

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

RECEIVED

SEP 21 2018

Appellate Case No.2017-001899

SC Court of Appeals

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.

**REPLY OF ATTORNEY GENERAL TO RETURN TO
HIS MOTION TO STRIKE APPELLANT'S
INITIAL REPLY BRIEF AND DESIGNATION**

Appellant's Return to the Attorney General's Motion to Strike should be disregarded for raising issues that are not the subject of the appeal, referring to matters outside the record contrary to this Court's Order of April 26, 2018, and for being clearly wrong as to some of the Attorney General's positions and actions and the Record. Respectfully, this Court should grant the Attorney General's Motion to Strike. Moreover, Appellant's Return is a virtual second reply brief filled with argument that goes beyond a response to the Motion to Strike.

The Attorney General will also separately move for Appellant to correct her labeling counsel for the Attorney General as "Special Appearance" on the covers of the Record and remove any documents from the Record that should be struck from her Designation.

I

THE SPECIAL APPEARANCE IS NOT A LIMITATION ON THE ATTORNEY GENERAL'S REPRESENTATION OF HIMSELF IN THIS APPEAL AND APPELLANT HAS WAIVED AND ABANDONED ANY SUCH ISSUE

For the first time in any filing in this case, Appellant makes the preposterous contention that the Attorney General cannot represent himself as to the matters in his brief and motions because he made a special appearance in the lower court. Of course, he has such authority as a party and as the chief legal officer of the State, and Appellant has waived and abandoned any such issues by failing to argue them before now.

A brief chronology of pertinent filings is in order:

1. Motion of AG to Be Dropped As A Party (without limitation as to special counsel and made by AG staff counsel), March 25, 2013. R. Vol. II, pp. 790-792.
2. Motion for Protective Order as to taking AG's Deposition, July 18, 2016, Party (without limitation as to special counsel and made by AG staff counsel) . R. V. II, p. 856.
3. Notice of Special Appearance "for the purpose of arguing and handling all matters

related to [the AG's] Motion to be Dropped . . . While the Notice may not be necessary, the Notice is being filed to avoid any dispute regarding who can argue and handle the Motion to be Dropped." August 11, 2016. R. Vol II, pp. 861-863.

4. Memorandum in Support of Motion for Protective Order as to AG's Deposition, August 26, 2018. Filed by AG staff counsel without special appearance. R. V. V. p, 2059.¹
5. Motion to Be Dropped argued by Sonny Jones of the AG's Office on August 29, 2016. R. V. II, p. 128.
6. Supplemental Memorandum in Support of Motion to Be Dropped, April 3, 2017. Filed by AG staff counsel without special appearance. V. V, p. 2088.
7. Reply to Supplemental Return, April 7, 2017, Filed by AG staff counsel without special appearance. V. II, p 964.
8. Letter submitting proposed order re Motion to be Dropped, May 23, 2017. Submitted by AG staff counsel without special appearance. R. V II, p. 2093.
9. Letter response to Pope's Rule 59 Motion as to Order Dropping the AG, July 26, 2017. Filed by AG staff counsel without special appearance. R.V V, p. 2097.
10. Attorney General's Motion to Strike Appellant's Initial Brief and Designation, February 22, 2018. Filed by AG staff counsel without special appearance.
11. Appellant's Return of March 2, 2018, to Motion to Strike her initial opening brief raises no issue regarding special appearance.
12. Appellant's Amended Initial Brief raises no issue regarding special appearance.
13. Attorney General's Initial Brief as Respondent filed by AG staff counsel without

¹ No apparent reason exists why this Memorandum is inserted in Volume 5 when the related Motion filed a month earlier is in Volume II.

special appearance. The brief expressly stated that “[t]he Attorney General is representing himself on this appeal” Brief at p. 23.

14. Appellant’s Initial Reply Brief raises no issue regarding special appearance and did not challenge the AG’s above statement that he is representing himself on appeal.

15. Appellant’s certificates of service on appeal do not limit or reference service on the Attorney General as to special appearance and include his staff attorneys as “attorneys of record.”

