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State of South Carolina ) In the Court  
County of Aiken ) Of Common Pleas

Docket Number: 2019CP0200320

Deanna Brown Thomas, )  
Petitioner, )  
vs. ) Transcript of Record  
Estate of Venisha Armaa )  
Brown, )  
Respondent. )

June 10, 2019  
Aiken, South Carolina

B E F O R E:

The Honorable Clifton Newman, Judge.

A P P E A R A N C E S:

Zachary Moulton, Esquire  
Attorney for the Petitioner

Louis Levinson, Esquire  
Adele J. Pope, Esquire  
Attorneys for the Respondent

Brenda J. Sigwald, Circuit Court Reporter  
In the Second Judicial Circuit  
P.O. Box 206, Jackson, South Carolina 29831

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E X H I B I T S

<u>Number</u>	<u>Description</u>
C-1	Motion
C-2	Declaration
C-3	Letter of July 25, 2013
C-4	Supreme Court Ruling
C-5	The Honorable Michelle Childs' Order

1 THE COURT: Yes, sir?

2 MR. MOULTON: Thank you, Your Honor.

3 THE COURT: Yes, sir.

4 MR. MOULTON: Zack Moulton, I represent Ms. Deanna  
5 Thomas, who's the petitioner in this, and I have filed a  
6 motion to be relieved as counsel. Ms. Thomas and I agreed  
7 on my representation of her solely in probate court and now  
8 that it's been removed, it's obviously outside the scope of  
9 my representation.

10 Additionally, whenever we first met, I think she  
11 and I both were thinking this would be a much more simple  
12 matter. I have some probate experience, but I'm still  
13 young and still learning. And I quickly realized that this  
14 is probably more than, you know, I'm able to handle, so I'm  
15 asking to be relieved.

16 And Ms. Thomas does intend to seek substitute  
17 counsel, but so far has not -- so far she has not been able  
18 to secure that. I have offered, talking to her and she's  
19 in agreement, to help her, you know, in that matter to try  
20 to find her substitute representation.

21 MR. MAXWELL: Your Honor, Ronnie Maxwell. If I  
22 might speak to this. Zack works with me and I didn't  
23 realize at first that this would evolve into part of the  
24 James Brown case that's been going on 13 years. I was  
25 early on involved in that case and not at this time. But

1 we feel there may be a conflict as well. And I certainly  
2 would join in Zack's motion that he and our firm be  
3 relieved of further duties in representing Ms. Thomas in  
4 this matter, which is beyond what either one of us is  
5 capable of doing.

6 THE COURT: All right. And is Ms. Thomas here?

7 MS. THOMAS: Yes, sir.

8 THE COURT: Yes, ma'am, what's your position  
9 concerning that? What is your position concerning the  
10 motion?

11 Can we turn the mike on, Madam Clerk.

12 MS. THOMAS: I'm in agreement with that.

13 THE COURT: And what's your plans for finding new  
14 counsel?

15 MS. THOMAS: I am looking for new counsel as we  
16 speak.

17 THE COURT: All right. Well, with regard to the  
18 other existing counsel, any -- any problem that would be  
19 presented through the substitution? Any objections to the  
20 relief of counsel?

21 Ms. Pope?

22 MS. POPE: Your Honor, when -- unfortunately the  
23 plaintiff has not been as fair with her counsel as he has  
24 been with her. And I could hand up -- this is in the  
25 record. This matter was removed -- this is not a James

1 Brown Estate case. This is the Estate of Venisha Brown a  
2 -- probably a legal daughter of James Brown. And certainly  
3 a legal daughter of Yvonne Coleman Fair.

4 Ms. -- the plaintiff is possibly one of -- possibly  
5 as many as 13 potential heirs on the side of her father and  
6 the decedent's biological father. None of the heirs on the  
7 side of decedent, was given notice of this application,  
8 which was submitted on November 6th 2018. The decedent has  
9 been dead since September 18 -- September 19, 2018.

10 At her death on September 19, 2018, she had been,  
11 at least in the case in which I was involved with her,  
12 missing since at least 2016. Unfortunately before that she  
13 had been in and out of incarceration since approximately  
14 2009. In the case in which she sued me in 2010, along --

15 THE COURT: Now, Ms. Pope --

16 MS. POPE: -- with --

17 THE COURT: I thought it was a simple question as  
18 to whether there are objections to this lawyer being  
19 relieved and in response I've got a history, history of  
20 statements, all of which --

21 MS. POPE: Well, Your Honor --

22 THE COURT: -- other parties may agree with or may  
23 not agree with. I have no idea.

24 If you're saying all that to respond to the  
25 question, as to whether there's an objection to Counsel

1 being relieved, then I'll continue to listen. But hold  
2 your point for a moment.

3 And let's see what your client is...

4 MR. LEVINSON: Your Honor, I'm Louis Levinson. I  
5 am an attorney in this case of record as a creditor. And  
6 to the Court's specific question, no objection on  
7 Mr. Moulton's granting -- Your Honor granting him a  
8 withdrawal from this case.

9 And further, in order to move the ball down field a  
10 little bit, I am going to withdraw my previous objection as  
11 well to Ms. Thomas's appointment as the PR of this estate.  
12 Mr. Moulton and I spoke moments ago. And so we would both  
13 offer Ms. Thomas as the personal representative of her  
14 sister's estate. I know that Ms. Pope may have some  
15 thoughts about that and perhaps Your Honor will deal with  
16 that today or at some --

17 THE COURT: Well, the appointment of a PR, is that  
18 the prerogative of this Court or probate court?

19 MS. POPE: Your Honor --

20 THE COURT: I'll get his answer and I'll get back  
21 to you.

22 MR. LEVINSON: Your Honor, this case was removed to  
23 this Court, it is the subject matter jurisdiction of this  
24 Court, yes, sir.

25 THE COURT: Okay. Thank you.

1 Yes, ma'am?

2 MS. POPE: Your Honor, if I might, I was not  
3 expecting that from Mr. Levinson, so if I could pass up --

4 THE COURT: If you can incorporate your response --

5 MS. POPE: And I will, Your Honor.

6 THE COURT: -- based on what he said.

7 MS. POPE: Well, I will, Your Honor. But I would  
8 like to stick for just a moment to the -- to the  
9 withdrawing. And I want to understand, did Mr. Moulton  
10 tell me -- tell the Court that he joins in the -- the  
11 request that his client be appointed? Because that's the  
12 first time I've heard that today.

13 THE COURT: I haven't heard him say it --

14 MS. POPE: I think Mr. Levinson said it for him. I  
15 just wanted to --

16 THE COURT: I don't know, if he --

17 MS. POPE: -- make the record clear.

18 Is that your position?

19 MR. MOULTON: Your Honor, obviously since I'm  
20 making a motion to withdraw, I personally don't take a  
21 position on that. However, my understanding is, you know,  
22 Ms. Thomas, would be in agreement with Mr. Levinson on  
23 that. But I take no position on that.

