

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

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SC 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**

Appellate 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 and Robert L. Buchanan, Jr., Defendants.

Of whom Adele J. Pope is Appellant

**Appellant's Designation of Matter to be
Included in the Record on Appeal**

ORDERS

1. Order Denying Defendant Pope's Motion to Alter or Amend Order Dropping Attorney General as a Part of the Honorable Doyet A. Early, III ("Judge Early") dated 08/02/17, filed 08/07/17
2. Order Granting Attorney General Alan Wilson's Motion to be Dropped as a Party of Judge Early dated 05/31/17, filed 07/12/17
3. Order Regarding Motion for Protective Order as to Tommie Rae Brown's Deposition of Judge Early, dated 03/09/17
4. Order Concerning Plaintiffs' Motion to Strike 01/17/17 Affidavit of Defendant of Judge Early, dated 03/09/17, filed 03/15/17
5. Order Compelling Defendant's Production of Documents of Judge Early, dated 03/07/17, filed 03/13/17
6. Order Denying Motion to Consolidate Depositions of Experts of Judge Early, dated 02/06/17, filed 02/13/17
7. Order Granting Motion for Protective Order as to Deposition of Attorney General, of Judge Early, dated 09/21/16 September 21, 2016, filed 10/03/16
8. Scheduling Order of Judge Early, dated 07/25/16, filed 08/5/16
9. Order Lifting Stay dated 04/08/16, filed 4/13/16
10. Order Granting Motion to Stay of the Honorable L. Casey Manning (Judge Manning), dated 03/02/16
11. Order Granting Plaintiffs' Motion to Set Aside Entry of Default of the Honorable L. Casey Manning ("Judge Manning"), dated and filed 10/13/15
12. Order to Conduct Mediation of Judge Manning, dated & filed 07/19/12
13. Order Concerning Plaintiff's Motion for Continuance of Judge Manning, dated and filed 07/05/12
14. Order Concerning Defendant Alele [sic] Pope's Motion to disqualify Sweeny, Wingate and Barrow, P.A. from Representing the Office of the Attorney General of South Carolina, Enjoining Russell Bauknight from Purporting to Speak for the

Office of the Attorney General and Other Relief of Judge Manning, dated 07/05/12, filed 07/05/12

15. Order of the Honorable G. Thomas Cooper ("Judge Cooper") dated and filed 05/12/11
16. Order Denying Defendants' Motion to Change Venue of Judge Manning, dated 11/08/10 and filed 11/09/10
17. Order of Judge Cooper dated 04/27/11 and filed 04/28/11
18. Order of Judge Manning dated 08/30/10, filed 08/31/10

OTHER DOCUMENTS

1. Summons and Complaint dated and filed 05/19/10
2. Answer and Counterclaim of Robert L. Buchanan, Jr. And Adele J. Pope ("AJP") dated and filed 09/30/10
3. Motion to Dismiss of Defendants Robert L. Buchanan, Jr. and AJP, dated and filed 06/22/10
4. Plaintiffs' Memorandum in Opposition to Defendants' Motion to Dismiss, dated and filed 08/27/10
5. Second Supplemental Memorandum in Support of Dismissal of Complaint, dated and filed 08/27/10, with Exhibits A – E
6. Acknowledgment, dated and filed 08/27/10
7. Memorandum in Support of Dismissal of Complaint, dated and filed 08/27/10
8. Plaintiffs' Memorandum in Opposition to Motion to Dismiss, filed 08/27/10
9. Affidavit of Buchanan and Pope in Support of Dismissal Based on Statutes of Limitation, dated 09/21/10, filed 9/28/2010, with Index to Exhibits and Exhibits 1 – 42
10. Affidavit of Beth Bauknight, dated and filed 10/01/10, with Exhibits A & B
11. Affidavit of Default, dated and filed 11/10/10

