

**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**

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 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 Appellant.

**Appellant's Amended Designation of Matter to be
Included in the Record on Appeal**

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SC Court of Appeals

ORDERS

1. Order Denying Motion of Alter of the Honorable Doyet A. Early, III, (Judge Early), dtd. November 25, 2018;
2. Order of Judge Early (Re: Stay) dtd. December 6, 2017;
3. Order Judge Early (Summary Judgment) dtd. June 23, 2017;
4. Order of Judge Early, dtd June 6, 2017 (Aiken 1337 and Richland 4900)
5. Order of the Hon. Jean H. Toal, Acting Circuit Judge, dtd. June 6, 2017;
6. Order of Judge Early, dtd May 31, 2017 (Dropping AG)
7. Order of Judge Early, dtd. March 9, 2017 (Tommie Rae)
8. Order of Judge Early, dtd. March 9, 2017 (January Affidavit)
9. Order of Judge Early, dtd. March 7, 2017 (Production Documents)
10. Order of Judge Early, dtd. February 6, 2017 (Expert Consolidation)
11. Order of Judge Early, dtd. February 1, 2017 (Larry Brown)
12. Order of Judge Early, dtd. September 21, 2016 (AG Protective Order)
13. Order of Judge Early, dtd. 9/21/16; (Daryl, Tonya)
14. Proposed [sic] Scheduling Order of Judge Early, dtd. July 25, 2016;
15. Form 4 Order of Judge Early dtd. July 21, 2016
16. Order of Judge Early Dismissing FOIA Suit, dtd. June 14, 2016
17. Order of Judge Early, dtd. April 8, 2016 (Lifting Stay)
18. Order of the Hon. Donald W. Beatty, dtd. March 24, 2016 (R.4900/FOIA)
19. Order of the Hon. L. Casey Manning (Judge Manning) dtd. March 2, 2016
20. Order of Judge Manning dtd. October 13, 2015 (Mediation Attendance)
21. Order of Judge Manning, dtd. October 13, 2015 (Set Aside Default)
22. Order of Judge Manning, dtd. October 5, 2012 (Mediation Attendance)
23. Form 4 Order of Judge Manning, dtd. September 23, 2015
24. Form 4 Order of Judge Manning, dtd. September 4, 2015
25. Order of Judge Manning, dtd. July 19, 2012 (Mediation)
26. Order of Judge Manning, dtd. July 13, 2012 (Dismissal)
27. Order of Judge Manning, dtd., July 5, 2012 [No page 2]
28. Order of Judge Manning, dtd. July 5, 2012 (SWB)
29. Order of the Honorable Frank R. Addy, Jr. dtd. November 22, 2011
30. Form 4 Order of Judge Manning, dtd. September 28, 2011
31. Order of the Court of Appeals, filed May 31, 2011
32. Order of the Honorable Jasper M. Cureton, filed March 16, 2011;
33. Order of Judge Manning dated January 7, 2011 (Deny Reconsideration)
34. Order of Judge Manning dtd. November 8, 2010 (Deny Mot. Dismiss)
35. Order of Judge Manning, dtd. November 8, 2010 (Venue)
36. Form 4 Order of Judge Manning, dtd. August 30, 2010;
37. Order of Judge Early (Aiken 322) dtd April 5, 2010
38. Order of Judge Early, dtd. March 15, 2010; (Aiken 1647)
39. Order of Judge Early (Aiken 122), dtd. November 13, 2008 (Pullman)

40. Order of Judge Early (Aiken 872) dtd. July 19, 2008 (Education Benefits)
41. Order of the Court of Appeals, dtd. July 14, 2008 (Dallas)
42. Order of Judge Early (Aiken 122) dtd. April 8, 2008
43. Order of Judge Early (Aike 122), dtd. March 8, 2008
44. Order of Judge Early (Aiken 122), dtd. March 7, 2008
45. Order of Judge Early (Aiken 122), dtd. January 9, 2008
46. Order of Judge Early (Aiken 122), dtd. January 8, 2008
47. Form 4 Orders of Judge Manning, continuing, dtd. 9/28/11, 9/4/15, 9/23/15, 2/9/16