24 MR. LEVINSON: Well, Your Honor, Ms. Thomas is the  
25 petitioner, so if -- she's the one that commenced the

1 action which brought it initially in the probate court, or  
2 moved to this Court. So I assume Ms. Thomas is still of  
3 the position that she wishes to be appointed with or  
4 without Mr. Moulton as her counsel.

5 Now, I understand Mr. Moulton may be granted a  
6 withdrawal for today, but Ms. Thomas isn't being asked to  
7 administer to anything yet. She may need counsel to do  
8 that administration, but certainly not for today. We're  
9 trying to prevent further chaos and delay in the  
10 appointment of a fiduciary for Venisha's estate.

11 MS. POPE: Your Honor, may I continue with the  
12 request to be relieved, because that was the motion we were  
13 on.

14 THE COURT: Yes, ma'am.

15 MS. POPE: And it will definitely tie in to the  
16 other. But I think it's important for this reason: My --  
17 my -- I am a creditor of the James -- of the Venisha Brown  
18 Estate. Mr. Levinson is a creditor of the Venisha Brown  
19 Estate.

20 THE COURT: And Venisha Brown is what relation to  
21 Ms. Thomas?

22 MS. POPE: She is the biological daughter, but she  
23 is a legal daughter of Yvonne Fair -- Coleman Fair. She is  
24 the biological daughter of James Brown, but, but has never,  
25 so far as I know, been determined to be the legal daughter.

1 She is the daughter. She's clearly the biological  
2 daughter. And under her most important --

3 THE COURT: Well, how can you be a biological  
4 daughter and not be a legal daughter?

5 MS. POPE: Well, Your Honor, we -- I'm getting  
6 afield now. I want to come back to the other issue. But  
7 here's the issue. The pri -- a primary asset of the Estate  
8 of Venisha Brown, which the plaintiff told the probate  
9 court and her lawyer, Mr. Moulton, had no assets, is an  
10 interest in 200 -- the U.S. Royalties to 246 copyrights.

11 Not hers, not from her mother's estate, but on her  
12 own as a biological daughter of the entertainer, James  
13 Brown. Not from his estate. And on November 6, 2018, the  
14 the plaintiff came to the probate court and asked  
15 Mr. Moulton to file a petition to appoint her. At the  
16 time, the plaintiff had five other lawyers. Five other  
17 lawyers. One of those lawyers had also filed a suit on  
18 behalf of Venisha Brown, the decedent, who sued me in 2010,  
19 has been missing since 2016, according to the lawyer in my  
20 suit -- but this lawyer had filed a suit in California in  
21 the name of decedent, Venisha Brown, who has been missing  
22 since 2016.

23 That suit was filed in February of 2018. It is now  
24 before the Honorable Michelle Childs. And in that suit,  
25 recently, a contract between the plaintiff and alledgedly,

1 allegedly, but there is no evidence of it, the decedent,  
2 Yamma Brown -- and I didn't bring extra copies -- if I  
3 could pass it up, it is actually already on file in this  
4 summary judgment on March 1st in the -- I'm sorry I don't  
5 have --

6 (Ms. Pope was showing the document to the other  
7 attorneys.)

8 MS. POPE: This is a contract by a California  
9 lawyer, which I did not see, Your Honor, until it came up  
10 in the public records, but shortly before it was filed here  
11 in this case in, I think it was filed March 1, 2019. It is  
12 in the file in this summary judgment file.

13 What happened was this -- and if I also might hand  
14 up, and I do have extra copies of this, may I hand up --

15 THE COURT: Now, as you are presenting this, do you  
16 take the position that Ms. Thomas is being represented at  
17 this hearing or that Mr. Moulton --

18 MS. POPE: Well, I was curious about that --

19 THE COURT: -- is relieved.

20 MS. POPE: -- because the contract that I've just  
21 handed you says that Mr. Levinson is going to get a quarter  
22 of the money from this California lawyer, so --

23 THE COURT: Well, what does that have to do with --

24 MS. POPE: Well, well, what it has to --

25 THE COURT: -- the motion before me to relieve as

1 counsel.

2 MS. POPE: -- to, Your Honor, and I'm sorry if I  
3 moved ahead, but --

4 THE COURT: Well, it's -- you've gone from here to  
5 California and filing lawsuits and prior orders --

6 MS. POPE: Well, I'll come back to South Carolina.

7 THE COURT: I thought I had a simple motion, but I  
8 guess not.

9 MS. POPE: But if I could hand up -- I have asked  
10 that Your Honor take judicial notice of this. This is an  
11 order of the Honorable J. Michelle Childs that was just  
12 issued in -- on March 5th, 2019. I've handed Counsel a  
13 copy. And I've asked the Court to take judicial notice,  
14 but it might be a good idea for us to mark it because I  
15 think it is important here.

16 And I'd also like to hand up an order of the  
17 Honorable Doyet A Early, issued March 8, 2008, consented to  
18 by Mr. Levinson, which so far as I know is the last public  
19 statement the decedent Venisha Brown made of who she  
20 thought were her heirs other than her heirs through her  
21 mother. And that order is also on file. And if I could  
22 hand that up to Your Honor.

23 Now, Venisha Brown sued me in 2010, along with  
24 Robert Buchanan, Jr. We counterclaimed. I am a creditor  
25 and counterclaim. We're not here to talk about that

1 counterclaim. As a creditor, I complied with all of the  
2 requirements to be appointed PR.

3 THE COURT: Of the estate of?

4 MS. POPE: Of the estate of the decedent. And I  
5 will tell --

6 THE COURT: The decedent being?

7 MS. POPE: Venisha Armaa Brown.

8 THE COURT: So you -- so we have Ms. --

9 MS. POPE: I was served --

10 THE COURT: -- Thomas would like to be the personal  
11 representative and you would like to be the personal  
12 representative.

13 MS. POPE: I was served by her because I was a  
14 creditor who had given appropriate notice of my claim --

15 THE COURT: So is the answer --

16 MS. POPE: So was Mr. Levinson.

17 THE COURT: -- the answer yes or no? According to  
18 Mr. Levinson, Ms. Thomas wants to be a PR of her mother's  
19 estate and you want to be the PR of her mother's estate; is  
20 that correct?

21 MS. POPE: Of her possible sister's estate.

22 MR. LEVINSON: It's her sister, Your Honor.

23 THE COURT: Sister.

24 MS. POPE: Possible sister, not her mother.

25 MR. LEVINSON: That's because -- Ms. Pope won't

1 answer the Court's question. I understand the Court's  
2 confusion.

