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**Apr 24 2020**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
The Honorable Doyet A. Early, III, Circuit Court Judge  
The Honorable L. Casey Manning, Circuit Court Judge

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Case No. 2010-CP-40-4900

Appellate Case No. 2018-02229

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Russell L. Bauknight, as Trustee of the James Brown 2000 Irrevocable Trust and the James Brown Legacy Trust, as Personal Representative of the Estate of James Brown, and on behalf of Alan Wilson, in his capacity as Attorney General of the State of South Carolina; Tommie Rae Brown, individually and on behalf of her minor child, James B. II; Daryl J. Brown, individually and on behalf of his minor child Janise B.; Lindsey Delores Brown; Deanna J. Brown Thomas; Jason Brown-Lewis; Yamma N. Brown, individually and on behalf of her minor child Sydney L. and Carrington L.; Tonya Brown; Venisha Brown; Larry Brown; and Terry Brown

And

Alan Wilson, in his capacity as Attorney General of the State of South Carolina; Tommie Rae Brown, individually and on behalf of her minor child, James B. II; Daryl J. Brown, individually and on behalf of his minor child Janise B.; Lindsey Delores Brown; Deanna J. Brown Thomas; Jason Brown-Lewis; Yamma N. Brown, individually and on behalf of her minor child Sydney L. and Carrington L.; Tonya Brown; Venisha Brown; Larry Brown; and Terry Brown, Respondents,

v.

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

Of whom Adele J. Pope is the Appellant.

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**RESPONDENTS' MOTION TO STRIKE APPELLANT'S SUPPLEMENT TO THE  
RECORD ON APPEAL AND RECORD ON APPEAL AND REQUEST TO STAY THE  
TIME FOR RESPONDENTS TO FILE THEIR FINAL BRIEF AND FOR SANCTIONS**

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## **Introduction**

Respondents (other than the Attorney General) move this Court to strike Appellant's Supplemental Designation of Matter to be Included in the Record on Appeal (Exhibit A) and the bound Record on Appeal (Exhibit B, which is the index to the bound Record on Appeal) to the extent discussed below. Respondents request that Appellant be ordered to prepare and serve a Record on Appeal that contains none of the improper items (discussed below) listed in her Supplemental Designation nor any material not previously designated by any party (also discussed below). Respondents also request a stay in the briefing schedule for final briefs until twenty (20) days after the Court decides this motion and Appellant provides a properly amended Record on Appeal. Finally, Respondents request attorney's fees and costs for bringing this motion.

## **Background**

On April 8, 2020 Appellant served (1) "Appellant's Initial Reply Brief to Brief of Attorney General," (2) "Appellant's Supplemental Designation of Matter to be Included in the Record on Appeal" (the "Supplement") and (3) the bound Record on Appeal, consisting of five volumes. The Supplement contains a large number of newly identified documents. Appellant's bound Record on Appeal contains all of the documents listed in her Supplement and additional documents not previously designated by any party. Respondents had no opportunity to examine or to object to Appellant's Supplemental designations prior to her including the entirety of her Supplement in the five bound volumes of the Record on Appeal.

## **Argument**

This appeal (Appellate Case No. 2017-02229) deals with three discrete and well-defined issues arising out of Case No. 2010-CP-40-4900 (Case 4900):

- (1) Did the Circuit Court err by denying Appellant's Motion to Dismiss where the Court of Appeals previously held that the denial of the Motion to Dismiss is not immediately appealable;
- (2) Did the Circuit Court err by granting Respondents' Motion for Summary Judgment as to Appellant's Counterclaims; and
- (3) Did the Orders after May 29, 2013, and actions of the Attorney General deprive Appellant of rights under the Due Process Clause.

Therefore, the record on appeal should be limited to material relevant to these three issues.

However, Appellant refuses to confine her Supplement and bound Record on Appeal to the issues on appeal. Instead, her Supplement and bound Record on Appeal is bloated with irrelevant matter, much of which was never presented to the lower court at all, let alone presented as part of the argument on any of the issues on appeal. Appellant's Supplement and bound Record on Appeal violate at least the following South Carolina Appellate Court Rules:

- Rule 209(b), "A party shall not include any matter in his Designation which is not relevant to the appeal."
  - Rule 210(c), "The Record shall not ... include matter which was not presented to the lower court or tribunal."
  - Rule 210(g), "Appellant or his counsel shall certify that the Record on Appeal contains all material proposed to be included by any of the parties *and not any other material*" (emphasis added).
- 1. The Court must Strike Appellant's Supplement to the Record on Appeal to the extent it Violates Rules 209(b), 210(c) and 210(g).**

Respondents have prepared two charts to illustrate Appellant's violations.

Chart 1 is entitled, "Documents Appellant Designates for the First Time in her Supplement" (Exhibit C). This chart lists documents proposed for the first time in Appellant's Supplement. Chart 1 has two columns indicating whether these new documents are (a) not related to the issues

on appeal and/or (b) were not presented to the lower court in Case 4900. The documents not related to the issues on appeal violate Rule 209(b); and the documents not presented to the lower court violate Rule 210(c). Some documents violate both rules.

Chart 2 is entitled, “Documents Appellant Includes in the Bound Record on Appeal that were Not Previously Designated by Any Party” (Exhibit D). This chart lists the numerous documents Appellant included in the bound Record on Appeal that were not previously proposed by any party. Therefore, these documents are improperly included in the bound Record on Appeal, violating the certification requirement of Rule 210(g). Chart 2 also has two columns indicating whether these new documents are (a) not related to the issues on appeal and/or (b) were not presented to the lower court in Case 4900. These documents violate either Rule 209(b) and 210(c) or both.

**2. The Court must Strike Appellant’s bound Record on Appeal and a Proper Record be Substituted.**

For the reasons discussed in Section I, above, this Court must strike Appellant’s bound Record on Appeal to the extent it contains material designated in her Supplement that is not relevant to the appeal and/or not presented to the lower court.

Furthermore, all designations listed in Appellant’s bound Record on Appeal that had not been previously designated by any party must be struck. All of the documents listed in Chart 2 appear not to have been previously designated by any party at any time. By including these documents, Appellant violated the certification of counsel required by Rule 210(g), which states that the record does not contain any material not proposed to be included by any party. Because of these pervasive improprieties, Appellant’s bound Record on Appeal must be struck and a proper Record on Appeal be substituted.

**3. Appellant’s Conduct should be Sanctioned Pursuant to Rule 269.**

Rule 269, SCACR, states,

Where an appeal, petition, motion or return is frivolous or taken solely for the purposes of delay, *or is not in compliance with these Rules*, the appellate court may upon its own motion or that of a party, after ten (10) days notice, impose upon offending attorneys or parties such sanctions as the circumstances of the case and discouragement of like conduct in the future may require. This Rule does not apply to any matters where counsel is required by law to pursue an appeal or petition for writ of certiorari even though the matter may be frivolous.

(emphasis added.)

Appellant’s Supplemental Designation and her bound Record on Appeal are so pervasively improper and not in compliance with the Rules that this Court should impose sanctions. Respondents hereby move this Court for the same. Appropriate sanctions should include Respondents’ costs and attorney’s fees for making this motion. Appellant’s motion appears to be another act in furtherance of a consistent pattern of disregard for the Rules, (as noted in Respondents’ previous motions to strike and motion to dismiss). Therefore, Respondents also ask the Court to apply any additional sanction it may deem appropriate.

