

STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

AUG 14 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

Appellate Case No. 2018-002229

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

And

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

v.

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

Of whom Adele J. Pope is Appellant.

**REPLY OF APPELLANT TO RETURN OF RESPONDENTS TO
MOTION TO LIFT STAY**

On August 10, 2020 the Attorney General of South Carolina (“Attorney General”); Tommie Rae Hynie; the James Brown Legacy Trust (“Legacy Trust”); Russell Bauknight “on behalf of” Hynie, her son James Brown II (“James”), the Attorney General and others; and Russell Bauknight as trustee of the Legacy Trust, purportedly with others, acting through the law firm of Sweeny, Wingate and Barrow, P.A. (“SWB”), submitted a return asking this Court not to lift the automatic stay which has been in place since 2017 as a result of two pre-completion-of-discovery appeals, including the summary judgment order in this appeal.

One earlier refusal to lift the stay is a subject of appeal, along with certain additional orders, for the purpose of demonstrating to the Appellate Court that the lower court consistently violated the Due Process and other rights of Appellant and Robert Buchanan, Jr., after May 29, 2013. Those violations included issuing gag orders without review of affidavits and refusing to lift the stay so that sworn testimony of the Governor, the Attorney General, the Solicitor General and others could be considered. The violations of Due Process rights of Appellant and Buchanan followed the May 2013 public announcement to the Honorable Doyet A. Early, III, by Hynie’s attorney Alan Medlin, Esq., and Louis Levenson, Esq. (speaking for numerous Respondents) of their intention to disregard the Supreme Court’s decision in *Wilson v. Dallas*, and reinstate a 2008 settlement deal brokered by the Attorney General which stipulated that Hynie was entertainer James Brown’s spouse under the sections 304 and 203 of U.S. Copyright Act, then gave her \$1 million a year and a quarter of Brown’s “I Feel Good” education charity in exchange for half of her termination rights proceeds to certain U.S. royalties under the Act, and those of James.

This appeal involves, among other issues, whether that circuit judge improperly granted the Attorney General, Hynie and the incarcerated Venisha Brown summary judgment as to the counterclaims of Buchanan and Appellant for abuse of process, fraud on the court and other causes

of action after dismissing the Attorney General as a party. Whether the Attorney General is liable as to the counterclaims is a subject of this appeal. Whether Hynie and the incarcerated Venisha Brown, now deceased, are liable to Appellant on the counterclaims is a subject of this appeal.

The joint return of the Attorney General and Hynie should be disregarded because SWB and Bauknight have no legal authority to act on behalf of the Attorney General, and the attempted joint return with Hynie is unconstitutional. If the Court reaches the merits of the return, the joint action of Hynie, the Attorney General, and Bauknight purporting to speak for both, is improper in multiple ways, including a conflict with the Attorney General's statutory duties and changed positions by the State/Attorney General within the same case which violates Due Process rights and *CSX v. SC Dept. of Rev.*, U.S. Ct. Appeals (4th Cir.) No. 19, 1089 [May 20, 2020]. The position is in a direct conflict with the position it is taking in another appeal in this case (Richland 4900)

SWB and Bauknight also should not be allowed to take Hynie's position, and that of James and Bauknight as their agent, in the names of a dozen Plaintiffs who have repudiated both Hynie's spousal claim and her specific positions in the claims and counterclaims in Richland 4900 which are the subject of this appeal. If SWB speaks for them, these Respondents should be estopped to help Hynie escape the jurisdiction of this Court where they are taking the position in federal court that Hynie and James must be held liable for the \$2 million or more they received while Hynie claimed to be Brown's spouse, which funds have now been removed to London, U.K. They should also be estopped to claim that termination rights proceeds owned by Venisha Brown's estate have anything to do with the Estate of James Brown where they have represented to the Federal District Court that Venisha's termination rights are entirely separate from the estate of her father.

The assertion of the Attorney General in the return that Appellant should be held in contempt of the Supreme Court of South Carolina is a serious, career-threatening claim which is wholly unsupported by a single sworn fact, and inconsistent with SWB's and Levenson's earlier 2019 and 2020 requests for contempt sanction. Those contempt sanctions requests have not included the Attorney General. The lack of any sworn factual support is true of every other allegation made jointly by the Attorney General, Hynie, James, and Bauknight on behalf of Hynie, the Attorney General and James.

