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JUN 14 2019

SC Court of Appeals

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. 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 the Appellant.

**RETURN TO APPELLANT'S MOTION TO STRIKE INITIAL
BRIEF, MOTION AND RELATED DOCUMENTS OF RESPONDENTS FILED BY
SWEENEY, WINGATE & BARROW, P.A. AND FOR RELATED RELIEF**

Pursuant to Rule 240(e), SCACR, Respondents file this Return to Appellant's filing entitled "Motion to Strike Initial Brief, Motion and Related Documents of Respondents filed by Sweeny, Wingate & Barrow, P.A. and for Related Relief." In addition, Respondents adopt by reference the Return of the South Carolina Attorney General to Appellant's filing entitled "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." Also, Respondents adopt by reference Respondents' Reply to Appellant's Return and Opposition to Motion of Respondents to Strike Statements in Initial Brief and Designation of Matter filed by Sweeny, Wingate & Barrow, P.A., served and filed simultaneously herewith.

The purported grounds for the motion to strike of Appellant ("Pope") essentially fall into one or both of the following categories:

- attempting to attack the attorney-client relationship between Sweeny, Wingate & Barrow, P.A., and each Respondent, knowing that she has no standing to do so; and
- alleging that the Office of the Attorney General did not authorize the case against Pope for the claims concerning her breach of duties as personal representative and trustee.

Pope has no standing whatsoever to make arguments as to the attorney-client relationships between the undersigned of the Respondents. Pope's appeal in Appellate Case No. 2017-001899 addresses the second category, has been fully briefed by the parties, and has not yet been decided. Therefore, Pope's motion to strike is unwarranted, premature, and is unfounded for the reasons stated herein and in Respondents' Reply to Appellant's Return and Opposition to Motion of Respondents to Strike Statements in Initial Brief and Designation of Matter filed by Sweeny, Wingate & Barrow, P.A., served and filed simultaneously herewith.

Pope's Affidavit dated May 31, 2019, should also be stricken or altogether disregarded, because it is a pronounced example of what Pope has done again and again and again to attempt to avoid responsibility and grossly misrepresent how she has impacted the Estate and Trust of James Brown. Her impact on the Estate and Trust was negative (see Order of the circuit court signed and filed on January 16, 2019, in Case 2013-CP-02-01337, and is on appeal in Appellate Case No. 2019-000362), continues to be a negative impact today, and will continue to be a negative impact into the future if Pope is given the opportunity. It is clear from a review of Pope's Affidavit, that she does not in any way respect the difference between uncontested matters in a statement of the case (Rule 208(b)(1)(C), SCACR), statements of facts relevant to the issues presented for review (Rule 208(b)(1)(E), SCACR), and prohibited attempts by Pope to involve herself in the resolution of the Estate and Trust (Supreme Court's Order dated June 10, 2015, in Appellate Case Nos. 2013-001649, 2014-000250, 2014-001279 and 2009-142286). All matters raised in Pope's Affidavit are contested, and this Return is not an attempt to address the Affidavit point by point. The documents Pope attached to her Affidavit show no evidence — not even a scintilla of evidence — of what Pope purports as “how hard [Pope] tried to reach a fair resolution with the people who had sued [Pope], and to whom [Pope] owed no duty, without damaging the grandchildren Plaintiffs and “I Feel Good Charity” for which [Pope] worked from November 20, 2007 until May 8, 2013.” Affidavit dated May 31, 2019, p. 20, paragraph 73.

Respondents were granted summary judgment as to Pope's counterclaims against Respondents, barring Pope's counterclaims against Respondents based on the Supreme Court's holding in *Wilson v. Dallas*. Order Granting Plaintiff's Motion for Summary Judgment as to Defendant's Counterclaims, dated June 23, 2017, filed July 8, 2017. So perhaps the most outrageous statement in the entirety of the Affidavit is that Pope is going to participate in a

