

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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JUN 14 2019

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

**SC Court of Appeals**

The Honorable Doyet A. Early, III, Circuit Court Judge  
The Honorable L. Casey Manning, Circuit Court Judge

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Case No. 2010-CP-40-4900

Appellate Case No. 2018-002229

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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.

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**REPLY TO APPELLANT'S RETURN AND OPPOSITION TO MOTION OF  
RESPONDENTS TO STRIKE STATEMENTS IN INITIAL BRIEF AND DESIGNATION  
OF MATTER OF APPELLANT FILED BY SWEENEY, WINGATE & BARROW, P.A.**

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Pursuant to Rule 240(f), SCACR, Respondents file this Reply to Appellant's filing entitled "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." In addition, Respondents adopt by reference the Reply of the South Carolina Attorney General to Appellant's filing entitled "Return and Opposition of Appellant (Subject to Motion to Dismiss) to Motion of Attorney General to Strike Appellant's Initial Brief and Designation of Matter for the Record."

It is clear from a review of the initial brief of Appellant ("Pope"), designation of matter, and her purported motions to strike, related returns and affidavit, that Pope does not 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). In *Wilson v. Dallas*, 403 S.C. 411, 743 S.E.2d 746 (2013), the Supreme Court made two permanent rulings. One, the settlement among the settling parties "should not be condoned by this Court, and we reverse the circuit court's findings to the contrary. *Id.*, 403 S.C. at 450, 743 S.E.2d at 768. Two, "the circuit court's removal of [Pope] from [her] fiduciary positions" is affirmed. *Id.*, 403 S.C. at 450, 743 S.E.2d at 768. Subsequent to the *Wilson v. Dallas* opinion filed on May 8, 2013, Pope continued to file motions and appeals in actions involving the Estate and Trust of James Brown, such as those in Appellate Case Nos. 2013-001649, 2014-000250, 2014-001279 and 2009-142286 (which is *Wilson v. Dallas*), in which she clearly had no standing. Supreme Court's Order dated June 10, 2015, in Appellate Case Nos. 2013-001649, 2014-000250, 2014-001279 and 2009-142286. Since June 10, 2015,

Pope has never stopped violating that Order, and in fact she does so in her initial brief, designation of matter, and her purported motions to strike, related returns and affidavit.

Pope's strategy is to interject confusion and avoidance in almost every statement. Her brief and recent filings are full of that strategy. Pope sows confusion and avoidance by

- 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;
- arguing about the settlement — which was clearly not condoned by the Supreme Court in *Wilson v. Dallas* — as if that settlement was alive and well today;
- charging that the Honorable Doyet A. Early, III, failed to advise the Supreme Court in a written status report that certain parties publicly announced to him that they planned to disregard *Wilson v. Dallas* and reinstate the settlement, and stated matters incorrectly to the Supreme Court about Pope and Russell L. Bauknight;
- alleging that the Office of the Attorney General could not have authorized — through then-Attorney General Henry McMaster and Senior Assistant Attorney General Havird “Sonny” Jones (who Pope bizarrely claims had a “personal vendetta”) — the case against Pope for the claims concerning her breach of duties as personal representative and trustee;
- complaining about *Wilson v. Dallas*, purporting that inaccurate representations were made to the Supreme Court and that the Supreme Court did not know or address certain matters.

All of Pope's statements in her Return fall into one or more of the above confusion and avoidance tactics. Pope simply will not address the issues on appeal in any straightforward or meaningful way.

As set forth in detail in Respondents' Motion to Strike Statements in the Initial Brief and Designation of Matter of Appellant, numerous sections of the initial brief of Pope should be stricken due to the following particulars:

- A. Pope's purported Statement of the Case contains pervasive contested matters in violation of Rule 208(b)(1)(C), SCRCF.
- B. Pope's initial brief contains pervasive 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.
- C. Pope's initial brief contains pervasive irrelevant matter.

This appeal initially included twenty-five Orders in Pope's Notice of Appeal, but she has limited her initial brief to address only (1) Judge Manning's Order Denying Motion to Dismiss filed on November 9, 2010 (and Judge Manning's related Order filed on January 12, 2011, denying Pope's motion pursuant to Rule 59(e), SCRCF); (2) Judge Early's Order Granting Plaintiffs' Motion for Summary Judgment as to Defendant's Counterclaims filed on July 8, 2017 (and Judge Early's related Order Denying Defendant/Counter-Claim Plaintiff's Motion to Alter, Amend, Reconsider and/or Vacate Order Granting Plaintiffs' Motion for Summary Judgment filed on November 26, 2018); and (3) purportedly certain Orders dated and/or filed after May 29, 2013.