The joint position of the Attorney General and Hynie in the return is even more troublesome where the Attorney General is seeking a ruling from this Court that it was not even a party to Richland 4900, and should be dismissed under the nonjoinder provisions of Rule 21 SCRPC. Further, more than a year ago the Attorney General advised the circuit court that he took no position as to the lifting of the stay. To now support Hynie in an effort to escape the jurisdiction of this Court with \$2 million and render issues related to the liability of all individual parties to the counterclaims, leaving James Brown's charity to foot the bill for their wrongdoing, is improper and a violation of the Attorney General's duty to protect charities.

The petition to lift stay, contrary to the claims of the Attorney General, Hynie and others, was proper; cited proper authorities; was supported by affidavits and other proper support; and should be granted.

Some of these issues are discussed below in more detail.

SWB Lacks Standing and May Not Speak for the Attorney General

It is the position of Appellant, and has been the position of Appellant and Buchanan since this case was filed a decade ago, that it is unconstitutional for SWB to act as sole counsel for Hynie

and other will/2000 Trust of James Brown contestants in any matter. That position has been reconfirmed by the decision in *Brown v. Sojourner, In re Estate of Brown* No. 2018-001990, 2020 WL 326338.

Part of the purpose of SWB's return is to keep the sworn testimony of the Governor of South Carolina that he did not authorize SWB to file Richland 4900 in the name of the State/Attorney General and that he did not authorized Bauknight to act on behalf of the State/Attorney General out of the record in this appeal. To benefit Hynie, SWB withheld the Wingate contract which supported the Governor's sworn testimony from 2010 until 2020, while claiming to act for the State/Attorney General.

It is a clear violation of Appellant's Due Process rights for SWB and Bauknight to wield this power of the State, especially when requesting contempt sanctions.

**The Joint Position of Hynie and the Attorney General
Violates Appellant's Due Process and Other Rights**

In 2017 Attorney General Alan Wilson testified under oath that he knows nothing that Buchanan and Appellant ever did wrong. The Solicitor General testified under oath the he thought the actions of Appellant were competent, intended to protect James Brown's charity, and not greedy. The Attorney General now seeks to assist Hynie and James in removing assets from the jurisdiction of the court and rendering the issue of the liability of the Legacy Trust and its successors moot.

Hynie is 46% successor to the Legacy Trust. She has gone to England. This Court has jurisdiction over the \$2 million she and James took to England. The Attorney General is violating his statutory duty by helping her escape the jurisdiction of the court and rendering the issue of the Legacy Trust owner-successors' liability moot.

The Attorney General has notified the circuit court that it takes no position as to the lifting of the stay. To change the position of the State/Attorney General to aid Hynie and Bauknight as her agent is a direct violation of *Wilson v. Dallas* and a continuation of the 10-year Due Process, First Amendment, FOIA and other violations of the rights of Appellant and Buchanan for taking that appeal.

As the Richland 4900 complaint shows, it was brought to retaliate against Buchanan and Appellant for opposing the AG's 2008 settlement, and to blame them for dismembering James Brown's estate plan. It was continued after May 29, 2013 for that same purpose. It was continued with knowledge by the Attorney General of the announced plan; the fact that Bauknight and Peter Afterman had shifted \$1 million of income a year and nearly 1/3 (31%) of Brown's charity out of the charity and over to a trust for Forlando Brown, and the children of three Richland 4900 Plaintiffs.

The State Attorney General's support for the tens of millions of dollars spent from James Brown's charity to support the Attorney General's 2008 settlement and blame the damage it causes Brown's charity on Buchanan and Appellant continues to violate their Due Process rights. Where it is now coupled with an unverified request for contempt sanctions, it is even more troublesome.

The Attorney General's and Bauknight's Effort to Deprive the Court of Jurisdiction Over Legacy Trust Successors is Improper

In 2016 Russell Bauknight told the lower court, by affidavit, that Respondent Legacy Trust never existed, changing the sworn position he had taken in 2012 that he had managed the Legacy Trust in Richland County for three years. The 2016 affidavit also directly contradicted the 2015 statement by Hynie's counsel that the Legacy Trust *did* exist, and that Bauknight should be "knighted" for the work he had done for Hynie and the other Legacy Trust beneficiaries.

The courts have accepted Bauknight's 2016 sworn statement which asserts that the Legacy Trust had never existed, even though it brought in at least \$16 million between 2009 and May 2013.

Under the never-amended complaint in Richland 4900, SWB, working under a 23%- 40% contingency, seeks tens of millions of dollars from Appellant for the benefit of the Legacy Trust, to be distributed to its owners. As shown in the motion to lift stay, in 2010, SWB represented to the Honorable Casey Manning in 2010 that those owners were: the Attorney General, 47.5%; Hynie, 23.75%.