The “special appearance” of staff counsel for purposes of oral argument in circuit court was not a limitation on the authority of the Attorney General to represent himself in this matter, which he has done as noted above, nor has Appellant raised such an issue before her Return to the instant Motion to Strike. She raises this issue too late having failed to raise it before now in circuit court or on appeal. “In order for an issue to be preserved for appellate review, it must have been raised to and ruled upon by the trial judge. Issues not raised and ruled upon in the trial court will not be considered on appeal.” *State v. Dunbar*, 356 S.C. 138, 142, 587 S.E.2d 691, 693–94 (2003)(failure to raise in circuit court); *Woodson v. DLI Properties, LLC*, 406 S.C. 517, 529, 753 S.E.2d 428, 434 (2014)(failure to raise on appeal); see also, Initial Brief of Respondent Attorney General at page 10 as to abandonment of issues on appeal. Appellant even contradicts herself in referring to the AG’s representation of himself as to “a single phase” and then later reporting that undersigned counsel argued the Motion for Protective Order as to the AG’s deposition. Return at pp. 2 and 6.

Moreover, the Attorney General "has broad statutory and common law authority in his capacity as the chief legal officer of the State" (*Ex Parte, Charlie Condon, In re: Littlejohn v. State*, 354 S.C. 634, 583 S.E.2d 430, 434 (2003)1; see also, *Condon v. Hodges*, 349 S.C. 232,

562 S.E. 2d 623 (2002); *State ex rel Daniel v. Broad River Power Co.*, 157 S.C. 1, 562 S. E. 623 (2002). Most certainly, the Attorney General may represent himself in this appeal.

II

APPELLANT'S RETURN ADDRESSES MATTERS THAT ARE NOT THE SUBJECT OF THIS APPEAL AND ARE OUTSIDE THE RECORD CONTRARY TO THIS COURT'S ORDER OF APRIL 26, 2018

This Court's Order of April 26, 2018, directs that "Appellant shall not list or reference any orders or other documents that were not presented to the circuit court as part of this case." Appellant's Response to the Motion to Strike and her reply brief violate that Order in the following respects:

A

McMaster and other Depositions

Appellant's Reply Brief references a deposition of Henry McMaster at page 1 of her brief, citing a quotation in her Rule 59 motion from his deposition in another case, and cites an exhibit to his deposition in that case at page 17, but neither deposition was filed in this case. *See* attached excerpt of public index from the Richland County Court of Common Pleas beginning on August 5, 2016 (excerpts containing privilege objections were filed for purposes of the Motion for Protective Order as to the August deposition. Appellant's repeated characterizations of the depositions violate this Court's Order of April 26 and are hearsay. Rule 1002 (requirement of original); *Penton v. J.F. Cleckley & Co.*, 326 S.C. 275, 282, 486 S.E.2d 742, 746 (1997)(best evidence rule "provides that when the contents of a writing are sought to be proved, the original document must be produced unless some reason can be shown for its unavailability."). Her response to the Motion to Strike compounds these errors by quoting her counsel's reference to the August deposition (Response at page 6) which does not support her statement that the Court

was informed of “Governor McMaster’s sworn statement that he did not authorize SWB to bring suit in the name of the State / AG immediately after it was first made in his August, 2016 deposition in this case.” Appellant’s Return at page 9. She also characterizes the McMaster deposition in another case (2013-CP-02-01337) and those of other AG staff in that case, which were not filed of record in this case. In doing so, she jumbles references to the two McMaster depositions which cannot be sorted and addressed when the depositions are not in the record. Return at pages 8 & 9. She even refers to matters in case 1337 after the instant appeal was taken. Return at page 9, note 1.

Contrary to Appellant’s assertion that “[i]t is time for the AG’s role in this matter to be determined by the Appellate Court,” she did not raise this issue in her statement of issues in her opening brief nor was it the subject of the Court orders under appeal. With these references to matters outside the Record, Appellant has stepped outside the Rules of Appellate Procedure and created confusion about these depositions thereby making consideration of them both inappropriate and impossible.

