

STATE OF SOUTH CAROLINA  
In the Court of Appeals  
APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

RECEIVED  
JAN 16 2020  
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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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.; 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.; 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.

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**RETURN AND MEMORANDUM IN OPPOSITION TO MOTION OF RESPONDENTS  
TO DISMISS APPEAL OR STRIKE AMENDED INITIAL BRIEF OF APPELLANT**

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The January 2020 motion of Respondents asks this Court to summarily reject, or delay, its consideration of a critical question first posed to this Court in early 2011 by Robert Buchanan, Jr. and Adele Pope:

May the Attorney General of South Carolina join with individual parties, including nonresidents and minors with no GAL, in a tort suit against South Carolina citizens in which the AG and private parties are all represented by a single private law firm; the AG is not an attorney of record; and more than half of the millions of dollars being sought from the South Carolina citizens will go to private parties? [Petition for Writ of Prohibition, *Bauknight v. Pope*, Appellate Case No. 2011186406]

Respondents ask the Court to ignore that on May 8, 2013, in *Wilson v. Dallas*, the Supreme Court noted that the Attorney General had advised the Court of its intention to end its involvement in this case (Richland 4900) and two FOIA cases, but that just two days after the decision the Attorney General sought a stay in Richland 4900 which lasted until 2016.

Respondents ask the Court to ignore that Russell Bauknight, trustee of the James Brown Legacy Trust (Legacy Trust), and the Attorney General's designated fiduciary, has sought to intervene in at least three FOIA suits, including the two mentioned above, since 2011. Today the Attorney General's two FOIA suits have not been concluded.

Respondents cite seven cases ranging from 1890 to 2007 related to dismissals and two related to the civility oath, none of which bears any relation to the facts of this case, for the proposition that the statements in Appellant's brief filed over two months ago about conduct of the court, judges, Respondents and their counsel are "contemptuous," "scurrilous," and serve as a basis to dismiss -- or further delay -- this Court's review of an unconstitutional complaint which should have been dismissed by the circuit court in 2010, and circuit court orders granting the Attorney General and others summary judgment in the midst of discovery and while the circuit court had declined to lift the stay of a pending appeal.

Notably, the case law cited by Respondents in which the Supreme Court has taken note of or sanctioned behavior it found violative of the Civility Oath deals exclusively with lawyers who made personal attacks on others, which attacks were gratuitous and unrelated to the litigated matters. One involves an attorney who alleged in correspondence related to a client's divorce that opposing counsel's child had purchased drugs from a "crackhead." *In re Anonymous Member of South Carolina Bar*, 392 S.C. 328, 709 S.E.2d 633 (2011). Another involved a lawyer who published a letter questioning whether another individual had a brain or a soul in the course of a zoning dispute. *In re White*, 391 S.C. 581, 707 S.E.2d 411 (2011). Respondents do not attempt to, nor could they, equate the straightforward, record-based statements in Appellant's briefs to any which were the subject of the case law cited.

As set forth in detail below, the statements quoted in Respondents' motion are all based on facts in the record, material to the issues on appeal herein, and worded as courteously as possible. Appellant notes that Respondent Estate/2000 Trust, through different counsel, has recently launched a similar attack on Appellant in Case No. 2019-000362, pending before this Court. In that case, the Estate/2000 Trust sought to strike Appellant's brief pursuant to a 2015 Order of the Supreme Court which Respondents have repeatedly interpreted to bar Appellant from speaking about virtually any topic related to the Estate/2000 Trust. This Court denied that motion on January 13, 2020. The instant motion in this case is a continuation of Respondents' (joint and several) attempts to prevent Appellant from litigating cases they filed against her or required her to file, and it should be denied in full.

The moving parties then assert that the appeal should be dismissed because the brief was untimely, an issue that, if correct, could have been raised and resolved more than two months ago.<sup>1</sup>

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<sup>1</sup> Appellant's Reply Brief to Respondents' Initial Brief was filed on November 5, 2019. Notably, Respondents assert that several statements from Appellant's Initial Brief warrant striking or dismissal. Appellant notes that her

For each reason stated herein, the motion to dismiss or strike should be denied.

### **Plaintiff/Respondent James Brown Legacy Trust Lacks Standing to Bring the Motion**

In August 2008 Plaintiff/Respondent James Brown Legacy Trust (Legacy Trust) was formed. Russell Bauknight was selected as trustee of the Legacy Trust and the Attorney General of South Carolina (AG) was given the authority to remove and replace Bauknight at will. He continues to pursue this case on behalf of the Legacy Trust.

By January 2009 all of the termination rights proceeds to U.S. royalties to about 900 copyrights under Sections 304 and 203 of the U.S. Copyright Act, 17 U.S.C. §101 *et seq.* of the individual Plaintiffs/Respondents had been placed in the Legacy Trust for collective management; payment of the debts and expenses of the Legacy Trust; and distribution to the “Beneficiary Plaintiffs” in relation to their ownership interests.

In May 2010 Bauknight, as trustee of the Legacy Trust, and in multiple additional claimed capacities, brought this suit against Defendants Buchanan and Pope. [Complaint] The millions of dollars sought from Buchanan and Pope were for the benefit of the Beneficiary Plaintiffs of the Legacy Trust. [*Id.*]

After *Wilson v. Dallas*<sup>2</sup> Bauknight began claiming in FOIA suits that the Legacy Trust did not exist. Then in 2016 the Legacy Trust secured a ruling from the circuit court that it did not exist.<sup>3</sup> While that ruling is inconsistent with the benefits conferred on the Legacy Trust by the 2017 and 2018 summary judgment orders which are the subject of this appeal, the Legacy Trust, and Bauknight, should be judicially estopped to seek any relief in this appeal. "Judicial estoppel

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Amended Initial Brief was filed on August 5, 2019, and Respondents moved to strike it – without once alleging that any portion of the Amended Initial Brief was “scurrilous” or “contemptuous.” Their motion was denied by Order of this Court on November 22, 2019, *after* Appellant had already filed her brief in reply to Respondents.

<sup>2</sup> 403 S.C. 411, 743 S.E.2d 746 (2013).

<sup>3</sup> Issues related to the Legacy Trust’s existence are part of Appellant’s petition for a writ of *certiorari*, pending before the Supreme Court as Appellate Case No. 2019-1581.

precludes a party from adopting a position in conflict with one earlier taken in the same or related litigation." *Hayne Fed. Credit Union v. Bailey*, 327 S.C. 242, 251, 489 S.E.2d 472, 477 (1997).