Now, the Legacy Trust has disappeared. The private Respondents are its only owner-successors, including Hynie, 46%; Venisha Brown, 9%, and others. In short, Hynie with those who remain loyal to her, now controls *de jure* the Richland 4900 litigation she had controlled *de facto* since it was first threatened by her counsel, Alan Medlin, Esq., in March 2010.

The Attorney General's and Bauknight's objection to lifting the stay, which will help secure the missing assets of the missing Legacy Trust successors, is improper.

SWB May Not Speak for Richland 4900 Plaintiffs Who Are Suing Hynie and Bauknight

Since January 2018 -- 2 ½ years ago -- SWB has had actual notice that every individual Respondent other than Hynie and her son James now takes the position that Hynie is not James Brown's spouse and is not entitled to the relief sought in the never-amended Richland 4900 complaint.

As is clear in the petition to lift stay and sworn supporting documentation, Respondents Yamma Brown, Deanna Brown-Thomas, Venisha Brown (deceased) are suing Respondents Hynie and her son James, along with Bauknight, in S.C. Federal District Court. They assert that Hynie,

James and Bauknight engaged in “backroom” deals related to termination interests in more than 90 copyrights which Hynie and her son, aided by Peter Afterman, sought to secure while her claim to be James Brown’s spouse was on appeal.

The position of the Return clearly supports Hynie. The Supreme Court has soundly disagreed with her positions twice. Yet SWB continues to take positions for Hynie in the names of all of these adverse parties.

The law was clear before *Brown v. Sojourner* that Buchanan and Pope never owed a duty to Hynie or her son. It is even clearer since June 17, 2020.

Respondents should be estopped to take positions entirely different from the positions they are taking today in the Supreme Court and federal court, namely that Hynie is not Brown’s spouse and has made false and misleading statements to the Supreme Court about termination rights.

Terry Brown’s Position is Contrary to His Position in This Court

Terry Brown has secured a Court of Appeals ruling that he never challenged the estate plan of James Brown. This is a clear repudiation of the Richland 4900 complaint.

Terry Brown terminated Levenson in 2007. He terminated SWB by 2013. John Donsbach, Esq., represented Terry and Forlando Brown from 2014 until at least 2019.

If SWB and Bauknight are allowed to speak for Terry Brown, they should be estopped to take positions different from those Terry Brown has taken in this Court.

SWB Has Unclean Hands With Respect to Venisha Brown and her Estate.

In 2020, as the public record and petition to lift stay show, SWB and Levenson have used Venisha Brown, both before and since her death, to advance Hynie’s position. They have done so

despite Levenson's being terminated by all persons for whom he signed the Wingate 40% contract, including Venisha Brown.

The undisputed facts contained in the Richland 4900 files and motions to lift stay, sworn by Appellant to be true to the best of her knowledge, and not refuted by the sworn testimony of a single Respondent, are:

- a. Levenson signed the Wingate 40% contingency-fee contract for Venisha in 2010 and there is no evidence Venisha even knew about Richland 4900.
- b. Venisha did not give anyone a valid POA. She had only a "springing" POA prepared by Levenson years ago.
- c. In 2011 Venisha, through SWB, moved to intervene in a FOIA case and obtain sanctions against Appellant to prevent release of the Wingate contract.
- d. There is no evidence that Venisha knew of this action.
- e. From 2010 until Venisha's death in September 2018 she was either incarcerated or missing, but both Levenson and SWB successfully prevented the appointment of a GAL for her.
- f. Venisha did not appear at her noticed deposition.
- g. Buchanan and Pope made a generous offer to Venisha in 2010, after Hynie's attorney threatened that SWB would file Richland 4900 if they did not drop the appeal which became *Wilson v. Dallas*, but there is no evidence that Venisha was ever notified of the offer.
- h. Pope made another generous offer to Venisha in Richland 4900 in 2012, but there is no evidence that SWB ever presented the offer to Venisha.
- i. SWB moved to strike the offer to Venisha.
- j. When Venisha died in September 2018 SWB did not take any action to seek appointment of a PR for her.
- k. In late 2018 Respondent Thomas served Levenson and Pope, both creditors under the Probate Code, with a summons and complaint (petition) for formal appointment as PR.
- l. By letter dated September 19, 2018, Appellant notified SWB attorney Kenneth Wingate, Esq., Levenson and others of her answer and request for

appointment who would protect the creditors of Venisha's estate. At the time creditors appeared to be Levenson, Appellant and a \$2.4 million default judgment by Hope Campbell.