3           Yeah. Venisha is the sister of Ms. Thomas. Has  
4 been the sister of Ms. Thomas, has always been the sister  
5 of Ms. Thomas. There's no dispute about that. And in  
6 point of fact, during earlier litigation, going back 13  
7 years to a motion Mr. Maxwell was not involved in, that  
8 there was a power of attorney that I drafted for Ms. Brown  
9 Thomas, who served as the attorney in fact for her sister,  
10 Venisha, for many years before Venisha Brown's death, which  
11 is the subject of this case. The estate is the subject of  
12 this case.

13           But, Judge, I need to say -- obviously, Your Honor  
14 can hear from Ms. Pope, but Your Honor also did not have  
15 the misfortune of being involved in this case for 13 years,  
16 or these cases, excuse me.

17           The Supreme Court said on January 10, 2015, with  
18 regard to Ms. Pope's involvement in these estate matters,  
19 obviously at that time Venisha was not deceased; the  
20 Supreme Court of this state said, Ms. Pope -- this is a  
21 written opinion that I'm happy to hand up to Your Honor.  
22 Ms. Pope is prohibited from filing any further motions or  
23 appeals and actions involving the estate and trust of James  
24 Brown, such as the above actions in which she has -- excuse  
25 me -- in which she clearly has no standing.

1           We caution Pope that continued attempts to involve  
2 herself in the resolution of the estate and trust may  
3 result in contempt charges.

4           Judge, this is an abuse of the process here.  
5 Obviously, Ms. Pope claims to be a creditor based on a  
6 counterclaim she filed against the deceased, which  
7 counterclaim she failed to mention, has been dismissed.

8           So, Your Honor, with all due respect, I'm trying to  
9 be an economist of the Court's time.

10           THE COURT: Was the counterclaim filed prior to the  
11 Supreme Court opinion that you have?

12           MR. LEVINSON: Yes, sir.

13           MS. POPE: Yes, Your Honor. And it has continued  
14 and is pending in two current appeals.

15           Mr. Levinson, Your Honor, signed a contract, and I  
16 will say, I will state to the Court on my oath that I am  
17 unaware of any proper power of attorney ever used by or on  
18 behalf of Venisha Brown. Venisha Brown sued me -- not --  
19 this is not the estate of anybody. Venisha Brown sued Bob  
20 Buchanan and me in 2010 based on a contract signed, a 40  
21 percent contingency contract signed by Mr. Levinson with no  
22 authority for Venisha Brown.

23           Venisha Brown, through Mr. Levinson and a gentleman  
24 named Mr. Wingate have continued that suit for nine years,  
25 even though Mr. Levinson was fired and Venisha Brown never

1 signed a -- as is required by the rules, that 40 percent  
2 contingency contract.

3 Mr. Levinson assisted Mr. Wingate in preventing a  
4 guardian ad litem from being appointed for Venisha Brown  
5 for nine -- eight years, until she died. Mr. Buchanan and  
6 I repeatedly tried to get a guardian ad litem appointed for  
7 her when she was incarcerated. I made her generous offers,  
8 and they were not presented to her. Her lawyer in that  
9 case, Kenneth B. Wingate, was served with my answer to the  
10 complaint in this suit on December 19th, 2018.

11 THE COURT: All right. Ms. Pope?

12 MS. POPE: Yes.

13 THE COURT: I'm going to rule on the motion before  
14 me and that is that Mr. Moulton be relieved as counsel.

15 MS. POPE: May I finish talking about that.

16 THE COURT: You can finish talking when I get  
17 through talking.

18 MS. POPE: Sure.

19 THE COURT: Now, this hearing seems -- seems, based  
20 on some of the argument I'm hearing, involves some things  
21 that may be addressed in the Supreme Court opinion. I  
22 haven't seen the opinion. To the extent that it may be  
23 matters that might violate the Supreme Court's order, a  
24 transcript of this hearing will be provided to the Supreme  
25 Court for their review and determination concerning it.

1 Unless there's some legitimate basis that anyone here might  
2 have as to why it should not be provided to the Supreme  
3 Court.

4 I have no knowledge of the history of this case  
5 involving suits, counter suits, guardian ad litem,  
6 personal representatives, royalties, California actions, or  
7 any of that. I only have before me a motion by counsel to  
8 be relieved. Which is consented to by Petitioner.

9 Of course, we have a petitioner in circuit court as  
10 opposed to a plaintiff, so I'm not even certain as to the  
11 nature of the litigation. But I would just -- based on  
12 what Mr. Levinson has stated, based on the language he's  
13 recited from the order of the Supreme Court, I just want to  
14 caution you, Ms. Pope, as to violating that order. And  
15 whether you have at this point, I have no idea. But it  
16 appears that you're going through some history of things  
17 that may have already been addressed and perhaps were  
18 addressed by the Supreme Court.

19 MR. LEVINSON: May I attach --

20 THE COURT: Yes, sir.

21 MR. LEVINSON: May I ask since Your Honor may or  
22 may not have this in this record of this proceeding, I'd  
23 ask the Court to mark this. This is the opinion I read,  
24 and make it an exhibit of -- for the record in this case.

25 THE COURT: All right. Very good.

1           And I'll give it to the court reporter at the end  
2 of the hearing.

3           Ms. Pope, you may proceed.

4           MS. POPE: Your Honor, on November 5, 2007 -- may I  
5 please make the order of Judge Childs an exhibit? That  
6 would be Defendant Pope's Exhibit 1. May I make that --

7           THE COURT: Defendant Pope.

8           MS. POPE: I am a defendant in this case, Your  
9 Honor.

10          THE COURT: Okay. So the caption that I'm looking  
11 at, Deanna Brown Thomas, Petitioner, versus the Estate or  
12 Venisha Armaa Brown is not the accurate caption?

13          MS. POPE: Well, Your Honor, it's a caption against  
14 her own dead sister, plain half-sister's estate. We --  
15 that's a third motion. We have to correct the caption. We  
16 think that -- may I tell Your Honor what I think the  
17 correct caption is based on the parties --

18          THE COURT: Yes, ma'am.

19          MS. POPE: -- who have been served?

20          THE COURT: Yes, ma'am.

21          MS. POPE: Okay. I think the correct caption is  
22 Deanna Brown Thomas, Petitioner versus Adele J. Pope, Louis  
23 Levinson, and Leon Green, as guardian ad litem for the  
24 unknown heirs of Leroy Fair Jr., and Michael Deonne Brown.  
25 Those are the people who have been made parties to this

1 petition.

2 THE COURT: And they were made parts to this  
3 petition in what year?

4 MS. POPE: In 2018 after it was filed.

5 THE COURT: So these are newly amended, joined --  
6 newly joined parties?

7 MS. POPE: Maybe Mr. Moulton can speak better to  
8 that issue, but it is my understanding that those were the  
9 parties when this case was removed by the circuit court --  
10 by the probate court to this court on February 7, 2019.

11 THE COURT: All right. Mr. Moulton, you filed a  
12 motion to withdraw in this case captioned Thomas v Brown.  
13 Ms. Pope indicates that she believes the caption should  
14 include a list of other people, including numerous lawyers  
15 and others. So what's your position.