hearing scheduled “for June 2019 on the request of Deanna, Levenson and **Pope** for the appointment of a PR [for the estate of Respondent Venisha Brown] who will protect the valuable settlement Levenson secured for her, but then placed in jeopardy by bringing a baseless complaint against Buchanan and **me** [Pope] in Richland 4900 in 2010.” Affidavit dated May 31, 2019, p. 10, the second of two paragraphs numbered 36, emphasis added. Pope’s Notice of Appeal and initial brief are clear that her goal in this appeal is for reversal of the granting of summary judgment so that her counterclaims against Venisha (and the other Respondents) can proceed. And Pope also wants to be appointed as the personal representative of the estate of Venisha whose interests were, are, and will always be, diametrically opposed to Pope’s interests in the Estate and Trust of James Brown. Pope’s attempt to be appointed as the personal representative of Venisha’s estate — to involve herself in the resolution of the Estate and Trust of James Brown — is a clear violation of the Supreme Court’s Order (Appellate Case Nos. 2013-001649, 2014-000250, 2014-001279 and 2009-142286) which provides: “We caution Pope that continued attempts to involve herself in the resolution of the Estate and Trust may result in contempt charges.” Moreover, on June 10, 2019, Judge Clifton Newman announced in a hearing in case number 2019-CP-02-00320 (2018-ES-02-1137) that he is certifying to the South Carolina Supreme Court the question of whether Pope has violated this order with her many filings.

Also, arguably the second most outrageous statement in the entirety of the Affidavit is: “... I have no involvement in what has happened in the James Brown Estate and 2000 Trust since 2013.” Affidavit dated May 31, 2019, p. 19, paragraph 76. The Supreme Court’s Order dated two years later on June 10, 2015 (Appellate Case Nos. 2013-001649, 2014-000250, 2014-001279 and 2009-142286) clearly shows that statement to be false and provides that Pope was heavily involved with the Estate and Trust since 2013: “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.” In fact Pope has attempted to involve herself in the Estate and Trust over and over again since 2015, and attempts to do so in this appeal and in the Affidavit in question.

CONCLUSION

Though not every statement of the case or the facts—as purported by Pope—nor Pope’s argument in her initial brief are included in Respondents’ motion to strike, such non-inclusion is in no way an acceptance of those statements or arguments. The initial brief of Respondents addressed those statements and arguments.

Pope’s contested matters included in her purported Statement of the Case should be stricken because of the violation of Rule 208(b)(1)(C), SCACR.

Pope’s statements that are either unsupported by any reference to the Record on Appeal or are only self-supported by Pope’s pleadings and/or affidavits, included in her initial brief should be stricken because of the failure to adhere to Rules 208(b)(1)(E) and 208(b)(4), SCACR. Pope’s self-supporting pleadings and affidavits should be stricken from her Designation to the extent such documents provide the only support for a statement included in the initial brief.

Pursuant to the legal standard concerning matter included in an appeal set forth in Respondents’ motion to strike (adopted herein by reference), all irrelevant matter included by Appellant in this appeal should be stricken from Pope’s Designation and brief.

All matter in Pope’s initial brief and Designation which was not presented to the lower court in connection with any of the orders in this appeal, should be stricken.

Alternatively, pursuant to the legal standard concerning matter included in an appeal set forth above and Appellant's substantial noncompliance with the Rules, Appellant's appeal should be dismissed pursuant to Rule 260(a), SCACR, and/or Rule 269, SCACR.

For the reasons set forth herein, and in connection with those filings adopted herein by reference, Pope's motion to strike should be denied.

Respectfully submitted,



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ATTORNEYS FOR RESPONDENTS

June 14, 2019

THE STATE OF SOUTH CAROLINA
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SC Court of Appeals

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

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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 Return to Appellant's Motion to Strike Initial Brief, Motion and Related Documents of Respondents filed by Sweeny, Wingate & Barrow, P.A. and for Related Relief, by depositing a copy of it in the United States Mail, postage prepaid, on June 14, 2019, addressed to the following attorneys of record:

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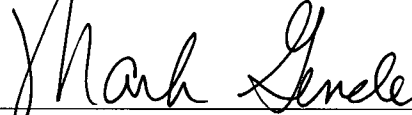
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Respectfully submitted,

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June 14, 2019

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Reply to: Main Office

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VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

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' Return to Appellant's Motion to Strike Initial Brief, Motion and Related Documents of Respondents filed by Sweeny, Wingate & Barrow, P.A. and for Related Relief
- Respondents' Reply to Appellant's Return and Opposition of Appellant (Subject to Motion to Dismiss) to Motion of Respondents to Strike Statements Initial Brief and Designation of Matter of Appellant filed by Sweeny, Wingate & Barrow, P.A.
- 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 contact me.

Yours truly,

SWEENY, WINGATE & BARROW, P.A.

Mark V. Gende / pdk

Mark V. Gende

MVG/pdk
Enclosures

cc: Counsel of record (with copies of enclosures)