12. Response (AJP) to First Request for Production, dated 11/16/10, filed 12/10/10
13. Response, First Interrogatories, dated 11/16/10, filed 12/9/10
14. Affidavit of Kenneth B. Wingate, dated and filed 11/16/10
15. Answers of AJP to First Interrogatories of Plaintiffs dated 11/16/10, filed 12/10/10
16. Motion to Set Aside Entry of Default, dated and filed, 11/16/10
17. Motion to Alter, Amend Order Denying Motion to Dismiss, filed 11/19/10
18. Answer to Counterclaim, dated and filed 11/16/10
19. Motion to Stay Proceedings, dated and filed 11/30/10, with Exhibits A and B
20. Motion to Strike (Terry Brown), dated 12/07/10, filed 12/09/10
21. Motion to Strike Portions of Defendants' Motion..., dated 12/07/10, filed 12/09/10
22. Plaintiffs' Motion for Protective Order (Terry), dated 03/23/11, with Ex. A
23. Plaintiffs' Motion for Protective Order (Lindsey), dated & filed 04/19/11
24. Plaintiffs' Amended Motion (Tommie Rae) dated & filed 04/19/11
25. Defendant Buchanan's Memorandum in Support, dated & filed 05/12/11
26. Affidavit of AJP Supporting Disqualification of Plaintiffs' Counsel; Injunction Against Counsel and Plaintiff Bauknight; and Related Relief, dated 05/18/11
27. Defendant AJP's Motion to Disqualify and/or Enjoin SWB from Representing State of South Carolina ("SC") or AG; to Enjoin Russell Bauknight; to amend Answer following Depositions and to Set Depositions, dated 05/18/11
28. Defendant Pope's return dated 05/18/11, filed 05/19/11
29. Plaintiffs' Motion for Protective Order (Tommie Rae) dated 05/23/11 & filed 05/26/11, with Ex. A

30. Affidavit of Silvermail, dated 05/27/11, filed 06/01/11, with Exhibit A
31. Motion to Compel dated 05/27/11, filed 06/01/11
32. Affidavit of Pope dated 06/2/11, filed 07/03/11
33. Defendant Buchanan's Motion to Compel, dated & filed 07/01/11
34. Motion to Compel Production of Contingency-Fee Contract and Related Documents Prior to Hearing on Motion for Injunction, dated 07/26/11, and filed 07/28/11
35. Affidavit of AJP Supporting Production of Legacy Trust, Fee Contract with State/AG and Related Documents prior to Hearing on Motion for Injunctions, dated 08/01/11, filed 08/02/11
36. Plaintiffs' Motion for Protective Order, dated 08/09/11, filed 08/11/11
37. Defendant AJP's Brief in Support of Injunctions as to Russell L. Bauknight and Sweeney (sic.), Wingate & Barrow and Related Relief, dated 09/14/11 [Briefs not on e-filing, but presented to lower court]
38. Supplemental Affidavit Supporting Injunction dated 04/09/12, filed 04/12/12
39. Defendant Pope's Return and Memorandum Opposing Relief from Default, dated 04/10/12, filed 04/12/12
40. Supplemental Affidavit of AJP Against Wingate/Bauknight Representing State/AG While Representing Tommie Rae, Terry and Others and Opposing Relief From Default Based on Validity of Claims; Plaintiffs' Fraud Upon Court; Discovery Abuse and Damage to Defendants, dated 04/09/11 [sic], filed 04/13/12
41. Motion to Enforce Settlement Agreement, dated 05/18/12; with Exhibit A
42. Return and Objection to Motion to Purported Settlement Agreement, dated and filed 05/21/12
43. Affidavit Requesting Deposition Prior to Injunction Hearing, dated 07/01/12
44. Affidavit Supporting Dismissal (Daryl Brown) dated 07/01/12, filed 07/05/12
45. Plaintiffs' Motion for emergency Telephone Hearing, dated & filed

07/18/12, with Exhibit A

46. Plaintiffs' Motion to Strike Affidavit dated 07/18/12, filed 07/19/12
47. Pope Motion to Vacate, Alter, etc., dated 07/27/12 July 27, 2012, filed 07/30/12
48. Plaintiffs' Motion to Strike Defendant Pope's Offers of Judgment, dated and filed 08/13/12, with Exhibits
49. Affidavit of Pope Opposing Motion to Strike Offers of Judgment, dated & filed 08/15/12
50. Plaintiffs' Motion for Direction From the Court Concerning Potential Prejudicial Pretrial Publicity, dated and filed 08/23/12, with Exhibit A (Media Binder Index) and Exhibits 5, 11, 12, 13, 17, 18, 20, 21, 277, 32, 58, 75, 81, 82, 87, 93, 94, 96, 98
51. Return to Motion (Publicity) dated & filed 08/28/12
52. Proof of ADR, dated 10/22/12, filed 10/19/12
53. Plaintiffs' Motion to Compel, dated 02/25/13, filed 02/27/13
54. Motion for Summary Judgment as to Russell L. Bauknight, as Trustee of The James Brown 2000 Irrevocable Trust and Personal Representative of the Estate of James Brown, and the AG of S.C. and ...Bauknight as its purported Agent, dated 03/11/13 and filed 03/15/13
55. Plaintiffs' Motion (Thomas) dated and filed 03/04/13
56. Status Report of Defendant Adele J. Pope, dated 03/25/13, filed 04/01/13
57. Letter of SWB, Mark V. Gende, to Judge Manning, dated 03/27/13
58. Return and Opposition to Request for Stay and Request for Expedited Hearing, Scheduling Order and Related Relief, dated 03/29/13
59. Motion to be Relieved as Counsel (as to The AG Only), dated and filed 05/10/13
60. Motion to Stay dated 04/22/14 and filed 04/23/14
61. Affidavit of AJP Opposing Motion of Attorney General Wilson, Russell Bauknight, as Agent for Tommie Rae and others to Stay..., dated 04/29/14