**4. The Court Should Stay the Final Brief Production Schedule until the Court Decides this Motion.**

Appellant served her bound Record on Appeal on April 8, 2020. Normally, bound final briefs would be due within twenty (20) days of the date of service of the Record on Appeal<sup>1</sup>. However, because Respondents are forced to file the instant motion to prevent Appellant from bloating the Record on Appeal with improper documents, it would be unjust for Respondents merely to suffer Appellant’s improprieties and make use of a Record on Appeal packed with

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<sup>1</sup> This deadline has been extended 20 additional days pursuant to the Supreme Court’s Order re: “Operation of the Appellate Courts During the Coronavirus Emergency” (Case No. 2020-0000447, March 3, 2020 at (1)(1)).

improper designations. Therefore, Respondents respectfully request this Court to stay the deadlines for filing final briefs until this motion is ruled upon and a new and proper bound Record on Appeal is produced by Appellant, if the Court so directs.

### **Conclusion**

For the foregoing reasons, Respondents ask this Court: (1) to strike Appellant's Supplement to the extent it contains non-relevant material and/or material not presented to the lower court; (2) to order that Appellant prepare and serve a Record on Appeal that contains none of the items listed in her Supplement nor any material not previously designated by any party; (3) to stay the briefing schedule for final briefs until twenty days after the Court decides this motion and Appellant provides a properly amended Record on Appeal, if the Court so directs; and (4) for attorney's fees and costs for bringing this motion.

Respectfully submitted,

s/ Mark V. Gende  
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**ATTORNEYS FOR RESPONDENTS**

Columbia, South Carolina

April 24, 2020

# Exhibit A

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SC Court of Appeals

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.; 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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**APPELLANT’S SUPPLEMENTAL DESIGNATION OF MATTER TO BE INCLUDED  
IN THE RECORD ON APPEAL**

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Appellant submits the Counter-Designations in response to the Brief of the Attorney General. Because some designations by Appellant were originally listed as part of another designation, but will appear in the record on appeal (ROA) with a different title, Appellant also includes certain of those documents to avoid confusion or delay. Some or all of the items printed

in **bold** are believed to be the only new designations, but all are counter-designated out of an abundance of caution.

**I. Orders**

**Order of Jg. Early dtd. 2/20, 2008 re: Tommie Rae diaries**  
Order of Jg. Early, dtd. 7/23/08 [ Approving Education Payments ]  
Order, Hon. Roger Couch, dtd. 9/22/09 State of S.C. vs. Eli Lilly  
Order of Jg. Addy, dtd. 1/11/2012 [Transf.Venue of Nby. FOIA 11-364 to Richland]  
**Order of Jg. Early Withdrawing Attorney General, Various Cases, Oct.30, 2013**  
**Order of the Hon. William O. Bertelsman, dtd. 3/28/14 Case 3:08-cv-00014-WOB**  
Order of Jg. Early & Jg. Manning, filed 1/20/15 [Joint Mediation]  
**Order of Supreme Court dtd. April 20, 2015, In Re: Estate of Brown**  
Order of Supreme Court dtd. June 10, 2015, In Re: Estate of Brown  
Form 4 Order of Jg. Manning, 2/9/2016 [Continued Under Advisement]  
Order of the Honorable Donald W. Beatty, dtd. 3/24/16 [Aiken 1337]  
Order of Jg. Early, dtd. 6/14/16 (3) Dismiss FOIA Suits  
Form 4 Orders of Jg. Early (2) dtd. 7/26/16 [Deny FOIA Reconsid]  
**Order of Jg. Early, dtd. 9/13/16 Denying Defendant's Mot. for Sanctions**  
**Order of Jg. Early, dtd. 11/22/16 [Deny 59 Motion]**  
**Order of Jg. Early, dtd. 12/27/16 Granting Plaintiffs' Motion for Protective Order  
Concerning Deposition of Larry Brown**  
**Order of Jg. Early, dtd. 1/24/17 [Second Amended Confidentiality Order]**  
**Order of the Hon. Jean H. Toal, 3/1/2107**

**II. Pleadings and Motions**

Defendant's Rule 59, etc. Motion (Denying Motion to Change Venue), Nov. 19, 2010  
**Motion to Stay Proceedings, dtd. Nov. 30, 2010**  
**Initial Brief of Appellant (Buchanan/Pope) *Wilson v. Dallas***  
**Return and Opposition of Pope to Mot. for Protective Order (Terry Brown), 6/2/11**  
**Bauknight's Responses to Second Set of Requests for Production, dtd. June 24, 2011**  
Motion of Proposed Intervenors for Sanction, FOIA Case 2011-CP-36-379  
Offer of Judgment of Pope to Estate of James Brown, dtd. August 2, 2012  
Offer of Judgment of Pope to Tonya Brown, dtd. July 26, 2012  
Exhibits to Plaintiffs' Mot. for Direction Concerning Potential Prejudicial Trial Publicity:  
Exhibit List  
Ex. 1: High S.C. Court to take up James Brown settlement  
Ex. 5: S.C. Supreme Court hears James Brown estate feud  
Ex. 6: Arguments begin in James Brown settlement case  
Ex. 11: AG asked to turn over James Brown documents (SC)  
**Ex. 17: Dead or alive – James Brown...threats to property rights thrive**