PLEADINGS, MOTIONS AND OTHER DOCUMENTS

1. James Brown 2000 Irrevocable Trust
2. Will of James Brown
3. 2008 Amendments to "I Feel Good" Trust in IRS Recognition Proceeding
4. August 10, 2008 Agreement
5. Brief in Support of Incontestability of Estate Plan, dtd. 4/23/09
6. Ltr. of Buchanan & Pope to AG, 3/16/09
7. Ltr. to Klett , 6/24/09
8. Summons and Complaint, Richland 4900
9. Motion to Dismiss of Buchanan and Pope, dtd. June 22, 2010, w/Exhibits
10. Motion to Transfer Venue, dtd. 8/2/10
11. Pope Verified Answers to First Interrogatories of Plaintiffs, 2010
12. Unverified Answers of Henry McMaster
13. Verification of McMaster Answers by Wilson
14. Memorandum Supporting Dismissal ,dtd. 8/10/10
15. Supplemental memorandum Supporting Dismissal dtd. 8/25/10
16. Second Supplemental Memorandum Supporting Dismissal, dtd. 8/27/10
17. Plaintiffs' Memorandum in Opposition to Motion to Dismiss, dtd. 8/27/2010
18. Affidavit of Pope & Buchanan in Support of Dismissal, w/ Exhibits, 7/23/10
19. Acknowledgment filed 8/27/10
20. Affidavit, Bauknight dtd 8//26/10 (excluding daily entries)
21. Plaintiffs Memorandum in Opposition to Changing Venue, w/ Exhibit A, pp. 1-13, 20, 25, 27, 34, 37-42, 44, 45
22. Affidavit of Pope, etc. dtd. 9/21/10, w/ Exhibits
23. Answer and Counterclaim of Buchanan & Pope, dtd. September 30, 2010;
24. Answer to Counterclaim, dtd. November 16, 2010
25. Motion to Set Aside Entry of Default, 11/16/10
26. Plaintiffs' Witness List, Nov. 2010
27. Legacy Trust/Settlement Entity Amendment 2010
28. Assignment of Terry Brown to Forlando Brown
29. Motion to Disqualify and Enjoin, dtd. May 18, 2011
30. Affidavit of Silvernail dtd. May 27, 2011

31. Return and Opp.to Motion for Protective Order (Terry) dtd June 2, 2011
32. Motion to Compel (Terry) dtd May 27, 2011
33. Affidavit of Pope (Terry), 6/2/11
34. Affidavit of Pope, June 3, 2011
35. Return and Opposition to Motion for Protective Order (Lindsey), dtd.6/22/11
36. Affidts Pope , re: Lindsey, Jason, Deanna, Yamma Daryl, dtd. 6/22/11
37. Ltr. of Silvernail to SWB dtd June 15, 2011
38. Affidavit of Pope, dtd. June 22, 2011
39. Ltr. of SWB to Silvernail, dtd.6/17/11
40. Ltr. of D. Williams to SWB, dtd. 6/27/11
41. Motion for Protective Order dated July 1, 2011 w/ Ex. A – C
42. Motion to Compel (SWB Contract) dtd. July 26, 2011
43. Return and Opposition to Motion for Protective Order, dtd. July 12, 2011
44. Motion for Protective Order (SWB Contract), dtd. 8/9/11
45. Affidavit of Pope Supporting Production (SWB Contract), dtd.8/1/11
46. Affidavit Supporting Deposition ,dtd. December 5, 2011
47. Plaintiffs' Return in Response to Motion to Consolidte [FOIA], dtd. 2/9/12
48. Ltr. of Pope to The Hon. Alan Wilson, dtd. March 5, 2012 (re: Tommie Rae)
49. Ltr. of Pope dtd. April 1,2012, to the Hon. Alan Wilson, others
50. Plaintiffs' Consent to AG's Motion to Strike Affidavits,dtd. 4/9/12
51. Proposed [FOIA] Intervenors' Memorandum of law, dtd. 4/11/12
52. Supp. Affidavit in Support of Injunction, etc.,
53. Return & Memorandum in Opposition to Relief from Default,dtd. 4/10/12
54. *Private Foundations, Copyright Heirs, and Musical Millionaires: why the James Brown "I Feel Good" Trust doesn't...* Draft, April 2011
55. Ltr. of Pope dtd March 30, 2012 to Cannon, AG
56. Return and Opposition to Motion to Enforce Settlement,dtd. 5/21/12
57. Affidavit of Pope Requesting Depositions of 5 of 91 Witnesses, dtd. 7/1/12
58. What Levenson [Tom.Rae, Rosen, AG, NP,, Adele, Daryl] Wants, 10/12
59. Plaintiffs' Motion to Strike Offers of Judgment, dtd. 8/13/12
60. Motion of Plaintiffs for Direction, dtd. 8/23/12, w/ Exhibits, A, 1, 3- 6, 9, 11-15, 18 – 21, 25, 28, 29, 31, 32, 33, 35- 41, 47-49, 55,56, 58, 62 – 85, 87, 88, 90, 95-100
61. Affidavit of Pope (Publicity)
62. Pope Email to Levenson , dtd. 11/15/12
63. Pope's Return [FOIA] to Motion for Judgment on Pleadings,dtd. 1/11/13
64. Supplement Affidavit of Pope (Injunction), dtd. 1/12/13, w/ Exhibits A &B
65. Plaintiffs' Motion to Compel, February 27, 2013
66. Motion for Summary Judgment (Terry, Bauknight as Agent), dtd. 5/4/13
67. Return and Opposition to Motion for Protective Ord.,(Terry) 3/8/13
68. Motions for Summary Judgment Jason,Janise, Carrington, dtd. 3/9/13
69. Motion for Summary Judgment, AG, 2000 Trust, dtd. 3/11/13
70. Motion for Summary Judgment, James B, dtdd.3/22/13

