

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

Case No. 2010-CP-40-4900

Appellate Case No. 2017-002229

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 the Appellant.

**RESPONDENTS' DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

Respondents propose the following to be included in the Record on Appeal:

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1. Order Granting Motion to Intervene on Behalf of South Carolina Attorney General Henry D. McMaster and Georgia Attorney General Thurbert E. Baker filed October 11, 2007
2. Order Directing Payment of Fees and Costs of Special Administrators and Other Relief dated January 8, 2008
3. Order Approving Sale of Tangible Personal Property and Real Estate and Granting Related Relief dated February 20, 2008
4. Supplemental Order Directed Execution Contract and Sale dated April 1, 2008
5. Order Denying Motion to Reconsider Appointment of Successor Personal Representative and Trustees and Granting Related Relief dated April 8, 2008
6. South Carolina Court of Appeals' Order dated July 14, 2008
7. Summons and Complaint filed on May 19, 2010 (in the Richland County Probate Court)
8. Affidavit of Service on Pope dated May 24, 2010
9. Defendant's Motion to Remove filed on June 11, 2010
10. Motion to Dismiss of Defendants Robert L. Buchanan, Jr. and Adele J. Pope (with Certificate of Service) dated June 22, 2010
11. Order for Removal filed on July 19, 2010 (Probate Judge McCulloch)
12. Certificate of Transmittal as to Removal filed on July 26, 2010
13. Defendant's Motion to Transfer Venue filed on August 2, 2010
14. Motion to Strike Defendants' Motion to Transfer Venue filed on August 11, 2010
15. Defendants' Memorandum in Support of Dismissal of Complaint filed on August 13, 2010
16. Notice of Motions Roster Publication Sent on August 13, 2010
17. Defendants' Supplemental Memorandum Supporting Dismissal of Complaint filed on August 25, 2010
18. Acknowledgement filed on August 27, 2010
19. Plaintiffs' Memorandum in Opposition to Defendants Motion to Change Venue filed on August 27, 2010
20. Plaintiffs' Memorandum in Opposition to Defendants Motion to Dismiss filed on August 27, 2010

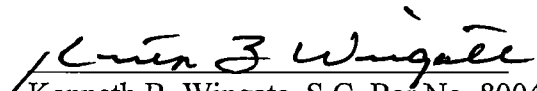
21. Defendants' Second Supplemental Memorandum in Support of Dismissal of Complaint filed on August 27, 2010
22. Form 4 Order filed on August 31, 2010 ("Matter under advisement. Parties have 30 days to submit proposed orders.")
23. Answer and Counterclaim of Robert L. Buchanan, Jr. and Adele J. Pope (with Certificate of Service) filed on September 30, 2010
24. Motion to Strike Defendants' Affidavit in Support of Dismissal filed on October 1, 2010
25. Letter from Wingate to Judge Manning dated October 1, 2010 (re: proposed orders denying motion to dismiss and denying motion to change venue)
26. Letter from Watson to Judge Manning dated October 1, 2010 (re: proposed Order for Dismissal)
27. Letter from Wingate to Judge Manning dated October 1, 2010 (re: proposed Order Striking Motion to Transfer Venue)
28. Order Denying Defendants' Motion to Change Venue filed on November 9, 2010
29. Order Denying Motion to Dismiss filed on November 9, 2010
30. Affidavit of Default (with Certificate of Service) filed on November 10, 2010
31. Letter from Skalamera to McBride (cc: Wingate, received on November 15, 2010)
32. Answer to Counterclaim (with Certificate of Service) filed on November 16, 2010
33. Motion to Set Aside Entry of Default filed on November 16, 2010
34. Affidavit of Kenneth B. Wingate (with Exhibit A) filed on November 16, 2010
35. Notice of Motion and Motion Pursuant to [SCRCP] 59(e) to Alter or Amend Order Denying Motion to Dismiss filed on November 19, 2010
36. Judge Manning's Order filed on January 12, 2011
37. Pope's Notice of Appeal filed February 16, 2011
38. South Carolina Court of Appeals' Order filed on March 17, 2011
39. South Carolina Court of Appeals Remittitur (July 26, 2011)
40. South Carolina Court of Appeals' Order (denying rehearing) filed on June 2, 2011
41. Plaintiffs' Memorandum of Law in Support of the Motion to Set Aside Entry of Default filed on April 11, 2012