Ex. 20: James Brown Charitable trust Fate Marinating in Confusion  
 Ex. 25 Deposition of Deanna Brown Thomas, Oct. 31, 2007  
 Ex. 31: Goliath's Road in James Brown FOIA Suit  
 Ex. 32: Motion for Sanctions , FOIA Case 2011-CP-36-00379  
 Plaintiff's Return and Opposition to Motion to Intervene, FOIA 11-36-00379  
 Affidavit (Pope) Oppo. Mot. to Intervene and for other relief, 11-36/00379, 11/7/11  
 Ltr. of Silvernail to Smith, re: Pope v. Wilson FOIA case, Dec. 9, 2011  
 Ex. 33: Mot. of Attorney General to Strike/Exclude Aff. of Wm. J. Smith  
 Ex. 49: Fmr. J. Brown Trustee fights "Career-Threatening" Allegations  
 Ex. 55: James Brown's Estate and Wishes Remain in Limbo  
 Ltr., Pope to AG Wilson, 5/12/12 re: Release of T.R. diaries & \$4.7 million docs w/  
 enclosures  
 Ltr. of Pope to AG Wilson dtd. May 11, 2012, re: \$4.7 million value  
 Ltr. of Chief Deputy AG McIntosh dtd. May 1, 2012 to Pope  
 Email of Pope to Rosen, dtd. May 12, 2012 re: Service of subpoena  
 Ex. 47: Summer FOIA Request to Attorney General, June 10, 2012  
 Ex. 48: AG Wilson Asks Judge to Conceal Diaries..., June 9, 2012  
 Ex. 62: AG's Promise to Release Contract May Resolve...FOIA Case, 9/21/11  
 Ex. 63: AG Still Refuses to Release Docs in Newberry FOIA Case, 9/29/11  
 Ex. 65: Wingate Firm, Jas. Brown Children, ask to Join AG Wilson...11/2/11  
 Ex. 70: Brown's Grandson Fires Lawyers in Trust Lawsuit, 12/9/11  
 Ex. 71: James Brown Estate Planning in his own Words, 12/13/11  
 Ex. 72: AG ..Attempts to Exclude Affid. Of Copyright Expert...FOIA, 1/5/12  
 Ex. 75: Attys. for,,... Companion Subpoena info about "explosive" diaries  
 James Brown Son Claims Son/Grandson conspired with Companion, 5/25/12  
 Ex. 77: Fmr. Jas. Brown Trustee fights "career-threatening" allegations, 6/17/12  
 Ex. 78: Las Vegas man claims James Brown was his father, 6/19/12  
 Ex. 79: son Regrets Contesting Will, .Fathers Wishes s/d be followed, 7/5/12  
 Ex. 80: At Request of AG, Judge Keeps Gag Order on Diary, 7/16/12  
 Ex. 81: AG Wilson & companion stop depos, but not bombshell, July 26, 2012  
 Ex. 82: Jas. Brown's son pleads "protect the needy children"... Aug. 6, 2012  
 Ex. 83: Court Hears Argument, Finger Pointing....Hearing on Restitution, 8/4/12  
 Ex. 84: Fmr. Brown Trustee Appeals Gag Orders, 8/21/12  
 Ex. 87: Rolling Stone: Year After Death, Battle...James Brown...rages on, 8/4/11  
 Ex. 88: AG Wilson Brings Fight....Newberry lawsuit to Richland, 3/13/12  
 Ex. 95: Will, Trusts & Est. Prof., Brown....Contest Continues, 11/1/11  
 Ex. 98: W,T & E Prof., Continued Dispute over ...Brown Estate, 8/20/12  
 Ex. 99: Ex Trustees Want Court to Strike James Brown deal, 11/1/11  
 Ex. 100: Inside Story: Deanna Brown Talks Court Battle, Movie Deals, 3/14/12

**Motion to Enforce Settlement Agreement, May 18, 2012.**

**Report (Pope) Required by Order of July 5, 2012, Aug. 6, 2012**  
**Return (Pope) to Motion for Direction from Court... Trial Publicity, Aug. 28, 2012**  
**Plaintiff's Mot. to Strike Additional Affidavits of Defendant Pope, Sept. 12, 2012**  
**Objection to Motion of Plaintiffs to Avoid Physical Presence at Mediation, etc., 11/3/12**  
**w/ Factual Addendum**  
**Proof of ADR, dtd. October 19, 2012**  
**Plaintiffs' Motion to Strike Affidavit of Pope dtd. 12/11/2012, Dec. 18, 2012**  
**Motion for Judgment on the Pleading (FOIA), Dec. 20, 2012**  
**Attorney General Alan Wilson's Mot. to be Dropped, March 25, 2013**  
**Motion for Summary Judgment (Pope) as to James Brown Legacy Trust & Trustee, 3/22/13.**  
**Ret. & Opp. (Pope) to Request for Stay & Request for Expedited Hearing, etc., 3/29/13**  
**w/ Ex. A: Ltr. of Gende to Judge Manning dtd. March 27, 2013**  
**Status Report of Defendant Pope, dtd. March 25, 2013 w/ proposed scheduling order**  
**Return of Defendant Pope to Motion of AG to be Dropped as Party, July 2, 201[3]**  
**Motion (Sweeny, Wingate, Barrow, PA) to be Relieved as Counsel, AG Only, 5/10/13**  
**Notice of Appearance, Donsbach for Terry Brown, dtd., Nov. 26, 2014**  
**Plaintiffs' Motion to Strike Affidavit of Pope dtd. Feb. 19, 2016, dtd. 2/26/16**  
**w/ Ex. A: Affidavit (Pope) Opposing Motion for Prot. Order (Richardson Depos.)**  
**Motion to Quash and Mot. for Prot. Order (subpoenas to Jowers, Jones, McIntosh), 4/8/16....**  
**Return & Memo. Opposing Motion to Quash Subpoenas, Jowers, etc., dtd. 4/9/16**  
**w/ Ex. A Email Chain Smith/ Pope, dtd. 4/9/16**  
**Ex. B: U.S. Copyright Office, Termination Notices, Tommie. Rae, James II,**  
**served 8/26-29/13, recorded, Copyright Office, 8/28 - 8/31/15**  
**Mot. (Richland 4900 Plaintiffs) to Consolidate w/ Aiken 1337 for discovery, 4/11/16**  
**Mot. to Postpone Deposition of Tommie Rae, dtd. April 25, 2016**  
**Plaintiffs' Reply to Defendants' May 2, 2016 Memorandum, dtd. May 16, 2016**  
**Motion of Plaintiffs as to all Counterclaims of Defendant Pope, dtd. May 17, 2016**  
**Response to Plaintiffs' Brief, (FOIA) May 16, 2016**  
**FOIA Pl's. Ret. & Opp. to Motion of SWB to Consolidate, dtd. June 6, 2016**  
**Motion for Protective Order (Tommie Rae), June 22, 2016**  
**Plaintiffs' Mot. to Alter, Etc., Attorney General Mot. to Dismiss (FOIA), July 1, 2016**  
**Motion for Protective Order as to Deposition of the Attorney General, dtd. July 18, 2016**  
**w/ Second Amended Notice of Deposition, 6/23/16**  
**Mot. for Protective Order (to Quash Depos. of Tommie Rae), dtd. 7/28/16**  
**Aiken 1337 Plaintiff.s Ret. to Mot. of Def's. for Prot. Order (Sojourner Depos.), 8/1/16**  
**Notice of Special Appearance & Mot. to be Dropped as Party (Attorney General), 8/11/16**  
**w/ Ex. A: Order Granting Mot. to Intervene of Behalf of AG, dtd. 10/4/07**  
**Ex. B: Order Withdrawing Attorney General, dtd. Oct. 30, 2013, Various Cases**  
**Ex. C: See AG's March 2013 Motion to be Dropped**  
**AG's Petition for Rehearing, *Wilson v. Dallas***

**Motion to Supplement the Record on Appeal, *Wilson v. Dallas***

**w/ Ex.A: Transcript of Hearing September 28, 2008**

**Other Attachments to AG's Motion:**

**Transcript of Hearing, November 25, 2008**

**Transcript of Hearing, January 30, 2009**

**Complaint, Estate/2000 Trust vs. Cannon, Dallas, etc., 2/8/08**

**Ex. G, Calculation of Potential Costs, Proposed Refinancing Transaction  
Portion, Accounting, Interim #1A, May 20, 2009**

