

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM AIKEN COUNTY  
Court of Common Pleas  
The Honorable Doyet A. Early, III Circuit Court Judge

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Appellate Case No. 2019-000362

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**RECEIVED**  
SEP 27 2019  
SC Court of Appeals

Adele J. Pope, Appellant

v.

Estate of James Brown and The James Brown 2000 Irrevocable Trust, Respondents

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**APPELLANT'S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD  
ON APPEAL**

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Appellant designates the following matter to be included in the Record on Appeal herein:

1. Order of the Honorable Doyet A. Early, III, filed February 7, 2019
2. Order of the Honorable Doyet A. Early, III, filed January 16, 2019
3. Order of the Honorable Doyet A. Early, III, filed August 29, 2017 (Form 4, Reconsider Den.)
4. Order of the Honorable Doyet A. Early, III, filed August 18, 2017 (Transfer to Nonjury)
5. Order of the Honorable Doyet A. Early, III, filed August 16, 2017 (Partial Summary Judgmt.)
6. Order of the Honorable Doyet A. Early, III, dated February 6, 2017 (Deny Consol. Experts)
7. Order of the Honorable Doyet A. Early, III, filed June 16, 2017 (Miller Confidentiality)
8. Order of the Honorable Doyet A. Early, III, file June 15, 2017 (Confidentiality)
9. Order of the Honorable Doyet A. Early, III, filed June 9, 2017 (Protective Order)
10. Order of the Honorable Doyet A. Early, III, filed June 9, 2017 (Protective Order, 2d)
11. Order of the Honorable Jean H. Toal, filed March 1, 2017 (Wingate Deposition)
12. Order of the Honorable Doyet A. Early, III, dated February 7, 2017 (Deny Consol. Experts)

13. Order of the Honorable Doyet A. Early, III, filed January 20, 2017 (Depositions)
14. Order of the Honorable Doyet A. Early, III, filed January 18, 2017 (Denying Mot. to Alter)
15. Order of the Honorable Doyet A. Early, III, dated December 16, 2016 (Deny Disqualification)
16. Order of the Honorable Doyet A. Early, III, filed September 23, 2016 (Deny, Mot. Alter)
17. Order of the Honorable Doyet A. Early, III, filed September 1, 2016 (Confidentiality)
18. Order of the Honorable Doyet A. Early, III, filed September 1, 2016 (Administrative)
19. Order of the Honorable Doyet A. Early, III, filed July 18, 2016 ( Form 4 Mot. Consolidate)
20. Order of the S. C. Supreme Court, , App. Cases Nos. 2015-000186 and 2015-000215, dtd. 3/4/15
21. Order of the Hon. Doyet A. Early, III & the Hon. L. Casey Manning, filed 1/ 20 /15 (Mediation)
22. Order of the Honorable Doyet A. Early, III, filed December 2, 2014 (Form 4, Deny SJ)
23. Order of the Honorable Doyet A. Early, III, filed September 8, 2014 (Deny, Mot. Strike)
24. Order of the Honorable Doyet A. Early, III, filed June 9, 2014 (Deny Reconsid.)
25. Order of the Honorable Doyet A. Early, III, filed March 10, 2014 (Dismissing Bauk., Indiv.)
26. Order of the Honorable Doyet A. Early, III, filed February 4, 2014 (Form 4: Mot. Alt. Denied)
27. Order of the Honorable Doyet A. Early, III, filed January 17, 2014 (On hearing 12-2-13)
28. Order of the Honorable Doyet A. Early, III, filed June 13, 2013 (Administrative Order)
29. Order of the Honorable Sue H. Roe, dated June 11, 2013 (Removal)
30. Order of the Honorable Doyet A. Early, III, filed March 15, 2010
31. Order of the Honorable Doyet A. Early, III dated March 11, 2009 (Cannon)
32. Order of the Honorable Doyet A. Early, III, dated January 7, 2009
33. Order of the Honorable Doyet A. Early, III, dated September 16, 2009
34. Order of the Honorable Doyet A. Early, III dated July 23, 2008 (Education Payments)
35. Order of the Honorable Jasper Cureton, dtd. July 14, 2008 (Christie's Sale)
36. Order of the Honorable Doyet A. Early, III, dated April 8, 2008
37. Order of the Honorable Doyet A. Early, III, dated April 1, 2008
38. Order of the Honorable Doyet A. Early, III, dated March 8, 2008 (Resolving Mot. Dismiss)
39. Order of the Honorable Doyet A. Early, III, dated March 7, 2008 (Deny Dallas Reconsid.)
40. Order of the Honorable Doyet A. Early, III, dated March 7, 2008 (Tommie Rae)
41. Order of the Honorable Doyet A. Early, III, dated February 26, 2008 (Deny Levenson Disq.)
42. Order of the Honorable Doyet A. Early, III, dated February 20, 2008 (Cannon Passport)
43. Order of the Honorable Doyet A. Early, III, dated February 20, 2008
44. Order of the Honorable Doyet A. Early, III, February 19, 2008 (Deny Recusal)
45. Order of the Honorable Jasper M. Cureton, dated February 6, 2008 (Cannon)
46. Order of the Honorable Doyet A. Early, III, dated January 25, 2008 (Cannon)
47. Order of the Honorable Doyet A. Early, III, dated January 23, 2008 (Scheduling)
48. Order of the Honorable Doyet A. Early, III, dated January 16, 2008 (Cannon sanctions)