### **The Estate/2000 Trust's Continuing Alliance With Tommie Rae Gives it Unclean Hands**

In its May 26, 2009 order the circuit court found that Russell Bauknight had no conflict of interest being both fiduciary under James Brown's Will and 2000 Trust and trustee of the Legacy Trust which was created to dismember it. The circuit court's rationale was that the Attorney General and settling parties consented to his dual positions.

From 2009 until 2013 Bauknight, speaking for the Estate/2000 Trust and the Legacy Trust, told the Supreme Court: Plaintiff/Respondent Tommie Rae's elective share claim was a "slamdunk;" Tommie Rae and her son James controlled the termination rights proceeds which would flow into the Legacy Trust; termination rights were all this estate was about; and that nobody was trying to buy the James Brown assets. Bauknight represented to the Court that James Brown's assets were worth only \$4.7 million when he died; that the Estate/2000 Trust had no corpus to speak of; and that if the AG's settlement which gave Tommie Rae about \$1 million a year and a quarter of James Brown's assets were not upheld, because of termination rights, Brown's "I Feel Good" Charity would have nothing by 2023.

In 2013, between the two *Wilson v. Dallas* decisions Bauknight told the Supreme Court that he could change and now defend the estate plan of James Brown which he had been working to dismember since 2009.

On May 8, 2013 the Supreme Court voided Bauknight's PR/Trustee appointment, giving James Brown's fiduciary and the Estate/2000 Trust a clean slate to defend the solid estate plan of James Brown and minimize the impact of termination rights on the \$4 million annual royalties Brown was bringing in when Bauknight replaced Buchanan and Pope in 2009.

All that was required was to complete the heirs determination (with \$300 DNA tests for non-presumed heirs and Will/Trust challengers); use Tommie Rae's own handwritten admissions about her first marriage to defend the Estate/2000 Trust against her claims; and clarify for the courts and heirs that termination rights would never apply to the non-U.S. royalties. That did not happen. The Estate/2000 Trust, through Bauknight, continued its alliance with Tommie Rae in Richland 4900.

The purpose of Richland 4900 is the same as the May 29, 2013 announced intention of Tommie Rae and the Levenson clients to the Aiken Circuit Court: to disregard *Wilson v. Dallas* and reinstate the AG's 2008 settlement which gave stipulated "heirs" more than half of the assets and \$2 million a year in exchange for the termination rights that are now in the Legacy Trust.

By 2017 Tommie Rae stated in this case:

Ms. Pope's ill-considered appeal of the 2008 settlement agreement cost the charitable trust tens of millions of dollars. . . Because Ms. Pope succeeded in destroying the settlement agreement, the charitable trust lost the right to these tens of millions of dollars of termination rights proceeds. Because Mrs. Brown has now agreed to contribute 65% of her share of the termination rights proceeds, the charitable trust will benefit immensely. It appears, however, that the Brown children's Share of the termination rights proceeds<sup>4</sup> will remain irretrievably lost to the charitable trust – thanks to Mrs. Pope's appeal. [Richland 4900 Mot. Tommie Rae Prot. Ord., 4/20/17, footnote 1]

The Estate, through Bauknight, has continued its alliance with Tommie Rae in Richland 4900 since 2013. The purpose of Richland 4900, as demonstrated in the complaint, is to obtain damages against Buchanan and Pope for appealing the AG's 2008 settlement in *Wilson v. Dallas*.

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<sup>4</sup> The termination rights proceeds, if any, of Respondents Terry, Larry, Daryl, Venisha, Deanna, Yamma, Tonya, Jason, Tommie Rae and James were transferred to the Legacy Trust by January 2009. In addition, Daryl, Deanna and Yamma assigned the termination rights proceeds of their then-minor children to the Legacy Trust. [Agmt. 8/10/08] The 2008 Agreement confirms that the assignments were irrevocable, and were not dependent on court approval. The Agreement provides that all debts and expenses of the Legacy Trust will be paid before the distributions are made to the Beneficiary/Owners. [*Id.*]

### **Sworn Testimony of Governor McMaster Supports Dismissal of the Complaint**

The sworn testimony of now-Governor Henry McMaster has been known to all Respondents since his deposition was given in Aiken County Case 2013-CP-02-1337 (Aiken 1337) in October 2016. When asked about the damage he was causing Defendant Pope in Richland 4900 by keeping her from being paid for her work for the Estate/2000 Trust between 2007 and 2009, Governor McMaster answered: “Ma’am, I did not sue you.” See **Exhibit A**.

Richland 4900 was six years old when Governor McMaster stated emphatically under oath that he had not authorized the law firm of Kenneth Wingate, Esq. (Wingate) to sue Buchanan and Pope in the name of the State/AG; had not authorized Bauknight to act “on behalf of” the Attorney General; and did not even know he was a Richland 4900 Plaintiff until after he left office as Attorney General. Excerpts from that deposition have been in the record in this case since 2017.

There is nothing contemptuous or improper about Defendant/Appellant Pope’s use of the Governor’s sworn testimony, from the record in this case, to ask this Court to dismiss a case Governor McMaster stated under oath he did not authorize.

### **Sworn Testimony of the Attorney General Supports Reversal of the Appealed Orders**

In Appellate Case No. 2017-1899 the Attorney General is taking the position that his deposition should not be taken in this Case, Richland 4900, where he is a Plaintiff. In Aiken 1337, however, where Respondent Attorney General is not a party and Appellant Pope was a *pro se* Plaintiff seeking to be paid for work done for Brown’s Estate/2000 Trust, Attorney General Alan Wilson and Pope arranged and conducted a brief, respectful deposition which provided material evidence that the Richland 4900 complaint should be dismissed; that the orders granting summary judgment as to the counterclaims of Buchanan and Pope were premature and incorrect; and that

Appellant's and Buchanan's Due Process rights have been denied since Richland 4900 was instituted against them in 2010.

Counsel for Bauknight attended the deposition which was conducted on March 21, 2017 at 10:15 a.m., and concluded at 12:09, less than two hours later. See **Exhibit B**. Pope presented the AG with a list of questions to facilitate the process, and both the Attorney General and Pope made a brief statement about their reasons for being there, and positions with respect to the matter. Both Richland 4900 and Aiken 1337, which the Attorney General had sought to consolidate in 2016, were discussed.

