

RECEIVED

DEC 07 2016

SC Court of Appeals

**STATE OF SOUTH CAROLINA
In the Court of Appeals**

**Appeal from Richland County
Court of Common Pleas**

The Honorable Doyet A. Early, III, Circuit Judge

Appellate Case No. 2016-001727

Adele J. Pope..... Appellant,

v.

Alan Wilson, in his capacity as Attorney General of South Carolina, and
James Brown Legacy Trust, by Russell Bauknight, its Trustee..... Respondents.

**APPELLANT'S DESIGNATION OF MATTER TO BE INCLUDED
IN THE RECORD ON APPEAL**

Appellant designates the following for inclusion in the Record on Appeal
herein:

Orders

1. Order of the Honorable Frank R. Addy, Jr., dated January 11, 2012.
2. Order of the Honorable Doyet A. Early, III (Granting Attorney General's Motion to Dismiss), dated June 14, 2016.
3. Order of the Honorable Doyet A. Early, III Granting James Brown Legacy Trust's Motion to Dismiss, dated June 14, 2016.
4. Form 4 Order of the Honorable Doyet A. Early, III (Denying Motion to Alter or Amend Order granting Attorney General's Motion to Dismiss), dated July 27, 2016.

5. Form 4 Order of the Honorable Doyet A. Early, III (Denying Motion to Alter or Amend Order granting James Brown Legacy Trust's Motion to Dismiss), dated July 27, 2016.

Pleading and Motions

6. Complaint dtd. and filed August 3, 2011, w/Exhibits A- E.
7. Motion of Attorney General ("AG") to Dismiss and Alternative Motion to Strike, dtd. Sept. 2, 2011, with Exhibits.
8. Motion to Dismiss Under Rule 12(b) of James Brown Legacy Trust, by Russell L. Bauknight, Its Trustee served September 7, 2011.
9. Plaintiff's Return to Motion of Defendant James Brown Legacy Trust to Dismiss, dtd. Sept. 12, 2011.
10. Motion of Attorney General to Strike Affidavit and Exhibits Attached to Plaintiff's Motion for Summary Judgment., dtd. October 14, 2011.
11. Motion of Attorney General to Strike or Exclude Affidavit of Jeffrey Smith, dtd. Dec. 22, 2011.
12. Brief and Return in Opposition to Motions to Strike and/or Dismissal and Supporting Summary Judgment, dtd. January 10, 2012.
13. James Brown Legacy Trust's Motion to Stay, dtd. March 15, 2013.
14. Status Report of Plaintiff, dtd. March 27, 2013
15. Plaintiff's Motion to Alter, Amend or Vacate order Granting James Brown Legacy Trust's Motion to Dismiss, dtd. June 27, 2016.

Transcripts

16. Transcript of Hearing in FOIA matters held January 11, 2012, pp. 1, 27, 28
17. Transcript of Hearing held May 17, 2016, pp. 1, 5-9, 13-19, 24, 32-35

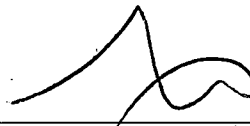
Affidavits and Miscellaneous

18. Letter Opinion of AG to The Honorable Glenn F. McConnell, dtd. December 28, 2006.

19. Affidavit of Appellant Opposing Motion to Dismiss and Requesting Expedited Hearing, dtd. Sept. 6, 2011, with Exhibit.
20. Affidavit of Appellant Supporting Summary Judgment Including Determination that James Brown Legacy Trust Created by Henry D. McMaster in his Capacity as Attorney General is a Public Body Under FOA, dtd. September 29, 2011, w/Exhibits A through F.
21. Affidavit of Appellant Opposing Motion of McMaster's Legacy Trust to Dismiss, filed September 12, 2011, w/ Exhibit A.
22. Affidavit of Appellant Opposing All Motions to Strike, dtd. October 18, 2011.
23. Affidavit of Appellant in further Support of All Relief Requested in Complaint, Expedited Hearing and *In Camera* Review, dtd. October 6, 2011, with Exhibits A through D.
24. Memorandum of AG in Support of: Motion to dismiss and Motions to Strike and in Opposition to Summary Judgment, dtd. October 25, 2011.
25. Affidavit of W. Jeffrey Smith, dtd. December 9, 2011, with Exhibits A through E.
26. Affidavit of Appellant Opposing Striking or Disregarding Affidavit and Article of Jeff Smith and Other Affidavits, Opposing dismissal and Supporting In Camera Review and Summary Judgment, dated January 3, 2012.
27. Affidavit of Sue Summer Opposing Striking or Disregarding Affidavits dtd. January 5, 2012, with Exhibits A through C.
28. Affidavit of Appellant Supporting *In Camera* Review and Immediate Release of Documents Requested Under S.C. Freedom of Information Act ("FOIA") and Expedited Ruling, dated January 6, 2012, with Exhibits A through C.
29. Affidavit of Daryl L. Williams, dtd. January 6, 2012, with Attachment
30. Affidavit of Pope Supporting Attorney's Fees and Costs dtd. January 9, 2012.
31. Plaintiff's Brief in Opposition to Motion of AG to Consolidate Cases, dtd. March 12, 2012 w/ attachment.
32. Plaintiff's Status Report and Memorandum of Law , dated March 27, 2013, with Exhibit.

33. Ltr. of Wingate Suit counsel to the Hon. L. Casey Manning, dtd. May 10, 2013, re: *Bauknight vs. Pope*, Case No. 2010-CP-40-4900
34. Plaintiff's Brief in support of Motion for Summary Judgment and in Opposition to Motion to consolidate and for Judgment on the Pleadings, dtd. May 2, 2016.

Respectfully submitted,



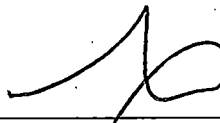
Adam T. Silvernail (Bar No. 80219)
Law Office of Adam T. Silvernail, LLC
1905 Marion Street (29201)
Post Office Box 7995
Columbia, South Carolina 29202-7995
(803) 779-1770
adam@silvernailfirm.com

Counsel for Appellant

December 7, 2016

CERTIFICATE OF COUNSEL

The undersigned counsel for Appellant hereby certifies that the Designation of Matter to be Included in the Record on Appeal contains no material irrelevant to the appeal.



Adam T. Silvernail

STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

DEC 07 2016

SC Court of Appeals

Appeal from Richland County
Court of Common Pleas

The Honorable Doyet A. Early, III, Circuit Judge

Appellate Case No. 2016-1727

Adele J. Pope..... Appellant,

v.

Alan Wilson, in his capacity as Attorney General of South Carolina, and
James Brown Legacy Trust, by Russell Bauknight, its Trustee..... Respondents.

PROOF OF SERVICE

I certify that I have served the Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal on Respondents by mailing a copy of same on December 7, 2016, addressed to his attorney of record as follows:

J. Emory Smith, Jr., Esquire
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
Counsel for Respondent Attorney General

A Camden Lewis, Esquire
Keith M. Babcock, Esquire
Ariail E. King, Esquire
Lewis & Babcock, LLP
P.O. Box 11208
Columbia, South Carolina 29211
Counsel for Respondent James Brown Legacy Trust



Adam T. Silvermail