 11/3/11

67. *Judge Casey Takes Control of Ring Two in James Brown Circus*: 11/11/11

68. *Attorney Claims Nobody Influenced Brown to Give \$100 Million Music Empire to Needy Children*: 11/15/11

69. *Immediate Release of FOIA Request for Contract to Sue Brown Estate Trustees Denied*: 11/29/11

70. *Brown Grandson Fires Lawyers in Trust Lawsuit*: 12/9/11

71. *James Brown Estate Planning in His Own Words*: 12/13/

72. *AG Wilson Attempts to Exclude Affidavit of Local Copyright Expert in James Brown FOIA Lawsuit*; 1/5/12

73. *Wilson Denies FOIA requests in James Brown Suite (sic)*: 3/26/12

74. *James Brown diaries FOIA request to be decided*: 5/3/12

75. *Attorneys for James Brown Companion Subpoena Information About 'Explosive' Diaries*: 5/14/12

76. *James Brown Trustee Claims Son, Grandson conspired with Companion*: 5/24/12

- 77. *Former James Brown Trustee Fights "Career-Threatening" Allegations of Lying to Court:* 6/17/12
- 78. *Las Vegas Man Claims James Brown Was His Father:* 6/18/12
- 79. *Brown's Son Regrets Contesting Will, Says Father's Wishes Should Be Followed:* 7/5/12
- 80. *At request of AG, Judge Keeps Gag Order on Diaries:* 7/16/12
- 81. *AG Wilson and James Brown Companion Stop Deposition, but not Bombshell:* 7/26/12
- 82. *James Brown Son Pleads 'Protect the Needy Children':* 8/1/12
- 83. *Court Hears Arguments, Finger-pointing, at hearing on James Brown Restitution:* 8/4/12
- 84. *Former Brown Trustee Appeals Gag Orders:* 8/21/12

**Obnoxious TV Blog**

- 85. *The Trust of Legendary Singer James Brown is Now in the Hands of the South Carolina Supreme Court!:* 3/28/12

**RTT**

- 86. *James Brown's Estate in Legal Limbo:* 7/21/11

**Rolling Stone**

- 87. *Years After Death, Battle for James Brown's Estate Rages on:* 8/4/11

**Solicitors from Hell 2**

- 88. *AG Wilson Wins Fight to Take Newberry FOIA Lawsuit to Richland (SC):* (printed 3/13/12)

**The State**

- 89. *Wilson, Loftis Spar over Hiring Law Firms:* 9/14/11
- 90. *Brown's Estate Saddled by Debt:* 10/31/11

**Today**

- 91. *Judge OKs Settlement over James Brown Estate:* 5/26/09

**Toronto Estates and Trusts Monitor .**

- 92. *Court Battle over James Brown's Estate Drags on:* 8/10/11

**Wall Street Journal**

- 93. *James Brown Said It Loud:* 3/10-11/12

**Wills, Trusts & Estates Prof Blog**

- 94. *Legal Battles over James Brown's Estate Continue:* 7/26/11
- 95. *James Brown's Estate Thriving, but Contests Continue:* 11/1/11
- 96. *South Carolina and the FOIA:* 4/24/12
- 97. *More On James Brown's Estate and FOIA Requests:* 5/6/12
- 98. *The Continued Dispute Over James Brown's Estate:* 8/20/12

**WLTX**

- 99. *Ex-Trustees Want Court to Strike James Brown Deal:* 11/1/11

**WRDW News 12: The Inside Story**

100. *The Inside Store: Deanna Brown Talks Court Battle, James Brown Movie Deals: Deanna Brown is Fighting a Heated Court Battle Against her Father's Former Trustee with One Focus: Payback: 3/14/12*

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### James Brown "I Feel Good" Trust (FOIA Concerns)

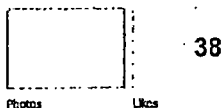
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#### Entertainer

In his estate plan, music icon James Brown established the "I Feel Good" Trust to provide scholarships to needy and deserving children in SC and GA. Will his final wish be granted? FOIA lawsuits in Newberry, SC may help to decide the answer.