16 MR. MOULTON: Your Honor, I wasn't aware of any  
17 creditors at the time that we filed the petition, but also,  
18 you know, the -- in the petition that was filed in the  
19 probate court purported heirs, and I think there probably  
20 is a question of who the heirs of Venisha Brown are, but  
21 the heirs that are listed there, you know, were not  
22 included in the caption, but that is, I guess in my  
23 experience, which I said is limited, but my experience with  
24 our probate court is that's how I filed those previously,  
25 which is why the caption is Deanna Thomas versus the Estate

1 of Venisha Brown.

2 THE COURT: All right. Mr. Levinson?

3 MR. LEVINSON: I'm sorry, what's the Court's  
4 question specifically, please.

5 THE COURT: The -- I have before me a motion to  
6 withdraw as counsel in the case of Deanna Brown Thomas  
7 versus the estate of Venisha Armaa Brown and Ms. Pope says  
8 that's an incorrect caption. The caption should include  
9 you, her, Attorney Green, and others.

10 MR. LEVINSON: Judge, I'm satisfied that the  
11 caption of the case as it currently appears is an accurate  
12 caption of the case. That is to say when it was removed,  
13 there were two objections to Ms. Thomas being appointed;  
14 myself and Ms. Pope. I withdraw that objection and join  
15 Ms. Thomas, who will now, at least what time today may be  
16 without counsel, but we can still present a consent order  
17 to the Court with certain conditions that Counsel and I  
18 agreed on.

19 As far as I'm concerned, there's no need to add  
20 anyone else and the caption should -- the motion to revise  
21 the caption should be denied.

22 THE COURT: And there's a motion to that be effect;  
23 it's just represented a statement as to current status of  
24 caption.

25 And Madam Clerk, if you'll review the public index

1 and let me know whether that is an accurate caption for  
2 this case, Number 00320.

3 MS. POPE: Your Honor, if I could call to the  
4 Court's attention. Mr. Moulton has referred to the  
5 original petition he filed, but thereafter, he filed a  
6 subsequent amended complaint and if I could just make a --  
7 as an exhibit, my motion and memorandum because he also  
8 secured an ex parte order from the probate court and I have  
9 a motion and memorandum filed February 26, 2019.

10 He attempted -- he did, in fact, serve me with the  
11 amended complaint by certified mail.

12 THE COURT: All right.

13 MS. POPE: And I was named --

14 THE COURT: It has a different caption?

15 MS. POPE: I'm not sure -- well, I can look --

16 THE COURT: What do you have in your hand?

17 MS. POPE: This is my motion and memorandum in  
18 response to being served with an ex parte order and a -- an  
19 amended complaint. Let me see if I have the amended  
20 complaint with me. I do -- I do agree that on November 6,  
21 he did name the estate as he said. But then he served me  
22 with the complaint after that and as I recall, Mr.  
23 Levinson --

24 THE COURT: So you -- did you create a new caption?

25 MS. POPE: Well, Your Honor, I -- what I really

1 think is that you can't sue your own deceased sister, and  
2 that there was simply an error in the original complaint  
3 because in order to be appointed, you must -- in a formal  
4 proceeding, Your Honor, which this is -- you must notify,  
5 and we think of that in circuit court rule terms as make  
6 parties, all of the known -- all of the known heirs and all  
7 of the other known properly filed creditors.

8 THE COURT: And so you believe Mr. Moulton didn't  
9 file the lawsuit properly?

10 MS. POPE: No -- I know he didn't file it properly.

11 THE COURT: Well, he --

12 MS. POPE: And if the Court --

13 THE COURT: -- and he's conceding that he's  
14 inexperienced in these matters, he wants to get out of it  
15 because he doesn't know what to do. He doesn't have  
16 experience to handle it.

17 MS. POPE: But his --

18 THE COURT: That's the basis of his motion, which  
19 you agree with, disagree with, objected to?

20 MS. POPE: I -- my objection is this, and if I  
21 could hand this up, this is a declaration of Douglas Fretty  
22 filed before the Honorable Michelle Childs shortly after  
23 Mr. Moulton --

24 MR. LEVINSON: Your Honor, I'm a party to this case  
25 and I would object. I don't know what that document is and

1 whether it's authenticated by any means.

2 THE COURT: Would you show that to Counsel.

3 MR. LEVINSON: -- authenticated by anyone in this  
4 case or otherwise relevant and admissible in this case.  
5 Thank you.

6 MS. POPE: Your Honor, it was electronically served  
7 on Mr. Levinson months ago.

8 MR. LEVINSON: That doesn't make it authenticated  
9 or admissible or relative to the issues before the Court.

10 THE COURT: Is Mr. Moulton a lawyer in that case?

11 MS. POPE: His letter of November 6, 2018, stating  
12 that Mr. -- that Ms. Venisha Brown, the decedent had little  
13 or no assets is being used in a federal court proceeding to  
14 substitute the plaintiff.

15 THE COURT: My question is, is Mr. Moulton a lawyer  
16 of record in the federal case that you're referring to.

17 MS. POPE: He is not, Your Honor. The California  
18 lawyer took this -- if I could proffer this, Your Honor,  
19 because it's critical.

20 May I proffer it?

21 THE COURT: Yeah, can you proffer it? Yes.

22 MS. POPE: With five little ole lawyers  
23 representing the plaintiff, one being Mr. Levinson, she  
24 came to Mr. Moulton on November 5th, November 6th, 2018,  
25 and he mistakenly filed verified documents and a letter

1 saying Venisha Brown had no assets. Everybody knew --

2 THE COURT: Mr. Levinson did?

3 MS. POPE: No, poor Mr. Moulton.

4 THE COURT: Mr. Moulton did.

5 MS. POPE: Yes. And everybody involved, that would  
6 be Mr. Levinson, Mr. Byrd at Parker Poe, Mr. Fretty in  
7 California, and Mark Toberoff in California who are now  
8 before Michelle Childs, Judge -- the Honorable Michelle  
9 Childs here in South Carolina District Court. All of those  
10 people knew that Venisha Brown had a vested interest at her  
11 death in 200 -- U.S. royalties of 246 copyrights that would  
12 be paid in between 2018 and 2026. Everybody knew that.  
13 They were fighting over it, in fact.

14 And so Mr. Moulton, not knowing any of this and not  
15 being in contact with the five other lawyers who were  
16 representing the plaintiff at the time, and some of who  
17 purported to be representing the decedent, although there  
18 is no contract to show that she ever agreed to pay that  
19 California lawyer 40 percent of assets that Mr. Levinson  
20 agrees that she has already put into an entity called the  
21 James Brown Legacy Trust, not created by James Brown, but  
22 also suing me.