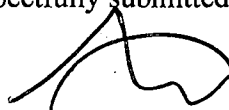
49. Order of the Honorable Doyet A. Early, III, dated January 9, 2008 (Engagement Counsel)
50. Order of the Honorable Doyet A. Early, III, dated January 8, 2008 (Scheduling Hearings)
51. Order of the Honorable Doyet A. Early, III, dated January 8 2008 (Payment Order)
52. Order of the Honorable Doyet A. Early, III, dated November 20, 2007 (combining funds)
53. Order of the Honorable Doyet A. Early, III, filed November 20, 2007 (Appointing PR/Trustees)
54. Order of the Honorable Doyet A. Early, III, dated August 10, 2008 (Cannon Resignation)
55. Order of the Honorable Doyet A. Early, III, dated August 10, 2007 (Supp. NY Counsel)
56. Order of the Honorable Doyet A. Early, III, dated June 22, 2007 (Engagement NY Counsel)
57. Order of the Honorable Doyet A. Early, III, dated June 22, 2007 (Access to Documents)
58. Order of the Honorable Doyet A. Early, III, dated March 7, 2007 (Appointing SAs)
  
59. Complaint, Aiken 1337 file June 10, 2013 with Exhibits 1 - 6
60. Motion for Expedited Voiding of Claimed Appointments and Other Relief, dtd. June 9, 2013
61. Motion to Dismiss dtd. July 10, 2013 (Bauknight)
62. Motions to Dismiss, Respondents
63. Motion for Summary Judgment and Supplemental Objection to Motion to Dismiss (corrected) w/ Exhibits A, B, C, D, E
64. Motion to Alter, Amend, etc. Order Dismissing Claims filed January 27, 2014
65. Answer to Petition for Allowance of Claim filed January 17, 2014
66. Reply Memorandum dated March 20 and filed March 24, 2014
67. Return and Opposition to Motion for Confidentiality Order
68. Plaintiff's Motion for Partial Summary Judgment filed May 19, 2014
69. Plaintiff's Motion for Inclusion of Docs., Unsealing, Etc., dtd. June 3, and, filed June 6, 2014 w/ Exhibits A; B; C p. 1, 2, 16, 18, & 19, 22, 31, 33, 34, 39 – 41, 44, 45, 53, 54; D, p. 1 – 4, 7 – 9, 13, 14- 7 of Exhibit C,
70. Plaintiff's Motion for Summary Judgment filed May 19, 2014
71. Memorandum in Support of Partial Summary Judgment, dated July 24, 2014
72. Cross Motion for Partial Summary Judgment dtd August 21, 2014
73. Return to Plaintiff's Motion for Partial Summary Judgment
74. Summons and Complaint, Richland 4900
75. Plaintiff's Motion to Strike Affidavit filed July 8, 2014
76. Return and Opposition to Confidentiality Order, filed 9/10/14
77. Return and Opposition to Motion of Estate/2000 Trust for Partial Summary Judgment
78. Motion to Compel Attendance of Principals and Successors to Legacy Trust , filed 1/15/15
79. Proof of ADR
80. Status Report of Pope, Aiken 1337, dated January 22, 2016, filed 1/16/16
81. Status Report of Judge Early, May 6, 2015 without Tommie Rae Stipulation
82. Response to Status Report filed by Matthew Bodman, Esq., dtd. 5/13/15
83. Response to Status Report filed by John Donsbach, Esq., dtd. 5/15/15
84. Response to Status Report filed by William Barr, Esq., dtd. 5/18/15
85. Status Report, dtd January 22, 2016, with cover letter
86. Motion for Clarification and Judicial Notice, filed February 23, 2016, w/ Exhibits

