

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC 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

Case No. 2010-CP-40-4900

Appellate Case No. 2018-02229

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.

**RESPONDENTS' RETURN OPPOSING APPELLANT'S PETITION FOR ORDER
LIFTING AUTOMATIC STAY**

INTRODUCTION

Appellant has petitioned for an order lifting the Rule 421(a), SCACR automatic stay in Richland County Case No. 2010-CP-40-4900 (Case 4900). Petitioner fails to meet the requirements of Rule 241(d)(4), SCACR and Rule 241(c)(2), SCACR. Therefore, her Petition must be denied.

APPLICABLE RULES

Rule 241(d), SCACR, governs the “Procedure for Obtaining Lift of Stay or Supersedeas.” Petitioner makes no reference to a supersedeas in her filing. Accordingly, Respondents deal only with what relief Petitioner did request: an order lifting the automatic stay in Case 4900.

Rule 241(d)(3),(4), and (5) outline the requirements for seeking an order lifting an automatic stay:

(3) A person seeking an order lifting an automatic stay or granting a writ of supersedeas must file a written petition verified by the client. The petition shall be captioned the same as the appeal. In addition to the petition and verification, the moving party must contemporaneously file a certified copy of the order, judgment, decree or decision of the lower court or administrative tribunal and a copy of the notice of appeal with its proof of service.

(4) The petition *shall contain*:

(A) the factual background *necessary for an understanding* of the petition. *If the facts are subject to dispute, the petition shall be supported by affidavits or other sworn statements;*

(B) the grounds for the petition, *and legal arguments with supporting points and authority;*

(C) a showing that an application for this relief was made to the lower court or administrative tribunal, and was *unjustifiably denied* or that the relief granted failed to afford the relief which the petitioner requested. A certified copy of the lower court’s or administrative tribunal’s ruling must be included. If no application was made to the lower court or administrative tribunal, then the petition shall state the extraordinary circumstances which made it impracticable to make such an application.

(5) The petition and accompanying documents shall be served on the opposing party(ies). (Remainder of the paragraph omitted.)

Rule 241(d)(3),(4), and (5), SCACR (emphasis added).

Rule 241(c)(2) lists two considerations in determining if whether an order to lift the automatic stay should issue:

(2) In determining whether an order should issue pursuant to this Rule, the lower court, administrative tribunal, appellate court, or judge or justice of the appellate court should consider whether such an order is necessary *to preserve jurisdiction of the appeal* or to *prevent a contested issue from becoming moot*.

Rule 241(c)(2), SCACR (emphasis added).

ARGUMENT

Petitioner fails to comply with the requirements of Rule 241(d)(4)(A),(B), and (C) in the following ways: (1) She does not provide a factual background that provides an understanding of her petition; (2) she does not support disputed facts with relevant affidavits or other sworn statements; (3) she does not cite any legal arguments or supporting authority; and (4) she does not show that the circuit court unjustifiably denied her motion to lift the automatic stay.

Furthermore, Petitioner also fails to comply with the requirements of Rule 241(c)(2), SCACR, because she alleges nothing that would disrupt the jurisdiction of this appeal or cause a contested issue to become moot. Because Petitioner fails to meet these mandatory requirements, her petition must be denied.

I. PETITIONER FAILS TO COMPLY WITH RULE 241(D)(4)(A),(B), AND (C).

Rule 241(d)(4) states “[t]he petition *shall* contain” the elements in subsections (A), (B), and (C) (emphasis added). The requirements of subsections (A), (B), and (C) are mandatory, and Petitioner fails to comply.

A. The petition lacks an understandable factual background.

Rule 241(d)(4)(A) requires that a petition contain “the factual background necessary for an *understanding* of the petition” (emphasis added). Petitioner’s petition is fourteen pages in length. Within those pages, she states many conclusory, alleged “facts.” However, within those pages and by those “facts” she fails to give information necessary for an *understanding* of her petition. The petition is a little more than a chronological laundry list of grievances that she has made over and over again throughout the years in numerous filings against the Respondents, Respondents’ counsel, and the circuit court judge. Petitioner’s haphazard recitation of her self-serving view of the history of the case does not amount to a “factual background necessary for an understanding of the petition.” Her scattershot catalog of events and alleged events so lacks any unifying theme that it defies specific refutation within an appropriate page limit, other than to say that none of it provides an understandable basis for her petition.

B. The petition does not support disputed facts with affidavits or sworn statements.

Rule 241(d)(4)(A) also requires, “If the facts are subject to dispute, the petition shall be supported by affidavits or other sworn statements.” Respondents contend that virtually all of the alleged facts in the petition are disputed. Respondents dispute that anyone has tried to dismember James Brown’s estate plan. Respondents dispute that Case 4900 was brought to cause Petitioner to drop her appeal of the 2009 settlement agreement. Respondents dispute that counsel or parties interfered with FOIA compliance. Respondents dispute that counsel was not properly authorized by all parties to bring and litigate Case 4900. Respondents dispute that Petitioner’s service as personal representative and trustee of the James Brown Estate ended on May 8, 2013. Respondents dispute that Robert J. Buchanan has or desires any further involvement in this matter since he settled all claims related to him years ago. Respondents dispute that the Aiken circuit court judge

misled the Supreme Court in any way. Respondents dispute Petitioner's allegations about the roles and actions of the counsel for various parties, of all of the named Case 4900 plaintiffs, and of others. Respondents dispute Petitioner's allegations about the existence and activity of the Legacy Trust. Respondents dispute that the trial court overlooked any testimony in Aiken Case 1337, which is Petitioner's fee claim against the Estate of James Brown in which she was found to have committed multiple breaches of fiduciary duty while she was the personal representative and trustee of James Brown's Estate. Respondents dispute that any assets are under the jurisdiction of the court in Richland Case 4900. And Respondents dispute most other assertions in the Petition.

