

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' MOTION TO STRIKE APPELLANTS AMENDED [FINAL] BRIEF,
RENEWED MOTION TO DISMISS, AND MOTION FOR COSTS AND FEES**

Respondents¹ respectfully move this Court to strike Appellant's Amended [Final] Brief, to dismiss this appeal, and to grant fees and costs associated with this Motion and Respondents' Motion of August 7, 2020.²

Introduction

On July 6, 2020, Appellant served and filed her Final Brief. On August 7, 2020, Respondents filed a Motion to Strike and for Other Relief, due to the repeated violations of Rule 211(b) present in Appellant's Final Brief. By order dated August 21, 2020, Appellant's Final Brief was stricken from the filings. This Court ordered Appellant to submit an amended final brief that complied with Rule 211(b).³

On September 9, 2020, Appellant filed and served her Amended [Final] Brief. The Amended [Final] Brief fails to comply with the Court's order of August 21, 2020, and it should be stricken. Appellant's appeal should also be dismissed for repeated rules violations and for failure to comply with the Court's August 21, 2020 order. Appellant has a documented history within this appeal of failure to comply with the appellate court rules.⁴ Respondents also should be granted costs and fees associated with this motion and with their August 7, 2020 motion, at least.

¹ As used herein, "Respondents" refers to all respondents save the Attorney General's Office, which is separately represented.

² Respondents incorporate by reference the entirety of their filings related to the August 7, 2020 Motion to Strike and for Other Relief. Respondents renew their August 7, 2020 Motion to the extent said Motion requested dismissal, fees, and costs. The August 7 Motion resulted in the Order of August 21, 2020, which Appellant has now violated and which forms the basis for the instant Motion.

³ As part of its order, the Court denied Respondents' request for other relief, including dismissal, costs, and fees.

⁴ To date, Appellant has had to file 2 initial briefs, 2 records on appeal, and 2 final briefs. Her first initial brief was stricken via order dated July 26, 2019; her first record on appeal was stricken via order dated May 21, 2020; and her first final brief was stricken via order dated August 21, 2020.

Argument

I. APPELLANT IS IN VIOLATION OF THE COURT’S ORDER OF AUGUST 21, 2020.

The basis for Respondent’s August 7, 2020 Motion to Strike and for Other Relief was the presence of at least 33 alterations between Appellant’s Amended Initial Brief (filed August 5, 2019) and Appellant’s Final Brief (filed July 6, 2020). These alterations take the form of deleted paragraphs, altered citations, and omitted citations. (*See Chart 1* to Mot. to Strike and for Other Relief, filed August 7, 2020 (supplemental copy of Chart attached hereto as **Exhibit A**.) Each one of these alterations, standing alone, is a violation of Rule 211(b), SCACR, and in the aggregate comprise a significant violation. This Court granted Respondents’ motion to the extent of striking Appellant’s final brief and ordering her within 20 days “to serve and file a final brief that complies with Rule 211(b)...” (Order of August 21, 2020, filed in Appellate Case No. 2018-002229).

The Amended Final Brief served on September 9, 2020 does not comply with the Court’s August 21 order. A number of citations present in her amended initial brief that were removed from her final brief are still missing in her amended final brief. Specifically, Appellant has failed to correct the alterations noted at **Chart 1** Reference Nos. A5, A7, A8, A9, A18 (partial), A28 (partial), A31, A32, and A33. (*Compare* Appellant’s Am. Final Brief at pp. 8, 10, 19, 41 at n. 16, 45, 46, 47 *with* listed **Chart 1** reference numbers.) The following excerpts—from the same passage of three versions of the brief—illustrate some of Appellant’s failures to comply with the August 21 order:

- From Appellant’s Amended Initial Brief at pp. 46-7, filed August 5, 2019 (**8 citations present**) (emphasis added):

Plaintiffs knowingly engaged in the false heirs determination [**Mot. 10/30/18, p. 6**]; false claims about termination rights [*Id.*]; false claims about Buchanan and Pope; and other known false representations to the Courts, beginning before the commencement of this action, and continuing

until the appeal was filed [*Id.*, pp. 3, 9, 17]. Buchanan and Appellant were clearly damaged thereby. [*Id.* 10, 11, 18]

In addition, the fraud on the Supreme Court, following the claimed zero value of Brown’s Right of Publicity and Tangible Person Property to the IRS and the securing of an ill-gotten “refund” proximately caused injury to Defendant as required by the Code. [*Id.*, p. 10, fn 5]

Even innocent former minors have benefitted from the §62-1-106 termination rights and valuation fraud on multiple courts made on their behalf. [*Id.* at pp. 4, 7, 18]

Forlando’s Federal lawsuit, referenced in a footnote, bears no relation to Richland 4900, except that Forlando and Bell have both engaged in deception in two cases. [*Id.* at p. 9] For example, Forlando has agreed under oath that offers of \$150 Million were available in late 2008 and that the \$4.7 million claim is “bogus” while Bauknight, his (undisclosed) agent in Richland 4900, told the Supreme Court that the \$4.7 million value claim was correct. [*Id.* at pp. 10, 18] In short, Forlando and Terry have repeatedly defrauded the Court, and been supported and joined in by the Legacy

- From Appellant’s Final Brief at p. 44, filed July 6, 2020 (8 citations omitted):

Plaintiffs knowingly engaged in the false heirs determination; false claims about termination rights; false claims about Buchanan and Pope; and other known false representations to the Courts, beginning before the commencement of this action, and continuing until the appeal was filed. Buchanan and Appellant were clearly damaged thereby.