Pope has specifically abandoned her appeal of the pre-May 29, 2013 Orders listed in her Notice of Appeal as numbers 20, 21, 22, 23 (as it relates to an Order denying Pope's motion to change venue) and 24, because "[o]rdinarily, no point will be considered which is not set forth in the statement of the issues on appeal." Rule 208(b)(1)(B), SCACR. Further, arguably Pope has abandoned her appeal of the post-May 29, 2013 Orders listed in her Notice of Appeal as numbers

3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19, because Pope fails to argue any discussion and citations of authority (as required in Rule 208(b)(1)(E), SCACR).

The decision in *Wilson v. Dallas* confirms that Pope will never again be a fiduciary of the Estate or Trust. And Pope has been significantly restricted by the Supreme Court of South Carolina in its Order dated June 10, 2015, Appellate Case Nos. 2013-001649, 2014-000250, 2014-001279 and 2009-142286, as follows:

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. 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.

Pope used many words in her Return to address issues for which she has no standing whatsoever. Respondents disagree with every aspect of Pope's Return (as stated). Pope's standing is currently limited to her defending the claims set forth in the Complaint and pursuing appeals related thereto. Pope's allegations numbered 1-32 (or some portion of each) and the hodgepodge of statements beginning on page 5 at the second unnumbered paragraph and continuing through page 12, are allegations and statements for which she has no standing, are irrelevant, or are allegations which are simply conclusory with no reference to the record. Appellant also has no standing whatsoever to make arguments as to the attorney-client relationships between the undersigned of the Respondents.

Appellant's affidavits have been challenged by various procedural methods in the lower court, and are not admissible as evidence pursuant to the South Carolina Rules of Evidence in

Case 4900. Pope is apparently under the mistaken belief that if a party files unending affidavits with surplusage, and despite an opposing party moving to strike or otherwise challenging the affidavits, that the allegations in the affidavits at some point blossom into undisputed facts.

This appeal should have been a manageable appeal of defined issues, but Pope has continued to argue irrelevant matter and make allegations for which she has no standing. Respondents respectfully request that Pope's appeal be dismissed. Pope's attempts to confuse the Respondents and this Court by making arguments for which she has no standing, which are not relevant to this appeal, which are conclusory with no reference to the record, and which involve herself in the resolution of the Estate and Trust, must end.

### **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 the 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. The legal standard concerning matter included in an appeal set forth in Respondents' motion to strike is adopted herein by reference.

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.

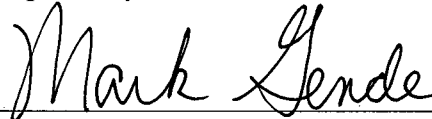
Pope's statements that are either unsupported by any reference to the Record on Appeal or are only self-supported by Pope's pleadings and/or affidavits, included in her initial brief should be stricken because of the failure to adhere to Rules 208(b)(1)(E) and 208(b)(4), SCACR. Pope's self-supporting 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 above, 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.

Respectfully submitted,



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**ATTORNEYS FOR RESPONDENTS**

June 14, 2019

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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JUN 14 2019

**SC Court of Appeals**

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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

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Case No. 2010-CP-40-4900

Appeal Tracking No. 2017-001899

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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.

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**PROOF OF SERVICE**

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I certify that I have served the REPLY TO APPELLANT'S RETURN AND OPPOSITION TO MOTION OF RESPONDENTS TO STRIKE STATEMENTS IN INITIAL BRIEF AND DESIGNATION OF MATTER FILED BY SWEENEY, WINGATE & BARROW,

P.A. by depositing a copy of it in the United States Mail, postage prepaid, on June 14, 2019, addressed to the following attorneys of record:

Adam T. Silvernail, Esquire  
Law Office of Adam T. Silvernail LLC  
1905 Marion Street (29201)  
P. O. Box 7995  
Columbia, SC 29202

Daryl L. Williams, Esquire  
Gertz & Moore, LLP  
1416 Laurel Street (29201)  
Post Office Box 456  
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William Jeffrey Smith, Esquire  
1216 Crenshaw Street  
Newberry, SC 29108

Charles E. Carpenter, Jr., Esquire  
Carpenter Appeals & Trial Support, LLC  
4825 Portobello Road  
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**Attorneys for Appellant**

The Honorable J. Emory Smith, Jr.  
Deputy Solicitor General  
Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
**Attorney for Respondent Attorney General**

Respectfully submitted,

**SWEENEY, WINGATE & BARROW, P.A.**



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**ATTORNEYS FOR RESPONDENTS**

Columbia, South Carolina  
June 14, 2019

# S·W·B

SWEENY WINGATE & BARROW P.A.

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SC Court of Appeals

June 14, 2019

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)