In the deposition the Attorney General stated under oath that he was unaware that he had any personal control over Plaintiff/Respondent Legacy Trust [p.16]. He stated under oath that he had not discussed the Wingate suit with Kenneth Wingate, Esq. in several years, and did not recall ever reviewing a pleading. [p. 17] He stated he was not in a position to know whether stipulating that Tommie Rae was Brown's spouse helped the "I Feel Good" Charity. [p. 22, 23]. He did not know whether anyone on his staff had developed any expertise in Federal Copyright Act Termination Rights during the eight years the AG's office had been involved in the James Brown litigation [pp. 23, 24]. He did not recall that in Richland 4900 he was accusing Buchanan and Pope of not having adequate knowledge of Termination Rights. [ pp. 24, 25]

The Attorney General testified as follows about the Legacy Trust:

**Q. Have you and Tommie Rae Hynie had control of the James Brown Legacy Trust since you took office?**

[ Objections by counsel for AG and Bauknight]

A. As I stated earlier, I can't answer specifics about the litigation because I'm not personally aware. [P. 16]

Counsel for the Estate/2000 Trust made clear that the questions which were courteously asked and answered by the Attorney General were all related to Richland 4900. On page 35 counsel stated:

MR. BLACK: Ms. Pope, rather than interrupt, I'm going to put a standing Object – I've now had the opportunity to review each of your questions. For the record I want to be clear this deposition being taken in Case 1337 which is your narrow claim case pursuant to Judge Early's order, and every single question I look at here has to do with the case you described as Case 4900, which is a separate lawsuit, not concerning your claim against the Estate.

Asked if he had reviewed the Richland 4900 complaint in preparation for the deposition, the Attorney General stated: "I glanced at it." He did not recall hearing Bauknight's lawyer tell the Supreme Court that Tommie Rae's elective share claim was a "slamdunk" and had no way of answering whether the claim was correct. [pp. 26, 27]

Respondents stated in 2016 that the Attorney General was too busy with his public duties to testify in this case, and the circuit court, over objection of Defendant Pope, agreed. Respondents – other than the Attorney General – claim that actions of Defendant Pope have been "contemptuous" and improper. Yet Pope, *pro se*, deposed the Governor, the Attorney General, Solicitor General Cook, Sr. Asst. AG Havird "Sonny" Jones, Asst. AG Mary Frances Jowers, former Chief Deputy John McIntosh, Sr. Asst. Attorney General Creighton Waters, and Auditor Sandra Matthews courteously in Aiken 1337 with no claim that Respondent was "contemptuous" or discourteous to the court or the parties. The following took place between Pope and the Attorney General in his deposition, seven years after he had sued Buchanan and Pope:

Q. Do you know anything sitting here today about the service of Bob Buchanan and Adele Pope to the Estate and Trust of James Brown between March 7, 2007 and May 26, 2009.

A. I know nothing firsthand. I know what I was briefed on in 2011 when I authorized the lawsuit. I – also, but I will say this: I know that senior

members of my staff hold you in the highest regard and have spoke[n] highly of you, but other than our meeting in 2013, and this meeting, I don't think you and I have ever had any interactions together. So I only know you by your good reputation with Mr. Cook and Mr. McIntosh who – who have known you much longer than me. . . [pp. 50, 51]

By direction of Judge Early, the Attorney General, Governor and AG staff were allowed to appear in Aiken 1337 by deposition, but any one or more could have appeared in Aiken 1337 in 2017 and 2018 if their depositions did not reflect their positions about the civility in which they were deposed and treated generally despite pursuing Richland 4900 against Defendants Buchanan and Pope.

In 2017 the depositions of Kenneth Wingate, Esq., and Everett Kendall were taken, over objection, by Order of the Honorable Jean H. Toal, Acting Circuit Judge. They provide material facts and contrast to the depositions of the Governor and a number of Respondents. Many questions were not answered, and both sought, and received protective orders. Nevertheless, what they said under oath is factual and material, and its use by Defendant Pope in this case is appropriate.

Under oath, in what is known as the “Forlando Federal Case” Mr. Bauknight, in 2013, asserted that Pope, and presumably Buchanan, “raped” James Brown’s estate, and that Pope was a liar. [Depos. Bauknight, **Exhibit C**] The Attorney General has accused Buchanan and Pope of intentionally overstating the value of the James Brown assets to secure a large fee. This claim by the State’s highest legal officer continues to threaten Defendant Pope’s career, Governor McMaster, a former U.S. Attorney, agreed with Pope in his deposition that such claims are very serious. Yet the responses of Buchanan and Pope have always been both measured and appropriate.

### **The Specific Matters Addressed by Respondents Are Appropriately Within the Record**

Each of the statements which the Richland 4900 Plaintiffs – other than the Attorney General – now claim to be “contemptuous accusations against the circuit court, judge of the circuit court, the Attorney General, opposing lawyers, and Respondents” is merely a factual recounting of what has happened in this almost-10-year-old case. Almost every statement has been fully supported by one or more Respondents in filings since 2010. Some of the statements are reviewed briefly below:

- Bauknight “. . .was working on a devaluation of Brown’s famous image and likeness to zero, or near zero. . .”

The evidence that Bauknight valued Brown’s famous image and likeness at a very low number came into view in 2011 with the claimed \$4.7 million valuation. It was clarified in the record in March 2013 when Richland 4900 Plaintiff James Brown II (James), then a minor, told the Supreme Court what the makeup of the Bauknight/Peter Afterman value was: \$23.7 million for Brown’s 900 copyrights, reduced by an [incorrect] \$19 million for the TIAA debt. When checked against the IRS records Bauknight and other Respondents had filed with the Supreme Court, this showed that Bauknight had valued Brown’s entire music empire – Schedule F2 of the estate tax return – at \$4.7 million. This meant that the other large components of the music empire were valued at zero, or near zero. They are: 1. Brown’s famous image and persona; 2. Brown’s claims against Morgan Stanley and others for the \$17 million former trustee Cannon took; and 3. Brown’s iconic tangible personal property.

In the fall of 2013 Bauknight revealed that Peter Afterman was the “music industry expert” responsible for the \$4.7 million at-death valuation. And at some point after Aiken 1337 was filed in 2013 the estate released the August 2009 email of Tommie Rae’s lawyer, “Exhibit Q” to an affidavit filed years ago, which proposed to value the copyrights at less than \$24 million – 6-8

times annual royalties – and ignore South Carolina law regarding Brown’s right to devise his image and likeness to the “I Feel Good” Charity.

- Forlando and Terry have repeatedly defrauded the Court.

Evidence of the fraud of Forlando, and Terry has been noted by numerous Respondents, as well as Buchanan and Pope, since 2008. References to it are found throughout the record on appeal in this case as well as the record in *Wilson v. Dallas*. Louis Levenson, Esq., who represented Forlando, Plaintiff Terry, and at least 10 other Richland 4900 Plaintiffs between 2007 until 2013, made a full record before Judge Early after Terry and Terry’s sons Forlando and Romunzo filed multiple false grievances against Levenson in South Carolina and Georgia. They even accused Levenson of having a forgery on the 30% contingency fee contract with Forlando and Terry, who had terminated Levenson.

