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SC Court of Appeals

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

**APPEAL FROM AIKEN COUNTY
Court of Common Pleas
The Honorable Doyet A. Early, III Circuit Court Judge**

Case No. 2013-CP-02-1337

Adele J. Pope, Appellant

v.

Estate of James Brown and The James Brown 2000 Irrevocable Trust,
Defendants

NOTICE OF APPEAL

Adele J. Pope appeals the following Orders issued in this action.

1. ORDER of the Honorable Doyet A. Early, III, dated December 2, 2014 denying Motions for Partial Summary Judgment, a copy of which is attached hereto as Exhibit A.
2. Oral Orders and rulings of the Honorable Doyet A. Early, III, between June 13, 2013 and May 6, 2015 related to the fiduciary fee claim of Appellant, as described by Judge Early in the Status Report of Judge Early to the South Carolina Supreme Court filed May 8, 2015, a copy of which, with emphasis supplied, is attached hereto as Exhibit B.
3. (Joint) Order signed by the Honorable Doyet A. Early, III, on January 14, 2015, in this Case, Aiken County Case No. 2013-CP-02-1337 (Aiken 1337) and by the Honorable L. Casey Manning in Richland County Case 2010-CP-40-4900 (Richland 4900) on January 6, 2015, filed in Aiken County on February 20, 2015, a copy of which is attached hereto as Exhibit C.


4. Oral Ruling of the Honorable Doyet A. Early, III, of February 2015 denying Plaintiff's motion to require successors in interest to the James Brown Legacy Trust to attend the *sua sponte* Court-ordered joint mediation of Aiken 1337 and Richland 4900, a copy of which will be provided when the motion hearing transcript is received.
5. Oral Order of the Honorable Doyet A. Early, III of May 2016 allowing Sweeny Wingate and Barrow, PA, (SWB) attorneys to attend Aiken 1337 depositions of the staff and former staff of the Honorable Alan Wilson, Attorney General, in order to protect the interest of the Attorney General, SWB's client, in Richland 4900, which ruling will be supplied upon receipt of the official transcript.
6. ORDER DENYING PLAINTIFF'S MOTION TO ALTER OR AMEND THE ADMINISTRATIVE ORDER AND CONFIDENTIALITY ORDER of the Honorable Doyet A. Early, III, dated September 21, 2016, a copy of which is attached hereto as Exhibit D.
7. ORDER DENYING PLAINTIFF'S MOTION TO DISQUALIFY RUSSELL BAUKNIGHT AND HIS COUNSEL AND FOR RELATED RELIEF of the Honorable Doyet A. Early, III, dated December 16, 2016, a copy of which is attached hereto as Exhibit E.
8. ORDER GRANTING MOTION FOR PROTECTIVE ORDER AS TO DEPOSITION AND DOCUMENTS OF ROBERT COOK of the Honorable Doyet A. Early, III, dated June 6, 2017, a copy of which is attached hereto as Exhibit F.
9. ORDER GRANTING MOTION FOR PROTECTIVE ORDER AS TO DOCUMENTS OF CREIGHTON WATERS AND SANDRA MATTHEWS of the Honorable Doyet A. Early, III, dated June 6, 2017, a copy of which is attached hereto as Exhibit G.
10. ORDER (Wingate and Kendall) of the Honorable Doyet A. Early, III, dated June 6, 2017, a copy of which is attached hereto as Exhibit H.
11. ORDER GRANTING MOTION TO CONFIRM ROGER MILLER CONFIDENTIALITY DESIGNATIONS of the Honorable Doyet A. Early, III, dated June 15, 2017, a copy of which is attached hereto as Exhibit I.
12. ORDER GRANTING MOTION TO CONFIRM CONFIDENTIALITY DESIGNATIONS (Valuation and Estate Tax Appraisal) of the Honorable Doyet A. Early, III, dated June 15, 2017, a copy of which is attached hereto as Exhibit J.