23 Now --

24 THE COURT: And are the --

25 MS. POPE: All right. So they took that --

1 THE COURT: -- with the expectation of receiving  
2 royalties, that should have been listed as an asset?

3 MS. POPE: That is absolutely an asset, Your Honor,  
4 it is a vested asset.

5 THE COURT: And you're saying that Mr. Moulton knew  
6 that and --

7 MS. POPE: No, Mr. Moulton didn't know anything.

8 THE COURT: But he filed a -- documents in probate  
9 court that must be amended as circumstances change.

10 MS. POPE: He did, but before he had an opportunity  
11 to amend it, Mr. Fretty just days later, took his -- let  
12 his innocent letter saying we need a PR and she has little  
13 or no assets, attached it to a filing in the federal court  
14 and asked that plaintiff be appointed substitute for the  
15 decedent in that case based on Mr. Moulton's  
16 representation.

17 THE COURT: And what did the Court do?

18 MS. POPE: They put her in temporarily and that's  
19 why I handed up, Your Honor, the order of Judge Childs.

20 THE COURT: Well, it's hard for me to read all this  
21 and listen to you at the same time.

22 MS. POPE: Yes, Your Honor.

23 THE COURT: So is she still the representative --

24 MS. POPE: The caption, Your Honor, on that --

25 THE COURT: Ms. Pope --

1 MS. POPE: -- order that I handed up said --

2 THE COURT: Ms. Pope, you're not hard of hearing,  
3 are you?

4 MS. POPE: Not too, no.

5 THE COURT: Well, when the judge -- when I start  
6 talking, you need to stop talking.

7 MS. POPE: I'm sorry, Your Honor.

8 THE COURT: The question is, is Ms. Thomas  
9 currently a -- serving as a personal representative before  
10 Judge J. Michelle Childs.

11 MS. POPE: No, and may I explain?

12 THE COURT: Sure.

13 MS. POPE: If you will look, Your Honor, at the  
14 caption of the order that I handed up, the judge refers to  
15 her as Deanna Brown Thomas, an individual and in her  
16 capacity as intestate heir and pending personal  
17 representative of the estate of her sister, the deceased,  
18 Venisha Brown. So the matter is pending before Judge  
19 Childs based on the representation that Mr. Moulton made  
20 way back in November by accident.

21 THE COURT: All right. I think based on Judge  
22 Childs' reference to Ms. Thomas as the pending personal  
23 representative of the estate, I will not address  
24 Mr. Levinson's suggestion that I appoint Ms. Thomas as  
25 personal representative in this case because that's not a

1 matter pending before me. The sole matter pending before  
2 me is whether Mr. Moulton should be allowed to withdraw as  
3 counsel.

4 MS. POPE: Well, Your Honor, another matter is  
5 pending before you.

6 THE COURT: No, just one matter is pending.

7 MS. POPE: At the moment pending --

8 THE COURT: -- before me at this time.

9 MS. POPE: -- at this moment.

10 THE COURT: Whether Mr. Moulton should be allowed  
11 to withdraw as counsel. And if he -- if that motion's  
12 granted, he'll be removed from counsel table and he will  
13 not -- he will not be the target of any argument. -- well,  
14 he still can be if he's still there.

15 But he would be free to leave.

16 So anything further on that point?

17 MS. POPE: Well, Your Honor, I would ask, because  
18 there is following this a summary judgment motion to which  
19 there have been no objections --

20 THE COURT: All right. Well, we'll hear that  
21 motion --

22 MS. POPE: -- that he remain present.

23 THE COURT: Well, he doesn't have to remain present  
24 if he's not in the case unless you want to subpoena him as  
25 a witness. We don't generally do witnesses in summary

1 judgment hearings.

2 Anything else on the issue of whether Mr. Moulton  
3 should be allowed to withdraw as counsel?

4 MS. POPE: Your Honor, I would just similarly like  
5 to incorporate the full record of this case below, all of  
6 which is online now in my argument, my return to his  
7 motion, which was he should be allowed to withdraw only  
8 after the Court has a full understanding of how he was  
9 misused by the plaintiff and her counsel.

10 THE COURT: And you want me to make a determination  
11 that Mr. Moulton was misused by who?

12 MS. POPE: I do -- I believe unless I find out  
13 something different today, that he was innocent in the  
14 process.

15 THE COURT: And he was misused by who?

16 MS. POPE: By Mr. Fretty of California,  
17 F-R-E-T-T-Y.

18 THE COURT: All right.

19 MS. POPE: And the plaintiff.

20 THE COURT: All right. Anything further on this  
21 motion by anyone?

22 MR. MOULTON: Your Honor, I think it's just  
23 abundantly clear why I'm seeking to be relieved as counsel.  
24 I don't think I have anything further on that.

25 THE COURT: How much time -- I see your motion is

1 motion to withdraw as counsel of record without  
2 substitution. How much time do you think Ms. Thomas needs  
3 to -- in order to secure counsel?

4 MR. MOULTON: I think probably either 45 or 60 days  
5 would be sufficient.

6 THE COURT: All right. Ms. Thomas do you believe  
7 that's a sufficient amount of time to get a new lawyer?

8 MS. THOMAS: I will do my best, sir.

9 THE COURT: Well, if you don't get one within that  
10 prescribed period of time, do you intend -- plan to attempt  
11 to represent yourself?

12 MS. THOMAS: I plan to have an attorney so that I  
13 do not have to represent myself.

14 THE COURT: All right. So, thank you.

15 So the motion is granted and Ms. Thomas is given 60  
16 days to find a new lawyer:

17 And if you'll prepare me an order to that effect.

18 MR. MOULTON: I will. Thank you, Your Honor.

19 MR. MAXWELL: Thank you, Judge.

20 THE COURT: All right.

21 MS. POPE: Your Honor, do we reserve all the other  
22 motions for that time?

23 THE COURT: Would you do what?

24 MS. POPE: We have other -- we have a pending  
25 motion for an expediting appointment of a personal

1 representative. Is that held in abeyance pending Ms. --  
2 Your Honor's ruling?

3 THE COURT: Well, I've ruled that she -- that  
4 Mr. Moulton can withdraw as counsel. I'm ready to move  
5 next to -- I haven't ruled on anything else other than what  
6 I just ruled on. I'm ready to hear the next motion,  
7 whatever that might be and whether or not it's timely or  
8 not timely or should be heard or not heard.

9 We need to address it in the context of proceeding  
10 to the next motion, which is titled motion/dismiss and  
11 summary judgment and in that Mr. Moulton is listed as  
12 plaintiff's attorney, there's no attorney there.

