STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY

RECEIVED
JUN 18 2019
SC Court of Appeals

Court of Common Pleas

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

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.

REPLY TO RETURN OF ATTORNEY GENERAL TO APPELLANT'S MOTION TO STRIKE INITIAL BRIEF AND RELATED DOCUMENTS AND FOR RELATED RELIEF

Appellant, reserving and incorporating all objections as stated in her motions to strike the initial briefs filed by the Attorney General and other Respondents herein; returns to the motions of the Attorney General and other Respondents to strike Appellant's initial brief; and supporting documentation, submits the following reply to the Attorney General's return:

The Attorney General's Return Poses No Opposition to Most of the Relief Requested

While the Attorney General's Return continues to defend the role of Sweeny, Wingate & Barrow, P.A. (SWB), a private law firm, as sole counsel for eight years in in this tort suit (Richland 4900) for the State/Attorney General, Tommie Rae Brown (Tommie Rae), Terry Brown (Terry) and Will/2000 Trust contestants represented by Louis Levenson, Esq., the Attorney General poses little or no objection to the Court's striking the initial briefs and correcting the parties so that this Court will retain jurisdiction over the parties and assets and so that this appeal and the subsequent trial will be pursued and defended by the real parties in interest.

The Attorney General does not dispute that SWB cannot file a brief for the deceased Venisha Brown (Venisha), who died nine months ago, and whose 4.79% interest in Plaintiff/Respondent Legacy Trust is now sought by Levenson, Appellant and a 2012 $2.4 million default judgment creditor.[1]

[1] Plaintiff/Respondent Deanna Thomas (Deanna) applied for formal appointment in November 2018, but failed to name or locate heirs who are descendants of Venisha's deceased mother, Yvonne Fair Coleman, and named certain persons as heirs Venisha had denounced as heirs during her lifetime. Both Levenson and Appellant properly filed their Creditor's claims in the form required to make a valid claim where no PR has been appointed. A $2.4 million judgment creditor also attempted to file a claim. Both Levenson and Appellant filed pleadings opposing the appointment of Deanna. Each sought appointment of himself or some other person.

The Attorney General does not dispute that because Levenson signed the 40% Wingate contract for the incarcerated Venisha and a number of minors, then Levenson and SWB successfully resisted the appointment guardians *ad litem* (GAL) for them for eight years, they need to be polled to determine if they understand that Levenson placed their U.S. Copyright

---

Before the June 10, 2013 hearing, it was revealed that Levenson is now seeking both 30% of the 4.79% Legacy Trust interest he secured for Venisha in 2008 and an additional 25% (1/4) of a claimed 2013 40% contract he alleges Venisha has with California attorney Marc Toberoff, Esq., covering the same Copyright Termination Rights proceeds Levenson had placed in Plaintiff/Respondent Legacy Trust for Venisha in 2009, in exchange for her 4.79% share. At the June 10, 2019 hearing, the Honorable Clifton Newman orally ruled he would relieve Deanna's original counsel, Zachary Moulton, Esq., and grant Deanna 60 days to find new counsel.

Levenson urged the Court to proceed with the appointment and admonish Appellant for alleged interference with the resolution of James Brown's Estate and 2000 Trust. Levenson read extensively from a January 2019 Aiken Circuit Court order which is the subject of Appellate Case 2019-000362. He claimed Appellant had violated a 2015 Supreme Court order by filing a claim in Venisha's estate (as he had done) and seeking the appointment of herself or another PR who understands Termination Rights under Sections 203 and 304 of the Copyright Act; S.C. Probate Law; the duties of a PR to the Court and creditors; and who will protect Venisha's valuable 4.79% interest in Plaintiff/Respondent Legacy Trust for creditors. Appellant asserted that Levenson was incorrect; that the 2019 Aiken Circuit Court order had failed to take into account rebuttal testimony of the Governor, Attorney General, Solicitor General, Wallace Lightsey, Esq., and others; that Deanna has requested sixty days to have counsel; that the GAL for heirs of Yvonne Coleman Fair, Venisha's mother, had not opposed her appointment; and that Levenson's actions appeared to be in support of his claimed quarter of the claimed 2013 Toberoff 40% Contract. Based on the Levenson claims, however, Judge Newman stated he was sending a copy of the June 10 transcript to the Supreme Court.