B

FOIA Cases

Appellant refers to the AG’s seeking to transfer three FOIA cases and consolidate them with the instant case. In doing so, she again violates this Court’s April 26 Order and is wrong in her description of the cases. Only one of those cases was consolidated with the instant case, and it is under separate appeal. Another case was not consolidated and is also under separate appeal. A third case does not involve Appellant. The second and third cases are not part of the record in this case and references to them are contrary to this Court’s April 26 Order. Her citations regarding these cases include hearsay, unsupported statements in her own memorandum and in

the William Smith affidavit submitted in support of a Rule 59 Motion as to an Order that is not the subject of this appeal. *See* Respondent AG's Initial Brief at page 6, note 2. She is absolutely wrong about her characterization that consolidation was attempted as to the case to which she was not a party. Citing no authority, she incorrectly states that one of the FOIA cases was at a "near standstill" until 2016 at the request of the AG and others. *See* attached email of undersigned counsel to Judge Manning, May 8, 2013, saying that the AG's position is that "the FOIA cases should NOT be held in abeyance and that they should be scheduled as is convenient for the Court." (emphasis as written). (from Record, Appellate Case 2016-001727, V. II, p. 505).²

Appellant also improperly asks this Court "to take judicial notice of the ROA and briefs in Appellate Case No. 2016-001708, a 2016 appeal from the FOIA portion of Richland 4900, for a more complete understanding of the history of the SWB contract." Judicial notice is permissible only on the narrowest of circumstances which are not present here, and this request must be denied as contrary to appellate authority.³

² This document is attached for the limited purpose of demonstrating Appellant's error in describing matters outside the Record. The AG maintains the position that Appellant should abide by this Court's Order of April 26 and that matters in Appellate case 1708 and other matters outside the Record in the instant appeal should not be considered. *See* also, footnote 3, *infra*. This email simply underscores the difficulty of addressing Appellant's references to matters outside the Record.

³ "Notice of 'facts' for the first time on appeal may deny the adverse party the opportunity to contest the matters noticed; it may also violate the general principle that appellate review should be limited to the record. Finally, appellate courts, limited to the 'cold' record, cannot be as sensitive to the appropriateness of judicial notice as the trial judge. For the foregoing reasons we hold that original judicial notice of adjudicative facts at the appellate level should be limited to matters which are indisputable." *Wise v. Wise*, 394 S.C. 591, 600-01, 716 S.E.2d 117, 122, (Ct. App. 2011) (citing *Masters v. Rodgers Dev.*, 283 S.C. 251, 256, 321 S.E.2d 194, 197 (Ct.App.1984))

III

THE MOTION WAS TIMELY

The Motion was served and emailed to Appellant's counsel on September 5, one week prior to the deadline for filing the Record on Appeal which was September 12, and a day before Appellant moved to submit fewer than 15 copies of the Record on Appeal. Appellant had the opportunity to file a motion asking that the time for filing the Record be tolled while the Motion to Strike was considered but failed to do so.

IV

APPELLANT FAILS TO SHOW WHY THE MOTION TO STRIKE SHOULD NOT BE GRANTED

The Motion to Strike focused on the following parts of the brief that should be struck. Appellant fails to rebut the grounds for striking them.

A

Preliminary Statement and Footnote 1

Most of Appellant's arguments are addressed, *supra*, in Part II. In addition to those problems in her response, Appellant's includes line after line of her version of James Brown matters without any citation to the Record except for just a few sentences. She claims footnote 1 supports the sentence to which it attached but it does not. The footnoted sentence says that "Appellant is not aware of any other case in the nation where such a case has been prosecuted by an Attorney General in a manner such as this against private citizens." The footnote text cites a case in Utah which she claims is unlike the present case rather than similar. She then cites *Wilson v. Dallas*, 403 S.C. 411, 421-422, 743 S.E.2d 746, 752 (2013), but that opinion did not address the present action.

