

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Doyet A. Early III, Circuit Court Judge

Appellate Case No. 2015-002417

RECEIVED

JAN 23 2017

SC Court of Appeals

Tommie Rae Brown,.....Respondent,

v.

David C. Sojourner, Jr., in his capacity as Limited Special Administrator of the Estate of James Brown, a/k/a James Joseph Brown and Limited Special Trustee of the James Brown Irrevocable Trust, u/a/d August 1, 2000, Deanna Brown Thomas, Yamma Brown, Venisha Brown, Larry Brown, Terry Brown, and Daryl Brown,

of whom David C. Sojourner, Jr., in his capacity as Limited Special Administrator of the Estate of James Brown, a/k/a James Joseph Brown and Limited Special Trustee of the James Brown Irrevocable Trust, u/a/d August 1, 2000, is the.....Appellant

CONSENT ORDER RESOLVING APPELLANT SOJOURNER'S MOTION TO EXCLUDE
AND MOTION TO STRIKE

On October 3, 2016, Respondent Tommie Rae Brown ("Respondent") filed her Initial Brief and Designation of Matter to be Included in the Record on Appeal. On November 19, 2016, Appellant David C. Sojourner, Jr., in his capacity as Limited Special Administrator of the Estate of James Brown, a/k/a James Joseph Brown and Limited Special Trustee of the James Brown Irrevocable Trust, u/a/d August 1, 2000 ("LSA") filed two motions with the Court: a Motion to Strike Irrelevant and Prejudicial Statements and Motion to Exclude Irrelevant

Documents from Record on Appeal (collectively, "LSA's Motions"). On January 20, 2017, Respondent's timely filed a reply to the LSA's Motions.

After consultation between counsel for Respondent and the LSA, the parties have agreed to resolve the LSA's Motions pursuant to the following terms:

Respondent Tommie Rae Brown will file an Amended Initial Brief and Amended Designation of Matter to be Included in the Record on Appeal revising her Initial Brief and Initial Designation of Matter as follows:

1. Delete reference to Children's settlement with LSA from Ms. Brown's Initial Brief - page 5, lines 2 and 3, and footnote 4;
2. Delete references to Children's settlement with LSA from Ms. Brown's Designation of Matter -- items 6;
3. Change statements that Ms. Brown brought annulment action "at Mr. Brown's request," "at his request," and "Mr. Brown asked Mrs. Brown to procure an annulment" to "with Mr. Brown paying Ms. Brown's attorney fees." p. 31, line 3, page 55, line 20, p. 62, lines 11 and 12; and
4. Delete the following language from page 51, lines 4-5: "as he retained no attorney of his own, filed no claim of his own, and"

The LSA reserves his right to assert that some or all of the matter in Ms. Brown's Amended Initial Brief is irrelevant, not supported by the record, or otherwise not suitable for the Court's consideration.

Now, therefore, the Respondent, Tommie Rae Brown, is hereby directed to file an Amended Initial Brief and Amended Designation of Matter incorporating the revisions set forth above within thirty (30) days of the date the Court issues this Consent Order.

The parties are informed and believe all other parties have completed the briefing set forth in the *South Carolina Appellate Court Rules*¹ and no additional briefing is required.

¹ Appellant Terry Brown filed an Initial Reply brief on or about October 14, 2016; Appellant LSA

Therefore, Respondent's Amended Initial Brief shall constitute the "last brief" for purposes of calculating the Rule 210, SCACR, deadline for appellant to serve and file the Record on Appeal and all subsequent service and filing deadlines.

IT IS SO ORDERED.

FOR THE COURT

BY _____

Columbia, South Carolina

Dated: _____, 2017

[Signature pages for Counsel's Consent to follow.]

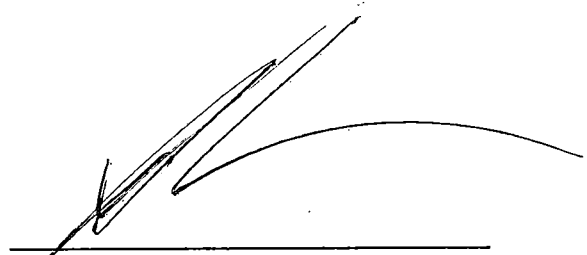
filed its Initial Reply Brief on November 9, 2016; Appellants Deanna Brown Thomas, Yamma Brown, Venisha Brown, and Larry Brown filed an Initial Reply Brief on November 11, 2016.

We consent:



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January 23, 2017

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Via Hand Delivery

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

In re: The Estate of James Brown a/k/a James Joseph Brown
Tommie Rae Brown v. David C. Sojourner, Jr., et al.
Appellate Case No. 2015-002417
A&R File No. 022853-000001

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Dear Ms. Kitchings:

On behalf of Appellant David C. Sojourner, Jr. and, by agreement with Respondent Tommie Rae Brown, I am writing to inform the Court that Appellant and Ms. Brown have resolved Appellant's November 19, 2016 Motion to Strike and Motion to Exclude. Our resolution is set forth in the attached Consent Order, executed by the Appellant and Ms. Brown. I hereby submit this Consent Order to the Court with the joint request that the Court issue the Order in resolution of these motions.

Thank you for your attention to this matter,

Sincerely,


John F. Beach

JFB/lbb

Enclosures

cc: David C. Sojourner, Jr., Esquire
All parties of Record