Petitioner does not support the Petition's disputed facts with "affidavits or other sworn statements." Petitioner attaches what appears to be thirty-one exhibits to her Petition. Only five exhibits are affidavits. Four of these affidavits deal with an issue pending before the South Carolina Supreme Court as to whether Petitioner has contemptuously violated the Supreme Court's June 10, 2015 order that she not involve herself in the affairs of the James Brown Estate where she clearly has no standing. The fifth affidavit was also produced by Petitioner in relation to the Supreme Court proceeding, but seems to have no specific relationship to the contempt issue or to the issues discussed in this petition.

Petitioner attaches no document that would qualify as a sworn statement.

Petitioner's petition fails to support the many disputed facts contained in the petition with any affidavits or sworn statements even remotely related to any basis for lifting the automatic stay in Case 4900. Instead, she continues her well-established practice of bloating the record with irrelevant material (*see* Respondent's Motion to Strike Appellant's Bound Record, filed April 24, 2020 and granted May 21, 2020.)

C. The petition does not cite any legal arguments or supporting authority.

Rule 241(d)(4)(B) requires a petition contain “the grounds for the petition, and legal arguments with supporting points and authority.” Other than several mentions of *Wilson v. Dallas*, 403 S.C. 411, 743 S.E.2d 746 (2013), Petitioner makes no legal arguments and cites no supporting authority. The petition is astonishingly bereft of legal reasoning, legal argument, and legal support. The petition is a compilation of unsupported conclusory allegations and personal attacks. There are no “legal arguments with supporting points and authority.” There are no articulated grounds for her petition, other than her unfocused, self-serving, conclusory allegations that actions of certain parties will cause the court to lose jurisdiction if the stay is not lifted. Petitioner never draws a line between any specific alleged action and how that action threatens to deprive any court of jurisdiction. She does not articulate such a clear, understandable relationship because there is none.

D. The petition does not show the circuit court unjustifiably denied her motion.

Rule 241(d)(4)(C) requires, *inter alia*, that a petition show that the relief sought in the lower court was “unjustifiably denied.” Respondents note that Petitioner filed four motions in the lower court to lift the Rule 421(a) automatic stay of the underlying case¹:

- October 24, 2017 (captioned for Appellate Case No. 2017-001899);
- October 30, 2018 (captioned for Appellate Case No. 2017-001899);
- January 22, 2019 (captioned for Appellate Case No. 2018-002229); and
- April 27, 2020 (co-captioned for Appellate Case Nos. 2017-001899 and 2018-002229; this motion is the subject of the instant Petition).

¹ The underlying case, 2010-CP-40-04900, is currently on appeal under 2 different Appellate Case Nos.: 2017-001899 and 2018-002229.

(See Petition at pp. 7, 10, and 11.) The circuit court issued three orders denying each of these motions.² (See Exhibits A-C, discussed *infra*.) Petitioner makes no attempt to show that the lower court unjustifiably denied any of her motions. “Unjustifiably” is not defined in the Rule, but an abuse of discretion standard is applied to appellate review of orders related to lifting the Rule 241 automatic stay. See *Carolina Water Svc., Inc. v. Lexington County Joint Mun. Water & Sewer Comm.*, 367 S.C. 141, 625 S.E.2d 227 (Ct. app. 2006), *overruled on other grounds by* 373 S.C. 96, 644 S.E.2d 681 (2007).

Petitioner makes no effort whatsoever to argue the lower court abused its discretion in denying her latest attempt to lift the automatic stay. Indeed, the July 28, 2020 order of the lower court (attached hereto as **Exhibit A**) denying her April 27, 2020 motion shows on its face that the court did exercise its discretion and justifiably denied her motion, as the court did on each prior occasion she made the same motion. The order of the lower court made three relevant findings of fact and drew conclusions of law; the order employs sound legal reasoning; and the order bases its decision on the application of specific case law. Petitioner makes no attempt to show any abuse of discretion, error of law or error in the court’s findings, analysis, or conclusion.

The February 26, 2019 order (attached hereto as **Exhibit B**) denying Petitioner’s October 30, 2018 and January 22, 2019 motions to lift the stay is equally as thorough and well-reasoned. This order also makes specific findings of fact and conclusions of law; this order also employs sound legal reasoning, specifically considering Rule 241(c)(2)’s twin prongs of whether “such an order is necessary to preserve jurisdiction of the appeal or to prevent a contested issue from becoming moot.” (See *id.* at pp. 3, 5.)

² The second and third motions to lift stay were denied via the same order. (See Exhibit B, *infra*.)

Furthermore, Petitioner has made the order denying the first motion to lift stay one of her items on appeal in the instant appeal, along with 24 other orders. (*See* Notice of Appeal, Appellate Case No. 2018-002229 at ¶ 3; *see also* Order of December 8, 2017 in Case 2010-CP-40-04900, attached hereto as **Exhibit C**.) Petitioner wants to “have her cake and eat it too.” She has appealed the denial of her first motion to lift the automatic stay, and after her fourth attempt to do so was denied, she has petitioned this court for an order lifting the stay. To change metaphors: How many bites at the apple should Petitioner/Appellant be allowed? Respondents assert that her instant appeal of the order denying her first motion to lift the stay should foreclose her ability to petition the court for the same relief when, predictably and justifiably, her fourth motion to lift the stay also failed.