From January 2008 until 2012 Forlando pursued Federal Case No. 3:08-cv-00014-WOB, seeking to enjoin the 2000 Trust from taking any action until felon David Cannon and his co-trustee Albert Dallas were reinstated. He told the Court he was not a party to any State case to remove a trustee. He was, in fact, a Plaintiff in the original Levenson suit filed in 2007. In his deposition in that case, Forlando said in 2008 that offers of \$150 million were available for the James Brown music empire.

By January 2011, however, Forlando had changed courses; been assigned Terry’s right of first refusal to buy the music empire; become the owner of Terry’s interest in the Legacy Trust; and planted with an Atlanta law firm the false Grammy© claim that would be noted by the Supreme Court in *Wilson v. Dallas*. Each of these facts came into the record in this case as it was learned.

- “ . . . Respondents all secreted from the Court the SWB contract and made false statements about its contents.”

This is perhaps the most documented statement in the record in this case. Counsel moved

in 2011 for all Respondents except the Attorney General to intervene in a FOIA case to prevent release of the public Wingate/SWB contract. Through their counsel, they claimed that the Wingate/SWB contract was “the epitome of a private document.” When released by a Federal Judge in the Forlando Suit in the fall of 2013, the Wingate contract actually stated on its face that it was a public document, and subject to FOIA. It has still not been released in the Richland 4900 discovery which has been outstanding for 9 years.

- ...the “Circuit Court declined to advise the Supreme Court of the announced intention to reinstate the 2008 settlement.”

Buchanan, Pope, many Respondents and the media were present on May 29, 2013 in Barnwell when counsel for Tommie Rae and Levenson, speaking for most Richland 4900 Plaintiffs, announced to the Honorable Doyet A. Early, III, their intention to disregard the Supreme Court’s decision in *Wilson v. Dallas*. They asked to go in chambers and tell the circuit court why the AG’s 2008 settlement should be reinstated. Judge Early declined. The matter has been repeatedly stated by the media and Defendant Pope since, with nobody challenging the veracity of the statement.

Judge Early declined the request. In January 2015, with Buchanan and Pope having been excluded from participation since June 10, 2013, the circuit court declared Tommie Rae to be Brown’s spouse in a summary judgment hearing where the SA/ST “defending” the estate plan did not even proffer her handwritten admissions about her marriage. The Supreme Court asked the circuit court for a status report. One was filed on May 8, 2015.

The status report, unfortunately, reported that the circuit court had no knowledge of any proposed settlement. Buchanan and Pope, not invited to do so by the Court, did not respond. Bauknight, Sr. Assistant AG Havird “Sonny” Jones, Bauknight’s counsel, Levenson, and Tommie Rae’s counsel did nothing to correct the incorrect statement. Respondents Terry and Daryl Brown,

with others, did (uninvited) file responses to Judge Early's status report, pointing out other inaccuracies contained in the status report.

- Tommie Rae and more than ten Respondents announced to Judge Early in open Court their intention to ignore *Wilson v. Dallas* and reinstate the AG's 2008 settlement.

As stated above, at the time counsel for Tommie Rae and Levenson announced the decision to disregard *Wilson v. Dallas* and reinstate the AG's 2008 settlement Levenson represented Richland 4900 Plaintiffs Deanna Thomas; Yamma, Venisha, Daryl and Larry Brown; Tonya Brown Fegan, all "Beneficiary Plaintiffs" of the Legacy Trust, and five owners of Plaintiff LegacyTrust. He also represented their children, including Plaintiff Jason Brown-Lewis; Janise and Lindsey Brown; and Carrington and Sydney Lumar. The statement is accurate; was contemporaneously reported by the press; has been repeated scores of times since 2013 within the record of this case and elsewhere; and was discussed by Judge Early and Plaintiff Pope on the record in the Aiken 1337 trial.

- Forlando conducted "fraud and dirty tricks including filing false grievances against Levenson in two states; helping Dallas disrupt the Christie's sale in 2008; and Planting the false Grammy© story in 2011 which was noted by the Supreme Court in *Wilson v. Dallas*.

This matter is discussed above, except for the Christie's sale. Forlando stated under oath in the federal suit that he and family member got together to disrupt the Christie's sale, even though at the time they were at odds over other matters. The false Grammy© claim was planted with an Atlanta law firm in January 2011 by Forlando, and Levenson testified in his 2017 deposition in Aiken 1337 that he believed former trustee Albert Dallas had a hand in the matters. As set out in the affidavit of Elizabeth Alexander in this case, Robert Potter, Esq. – incorrectly attributed with the halting of the Grammy© sale – did not even know about the post on his firm's website.

- "In addition, Respondents actively worked to prevent the circuit court from reviewing documents and the circuit court has actively worked since May 2013 to help reinstate

the AG's 2008 settlement.

In 2011, as is shown in the record of the FOIA case which was made part of Richland 4900 in 2012 and mentioned above, all Richland 4900 Plaintiffs except the Attorney General took the extraordinary step of moving to intervene in a FOIA case seeking the public Wingate/SWB contract with the Attorney General. Counsel for Bauknight threatened sanctions when Defendant Pope asked for a copy of the Legacy Trust which had sued her. Then all Respondents, including the Legacy Trust, sought sanctions against Defendant Pope for seeking documents under FOIA. Sanctions were not granted, but Respondents were successful in having the FOIA case transferred from Newberry County to Richland County and consolidated with Richland 4900. As of today – 8 ½ years after the FOIA request was made – Respondents and the Attorney General have not produced the Wingate contract either in Richland 4900 discovery or the consolidated FOIA case.

In 2012 the circuit court helped the Legacy Trust and its beneficiaries by declining to reconsider its unconstitutional orders gagging anyone from discussing the long-public, so-called “Hynie Diary”. They were actually Tommie Rae’s handwritten admissions that she was married, living with her husband, and possibly pregnant before falsifying a marriage license application in Aiken and conducting a marriage ceremony with Brown. Then in 2015, just after declaring Tommie Rae to be Brown’s spouse, the circuit court issued a rule to show cause to a journalist who re-published the “Hynie Diary,” which was mailed from Augusta to a newspaper. The Supreme Court declined to enforce the circuit court’s rule, and the public admissions again became public. From 2008 to 2015, out of respect for the Court, Defendant Pope had honored the unconstitutional gag orders and attempted to have them voided properly.