m. In 2019 Levenson began accusing Appellant of contempt of the Supreme Court, but failed to present a verified affidavit or petition to support the claim.

n. In 2020 SWB attorney Mark Gende, Esq., also began accusing Appellant of contempt of the Supreme Court, but failed to do so with a verified petition.

o. In June 2020 the Clerk of the Supreme Court notified Gende, as set out in the petition to lift stay.

p. In June Gende filed an affidavit with both the Supreme Court and the circuit court in *Thomas v. Brown*.

q. In July 2020 Gende and Wingate appeared at a hearing at which a lawyer for Ms. Thomas, Gende and Levenson accused Appellant of unethical conduct.

r. Appellant asked the Court to delay the hearing until she could file her response to the SWB contempt request, as it was her position that SWB and Levenson were improperly using the contempt sanctions request for the personal benefit of SWB and Levenson, but the circuit court declined to delay the hearing.

s. An order of the Judge Early filed in February 2019 makes clear that Venisha's Estate has no further involvement with the Estate of James Brown except to collect her household goods which Bauknight identified more than a year ago, and the \$37,500 she acquired in the suit she filed against her father's estate.

t. As has been made clear by her Copyright lawyer, Marc Toberoff, Esq., in Supreme Court and other filings, Venisha's Estate's vested termination interest in U.S. royalties to 246 copyright which will become payable between 2018 and 2026 have nothing to do with James Brown's estate, and Venisha would have owned these rights even if she had never challenged her father's estate plan.

u. The expert for Venisha and Hynie in Richland 4900, Roger Miller, has valued the Termination Rights of all heirs of James Brown as of 2017 at \$8.8 million, although Hynie's agent Peter Afterman claims they are worth tens of millions of dollars.

v. Under the Probate Code Venisha's estate, because of the termination interests, is large enough to pay expenses of administration, but not large enough to pay the claims of all current unsecured creditors, putting creditors in a status higher than intestate heirs in the process of nominating a PR.

w. Appellant, as the petition to lift stay shows, offered to work with Levenson or any other qualified PR who was a South Carolina lawyer who understood the obligation of a PR to protect creditors, and would be willing to protect creditors.

x. Instead of working to protect Venisha's estate, Levenson and SWB have used the proceeding to seek contempt sanctions against Appellant.

In summary, the undisputed facts show that Hynie, SWB, and now the Attorney General, seek to deprive this court of jurisdiction over the assets of Venisha's estate and render the question of her liability under the counterclaims moot through contempt sanctions for the benefit of Hynie, Levenson and SWB.

SWB should not be allowed to speak in the return for Venisha's Estate.

Appellant Has Fully Complied With Rule 241

On pages 3 through 8 of the return, SWB asserts that Appellant has not provided a factual background to provide an understanding of the petition; does not support disputed facts with "relevant" affidavits or other sworn statements; does not cite any legal authority; and does not show that the circuit court unjustifiably denied her petition. Each of these claims, even if SWB had authority to speak for anyone other than Hynie and Bauknight on behalf of Hynie, is incorrect.

I. The Petition Complies With Rule 241

The Petition to Lift Stay contains all of the appropriate elements. It is fully supported by the sworn statement of Appellant that she had reviewed the facts in the petition and found them to be correct. It is also supported by the sworn statements of others and relevant documents.

A. The petition contains a clear factual background necessary to understanding the petition.

On page 2, SWB calls Appellant's factual background a "scattershot catalog of events and alleged events" and a "haphazard recitation of her self-serving view of the history of the case." Petitioner apparently thinks that the following undisputed facts are not enough:

- a. Hynie and her son are seeking 46% of the millions of dollars sought by SWB in the Richland 4900 complaint, which claims she is Brown's spouse.
- b. Hynie and her son have moved to London with more than \$2 million they told the Court in 2010 was in the Legacy Trust.
- c. The Legacy Trust has disappeared.
- d. Venisha is dead and Levenson and SWB are using sanctions requests to try to remove her approximately \$400,000 of assets, which have nothing to do with the estate of James Brown, from the jurisdiction of this court.
- e. Governor Henry McMaster has testified under oath that he did not authorize SWB to bring Richland 4900 in the name of the State/AG, and did not authorize Bauknight to act "on behalf of" the State/Attorney General, and Respondents are trying to prevent that testimony from being made part of the record below.
- f. The efforts of SWB, Levenson and Bauknight on behalf of Hynie have redoubled since the Supreme Court found that Hynie was not Brown's spouse, as have the efforts of Hynie to escape jurisdiction of the South Carolina State and Federal Court.
- g. If Venisha's Assets and those of Hynie and James, with their persons and the assets of the Legacy Trust, escape the jurisdiction of the Court, it will render moot the clearly articulated issues in the two pre-trial appeals in Richland 4900 and deprive the Court of jurisdiction to grant the relief sought in this appeal, including the payment by Hynie and James of the \$2 million they have received since 2015.