Therefore, Respondents assert that the Petition fails to make any showing that the lower court unjustifiably denied her most recent motion to lift the stay and that Petitioner should not be allowed to keep trying to get an order she likes.

II. PETITIONER FAILS TO COMPLY WITH RULE 241(C)(2).

Rule 241(c)(2) lists two necessary considerations in determining if an order to lift the automatic stay should issue:

(2) In determining whether an order should issue pursuant to this Rule, the lower court, administrative tribunal, appellate court, or judge or justice of the appellate court should consider whether such an order is necessary *to preserve jurisdiction of the appeal* or *to prevent a contested issue from becoming moot*.

Rule 241(c)(2), SCACR (emphasis added).

A. The Petition makes no showing that an order lifting the stay is necessary to preserve jurisdiction of the instant appeal.

Petitioner is unclear about which court’s jurisdiction she fears will be lost—that of the trial court or that of the court of appeals. However, the rule is crystal clear that the only consideration

under Rule 241, SCRCR, is whether the *court of appeals*' jurisdiction over the appeal is in jeopardy. Petitioner makes no showing that such danger exists. None of the alleged "facts" about any of the Case 4900 plaintiffs gives rise to any legitimate concern that the court of appeals may lose jurisdiction over Petitioner/Appellant's instant appeal. Although it is unclear, what Petitioner may be arguing is that should she prevail on the appeal of her summarily dismissed counterclaims, and further should she prevail at trial on those claims, and further should she receive a money judgment on those claims, and further should that judgment hold up on appeal, and further should that money judgment exceed what the judgment debtor is able to pay at that time, then funds from certain James Brown Estate-related sources may not be available for collection of such a judgment. However, if this is Petitioner's actual concern, the concern is far too remote and totally unsupported by any facts, legal argument, affidavits, or sworn statements to cause this Court to lift the automatic stay. Petitioner's concern then would at best be a hypothetical supplemental proceedings scenario unrelated to the instant appeal or the litigation of Case 4900.

B. The Petition makes no showing that an order lifting the stay is necessary to prevent a contested issue from becoming moot.

As with her failure to support conclusory allegations that the appellate court is in danger of losing jurisdiction over the instant appeal, Petitioner also fails to support her conclusory allegations (*i.e.* Petition at p. 12) that any issues in the instant appeal are in danger of becoming moot.

Petitioner appears to confuse subject matter jurisdiction, personal jurisdiction, and *in rem* jurisdiction. Petitioner appears to argue that Case 4900 rests on *in rem* jurisdiction, but it does not. *See S.C. JURISPRUDENCE, ACTION § 5 (2020) (actions in personam versus actions in rem)*. Case 4900 is a civil action for money damages due to Petitioner's breach of fiduciary duty. While Petitioner's counterclaims existed, they were also civil claims for money damages. The trial court

has both subject matter jurisdiction over the claims and personal jurisdiction over the parties to Case 4900. The current locations and/or financial activities of any of the Case 4900 plaintiffs have no impact on subject matter or personal jurisdiction in this case, and Petitioner has cited no legal argument or supporting authority to the contrary.

As to the Legacy Trust, it is an entity whose existence was contemplated in the 2009 settlement agreement between James Brown Estate heirs. When the 2013 decision in *Wilson v. Dallas* abrogated the settlement agreement, there was no longer any purpose for the Legacy Trust, and it was never funded, contrary to Petitioner's confident yet incorrect assertions. See Order Granting James Brown Legacy Trust's Motion to Dismiss, filed June 20, 2016, 2012-CP-40-00350 (attached hereto as **Exhibit D**). However, Case 4900 had already been filed in May 2010 and listed the Legacy Trust as a party, because at that time it was unknown what the outcome of the appeal resulting in *Wilson v. Dallas* would be. The fact that the Legacy Trust was contemplated but never funded has no effect on the jurisdiction of either the lower court or the appellate court in the instant appeal. Petitioner's assertions that the Legacy Trust has received, is holding, and/or has dispersed money is simply wrong, and she provides no affidavit or sworn statement to back up her assertions.

More troubling is the fact that the issues raised by Petitioner reach far beyond any legitimate concerns with litigating Case 4900 or her appeal. Petitioner's petition outlines Petitioner's ongoing intention and efforts to interfere with the assets of the James Brown Estate, which she has been forbidden to do by the Supreme Court's June 10, 2015 order. The whole of her Petition belies her contention that her efforts to stop what she calls a "second dismemberment" of the James Brown Estate abruptly ended in 2015. (Petition at p. 5). Respondents have repeatedly presented this argument during their opposition to Petitioner's prior motions to lift the stay. See

Memo. of Law in Opp. to Mot. to Lift Stay, filed Nov. 13, 2017 in 2010-CP-40-04900, incorporated by reference herein; Ret. to Adele J. Pope's Pet. for Order Lifting Stay, filed Feb. 1, 2019 in 2010-CP-40-04900, incorporated by reference herein. *See also* Memo. of Law in Response to [Pope's] Mot. to Lift Stay and for Related Relief, filed June 24, 2020 in Case 2010-CP-40-04900, incorporated by reference herein. This Petition is further evidence that she is still seeking to be involved in the James Brown Estate. The Estate wonders, "How long must it continue to deal with Petitioner's unwelcome, disruptive, costly, and prohibited intrusion?"

CONCLUSION

For the foregoing reasons, Petitioner's petition to lift the automatic state in Case 4900 must be denied because it fails to comply with Rule 241(d)(4)(A),(B), and (C) and Rule 241(c)(2), SCACR. Respondents, therefore, respectfully ask the Honorable Chief Judge, Judge, or the entire court to deny Petitioner's motion to lift the automatic stay.