**Pope's Motion to Compel, (Interrogatory Verifications, etc) dtd. August 11, 2016**

**Motion for Protective Order (Deposition, Venisha Brown), Aug. 11, 2016**

**Mot. for Prot. Order (Deposition of Lt. Gov. McMaster), Aug. 25, 2016**

**Mot. for Confidentiality Order, dtd., Nov. 22, 2016**

**Return of Aiken 1337 Plaintiff to Joint Motion to Consolidate Expert Discov., 1/17/17**

**Mot. for Protective Order (Deposition of Deanna Brown-Thomas), March 3, 2017**

**Reply to Supp. Return to AG's Motion to be Dropped as Party, April 7, 2017**

**Pope Response to Mot. of Pl. Tommie Rae for Protective Order, 12/30/2016**

**Plaintiffs' Mot. to Strike Affidavit of Pope, dtd. Jan. 23, 2017**

**Deposition Privilege Log of Kendall, w/ Deposition of Kendall (condensed), March 6, 2017**

**Deposition Privilege Log of Wingate, w/Deposition of Wingate, March 6, 2017**

**Rule 59, etc. Motion of Pope, Tommie Rae protective order, 3/24/17**

**Supp. Memorandum in Support of Motion of AG to be Dropped as Party, 4/3/17**

**Ret. And Opposition of Tommie Rae to Rule 59 Motion, dtd. 4/20/17**

**Mot. of Defendant to Alter, Amend, Etc., Order re: Kendall/Wingate Depos, 6/16/17  
w/ Protective Order, Wingate & Kendall, June 6, 2017**

**Mot. Protective Order, Tiffany Provence, June 15, 2017**

**Mot. for Protective Order, Jason Brown-Lewis, June 26, 2017**

**Am. Mot. for Protective Order, Provence, dtd. June 28, 2017**

**Plaintiffs' Mot. to Strike, dtd. August 7, 2017**

**Memorandum of Law in Opposition to Motion to Lift Stay, dtd. Nov. 10, 2017**

**Notice of Filing of Original Depos. Transcripts, Oct. 19, 2017**

**Ret. And Opposition to Motion to Strike Memorandum and Smith Opinion, dtd.10.19/17**

**III. Hearings and Transcripts**

**Transcript of Hearing, December 21, 2007**

**Transcript of Hearing, September 28, 2008**

**Transcript of Hearing, January 11, 2012**

**Transcript of Hearing, March 31, 2014**

**Transcript of Hearing, May 17, 2016**

**IV. Exhibits and Other Documents**

**Certificate of Trust, James Brown 2000 Trust, filed August 7, 2001**

**Durable Power of Attorney, James Brown, to Deanna & others filed 2/25/01**

Consent Order of Dismissal, Brown vs. Hynie Ahmed Brown, 2004  
Meeting of Trustees, 2000 Trust, Dec. 27, 2006  
Minutes of Trustees, 2000 Trust, January 3, 2007  
Affidavit of Daryl J. Brown, dtd. January 24, 2007  
Pinnacle Media and Entertainment, LLC, \$200 Million Prospectus, 2007  
Email chain, Deanna Brown Thomas, Louis Levenson, Esq., March 7-15, 2007  
Grahm Windsor Group, Terry Cox PhD., Developing the James Brown Legacy, 2007  
Ltr. Powell Goldstein to Dallas, July 10, 2007, re: Change of Situs of 2000 Trust  
w/ proposed Declaration to Change Situs  
Supplement Order Related to Disbursement of Realty Proceeds, August 19, 2007  
Ltr. of TJBL to Dallas/Bradley, dtd. October 12, 2007  
Email Yount to AGS Jones, others, Nov. 10, 2007 re: \$18 Million Wm. Morris Revenues  
Return and Recommendation of Special Administrators, Nov. 14, 2007  
Inventory & Appraisalment, Est. of James Brown, Nov. 15, 2007  
Ltr. of Pope to Phil Farr, CPA, dtd. June 15, 2007, w/ handwritten notations  
Email Wm. Hammond to Pope/Buchanan, cc: Babcock, dtd. 6/15/07  
Ltr. Lewis & Babcock to Dallas/Bradley, Nov. 16, 2007 re; possible resignations  
Email Sonny Jones to Buchanan/Pope, cc others dtd. Nov. 21, 2007  
Ltr. Pope to Sonny Jones dtd. Nov. 21, 2007  
Affidavit Wm. Hammond, dtd. Nov. 30, 2007  
Email Sonny Jones to Buchanan/Pope, etc. 12/6/07, re: attached \$100 Million Offer  
Pet. to Set Aside Trust, Tommie Rae, December 19, 2007  
Complaint, Forlando Brown vs. Buchanan/Pope, Trustees of 2000 Trust, Jan. 2, 2008  
Excerpts, Affidavit Pope, January 6, 2008, re: challenges to service  
Order Directing Payment of Fees and Costs, January 8, 2008  
Email, AG Mary Fr. Jowers to Buchanan/Pope, others, Feb. 13, 2008 re: Christie's sale  
Email Cox to Buchanan/Pope w/ copies to AG Jones, others, dtd. 2/29/08  
w/ TJBL Ltr. of Intent to Purchase, between \$90 and \$100 Million, etc  
Ltr. Buchanan/Pope to Attorney General McMaster, March 10, 2008  
Application, Hardship Extension of File/Pay Estate Tax Return, James Brown, 3/24/08  
Ltr. of TJBL on behalf of Terry Brown (TPP purchase, \$2 million), dtd. 3/27/08  
Email from Forlando Brown to Buchanan/Pope, dtd. April 3, 2008  
Order Denying Mot. to Reconsider Appt. Buchanan/Pope, April 8, 2008,  
Ltr. Wayne Byrd to Levenson, w/ copy to Jg. Early, May 1, 2008  
First Semi-Annual Report of PR/Trustee to Devisees, AG, etc, May 20, 2008  
Ltr. Estate (Buchanan/Pope) to AG McMaster, dtd., June 13, 2008  
Ltr. of AG Jones to Wayne Byrd, dtd.6/26/08 re: Emerg.Pet. for Appt. for Sp. Trustee  
Ltr. of AG Jones to Jg. Early, July 7, 2008, re: recommendations for Sp. Trustee  
Ltr. Estate (Buchanan/Pope) to AG McMaster dtd. June 27, 2008  
Ltr. Estate (Buchanan/Pope) to AG McMaster, AG Jones, July 25, 2008

Ltr. Attorney General to Buchanan/Pope, July 30, 2008 re: approval as trustees  
 Email chain, Rosen, etc., 7/31- 8/1/08 re: DNA order, Cox meeting  
 Email Sonny Jones to Judge Early, others, dtd/ 8/12/08, re: Settlement of 8/10/08  
 Email of Rosen to Pope, others, 8/12/2008, Re: settlement, request to “stop all work”  
 Ltr. from Estate/2000 Trust (Buchanan/Pope) to AG McMaster, others, 9/2/08  
 Excerpts, Depos. of Forlando Brown, 9/27/08, Federal Suit  
 U.S. Estate Tax Return, Schedule F, Est. of James Brown, Sept. 24, 2008  
 Ltr. Estate (Buchanan/Pope) to AG McMaster, etc.,dtd. 10/20/08 re: royalty, image, etc  
 Amended Petition for Removal Restraint, Nov. 7, 2008  
 Email Chain Medlin, Buchanan, etc. dtd. 2/18 – 2/19/09  
 Petition of James Brown II for Review of Compensation  
 Ltr. from IRS (Goodlett) to Buchanan/Pope dtd. March 24, 2009  
 Ltr. of Estate/2000 Trust (Buchanan/Pope) to AG McMaster, 4/10/09 re: Corbis Contract  
 Email Chain, Hayes to Jg. Early, others, 5/14 – 5/15/09, Subject: Corbis Hearing  
 Interim Accounting #1, Nov. 20, 2007 – May 20, 2009  
 Final Accounting (Reserving Rights), May 21 -27, 2009  
 Ltr. Buchanan/Pope to Bauknight, June 22, 2009  
 Custody Receipt of Bauknight, June 22, 2009  
 Memorandum to Bauknight from Buchanan/Pope, July 14, 2009  
 Supp. Affid. of Buchanan/Pope in Support of Commissions, July 13, 2009  
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April 8, 2020

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM RICHLAND COUNTY

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Court of Common Pleas

**SC Court of Appeals**

The Honorable Doyet A. Early, III, Circuit Court Judge

The Honorable L. Casey Manning, Circuit Court Judge

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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.