B

The Statement of the Case

Appellant said that the AG's Statement contains new matter to which she must respond, but she identifies none. Much of her Statement in Reply appears to be a rehash of the Statement in her opening brief. Appellant fails to address the points in the Motion to Strike that "Appellant's new statement contains argument about contested matters and cites documents not appropriate for a statement such as a discovery motion, a FOIA action under separate appeal, and an offer of judgment none of which are the subject of the instant appeal." Motion at page 3

C

"SWB Contract" [Appellant's words]

In typical, excessive, accusatory language not supported by the Record in this case, Appellant refers to "attempts to suppress the SWB contract and other material documents . . ." and strays once again into her dismissed FOIA suit that is under separate appeal and not before this Court in the instant appeal. If Appellant had thought the agreement was relevant she could have offered it below. Instead she refers to a "fee agreement" that was an exhibit to the August 8, 2016, McMaster deposition that is not in the Record. *Supra*. She contends that it was referenced in the AG's Motion to be Dropped (R. v. II, pp. 790-793), but it is not attached to that motion nor does the motion or attached letter say that an agreement was signed.

D

Prosecutorial Immunity

Once again, Appellant fails to address the point that she has legally abandoned this issue by failing to address it in her opening brief. See Initial Brief of Respondent at pp. 9 & 10. Instead, she rehashes her rhetoric about the case without citing support for her statements in the

Record. The section of her Reply Brief regarding immunity should be struck.

V

THE DESIGNATIONS

Appellant fails to show that these documents were filed below and therefore they should be struck and removed from the Record on Appeal.

Designation 3, Respondent AG's Response to Appellant's Interrogatories, should be struck as it does not appear to have been filed with the Court in this this case. In accordance with this Court's Order of April 26 of this year, *supra*, it should be struck. Appellant fails to argue that it is in the record.

As set forth above regarding the Exhibit 6 to the McMaster deposition, the Exhibit should be struck as it, too, was not filed below.

CONCLUSION

The problems noted above run throughout Appellant's filings. She refers to matters outside the record and relies on her own undocumented statements and hearsay in filings below. She then tries to support her case on appeal with arguments either not presented to the Court below (*eg. supra*, "special appearance" argument) or not relied on by the Court in making its rulings. She has compiled a disorganized, massive five volume Record of over 2200 pages, very few of which are relevant to the narrow issues on appeal. Appellant should not be permitted to compound these errors by including those matters in her Reply Brief and Return to the AG's Motion to Strike her Reply brief to which objection is made in that Motion and in this Reply.

The Attorney General respectfully requests that the Court strike the referenced parts of Appellant's initial Reply brief and counter-designations and that they be refiled without those

parts and without additional argument. The designated documents should be removed from the Record, and the title should be corrected.

Respectfully submitted,

ALAN WILSON
Attorney General

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

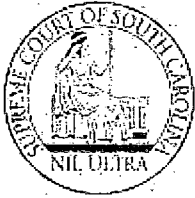
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September 21, 2018



Richland County Fifth Judicial Circuit Public Index



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Summary Ct Dockets

Switch View

Russell Bauknight , plaintiff, et al vs Adele J Pope , defendant, et al

Case Number:	2010CP4004900	Court Agency:	Richland County Common Pleas	Filed Date:	07/26/2010
Case Type:	Common Pleas	Case Sub Type:	Use AP Case Type 940	File Type:	Jury
Status:	Appeal	Assigned Judge:	Early, Doyet A. III		
Disposition:	Dismissed by Court - not Rule 40J	Disposition Date:	06/24/2016	Disposition Judge:	Early, Doyet A. III
Original Source Doc:		Original Case #:			
Judgment Number:		Court Roster:			

