

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

The Honorable Doyet A. Early, III, Circuit Court Judge
The Honorable L. Casey Manning, Circuit Court Judge

Case No. 2010-CP-40-4900

Appeal Case No. 2017-001899

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 B. II; Daryl J. Brown, individually and on behalf of his minor child Janise B.; Lindsey Delores Brown; Deanna J. Brown Thomas; Jason Brown-Lewis; Yamma N. Brown, individually and on behalf of her minor child Sydney L. and Carrington L.; Tonya Brown; Venisha Brown; Larry Brown; and Terry Brown

And

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 B. II; Daryl J. Brown, individually and on behalf of his minor child Janise B.; Lindsey Delores Brown; Deanna J. Brown Thomas; Jason Brown-Lewis; Yamma N. Brown, individually and on behalf of her minor child Sydney L. and Carrington L.; Tonya Brown; Venisha Brown; Larry Brown; and Terry Brown, Respondents,

v.

Adele J. Pope, Defendant,

Of whom Adele J. Pope is the Appellant.

**REPLY TO APPELLANT'S RETURN AND MEMORANDUM IN OPPOSITION TO
MOTION OF RESPONDENTS TO STRIKE INITIAL BRIEF AND DESIGNATIONS**

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MAR 09 2018

SC Court of Appeals

A Motion to Strike the Initial Brief and Designation of Matter of Appellant was filed on February 23, 2018, on behalf of Respondent Bauknight and all other Respondents. Said motion affirmatively joined with the Motion of the Attorney General to Strike Initial Brief and Designation of Appellant and Request to Stay Briefing filed on February 22, 2018, and incorporated by reference the Attorney General's arguments and requests. Respondent Bauknight and all other Respondents filed and served on March 2, 2018, a Supplement to Motion to Strike the Initial Brief and Designation of Matter of Appellant. Appellant served on March 2, 2018, on counsel for Respondent Bauknight and all other Respondents, a (1) Return and Opposition to Motion of Attorney General to Strike (hereinafter "Appellant's Return to AG's Motion"), and a (2) Return and Memorandum in Opposition to Motion of [Respondents] to Strike Initial Brief and Designations (hereinafter "Appellant's Return to Bauknight Motion").

ARGUMENT

This is a Reply pursuant to Rule 240(f), SCACR, to Appellant's Return to Bauknight Motion.

I. Appellant's return fails to meet the standards of South Carolina Appellate Court Rules

Appellant's Return to Bauknight Motion completely fails to meet the standards as are required for a return to motion in an appeal. Rule 240(e), SCACR, provides that "[t]he provisions of Rule 240(c) shall apply to a return." As applied to Appellant's Return to Bauknight Motion, Rule 240(c), SCACR, requires that Appellant's return to motion include "[a] memorandum with citation of authorities in support of" of return to motion [see Rule 240(c)(2)], and "[w]here the Record on Appeal or Appendix has not been filed, or where the facts relied upon in support of the motion are not contained in the Record on Appeal or Appendix, the parties shall file affidavits and other documents in support of their positions." [See Rule 240(c)(3)]

From page 2 through page 32, Appellant makes yet another long chain of conclusory statements that are not supported by citations of authorities or references to relevant matter.

One can only conclude that Appellant has determined to intentionally abandon her four stated issues on appeal which are the following:

Did the lower court err in granting the Attorney General and other Respondents relief from default as to Buchanan's and Pope's counterclaims?

Did the lower court err in failing to disqualify Respondents' counsel from representing the Attorney General and in failing to enjoin Bauknight from acting on behalf of the Attorney General?

Did the lower court err in ruling that Attorney General Wilson cannot be deposed in a tort suit the Attorney General brought in 2010?

Did the lower court err in dismissing the Attorney General as a party under Rule 21 SCRCP?

Rather than properly restrict her return to the four issues on appeal, Appellant appears content to continue to argue the overall case in 4900 (as she sees it) — and other cases involving the Estate of James Brown — and contend that every matter and every issue is relevant to her appeals.