71. Motion Dated March 9, 2013 (SJ)
- 72.. Ltr. SWB to Jg. Manning dtd. March 27, 2013
73. Motion to Add Forlando as party dtd. 4/16/13, w/Exhibit A &B
74. Ltr. of SWB to Judge Manning, dtd. 5/10/13
75. Motion to Add Forlando as a Party, dtd.
76. Motion to Stay, dtd. 4/22/14
77. Affidavit of Pope[FOIA] Opposing Stay,
78. Return and Opposition and Request for Expedited Hearing, dtd. 4/29/14
79. Return and Opposition to Stay [FOIA] dtd 4/29/14
80. Supp. Memo in Opposition to Mot. to Set Aside Default,dtd. 2/6/15
81. Status Report, May 8, 2015
82. Motion for Sum.Jmt. and Offset (Tonya, Daryl, Venisha, Agent), dtd.5/28/15
83. Affidavit of Pope, dtd. May 8, 2015, w/ Exhibits A – D
84. Affidavit of Pope Supporting Attendance at Mediation, dtd. 8/13/15
85. Return to Motion to Exempt, dtd. 8/12/15
86. Motion to Alter (Default Relief Order), dtd., Oct. 20, 2015
87. Report of ADR for October 22, 2015 Mediation
88. Affidavit of Pope Opposing Protective Order (Richardson) , dtd. 2/19/16
89. Rule 11 and Rule 37 Opposition to Motion for Protective Order, dtd. 2/22/16
90. Motion to Alter Stay Order, dtd. March 7, 2015
91. Affidavit Supporting Motion to Alter,dtd. 3/7/16,w/ Depos.Bauknight 4/20/13
92. Affidavits of Pope (2) dated April 9, 2016, (Depositions)
93. Affidavit in Support of Motion to Compel, dtd. 4/22/16, w/ Ex. A – O
94. Motion to Strike dtd May 20, 2016
95. Return and Memorandum Opposing Consolidation, dtd. 5/26/16
96. Affidavit of Pope re: Consolidation, dtd. 5/21/16
97. Return and Mem.Opposing Consolidation, Aiken 1337 Pl.,dtd. 5/26/16
98. Supplemental Affidavit of Pope Opposing Consolidation ,dtd. 6/2/16
99. Return and Opposition to Consolidation of FOIA Plaintiffs, dtd. 6/6/2007
100. Notice of Withdrawal of Motion to be Relieved, dtd. 6/7/16
101. Affidavit of Pope dated July 1, 2016
102. Motion for Protective Order, dtd. 6/15/16 (Tommie Rae)
103. Affidavit of Pope in Sup.Mot.to Compel Lindsey, dtd. 8/22/16 , Ex A- T
104. Affidavit of Pope dtd. 8/22/16 (Janise),
105. Returns (Janise and Venisha), dtd. August 22, 2016
106. Deposition of the Honorable Henry Dargan McMaster, dtd. 8/22/16, pp. 1, 171-183
107. August 29, 2016 Memorandum
108. Motion to Dismiss all Claims of Venisha, dtd. September 14, 2016
109. Supp. Memo. Opposing Summary Judgment,dtd. 9/23/16 w/ Ltr. to Jg. Early dtd. 9/23/16
110. Affidavit of Pope, dtd. 1/17/17
111. Motion to Alter dtd., March 24, 2017

