

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**

MAY 31 2019

SC Court of Appeals

Appellate Case No. 2018-002229

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 Appellant.

**MOTION TO STRIKE INITIAL BRIEF, MOTION TO STRIKE  
AND RELATED DOCUMENTS OF RESPONDENT ATTORNEY  
GENERAL FILED BY RESPONDENT ATTORNEY GENERAL  
AND FOR A STAY OF DEADLINES PENDING DISPOSITION OF  
MOTIONS**

Appellant Adele J. Pope moves pursuant to Rule 240, SCACR, and other applicable rules, to strike the Initial Brief of Respondent Alan Wilson, in his capacity as Attorney General of the State of South Carolina (“AG”), as well as the AG’s Motion to Strike and Designation of Matter to be Included in the Record on Appeal.<sup>1</sup> The grounds of this motion are as follows.

**I. THE AG’S FILINGS ARE DUPLICATIVE, AS SWEENEY, WINGATE & BARROW, P.A. HAS FILED A BRIEF AND SIMILAR MOTION ON BEHALF OF ALL RESPONDENTS.**

From the filing of the Summons and Complaint herein on May 19, 2010, the AG and all other Plaintiffs have been represented by private counsel Sweeny Wingate & Barrow, P.A. (“SWB”).<sup>2</sup> On August 11, 2016, the AG gave notice of a “special appearance” herein, limited to matters related to the AG’s Motion to be Dropped as a Party to this action. SWB has continued to make filings on behalf of all Plaintiffs/Respondents.

The Honorable Doyet A. Early, III granted the AG’s motion to be dropped as a party prior to entry of the orders granting summary judgment, and Pope’s appeal of the orders dropping the AG are before this Court in Appellate Case No. 2017-001899. After dropping the AG as a party, the circuit court entered its orders granting summary judgment to all Respondents and denying reconsideration.

The motion for summary judgment was filed and argued by SWB on behalf of all Respondents, and SWB has now filed a brief and motion on behalf of all Respondents. The AG should not now be allowed to require Appellant to respond to duplicative filings by both the AG

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<sup>1</sup> Appellant incorporates by reference her Motion to Strike filings made by Sweeny Wingate & Barrow, P.A., filed simultaneously with this Motion.

<sup>2</sup> Appellant moved in May 2011 to enjoin SWB from representing the AG and more than a dozen other private Plaintiffs in this action on constitutional and other grounds. The denial of that motion is among the orders appealed herein, and Appellant incorporates the relevant portions of her Initial Brief herein.

and his alleged private counsel. As set out more fully below, the AG's attempt to act for himself in this unauthorized lawsuit after being represented by private counsel for nine years cannot cure the initial defects in this illegal lawsuit.

**II. THE AG'S BRINGING THIS ACTION THROUGH PRIVATE COUNSEL SHARED WITH PRIVATE PLAINTIFFS IS ILLEGAL, AND IS NOT CURED BY HIS APPEARANCE IN THIS APPEAL.**

As argued in Appellant's brief (at pp. 33-35) herein and in the Affidavit of Appellant filed herewith, both of which are incorporated by reference, the AG's participation in this case through private counsel shared with private Plaintiffs is unconstitutional. Without ever making a general appearance in this case, the AG is now making appellate filings in an apparent effort to cure the existing problems.

This is particularly true where AG McMaster has testified that he never sued Appellant and was unaware of the AG's participation in this suit as a Plaintiff until after he left office.

**III. THE COURT SHOULD STAY ALL DEADLINES IN THIS CASE PENDING ITS DECISION ON BOTH THE MOTIONS TO STRIKE OF RESPONDENTS (IF NOT STRICKEN) AND APPELLANT'S MOTIONS TO STRIKE.**

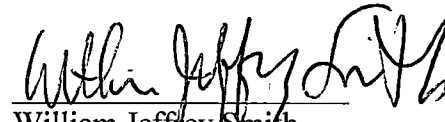
Because the number and content of Appellant's Reply Brief(s) may change substantially based on this Court's disposition of all pending motions, Appellant respectfully asks that the Court stay filing deadlines herein until the Court's ruling on all pending motions to strike.

For the foregoing reasons, Appellant asks that this Court strike the brief and motion filed by the AG herein and stay the deadlines in this appeal pending its ruling on all pending motions. This motion is based on the entire record herein, applicable Rules, especially Rule 240, SCACR; the other motions filed herewith, and the Affidavit of Adele J. Pope and Exhibits filed herewith.

Respectfully Submitted,

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May 31, 2019

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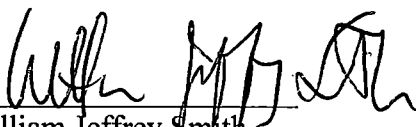
**CERTIFICATE OF SERVICE OF MOTION TO STRIKE INITIAL  
BRIEF, MOTION AND RELATED DOCUMENTS OF  
RESPONDENT ATTORNEY GENERAL FILED BY RESPONDENT  
ATTORNEY GENERAL AND FOR RELATED RELIEF**

I certify that on May 31, 2019 I have served MOTION TO STRIKE INITIAL BRIEF, MOTION AND RELATED DOCUMENTS OF RESPONDENT ATTORNEY GENERAL FILED BY RESPONDENT ATTORNEY GENERAL AND FOR RELATED RELIEF by hand delivery on counsel listed below:

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