

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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JUN 18 2018
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.; 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 L., Carrington L., and 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.; 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 L., Carrington L., And 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 the Appellant Appellant.

**MOTION OF ATTORNEY GENERAL FOR EXTENSION OF TIME
TO SERVE AND FILE INITIAL BRIEF AND DESIGNATION
(INITIALLY SUBMITTED JUNE 14)**

Respondent Attorney General Wilson respectfully requests an extension of time of 30

days to file his initial brief and designation of matter for the record in this case. He previously submitted this request on June 14, 2018 as an alternative to tolling the time to serve and file the brief while the Court considered a motion to strike Appellant's amended initial brief and designation. In further review of the Court's prior order, we will not go forward with a motion to strike in that all designated documents appear to have been filed in case 4900. Therefore, we ask only that this Court grant the June 14 alternative request for an extension of time. Under this extension, the Attorney General's initial brief and designation will be due on July 25.

The reason that we will not file the Motion to Strike, despite our belief that Appellant's amended brief and designation do not comply with relevancy and other requirements of the Appellate Court rules is that the Court's Order of April 26, 2018, stated in part that "[t]o the extent that Respondents are requesting that this court strike documents that were presented to the lower court as part of this case prior to this appeal, the requests are denied." If the Court meant by that statement that all documents filed in the instant case, 2010-CP-40-04900, may be included in the record, then all of Appellant's documents appear to meet that requirement. If the Court meant that only documents presented as to the matters at issue on appeal would not be struck, then numerous documents and section of the brief address, we believe, irrelevant matter pertaining to motions and proceedings not at issue. If the Court prefers, we can address these matters by a motion to strike, but absent such direction from the Court, we will instead prepare our initial brief and designation and address irrelevancy in the brief.

The thirty days are needed because of other Court deadlines of undersigned counsel, and the considerable time involved in reviewing the 110 documents plus transcripts that Appellant has designated. Much time has already been spent in reviewing those documents for compliance with the Appellate Court rules and this Court's prior order. We will address their lack of

relevance and other problems with some of them in our brief.

Therefore, we respectfully request that this Court grant our 30 day extension request in lieu of tolling briefing for a motion to strike. We respectfully request that the time for filing the initial brief and designation be tolled while the Court considers this request.

Respectfully submitted,

ALAN WILSON
Attorney General

ROBERT D. COOK
Solicitor General
S.C. Bar No. 1373

J. EMORY SMITH, JR.
Deputy Solicitor General
S.C. Bar No. 5262

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3680
Email: esmith@scag.gov

BY: 

ATTORNEYS FOR THE ATTORNEY GENERAL

June 18, 2018

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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.; 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 L., Carrington L., And 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 the Appellant Appellant.

CERTIFICATE OF SERVICE

I hereby certify that I have served the Motion for Extension of Time of the Attorney

General upon counsel for the other parties by mailing copies to them at the addresses below via

United States Mail this June 18, 2018:

Adam T. Silvernail, Esquire
Law Office of Adam T. Silvernail
P.O. Box 7995
Columbia, South Carolina 29201

Walter H Bundy, Esquire
M. Brent McDonald, Esquire
BUNDYMCDONALD LLC
1516 Old Trolley Road , 2nd Floor
Summerville SC 29485

Kenneth B. Wingate, Esquire
Mark V. Gende, Esquire
Everett A. Kendall, II, Esquire
Sweeny Wingate & Barrow, P.A.
P.O. Box 12129
Columbia, SC 29211



J. EMORY SMITH, JR.
Deputy Solicitor-General
S.C. Bar No. 5262
Counsel for the Attorney General



ALAN WILSON
ATTORNEY GENERAL

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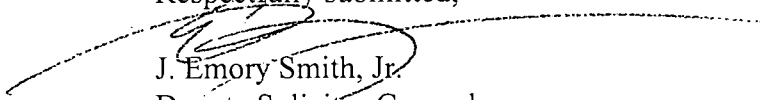
The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
HAND DELIVERY

Re: Bauknight v. Pope, Appellate Case No. 2017-001899
Request for extension of time

Dear Ms. Kitchings:

I am enclosing the certificate of service and the original and six copies of the enclosed Motion which addresses my previous letter of June 14, 2018. Thank you for your consideration of this matter.

Respectfully submitted,


J. Emory Smith, Jr.
Deputy Solicitor General
Counsel for the Attorney General

cc: Walter H. Bundy, Jr., Esquire
M. Brent McDonald, Esquire
Adam T. Silvermail, Esquire
Kenneth B. Wingate, Esquire
Mark V. Gende, Esquire
Everett A. Kendall, II, Esquire