About



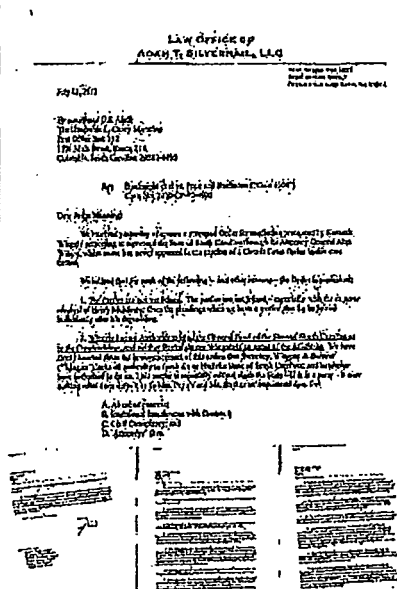
#### Highlights

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James Brown "I Feel Good" Trust (FOIA Concerns) 5 hours ago

Silvernail Letter to Judge Manning, July 11, 2012 (5 photos)



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James Brown's "I Feel Good" Trust (FOIA Concerns) June 29

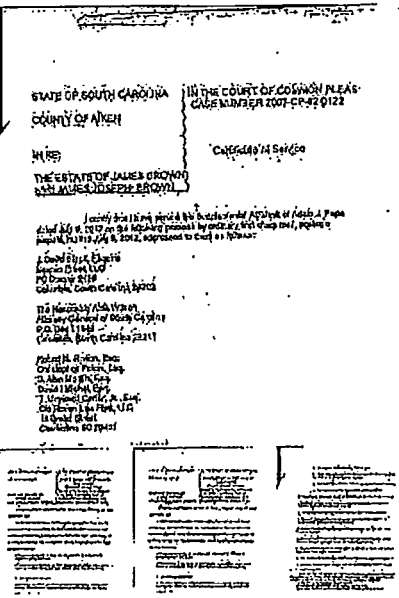
James Brown's Son Regrets Contesting Will, Says Father's Wishes Should Be Followed

For The Newberry Observer By Sue Summer June 29, 2012

The son of music legend James Brown now regrets that he did not follow his father's wishes as expressed in his will—and he shared his concern that his daughters will never receive the

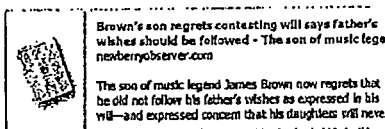
James Brown "I Feel Good" Trust (FOIA Concerns) 5 hours ago

Pope Affidavit, July 10, 2012 (13 photos) Pope asks Court to determine who has been lying in court filings and to remove gag order "so that I may tell the full truth."



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James Brown "I Feel Good" Trust (FOIA Concerns) shared a link July 7



Brown's son regrets contesting will says father's wishes should be followed - The son of music legend newberryobserver.com

The son of music legend James Brown now regrets that he did not follow his father's wishes as expressed in his will—and expressed concern that his daughters will never

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Cammie Dalton isn't this the same one the other day? how come you deleted those OTHER more important concerns? Now who's gonna come after Daryl and stalk him since the others involved in the case got stalked? Something to think about when theres a chug running around causing havoc behind the scenes Who could be pulling the strings? July 8 at 6:10am · Like

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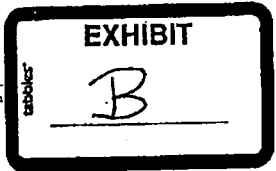
Now

June

2012

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SEARCHED SERIALIZED INDEXED FILED 2012 SEP 26 PM 3:57




education funds their grandfather left them in a trust he established in 200... See More

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Randa Yates Mookenaar likes this.