87. Defendant's Motion for Protective Order (Richardson), filed March 2, 2016
88. Supplemental Response to Motion of AG Alan Wilson, dtd. April 10, 2016
89. Motion to Consolidate, dated April 11, 2016
90. Return to Motion to Consolidate
91. Motion for Protective Order as to Deposition of David C. Sojourner, Jr. filed 6/3/16
92. Motion of Plaintiff to Alter, Amend, Etc. Admin. & Confidentiality Order, dtd. 9/14, filed 9/16/16
93. Return to Motion of Estate/2000 Trust and Request for Relief, dtd. January 3, 2017
94. Affidavit of Pope, dated 1/17/17
95. Joint Motion of Richland 4900 Plaintiffs & Respondents to Consolidate (Experts), dtd. 1/4/17
96. Return and Opposition to Motion of AG Wilson, dated 1/23/17
97. Return as to 30(b)(6) Depositions, dated 1/23/17
98. Motion to Alter or Amend, dated January 17, 2017
99. Motion, dated January 23, 2017
100. Response and Objection, dated February 5, 2017
101. Return and Opposition, dated February 20, 2017
102. Motion for Partial Summary Judgment, dated May 23, 2017
103. Motion to Transfer to Non-Jury Roster, dated August 10, 2017
104. Return to Motion to Transfer, dated August 10, 2017
105. Return to Motion to Reconsider, dated September 3, 2017
106. Motion and Memorandum to Unseal Documents, dated December 1, 2017
107. Motion for Sanctions, dated December 13, 2017
108. Return and Opposition to Motion to Pay Into Court, dated February 16, 2017
109. Motion for Disclosure of *Ex Parte* Filing, dated April 5, 2018
110. Return and Mem Opposing Telephone Status conference filed May 7, 2018
111. Motion for Directed Verdict, dated June 14, 2018
112. Handwritten note of Judge Early, dated January 7, 2019
113. Motion to Alter or Amend January 2019 Order of Judge Early, filed January 22, 2019
114. Pope Designation of Experts
115. Trial Transcript pages 1-16; 31-347; 417; 423-424; 519; 521-522; 632-633; 1134-1135; 1286-1288; 1420-1426; 1453-1454; 1988-1992; 2005-2167; 2217; 2299-2300; 2339-2340; 2376-2378; 2409-2410, 2446-2469
116. Plaintiff's Trial Exhibits 1, 2, 4, 7, 8, 12, 13, 16, 20, 23, 25, 30, 31, 32, 33, 34 (p. 1), 36, 38, 39, 40, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 57, 58, 59, 60, 61, 62, 63, 64, 65, 67, 68, 69 (p. 1 and signature pg. only) 77
117. Defendant's Trial Exhibits 5, 116
118. Notebook of Rebuttal Designations of Depositions of Robert Cook, James Hardin, Attorney General Alan Wilson, Kenneth Wingate, Rita Caughman, Mary Frances Jowers, Sonny Jones, Mary Frances Jowers, Wallace Lightsey David Sojourner, Everett Kendall, Stephen Lambert, Creighton Waters, Walter Williams, Sandra Matthews, and designations contained within the designations from depositions listed below. [Ex. P47]
119. Deposition of Solicitor General Robert Cook; February 8, 2017, entire page, pp. 5-8, 12 - 26, 29 - 75, 77-81,