In the Aiken 1337 order, at page 42, the circuit court stated in 2019:

The Supreme Court’s opinion in *Wilson v. Dallas* is the law of the case or this proceeding. Nevertheless the Court is not required to turn a

blind eye to the fact that Mrs. Pope [ and presumably Mr. Buchanan] did not seek advice regarding the benefits of the settlement agreement vis-a-vis termination rights before her appeal attacking the settlement. Moreover, every appellate decision is, of course, limited to the facts before the Court. The Supreme Court's decision in *Wilson v. Dallas* did not have the benefit of the evidence the Court received during this trial. The Court is likewise not required to turn a blind eye to the fact that the settlement agreement put an end to litigation among the heirs....The Court finds that Mrs. Pope's failure to seek guidance on this vitally important term of the settlement agreement constituted a breach of her duty of care and prudence.

In 2019 the circuit court -- having excluded Buchanan and Pope from all Aiken proceeding for more than six years -- was still being told that it was beneficial to give Tommie Rae and 5 Levenson clients about \$2 million of income a year and half of Brown's assets in exchange for termination rights that would not begin until 2012, at the earliest, and which would never apply to the \$2 million a year non U.S royalties; the \$40 - \$50 million right of publicity; the up-to- \$20 million of tangible personal property; or the \$17 million of claims against various parties related to takings by resigned trustee David Cannon.

In its 2019 order, the circuit court stated that the Governor, the Attorney General, the Solicitor General, expert Wallace Lightsey, Esq., and expert James Hardin III, Esq., -- and other witnesses -- had simply not testified.

In addition, the circuit court ruled in 2017 that an affidavit of Defendant Pope, which Respondents claimed was scurrilous, be placed under seal. The circuit court did so without review, and the affidavit was removed from the record with no notation. The circuit court also directed that all of Appellant's future affidavits -- not those of Defendants -- be filed under seal. That circuit court order is among those now before this Court.

Finally, in December 2017 the circuit court directed Bauknight to file all litigation costs since May 26, 2009, which had been ordered by the Supreme Court in the *Wilson v. Dallas* decision four years earlier. In February 2018 Bauknight filed the records *ex parte*. When trial counsel for

Pope objected, the circuit court rescinded the order; discarded the documents; and failed to preserve a copy under seal for the Aiken 1337 appeal.

- The AG, Tommie Rae and Baukniht “conspired to devalue Brown’s copyrights in order to discredit Appellant and accuse Appellants and accuse Appellants of being greedy felons.

This is fully supported by the August 30, 2009 email of counsel for Tommie Rae and filings after the \$4.7 million “appraisal” arrived.

- The AG and circuit court went along, doing nothing to stop Tommie Rae from siphoning off royalties that should have gone to the “I Feel Good” Trust.

When *Wilson v. Dallas* was decided, James Brown’s Estate/2000 Trust was in a perfect position to end the Will/Trust challenges; quickly complete the heirs determination with \$300 DNA tests for everyone who challenged the Will or was not a presumed child; end the Tommie Rae spousal claims based on her own handwritten admissions; and start using most of the \$4 million a year it had been earning since Buchanan and Pope took office in November 2007, to provide about \$3 million a year in scholarships for needy students. It would have been easy for the Attorney General to reverse the \$4.7 million Peter Afterman valuation and return the 31% of the “I Feel Good” Charity it had shifted to the “Family.” But it did not happen.

By September 2013 Marc Toberoff, Esq., representing a number of Richland 4900 Plaintiffs, had notified the circuit court that Peter Afterman, the Estate’s music manager, was helping Tommie Rae and James file termination notices with the Copyright Office trying to get some of the U.S. royalties devised to the “I Feel Good” Charity. Toberoff did not disclose that he had a 40% contingency fee to try to help other Plaintiffs get the termination rights they had assigned to Respondent Legacy Trust in 2009. At that time, the Legacy Trust was available to help pay for the damage it had caused.

As he mentioned in his deposition, the Attorney General met with Defendant Pope in 2013. Pope and her attorney met again with the Solicitor General and Chief Deputy AG. By then Pope had gained substantial expertise in termination rights matters. The Solicitor General thought she was competent and concerned about the “I Feel Good” Charity. The AG did nothing. By 2018 Bauknight had admitted to a federal court that tens of millions of dollars had been spent on litigation costs. They were unnecessary. The loss of \$1 million a year and 31% of the charity were unnecessary.

Both the Attorney General and the circuit court knew that Bauknight had never properly accounted and that he has not accounted at all since 2016. Yet both continued to blame the woes of the James Brown estate on Buchanan and Pope. Reading these actions with the Complaint in Richland 4900 and the FOIA actions, it is reasonable to conclude that the Attorney General and Bauknight acting “on behalf of” the Attorney General, along with the AG’s Legacy Trust and the circuit court, have retaliated against Buchanan and Pope for their successful appeal of *Wilson v. Dallas*.

- ...the Status Report asserts that Pope’s \$47,972 SA Fee is Believed to be \$2 Million...

This statement is correct, as set out in the circuit court’s 2015 status report to the Supreme Court.

**The Filing Date of Appellant’s Reply Brief is not Justification for Striking the Brief or Dismissing the Appeal**

Respondents allege that Appellant’s Reply Brief was untimely filed and should therefore be stricken or her appeal dismissed. In reviewing the record, it appears that the Reply Brief may have been due earlier than filed, because Respondents’ motion to strike did not automatically toll the response deadline. Appellant submits, however, that both because Respondents sought to strike her Amended Initial Brief (which motion could have led to all briefs being revised and the

deadlines for replies reset) and because the Attorney General's Initial Brief was not due until January 9, 2020, any late filing of Appellant's Reply Brief did not slow this appeal or prejudice the parties in any way. Appellant respectfully asks that her brief be accepted as filed.

Appellant further notes that both Respondents and the Attorney General have sought and received at least one extension of virtually every deadline in this appeal (where Appellant has sought none).

**No Designation of Matter is Required where the Reply Brief Cites No Documents Beyond those Already Designated**

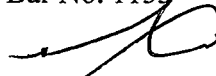
Respondents confusingly argue that Appellant's Reply Brief should be stricken because no designation of matter was filed therewith. Rule 208(a)(3) of the *South Carolina Appellate Court Rules* sets forth that an appellant "may" file a reply brief, rather than requiring one. Appellant acknowledges that Rule 209(a) appears to mandate that a designation of matter be served at the same time as any brief, but submits that Rule 209 coordinates the timing of filing designations, *if there is any material to designate*. Appellant relies on materials designated either with her Initial Brief or by Respondents in the Reply Brief. It would therefore be nonsensical to require her to designate additional materials in her Reply Brief just to satisfy Respondents' reading of Rule 209. *See Jean Hoefler Toal, et al., Appellate Practice in South Carolina*, 2<sup>nd</sup> Ed. 130-131 (2002) ("[appellant] is *permitted* to serve a designation contemporaneously with the filing of the initial reply brief. . .")(emphasis supplied). Respondent Attorney General appears to follow Appellant's interpretation of the Rules, as he filed no designation of matter with his Amended Initial Brief. Appellant submits that the absence of an additional designation lends no justification to striking her brief or dismissing her appeal.