B. The motion to lift stay is fully supported with sworn and undisputed facts, including an affidavit of SWB attorney Gende and affidavits of others.

On pages 5 and 6 SWB states a dozen times what "Respondents dispute," but does not present a single affidavit by a single Richland 4900 Plaintiff to dispute a single fact. Then, Respondents assert that "Petitioner attaches no document that would qualify as a sworn statement. This simply overlooks numerous sworn and undisputed statements and facts, including:

1. The sworn statement of Appellant;
2. The affidavit of Mark Gende, Esq., outlining his efforts, and those of Russell Bauknight and Levenson to secure control of Richland 4900 for Hynie while she and James escape to England.

3. The Affidavit of W. Jeffrey Smith confirming that Hynie has made, and continues to make false statements to the Supreme Court, where such false statements are the subject of this appeal.

4. The Affidavit of Daniel Speights, Esq. and Wallace Lightsey, Esq. related to the use by SWB of sanctions requests to benefit Hynie.

5. The lower court record which shows that the circuit court did not consider the facts, but relied solely on an earlier order of Judge Early, whose January 2019 order finds that Buchanan and Appellant breached their fiduciary duty by opposing the AG's 2008 settlement, the subject of this appeal.

a. Respondents' Characterization of the Matter Before the Supreme Court is Inaccurate

The Attorney General and other Respondents refer to the 10-year, unsuccessful-to-date effort of Levenson, with Hynie and other Richland 4900 Plaintiffs, to secure sanctions against Buchanan and Appellant, or solely Appellant, as "an issue pending before the Supreme Court."

Actually, what is pending before the Supreme Court is a letter request of SWB lawyer Gende asking the Supreme Court to hold Appellant in contempt of the Supreme Court; a letter from the Clerk of the Supreme Court advising that the Gende letter was not in proper form for a contempt request, and directing that he file an affidavit or sworn petition within ten days; and a highly unusual affidavit by Gende in which Gende refers to conversations with "the Estate of James Brown" and tells the Court, under oath, that he is not sure whether Appellant did or did not contemptuously violate the Supreme Court's June 10, 2015 order.

The petition to lift stay contains Appellant's response, which was not required by the Supreme Court, which asks the Supreme Court to consider the SWB request because the multiple unsuccessful attempts since 2015 to hold Appellant in contempt will likely continue unless addressed by the Supreme Court.

SWB's efforts to hold Appellant in contempt at both the circuit and Supreme Court level have, to date, produced no Rule to Show Cause by the Supreme Court, or any other Court. If they do, as Appellant has stated, she looks forward to responding with the sworn testimony of the Governor, the Attorney General, the Solicitor General and others she deposed in 2016 and 2017, as well as the sworn testimony and admissions of Hynie's own experts in Richland 4900.

The Attorney General and other Respondents have not accurately addressed this issue.

C. Appellant has provided appropriate legal arguments and supporting authority.

Respondents state incorrectly on pages 5 and 6 that the petition does not properly state the grounds for the petition and the legal arguments with supporting authority. Rule 241 is the appropriate legal authority. A ruling by the lower court that did not consider the presented facts, but denied the motion to lift stay solely based on an earlier order of Judge Early, provides the necessary authority. Further, the Supreme Court's ruling that Hynie is not Brown's spouse and the Federal Court's ruling the following day that she has no termination rights are clear additional authority.

D. The petition clearly shows that the circuit court unjustifiably denied the motion.

Respondents spend pages 6 through 9 claiming that the petition does not show that the motion to lift stay was unjustifiably denied. This is simply incorrect.

The fact the circuit court declined to lift the stay to allow the testimony of the Governor, the Solicitor General, the Attorney General and Sr. Asst. AG Havird "Sonny" Jones to become part of the lower court record supports the motion to lift stay, as does the circuit court's reliance on orders of the prior lower court judge which clearly benefitted Hynie.