By order dated June 13, 2019, attached hereto as Exhibit A, Judge Newman relieved Zachary J. Moulton, Esq., as Deanna's counsel in the Venisha formal appointment proceeding, and ordered that Deanna "shall have sixty (60) days from the date of this Order to secure other counsel." The order also stated: "Other Motions pending in this case will be held in abeyance until this sixty (60) day period has expired.

The above only briefly describes the history of Venisha's PR appointment proceeding. Undisputed facts in that proceeding are that SWB and South Carolina sponsoring counsel for Toberoff were notified of the formal proceeding in December 2018, and neither had filed any documents by June; that Venisha died intestate; and that Venisha was a resident of Aiken County, South Carolina at her death.

Termination Rights proceeds in the Legacy Trust in 2009 and have ratified the actions Levenson, SWB and Russell Bauknight have taken for them since 2010.

Significantly, the Attorney General does not oppose this Court's:

> . . . 3. Declaring that Wingate (SWB) may not act for the James Brown Legacy Trust because it is currently claiming in this Court that it does not exist.

By doing so, the Attorney General acknowledges that the current owners (or successors) of the Legacy Trust, which holds the Termination Rights proceeds of all "Beneficiary Plaintiffs" under Sections 304 and 203 of the U.S. Copyright Act, 17 U.S.C. §§ 101 *et seq.*, must be made parties to this appeal. They are:

Legacy Trust Owner When Complaint Filed	Current Owner/Successor	Percentage
Tommie Rae Brown	Tommie Rae Brown	23.75%
Venisha Brown	Estate of Venisha Brown	4.79%
Terry Brown	Forlando Brown	4.79%
Daryl Brown	Daryl Brown	4.79%
The Attorney General's (New) Charity	James Brown's "I Feel Good" Trust[2]	47.5%
Yamma Brown	Yamma Brown	4.79%
Deanna Brown Thomas	Deanna Brown Thomas	4.79%

The Attorney General does not oppose Appellant's request that the Court place a sixty-day time limit or other reasonable period for SWB to correct the parties. He does not oppose the

[2] In 2008, acting for James Brown's Estate/2000 Trust, the Attorney General entered into a binding agreement not to challenge the heir status of Tommie Rae, James B., Terry Brown, Daryl Brown, Venisha Brown, Deanna Thomas, Yamma Brown and Larry Brown under the Termination Rights provisions of the U.S. Copyright Act if pooled their Termination Interests under the Copyright Act in Plaintiff/Respondent Legacy Trust , taking the percentages set out above, and gave 47.5% to the AG's (New) Charity. The AG's (New) Charity, stated to be substantially similar to James Brown's "I Feel Good" Charity, does not appear to have ever been properly formed or qualified by the IRS. In a 2010 filing SWB advised the Circuit Court that the 47.5% of the Legacy Trust goes to Brown's "I Feel Good" Charity.

proposal that the Complaint of any noncompliant party be dismissed and that party's summary judgment be vacated.

The Attorney General's objections are addressed below. He has presents no facts or law which should prevent this Court from taking action to correct the parties as requested so that this Court, and the Circuit Court upon conclusion of the appeal, will continue its jurisdiction over the parties, the Federal Copyright Act Termination Interests, and other assets which they voluntarily conferred on the Richland 4900 Court in 2010.

Appellant's Motion to Strike and Affidavit Fully Comply with Rule 240

The Attorney General states that he will not respond to the statements in the affidavit which accompanies the motion of Appellant to strike because he asserts that it does not meet the requirements of Rule 210(c) SCACR. Rule 240 (c), however, relates to the "Form and Content of Motions and Petitions." Section (3) of Rule 240 (c) states:

> (3) Where the Record on Appeal or Appendix has not been filed, or where the facts relied upon in support of the motion are not contained in the Record on Appeal or Appendix, the parties shall file affidavits and other documents in support of their petitions.

Subsequent sections of Rule 240 make this provision applicable to returns and replies.