62. Defendant Pope's Supplemental Memorandum, in Opposition, with Exhibit A, filed 02/06/15
63. Motion of AJP for Summary Judgment (Tonya, Daryl, Venisha), dated 05/28/15, filed 05/29/15, with Exhibits
64. Affidavit of Pope dated 05/28/15, filed 05/29/15
65. Plaintiffs' Motion for Exception (mediation) dated 08/04/15, filed 08/06/15
66. Affidavit of AJP Supporting Requiring Plaintiff/Counterclaim Defendants to Comply With Order for Mediation and Mediation Rules, dated and filed 08/13/15
67. Plaintiffs' Motion for Protective order dated 11/23/15, filed 12/01/15
68. Proof of ADR, dated 10/30/15, filed 11/10/15
69. Plaintiffs' Motion to Strike, dated 02/26/16, filed 03/01/16
70. Motion of Defendant to Alter and/or Amend Order dated 03/03/16, dated 03/07/, and filed 03/08/16
71. Affidavit of AJP Supporting Motion to Alter or Amend Order of 03/03/16, dated 03/07/16, filed 03/08/16
72. Plaintiffs' Motion to Consolidate Cases 4900 and 1337 for Purposes of Discovery Only, dated 04/11/16, filed 04/13/16
73. Motion to Postpone Deposition of Tommie Rae Brown, dated 04/25/16, filed 04/27/16
74. Affidavit of Pope in Support of Motion to Strike Consolidation Motion, dated 05/21/16, filed 05/27/16
75. Plaintiffs' Motion to Consolidate, dated 06/07/16, filed 06/10/16
76. Notice Withdrawing Motion to be Relieved as Counsel, dated 06/07/16 and filed 06/15/16
77. Plaintiffs' Memorandum in Support of Motion to Consolidate Cases 4900 and 1337, dated 06/07/16 and filed 06/10/16

78. Return and Opposition to Motion to Consolidate, dated 06/06/16 & filed 06/07/16
79. Affidavit of Pope Supporting Deposition (Janise Brown), etc., dated 08/22/16, filed 08/23/16
80. Affidavit of Pope in Support of Motion to Compel (Lindsey Brown), dated 08/22/16, filed 08/23/16
81. Motion for Protective Order (Henry D. McMaster) dated 08/25/16, filed 08/26/16
82. Memorandum in Support of Deposition of Attorney General and Opposing Protective Order dated and filed 08/29/16
83. Motion of Defendant to Dismiss all claims of Plaintiff Venisha Brown Under Rule 41(B), dated 09/14/16, filed 09/19/16
84. Plaintiffs' Motion to Compel Discovery, filed 01/13/17, w/ Exhibits
85. Affidavit of AJP dated 01/17/17 (to be filed under seal)
86. Defendant's Motion (Tommie Rae Depositions), dated 03/24/17 filed 03/29/17
87. Defendant's Supplemental Return to the Attorney General's Motion to be Dropped, dated 04/06/17 and filed 04/13/17
88. Tommie Rae Brown's Return in Opposition to Defendant/Counterclaim Plaintiff AJP's Motion Pursuant to Rule 59(e) and Rule 60(b)(2), SCRCP, dated 04/20/17 and filed 04/25/17
89. Affidavit of Harley D. Ruff, dated 06/23/17, filed 07/19/17
90. Defendant/Counterclaim Plaintiff AJP's Motion to Alter, Amend, Reconsider and/or Vacate Order Granting Plaintiffs' Motion for Summary Judgment as to Counterclaims, dated 07/13/17, filed 07/14/17
91. Opinion/Affidavit of William Jeffrey Smith, dated & filed 07/14/17
92. Defendant/Counterclaim Plaintiff AJP's Motion to Alter, Amend, Vacate and/or Reconsider Order Granting Attorney General's Motion to be Dropped as a Party, dated and filed 07/19/17

