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STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

APPEAL FROM RICHLAND COUNTY

JUN 30 2020

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.

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**MOTION TO FILE SUPPLEMENT TO AMENDED RECORD ON APPEAL**

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Appellant Adele J. Pope ("Appellant") moves this Court to accept the Supplement to Amended Record on Appeal filed herewith. The grounds for this motion are as follows:

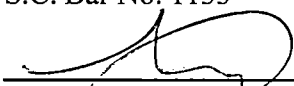
1. The Amended Record on Appeal was filed and served June 15, 2020.
2. On June 29, 2020, Mark V. Gende, of Sweeney Wingate and Barrow, P.C., notified Appellant's counsel that a document designated by Respondents was omitted from the Amended Record on Appeal.
3. Appellant has prepared the Supplement filed herewith, which includes the inadvertently omitted document.
4. Counsel for all respondents has consented to the filing of the Supplement, as shown in the emails attached as Exhibit A.
5. Appellant has served all Respondents with the Supplement as shown on the Proof of Service filed herewith.

**CONCLUSION**

For the reasons stated above, as well as based on the consent of all other parties to this appeal, Appellant asks that this Court accept the Supplement to Amended Record on Appeal presented herewith as filed.

Respectfully submitted,

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\_\_\_\_\_  
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1416 Laurel Street (29201)  
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SC Bar No. 6121

June 30, 2020

*Counsel for Appellant Adele J. Pope*

# **EXHIBIT A**



Adam Silvernail &lt;adam@silvernailfirm.com&gt;

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**Bauknight v. Pope, Richland Case 4900, Appeal 2229**

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Tue, Jun 30, 2020 at 10:06 AM

**Mark V. Gende** <MVG@swblaw.com>

To: Adam Silvernail &lt;adam@silvernailfirm.com&gt;

Cc: Emory Smith &lt;ESmith@scag.gov&gt;, Griffith Doolittle &lt;CGD@swblaw.com&gt;, "Ken B. Wingate" &lt;KBW@swblaw.com&gt;, "Aaron J. Hayes" &lt;AJH@swblaw.com&gt;

Adam:

The 2 page motion is adequate. We consent to this limited supplement. Thank you for your prompt attention to this matter.

Mark V. Gende, Esq.

Sweeny, Wingate, &amp; Barrow, PA

1515 Lady Street

Columbia, South Carolina 29201

803.256.2233 – Phone

803.256.9177 – Facsimile

**From:** Adam Silvernail <adam@silvernailfirm.com>**Sent:** Tuesday, June 30, 2020 9:48 AM**To:** Mark V. Gende <MVG@swblaw.com>**Cc:** Emory Smith <ESmith@scag.gov>; Griffith Doolittle <CGD@swblaw.com>; Ken B. Wingate <KBW@swblaw.com>; Aaron J. Hayes <AJH@swblaw.com>**Subject:** Re: Bauknight v. Pope, Richland Case 4900, Appeal 2229

Mark and Emory:

[Quoted text hidden]

[Quoted text hidden]



Adam Silvernail &lt;adam@silvernailfirm.com&gt;

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**Bauknight v. Pope, Richland Case 4900, Appeal 2229**

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Emory Smith &lt;ESmith@scag.gov&gt;

Tue, Jun 30, 2020 at 9:59 AM

To: Adam Silvernail &lt;adam@silvernailfirm.com&gt;

I consent.

Emory

Sent from my iPhone

On Jun 30, 2020, at 9:51 AM, Adam Silvernail &lt;adam@silvernailfirm.com&gt; wrote:

Emory:

I got your out-of-office reply, but I hope you might see this and be able to respond to say you consent to the filing of a Supplement to the Record which includes only the Plaintiffs' motion for summary judgment, as Mark has requested that I immediately file that.

Adam

----- Forwarded message -----

From: **Adam Silvernail** <adam@silvernailfirm.com>

Date: Tue, Jun 30, 2020 at 9:48 AM

Subject: Re: Bauknight v. Pope, Richland Case 4900, Appeal 2229

To: Mark V. Gende &lt;MVG@swblaw.com&gt;

Cc: Emory Smith &lt;ESmith@scag.gov&gt;, Griffith Doolittle &lt;CGD@swblaw.com&gt;, Ken B. Wingate &lt;KBW@swblaw.com&gt;, Aaron J. Hayes &lt;AJH@swblaw.com&gt;

Mark and Emory:

Mark, I am working on this and will deliver it to you later today. For clarification: your motion itself is 2 pages long; do you also want the coversheet and COS included? If I do not hear from you shortly, I will include them.

To both of you, I will need to file a motion with the supplement. Please respond to this email to confirm that you consent to the filing of the Supplement including only the May 17, 2016 Motion, so that I can attach this email to the motion to indicate consent of all parties.

Adam

On Mon, Jun 29, 2020 at 1:37 PM Mark V. Gende &lt;MVG@swblaw.com&gt; wrote:

Adam and other counsel for Mrs. Pope:

In reviewing the amended bound record on appeal we notice several issues that we will bring to the court's attention in due course; however one issue precludes us from finishing adding page numbers to our final brief.

In our initial brief, we cite our motion for summary judgment. We also designated the motion. It is not included in your amended record on appeal. (Your amended record on appeal, however, does contain the memorandum supporting the motion for summary judgment.) You did include the motion in your initial record on appeal, where it is titled "Motion of Plaintiffs as to all Counterclaims of Defendant Pope, dtd. May 17, 2016." But you did not include it in the amended record.

Since this motion is not in the amended record on appeal, we cannot reference the page numbers in our final brief, which we need to do. Would you please prepare a supplemental volume with the motion included and numbered and provided it to me no later than close of business Tuesday, so I can file our final brief on Wednesday. I will accept service of that document via email.

Please let me know immediately if you are unable or unwilling to comply with this request or if you have another suggestion to deal with the issue.

Sincerely,

Mark Gende



Mark V. Gende | *Member*  
Sweeny, Wingate & Barrow, P.A.

1515 Lady St. (29201)  
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6/30/2020

Silvernaillawfirm.com Mail - Bauknight v. Pope, Richland Case 4900, Appeal 2229

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STATE OF SOUTH CAROLINA  
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And

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

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whom Adele J. Pope is Appellant

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**PROOF OF SERVICE**

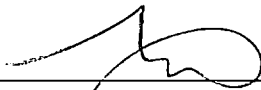
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I certify that on June 30, 2020, I have served the **Motion to File Supplement to Amended Record on Appeal**, along with a copy of the **Supplement to Amended Record on Appeal** by hand delivery on counsel listed below:

Kenneth B. Wingate, Esquire  
Mark V. Gende, Esquire  
Sweeny, Wingate & Barrow, P.A.  
1515 Lady Street  
Columbia, SC 29201

J. Emory Smith, Jr., Esquire  
Office of the Attorney General  
1000 Assembly Street  
Columbia, South Carolina 29201

June 30, 2020



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Adam T. Silvernail  
*Attorney for the Appellant*