13 MR. LEVINSON: Judge, may I be heard?

14 THE COURT: Yes, sir.

15 MR. LEVINSON: That is Ms. Pope's motion to ask for  
16 summary adjudication on the merits issue of the appointment  
17 of Ms. Thomas as the PR for Venisha Brown's estate. That  
18 is -- at least I am ready to have that heard. We have --  
19 we have what Ms. Pope's told the Court, she filed that  
20 motion, as wacky as it was, and I responded to it. I'm  
21 ready to respond to it and I think Your Honor will shortly  
22 see why it can be denied promptly and the case can go onto  
23 the merits of determination of who should be appointed the  
24 personal representative of Venisha's estate.

25 THE COURT: All right. Let me pull that motion up

1 so I can look at it.

2 Do you have an indication when that was filed?

3 MS. POPE: It is a motion for summary judgment.

4 THE COURT: That motion was filed on 2/26 --

5 MS. POPE: March -- I'm sorry.

6 THE COURT: -- at 4:17:24 p.m..

7 All right. Yes, ma'am?

8 MS. POPE: Well, Your Honor, just to make sure I  
9 understand. I understood that Ms. Thomas needed a lawyer  
10 and I certainly understand that in a summary judgment  
11 motion she may need a lawyer. I don't think she needs 60  
12 days, but I do understand, unless Mr. Levinson is claiming  
13 to be her lawyer, I do think that she's demanded it; Your  
14 Honor has said that she could have a lawyer. I think we  
15 should either find out who is her lawyer or find out  
16 whether she really does want to speak for herself pro se  
17 here because I certainly am not trying to take advantage of  
18 her. But I do want my motion heard with her -- with --  
19 properly before the Court.

20 THE COURT: All right. Ms. Thomas?

21 MS. THOMAS: I will not be representing myself. I  
22 will be taking your order, sir, to take 60 days to find an  
23 attorney.

24 THE COURT: All right. Mr. Levinson?

25 MR. LEVINSON: But, Judge, my point is in my

1 responsive papers to the motion Ms. Pope styles a summary  
2 judgment motion, I attached the very order into the record  
3 that I handed the Court moments ago, the order from the  
4 Supreme Court, which said, I'm paraphrasing: Ms. Pope do  
5 not insinuate yourself in any of these cases involving the  
6 James Brown estate or trust.

7           Clearly Ms. Pope didn't read the order the way I  
8 did, but as a matter of law, construing facts most  
9 favorably to the nonmoving party, Ms. Pope is not entitled  
10 to be appointed. And by offering herself, she is, arguably  
11 placing herself in potential contempt of the Supreme Court.  
12 But separate and apart from that, Judge, there are matters  
13 in the record of the James Brown estate, specifically the  
14 civil action, file number 2013CP021337 where Judge Early,  
15 recently, in an order dated January 16, 2019, recited  
16 again, the Supreme Court's determination that Ms. Pope was  
17 removed for cause, for cause, from her role in the James  
18 Brown estate, fought a settlement unsuccessfully, and the  
19 Supreme Court affirmed -- or the settlement was rejected by  
20 the Supreme Court.

21           The removal of Ms. Pope and Mr. Buchanan were  
22 affirmed by the Supreme Court and as recently as January,  
23 Judge Early, in adjudicating Ms. Pope's claim to \$19  
24 million in claimed attorney fees, denied her attorney fees.

25           And I have the order in my hand, which I'm happy to

1 make a part of this record, denied Ms. Pope any attorney's  
2 fees by reciting as follows -- I'm sorry not attorney's  
3 fees, fiduciary fee -- fees for the services that she  
4 contends she performed for the benefit of the James Brown  
5 estate and trust.

6 I'm reading page 6 -- I'm going to hand the order  
7 to the Court and ask that it be marked. Also I'm a  
8 defendant, so that would be Defendant Number 2.

9 Judge Early, at page 16 in the order said: This  
10 Court finds that Ms. Pope has caused undue delay through  
11 unreasonable settlement demands and her actions required  
12 defendants to resolve this case through trial. For  
13 instance demanding \$19 million to settle, see Wilson v  
14 Dallas, which is the Supreme Court opinion that affirmed  
15 Ms. Pope's removal for cause.

16 Judge Early goes onto say that Ms. Pope -- I'm  
17 reading from page 17 -- has engaged in a pattern of  
18 personal attacks on the South Carolina attorney general,  
19 both former attorney general and current governor, Henry D.  
20 McMaster and current Attorney General Alan Wilson, as well  
21 as Assistant Deputy Attorney General C. Havird Jones or  
22 Sonny Jones, and other attorneys in that office.

23 Judge Early finds as a matter of fact that, The  
24 evidence and testimony demonstrated that Ms. Pope failed in  
25 her obligations to market, preserve, and manage the assets

1 and to do so in a prudent and expeditious manner. The  
2 Court finds that Ms. Pope breached her fiduciary duties to  
3 the estate and trust.

4 I'm reading from page 24 of the exhibit too that  
5 I've just handed to Your Honor. Further, with respect to  
6 the date of death valuation of the estate, the Court finds  
7 that Ms. Pope arrived at a valuation without proper  
8 appraisal.

9 Page 30 of the order. Judge Pope -- I mean, excuse  
10 me, Judge Early said, Ms. Pope failed to retain competent  
11 entertainment advisors. Judge Early said she terminated  
12 the existing movie -- music manager, Mr. Frank Copsidas.  
13 At the time of his termination, Ms. Pope did not have a  
14 plan in place to replace him. The Court finds that she  
15 never created a plan.

16 Page 31: Ms. Pope stated to the Court in the  
17 filing she had entered into a substantial contract for a  
18 music television tribute to James Brown. First semiannual  
19 report at page 7, Ms. Pope admitted that the statement was  
20 not correct. She blamed it on unspecified interference by  
21 the attorney general's office.

22 Page 34 of Judge Early's order: The Court finds  
23 that Ms. Pope's failure to hire professional advisors  
24 foreclosed her ability to make prudent decisions and manage  
25 the estate and trust. The Court finds that Ms. Pope

1 mismanaged the handling of the clearances. She failed to  
2 utilize the Pullman Bond for the benefit of the estate and  
3 as a result improperly advised this Court to authorize a  
4 Christies auction. And she failed to understand the value  
5 of the proceeds of the termination rights in the settlement  
6 -- excuse me, termination rights provided in the  
7 settlement. Ms. Pope's failures harmed the estate and  
8 trust.

9 This is the person, Your Honor, who asked that you  
10 appoint her as a matter of law to the estate on Venisha  
11 Brown so that she should serve as the PR.

12 Judge Early goes onto say part of -- excuse me.  
13 The Court makes two observations regarding Mr. Bauknight,  
14 the gentleman sitting here, who was appointed by Judge  
15 Early --

16 I can't remember how many years was it.

17 It's been 10 years. -- was appointed and retained  
18 a professional music advisor, the number of clearance  
19 requests received by the estate in the first six months of  
20 his administration nearly matched the entirety of  
21 Ms. Pope's administration.