Respectfully submitted,

s/ Mark V. Gende

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ATTORNEYS FOR RESPONDENTS

Columbia, South Carolina
August 10, 2020

Exhibit A

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

THE FIFTH JUDICIAL CIRCUIT

RUSSELL L. BAUKNIGHT, as Trustee of)
the James Brown 2000 Irrevocable Trust, as)
Personal Representative of the Estate of James)
Brown; 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)
children Sydney L. and Carrington L.; Tonya)
Brown; Venisha Brown; Larry Brown; and)
Terry Brown,)

Civil Action No. 2010-CP-40-04900

**ORDER DENYING MOTION OF THE
DEFENDANT TO LIFT STAY AND FOR
RELATED RELIEF**

and)
)
)

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 children SYDNEY)
L. and CARRINGTON L.; TONYA)
BROWN; VENISHA BROWN; LARRY)
BROWN; and TERRY BROWN,)

Plaintiffs,)
)
)

v.)
)
)

Adele J. Pope)
)
)

Defendant.)

This matter comes before the Court on June 26, 2020, for a hearing on a Motion filed by the Defendant on April 27, 2020, to Lift the Automatic Stay pursuant to Rule 241, SCACR, and for related relief. For the reasons set forth herein, the Motion of the Defendant is DENIED.

Attorneys Adam T. Silvernail, Esq. and Jeffery Smith, Esq. appeared on behalf of the Defendant. Attorneys Mark V. Gende, Esq., Kenneth B. Wingate Esq., and Charles G. Doolittle Esq., appeared on behalf of the Plaintiffs.

The Court carefully considered all briefs filed by the parties and oral arguments made at the hearing.

FINDINGS OF FACT

1. The current motion of the Defendant is the third time Defendant has moved to lift the Rule 241, SCACR, automatic stay in this matter.
2. The first two motions of the Defendant were denied.
3. The Defendant has appealed one of the denials to the court of appeals and that appeal is currently pending.

CONCLUSIONS OF LAW

The motion of the Defendant to lift the stay represents her third attempt to do so. Defendant has also appealed the order of the trial court denying one of her previous motions to lift the stay. The motion of the Defendant to lift the stay and for related relief represents a successive motion based on the same or similar grounds as her prior motions and is, therefore, improper.

Our Supreme Court has addressed and cautioned against filing successive motions. In *Elam v. S.C. Dept. of Transp.*, 361 S.C. 9, 602 S.E.2d 772 (2004), the Supreme Court decided whether an appeal was timely after the Department of Transportation filed successive written motions. The Court declared that successive motions for reconsideration on the same or similar

grounds are improper, because a “losing litigant is not entitled to return to trial court indefinitely hoping for a change of heart or a more sympathetic judge, or to string out arguments. The Court noted ‘[t]here must be finality, a time when the case in the trial court is really over and the loser must appeal or give up.’” *Id.* at 20; 602 S.E.2d 777-78 (citations omitted). While the issue in *Elam* was the successive filing of motions for reconsideration, the same rationale applies to the successive motions of the Defendant in the instant matter.

The successive motions of the Defendant are improper, and there is no right to repeated petitions to the Court to change its rulings on matters previously decided, especially when Defendant has already appealed a previously denied motion.

IT IS THEREFORE ORDERED that the motion of the Defendant to lift the automatic stay during appeal and for related relief is DENIED.

AND IT IS SO ORDERED.

_____, 2020

Clifton Newman
Presiding Judge



Richland Common Pleas

Case Caption: Russell Bauknight , plaintiff, et al vs Adele J Pope , defendant, et al

Case Number: 2010CP4004900

Type: Order/Other

So Ordered

s/ Clifton B. Newman, 2127

Exhibit B

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

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 children 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 children SYDNEY L. and CARRINGTON L.; TONYA BROWN; VENISHA BROWN; LARRY BROWN; and TERRY BROWN,

Plaintiffs,

v.

Adele J. Pope,

Defendant.

IN THE COURT OF COMMON PLEAS

FIFTH JUDICIAL CIRCUIT

Civil Action No. 2010-CP-40-4900

**[Appellate Case Nos.
2017-001899 and 2018-002229]**

**ORDER DENYING DEFENDANT’S
MOTIONS TO LIFT STAY PURSUANT
TO RULE 241, SCACR, AND DENYING
PLAINTIFFS’ MOTIONS TO STRIKE
DEFENDANT’S MOTIONS TO LIFT
STAY, ALL IN CONNECTION WITH
APPELLATE CASE NOS.
2017-001899 AND 2018-002229**

These matters came before the Court pursuant to Defendant’s motion to lift automatic stay pursuant to Rule 241, SCACR, filed on October 30, 2018, in this Court in connection with

Appellate Case No. 2017-001899, and pursuant to a separate motion of Defendant to lift automatic stay pursuant to Rule 241, SCACR, filed on January 22, 2019, in this Court in connection with Appellate Case No. 2018-002229. For the reasons set forth herein, the Defendant's motions are DENIED.