Appellant's motion properly states its grounds as required by Rule 240(c), Because there is no Record on Appeal to date, the motion is properly supported with the affidavit and other documents.

This Court Should Address Due Process Violations Confirmed by Testimony of the Governor, Attorney General and Staff Showing the Lack of Subject Matter Jurisdiction.

The Attorney General's return says:

> 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.

This issue is not meritless and is supported by the 9-year record in this pre-trial appeal, including the sworn deposition testimony of the now-Governor, the Attorney General, the Solicitor General, the former Chief Deputy, and others. Even the testimony of the Senior Assistant Attorney General who allowed himself to be introduced to the Circuit Court in Richland 4900 as the "client" of SWB, a private law firm, does not provide justification for the engagement.[3]

While the case is unlike any ever seen by Appellant or the Solicitor General, the facts which violate the Due Process rights of Buchanan and Pope are simple. There was no signed contract between the State/AG and SWB. Now-Governor McMaster has confirmed under oath that he never authorized SWB to sue in the name of the State/AG and never authorized Bauknight to act "on behalf of" the AG. The AG was never counsel of record, and never reviewed or signed any pleadings, as required by Due Process. The tort suit was not for a public benefit, but for private individuals and a claimed-private charity of the AG which was never properly formed or approved by the IRS. Except for 10% of the charitable legal fee, which would go to the AG's office, there was no benefit to the State's general fund and no other public benefit was articulated or sought in the pleadings. Then SWB spent eight years resisting the release under FOIA of both its contract and other documents that the Wingate contract, if valid, required to be released under FOIA. In

[3] The Circuit Court granted summary judgement as to the counterclaims lodged by Buchanan and Pope during a stay resulting from Appeal 2017-1899 which the Circuit Court declined to lift. As a result, a number of the members of the Attorney General's staff had not yet been deposed in Richland 4900. The Attorney General and his staff had, however, been deposed in Aiken County Case 2013-CP-02-1337 (Aiken 1337). Appellant, a *pro se* Plaintiff in Aiken 1337, deposed Now-Governor McMaster; Attorney General Wilson; Sr. Asst. AG Creighton Waters; Sr. Asst. AG Havird "Sonny" Jones; Asst. AG Mary Frances Jowers; former Chief Deputy John McIntosh; Solicitor General Robert Cook. She also deposed most Richland 4900 Plaintiffs' experts, who were also designated as experts in Aiken 1337.By oral order of the Honorable Doyet A. Early, III, SWB attorneys were allowed to participate in the Aiken 1337 depositions of the AG's staff to protect SWB's client, the Attorney General.

short, every Due Process safeguard imposed by the Constitution and by the AG's own procedures for the engagement of special counsel was breached.

The Court lacks jurisdiction over a case which violates the Due Process clause, and that jurisdiction, unlike personal jurisdiction, may not be waived. In *State v. Douglas*, 245 S.C. 83, 87, 138 S.C.2d 845, 847 (1964) the Court stated:

> [T]he question of [subject matter] jurisdiction cannot be waived by any act or admission of the parties, for the obvious reason that the parties have no power to invest any tribunal with jurisdiction of a subject over which the law has not conferred jurisdiction upon such tribunal. Hence the common expression, "Consent cannot confer jurisdiction."

The fact that Due Process claims are also being made in Appellate Case No. 2017-1899 should not prevent this Court from addressing the Due Process violations in this appeal from the same case.

The Brief and Other SWB Filings for the Attorney General are Duplicative.

The Attorney General's Reply states that the AG "joined in" the brief and filings by SWB, and that the filings are not duplicative. The SWB initial brief, however, states that it is filed on behalf of all Respondents.

The two briefs are duplicative. Importantly, they continue to lend the power and respect of the State's highest legal officer to continued attacks by Tommie Rae and Levenson's clients on Buchanan and Pope, which are essential to carrying out their announced intention to the Aiken Court of their plan to disregard the Supreme Court's decision in *Wilson v. Dallas.* As explained briefly below, this is both inconsistent with the sworn testimony of AG Wilson and his representations to the Supreme Court between the two *Wilson v. Dallas* decisions.