22 This is kind of interesting, Judge, the parties in  
23 this case settled, some many years ago. I was a part of  
24 that. So was Ms. Thomas. As I said earlier, the Supreme  
25 Court did reverse the underlying legal rationale for the

1 settlement, sending the case back to Judge Early for  
2 further proceedings. However, Judge Early finds that  
3 Ms. --

4 Well, let me back up. One of the conditions of the  
5 settlement was that by statute the appointed fiduciary  
6 would consent to a family settlement agreement. And now,  
7 Judge Early, finds --

8 THE COURT: Who was that fiduciary?

9 MR. LEVINSON: I'm sorry, Your Honor?

10 THE COURT: Who was that fiduciary.

11 MR. LEVINSON: Ms. Pope.

12 MS. POPE: Robert Buchanan, Jr. and I were the  
13 fiduciaries, Your Honor.

14 MR. LEVINSON: I misspoke, Ms. Pope and someone  
15 else were the fiduciary's at that time.

16 Ms. Pope opposed the settlement. During the trial,  
17 Ms. Pope admitted that at the time of the settlement  
18 hearings, she was, quote, vaguely familiar with the notion,  
19 unquote, of termination rights.

20 During the trial, she further testified she did not  
21 obtain anyone to advise her on the value of the termination  
22 rights during the 2009 settlement hearings. She also  
23 testified that the termination rights do not have any value  
24 to a charity. The Court finds that the latter statement  
25 demonstrates a lack of credibility on Ms. Pope's behalf.

1           The conclusion, and I simply point to page 60, 6-0,  
2 of Judge Early's extensive and well thought out order with  
3 findings of fact and conclusions of law says: Mr. Brown's  
4 estate and trust was responsible for the payment of any fee  
5 that Ms. Pope seeks. Where Ms. Pope seeks payments for her  
6 work as a PR trustee.

7           I stop reading now because Mr. Buchanan was not  
8 seeking any compensation for his fiduciary duties; that  
9 having been settled some years ago between Mr. Buchanan and  
10 Mr. Bauknight. But Ms. Pope felt obliged to continue.

11           I read on: The question before the Court is what  
12 is reasonable to Mr. Brown's estate and trust in light of  
13 the benefit if any provided to it by Ms. Pope. The Court  
14 conducted a bench trial that spanned 13 days of testimony  
15 and included nearly 200 exhibits.

16           I observe, Judge, I was one of the witnesses in  
17 that proceeding.

18           After considering the testimony and the evidence,  
19 the Court concludes that any benefits Ms. Pope provided to  
20 the estate and trust, overwhelmed and surpassed by the  
21 detriment she caused. As a result, Ms. Pope's work as a  
22 PR/Trustee did not benefit the estate and trust accordingly  
23 and the Court finds Ms. Pope is not entitled to a fee.

24           Judge, I ask you to deny Ms. Pope's motion for  
25 summary judgment as there are facts that would demonstrate

1 reasons she should not be appointed as a matter of law for  
2 the position of PR for the estate of Venisha Brown. Thank  
3 you.

4 MS. POPE: Your Honor, I'm compelled to respond to  
5 that, please.

6 A lot of people think Judge Early has made mistakes  
7 in some of his orders. At her death, Venisha Brown was  
8 appealing a couple of her orders. At her death, Venisha  
9 Brown was suing Russel Bauknight, the successor fiduciary  
10 in the case before Judge Childs. So that -- and the order  
11 which Judge Early issued is now on appeal and I would ask  
12 the Court to take judicial notice of that order because  
13 there were many errors in Judge Early's order.

14 For example, and I will not go through the order,  
15 I'll just refer Your Honor to the ruling in Wilson versus  
16 Dallas and I'll refer Your Honor to the settlement with  
17 Mr. Buchanan and I'll refer Your Honor to just a small part  
18 of Judge Early's order, in which he cites that I failed to  
19 call witnesses from the attorney general's office, when in  
20 fact, as rebuttal witnesses in that suit was presented the  
21 testimony of Governor McMaster, who testified he never  
22 authorized Ken Wingate to sue me in the very case in which  
23 Venisha was the attorney general's co-plaintiff.

24 Judge Early in his order said I didn't call anyone  
25 from the attorney general's office. Yet the testimony of

1 Attorney General Alan Wilson is in the record in rebuttal.  
2 Attorney General Alan Wilson says he knows nothing about  
3 the lawsuit which Mr. -- Mr. Levinson filed in the name of  
4 Venisha Brown without a valid power of attorney and without  
5 her signature, against me in 2010. And Judge Wilson -- I'm  
6 sorry, Attorney General Wilson testified -- but Judge Early  
7 failed to note it -- testified under oath and was -- and  
8 his testimony was submitted as a rebuttal witness, that he  
9 met with me in 2013, that he did not disagree with the  
10 statements that I made. That he'd been trying since 2013  
11 to get out of the case which Mr. Wingate and Mr. Levinson  
12 had been pursuing against me. That was the testimony of  
13 Attorney General Alan Wilson.

14 Solicitor General Robert Cook testified in rebuttal  
15 in that case, but Judge Early forgot to note that he met  
16 with me in 2013, that I discussed with him all of my  
17 concerns about the actions that had been taken by  
18 Mr. Bauknight in support of trying to make Tomie Rae Brown  
19 the spouse of James Brown and problematic filings with the  
20 IRS.

21 And Solicitor General Cook testified under oath,  
22 and it's in rebuttal in that case that he believed me, that  
23 he did not think I was greedy and incompetent, that he did  
24 not -- that he thought I was truly concerned about saving  
25 the estate of James Brown, which if you read -- I mean the

1 James Brown "I Feel Good" charity, which I have nothing  
2 further to do with. I have had nothing to do with it since  
3 2013. I didn't bring this up. This is not about James  
4 Brown. This is about the suit that Venisha Brown filed  
5 against me on Mr. Levinson's signature nine years ago and  
6 in which Mr. Levinson has refused to allow her to have a  
7 guardian ad litem when she was incarcerated and when she  
8 was missing. And so this is not -- Mr. Levinson, who's  
9 going to get 10 percent of that -- a quarter of that 40  
10 percent the California lawyer wants, wants it to be about  
11 something it's not about.

12 Venisha Brown's primary asset is an asset that has  
13 nothing to do with the estate or trust of her father. I am  
14 very respectful of the Supreme Court. I'm respectful of  
15 Judge Early, even when I believe he's made mistakes.  
16 That's why we've got the decision in Wilson versus Dallas,  
17 Mr. Buchanan and I.

18 I'm respectful of the governor when he says to me,  
19 under oath, Ms. Pope, I did not sue you in the lawsuit  
20 which Mr. Levinson signed the contract to bring against me  
21 for Venisha Brown nine years ago. This is not about that.

22 I'm troubled that Mr. Levinson, who's become sort  
23 of a professional witness in the James Brown cases is now  
24 purporting to speak for Ms. Thomas who told Your Honor that  
25 she needed a lawyer. I think we need a short break here.