 Cammie Dalton <http://www.eurweb.com/2012/07/james-browns-son-regrets-contasting-will/>

 James Brown's Son Regrets Contasting Will | EURweb  
www.eurweb.com  
The son of music legend James Brown now regrets that he did not follow his father... See More

July 2 at 4:37am · Like

James Brown "I Feel Good" Trust (FOIA Concerns) This story in the Newberry Observer, story was posted earlier without link. As for removals, I cannot leave posts that might lead to the facebook page being removed again, i.e. unsubstantiated accusations. Erring on the side of caution is far preferable to attempting to have the page returned.

July 8 at 3:22pm · Like

 Cammie Dalton So whats the story tell yew?  
That he's fed up with the whole game play in and shady backdoor activity and greed and corruption and deceit

There are unsubstantiated allegations darlin  
They are documented facts via phone, internet, by sight... See More

July 9 at 4:13am · Edited · Like


Aaron Hayes Home

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James Brown "I Feel Good" Trust (FOIA Concerns) June 28

Second criminal FOI case falls  
A 6th Circuit Solicitor has pulled the plug on an attempt to prosecute criminal charges for violation of the S.C. Freedom of Information Act.  
Solicitor Doug Barfield Jr. notified Kirby D. Shealy Jr., the judge assigned to hear the case, last week that he would not prosecute the case brought last November against the individual members of the Jenkinsville Water Co. Bo... See More

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 James Brown "I Feel Good" Trust (FOIA Concerns) This is copied and pasted from the SC Press Association website. FOIA violations, but solicitor refuses to prosecute.


June 28 at 11:00am · Like

James Brown "I Feel Good" Trust (FOIA Concerns) June 23

This facebook page was removed in March and down for three weeks, with no warning and no explanation. Comments that may result in having the page removed again have to be removed (i.e., profanity, allegations, etc.). Since I was given no reason before, I am probably being overly-cautious. My apologies.

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Given Morton likes this.

 James Brown "I Feel Good" Trust (FOIA Concerns) Facebook removed the page, which means someone had reported a problem. After repeated emails and phone calls to Facebook, the page was returned. No explanation for the removal of the page was given, but I am grateful to have it returned and am trying to make sure no one has reason to make a report in the future (it would be easier if I knew what was the problem last time). That is why I err on the side of caution.

June 24 at 8:43am · Like

James Brown "I Feel Good" Trust (FOIA Concerns) June 21

Former James Brown Trustee Fights "Career-Threatening" Allegations of Lying To Court

For The Newberry Observer  
By Sue Summer June 17, 2012

In motions filed June 8 and June 14, attorneys for James Brown's companion Tommie Rae Hyrule and current Brown trustee Russell Bauknicht accused former trustee and Newberry resident Adele Pope of Court filings that are "works of fiction" and "statements ... See More

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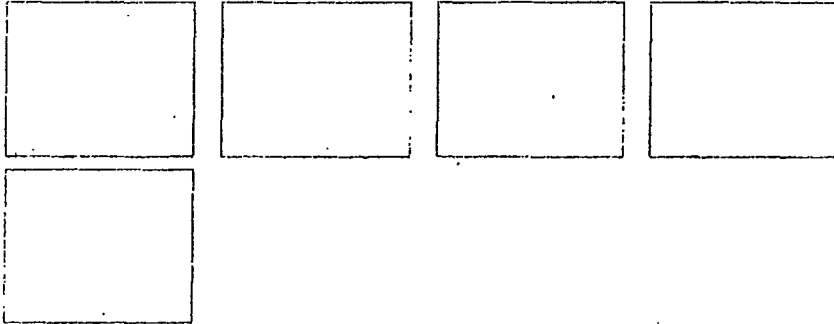
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### Silvernail Letter to Judge Manning, July 11, 2012

By James Brown "I Feel Good" Trust (FOIA Concerns) (Albums) · Updated on Friday

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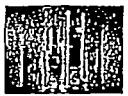
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#### Oscar Mayer



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Chat (11)



Letter to Judge Manning  
July 11, 2012  
Page 1

You have indicated your intention to file a motion to set aside the verdict and have not yet issued a written Order on that motion.