In connection with Defendant's motion to lift stay filed on October 30, 2018 (re: Defendant's appeal of five (5) Orders in Appellate Case No. 2017-001899), the following were filed in this Court:

1. [Defendant's] Supplemental Motion for Order for Limited Lifting of Stay (filed on October 30, 2018)
2. [Plaintiffs'] Motion to Strike Adele J. Pope's Supplemental Motion for Order for Limited Lifting of Stay (filed on November 9, 2018)
3. [Plaintiffs'] Return to Adele J. Pope's Supplemental Motion for Order for Limited Lifting of Stay (filed on November 9, 2018)
4. [Defendant's] Return of Appellant to Motion of Attorney General and Other Respondents to Strike Motion to Lift Stay (filed on November 20, 2018)
5. Plaintiffs' Reply to Pope's Return to Motion to Strike Pope's Supplemental Motion for Order for Limited Lifting of Stay (filed on November 29, 2018)
6. [Defendant's] Supplemental Memorandum in Support of Lifting Stay (filed on December 6, 2018)
7. [Defendant's] Affidavit in Support of Supplemental Motion to Lift Stay for Limited Purposes (filed on December 17, 2018)

In connection with Defendant's separate motion to lift stay filed on January 22, 2019 (re: Defendant's appeal of twenty-five (25) Orders in Appellate Case No. 2018-002229), the following were filed in this Court:

1. Pope's Petition for Order Lifting Stay (filed on January 22, 2019)
2. [Plaintiffs'] Motion to Strike Adele J. Pope's Petition for Order Lifting Stay (filed on February 1, 2019)
3. [Plaintiffs'] Return to Adele J. Pope's Petition for Order Lifting Stay (filed on February 1, 2019)

4. [Pope's] Return and Opposition to Motion to Strike Petition to Lift Stay (filed on February 6, 2019)
5. [Pope's] Reply to Return by SWB to Motion of Appellant to Lift Stay (filed on February 6, 2019)

A hearing was held on these matters on February 7, 2019. Attorney Adam T. Silvernail was present for the Defendant, and attorneys Kenneth B. Wingate and Paul D. Kent were present for the Plaintiffs.

Upon consideration of the pleadings and the arguments of counsel for the parties, I make the following findings of fact and conclusions of law:

a. “As a general rule, the service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order, judgment, decree or decision on appeal, and to automatically stay the relief ordered in the appealed order, judgment, decree or decision.” Rule 241(a), SCACR. “After the service of the notice of appeal, any party may move for an order lifting the stay in cases which involve the general rule.” Rule 241(c)(1), SCACR. “In determining whether an order should issue pursuant to this Rule, the lower court . . . should consider whether such an order is necessary to preserve jurisdiction of the appeal or to prevent a contested issue from becoming moot.” Rule 241(c)(2), SCACR.

b. In Defendant's motions and related pleadings, and except for the routine procedural substitution of a party in connection with the recent death of Venisha Brown, Defendant is moving this Court¹ to lift the stay so that this Court will take actions she has listed and numbered as 2-16

¹ A year prior to Defendant's filing of the 2 motions to lift stay currently before this Court, Defendant filed a motion to lift stay on October 24, 2017, pursuant to Rule 241, SCACR, and therein requested an expedited hearing and Order lifting the stay. Defendant subsequently filed an Affidavit of Adele Pope on November 8, 2017. Plaintiffs (Respondents in Appellate Case No. 2017-001899) filed a Memorandum of Law in Opposition to Motion to Lift Stay on November 13, 2017. Defendant filed a document entitled “Appellant's Reply to Respondents' Memorandum in Opposition to Lifting Stay” on November 13, 2017. A hearing was held on November 14, 2017. This Court denied Defendant's motion to lift stay pursuant to an Order Denying Defendant's Motion to Lift Stay While on Appeal (dated December 6, 2017, and filed on December 8, 2017).

on pages 2-5 of her motion to lift stay filed on October 30, 2018. Those actions are sought solely for the benefit of Pope's litigation strategies, and they are in no way necessary in this case ("Case 4900") to preserve jurisdiction of the appeal or to prevent a contested issue from becoming moot.

c. Defendant's request for seeking an order lifting the automatic stay is primarily for the Court to take specific action in connection with many of the parties' assets. Defendant has requested that certain assets of many of the parties be marshaled and secured, enjoined from transfer, frozen, and (regarding Venisha Brown's estate) marshaled and secured by a receiver. In connection with that specific action, she has requested (1) the appointment of a Guardian ad Litem for a party, (2) the addition of a party to Case 4900, (3) an accounting by the Personal Representative of the Estate of James Brown, (4) that the Court poll certain parties to determine if they ratify action taken for them, (5) that the Court determine the successors in interest to the James Brown Legacy Trust, and (6) that a transfer to a party be enjoined.

d. Pursuant to this Court's Order dated June 23, 2017 (filed on July 8, 2017), Defendant's counterclaims have been barred by collateral estoppel based on the Supreme Court's holding in *Wilson v. Dallas*, and the Plaintiff's motion for summary judgment as to Defendant's counterclaims was granted. This Court filed on November 26, 2018, an Order Denying Defendant/Counter-Claim Plaintiff's Motion to Alter, Amend, Reconsider and/or Vacate Order Granting Plaintiffs' Motion for Summary Judgment.

e. Defendant's stated reason for her motions to lift stay is to seek this Court's assistance in freezing "funds that may be needed to fund [Defendant]'s counterclaims." Defendant's motion to lift stay filed on October 30, 2018, at p. 19. Though Defendant's counterclaims are barred by collateral estoppel and summary judgment has been granted in favor of the Plaintiffs as to Defendant's counterclaims (*supra*), she has stated to this Court: "They [the

Plaintiffs] seek to deprive the Court of jurisdiction over their persons and over the millions of dollars of distributions and payments which are lower priority than [Defendant's] counterclaims against them. Defendant's motion to lift stay filed on October 30, 2018, at p. 19. The only conclusion to be drawn is that Defendant clearly believes that her now dismissed counterclaims are valued at millions of dollars.