42. Defendant Pope's Return and Memorandum Opposing Relief from Default filed on April 12, 2012
43. Judge Manning's Order filed on July 5, 2012
44. Judge Manning's Order of Dismissal (re: Buchanan) filed on July 13, 2012
45. Supplement to Plaintiffs' Motion to Set Aside The Entry of Default filed on December 17, 2012
46. Pope's Supplemental Memorandum in Opposition to Plaintiffs' Motion to Set Aside Default filed on February 6, 2015
47. Judge Manning's Order filed on October 13, 2015
48. Pope's Motion to Alter, Amend and/or Vacate Order Granting Plaintiffs' Motion to Set Aside Default filed on October 20, 2015
49. Bauknight's Memorandum of Law in Opposition to Pope's Motion filed on November 30, 2015
50. Supreme Court Order dated March 24, 2016 (filed in the office of the Richland County Clerk of Court on March 10, 2017, re: Case 4900)
51. Plaintiff's Motion for Summary Judgment as to all of the Counterclaims of Defendant Pope filed on May 19, 2016
52. Plaintiff's Memorandum in Support of Motion for Summary Judgment as to Defendant's Counterclaims filed May 19, 2016
53. Defendant/Coun[t]erclaimant Adele J. Pope's Return to Motion of Plaintiff for Partial Summary Judgment filed August 26, 2016
54. Plaintiff's Revised Memorandum in Support of Motion for Summary Judgment as to Defendant's Counterclaims filed August 29, 2016
55. Defendant's Supplemental Memorandum in Opposition to Motion for Summary Judgment and in Support of Defendant's Position as to Other Pending Motions filed September 23, 2016
56. Judge Early's Order Concerning Plaintiffs' Motion to Strike January 17, 2017 Affidavit of Defendant filed on March 15, 2017
57. Judge Early's Order Granting Attorney General Alan Wilson's Motion to be Dropped as a Party filed June 12, 2017
58. Judge Early's Order Granting Plaintiffs' Motion for Summary Judgment as to Defendant's Counterclaims dated June 23, 2017, and filed on July 8, 2017

59. Defendant/Coun[t]erclaim Plaintiff Adele J. Pope's Motion to Alter, Amend, Reconsider and/or Vacate Order Granting Plaintiffs' Motion for Summary Judgment as to Counterclaims filed July 14, 2017
60. Letter from SCCA to Silvernail dated July 26, 2017 (re: transcript)
61. Order Denying Defendant Pope's Motion to Alter or Amend Order Dropping Attorney General as a Party filed August 7, 2017
62. Judge Early's Order Denying Defendant/Counter-Claim Plaintiff's Motion to Alter, Amend, Reconsider and/or Vacate Order Granting Plaintiff's Motion for Summary Judgment filed November 26, 2018
63. Will of James Brown
64. Trust of James Brown
65. Forlando federal case Memorandum Opinion and Order
66. Supreme Court Order, June 10, 2015 (Appellate Case Nos. 2013-001649, 2014-000250, 2014-001279 and 2009-142286)
67. Transcript Motion to Dismiss hearing
68. Transcript Motion for Summary Judgment (as to Defendant's counterclaims) hearing

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

May 24, 2019


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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
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The Honorable Doyet A. Early, III, Circuit Court Judge
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v.

Adele J. Pope, and Robert L. Buchanan, Jr., Defendants,

Of whom Adele J. Pope is the Appellant.

PROOF OF SERVICE

I certify that I have served the Initial Brief of Respondents and Respondents' Designation of Matter to be Included in the Record on Appeal by depositing a copy of it in the United States Mail, postage prepaid, on May 24, 2019, addressed to the following attorneys of record:

RECEIVED
MAY 24 2019
SC Court of Appeals

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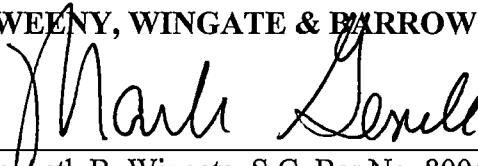
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May 24, 2019

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May 24, 2019

Reply to: Main Office

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VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
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RE: Russell L. Bauknight, et al. v. Adele J. Pope
Appellate Case No. 2018-002229
Our File: 4077-7389


Dear Ms. Kitchings:

Enclosed please find the original and copies of Respondents' Initial Brief, Designation of Matter, Motion to Strike, and two separate Proofs of Service, in the above-referenced matter. I would appreciate your filing the originals and returning filed copies to me by the courier.

Should you have any questions or concerns, please do not hesitate to give me a call.

Yours truly,

SWEENEY, WINGATE & BARROW, P.A.


Mark V. Gende

MVG/pdk
Enclosures

cc: Counsel of record (with copies of enclosures)