A motion on this important issue of first impression in this State is critical to our ability to proceed to resolution.

1. Dan Brown is the defendant in this case. In light of his recent statements in the press, there is substantial doubt as to whether Dan Brown was capable of being the perpetrator of this heinous crime. The disposition of this motion is critical to the public safety and welfare of the State and is requested to be resolved as soon as possible.

2. The Attorney General, Mr. [Name], has the duty to represent the people of the State in this case and to advise the court of the law and the facts of this case as they apply.

3. The Attorney General, Mr. [Name], has the duty to represent the people of the State in this case and to advise the court of the law and the facts of this case as they apply.

4. The Attorney General, Mr. [Name], has the duty to represent the people of the State in this case and to advise the court of the law and the facts of this case as they apply.

5. The Attorney General, Mr. [Name], has the duty to represent the people of the State in this case and to advise the court of the law and the facts of this case as they apply.

6. The Attorney General, Mr. [Name], has the duty to represent the people of the State in this case and to advise the court of the law and the facts of this case as they apply.

7. The Attorney General, Mr. [Name], has the duty to represent the people of the State in this case and to advise the court of the law and the facts of this case as they apply.

**James Brown "I Feel Good" Trust  
(DIA Concerns)**  
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Letter to Judge Manning  
July 11, 2012  
Page 1

8. Decisions did not provide useful info. Each Commissioner did not provide a proper explanation as to why the Public Defender's Office was not given a hearing. If any officer had been given a hearing, the Public Defender's Office would have been able to present its case to the Public Defender's Office and the Public Defender's Office would have been able to provide a proper explanation as to why the Public Defender's Office was not given a hearing. There has been no action taken by the Public Defender's Office to provide a hearing to the Public Defender's Office.

9. Determination of Public Defender's Office. The Public Defender's Office has been ready to cooperate in the determination of the Public Defender's Office. The Public Defender's Office has been ready to cooperate in the determination of the Public Defender's Office. The Public Defender's Office has been ready to cooperate in the determination of the Public Defender's Office.

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13. The Public Defender's Office has been ready to cooperate in the determination of the Public Defender's Office. The Public Defender's Office has been ready to cooperate in the determination of the Public Defender's Office. The Public Defender's Office has been ready to cooperate in the determination of the Public Defender's Office.

14. The Public Defender's Office has been ready to cooperate in the determination of the Public Defender's Office. The Public Defender's Office has been ready to cooperate in the determination of the Public Defender's Office. The Public Defender's Office has been ready to cooperate in the determination of the Public Defender's Office.



James Brown "I Feed Good" Trust  
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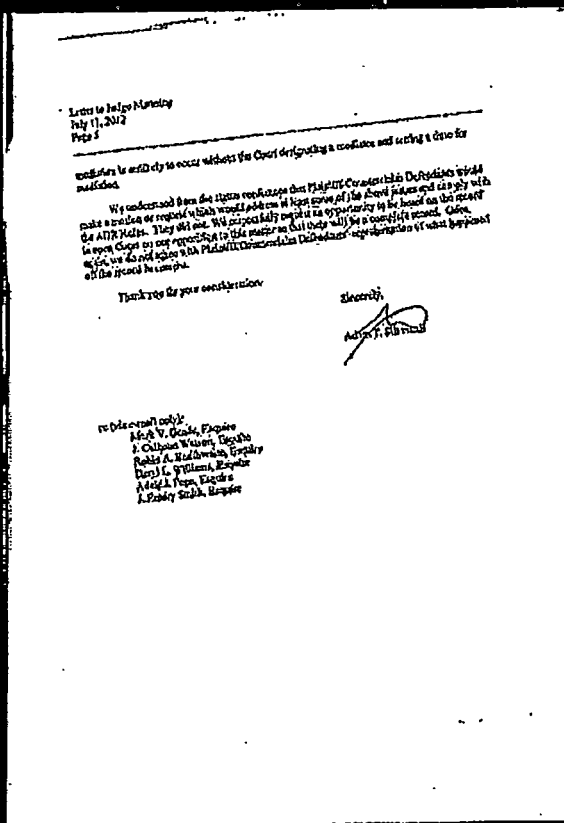
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# EXHIBIT F

