

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
OCT 15 2018
SC Court of Appeals

Case No. 2010-CP-40-4900

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, Defendant,

Of whom Adele J. Pope is the Appellant.

**REPLY OF RESPONDENTS TO APPELLANT'S RETURN AND
MEMORANDUM OPPOSING MOTION TO STRIKE APPELLANT'S
INITIAL REPLY BRIEF TO RESPONDENTS' INITIAL BRIEF**

The weaving of a factual and legal tapestry, as described in Respondent's Motion to Strike Appellant's Initial Reply Brief to Respondents' Initial Brief (hereinafter "Motion to Strike"), continues unabashed in Appellant's filing styled as a Return and Memorandum Opposing Motion of Respondents to Strike (dated September 24, 2018, hereinafter "Return"). As further explained below:

- No factual statement by Appellant in her Return can be taken at face value. The most outlandish statements are generally without attribution.
- Every citation of Appellant to the Record on Appeal must be carefully scrutinized. Many of her citations are to irrelevant documents, or self-serving, self-authored documents that were previously woven into the fabric.
- Appellant asserts many arguments for the first time in the Return that do not relate to the merits of the Motion to Strike or to this appeal. Many of these arguments are indeed against "strawmen" positions.
- Appellant frequently characterizes the Motion to Strike as asserting affirmative claims, which she then uses to introduce impertinent or irrelevant material.
- Appellant seeks relief (eg., the removal of the undersigned as counsel for various parties) for which she has neither standing nor cause.

Respondents have found one sentence of Appellant in her Return with which they are in full agreement: "This case has not yet been tried." Return, pg. 2, last sentence of first paragraph. Respondents are eager to try Case 4900 and bring to conclusion the causes of action against Appellant (the only Defendant, Adele J. Pope) for breach of fiduciary duty, breach of trust, and negligence. Respondents cannot guess whether or not Appellant is similarly eager.

What Respondents do know is that this current appeal, not the future trial of Case 4900, involves an appeal of five lower court orders addressing four separate issues. Those issues are:

1. Did the circuit court abuse its discretion when it granted Respondents relief from entry of default?
2. Did the circuit court err in denying Appellant's motion to disqualify counsel from representing the Attorney General of South Carolina and to enjoin Mr. Russell L. Bauknight from allegedly acting on behalf of the Attorney General?
3. Did the circuit court err in ruling that the sitting Attorney General cannot be deposed in Case No. 2010-CP-40-4900 (Case 4900), which was brought by his predecessor?
4. Did the circuit court err in dismissing the Attorney General as a party pursuant to Rule 21 of the South Carolina Rules of Civil Procedure?

Once those issues are decided on appeal, then the trial on Case 4900 can proceed. No result in this appeal will end the causes of action against Appellant. The undersigned will continue to serve as counsel in Case 4900. The Attorney General will continue to have every right afforded that office to participate in Case 4900 and be represented by legal counsel. Russell L. Bauknight, who has continuously served since May 26, 2009, in a fiduciary capacity for the Estate of James Brown ("Estate") and for the James Brown August 1, 2000 Irrevocable Trust Agreement ("Trust"), and, as a result of Wilson v. Dallas decided on May 8, 2013, was formally reappointed on October 1, 2013, as the Personal Representative of the Estate and Trustee of the Trust (while his prior appointments as Special Trustee and Special Administrator remained undisturbed), will continue as a Plaintiff in Case 4900 and be represented by the undersigned in his fiduciary capacity. Any other Plaintiff in Case 4900 will continue as a party and be

represented by the undersigned until such Plaintiff notifies the undersigned that he or she no longer desires to be represented.

Respondents know from the decision in Wilson v. Dallas that Appellant will never again be a fiduciary of the Estate or Trust. Respondents also know that Appellant has been significantly restricted by the Supreme Court of South Carolina in its Order dated June 10, 2015, Appellate Case Nos. 2013-001649, 2014-000250, 2014-001279 and 2009-142286, as follows:

Pope is hereby prohibited from filing any further motion or appeals in actions involving the Estate and Trust of James Brown, such as the above actions, in which she clearly has no standing. We caution Pope that continued attempts to involve herself in the resolution of the Estate and Trust may result in contempt charges.

The undersigned filed, on behalf of the Respondents, the Motion to Strike. Such Motion to Strike was not submitted by the Attorney General (as Appellant states in the first sentence of her Return), but was submitted by the undersigned on behalf of the Respondents. In the Motion to Strike, Respondents incorporated therein the entire initial brief of the Attorney General and the Motion of Attorney General to Strike Initial Reply Brief of Appellant as to Attorney General. Respondents now incorporate in this reply the Reply of Attorney General to Return to His Motion to Strike Appellant's Initial Reply Brief and Designation.

Appellant used many words in her Return to address issues for which she has no standing whatsoever. In addition to Respondents' disagreement with every aspect of Appellant's Return (except for the one sentence referenced above), Respondents understand that Appellant has no standing to involve herself in the resolution of the Estate and Trust by making allegations as to how the Trust and Estate have been administered since her removal, and as to how each will be administered in the future. Appellant's standing is currently limited to her defending the claims set forth in the Complaint and pursuing the four issues in this appeal. Appellant's allegations of

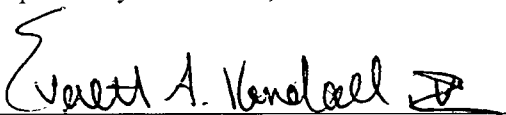
“dismembering”, an “ironclad estate plan”, “lacked candor” by various parties, a “scheme to devalue”, and other matters related to the resolution of the Estate and Trust, are allegations for which she has no standing. Appellant also has no standing to make arguments as to the attorney-client relationships between the undersigned of the Respondents.

Appellant’s affidavits have been challenged by various procedural methods in the lower court, and are not admissible as evidence pursuant to the South Carolina Rules of Evidence in Case 4900. Appellant is apparently under the mistaken belief that if a party files an affidavit containing allegations, and an opposing party does not then file a challenge to the affidavit, then the allegations in the affidavit blossom into undisputed facts.

This should have been a manageable appeal of four defined issues, but Appellant has continued to submit initial briefs, the designation of matter, counter-designations of matter, reply briefs, and returns to motions, all filled with irrelevant matter and allegations for which she has no standing. Respondents respectfully request that Appellant’s appeal be dismissed. Her attempts to confuse the Respondents and this Court by making arguments for which she has no standing, which are not relevant to this appeal, and which involve herself in the resolution of the Estate and Trust, must end.

Respectfully submitted,

October 15, 2018



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v.

Adele J. Pope, Defendant,

Of whom Adele J. Pope is the Appellant.

PROOF OF SERVICE

I certify that I have served the Reply of Respondents to Appellant's Return and Memorandum Opposing Motion to Strike Appellant's Initial Reply Brief to Respondent's Initial Brief by depositing a copy of it in the United States Mail, postage prepaid, on October 15, 2018, addressed to the following attorneys of record:

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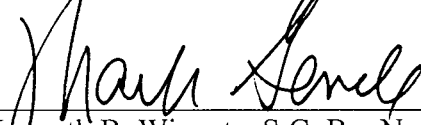
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The Honorable Robert D. Cook
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and

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