120. Deposition of Governor Henry McMaster, October 19, 2016, p. entire page, 1,3,5,7,9,21, 23-25, 30 -42, 44-48, 52,53, 55 – 57, 61-65, 69, 71, 73, 74, 76,77, 79-90, 94 – 96, 99, 100, 102, 104-106, 108, 110, 113 – 115, 116, 117, 118, 120 - 124, 126, 131, 133-135
121. Deposition of Wallace Lightsey, Esq. p. 6, L 24 – p. 7, L. 7;p. 9, L 21 – p. 10, L 22; p. 13, L 11 - p. 14, L 16; p. 19, L 3 – L 12; p. 20, L 14 – L 24; p. 21, L 11 – 20;p. 22, L. 2 – 23; p. 23, L 9 – p. 24, L 10; p. 24, L 17, p. 25, L 6; p. 26, L 1 - p. 27, L 10;p. 27, L 15 – 17;p. 27, L 23 – p. 28, L 1;p. 28, L 16 – p. 29, L 17;p. 30, L 4 – L 16 and L 23 – L 25;p. 31, L 4 - p. 32, L 2;p. 32, L 9 – L 13; p. 33, L 15 – p. 34, L 18;p. 35, L 5 – p. 36, L 5;p. 36 – L 15 – 18; p. 36, L 20 p. 37, L 2; p. 37, L 20 – 24; p. 38, L 8 - p. 39, L 4; p. 39, L 15 – 22; p. 40, L 24 - p. 41, L 1.
122. Deposition James Hardin III, March 23, 2017,entire page p. 1,3,4,6,11, 82, 83, 97, 104 – 122, 127-136, 139, 141 – 143, and Exhibits D1 – Expert Report of Mr. Hardin, D2 (Creditor’s Claim), p. 2-5, 29-55, 84-85, 115, 119-121, 136 – 349, 394 – 469, 477 – 508; and D. 8 – Bob’s and Adele’s Correct \$84 Million Value for James Brown Assets;
123. Deposition of Kenneth Wingate, Esq., entire page, p. 1, 5-7, 14, 15, 21, 22, 29, 31 – 33, 35, 37, 39, 41, 42, 44-47, 50, 52,53, 55, 57, 58, 62, 65, 68 – 72, 74, 75, 77, and Exhibits 1, Order for Deposition
124. Deposition of Rita B. Caughman, July 12, 2016, entire page, pp. 1, 3, 4, 10, 17, 19 -22, 24, 25, 28, 29, 34
125. Deposition of Asst. AG Mary Frances Jowers, May 3, 2016, entire page, pp. 1, 4, 5, 8 – 10, 13-15, 18, 24, 26, 31, 34-37, 40, 43, 45, 50, 61 – 63, 65 – 67, 73, 77, 80 -82, 84, 87, 88, 91, 95 97, 100, 102, 106 – 108, 112, 117, 124- 126, 130, 134, 136 – 138, 141, 142, 147 – 148, 154, 157, 158, 176, 180, 191, 193,
126. Deposition of AG Jowers, May 4, 2016, entire page, pp. 1, 4, 5, 7, 10, 12, 15 17, 20, 23, 28, 31, 32, 34, 35, 41 – 43, 49, 53, 57- 59, 61- 63, 65, 67, 68, 70 – 72, 75, 76, 78, 80, 82, 84, 92, 94 – 97, 100, 103, 112, 115, 116,
127. Deposition of Attorney General Alan Wilson, March 21, 2017, entire page, pp. 1, 3-6, 8, 11-17, 21-23, 28, 30, 31, 33-35, 39, 41, 49, 50, 53, 54, 57, 61, 62, 64, 65, 67, 70, 72
128. Deposition of Sr. Assistant AG Sonny Jones, May 5, 2016, entire page, pp. 1, 3-5, 7, 14, 43, 44, 49, 50, 52, 54, 55, 61 – 63 65, 97, 114, 127, 130, 135, 138, 140, 143-146, 150 – 152, 154, 156, 157 – 159, 165, 169, 170, 171, 176, 185, 201, 2013, 225 – 227
129. Deposition of Judge (Ret’d) Walter Williams, January 26, 2017,entire page, pp. 1, 4, 5, 11, 13, 26, and Exhibit 1, Walter Williams to Help Distribute James Brown Fortune, Ex. 2, Confirmation of Request to Serve, 9/11/08
130. Deposition of AG Auditor Sandra Matthews,entire page, pp. 1, 3-8, 11-22, and Darren Julien Affidavit
131. Deposition of Sr. Asst. AG Creighton Waters, February 9, 2017, entire page, pp. 1-5, 8-9, 14-18, 21, 24, 28, 30, 32, 35, 37, 39
132. Deposition of Everett Kendall, March 6, 2017, entire page, p. 4 – 7, p. 10,12 – 15,18,19 , 21, 22, 31, 32, 34, 37 – 39, 41 -60, 62 – 65, 67 – 69, & Exhibit 1, Order of the Hon. J. H. Toal dtd. 3/1/2017;2. Questions, depos of Wingate and Kendall; 4.,Partial Transcript, Richland 4900 Hearing dtd. 2/20/2017 5. Email chain from, Alan Medlin to Marcia Jones and others dtd. 7/31/2008 (5:15 pm) subject: re: DNA Order Rosen, Robert.