f. Defendant has not presented any facts or issues that demonstrate to the Court that lifting the stay is necessary to preserve jurisdiction of the appeal or that lifting the stay is necessary to prevent a contested issue from becoming moot. Therefore, this Court finds that there is no basis for lifting of the automatic stay pursuant to Defendant's motions.

g. In connection with Defendant's motions to lift stay, Plaintiffs moved the Court to strike Defendant's motions to lift stay and Defendant's pleadings of Pope entitled:

- A. Return of Appellant to Motion of Attorney General and Other Respondents to Strike Motion to Lift Stay (filed on November 20, 2018)
- B. Supplemental Memorandum in Support of Lifting Stay (filed on December 6, 2018)
- C. Affidavit in Support of Supplemental Motion to Lift Stay for Limited Purposes (filed on December 17, 2018)

Plaintiffs argued the basis for striking these pleadings, but in exercising my discretion, I deny the Plaintiffs' motions to strike.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Defendant's motions to lift the automatic stay during appeal are DENIED, and Plaintiffs' motions to strike are DENIED.

IT IS SO ORDERED.

_____, 2019

Doyet A. Early, III
Presiding Judge



Richland Common Pleas

Case Caption: Russell Bauknight , plaintiff, et al vs Adele J Pope , defendant, et al

Case Number: 2010CP4004900

Type: Order/Lift Automatic Stay

So Ordered

s/D.A. Early III 2136

Exhibit C

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

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 Brown II; Daryl J. Brown, individually and on behalf of his minor child Janise Vanisha Brown; Lindsey Delores Brown; Deanna J. Brown Thomas; Jason Brown-Lewis; Yamma N. Brown, individually and on behalf of her minor children Sydney Lumar and Carrington Lumar; 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 BROWN II; DARYL J. BROWN, individually and on behalf of his minor child JANISE VANISHA BROWN; LINDSEY DELORES BROWN; DEANNA J. BROWN THOMAS; JASON BROWN-LEWIS; YAMMA N. BROWN, individually and on behalf of her minor children SYDNEY LUMAR and CARRINGTON LUMAR; TONYA BROWN; VENISHA BROWN; LARRY BROWN; and TERRY BROWN,

Plaintiffs

v.

Adele J. Pope,

Defendant

IN THE COURT OF COMMON PLEAS

FOR THE FIFTH CIRCUIT

Civil Action No. 2010-CP-40-4900

2017 DEC -8 PM 2:40
FILED
CLERK & S.

ORDER DENYING DEFENDANT'S
MOTION TO LIFT STAY WHILE ON
APPEAL

This matter is before the Court upon the Motion of the Defendant to lift the automatic stay provisions of Rule 241 of the South Carolina Rules of Appellate Procedure. For the reasons set forth herein, the Motion is DENIED.

On September 12, 2017, Defendant filed and served a Notice of Appeal in regards to five orders of this Court. These Orders are as follows:

1. Order of the Honorable Doyet A. Early, III Denying Defendant's Motion to Alter or Amend Order Dropping Attorney General as a Party, dated August 2, 2017 and received by Appellant on August 14, 2017.
2. Order of the Honorable Doyet A. Early, III Granting Attorney General's Motion to be Dropped as a Party, Dated May 31, 2017, and received by Appellant on July 10, 2017.
3. Order of the Honorable Doyet A. Early, III Granting Motion for Protective Order as to Deposition of Attorney General, dated September 21, 2016, filed October 3, 2016 and received by Appellant on September 30, 2016.
4. Order of the Honorable L. Casey Manning Concerning Defendant Adele Pope's Motion to Disqualify Sweeny, Wingate and Barrow, P.A. from Representing the Office of the Attorney General of South Carolina, Enjoining Russell Bauknight from Purporting to Speak for the Office of the Attorney General, and Other Relief, dated and filed July 5, 2015.
5. Order of the Honorable L. Casey Manning Granting Plaintiffs' Motion to Set Aside Entry of Default, dated and filed October 13, 2012.

The present Motion was filed on October 24, 2017 with a request for expedited hearing. Defendant subsequently filed an Affidavit of Adele Pope on or about November 8, 2017 and a Reply Memorandum on November 13, 2017. Plaintiffs filed a Memorandum in Opposition on November 10, 2017. A hearing was held on November 14, 2017 where attorneys for Plaintiffs and Defendant were present. Counsel for the Attorney General wrote the Court on November 13, 2017, that he did not believe that the Attorney General was required to respond to the Motion to Lift

Handwritten signature and initials, possibly "MTE" with "#2" below it.

Stay and took no position regarding it because he had been dropped as a party by Order of this Court currently under appeal. The Attorney General was not represented by counsel at the hearing.

STATEMENT OF LAW

“As a general rule, the service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order, judgment, decree or decision on appeal, and to automatically stay the relief ordered in the appealed order, judgment, decree or decision.” SCRAP 241(a). “After the service of the notice of appeal, any party may move for an order lifting the stay in cases which involve the general rule.” SCRAP 241(c)(1). “In determining whether an order should issue pursuant to this Rule, the lower court . . . should consider whether such an order is necessary to preserve jurisdiction of the appeal or to prevent a contested issue from becoming moot.” SCRAP 241(c)(2). The circuit court has discretion whether to lift a stay of a matter pending before the court. *See Carolina Water Service, Inc. v. Lexington County Joint Mun. Water and Sewer Com'n*, 367 S.C. 141, 625 S.E.2d 227 (S.C.App. 2005)(“The primary issue in this case is whether the circuit court erred in lifting the stay as to the Challenge Actions.... Accordingly, the appropriate standard of review is abuse of discretion. An abuse of discretion arises where the [circuit] court was controlled by an error of law or where its order is based on factual conclusions that are without evidentiary support. *Steinke v. South Carolina Dep't of Labor, Licensing and Regulation*, 336 S.C. 373, 398, 520 S.E.2d 142.”) *See also Gaddy v. Douglass*, 597 S.E.2d 12 (S.C.App. 2004) (Court of Appeals immediately lifted automatic stay as provided in Rule 225, SCACR.)