II. Petitioner Has Fully Complied with Rule 241

On pages 8 through 11 Hynie's counsel SWB, and counsel for Bauknight on behalf of Hynie, makes a lengthy argument that her move to England with her son and \$2 million does not constitute a showing that lifting the stay is necessary to preserve jurisdiction or prevent the issues from becoming moot. This simply overlooks what had happened in the Supreme Court and Federal Court, and Hynie's own undisputed filings and false claims.

Appellant craves reference to her arguments above and the extensive, complete request to lift stay.

CONCLUSION

The response of SWB should be disregarded because it is made primarily for the benefit of Tommie Rae Hynie, who is seeking to escape the jurisdiction of the Appellate Court, and seeking to render the clearly articulated issues in this appeal moot. SWB should not purport to speak for the Attorney General in these matters. The Attorney General's position in the return is contrary to its public duty and other positions. Respondents' lengthy argument simply overlooks the sworn and undisputed facts and purpose of Rule 241. The motion to lift stay should be granted.

Respectfully Submitted,

Charles E. Carpenter, Jr.
Carpenter Appeals & Trial Support, LLC
4825 Portobello Rd.
Columbia, SC 29206
Telephone: (803) 758-2886
charlie@carpenterappeals.com
SC Bar No. 1133

Adam T. Silvernail
Law Office of Adam T. Silvernail, LLC
Post Office Box 7995
Columbia, South Carolina 29202
Telephone: (803) 779-1770
adam@silvernailfirm.com
SC Bar No. 80219

s/William Jeffrey Smith
William Jeffrey Smith
1216 Crenshaw Street
Newberry, SC 29108
Telephone: (803) 597-0209
Email: wjstv@mindspring.com
SC Bar No. 0005225

Daryl L. Williams
Gertz & Moore, LLP
1416 Laurel Street (29201)
Post Office Box 456
Columbia, SC 29202
SC Bar No. 6121

Attorneys for the Appellant

August 12, 2020

STATE OF SOUTH CAROLINA

In the Court of Appeals

RECEIVED
AUG 14 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

Appellate Case No.: 2018-002229

RUSSELL L. BAUKNIGHT, as Trustee of The James Brown 2000 Irrevocable Trust and the James Brown Legacy Trust, as Personal Representative of the Estate of James Brown, and on behalf of Alan Wilson, in his capacity as Attorney General of the State of South Carolina; Tommie Rae Brown, individually and on behalf of her minor child, James B. 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 children Sydney L. and Carrington L.; Tonya Brown; Venisha Brown; Larry Brown; and Terry Brown, Respondents.

v.

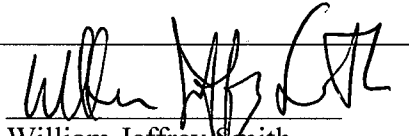
Adele J. Pope and Robert L. Buchanan, Jr., Defendants,

Of whom Adele J. Pope is Appellant.

PROOF OF SERVICE

I certify that on August 12, 2020, I have served the Reply of Appellant to Return of Respondents to Motion to Lift Stay by ordinary first class mail on counsel listed below:

Kenneth B. Wingate, Esquire Mark V. Gende, Esquire Joseph O. Thickens, 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
--	--



William Jeffrey Smith
1216 Crenshaw Street
Newberry, SC 29108
Telephone: (803) 597-0209
Email: wjstv@mindspring.com
SC Bar No. 0005225

Charles E. Carpenter, Jr.
Carpenter Appeals & Trial Support, LLC
4825 Portobello Road
Columbia, SC 29206
Telephone: (803) 758-2886
charlie@carpenterappeals.com
S.C. Bar No. 1133

Adam T. Silvernail
Law Office of Adam T. Silvernail, LLC
Post Office Box 7995
Columbia, South Carolina 29202
Telephone (803) 799-1770
adam@silvernaillawfirm.com
S.C. Bar No. 80219

Daryl L. Williams
Gertz & Moore, LLP
1416 Laurel Street (29201)
Post Office Box 456
Columbia, SC 29202
SC Bar No. 6121

August 12, 2020

Counsel for Appellant Adele J. Pope

WILLIAM JEFFREY SMITH
1216 CRENshaw ST
NEWBERRY SC
29208



S.C. COURT OF APPEALS
1220 SENATE ST
COLUMBIA SC
29201

RECEIVED
AUG 14 2020
SC Court of Appeals

29201 93759 0070