

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

JUN 13 2019

SC 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

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 children, 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 children, 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.

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

Appellant's Motion to Strike the Attorney General's Initial Brief and his Motion to Strike her brief and designation fails to identify any parts of the Brief or Motion that are contrary to the Appellate Court rules. Instead, she claims that the Attorney General's filings are duplicative of the filings of Sweeny Wingate and Barrow (SWB) for Respondents. Neither the Attorney General's Initial Brief nor his Motion are duplicative. The Attorney General's Initial Brief and Motion joined in and incorporated by reference the SWB brief and motion. Therefore, the Attorney General joined in rather than duplicated those filings. The Attorney General's Motion contained some additional grounds, and he has filed a separate Reply to Appellant's Return to his Motion Strike.

She complains that the SWB law firm may not act for the Attorney General, but that meritless issue is the subject of Appeal 2017-1899 and is not before this Court. For Respondents in the Circuit Court, SWB filed the Motion for Summary Judgment and the Return to Appellant's Motion to Alter or Amend so that firm's briefing issues on appeal regarding those motions is entirely appropriate. Moreover, before the Circuit Court granted summary judgment for the Respondents as to Appellant's counterclaim (R. p. \* -Order dated June 23, 2017, and filed July 8, 2017), that Court dropped the Attorney General as a party to this case. (Order dated May 31, 2017, and filed June 12, 2017). The Order dropping him is a subject of Appeal 2017-1899, and is included in the Record in that case. The Attorney General preserves and does not waive any arguments he made regarding his being dropped as a party to this case.

Appellant also has filed an affidavit with 141 pages of attachments in support of her filings. It should be disregarded or struck because the affidavit consists of 20 pages of her own testimony outside the record on appeal and because the affidavit and attachments are irrelevant to

the grounds for the Attorney General's Motion to Strike. Therefore, the attachments and affidavits are not properly before this Court. Rule 210(c) , SCACR (Record shall not include matter not presented to the lower court); Rule 201(h) (Review limited to Record on Appeal).<sup>1</sup>

To the extent that the Return filed by SWB to Appellant's Motion to Strike its filings is pertinent to this Motion, the Attorney General craves reference to it.

Appellant's Motion to Strike should be denied.

Respectfully submitted,

ALAN WILSON  
Attorney General

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

J. EMORY SMITH, JR.  
Deputy Solicitor General  
S.C. Bar No. 5262

BY:



ATTORNEYS FOR RESPONDENT  
ATTORNEY GENERAL

June 13, 2019

---

<sup>1</sup> Because the affidavit is not appropriate, the Attorney General does not respond to the statements within that document or its voluminous attachments.

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

**RECEIVED**

JUN 13 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 children, 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 children, 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.

---

**CERTIFICATE OF SERVICE**

---

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

his Motion to Strike Appellant's Initial Brief and Designation, and his Return to Appellant's Motion to Strike his Initial Brief and Motion to Strike on counsel for the other parties by mailing copies to them at the addresses below via the United States Mail this June 13, 2019:

Adam T. Silvernail, Esquire  
Law Office of Adam T. Silvernail  
P.O. Box 7995  
Columbia, South Carolina 29201

Kenneth B. Wingate, Esquire  
Mark V. Gende, Esquire  
Sweeny Wingate & Barrow, P.A.  
P.O. Box 12129  
Columbia, SC 29211

William Jeffrey Smith, Esquire  
1216 Crenshaw Street  
Newberry, SC 29108

Daryl L. Williams, Esquire  
Gertz & Moore, LLP  
P.O. Box 456  
Columbia, SC 29202

Charles E. Carpenter, Jr., Esquire  
Carpenter Appeals & Trial Support, LLC  
4825 Portobello Road  
Columbia, SC 29206



J. EMORY SMITH, JR.  
Deputy Solicitor General  
S.C. Bar No. 5262  
Counsel for the Attorney General



ALAN WILSON  
ATTORNEY GENERAL

June 13, 2019

**RECEIVED**  
JUN 13 2019  
SC Court of Appeals

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

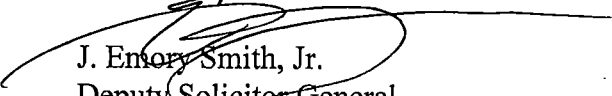
Re: Bauknight v. Pope, Appellate Case No. 2018-002229

Dear Ms. Kitchings:

Enclosed for filing with your Office is the original and six copies of the Attorney General's Reply to Appellant's Return to his Motion to Strike Appellant's Initial Brief and Designation, and his Return to Appellant's Motion to Strike his Initial Brief and Motion to Strike together with a certificate of service.

Thank you for your assistance.

Respectfully submitted,

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

cc: Charles E. Carpenter, Jr., Esquire  
Adam T. Silvernail, Esquire  
William Jeffrey Smith, Esquire  
Daryl L. Williams, Esquire  
Kenneth B. Wingate, Esquire  
Mark V. Gende, Esquire