A handwritten signature and initials, possibly 'JMC' and '12/3', written in dark ink.

CONCLUSIONS OF LAW

In her Motion and all supporting documents, Defendant presents no facts and makes no argument based on Rule 241 of the South Carolina Rules of Civil Procedure. The Motion makes no reference to the effect of the particular orders from which the appeal is taken, to the scope of the relief she is seeking or the reasons why such relief is necessary.

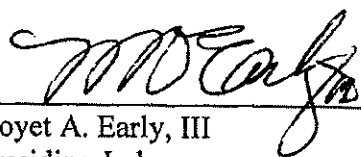
The provisions of Rule 241(a) SCRAP automatically impose a stay as to all matters decided in the orders on appeal. The orders on appeal here are wide-ranging, effecting both the inclusion/exclusion of parties to the suit and to the right of the attorneys to represent those parties. Defendant has not demonstrated that any of the exceptions of 241(b) apply and the Court finds there are none. Thus, this Court finds that the automatic stay applies to all matters being litigated in this case.

Rule 241(c)(2) sets forth considerations under which the automatic stay may be lifted: where it is necessary to preserve the jurisdiction of the appeal or to prevent a contested issue from becoming moot. Defendant has not presented any facts or issues that address these considerations and the Court is not independently aware of any such issues. Thus, this Court finds that there is no basis for lifting of the automatic stay.

Defendant's argument is based entirely on concerns about prejudice that could be caused by delay in proceeding with discovery during the pendency of the appeal. While the Court is mindful of the age of this case desires to see it continue to move forward, the Court can find no legal basis for lifting a stay on this basis. Moreover, the Court finds that there is no prejudice to the Defendant as a result of the stay as the parties have had adequate opportunity to engage in discovery during the pendency of the case.

IT IS THEREFORE ORDERED, DECREED AND ADJUDGED that Defendant's Motion to Lift the Automatic Stay during appeal should be DENIED.

IT IS SO ORDERED.



Doyet A. Early, III
Presiding Judge

Dec 6, 2017

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2010CP4004900

Russell Bauknight

Adele J Pope

James Brown 200 Irrevocable Trust

Tommie Rae Brown

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____

Attorney for : Plaintiff Defendant or Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other _____
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other _____
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case. Additional Information for the Clerk : _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge _____ Judge Code _____ Date _____

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this 8 day of Dec, 2010 to attorneys of record or to parties (when appearing pro se) as follows:

Kenneth B. Wingate
Mark V. Gende
Robert N. Rosen

Everett Augustus Kendall II
John Andrew Donsbach Sr.
Joseph Odell Thickers

Daryl L. Williams
Adam Tremaine Silvernail
Walter Henry Bundy Jr.
Michael Brent McDonald

J. Calhoun Watson
J. Emory Smith Jr.
Adele J Pope
Adele J Pope

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court Francis W. [Signature]

Exhibit D

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 Adele J. Pope,)
)
 Plaintiff,)
)
 v.)
)
 Alan Wilson, in his capacity as Attorney)
 General of South Carolina, and James)
 Brown Legacy Trust, by Russell L.)
 Bauknight, its Trustee,)
)
 Defendants.)

IN THE COURT OF COMMON PLEAS
 FOR THE FIFTH JUDICIAL CIRCUIT

Case No. 12-CP-40-350

**ORDER GRANTING JAMES
 BROWN LEGACY TRUST'S
 MOTION TO DISMISS**

RICHLAND COUNTY
 FILED
 2016 JUN 20 PM 2:13
 JEANNETTE W. MCBRIDE
 C.C.P. & G.S.

This matter comes before the Court on the motion of Defendant James Brown Legacy Trust (“the Legacy Trust”) for an order dismissing Plaintiff’s complaint. The Plaintiff’s complaint sought a declaratory judgment that Legacy Trust was a public body that was required to disclose certain documents under the Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. Having carefully considered all of the parties’ arguments, the Court hereby GRANTS the Legacy Trust’s Motion to Dismiss.

The Legacy Trust moves for an order dismissing this case pursuant to South Carolina Rule of Civil Procedure 12(b)(6) for failure to state facts sufficient to constitute a cause of action. The Legacy Trust asserts three grounds in support of its motion to dismiss: (1) the Legacy Trust is not subject to the Freedom of Information Act (“FOIA”); (2) the Legacy Trust no longer exists following *Wilson v. Dallas*, 403 S.C. 411, 743 S.E.2d 746 (2013); and (3) the controversy is moot because Plaintiff is in possession of the documents requested by FOIA from the Legacy Trust.