The Attorney General's Return Supports Tommie Rae's and Levenson's May 29, 2013 Announced Intention to Disregard *Wilson v. Dallas.*

On May 29, 2013 Tommie Rae's counsel and Levenson, speaking for most individual Respondents, announced to the Honorable Doyet A. Early, III, for most of the Respondents their intention to disregard the Supreme Court's decision in *Wilson v. Dallas* and reinstate the Attorney General's 2008 settlement. Virtually every ruling of Judge Early from that day until his retirement in February 2019 helped advance this plan. An important component of the plan was the application of the power and prestige of the Office of the Attorney General to continue the attack on Buchanan's and Pope's credibility and competence which had begun (without authorization) in May 2010 in Richland 4900. Another component was continued defiance of FOIA requests that would show:

> 1. Bauknight's claimed $4.7 value of Brown's music empire was incorrect, and his $79 million devaluation saddled Brown's 2000 Trust with millions of dollars of unnecessary income tax and gave $1 million a year and 3/10 of the "I Feel Good" Charity to claimed family members selected by the AG.
>
> 2. The Wingate contract was never signed by the AG or by most Plaintiffs;
>
> 3. Tommie Rae's admissions about her marriage at the time of her ceremony with Brown; and
>
> 4. 2011 Amendments to Plaintiff/Respondent Legacy Trust and the transfer of Terry's share to Forlando.

By July 2013 Marc Toberoff, Esq., was soliciting the Legacy Trust beneficiaries and asking to be paid 40% to collect the Termination interests Tommie Rae and the Levenson clients had put in the Legacy Trust.

In August 2013 Bauknight was deposed in a 2008 suit filed by Forlando.[4] He called Pope "dishonest;" denied that the transfer of Terry's Legacy Trust share to Forlando had taken place; and praised the work of Peter Afterman.

In September 2013 Peter Afterman helped Tommie Rae and James Brown II (James B.). file Termination Notices with the U.S. Copyright Office, seeking to take for themselves the U.S. royalties they had placed in Plaintiff Legacy Trust in 2009. Afterman also solicited the Levenson Will/Trust contestants, but was rebuffed by Toberoff, who claimed he had a conflict of interest in helping Tommie Rae while representing James Brown's estate.

In October 2013, Judge Early appointed Bauknight as PR/Trustee. That month he "double approved" the service of Buchanan and found there was no basis for disgorgement. He directed Bauknight's counsel, who agreed with the findings, to prepare an order. None was ever issued.

In 2014 Judge Early contacted Judge Manning, and they *sua sponte* ordered a joint mediation of Richland 4900 and Aiken 1337. SWB, speaking for the Attorney General, asked that two FOIA cases be required to be part of the mediation.

When directed to produce his documents related to the $4.7 million valuation, the Attorney General told a FOIA Court the AG's office had never seen them. The Attorney General continued to seek consolidation of the FOIA cases with Richland 4900.

In January 2015 Judge Early ruled that Tommie Rae was Brown's spouse. When a journalist re-published Tommie Rae's long-public handwritten admissions, Judge Early issued a Rule to show cause.. The Supreme Court dissolved the Rule as a violation of the journalist's rights..

[4] From 2008 until 2012 Forlando sought to enjoin the 2000 Trust until felon David Cannon and his co-trustee Albert Dallas were reinstated as trustees of the 2000 Trust.

In the spring of 2015 the Supreme Court asked Judge Early to provide a status report, including a report of any settlement talks. Judge Early filed the status report in May 2015. He advised the Court that there had never been any discussion of settlement, not even Courthouse talk. The status report contained other errors, including stating the Pope's less-than $48,000 SA fee claim was for $2 million.

In March 2016 two James Brown FOIA cases filed by Appellant in Newberry in 2011 and Richland 4900 were assigned to Judge Early.

In the summer of 2016 Judge Early granted the Attorney General's motions to dismiss both FOIA cases; found that Pope was not entitled to FOIA rights after being sued by the Attorney General; and found that Plaintiff/Respondent Legacy Trust does not exist. These rulings became Case Nos. 2016-001708 and 2016-001709, pending in this Court.