1 This is a summary judgment. Two days before the hearing  
2 there were no objections. Thirteen heirs had been served  
3 with my answer and my motion. Mr. Green was served. They  
4 didn't object.

5 And now Mr. Levinson, who wants a quarter of that  
6 40 percent contingency fee, plus his 30 percent contingency  
7 fee is speaking for everyone. I think maybe we need for  
8 Ms. Thomas to have a lawyer.

9 THE COURT: Well, Mr. Green's here, he can speak  
10 for himself.

11 MS. POPE: Oh, good, good.

12 THE COURT: If he desires.

13 MS. POPE: He did not file an objection to my  
14 appointment.

15 And I just sent somebody over to make sure that he  
16 knew about the hearing.

17 THE COURT: Well, he's here.

18 So Mr. Green, do you have any comments regarding  
19 what's before the Court?

20 MR. GREEN: Your Honor, I do not have any  
21 objection.

22 THE COURT: All right. Any objection to what?

23 MR. GREEN: To the proceeding, to what Mr. Pope is  
24 proceeding with, no objection to that.

25 THE COURT: All right.

1 MS. POPE: But I think Ms. Thomas needs a lawyer.

2 THE COURT: I'm going to defer ruling on this  
3 matter for two reasons. One, as indicated, I've given  
4 Ms. Thomas 60 days get a lawyer; and number 2 to submit the  
5 transcript of these proceedings to the Supreme Court so  
6 that they can make a determination as to whether or not  
7 this litigation is appropriate before this Court.

8 MS. POPE: Your Honor, would you also submit it to  
9 Court of Appeals in the two appeals in which Ms. Venisha  
10 Brown is involved? Because her lawyer has represented in  
11 that case that it would take only a moment to get a PR  
12 appointed.

13 THE COURT: Well, I'm going to provide it only to  
14 the Supreme Court because -- on the issue of whether or not  
15 the -- your representation violates the order of the  
16 Supreme Court. That's the basis in my submitting it to the  
17 Supreme Court based on the issues raised by Mr. Levinson  
18 and based on some of the language in the Supreme Court  
19 order. They need -- they may agree that this -- that your  
20 current efforts does not violate or frustrate their order.  
21 They may decide that it does. I have no clue, but I'm  
22 going to send it to them and let them review it as they  
23 might.

24 MS. POPE: And may we also submit the record in  
25 this case.

1 THE COURT: I'm going to submit the transcript,  
2 which will include the -- I don't need to send them cases.  
3 They have a copy of their own order.

4 MS. POPE: Well, I would like Judge Childs' order  
5 to be included in my motion for summary judgment if we  
6 could and my answer and -- and my answer to the complaint  
7 filed against me.

8 THE COURT: We're going to send the transcript.  
9 I'm going to forward the transcript to the Supreme Court  
10 when it's prepared. I'm not going to make a copy of the  
11 Aiken County file. They can go on the public index and  
12 review whatever matters of record they might choose to  
13 review.

14 MS. POPE: Thank you, Your Honor.

15 THE COURT: Yes.

16 Yes, sir?

17 MR. LEVINSON: What I understand Your Honor is  
18 saying that you are going to not adjudicate Ms. Pope's  
19 motion for summary judgment until some later time when  
20 another hearing can be scheduled and the record in that  
21 matter will remain open. The record in this court --

22 THE COURT: I haven't made -- yes, I heard all the  
23 arguments. I haven't made any determination regarding the  
24 motion.

25 MR. LEVINSON: Yes, sir.

1 THE COURT: And out of deference to Ms. Thomas's  
2 right to counsel, as well as the Supreme Court order.

3 MR. LEVINSON: Yes, sir, I understand. Thank you.

4 THE COURT: All right. That handled that motion, I  
5 guess.

6 And the third, motion to correct the caption.

7 MR. LEVINSON: Yes, sir, I've responded to that  
8 already, Judge.

9 THE COURT: Yes, ma'am, Ms. Pope.

10 MS. POPE: Well, again, Mr. Green is here. He's  
11 been served. He represented the very important heirs who  
12 were the unidentified heirs of Leroy Fair, and he is the  
13 alleged deceased half brother of Venisha. And remember her  
14 only true legal heirs are those through her mother. The  
15 only ascertained at this point, legal heirs, are heirs  
16 through her mother. And so I would respectfully submit  
17 that the caption needs to reflect that -- who the parties  
18 were, that the case was commenced by the plaintiff, Deanna  
19 Brown Thomas, and the case -- that there was an amended  
20 complaint which was served on the persons she named as  
21 heirs, served on them, and then was received by Mr. Leroy  
22 Green -- I'm sorry, Judge, Mr. Green on behalf of the heirs  
23 of Ms. Fair -- Ms. Fair's son Leroy Fair, Jr. and also  
24 Michael Deonne Brown.

25 And Mr. Levinson is a defendant and I am a

1 defendant. We were served with the amended complaint  
2 brought by Ms. Thomas.

3 THE COURT: Well, in the event that you are -- that  
4 it's proper for you to litigate this as you are, and if  
5 your motion for summary judgment is ultimately granted, the  
6 caption will change again, won't it? Because you would be  
7 substituted as plaintiff or petitioner.

8 MS. POPE: Well, no, because this case would end  
9 because all it is, is the appointment of a PR. The probate  
10 proceeding would go on, but, but, but...

11 THE COURT: So you want me to end these  
12 proceedings.

13 MS. POPE: Not today. We've decided not today.  
14 But this would end -- the appointment of the PR would end  
15 this case brought by Ms. Thomas for the appointment of a  
16 PR.

17 THE COURT: So Ms. Thomas needs to have the right  
18 be heard on that issue.

19 MS. POPE: This would end that case when the PR is  
20 appointed --

21 THE COURT: All right. Well --

22 MS. POPE: -- yes, Your Honor.

23 THE COURT: -- I'm going to -- this motion,  
24 therefore, is premature because it affects the pending  
25 matter in which she's entitled to counsel. So I'm not

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going to address this issue, it's premature.

All right. Anything else?

MR. LEVINSON: No, thank you, Judge.

THE COURT: Very good. That will end it for today.

\* \* \* \* \* END OF TRANSCRIPT \* \* \* \* \*

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State of South Carolina )  
County of Aiken ) **Certificate of Reporter**

I, Brenda J. Sigwald, Official Court Reporter for the Second Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas in and for the State of South Carolina on the 10th day of June 2019.

I FURTHER CERTIFY that I am neither kin, counsel, nor of interest to any party hereto.

IN WITNESS WHEREOF, I have hereunto set my hand and seal at Aiken County, this 15th day of June 2019.

*Brenda J. Sigwald*  
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Brenda J. Sigwald,  
Court Reporter and Notary Public  
For the State of South Carolina  
My commission expires  
January 4, 2020