---

**PROOF OF SERVICE**

---

The undersigned counsel for Appellant certifies that he has served a copy of the Initial Reply Brief to Attorney General and the Supplemental Designation of Matter to be Included in

the Record on Appeal on all Respondents on the date shown below, by emailing the same to their counsel, addressed as follows:

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April 8, 2020

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**From:** Adam Silvernail <adam@silvernailfirm.com>  
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**Cc:** Adele Pope; Charles Carpenter; Daryl Williams; Jeff Smith  
**Subject:** Bauknight, et al v. Pope, Appellate Case No. 2018-2229  
**Attachments:** Pope 4900 Appeal POS.pdf; Pope 4900 Appeal Reply AG.pdf; Pope 4900 Appeal Reply Designations.pdf

Dear Counsel:

Attached and served on you are the Appellant's Brief in Reply to AG and our Supplemental Designation of Matter. These are being served by email pursuant to the recent Order of Chief Justice Beatty. As directed in that Order, a copy of this email will be filed along with the Proof of Service.

Please let me know if you have any trouble with the files.

Best,  
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# Exhibit B

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**CHART 1**

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<b>DOCUMENT NAME</b>	<b>NOT RELATED</b>	<b>NOT PRESENTED</b>
Order of Jg. Early dtd. 2/20, 2008 re: Tommie Rae diaries	X	
Order, Hon. Roger Couch, dtd. 9/22/09 State of S.C. vs. Eli Lilly	X	
Order of Jg. Addy, dtd. 1/11/2012 [Transf. Venue of Nby. FOIA 11-364 to Richland]	X	X
Order of the Hon. William O. Bertelsman, dtd. 3/28/14 Case 3:08-cv-00014-WOB	X	X
Order of Jg. Early & Jg. Manning, filed 1/20/15 [Joint Mediation]	X	
Order of Supreme Court dtd. April 20, 2015, In Re: Estate of Brown	X	X
Order of the Honorable Donald W. Beatty, dtd. 3/24/16 [Aiken 1337]	X	X
Form Order of Jg. Early, dtd. 7/27/16 [Deny Mot. to Dismiss FOIA Richland 4900]	X	X
Order of Jg. Early, dtd. 9/13/16 Denying Defendant's Mot. for Sanctions	X	
Order of Jg. Early, dtd. 11/22/16 [Deny 59 Motion]	X	
Order of Jg. Early, dtd. 12/27/16 Granting Plaintiffs' Motion for Protective Order Concerning Deposition of Larry Brown	X	
Order of the Hon. Jean H. Toal, 3/1/2107	X	X
Defendant's Rule 59, etc. Motion (Denying Motion to Change Venue), Nov. 19, 2010	X	
Motion to Stay Proceedings, dtd. Nov. 30, 2010	X	
Initial Brief of Appellant (Buchanan/Pope) Wilson v. Dallas	X	X
Bauknight's Responses to Second Set of Requests for Production, dtd. June 24, 2011	X	
Ex. 17: Dead or alive — James Brown...threats to property rights thrive	X	X
Affidavit (Pope) Oppo. Mot. to Intervene and for other relief, 11-36/00379, 11/7/11	X	X
Ltr. of Silvernail to Smith, re: Pope v. Wilson FOIA case, Dec. 9, 2011	X	X
Ltr. Pope to AG Wilson, 5/12/12 re: Release of T.R. diaries & \$4.7 million does	X	X
Ltr. of Pope to AG Wilson dtd. May 11, 2012, re: \$4.7 million value	X	X
Ltr. of Chief Deputy AG McIntosh dtd. May 1, 2012 to Pope	X	X
Email of Pope to Rosen, dtd. May 12, 2012 re: Service of subpoena	X	X
Motion to Enforce Settlement Agreement, May 18, 2012	X	
Report (Pope) Required by Order of July 5, 2012, Aug. 6, 2012	X	
Return (Pope) to Motion for Direction from Court... Trial Publicity, Aug. 28, 2012	X	
Plaintiff's Mot. to Strike Additional Affidavits of Defendant Pope, Sept. 12, 2012	X	
Objection to Motion of Plaintiffs to Avoid Physical Presence at Mediation, etc., 11/3/12		
Proof of ADR, dtd. October 19, 2012	X	

DOCUMENT NAME	NOT RELATED	NOT PRESENTED
Plaintiffs' Motion to Strike Affidavit of Pope dtd. 12/11/2012, Dec. 18, 2012	X	
Motion for Judgment on the Pleading (FOIA), Dec. 20, 2012	X	X
Motion for Summary Judgment (Pope) as to James Brown Legacy Trust & Trustee, 3/22/13	X	
Ret. & Opp (Pope) to Request for Stay & Request for Expedited Hearing, etc., 3/29/13	X	
Status Report of Defendant Pope, dtd. March 25, 2013	X	
Motion (Sweeny, Wingate, Barrow, PA) to be Relieved as Counsel, AG Only, 5/10/13	X	
Notice of Appearance, Donsbach for Terry Brown, dtd., Nov. 26, 2014	X	
Plaintiffs' Motion to Strike Affidavit of Pope dtd. Feb. 19, 2016, dtd.2/26/16	X	
Motion to Quash and Mot. for Prot. Order (subpoenas to Jowers, Jones, McIntosh), 4/8/16	X	X
Return & Memo. Opposing Motion to Quash Subpoenas, Jowers, etc., dtd. 4/9/16	X	X
w/ Ex. A Email Chain Smith/ Pope, dtd. 4/9/16	X	X
Ex. B: U.S. Copyright Office, Termination Notices, Tommie. Rae, James II, served 8/26-29/13, recorded, Copyright Office, 8/28 - 8/31/15	X	X
Mot.(Richland 4900 Plaintiffs) to Consolidate w/Aiken 1337 for discovery, 4/11/16	X	
Mot. to Postpone Deposition of Tommie Rae, dtd. April 25, 2016	X	
Plaintiffs' Reply to Defendants' May 2, 2016 Memorandum, dtd. May 16, 2016	X	
Response to Plaintiffs' Brief, (FOIA) May 16, 2016	X	X
Motion for Protective Order (Tommie Rae), June 22, 2016	X	
Plaintiffs' Mot. to Alter, Etc., Attorney General Mot. to Dismiss (FOIA), July 1, 2016	X	X
Motion for Protective Order as to Deposition of the Attorney General, dtd. July 18, 2016	X	
Mot. for Protective Order (to Quash Depos. of Tommie Rae), dtd. 7/28/16	X	
Aiken 1337 Plaintiff's Ret. to Mot. of Der s. for Prot. Order (Sojourner Depos.), 8/1/16	X	X
AG's Petition for Rehearing, Wilson v. Dallas	X	
Motion to Supplement the Record on Appeal, Wilson v. Dallas	X	X
w/ Ex.A: Transcript of Hearing September 28, 2008	X	X
Transcript of Hearing, November 25, 2008	X	
Transcript of Hearing, January 30, 2009	X	
Complaint, Estate/2000 Trust vs. Cannon, Dallas, etc., 2/8/08	X	X
Ex. G, Calculation of Potential Costs, Proposed Refinancing Transaction	X	X
Portion, Accounting, Interim #1A, May 20, 2009	X	X