Case Parties Judgments Tax Map Information Associated Cases Actions Financials

Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Bauknight, Russell	Order Denying Defendant's Motion to Lift Stay while on Appea	Order		12/08/2017-14:37		
Pope, Adele J	Memorandum Of Law in Opposition To Motion To Lift Stay	Filing		11/13/2017-15:55		
Bauknight, Russell	Reply to Respondents Memo in Opposition to Lifting Stay	Filing		11/13/2017-11:26		
Bauknight, Russell	Notice of Appeal	Filing		11/08/2017-10:48		
Pope, Adele J	Motion To Lift Stay	Motion		10/24/2017-14:24	12/08/2017-14:24	
Bauknight, Russell	Motion/Motion Filing Fee	Filing		10/24/2017-11:51		
Bauknight, Russell	Return And Opposition To Plaintiffs' Motion To Strike Memora	Filing		10/19/2017-12:44		
Bauknight, Russell	Notice of Filing of Original Deposition Transcripts	Filing		10/19/2017-12:43		
Bauknight, Russell	Supplemental Memo in Opposition to Defendant/Counterclaim	Filing		10/10/2017-11:15		
Bauknight, Russell	SC Court of Appeals Remittitur Order	Order		09/26/2017-16:03		
Bauknight, Russell	SC Court of Appeals Order dismissing without prejudice	Order		09/26/2017-16:01		
Wingate, Kenneth B.	Plaintiffs Memo in Opposition To	Filing		08/09/2017-16:27		

	Defendant/Counter-claim Pla					
Bauknight, Russell	Motion/Motion Filing Fee	Filing		08/09/2017- 11:42		
Bauknight, Russell	Motion to Strike	Motion		08/09/2017- 08:55	09/26/2017- 08:55	
Bauknight, Russell	Order Denying Defendant Pope's Motion to Alter or Amend Orde	Order		08/07/2017- 11:01		
Pope, Adele J	Affidavit of Harley D Ruff	Filing		07/19/2017- 11:05		
Pope, Adele J	Motion to Alter, Amend, Vacate and/or Reconsider Order Grant	Motion		07/19/2017- 11:03	08/07/2017- 11:03	
Bauknight, Russell	Motion/Motion Filing Fee	Filing		07/19/2017- 10:53		
Bauknight, Russell	Motion/Motion Filing Fee	Filing		07/14/2017- 14:03		
Pope, Adele J	Opinion/Affidavit of William Jeffrey Smith	Filing		07/14/2017- 09:18		
Pope, Adele J	Motion to Alter, Amend, Reconsider and/or Vacate Order	Motion		07/14/2017- 09:15	07/14/2017- 09:15	
Bauknight, Russell	Order granting plaintiff's motion for summary	Order		07/08/2017- 12:22		
Bauknight, Russell	Motion/Motion Filing Fee	Filing		06/30/2017- 15:10		
Bauknight, Russell	Amended Motion for Protective Order for June 27, 2017 Deposi	Motion		06/30/2017- 09:00		
Silvernail, Adam Tremaine	Defendants/Counterclaim Plaintiff Adele J. Popes Return To	Filing		06/27/2017- 14:57		
Bauknight, Russell	Motion/Motion Filing Fee	Filing		06/26/2017- 16:25		
Bauknight, Russell	Affidavit of Russell L Bauknight	Filing		06/26/2017- 15:10		
Bauknight, Russell	Motion for Protective Order for Deposition of Jason Brown-L	Motion		06/26/2017- 08:40	06/26/2017- 08:40	
Gende, Mark V.	Memo in Support Of Motion For Protective Order Concerning Ce	Filing		06/20/2017- 09:28		
Bauknight, Russell	Motion/Motion Filing Fee	Filing		06/19/2017- 15:19		
Bauknight, Russell	Motion for Protective Order for June 27, 2017 Deposition of	Motion		06/19/2017- 13:54	06/30/2017- 13:54	
Pope, Adele J	Motion to Alter or Amend Order Regarding Depositions of Kenn	Motion		06/19/2017- 13:41		
Bauknight, Russell	Motion/Motion Filing Fee	Filing		06/19/2017- 11:45		
Bauknight, Russell	Order granting Attorney General Alan Wilson's	Order		06/12/2017- 15:11		
Bauknight, Russell	Order Allowing the depositions and that the Protective Orde	Order		06/08/2017- 08:37		
Bauknight, Russell	Order Denying Defendant/Counterclaim Plaintiff Adele J. Pope	Order		05/19/2017- 09:20		
Bauknight, Russell		Filing		04/25/2017- 13:48		