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TRANSCRIPTS/HEARINGS

1. Hearing held August 30, 2010, pp.5, L. 12 – p. 7, L. 25; p. 17, L. 24 – p. 28, L. 2; p. 29, L. 7 – p. 40, L. 2; p. 43, L. 7 – p. 46, L. 2; *
- 2.. Hearing held May 17, 2016, pp. 1, 2, 3, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 32, 33, 35, 3, 45
- 3.. Hearing held August 29, 2016, p.1, p. 4, L4 - L20; p.5, L23 - p.6, L13; p.6, L24 - p. 13, L.1; p. 12, L2 - p.15, L16; p. 16, L3 - p. 18, L3; p. 21, L.5 - p. 27, L-3; p. 33, L. 19 - p. 34, L 1; p. 35, L. 19 – p. 49, L. 21; p.76, L 13 – p. 29, L. 4; p. 33, L 19 – p. 34, L 1; p. 35, L 19 – p. 37, L 20; p. 41 L 13 – p. 49, L 21; p. 92, L 7 – L 18; ; p. 97, L 6- p. 114, L9; p. 114, L21 - 25

I certify that this designation contains no matter which is irrelevant to this appeal.

Respectfully submitted,



W. H. Bundy, Jr., Esq. (SC Bar #1012)
M. Brent McDonald, Esq. (SC Bar #78057)
Bundy McDonald, LLC
1516 Old Trolley Road, 2nd Floor
P.O. Box 50427
Summerville, South Carolina 29485
888-552-1559
walter@bundymcdonald.com
brent@bundymcdonald.com

and

Adam T. Silvernail (SC Bar #80219)
Law Office of Adam T. Silvernail, LLC
Post Office Box 7995
Columbia, South Carolina 29202
Telephone: (803) 779-1770
adam@silvernailfirm.com

Attorneys for the Appellant

May 22, 2018

STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC 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

Appellant 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 and Robert L. Buchanan, Jr., Defendants.

Of whom Adele J. Pope is Appellant

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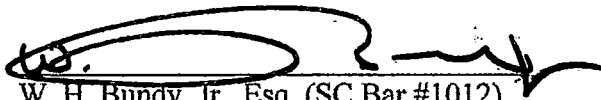
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PROOF OF SERVICE

I certify that I have served Appellant's Designation of Matter to be Included in the Record on Appeal by US Mail on May 22, 2018 via to all counsel listed below:

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| Kenneth B. Wingate, Esquire Mark V. Gende, Esquire Joseph O. Thickens, Esquire Sweeny, Wingate & Barrow, P.A. 1515 Lady Street Columbia, SC 29201 | C. Harvid, Jones, Esquire Emory Smith, Esquire Office of the Attorney General P.O. Box 11549 Columbia, SC 29211 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|



W. H. Bundy, Jr., Esq. (SC Bar #1012)
M. Brent McDonald, Esq. (SC Bar #78057)
Bundy McDonald, LLC
1516 Old Trolley Road, 2nd Floor
Summerville, South Carolina 29485
888-552-1559
walter@bundymcdonald.com
brent@bundymcdonald.com

and

Adam T. Silvernail (SC Bar #80219)
Law Office of Adam T. Silvernail, LLC
1905 Marion Street (29201)
Post Office Box 7995
Columbia, South Carolina 29202
Telephone: (803) 779-1770
adam@silvernaillawfirm.com

Attorneys for the Appellant

May 22, 2018
Summerville, SC

Bundy McDonald
TRIAL LAWYERS

WALTER H. BUNDY
walter@bundymcdonald.com
843-212-0525 (Direct)
843-708-1519 (Cell)

May 22, 2018

RECEIVED
MAY 22 2018
SC Court of Appeals

Via Hand-Delivery

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

Re: Russell Bauknight, *et. al.* vs. Adele J. Pope
Appellate Case No. 2017-001899

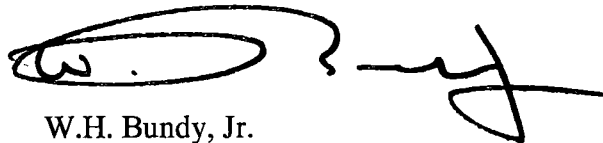
Dear Ms. Kitchings:

Enclosed for filing please find the original and one copy of Appellant's Amended Initial Brief, Appellant's Designation of Matter to be Included in the Record on Appeal and Proof of Service of the same upon all counsel of record.

Please file the original and return a file stamped copy to our courier.

I thank you for your attention to this matter, and as always, please do not hesitate to call me should you require anything further.

Sincerely,



W.H. Bundy, Jr.
1516 Old Trolley Rd, 2nd Floor
P.O. Box 50427
Summerville, SC 29485
(888) 552-1559
Attorney for Appellant

WHB/kjw

cc: *via US Mail*
Kenneth B. Wingate, Esquire
Mark V. Gende, Esquire
C. Harvid Jones, Esquire
Emory Smith, Esquire