In addition, the fraud on the Supreme Court, following the claimed zero value of Brown’s Right of Publicity and Tangible Person Property to the IRS and the securing of an ill-gotten “refund” proximately caused injury to Defendant as required by the Code.

Even innocent former minors have benefitted from the §62-1-106 termination rights and valuation fraud on multiple courts made on their behalf.

Forlando’s Federal lawsuit, referenced in a footnote, bears no relation to Richland 4900, except that Forlando and Bell have both engaged in deception in two cases. For example, Forlando has agreed under oath that offers of \$150 Million were available in late 2008 and that the \$4.7 million claim is “bogus” while Bauknight, his (undisclosed) agent in Richland 4900, told the Supreme Court that the \$4.7 million value claim was correct. In short, Forlando and Terry have repeatedly defrauded the Court, and been supported and joined in by the Legacy Trust and its . . .

- From Appellant’s Amended Final Brief at p. 45, filed September 9, 2020 (**8 citations still missing, in spite of court’s order to correct Rule 211(b) violations**):

Plaintiffs knowingly engaged in the false heirs determination; false claims about termination rights; false claims about Buchanan and Pope; and other known false representations to the Courts, beginning before the commencement of this action, and continuing until the appeal was filed. Buchanan and Appellant were clearly damaged thereby.

In addition, the fraud on the Supreme Court, following the claimed zero value of Brown’s Right of Publicity and Tangible Person Property to the IRS and the securing of an ill-gotten “refund” proximately caused injury to Defendant as required by the Code.

Even innocent former minors have benefitted from the §62-1-106 termination rights and valuation fraud on multiple courts made on their behalf.

Forlando’s Federal lawsuit, referenced in a footnote, bears no relation to Richland 4900, except that Forlando and Bell have both engaged in deception in two cases. For example, Forlando has agreed under oath that offers of \$150 Million were available in late 2008 and that the \$4.7 million claim is “bogus” while Bauknight, his (undisclosed) agent in Richland 4900, told the Supreme Court that the \$4.7 million value claim was correct. In short, Forlando and Terry have . . .

Appellant was ordered to revise her brief to comply with Rule 211(b). As illustrated by the quotations above, Appellant has chosen not to obey the Court’s order.

II. APPELLANT’S AMENDED FINAL BRIEF UNDERCUTS HER PRIOR EXPLANATIONS FOR THE ALTERATIONS.

In Appellant’s initial response to Respondent’s August 7, 2020 Motion to Strike and for Other Relief, Appellant conceded the existence of the alterations but offered several excuses for them. (See Appellant’s Ret. to Mot. to Strike and For Other Relief, filed Aug. 13, 2020.) Respondents assert that Appellant’s failure to fully correct her brief—contrary to her own suggestion to the court that she would do so—undercuts Appellant’s original explanations offered by her Return and begs the question: why did counsel not simply print and file the appropriate document this time? Appellant’s failure to correct her brief, and persistence in utilizing an altered

version of her brief, highlights Respondents' original contention that Appellant's actions follow a pattern of disregard for the rules of appellate procedure.

III. APPELLANT ATTEMPTED TO SHIFT TO RESPONDENTS THE BURDEN OF COMPLIANCE WITH THE COURT'S ORDER.

Appellant's counsel attempted to shift the burden for the integrity of her revised brief (and her requirement to comply with the Court's order) to counsel for Respondents through an email exchange of September 7 and 8, 2020. *See* email exchange, attached hereto as **Exhibit B**. However, the Court's Order of August 21, 2020 is clear: *Appellant* is responsible for submitting a brief that complied with both Rule 211(b) and the Court's order. Appellant's counsel's effort to shift the burden of compliance with this Court's order to Respondents' counsel is evidence of Appellant's intent not to comply with the order; her filed amended final brief proves that she carried out her intent not to comply. Her actions are no accident or inadvertence.

Conclusion

Appellant has been given ample chances to conform her conduct to the Rules, and she has not done so. For the reasons stated above, Respondents respectfully request the Court strike Appellant's Amended [Final] Brief. And for these reasons, and the additional reasons stated in their motion of August 7, 2020, Respondents request the Court dismiss this appeal, *see* Rule 260(a), SCACR, and grant fees and costs for the instant Motion and the Motion of August 7, 2020, *see* Rule 222(a), SCACR.⁵

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⁵ This Motion is filed without prejudice to Respondents' Petition for a Rule to Show Cause (filed September 18, 2020).