	Return In Opposition To Defendant/Counterclaim Plaintiff Ad					
Pope, Adele J	Defendants Supplemental Return To The Attorney Generals Moti	Filing		04/13/2017-10:59		
Attorney General of South Carolina	Reply to Supplental Return to Attorney Generals Motion to be	Filing		04/12/2017-10:37		
Attorney General of South Carolina	Supplental Memo In Support Of Motion To Be Dropped As Party	Filing		04/06/2017-15:09		
Pope, Adele J	Motion to Alter or Amend	Motion		03/29/2017-16:05		
Bauknight, Russell	Motion/Motion Filing Fee	Filing		03/29/2017-10:59		
Bauknight, Russell	Order Regarding Motion for Protective Order as to Tommie Rae	Order		03/21/2017-08:50		
Pope, Adele J	Deposition Of Kenneth Wingate, Esquire Privilege Log	Filing		03/20/2017-10:35		
Pope, Adele J	Deposition Of Everett A. Kendall, Esquire Privilege Log	Filing		03/20/2017-10:34		
Bauknight, Russell	Order concerning plaintiffs' motion to strikea January 17,	Order		03/15/2017-10:03		
Bauknight, Russell	Order compelling defendant's production of documents	Order		03/13/2017-09:21		
Bauknight, Russell	SC Supreme Court Order assigning the case to Judge Early.	Order		03/10/2017-16:12		
Bauknight, Russell	Motion/Motion Filing Fee	Filing		03/06/2017-12:33		
Bauknight, Russell	Motion for Protective Order	Motion		03/06/2017-10:25		
Bauknight, Russell	Order denying motion to consolidate depositions of	Order		02/13/2017-16:03		
Bauknight, Russell	Order Granting Plaintiffs' Motion for Protective Order Conce	Order		02/01/2017-10:06		
Bauknight, Russell	Second Amended Confidentiality Order	Order		02/01/2017-10:04		
Bauknight, Russell	Motion to Strike	Motion		01/25/2017-15:25		
Bauknight, Russell	Motion/Motion Filing Fee	Filing		01/25/2017-13:55		
Pope, Adele J	Defendant's Return and Opposition to Plaintiffs' Motion to	Filing		01/23/2017-15:00		
Pope, Adele J	Return of Aiken 2013-CP-02-1337 Plaintiff to Joint	Filing		01/20/2017-10:51		
Bauknight, Russell	Motion/Motion Filing Fee	Filing		01/13/2017-14:34		
Bauknight, Russell	Motion to Compel Discovery	Motion		01/13/2017-12:18		
Bauknight, Russell	Order granting plaintiff's motion for protective order	Order		01/11/2017-11:45		
Pope, Adele J		Filing				