In May 2016 SWB withdrew its motion to withdraw as counsel for the Attorney General which had been filed in 2013.

In 2016 the AG and other Plaintiff/Respondents moved twice to consolidate Richland 4900 with Aiken 1337 [5] They were not consolidated, but SWB was allowed to attend depositions of the Attorney General and staff to protect the interest of the AG, its client.

Between 2016 and 2017 Appellant, despite continuing interruptions by SWB counsel, conducted efficient depositions of now-Governor McMaster, Attorney General Wilson, Solicitor General Cook, former Chief Deputy AG Robert McIntosh, Sr. Asst. AG Havird "Sonny" Jones,

---

[5] Pope had been forced to file Aiken 1337 in June 2013 after Bauknight served her with a Notice of Disallowance With Notice of Impending Bar claiming that she was not entitled to be paid for any of her PR/Trustee service, and might be required to disgorge her partially-paid 2007 SA fee. The Disallowance had been served on May 29, 2013, immediately after the announced intention by Tommie Rae and Levenson on behalf of most Plaintiff/Respondents to ignore *Wilson v. Dallas* and reinstate the settlement the Supreme Court had found to dismember James Brown's estate plan.

Asst. AG Mary Frances Jowers, and others, as well as seven of Plaintiff/Respondents' nine designated experts. The sworn testimony of the Governor, AG Wilson, Solicitor General Cook and others made clear that there was no authorization for SWB to bring Richland 4900, and that there had been virtually no oversight by the AG of Richland 4900 for more than six years. In addition, the vitriolic filings issued by SWB for more than five years were wholly inconsistent with the sworn testimony of the Governor and Solicitor General Cook. AG Wilson testified he knew nothing about Richland 4900 or Plaintiff Legacy Trust.

In 2017 Respondents Estate/2000 Trust of James Brown named Levenson as a fact witness in Aiken 1337, and he was deposed. At trial Levenson testified (as a fact witness) that Buchanan and Pope, in his opinion, had either no duty to defend James Brown's estate plan, or that their duty was very limited.

In 2017 Judge Early dismissed the Attorney General as a party to Richland 4900. The appeal of the dismissal order and other orders is pending in Case 2017-01899.

In 2017 the Aiken 1337 trial began. It was tried over non-successive days and concluded the following year.

In 2018 Plaintiff/Respondents Deanna, Yamma Brown (Yamma), Tonya Brown (Tonya), Venisha, and certain DNA-proven children of James Brown, through Toberoff, sued Bauknight, Tommie Rae, James and David Sojourner, Esq. in Federal Court. They claimed Defendants were trafficking in termination rights and sought an accounting for the Termination Rights proceeds that had be put in Plaintiff/Respondent Legacy Trust in 2009. The case has been moved from California to the South Carolina District Court.

In 2018 Bauknight advised the Federal Court that tens of millions of dollars had been spent in litigation costs since 2007, all to be paid from James Brown's charity which he had

valued at about $4 million. Estate/2000 Trust's expert Roger Miller valued Brown's 900 copyrights at at least $45 - $60 million at his death, and $60 - $80 million when Buchanan and Pope were replaced in 2009, based on the $4+ million a year they were bringing in. He did not value Termination Rights, but confirmed, as has been known since 2007, that Termination Rights, as they mature, will apply only to the U.S. royalties, about half ($2 million) of the annual worldwide royalties. And Bauknight testified that there had been no loss of income in the royalty stream from Termination Rights as of 2018.

In September 2018 Venisha died. Nine months later she had no PR, and Levenson is trying not only to get 30% of her 4.79% Legacy Trust interest, but ¼ of 40% more with Toberoff.

In November 2018 Appellant filed with Judge Early a Motion to Lift Stay for Limited Purposes, seeking much of the relief sought in the pending request for correction of parties.

The Attorney General, through SWB, filed a vitriolic response which was totally inconsistent with the sworn testimony of the Governor, the Solicitor General and the Attorney General.