DOCUMENT NAME	NOT RELATED	NOT PRESENTED
Pope's Motion to Compel, (Interrogatory Verifications, etc) dtd. August 11, 2016	X	
Motion for Protective Order (Deposition, Venisha Brown), Aug. 11, 2016	X	X
Mot. for Prot. Order (Deposition of Lt. Gov. McMaster), Aug. 25, 2016	X	
Mot. for Confidentiality Order, dtd., Nov. 22, 2016	X	
Return of Aiken 1337 Plaintiff to Joint Motion to Consolidate Expert Discov., 1/17/17	X	X
Mot. for Protective Order (Deposition of Deanna Brown-Thomas), March 3, 2017	X	
Pope Response to Mot. of Pl. Tommie Rae for Protective Order, 12/30/2016	X	
Plaintiffs' Mot. to Strike Affidavit of Pope, dtd. Jan. 23, 2017	X	
Deposition Privilege Log of Kendall	X	X
w/ Deposition of Kendall (condensed), March 6, 2017	X	X
Deposition Privilege Log of Wingate	X	X
w/Deposition of Wingate, March 6, 2017	X	X
Rule 59, etc. Motion of Pope, Tommie Rae protective order, 3/24/17	X	
Ret. And Opposition of Tommie Rae to Rule 59 Motion, dtd. 4/20/17	X	
Mot. of Defendant to Alter, Amend, Etc., Order re: Kendall/Wingate Depos, 6/16/17	X	X
Mot. Protective Order, Tiffany Provence, June 15, 2017	X	
Mot. for Protective Order, Jason Brown-Lewis, June 26, 2017	X	
Pope Return to Jason Brown-Lewis Mot. for Prot. Order, June 27, 2017	X	
Am. Mot. for Protective Order, Provence, dtd. June 28, 2017	X	
Plaintiffs' Mot. to Strike, dtd. August 7, 2017	X	
Memorandum of Law in Opposition to Motion to Lift Stay, dtd. Nov. 10, 2017	X	
Notice of Filing of Original Depos. Transcripts, Oct. 19, 2017	X	
Ret. And Opposition to Motion to Strike Memorandum and Smith Opinion, dtd.10.19/17	X	
Motion of Donsbach to be Relieved as Counsel, dtd. Oct. 10, 2018	X	
Transcript of Hearing, December 21, 2007	X	X
Transcript of Hearing, September 28, 2008	X	X
Transcript of Hearing, January 11, 2012	X	X
Transcript of Hearing, March 31, 2014	X	X
Transcript of Hearing, May 17, 2016	X	X
Certificate of Trust, James Brown 2000 Trust, filed August 7, 2001	X	
Durable Power of Attorney, James Brown, to Deanna & others filed 2/25/01	X	
Consent Order of Dismissal, Brown vs. Hynie Ahmed Brown, 2004	X	X
Minutes of Trustees, 2000 Trust, January 3, 2007	X	
Affidavit of Daryl J. Brown, dtd. January 24, 2007	X	
Pinnacle Media and Entertainment, LLC, \$200 Million Prospectus, 2007	X	

DOCUMENT NAME	NOT RELATED	NOT PRESENTED
Email chain, Deanna Brown Thomas, Louis Levenson, Esq., March 7-15, 2007	X	
Graham Windsor Group, Terry Cox PhD., Developing the James Brown Legacy, 2007	X	
Ltr. Poowell Goldstein to Dallas, July 10, 2007, re: Change of Situs of 2000 Trust	X	
w/ proposed Declaration to Change Situs	X	
Supplement Order Related to Disbursement of Realty Proceeds, August 19, 2007	X	
Ltr. of TJBL to Dallas/Bradley, dtd. October 12, 2007	X	
Email Yount to AGS Jones, others, Nov. 10, 2007 re: \$18 Million Wm. Morris Revenues	X	
Return and Recommendation of Special Administrators, Nov. 14, 2007	X	
Inventory & Appraisalment, Est. of James Brown, Nov. 15, 2007	X	
Ltr. of Pope to Phil Farr, CPA, dtd. June 15, 2007, w/ handwritten notations	X	
Email Wm. Hammond to Pope/Buchanan, cc: Babcock, dtd. 6/15/07	X	
Ltr. Lewis & Babcock to Dallas/Bradley, Nov. 16, 2007 re; possible resignations	X	
Email Sonny Jones to Buchanan/Pope, cc others dtd. Nov. 21, 2007	X	
Ltr. Pope to Sonny Jones dtd. Nov. 21, 2007	X	
Affidavit Wm. Hammond, dtd. Nov. 30, 2007	X	
Email Sonny Jones to Buchanan/Pope, etc. 12/6/07, re: attached \$100 Million Offer	X	
Pet. to Set Aside Trust, Tommie Rae, December 19, 2007	X	
Complaint, Forlando Brown vs. Buchanan/Pope, Trustees of 2000 Trust, Jan. 2, 2008	X	
Email, AG Mary Fr. Jowers to Buchanan/Pope, others, Feb. 13, 2008 re: Christie's sale	X	
Email Cox to Buchanan/Pope w/ copies to AG Jones, others, dtd. 2/29/08	X	
w/ TJBL Ltr. of Intent to Purchase, between \$90 and \$100 Million, etc.	X	
Ltr. Buchanan/Pope to Attorney General McMaster, March 10, 2008	X	
Application, Hardship Extension of File/Pay Estate Tax Return, James Brown, 3/24/08	X	
Ltr. of TJBL on behalf of Terry Brown (TPP purchase, \$2 million), dtd. 3/27/08	X	
Email from Forlando Brown to Buchanan/Pope, dtd. April 3, 2008	X	
Order Denying Mot. to Reconsider Appt. Buchanan/Pope, April 8, 2008, p.1 only	X	
Ltr. Wayne Byrd to Levenson, w/ copy to Jg. Early, May 1, 2008	X	
First Semi-Annual Report of PR/Trustee to Devisees, AG, etc, May 20, 2008	X	
Ltr. Estate (Buchanan/Pope) to AG McMaster, dtd., June 13, 2008	X	