## CONCLUSION

Appellant respectfully asks that this Court deny Respondents' motion in its entirety. This Return is based on the documents, Rules and case law cited herein, as well as the attachments and the entire record in this matter.

Respectfully submitted,

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*Counsel for Appellant Adele J. Pope*

January 16, 2020

# **EXHIBIT A**



1           **2009, James B. was an heir of James Brown?**

2           A.    I do not. Your question was do I know?

3           **Q.    Right. Do you know about whether he was or wasn't**  
4           **an heir of James Brown?**

5           A.    What I know -- I don't know anything about it now.  
6           What I may have known back then, I can't tell you.  
7           I don't remember.

8           **Q.    Do you recall that your agreement stopped the DNA**  
9           **testing program which was in place?**

10           MR. SMITH: Object to going beyond the  
11           scope of 1337. We're here on that case, not  
12           4900.

13           MR. NEWSOME: Same objection.

14           A.    I don't recall.

15           **Q.    Now, let's look at Exhibit No. 9, please.**

16

17                                   (Whereupon, 4/29/09 Email and  
18                                   Memorandum was marked Exhibit  
19                                   No. 9 for identification.)

20

21           BY MS. POPE:

22           **Q.    I want you to take all the time you need to review**  
23           **that, please. And I will identify it as an email**  
24           **and a memorandum in support of approval of**  
25           **settlement dated April 24, 2009, and signed by**

1           **Attorney General Henry McMaster.**

2           A.   Well, this is 51 pages including the signature  
3           page. I recognize it as a -- this is a an e-mail  
4           and it says it's a memorandum in support of  
5           approving a settlement agreement. What do you  
6           want me to do?

7           **Q.   Right. I want you to refresh your recollection**  
8           **for as long as it takes because I want to talk to**  
9           **you about whether my -- the opposition of Bob**  
10          **Buchanan and Adele Pope to the settlement was**  
11          **reasonable. Because my commission --**

12          A.   Well, I'll tell you -- I'll tell you that now. I  
13          would say no because that's --

14          **Q.   Well, I need to know why.**

15          A.   Well, ma'am, that's going to -- if you're wanting  
16          me to read this and be able to engage in that kind  
17          of discussion, --

18          **Q.   I do.**

19          A.   -- you're going to miss your plane.

20          **Q.   That's all right. I can miss it.**

21          A.   And, by the way, that is not my signature.  
22          That's -- someone apparently signed it for me.

23          **Q.   Well, if someone signs your signature and is not**  
24          **authorized to do it, you have means to fix that,**  
25          **don't you?**

1 A. Mrs. Pope, they would have been authorized to do  
2 it. I'm not asserting that any of these documents  
3 are fraudulent.

4 Q. Well, Mr. McMaster, you sued me six years ago, --

5 A. Ma'am, I did not sue you.

6 Q. -- and I have -- please let me finish the  
7 statement and the question. And I have not been  
8 --

9 A. That's a statement.

10 Q. -- paid for my work since 2007 as a result of the  
11 suit you brought against me, so I'm here today to  
12 find out whether there was any basis for bringing  
13 that suit. Judge Early has been told that I  
14 cannot be paid until Richland 4900 is concluded,  
15 and so I need to know what your basis for suing me  
16 for conducting an appeal of 4900 was, whether it  
17 was reasonable?

18 A. Ma'am, I did not sue you, --

19 MR. NEWSOME: Object to the form of the  
20 question.

21 A. So, I cannot give you --

22 MR. NEWSOME: There was no question.

23 Q. I hear you.

24 A. -- those reasons.

25 Q. I understand that. Well, no, no. You did -- you



# **EXHIBIT B**

1 State of South Carolina ) In the Court of Common Pleas  
2 County of Aiken ) Case No: 2013-CP-02-1337  
3 Adele J. Pope, )  
4 Plaintiff(s), ) Deposition of  
5 vs. ) Alan M. Wilson  
6 ) March 21, 2017  
7 The Estate of James Brown and The James Brown 2000)  
8 Irrevocable Trust, )  
9 Defendant(s). )  
10 \_\_\_\_\_ )  
11 )

12 Deposition of ALAN M. WILSON, taken before Frances  
13 C. Gray, Verbatim Court Reporter and Notary Public  
14 in and for the State of South Carolina, scheduled  
15 for 10:00 a.m. and commencing at the hour of 10:15  
16 a.m., Tuesday, March 21, 2017, at the Office of  
17 the Attorney General, Rembert Dennis Building,  
18 1000 Assembly Street, Columbia, South Carolina.

. . .  
ALAN M. WILSON  
803-256-4500  
GARBER REPORTING SERVICE  
Page 2

1 APPEARANCES

2

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6 For the Defendant(s):

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9 ESmith@scag.gov

(For the Office of the Attorney General)

10

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11 NEXSEN PRUET ADAMS KLEEMEIER, LLC  
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DBLACK@nexsenpruet.com  
13 (For Russell L. Bauknight)  
14 Also Present:  
15 Hal Wade, Intern

. . .  
ALAN M. WILSON  
803-256-4500  
GARBER REPORTING SERVICE

Page 16

1 **of the Attorney General?**

2 A. I can't dispute what he said because I haven't  
3 read it.

4 **Q. Do you dispute that he said he did not authorize**  
5 **Russell Bauknight to bring the Wingate lawsuit in**  
6 **the name of -- on behalf of the Attorney General**  
7 **of South Carolina?**

8 A. I would have no way to dispute it because I  
9 haven't read it.

10 **Q. Okay. Have you and Tommie Rae Hynie had**  
11 **75 percent control of the James Brown Legacy Trust**  
12 **since you took office?**

. . .  
15 A. As I stated earlier, I can't answer specifics  
16 about the litigation because I'm personally not  
17 aware.

18 **Q. You're unaware that you have had personal control**  
19 **of the James Brown Legacy Trust during your**  
20 **service as Attorney General?**

21 A. You say my personal control and I will go back to  
22 my preamble statement that I supervise probably  
23 close to 90 attorneys and over 200 personnel that  
24 handle between 7 and 8,000 cases at any given  
25 point in a year, and that number fluctuates

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1 constantly. I have to rely on what I am told by  
2 those attorneys in making decisions. So I don't  
3 know the specifics of every case, but when they  
4 are brought to my attention, I make decisions  
5 based on what I am told. I don't have that  
6 detailed a knowledge about what percentage of what  
7 -- I just can't answer because I don't have any  
8 personal knowledge.