As to its first ground, the Legacy Trust argues that it is not subject to the FOIA because it was created as a private trust and it is not a public body within the meaning of the act. In order

for an entity to be subject to the FOIA, it must fall within the definition of "public body." *Weston v. Carolina Research & Dev. Found.*, 303 S.C. 398, 400, 401 S.E.2d 161, 163 (1991). The FOIA's definition of "public body" does not explicitly cover a private trust. The definition does, however, extend to "any organization, corporation, or agency supported in whole or in part by public funds or expending public funds." S.C. Code Ann. § 30-4-20(a) (2007). The Plaintiff argues that the Legacy Trust is subject to FOIA under this exception. *Weston v. Carolina Research & Dev. Found.*, 303 S.C. 398, 401 S.E.2d 161 (1991).

However, our Supreme Court has ruled that "the application of the FOIA beyond traditional governmental entities is limited to statutorily defined public bodies, which are only those entities supported by public funds." *Disabato v. S.C. Ass'n of School Adm'rs*, 404 S.C. 433, 454-55, 746 S.E.2d 329, 340 (2013) (citing *Weston*, 303 S.C. at 403, 401 S.E.2d at 164). As the Supreme Court has held, a private entity is only subject to the FOIA where it "receive[s] government funds *en masse*" or it is "generally supported by public funds." *Disabato*, 404 S.C. at 456, 746 S.E.2d at 341 (emphasis added).

Here, Plaintiff claims that some level of public funding has gone toward the creation of the Legacy Trust because of the Attorney General's involvement in the settlement agreement creating the Legacy Trust. Plaintiff has failed to alleged facts necessary to quantify this alleged support and has failed to allege any facts showing how the Legacy Trust was generally supported by public funds, created to expend public funds, or has received government funds *en masse*. Absent these factual allegations, Plaintiff's complaint is insufficient to hold the Legacy Trust subject to FOIA, and dismissal on this first ground is warranted.


Second, the Legacy Trust argues that it no longer exists following the South Carolina Supreme Court's holding in *Wilson v. Dallas*, 403 S.C. 411, 743 S.E.2d 746 (2013), and, as such,

it cannot be subject to the FOIA. The Court agrees. The operation of the Legacy Trust and the entire compromise agreement creating the Legacy Trust were stayed pending the Supreme Court's review of the compromise agreement. In *Wilson v. Dallas*, the Supreme Court invalidated the compromise agreement that created the Legacy Trust. *Id.* at 450, 743 S.E.2d at 767-78. This Court finds that the Supreme Court's ruling that the compromise agreement could not replace James Brown's existing trusts by creating new trusts explicitly invalidated the existence of the Legacy Trust. *Wilson v. Dallas*, 403 S.C. at 446, 743 S.E.2d at 765. As such, the Legacy Trust does not exist and cannot be subject to FOIA.

Finally, the Legacy Trust argues that the controversy is moot because Plaintiff is in possession of the documents requested from the Legacy Trust. When the documents subject to FOIA are produced, no justiciable controversy remains. *Sloan v. Friends of the Hunley, Inc.*, 369 S.C. 20, 630 S.E.2d 474 (2006). The Attorney General has stated in documents submitted to this Court that he has provided the only two documents that would be responsive to Plaintiff's FOIA request. Plaintiff does not contend otherwise. As such, the Court finds that no justiciable controversy remains and, accordingly, this case should be dismissed as moot.

The Court's dismissal of this action rests independently on each of Legacy Trust's three grounds for dismissal. Each ground is sufficient standing alone to grant Legacy Trust's motion to dismiss.

IT IS SO ORDERED.



DOYET A. EARLY, III
Circuit Judge, Second Judicial Circuit

Aiken, South Carolina
June ~~1~~ 2, 2016

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

Aug 10 2020

SC 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

Case No. 2010-CP-40-4900

Appellate Case No. 2018-02229

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 August 10, 2020 I served Respondents' Return Opposing Appellant's Petition for Order Lifting Automatic Stay 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:

Charles E. Carpenter, Jr., Esquire
Carpenter Appeals & Trial Support, LLC
4825 Portobello Road
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(803) 758-2886
charlie.ceclaw@gmail.com

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Law Office of Adam T. Silvernail, LLC
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**Attorneys for Respondent
Attorney General**

s/ Mark V. Gende
Mark V. Gende, SC Bar No. 72835
Kenneth B. Wingate, SC Bar 8004
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1515 Lady Street
Columbia, SC 29211
(803) 256-2233
mvg@swblaw.com
kbw@swblaw.com

August 10, 2020

Columbia, South Carolina

From: [Gloria Coberly](#)
To: [Charles Carpenter](#); "adam@silvernaillawfirm.com"; [Jeff Smith](#); [Daryl Williams](#); "esmith@scag.gov"; "sjones@scag.gov"
Cc: [Mark V. Gende](#); [Ken B. Wingate](#)
Subject: Bauknight v. Pope; Appellate Case No. 2018-02229
Date: Monday, August 10, 2020 2:52:00 PM
Attachments: [Respondents' Return Opposing Appellant's Petition for Order Lifting Automatic Stay.pdf](#)
[Exhibit A 2020 Jul 28 Order Denying Pope's Motion to Lift Stay and for Related Relief.pdf](#)
[Exhibit B 2020.2.26 Order Denying Motions to Lift Stay.pdf](#)
[Exhibit C 2017 Dec 8 Order Denying Defendant's Motion to Lift Stay While on Appeal.pdf](#)
[Exhibit D 2016 Jun 20 Order Granting James Brown Legacy Trust's Motion to Dismiss.pdf](#)

Dear Counsel:

Attached please find a copy of Respondents' Return Opposing Appellant's Petition for Order Lifting Automatic Stay, which is being filed with the South Carolina Court of Appeals today.

Sincerely,
Gloria Coberly



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

[Web](#) | [Email](#)

RECEIVED
Aug 10 2020
SC Court of Appeals

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