In January 2019 Judge Early issued a severe order in Aiken 1337 finding that Buchanan and Pope were not entitled to any PR/Trustee commissions for their service from November 2007 until May 8, 2013. The order fully supported the May 29, 2013 announced intention of Tommie Rae and Levenson to disregard *Wilson v. Dallas*. While Appellant has absolutely no stake in the outcome of the Estate/2000 Trust litigation, she has a substantial stake in this case in demonstrating that her joint acts with Robert Buchanan, Jr. were reasonable and appropriate.

The 1337 order failed to consider rebuttal testimony of the Governor, the Attorney General, AG Jones, AG Jowers, the Solicitor General, expert James Hardin III, expert Wallace

Lightsey, Judge (Retired) Walter Williams and others who supported Appellant's position. It is being appealed in Case 2019-00362.

In June 2019, to support his double-contingency fee and attack Appellant, Levenson read extensively from the Aiken 1337 Order in a hearing related to the appointment of a PR for Venisha's estate, which is overwhelmed by creditors, including Levenson, Pope and a $2.4 million judgment creditor.

The Attorney General's continued use of SWB not only fails to reflect the sworn testimony of the Governor and others, it supports these vitriolic and continuing attacks, especially by an alleged representative of nine Plaintiff/Respondents who terminated him years ago. This is just one example of the improper use of the mighty power of the State since this suit was filed on May 19, 2010.

The Attorney General Should be Estopped from Endorsing SWB Filings Which Are In Direct Conflict With Sworn Testimony of the Governor, the Attorney General and the AG's Staff

This 2019 filing by SWB for the Attorney General in Richland 4900 directly conflicts with the sworn testimony of Solicitor General Cook, the Governor and Attorney General Wilson, and the AG's representations to the Supreme Court. The Attorney General, through SWB, incorrectly claims that Appellant is involved in "contemptuous and continuous attempt to involve herself in the resolution of the Estate and Trust…."[6] This is simply not true. And it is in direct conflict with the sworn testimony of the Attorney General, Governor and Solicitor General.

---

[6] In his Order dated February 26, 2019 the Honorable Doyet A. Early, III, while declining to lift the stay, did not adopt the vitriolic stance proposed by the Attorney General and others, through SWB. He declined to grant the motion to strike Appellant's Affidavits.

The Attorney General should be judicially estopped to continue, through SWB, to lend the power of the state to these vitriolic attacks by SWB which are entirely inconsistent with the sworn statements of the Attorney General, the Solicitor General and the Governor.

As stated in *Quinn vs. The Sharon Corporation*, 343 S.C. 411, 540 S.E.2d 474 (Ct. App. 2000), the South Carolina Supreme Court has expressly adopted the doctrine of judicial estoppel, as it relates to matters of fact. In *Hayne Federal Credit Union v. Bailey,* 327 S.C. 242, 489 S.E.2d 472 (1997), the Court explained that the purpose of the doctrine is not to protect litigants from allegedly improper or deceitful conduct by their adversaries, but to protect the integrity of the judicial process and the courts. The Bailey Court said:

> In order for the judicial process to function properly, litigants must approach it in a truthful manner. Although parties may vigorously assert their version of the facts, they may not misrepresent those facts in order to gain advantage in the process. The doctrine thus punishes those who take the truth-seeking function of the system lightly. When a party has formally asserted a certain version of the facts in litigation, he cannot later change those facts when the initial version no longer suits him.

The Attorney General told the South Carolina Supreme Court in 2013 that there was no further need to be in Richland 4900, and that he hoped 2011 FOIA matters would be resolved in a short time. Then he told the Court not to hear those matters. Then in 2016 the now-Governor confirmed he did not even authorize Richland 4900 in a sworn deposition. Then Solicitor General Cook testified under oath that he though Appellant was not greedy, but competent and concerned about the "I Feel Good" Charity. Then in 2017 Attorney General Wilson, in a sworn deposition, said he knew nothing about the litigation and nothing about Plaintiff Legacy Trust which he has controlled since 2011. Now, in 2019 the Attorney General had repudiated his former positions and is openly supporting SWB, Tommie Rae and Levenson, who signed the Wingate 40% contract for minors and clients who have now terminated them, in vitriolic attacks on Buchanan and Pope.