9 **Q. Have you discussed the Wingate suit with Ken**  
10 **Wingate?**

11 A. No, ma'am.

12 **Q. Never?**

13 A. I've talked to Mr. Wingate a couple of years ago  
14 about this, but I don't recall specifically what  
15 we discussed. I haven't talked to him about this  
16 case in several years.

17 **Q. Have you ever reviewed a pleading filed by**  
18 **Mr. Wingate in the name of the state on your**  
19 **behalf?**

20 A. I don't recall reading any pleadings from several  
21 years ago. I may have; I may not have. I just  
22 don't recall.

. . .  
7 MR. BLACK: The Estate and Trust needs to  
8 put on the record, 'as well, several times  
9 you've discussed the Legacy Trust and, for the  
10 record, Judge Early has declared pursuant to an  
11 order that there is no Legacy Trust. So to the  
12 extent that you're referring to a Legacy Trust  
13 you or instructing the witness on the Legacy  
14 Trust, our objection is that there is no Legacy  
15 Trust pursuant to the court's order.

16 A. Specifically, to your question, I would have  
17 spoken to Bob Cook, possibly John McIntosh a good  
18 bit. I would've spoken to Sonny Jones on  
19 occasion, maybe Mary Frances Jowers. I would've  
20 spoken to Emory Smith. I'm sure there's others I  
21 would've spoken to, but the people I spoke to the  
22 most were my senior staff, are those who I just  
23 listed earlier.

24 **Q. All right. Then I'm gonna just start asking the**  
25 **questions and if you don't know the answers, we'll**

Page 23

. . .  
14 **Q. So do you have any knowledge about whether**  
15 **stipulating that Tommie Rae is James Brown's**  
16 **spouse when there is strong evidence she is not**  
17 **would help her protect James Brown's "I Feel Good"**  
18 **Charity --**

19 A. No.

20 **Q. Or its 900 copyrights?**

21 A. No.

22 Q. In eight years, two attorneys general have been  
23 involved in the James Brown litigation. During  
24 that period, has any member of the AG's staff  
25 developed any expertise in, or understanding of,

Page 24

1 the Federal Copyright Act Termination Rights  
2 provisions?

. . .  
4 A. I would have no way to know that.

5 Q. Who would know?

6 A. I don't know.

7 Q. Did you hear Russell Bauknight's Nexsen Pruet  
8 lawyer tell the South Carolina Supreme Court on  
9 November 1, 2013 that Copyright Termination Rights  
10 are all this estate is about?

11 . . .

13 A. I don't remember hearing that. I may have, I just  
14 don't recall.

15 Q. Were you present at the oral arguments --

16 A. I believe -- I believe I was.

17 Q. Do you believe that understanding Termination  
18 Rights is critical to the protection of James  
19 Brown's "I Feel Good" Charity and its 900  
20 copyrights?

. . .  
23 A. I have no way to know that.

24 Q. Are you currently suing in a lawsuit where you  
25 accused Bob Buchanan and Adele Pope of not having

Page 25

1 adequate knowledge of Termination Rights?

. . .  
3 A. I am aware that we're in a lawsuit -- that we were  
4 in a lawsuit -- are in a lawsuit, excuse me, and  
5 that I -- a lawsuit that I authorized in 2011,  
6 that brought breach of trust -- breach of duty.  
7 And as to the specifics in litigating the facts of  
8 that, I cannot answer directly.

9 Q. Have you not reviewed the complaint in the Wingate  
10 suit in preparation for this deposition?

11 A. I glanced at it.

12 Q. In that lawsuit, do you accuse Bob Buchanan and

13 **Adele Pope of having breached their fiduciary duty**  
14 **by not having an understanding of Termination**  
15 **Rights?**

. . .  
17 A. All I can say is the complaint speaks for itself.  
18 I glanced at it prior to this. I did not read it  
19 fully.

20 **Q. Do you take no responsibility for a lawsuit that**  
21 **you have pursued for seven years against a South**  
22 **Carolina citizen -- six years against a South**  
23 **Carolina citizen?**

. . .  
Page 26

2 A. Ms. Pope, I will restate. I am responsible for  
3 8000 cases on average that this office brings  
4 criminally, civilly and otherwise, and I can't  
5 possibly be intimately involved in the details and  
6 allegations in every suit. I make majority of my  
7 decisions based on advice of senior attorneys and  
8 counsel in this office, but I just can't speak to  
9 every single detail and I can't personally  
10 litigate the case. It's impossible for one person  
11 to be the chokepoint for all litigation this  
12 office -- and understand everything. So I have to  
13 rely on people acting on behalf of the office.

14 **Q. Well, you have been the chokepoint for**  
15 **Mr. Buchanan and Ms. Pope for six years, haven't**  
16 **you?**

. . .  
18 A. I don't understand your question.

19 **Q. Did you hear Russell Bauknight's Nexsen Pruet**  
20 **lawyer tell the South Carolina Supreme Court on**  
21 **November 1, 2013, that Tommie Rae's elective share**  
22 **claim was a slamdunk?**

23 A. I don't recall.

24 **Q. Do you believe that Tommie Rae's elective share**  
25 **claim is a slamdunk?**

. . .  
Page 27

1 A. I have no way to answer that.

2 **Q. Do you agree with the finding of the South**  
3 **Carolina Supreme Court that you, as AG, maintained**

4 effective control over the James Brown assets from  
5 January 2011 when you took office until at least  
6 May 8, 2013?

. . .  
9 A. This office disagreed with the Supreme Court.

10 Q. Do you intend to follow the mandate of the Supreme  
11 Court?

12 A. What the mandate is that; I'm sorry?

13 Q. That the case be remanded to be properly handled.

. . .  
15 A. The only thing that I've done since the Supreme  
16 Court has ruled is to instruct my office to get  
17 out of this case.

18 Q. Well, you moved for summary judgment in 2016 in  
19 the Wingate suit, didn't you?

20 A. I assume that we did. I, again, don't handle the  
21 day-to-day litigation of the case so I can't  
22 answer that directly.

23 Q. Do you not believe that you, through your right to  
24 appoint and remove Mr. Bauknight at-will,  
25 effectively controlled the James Brown litigation

Page 50

18 Q. Do you know anything sitting here today about the  
19 service of Bob Buchanan and Adele Pope to the  
20 Estate and Trust of James Brown between March 7,  
21 2007 and May 26, 2009.

22 A. I know nothing firsthand. I know what I was  
23 briefed on in 2011 when I authorized the lawsuit.  
24 I -- also, but I will say this: I know that  
25 senior members of my staff hold you in the highest

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1 regard and have spoke highly of you, but other  
2 than our meeting in 2013 and this meeting, I don't  
3 think you and I have ever had any interactions  
4 together. So I only know you by your good  
5 reputation with Mr. Cook and Mr. McIntosh who --  
6 who have known you much longer than me.