DOCUMENT NAME	NOT RELATED	NOT PRESENTED
Ltr. of AG Jones to Wayne Byrd, dtd.6/26/08 re: Emerg.Pet. for Appt. for Sp. Trustee	X	
Ltr. of AG Jones to Jg. Early, July 7, 2008, re: recommendations for Sp. Trustee	X	
Ltr. Estate (Buchanan/Pope) to AG McMaster dtd. June 27, 2008	X	
Ltr. Estate (Buchanan/Pope) to AG McMaster, AG Jones, July 25, 2008	X	
Ltr. Attorney General to Buchanan/Pope, July 30, 2008 re: approval as trustees	X	
Email chain, Rosen, etc., 7/31- 8/1/08 re: DNA order, Cox meeting	X	
Email Sonny Jones to Judge Early, others, dtd/ 8/12/08, re: Settlement of 8/10/08	X	X
Email of Rosen to Pope, others, 8/12/2208, Re: settlement, request to "stop all work"	X	X
Ltr. from Estate/2000 Trust (Buchanan/Pope) to AG McMaster, others, 9/2/08	X	X
Excerpts, Depos. of Forlando Brown, 9/27/08, Federal Suit	X	X
U.S. Estate Tax Return, Schedule F, Est. of James Brown, Sept. 24, 2008	X	X
Ltr. Estate (Buchanan/Pope) to AG McMaster, etc.,dtd. 10/20/08 re: royalty, image, etc.	X	X
Amended Petition for Removal Restraint, Nov. 7, 2008	X	X
Email Chain Medlin, Buchanan, etc. dtd. 2/18 - 2/19/09	X	X
Petition of James Brown III for Review of Compensation	X	X
Ltr. from IRS (Goodlett) to Buchanan/Pope dtd. March 24, 2009	X	X
Ltr. of Estate/2000 Trust (Buchanan/Pope) to AG McMaster, 4/10/09 re: Corbis Contract	X	X
Email Chain, Hayes to Jg. Early, others, 5/14 - 5/15/09, Subject: Corbis Hearing	X	X
Interim Accounting #1, Nov. 20, 2007 - May 20, 2009	X	X
Final Accounting (Reserving Rights), May 21 -27, 2009	X	X
Ltr. Buchanan/Pope to Bauknight, June 22, 2009	X	X
Custody Receipt of Bauknight, June 22, 2009	X	X
Ltr. of Buchanan/Pope to Klett, June 24, 2009 re: Reasons for Approval of Corbis	X	X
Memorandum to Bauknight from Buchanan/Pope, July 14, 2009	X	X
Supp. Affid. of Buchanan/Pope in Support of Commissions, July 13, 2009	X	X
Email of Medlin to AG Jones, others, dtd. Aug. 30, 2009, re: Tax Valuation	X	X
Indictment, David G. Cannon, February 2010	X	X
Order for Release of Info. Related to Attys' Fees & Other Comp, 3/15/2010	X	X
Motion for Judgment for Costs (against Cannon), May 3, 2010	X	X
Certificate of Service, May 24, 2010	X	X
First Request to Admit to Plaintiffs, Aug. 12, 2010	X	X

<b>DOCUMENT NAME</b>	<b>NOT RELATED</b>	<b>NOT PRESENTED</b>
Affidavit of Beth Bauknight, dtd. October 1, 2010	X	X
Plaintiffs' Responses to First Request to Admit of Plaintiff Pope, dtd. 9/23/10	X	
Initial Brief of Appellants, Wilson v. Dallas October 22, 2010	X	X
w/ Chart 1— James Brown's Intentions in Last Will & Trust	X	X
Chart 3- How the Proposed Settlement Destroys/Ignores James Brown's Intentions	X	X
Affidavit of Williams, dtd. November 30, 2010	X	X
Confirmation and Amendment to Settlement Entity (Legacy Trust), Jan 4, 2011	X	
Assignment of Terry Brown to William Forlando James Brown, Int. Est. of J13, 1/3/11	X	X
Affidavit of Pope Supporting Disqualification, Injunction & Related Relief, May 18, 2011	X	
w/ Ex. B: How Bauknight's Sale to Terry Destroys "I Feel Good" Fdn. (3/11)	X	X
Ex.C: Ltr., Black to Pope, July 15, 2011, Re; Requests for Does under FOIA	X	X
Affidavit of Pope Supporting Production of Legacy Trust, Contract w/AG, etc., Aug. 1, '11	X	X
Order of Jg. Early dtd. Feb. 20, 2008 re: Tommie Rae diaries	X	X
Ltr. Pope to Wilson, Sojourner, Bauknight, dtd. April 3, 2014 re: Settlement Proposal	X	X
Ltr. of Pope to. Potter dtd., June 26, 2014	X	X
Affid. of Pope Opposing Mot. of AG, Others to Stay, and Supp. Summ. Jmt., etc, 4/29/14	X	X
Affidavit Supporting Sum. Jmt, Damages, Offset, Transfer Termination Rights, 5/28/15	X	X
Memorandum in Supp. of Mot. to Amend Ans, Jmt Pleading, etc., [FOIA], 5/22/16	X	X
Affid. Pope in Supp. Motion to Alter, etc.[FOIA] Order Granting AG Mot. Dismiss, 7/1/16	X	X
Motion to Enforce Settlement Agreement, dtd. May 18, 2012	X	
Affidavit of Pope (Oppose Motion to Strike Offers of Jmt.), Aug. 15, 2012	X	
Affidavit of Pope (Oppose Striking Offers of Judgment, etc), August 21, 2012	X	
w/ Exhibit B: S.C. attorney general sued in James Brown case	X	
Emails F. Brown to Kenily, to Jg. Early, Sept. 27, 2013 (Re: Tommie Rae Terminations)	X	X
Ltr. to Pope to Attorney General and others, dtd. April 3, 2014	X	
Form 4 Order of Jg. Toal, 3/1/2017 (Wingate/Kendall Depositions)	X	X
Email Bundy to Jg. Early, dtd. Nov. 15, 2018 re: Outstanding Motions	X	
Ret. of Appellant to Mot. of AG, others to Strike Mot. to Lift Stay, Nov.20, 2018	X	