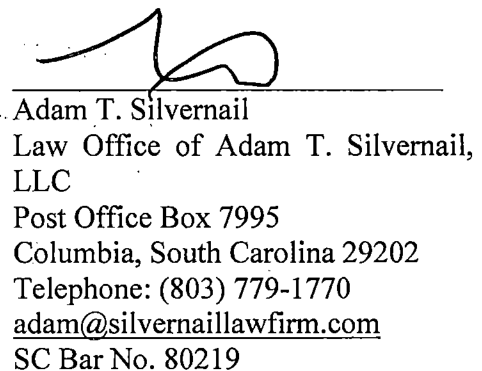
Especially with the power of his high office, the Attorney General should not be allowed to do this.

Conclusion

The Attorney General has not objected to most of the relief sought, including correction of the parties. Striking the brief of the Attorney General, which adopts and supports the duplicative, unauthorized brief of SWB, is necessary. The Court should strike both briefs and accompanying filings; correct the parties; and stay to proceedings briefly to accomplish these ends. A request to file a reduced number of copies of the record should also be granted.

Respectfully Submitted,

Charles E. Carpenter, Jr.
Carpenter Appeals & Trial Support, LLC
4825 Portobello Rd.
Columbia, SC 29206
Telephone: (803) 758-2886
charlie@carpenterappeals.com
SC Bar No. 1133



Adam T. Silvernail
Law Office of Adam T. Silvernail, LLC
Post Office Box 7995
Columbia, South Carolina 29202
Telephone: (803) 779-1770
adam@silvernaillawfirm.com
SC Bar No. 80219

William Jeffrey Smith
1216 Crenshaw Street
Newberry, SC 29108
Telephone: (803) 597-0209
Email: wjstv@mindspring.com
SC Bar No. 0005225

Daryl L. Williams
Gertz & Moore, LLP
1416 Laurel Street (29201)
Post Office Box 456
Columbia, SC 29202
SC Bar No. 6121

Attorneys for the Appellant

June 18, 2019

STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED
JUN 18 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

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.

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

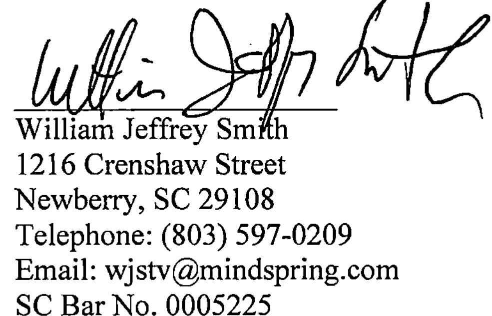
I certify that on June 18, 2019 I have served the REPLY TO RETURN TO MOTION TO STRIKE INITIAL BRIEF, MOTION AND RELATED DOCUMENTS OF RESPONDENT ATTORNEY GENERAL FILED BY RESPONDENT ATTORNEY GENERAL AND FOR RELATED RELIEF by hand delivery on counsel listed below:

Alan Wilson
Attorney General
Robert D. Cook
Solicitor General
J. Emory Smith, Jr., Esquire
Deputy Solicitor General
Office of the Attorney General
1000 Assembly Street
Columbia, South Carolina 29201

Kenneth B. Wingate, Esquire
Mark V. Gende, Esquire
Sweeny, Wingate, and Barrow, P.A.
1515 Lady Street
Columbia, SC 29201

Charles E. Carpenter, Jr.
Carpenter Appeals & Trial Support, LLC
4825 Portobello Rd.
Columbia, SC 29206
Telephone: (803) 758-2886
charlie@carpenterappeals.com
SC Bar No. 1133

Adam T. Silvernail
Law Office of Adam T. Silvernail, LLC
Post Office Box 7995
Columbia, South Carolina 29202
Telephone: (803) 779-1770
adam@silvernaillawfirm.com
SC Bar No. 80219



William Jeffrey Smith
1216 Crenshaw Street
Newberry, SC 29108
Telephone: (803) 597-0209
Email: wjstv@mindspring.com
SC Bar No. 0005225

Daryl L. Williams
Gertz & Moore, LLP
1416 Laurel Street (29201)
Post Office Box 456
Columbia, SC 29202
SC Bar No. 6121

Attorneys for the Appellant