- .. & Email of Rosen to Medlin and others 7/31/08 (5:45 pm)6. Schedule F - Other Misc. Property . . . , Form 706, Estate of James Brown; 7.Handwritten notes, Tommie Rae Hynie dtd. 6/20/1997. Email from Sonny Jones, AGS Jones to Buchanan and Others dtd. 12/6/2007, subject: James Brown Matter, Attachments, James Brown Legacy Offer. . . w/Handwritten Notes re: Mr. Jones advised of October 18 Letter. . . .Ltr. Henry McMaster AG to Pope/Buchanan dtd. 7/30/2008; 10.Partial Transcript, Richland 4900, Hearing 8/30/2010; 11.Partial Transcript, Richlan 4900, Hearing 8/30/2010; 12.AGREEMENT FOR LEGAL SERVICES, Sweeny, Wingate & Barrow, P.A. dtd. 5/18/2010; 13., Motion of Alan Wilson, AG and Others to Supplement Record dtd. 5/6/2011, *Wilson v. Dallas*; 14.Correspondence and Plaintiffs' Motion to Dismiss Petition for Writ of Prohibition, SC Court of Appeals, Richland 4900 (partial) dtd. 2/28/2011;15. Plaintiffs' Motion to Strike Def. Pope's Offers of Judgment dtd. 8/13/2012 (partial) w/Exhibit B, Pope's Offer of Judgment to AG and Bauknight, as Agent for AG; 16. Proposed Appendix to ROA, *Wilson v. Dallas* (partial) ;17.Ltr., Lewis [sic] Levenson, Esq to State Bar of Georgia dtd. 6/20/2008
133. Deposition of W. Jeffrey Smith, p. 1 and *Private Foundations...*
134. Transcript of November 15, 2007 Hearing, p. 309
135. Transcript of September 9, 2009 Hearing, p. 29
136. Transcript of April 9, 2009 Hearing, p.
137. Creditor's Claim – See Hardin Deposition Exhibit 2
138. Notice of Disallowance of Creditor's Claim
139. Chart, Pope (Proffered) – Standard of Care of PR/Trustee & Benefits, Breaches, James Brown Irrevocable Trust and Last Will and Testament, 2000 – 2018
140. Chart - Orders and Hours
141. Ellison Thomas, CPA Chart for SLED, with Pope addition of Royalties
142. Agreement, 8/10/08

Respectfully submitted,




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Adam T. Silvernail  
 Law Office of Adam T. Silvernail, LLC  
 1905 Marion Street (29201)  
 Post Office Box 7995  
 Columbia, South Carolina 29202  
 Telephone: (803) 779-1770  
 adam@silvernaillawfirm.com  
*Attorney for the Appellant*

September 27, 2019

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APPEAL FROM AIKEN COUNTY  
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SC Court of Appeals

Adele J. Pope, Appellant

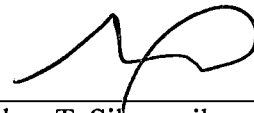
v.

Estate of James Brown and The James Brown 2000 Irrevocable Trust, Respondents

PROOF OF SERVICE

The undersigned counsel for Appellant certifies that he has served a copy of the Appellant's Designation of Matter to be Included in the Record on Appeal on counsel for Respondents by hand delivery on the date shown below, addressed as follows:

J. David Black, Esquire  
Nexsen Pruet, LLC  
1230 Main Street  
Columbia, SC 29201



Adam T. Silvernail  
*Attorney for the Appellant*

September 27, 2019