# Exhibit D

**CHART 2**

**DOCUMENTS INCLUDED IN BOUND RECORD ON APPEAL  
NOT PREVIOUSLY DESIGNATED BY ANY PARTY**

<b>DOCUMENT NAME</b>	<b>NOT RELATED</b>	<b>NOT PRESENTED</b>
Order of Jg. Early, dtd. 11/13/08 [Dismissing Pullman Claim]	X	X
Form 4, Order of Jg. Early, dtd. 7/15/16 [Mot. Consolidate Ak 1337 & Rich.4900 Denied]	X	
w/List of 11 Attachments to Motion to Dismiss		
Wilson v. Dallas, Factual Addendum	X	X
Ex.A: Agreement of Attorney General and Settling Parties, Aug. 10, 2008	X	X
w/ Affidavit of Pope dtd. July 23, 2010	X	X
Order of Jg. Early, August 10, 2007	X	X
Order Denying Motion to Reconsider, April 8, 2008	X	X
New York State Ethics Opinion 06-06, Aug. 28, 2006	X	X
Response to Forlando Brown's motion to disqualify Levenson, etc.	X	X
w/ Ex. A: Ltr. of Bell to Levenson, dtd. April 4, 2007	X	X
Ex. B: Transcript, Deposition of Forlando Brown, October 2007	X	X
Ex. C: Affidavit of Levenson, dtd. January 16, 2008	X	X
w/Levenson Billing Invoice	X	X
Pope's First Request to Produce to Plaintiff Bauknight	X	X
w/ Ltr. of Klett to Gonzalez, dtd. May 23, 2011	X	X
w/ Ex. A: Ltr. Black to Pope, 7/15/11 re: Request for Documents Under FOIA	X	
w/ Ex.A: Mot. of AG, others to Supplement the ROA, Wilson v. Dallas, 5/6/11	X	X
Proposed Appendix to the ROA, Wilson v. Dallas, w/ Exhibits	X	X
Amended Inventory & Appraisalment, James Brown Estate, dtd. 5/4/11	X	X
Proposed Adjustments to James Brown Estate Tax Return	X	X
w/ Ex. A: Offer of Judgment to Lindsey Brown and Janise B., a minor	X	
Ex. B: Offer of Judgment to the S.C. Atty. General and Bauknight, Agent	X	
Ex. C: Offer of Judgment to Lindsey Brown and Janise B., a minor	X	
Ex. D: Offer of Judgment to Tonya Brown	X	
Ex. E: Offer of Judgment to Daryl Brown	X	
Ex. F: Offer of Judgment to Bauknight, as Trustee of the Legacy Trust	X	
Ex. G: Offer of Judgement to Terry Brown	X	
Ex. L: Offer of Judgment to Sydney L, a minor	X	
Ex. N: Offer of Judgment to the Estate of James Brown	X	
w/Ex. A: Sworn Statement of Albert Dallas, July 20, 2012	X	
w/ Ex. A: Order for Mediation	X	
Ex. B: Ltr. of Silvernail to Jg. Manning, dtd. Nov. 25, 2014	X	
Ex. C: Ltr. of Silvernail to Jg. Manning, dtd. Nov. 26, 2014 817	X	
Ex. D: Ltr. of Gende to Jg. Early, Jg. Manning, dtd. Dec. 3, 2014	X	

<b>DOCUMENT NAME</b>	<b>NOT RELATED</b>	<b>NOT PRESENTED</b>
w/ Ex. A: Affidavit of Pope dtd. 2/19/16 (Richardson Deposition)	X	
w/Ex Order, Tommie Rae Summary Judgment, 1/13/2015	X	X
Ex. B: Order Denying Reconsideration of TR Sum. Jmt. Ord., 8/20/15	X	X
Reply to Supp. Ret. Of AG to be Dropped as Party, 4/7/17		
Pope's Ret. To Motion as to Brown-Lewis, dtd. 6/27/17	X	X
Ex. A, Ord. Granting Summary Jmt. As to Counterclaims, 5/8/17, p. 1 only		
Ex. B. Motion for Extension of Time, Wilson v. Dallas Aug. 13, 2010	X	X
Ex. A: Order Approving Settlement Agreement	X	X
Ex. A: Summons, Richland 4900 (Probate Court), May 19, 2010		
Compilation, Registered Copyrights of James Brown, 1956-60, 1978-81		
w/Ex.A: Proposed Order		
w/Ex. A: Ltr. of Bundy to Jg. Early, dtd. Sept. 23, 2016		
October 26, 2012 Certification of Daryl, Lindsey, Janise Brown	X	X
Ex.B: Facebook posts of Tommie Rae, Sept. 18	X	X
COS, Answer & CC of Buchanan/Pope, 10/30/2010		
COS, Affidavit of Default, dtd. Nov. 10, 2010		
COS, Answer to Counterclaim, Nov. 16, 2010		
What Rosen Wants	X	X
w/ Ex. A: Email chain, Pope/Jowers, etc.	X	X
Ex. B: Additional Emails	X	X
Ex. C: Copyright Termination Notices, T.R. Brown & James II, Aug. 2013	X	X
Schedule F, Tax Return of Estate of James Brown	X	X

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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**RECEIVED**

**Apr 24 2020**

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
The Honorable Doyet A. Early, III, Circuit Court Judge  
The Honorable L. Casey Manning, Circuit Court Judge

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SC Court of Appeals

Case No. 2010-CP-40-4900

Appellate Case No. 2018-02229

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Russell L. Bauknight, as Trustee of the James Brown 2000 Irrevocable Trust and the James Brown Legacy Trust, as Personal Representative of the Estate of James Brown, and on behalf of Alan Wilson, in his capacity as Attorney General of the State of South Carolina; Tommie Rae Brown, individually and on behalf of her minor child, James B. II; Daryl J. Brown, individually and on behalf of his minor child Janise B.; Lindsey Delores Brown; Deanna J. Brown Thomas; Jason Brown-Lewis; Yamma N. Brown, individually and on behalf of her minor child Sydney L. and Carrington L.; Tonya Brown; Venisha Brown; Larry Brown; and Terry Brown

And

Alan Wilson, in his capacity as Attorney General of the State of South Carolina; Tommie Rae Brown, individually and on behalf of her minor child, James B. II; Daryl J. Brown, individually and on behalf of his minor child Janise B.; Lindsey Delores Brown; Deanna J. Brown Thomas; Jason Brown-Lewis; Yamma N. Brown, individually and on behalf of her minor child Sydney L. and Carrington L.; Tonya Brown; Venisha Brown; Larry Brown; and Terry Brown, Respondents,

v.

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

Of whom Adele J. Pope is the Appellant.

---

**PROOF OF SERVICE**

---

I certify that on April 24, 2020 I served Respondents' Motion to Strike Appellant's Supplement to the Record on Appeal and Record on Appeal and Request to Stay the Time for Respondents to File Their Final Brief and for Sanctions by depositing a copy of it in the United

States Mail, postage prepaid, and by e-mailing a copy of the same, to the following attorneys of record:

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**Cc:** [Mark V. Gende](#); [Griffith Doolittle](#); [Ken B. Wingate](#)  
**Subject:** Bauknight v. Pope, Appellate Case No. 2018-02229; Our File 4077-7389  
**Date:** Friday, April 24, 2020 4:05:00 PM  
**Attachments:** [Motion to Strike.pdf](#)  
[Ex. A Pope's Supplement.pdf](#)  
[Ex B - Index to the bound Record on Appeal.pdf](#)  
[Ex C - Chart 1.pdf](#)  
[Ex D - Chart 2.pdf](#)

---

Dear Counsel:

Attached please find:

Respondents' Motion to Strike Appellant's Supplement to the Record on Appeal and Record on Appeal and Request to Stay the Time for Respondents to File Their Final Brief and For Sanctions; Exhibits A – D and Proof of Service,

All of which are being e-filed today with the Court of Appeals.

Sincerely,  
Gloria Coberly on behalf of Mark Gende

**RECEIVED**  
**Apr 24 2020**  
**SC Court of Appeals**



Gloria P. Coberly | *Legal Assistant to Mark V. Gende and William A. Neinast*  
Sweeny, Wingate & Barrow, P.A.  
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Columbia, SC 29211

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