	Defendant/Counterclaim Plaintiff's Response to Motion of			01/05/2017-11:17		
Pope, Adele J	Defendant/Counterclaimant Adele J. Pope's Return to	Filing		12/12/2016-16:30		
Bauknight, Russell	Motion for Protective Order/Deanna Brown Thomas	Motion		12/06/2016-15:11		
Bauknight, Russell	Motion/Motion Filing Fee	Filing		12/06/2016-13:20		
Bauknight, Russell	Order Motion for Reconsideration Rule 59 is DENIED.	Order		11/30/2016-09:06		
Bauknight, Russell	Motion/Motion Filing Fee	Filing		11/22/2016-16:10		
Bauknight, Russell	Motion for Confidentiality Order	Motion		11/22/2016-10:56		
Bauknight, Russell	Memorandum in Support of Motion for Protective Order as to	Filing		11/21/2016-13:06		
Bauknight, Russell	Motion/Motion Filing Fee	Filing		11/18/2016-16:06		
Bauknight, Russell	Motion to Amend Scheduling Order	Motion		11/18/2016-10:26		
Bauknight, Russell	Motion for Protective Order Quashing the Deposition of Larry	Motion		11/15/2016-15:45	01/11/2017-15:45	
Bauknight, Russell	Motion/Motion Filing Fee	Filing		11/15/2016-12:19		
Bauknight, Russell	Plaintiffs' Memorandum in Opposition to Defendant's Motion	Filing		10/27/2016-11:32		
Bauknight, Russell	Plaintiffs' Memorandum in Opposition to Defendant's Motion	Filing		10/27/2016-11:28		
Bauknight, Russell	Motion/Motion Filing Fee	Filing		10/24/2016-15:41		
Bauknight, Russell	Motion to Determine Sufficiency of purported 30(j)(8) not	Motion		10/24/2016-14:41		
Bauknight, Russell	Order Granting Motion for Protective Order as to Deposition	Order		10/03/2016-15:28		
Bauknight, Russell	Order Granting Plaintiffs' Motion for Protective Order as to	Order		09/27/2016-09:15		
Pope, Adele J	Defendant's Supplemental Memo in Opposition to Motion	Filing		09/23/2016-10:45		
Bauknight, Russell	Order Denying Defendant's Motion for Sanctions	Order		09/20/2016-09:52		
Bauknight, Russell	Consent Order Protocaol For Noticecing Depositions	Order		09/19/2016-15:51		
Bauknight, Russell	Order/Order Filing Fee	Filing		09/19/2016-15:14		
Pope, Adele J	Motion to Dismiss all claims of Venisha Brown	Motion		09/19/2016-09:07		
Bauknight, Russell	Motion/Motion Filing Fee	Filing		09/19/2016-08:56		
Bauknight, Russell	Order setting depositions of plaintiff/ counterclaim Lindsey	Order		09/08/2016-08:03		
Wilson, Alan		Filing				

	Memorandum in Support of Motion for Protective Order as to			08/30/2016-16:27		
Pope, Adele J	Memo in Support of Deposition of Attorney General and	Filing		08/29/2016-12:57		
Bauknight, Russell	Plaintiffs' Revised Memo in Support of Motion for Summary	Filing		08/29/2016-12:50		
Bauknight, Russell	Motion/Motion Filing Fee	Filing		08/26/2016-15:01		
Bauknight, Russell	Motion/Motion Filing Fee	Filing		08/26/2016-14:04		
McMaster, Henry Dargan	Motion for Protective Order	Motion		08/26/2016-13:37	09/27/2016-13:37	
Pope, Adele J	Defendant/Counterclaimant Adele J. Pope's Return to Motion	Filing		08/26/2016-13:35		
McMaster, Henry Dargan	Motion for Protective Order as to Deposition of Henry D McMa	Motion		08/26/2016-13:08	09/27/2016-13:08	
Pope, Adele J	Motion to Compel Janise Vanisha Brown	Motion		08/23/2016-16:12		
Pope, Adele J	Motion to Compel Lindsey Delores Brown's Appearance	Motion		08/23/2016-16:06		
Pope, Adele J	Affidavit of Adele J. Pope in Support of Motion to Compel	Filing		08/23/2016-13:58		
Bauknight, Russell	Motion/Motion Filing Fee	Filing		08/23/2016-08:38		
Bauknight, Russell	Motion/Motion Filing Fee	Filing		08/23/2016-08:38		
Pope, Adele J	Notice of Appeal	Filing		08/18/2016-12:51		
Bauknight, Russell	Motion/Motion Filing Fee	Filing		08/15/2016-14:41		
Bauknight, Russell	Motion/Motion Filing Fee	Filing		08/15/2016-14:35		
Bauknight, Russell	Motion/Motion Filing Fee	Filing		08/15/2016-14:33		
Bauknight, Russell	Motion/Motion Filing Fee	Filing		08/15/2016-14:33		
Bauknight, Russell	Motion for Protective Order Quashing Notice/Lindsey Delores	Motion		08/15/2016-09:33		
Bauknight, Russell	Motion for Protective Order Quashing Notice/Venisha Brown	Motion		08/15/2016-09:31		
Bauknight, Russell	Motion for Protective Order Quashing Notice/Janise Vanisha B	Motion		08/15/2016-09:28		
Pope, Adele J	Motion to Compel	Motion		08/15/2016-08:59		
Bauknight, Russell	Motion/Motion Filing Fee	Filing		08/11/2016-15:26		
Wilson, Alan	Motion to be Dropped as a Party	Motion		08/11/2016-13:59		
Bauknight, Russell	Order/Order Filing Fee	Filing		08/05/2016-12:25		
Bauknight, Russell	Scheduling Order	Order		08/05/2016-11:43		
Pope, Adele J		Filing				