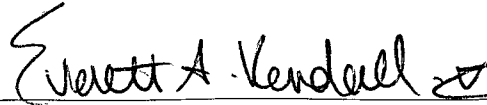
II. Respondents adopt Attorney General's reply

Respondents adopt by reference the reply of the Attorney General to Appellant's Return to AG's Motion.

CONCLUSION

All irrelevant matter included by Appellant in this appeal should be stricken from Appellant's Designation and brief. Alternatively, the Appellant's appeal should be dismissed pursuant to Rule 260(a), SCACR, and/or Rule 269, SCACR.

Respectfully submitted,

Handwritten signature of Everett A. Kendall in black ink, with a stylized flourish at the end.

Kenneth B. Wingate, SC Bar #5135
Mark V. Gende, SC Bar #72835
Everett A. Kendall, II, SC Bar #8450
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ATTORNEYS FOR RESPONDENTS

March 9, 2018

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
The Honorable Doyet A. Early, III, Circuit Court Judge
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Case No. 2010-CP-40-4900

Appeal Tracking No. 2017-001899

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 B. II; Daryl J. Brown, individually and on behalf of his minor child Janise B.; Lindsey Delores Brown; Deanna J. Brown Thomas; Jason Brown-Lewis; Yamma N. Brown, individually and on behalf of her minor child Sydney L. and Carrington L.; Tonya Brown; Venisha Brown; Larry Brown; and Terry Brown

And

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 B. II; Daryl J. Brown, individually and on behalf of his minor child Janise B.; Lindsey Delores Brown; Deanna J. Brown Thomas; Jason Brown-Lewis; Yamma N. Brown, individually and on behalf of her minor child Sydney L. and Carrington L.; Tonya Brown; Venisha Brown; Larry Brown; and Terry Brown, Respondents,

v.

Adele J. Pope, Defendant

Of whom Adele J. Pope is the Appellant.

PROOF OF SERVICE

I certify that I have served the **Reply to Appellant's Return and Memorandum in Opposition to Motion of Respondents to Strike Initial Brief and Designations** by depositing a copy of it in the United States Mail, postage prepaid, on March 9, 2018, addressed to the following attorneys of record:

Other Counsel of Record:

W.H. Bundy, Jr., Esquire
Brent McDonald, Esquire
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1516 Old Trolley Road, 2nd Floor
Summerville, SC 29485

and

Daryl L. Williams, Esquire
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P.O. Box 456
Columbia, SC 29202

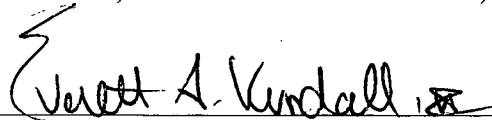
and

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Attorney for Respondent Attorney General

Respectfully submitted,

SWEENEY, WINGATE & BARROW, P.A.



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ATTORNEYS FOR RESPONDENTS

March 9, 2018

S·W·B

SWEENEY WINGATE & BARROW P.A.

March 9, 2018

Reply to: Main Office
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The Honorable Jenny Abbott Kitchings
VIA HAND DELIVERY TO THE COURT ONLY
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

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SC Court of Appeals

RE: Russell L. Bauknight, et al. v. Adele J. Pope
Civil Action No.: 2010-CP-40-04900/Appellate Case No. 2017-001899
Our File: 4077-7389

Dear Ms. Kitchings:

Respondents are filing herewith the following:

1. **Reply to Appellant's Return and Memorandum in Opposition to Motion of Respondents to Strike Initial Brief and Designations**
2. **Reply to Appellant's Return and Opposition to Motion of Attorney General to Strike**

Should you require additional information regarding this filing, please do not hesitate to contact me. By copy of this correspondence, counsel are notified of the same.

Very truly yours,

SWEENEY, WINGATE & BARROW, P.A.



Everett A. Kendall, II

EAK/pdk
Enclosures

cc: Adam T. Silvernail, Esquire, Law Office of Adam T. Silvernail LLC
W.H. Bundy, Jr., Esquire, Bundy McDonald, LLC
M. Brent McDonald, Esquire, Bundy McDonald, LLC
J. Emory Smith, Jr., Esquire, Office of the Attorney General