# EXHIBIT C

Transcript of the Testimony of  
**RUSSELL L. BAUKNIGHT**

**Date:** August 20, 2013



CREEL COURT REPORTING, INC.  
Condensed Transcript and Word Index

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION  
C/A NO. 3:08-cv-00014-WOB

William F. James Brown f/k/a )  
 Forlando J. Brown, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 Adele J. Pope, individually and )  
 As Trustee of the Irrevocable Trust )  
 established by James Brown in )  
 August 1, 2000, and )  
 )  
 )  
 Robert J. Buchanan, Jr., )  
 individually and As Trustee of the )  
 Irrevocable Trust established by )  
 James Brown in August 1, 2000, )  
 )  
 Defendants. )  
 )  
 \_\_\_\_\_ )

DEPOSITION OF

RUSSELL L. BAUKNIGHT

\*\*\*\*\*

Tuesday, August 20, 2013  
11:18 a.m. - 3:49 p.m.

The deposition of RUSSELL L. BAUKNIGHT, taken on behalf of the Defendants at the law offices of Nexsen and Pruet, 1230 Main Street, Suite 700, Columbia, South Carolina, on the 20th day of August, 2013 before Jennifer L. Cash, Court Reporter and Notary Public in and for the State of South Carolina, pursuant to Notice of Deposition and/or agreement of counsel.

1 trust is any indication, who knows what will be  
2 left when it's done. Millions and millions of  
3 dollars, I'm sure, have been wasted with what's  
4 going on today. And I've got along way to go  
5 before we ever get there. No point in  
6 speculating about if anything's going to be  
7 left.

8 Q: Well, to be fair to my client, had she not  
9 appealed the settlement order, that settlement  
10 -- settlement entity would have been created  
11 and all the mechanisms set forth in there would  
12 have presumably have carried through.

13 A: Sure.

14 Q: And the I Feel Good Trust would have -- would  
15 have been diminished as opposed to the ---

16 A: Oh, no. That's poppycock. Pure speculation  
17 and just fantasy from your client. Fantasy.  
18 As I -- I testified on this. I'm the person who  
19 actually looked at this. And I said it was a  
20 fair and reasonable settlement. I don't know  
21 where this fantasy is that \$50 million has gone  
22 away. Number one, your client made up that  
23 number. Your client did that in a self-serving  
24 fashion so that she could take \$5 million out  
25 of this estate for her retirement. So to say

1           that this would have been diminished is a load.  
2           A total load. I looked at this. I saw. You  
3           have no clue how termination rights where. You  
4           don't know the value. Your client testified  
5           about a law that doesn't even exist with  
6           respect to termination rights showing her total  
7           misunderstanding and lack of understanding of  
8           this business. She has no clue what she was  
9           dealing with and put stuff in the paper that  
10          it's just totally fabricated untrue. It blows  
11          me away that someone with a law degree can be  
12          so dishonest and get away with it. So no, it  
13          wouldn't have been diminished. That's been set  
14          aside though. You know, what? That's set  
15          aside by the Supreme Court. That's fine. I've  
16          got a new roadmap, and I'm going to follow this  
17          new roadmap to a T.

18    Q:     And you have no allegiances remaining from your  
19            old roadmap?

20    A:     I had no allegiances to start with, other than  
21            to this estate and trust. I'm not tied to the  
22            Levenson group of clients. I'm not tied to  
23            the Bell, Custer, Bodman list of clients. I'm  
24            not tied to the Medlin, Rosen clients. I have  
25            no ties whatsoever with these people.

1 Absolutely none. They, with the Attorney  
2 General, came up with their settlement. It was  
3 not my settlement. I had no part in that  
4 settlement, other than I looked at it for the  
5 courts and I know the numbers. Your client  
6 didn't even bother to get a valuation done. I  
7 went out and on my good word was able to get  
8 lawyers to work for me for not a dime out of  
9 this estate and trust because I had no money  
10 because of your client. I got a national  
11 respected reputable investment banking firm to  
12 do a \$25,000 valuation for no money out of this  
13 estate, because your client raped this estate  
14 taking every dime out of it for her own fees  
15 and for Bob's fees and her lawyer's fees  
16 leaving it insolvent and I got these people to  
17 do the work because of my good name. Your  
18 client didn't even try. Your client didn't  
19 know the numbers. I know the numbers. There  
20 was no diminished Legacy Trust. That's  
21 fabrication from your client.

22 Q: Thank you, Mr. Bauknight.

23 A: Not a problem. Thank you for letting me be  
24 passionate about this.

25 Q: Sure. I'm finished.

1 MR. BLACK: I have one -- just one clarification.

2 MR. BAUKNIGHT - EXAMINATION BY MR. BLACK:

3 Q: Mr. Bauknight, earlier on in the deposition Mr.  
4 Williams had you look at -- I believe it was  
5 Exhibit One. I want to make sure that I  
6 accurately wrote down your testimony. In  
7 reference to that document you had responded  
8 that -- it was something to the effect that you  
9 had accepted what Forlando's attorney --  
10 Forlando Brown's attorney said in this case.  
11 Can you -- said in this case. What did you  
12 mean by that?

13 A: Forlando Brown's attorney -- Terry Brown's  
14 attorney, and Forlando Brown's attorney told me  
15 that this transfer was not and could not be  
16 made. I accepted what his attorney -- Forlando  
17 Brown's attorney told me with respect to this  
18 document.

19 Q: So we're in this case was in relation to that  
20 document?

21 A: This document right here. I don't -- you know,  
22 Forlando Brown's attorney is not my attorney.  
23 I don't rely on him for my counsel. But I do  
24 rely on him when he's representing to me what  
25 his client did or did not accomplish.

STATE OF SOUTH CAROLINA  
In the Court of Appeals

RECEIVED

JAN 16 2020

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

Appellate Case No.: 2017-002229

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.

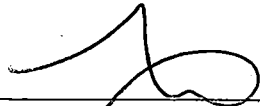
Adele J. Pope and Robert L. Buchanan, Jr., Defendants. Of

whom Adele J. Pope is Appellant

PROOF OF SERVICE

I certify that on January 16, 2020, I have served the RETURN AND MEMORANDUM  
IN OPPOSITION TO RESPONDENTS' MOTION TO DISMISS OR STRIKE by hand delivery on  
counsel listed below:

Kenneth B. Wingate, Esquire Mark V. Gende, Esquire Sweeny, Wingate & Barrow, P.A. 1515 Lady Street Columbia, SC 29201	J. Emory Smith, Jr., Esquire Office of the Attorney General 1000 Assembly Street Columbia, South Carolina 29201
---	--



---

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