**Louis Levenson**

---

**From:** Louis Levenson  
**Sent:** Monday, July 16, 2012 11:59 AM  
**To:** 'Adele Pope'  
**Cc:** Lori Christman; adam@silvernaillawfirm.com; dwilliams@jeterandwilliams.com  
**Subject:** RE: Lindsey Brown and Janise B. - Case 4900

Adele

~~Pleased to hear about the new addition coming into your life. I am sure it is going to be a good distraction from all the other stuff. Congratulations to all.~~

As to the "other stuff", now that I have looked at your email more carefully, I still don't understand what you mean about trying to settle with my clients or that they are somehow in default. Therefore, I am trying to respond without fully understanding what you are asking for. With that being said, Darryl and his children are still my clients. They are also the clients of the Wingate firm in the 4900 case (I will leave the Wingate firm to address to you its role for the Estate in which my clients are, obviously, participating). I think I am reading the "tea leaves" and therefore making certain assumptions: I am assuming you refer to some statements that Darryl made in a newspaper story, perhaps to Sue Summer, which is just that, a statement allegedly made to a reporter. As far as court stuff is concerned, we are moving forward with all matters for all clients and are on course. As such, I don't think it is fair or appropriate for you or your counsel to contact any of my clients for any purposes.

Best regards.

LL

---

**From:** Adele Pope [mailto:adele@popelawfirm.com]  
**Sent:** Sunday, July 15, 2012 9:12 PM  
**To:** Louis Levenson  
**Cc:** Lori Christman; adam@silvernaillawfirm.com; dwilliams@jeterandwilliams.com  
**Subject:** Re: Lindsey Brown and Janise B. - Case 4900

Granchild coming. May be on a slightly tighter schedule than that, but always glad to hear from you sooner or later.

Adele Pope  
July 15, 2012

Sent: 7/15/2012 9:05:19 PM  
To: adele@popelawfirm.com; Lori Christman  
Subject: Re: Lindsey Brown and Janise B. - Case 4900

I will look over the matter and get back to you in the next few days

Sent from my Verizon Wireless 4G LTE smartphone

7/16/2012

# EXHIBIT G



SWEENEY WINGATE & BARROW P.A.

March 13, 2012

Reply to: Main Office

Mark V. Gende  
(803) 256-2233 x121  
mvg@swblaw.com

Adam T. Silvernail, Esquire  
1218 Taylor Street  
Post Office Box 1898  
Columbia, SC 29202-1898

RE: Russell L. Bauknight, et al. v. Adele J. Pope and Robert L. Buchanan, Jr.  
Civil Action No.: 2010-CP-40-04900  
Our File: 4077-7389

Dear Adam:

I have come into possession of a March 5, 2012 letter sent by your client, Adele Pope, to Attorney General Wilson.

This four page letter, plus attachments, purports to be a communication concerning various cases involving Cannon, Dallas, and Bradley, as listed in the caption of Ms. Pope's letter.

Ms. Pope's post script reveals her letter is a pretext to gain material from Mr. Wilson to use against Mr. Wilson's interest in various cases, including the case which I and my firm are representing Mr. Wilson as Attorney General of the State of South Carolina.

This type of communication is grossly improper. Ms. Pope is a long standing member of the Bar of the State of South Carolina, and she should know better than to communicate directly with a represented client for the express purpose of gaining access to material that she intends to use against that client in pending litigation.

As counsel for Ms. Pope, I respectfully request you to ensure that your client has no further inappropriate communications with a represented party.