112. Supp. Return to Motion to be Dropped, dtd. 4/6/17
113. Affidavit of Harley Ruff, Esq., dtd. 6/23/17
114. Return (Jason) , dtd. June 27, 2017 CHECK if 2016
115. Motion to Alter, Etc., Summary Judgment Order,dtd. 7/13/2017
116. Affidavit/Opinion of Wm. Jeffrey Smith, dtd. July 14, 2017
117. AJP's Motion to Alter, Amend, etc.dtd.July 19, 2017 (AG Dropped)
118. Notice of Appeal of Order Dismissing AG and other orders
119. Motion to Lift Stay, dtd. 10/24/17
120. Affidavit in Support of Motion to Lift Stay, dtd. 11/8/17
121. Order Denying Motion to Lift Stay, dtd. 12/6/17
122. Status Report of Judge Early, Responses Terry, Daryl, Barr
123. Complaint, California Suit, Deanna et al v. Tommie Rae et al.
124. Bauknight Motion to dismiss, 2/18 California suit
125. Tommie Rae Statement Supporting dismissal, lack of jurisdiction
126. Supplemental Motion to Lift Stay, dtd. 10/30/18, w/ Exhibits A-D
127. Deposition, Yamma Brown, 1/27/17, cover & pp p. 124, L. 22- 125, L. 16; . 140, L. 1 – 142, L. 16, with Notice of Filing of Original Transcripts of Tommie Rae, Yamma, Gov. McMaster, Richardson, Lindsey, Jason, Venisha and others filed October 19, 2017
128. Motion Donsbach to be relieved
129. Return and Opposition to Motion of Donsbach to Relieved, 10/29/18.
130. Deposition, Tommie Rae Brown, June 16, 2016, coverage and pp. 29, 11 -25; 128, l. 7 – 130, l.23; 132, l. 13 – 135, l.14; 140, l. 8 – 142, l. 25; 170, 18 - 171, l. 16; 241, L. 5 – l. 21.
131. Emails Black and Bundy to Judge Early re: Stay, Nov. 2018
132. Depos. Jason Brown-Lewis, 6/29/17, Coverage and pp. 46, L. 10 – 16, 47, L. 9 – 14, 55, L. 6 – 56, L. 16;[R. pp.]
133. Transcript of non-appearance of Legacy Trust, coverage and pp. 1-3
134. Transcript of non-appearance, Venisha, coverage, pp. 1-3
135. Depos. Deanna Brown-Thomas ; 1/27/17, Coverage and p. 65, L. 7 – p. 68, L. 19, P. 160, L.4 – 162, L. 6, p. 163, L. 10 – 164, Deposition Yamma, 1/27/17, [R., pp.]

HEARINGS AND TRANSCRIPTS

Transcript, Hearing held August 29, 2016 – p. 4, l. 9 - p. 7, 14; p. 8, 116 – p.10, 11; p. 11 – l 1-8; p. 13, l 2 -20; p.14, l 7 – p. 15, l 1; p.16, l 3 – p.18, l3; p.26, l 2 – l 16; p. 36, l. 19 – p. 37, l 19; p.38,l17 -l 23; p. 41,l 13 – p. 46,l.10; p. 48, l 24- p. 49, l2; p. 79, l 12 – p. 86, l 17; p. 92, l 7 - l 18; p. 97, l 19 – p. 99, l 24;

Respectfully submitted,

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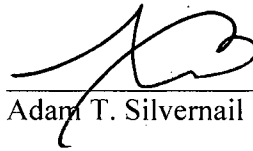
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Counsel for Appellant Adele J. Pope

August 5, 2019

CERTIFICATE OF COUNSEL

The undersigned hereby certifies pursuant to Rule 209(c) that the Appellants' Amended Designation of Matter to be Included in the Record on Appeal contains no matter which is irrelevant to the appeal.



Adam T. Silvermail (Bar No. 80219)

Counsel for Appellants

August 5, 2019

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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.

PROOF OF SERVICE

I certify that on August 5, 2019, I have served the AMENDED INITIAL BRIEF OF APPELLANT by hand delivery on counsel listed below:

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