13. ORDER GRANTING PARTIAL SUMMARY JUDGMENT of the Honorable Doyet A. Early, III, dated August 16, 2017, a copy of which is attached hereto as Exhibit K.
14. ORDER GRANTING DEFENDANTS' MOTION FOR TRANSFER TO NON-JURY ROSTER of the Honorable Doyet A. Early, III, dated August 18, 2017, a copy of which is attached hereto as Exhibit L.
15. ORDER DIRECTING PAYMENT OF JULIAN WALKER'S DEPOSITION FEES of the Honorable Doyet A. Early, III, dated August 18, 2017, a copy of which is attached hereto as Exhibit M.
16. FORM 4 ORDER of the Honorable Doyet A. Early, III, dated August 29, 2017, a copy of which is attached hereto as Exhibit N.
17. Oral Order of August 2018 of the Honorable Doyet A. Early, III, allowing Louis Levenson, Esq., to be named as a fact witness for Defendants, to be supplied with official transcript.
18. Oral Order of the Honorable Doyet A. Early, III, at trial withdrawing the Court's December 2017 oral order to Defendants to produce full records of all attorneys' fees and litigation costs of Defendants from May 26, 2009 to December 2017 after documents were filed *ex parte* with the Court, reviewed by the Circuit Court, then discarded, which ruling will be supplied upon receipt of the official transcript.
19. Oral Rulings at trial of the Honorable Doyet A. Early, III, over objections, declining to qualify Plaintiff and William Jeffrey Smith, Esq., as experts in the area of Termination Rights under Sections 304 and 203 of the U.S. Copyright Act, and their relationship to State Law Heirs determinations of James Brown, and Related areas, including Plaintiff's valuation of the Termination Rights of the settling parties as of Brown's death, as well as Plaintiff's qualification as an expert in the annual valuation required of private foundations, and in Estate, Probate, and fiduciary income taxation of estates and trusts, as well as IRS recognition and compliance of 501(c)(3) private foundations, and litigation related to heirs determination under the U.S. Copyright Act and each of the tax and valuation areas, which rulings will be supplied upon receipt of the official transcript.
20. Oral Ruling at trial, over objections, allowing cross examination of Plaintiff of a confidential offer made by Plaintiff to settle Richland Case 2010-CP-40-4900 and Aiken 1337, of the Honorable Doyet A. Early, III, copies of which ruling will be presented upon receipt of the official transcript.
21. Oral Ruling of the Honorable Doyet A. Early, III, at trial, allowing Defendants to introduce fact and expert witnesses related to the quality and extent of

services rendered by Russell Bauknight during the period of his appointment as PR/Trustee between May 26, 2009 and May 8, 2013, declared void by the Supreme Court on May 8, 2013, a copy of which will be provided when the official transcript is received.

22. Oral Ruling of the Honorable Doyet A. Early, III, at trial, over objection, declining to admit Plaintiff's Chart compiling the 18-year History of the James Brown 2000 Irrevocable Trust, which ruling will be provided when the official transcript is received.
23. Oral Ruling of the Honorable Doyet A. Early, III, at trial, over objection, declining to qualify R.B. Alexander as an expert in relation to the valuation of the image and likeness (right of publicity) of James Brown, which ruling will be provided when the official transcript is received.
24. ORDER of the Honorable Doyet A. Early, III, dated and e-filed January 16, 2019, and received by Appellant on January 16, 2019, a copy of which is attached hereto as Exhibit O.
25. FORM 4 ORDER of the Honorable Doyet A. Early, III, dated February 7, 2019, and received by Appellant on February 7, 2019, a copy of which is attached hereto as Exhibit P.
26. Ruling of the Honorable Doyet A. Early, III, not made of record, declining to unseal documents and take mandatory judicial notice as requested prior to issuing the 2014 Form 4 Order Denying Summary Judgment.

Respectfully submitted,



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Attorney for the Appellant

March 4, 2019

Other Counsel of Record:

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Counsel for Respondents

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v.

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Defendants

PROOF OF SERVICE

The undersigned counsel for Appellant hereby certifies that on the date shown below he has caused a copy of the Notice of Appeal, with Exhibits, to be served by hand-delivery on counsel for Respondents herein, addressed as follows:

J. David Black, Esquire
Burl F. Williams, Esquire
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