Adam Silvernail <sdan@silvernailfirm.com>

Request for Hearing in James Brown Matters -- Bauknight, et al vs. Pope AND Pope vs. Wilson, Case No. 2010-CP-40-4900 AND Pope vs. Wilson, et al, Case No. 2011-CP-40-0350

Wed, May 8, 2013 at 12:27 PM

Emory Smith <ESmith@scag.gov>

To: "Mark V. Gende" <MVG@swblaw.com>, Adam Silvernail <adam@silvernailfirm.com>, "Manning, L. Casey Law Clerk (Joy E. Middleton)" <CManningLC@sccourts.org>, "cmanningj@sccourts.org" <cmanningj@sccourts.org>

Cc: "Ken B. Wingate" <KBW@swblaw.com>, "Aaron J. Hayes" <AJH@swblaw.com>, John McIntosh <JMcIntosh@scag.gov>, Bob Cook <BCook@scag.gov>, Sonny Jones <SJones@scag.gov>, Daryl Williams <dwilliams@jeterandwilliams.com>, "kmb@lbglegal.com" <kmb@lbglegal.com>, "Ariail E. King" <aek@lbglegal.com>

Our position is that the FOIA cases should NOT be held in abeyance and that they should be scheduled as soon as is convenient for the Court, but we certainly have no objection to the Court's review of Mr. Gende's letter.

Respectfully,

Emory Smith

Counsel for Defendant Wilson

From: Mark V. Gende [mailto:MVG@swblaw.com]**Sent:** Wednesday, May 08, 2013 11:59 AM**To:** Emory Smith; Adam Silvernail; Manning, L. Casey Law Clerk (Joy E. Middleton); cmanningj@sccourts.org**Cc:** Ken B. Wingate; Aaron J. Hayes; John McIntosh; Bob Cook; Sonny Jones; Daryl Williams; kmb@lbglegal.com; Ariail E. King**Subject:** RE: Request for Hearing in James Brown Matters -- Bauknight, et al vs. Pope AND Pope vs. Wilson, Case No. 2010-CP-40-4900 AND Pope vs. Wilson, et al, Case No. 2011-CP-40-0350

Dear Judge Manning:

In response to the email string below, I note that Mr. Silvernail neglects to inform the court that today the Supreme Court not only denied all motions for rehearing, but also issued a new, lengthy opinion in the James Brown Estate matter (45 pages including concurrence). The Supreme Court substitutes this new opinion for its prior opinion.

000505

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
Trial Court Case 2010CP4004900

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SEP 21 2018

Appellate Case No.2017-001899

SC Court of Appeals

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.

CERTIFICATE OF SERVICE

I hereby certify that I have served the Attorney General's Reply to Appellant's Return

Motion to Strike Appellant's Reply Brief and Counter-Designations upon counsel for the other parties by mailing copies to them at the addresses below via the United States Mail this

September 21, 2018:

Adam T. Silvernail, Esquire
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Columbia, South Carolina 29201

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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

September 21, 2018

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

RECEIVED

SEP 21 2018

SC Court of Appeals

Re: Bauknight v. Pope, Appellate Case No. 2017-001899

Dear Ms. Kitchings:

I am enclosing for filing with your Office the Reply of the Attorney General to Appellant's Return to his Motion to Strike Appellant's Initial Reply Brief and Counter-Designation together with a certificate of service. Thank you for your assistance.

Sincerely,

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

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