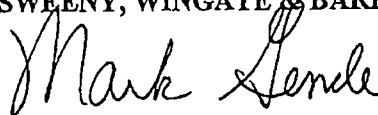
If your client seeks information to be used in the cases in which my firm is representing, among others, the Attorney General, the discovery process is the appropriate and ethical avenue to seek such information.

March 13, 2012  
Page 2 of 3

Thank you for your attention to this very important matter.

Yours truly,

**SWEENEY, WINGATE & BARROW, P.A.**

A handwritten signature in cursive script that reads "Mark V. Gende". The signature is written in dark ink and is positioned directly below the firm name.

Mark V. Gende

MVG/lda

cc: C. Havird Jones, Jr., Esquire  
Russell L. Bauknight, CPA  
Daryl L. Williams, Esquire  
Robin A. Braithwaite, Esquire  
J. Calhoun Watson, Esquire



SWEENEY WINGATE & BARROW P.A.

June 21, 2012

Reply to: Main Office  
Mark V. Gende  
(803) 256-2233 x121  
mvg@svblaw.com

Adam T. Silvernail, Esquire  
Law Office of Adam T. Silvernail, LLC  
1218 Taylor Street  
Post Office Box 1898  
Columbia, SC 29202-1898

RE: Russell L. Bauknight, et al. v. Adele J. Pope and Robert L. Buchanan, Jr.  
Civil Action No.: 2010-CP-40-04900  
Our File: 4077-7389

Dear Adam:

I am in receipt of your June 19, 2012 correspondence in the above-captioned matter.

As you know this case has been designed complex, Judge Manning appointed the Presiding Judge, and all of the issues that you raise in your letter are currently before him. Judge Manning will decide if and when the depositions you seek go forward and what their scope will be.

Also, to the extent that you and/or your client may be using intermediaries inappropriately to contact a represented party in this matter, I demand that you cease and desist from such activity.

Yours truly,

SWEENEY, WINGATE & BARROW, P.A.

Mark V. Gende

MVG/lda

cc: Daryl L. Williams, Esquire  
J. Calhoun Watson, Esquire  
Robin A. Braithwaite, Esquire



SWEENEY WINGATE & BARROW P.A.

July 3, 2012

Reply to: Main Office

Mark V. Gende  
(803) 256-2233 x121  
mvg@swblaw.com

Adam T. Silvernail, Esquire  
Law Office of Adam T. Silvernail, LLC  
1218 Taylor Street  
Post Office Box 1898  
Columbia, SC 29202-1898

RE: Russell L. Bauknight, et al. v. Adele J. Pope and Robert L. Buchanan, Jr.  
Civil Action No.: 2010-CP-40-04900  
Our File: 4077-7389

Dear Adam:

I am in receipt of your July 2, 2012 correspondence and Notice of Deposition of Daryl Brown.

As I have informed you in previous correspondence, the timing and scope of the deposition of Daryl Brown is before Judge Manning. Daryl Brown will not be appearing for any deposition until after Judge Manning rules on our applicable motions.

Only because you force me to do so, I will be filing a Motion for Protection with respect to your most recent Notice of Daryl Brown.

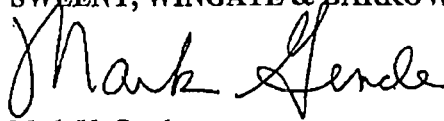
Let me reiterate what I have stated to you previously, do not contact directly or through intermediaries any of the settling parties, all of whom are represented by counsel in this litigation. You are well aware of the layers of counsel that are representing each party. Violating the ethical guidelines in contacting represented parties is a serious matter. In due time, I will thoroughly investigate whether that has happened in this matter.

July 3, 2012  
Page 2 of 2

Enclosed, please find your check in the amount of \$125.00 that I am returning to you.

Yours truly,

SWEENEY, WINGATE & BARROW, P.A.

A handwritten signature in cursive script that reads "Mark V. Gende". The signature is written in black ink and is positioned above the printed name.

Mark V. Gende

MVG/lda

Enclosure

cc: Daryl L. Williams, Esquire  
J. Calhoun Watson, Esquire  
Robin A. Braithwaite, Esquire



EMAILED  
7/24/12  
203

SWEENEY WINGATE & BARROW P.A.

July 26, 2012

Reply to: Main Office  
Mark V. Gende  
(803) 256-2233 x121  
mvg@swblaw.com

VIA EMAIL AND U.S. MAIL

Adam T. Silvernail, Esquire  
Law Office of Adam T. Silvernail, LLC  
1218 Taylor Street  
Post Office Box 1898  
Columbia, SC 29202-1898

RE: Russell L. Bauknight, et al. v. Adele J. Pope  
Civil Action No.: 2010-CP-40-04900  
Our File: 4077-7389

Dear Adam:

Today you produced via email certain documents which were provided to you by a "journalist," which purport to be unsigned letters of my client Daryl Brown.

The purpose of this letter is to request that you provide to me immediately, the following:

1. The name and contact information of the "journalist" who provided these documents to you.
2. The electronic format in which they were provided to you, including all metadata and any related electronic information.
3. The original documents, if they were produced to you in a physical format.

I ask that this material be provided to me immediately. Should you have any questions about the best way to facilitate the transfer of any electronic information to ensure its integrity, please contact me.

Yours truly,

SWEENEY, WINGATE & BARROW, P.A.

Mark V. Gende

MVG/lda

cc: Daryl L. Williams, Esquire



SWEENEY WINGATE & BARROW P.A.

**EMAILED**  
8/2/12  
ZDA

August 2, 2012

Reply to: Main Office  
Mark V. Gende  
(803) 256-2233 x121

mvg@swblaw.com

VIA EMAIL AND U.S. MAIL

Adam T. Silvernail, Esquire  
Law Office of Adam T. Silvernail, LLC  
1218 Taylor Street  
Post Office Box 1898  
Columbia, South Carolina 29202-1898

RE: Russell L. Bauknight, et al. v. Adele J. Pope  
Civil Action No.: 2010-CP-40-04900  
Our File: 4077-7389

Dear Adam:

I previously have expressed concern to you that someone on behalf of your client is inappropriately contacting represented parties in this action.

Now you have produced to me on two occasions letters purporting to have been written by one of the clients that I represent.

You have refused to provide the names of the intermediaries by which you assert these letters were made available to you. Your client is now referencing this material in filed documents.

Should you not provide an adequate explanation, I have no other choice than to see these letters as proof of your side's inappropriate contact with at least one represented party.


The purpose of this letter is to give you, as a matter of professional courtesy and pursuant to my obligations under the Rules, the opportunity of providing an explanation why I should not reach this conclusion.

August 2, 2012  
Page 2 of 2

I look forward to your prompt response.

Yours truly,

SWENY, WINGATE & BARROW, P.A.



Mark V. Gende

MVG/lda

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

SEP 27 2012

APPEAL FROM AIKEN COUNTY  
Court of Common Pleas

**SC Court of Appeals**

The Honorable Doyet A. Early, III, Circuit Court Judge

Case Nos. 2007-CP-02-0122, 2007-ES-02-0056

Appellate Case No. 2012-212917

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

Adele J. Pope.....Appellant,

v.

Alan Wilson Attorney General of the State of South Carolina, Russell L.  
Bauknight, as Special Administrator and Special Trustee for The Estate  
of James Brown and The James Brown 2000 Irrevocable Trust, and  
Tommie Rae Brown.....Respondents,

**PROOF OF SERVICE**

The undersigned certifies that a copy of the **Return To Pope's Motion To Strike  
The Motion To Dismiss Filed By Various Settling Parties** has been served upon the  
Appellant by U.S. Mail, postage prepaid, addressed to as listed below on the 27th day of  
September, 2012.

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

  
NEXSEN PRUET, LLC

Columbia, South Carolina