Respectfully submitted,

s/ Mark V. Gende

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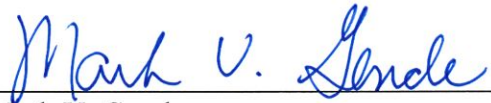
ATTORNEYS FOR RESPONDENTS

Columbia, South Carolina
September 18, 2020

VERIFICATION

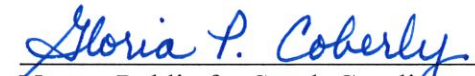
The foregoing Petition, and the facts stated therein, are true to the best of my knowledge, information, and belief. I am over 18 years of age and competent to testify concerning matters in this Petition. I am counsel of record for Respondents in the above-captioned appeal and the underlying civil action.

FURTHER AFFIANT SAYETH NOT.



Mark V. Gende

SWORN TO and subscribed before me
this 18th day of September, 2020.



Notary Public for South Carolina
My Commission Expires: 4/24/2022

CHART 1

<u>Alteration Reference No. for Chart 2</u>	<u>Page</u> (Initial ; Final)	<u>Initial Amended Brief</u>	<u>Final Brief</u>	<u>Comment</u>
A1	1 at n. 1 ; 1 at n. 1	<p>¹In this brief and citations to the record, this Case, Richland County Case 2010-CP-40-4900 , may be referred to as "Richland 4900", Richland 4900 Plaintiffs other claimed members of James Brown's family will be referred to by their first names to avoid confusion. The full names of all except grandson Forlando are set out in the R4900 complaint, which may be abbreviated "Comp." [Comp, p.1] R4900 Defendants Robert Buchanan, Jr. and Adele Pope may be reference as "B&P". References to the record may shorten Plaintiffs to "Pl" and Defendant or Defendants to "D," and terms such as motion (Mot) and others may be similarly shortened. R4900 Plaintiff James Brown Legacy Trust is referenced herein as "Legacy Trust;" The Motion to Alter, etc. Ord. Dropping AG as a Party filed 7/19/17 is "Mot. 7/19/17;" Return to Motion to Strike of 11/20/18 is "Mot. 11/20/18; and Supplemental Motion filed 10/30/18 is "Mot. 10/20/18."</p>	<p>¹In this brief and citations to the record, this Case, Richland County Case 2010-CP-40-4900, may be referred to as "Richland 4900". Richland 4900 Plaintiffs other claimed members of James Brown's family will be referred to by their first names to avoid confusion. The full names of all except grandson Forlando are set out in the R4900 complaint, which may be abbreviated "Comp." [R 215] R4900 Defendants Robert Buchanan, Jr. and Adele Pope may be referenced as "B&P". References to the record may shorten Plaintiffs to "Pl" and Defendant or Defendants to "D," and terms such as motion (Mot) and others may be similarly shortened. R4900 Plaintiff James Brown Legacy Trust is referenced herein as "Legacy Trust."</p>	FN is shortened
A2	2-3 at n. 2; 2 at n. 2	<p>²Ords, Early, 1/23/17, pp. 1-16 [R., p.]; 1/23/17 (Larry), pp. 1-2 [R., pp.]; 1/24/17, pp. 1-2 [R., pp.]; 2/6/17, pp. 1-2 [R., pp.]; 3/7/17, pp. 1-2; [R., pp.]; 3/9/17, pp. 1-2 (Tommie Rae) [R., pp.]; 3/9/17 (Seal), pp. 1-2; [R., pp.]; 6/6/17, pp. 1-2 [R., pp.]; 12/6/17, pp. 1-5 [R., pp.]; 4/8/16, pp, 1-2 [R., pp.]; 7/15/16, pp. 1-2 [R., pp.]; 7/25/16, pp. 1-2 [R., pp.]; 9/13/16, pp. 1-2 [R. pp.]; 9/21/16; pp. 1-3 [R., pp.]; 11/22/16, p. 1 [R., p.]; 12/27/16, pp. 1-2 [R., pp]; Ords, Mann. 11/8/10 (Venue), pp. 1-6 [R., pp.]; 1/7/11, pp. 1-2 [R., pp.]; 10/5/12, pp. 1-3 [R., pp.]; 7/13/12, pp. 1-2 [R., pp.]; 7/5/12, pp. 1, 3 [no page 2] [R., pp.]; 10/13/15, pp. 1-2 [R., pp.]; 3/2/16, pp. 1-2 [R., pp.].</p>	<p>² See Notice of Appeal on file herein, with exhibits.</p>	FN is shortened

CHART 1

A3	3 ; 3	The Legacy Trust "[r]eceives all assets, royalties, tangible and intangible property," and distributes income and assets according to its ownership interests. [Pl. Memo Opp. (Venue), 8/27/10, pp. 2, Exhibit A, p. 41][R., pp.] Plaintiff Legacy Trust is 75% controlled by the AG and Tommie Rae, but the AG has the right to remove and replace its trustee, Bauknight, at will. [Memo, Venue, 8/27/10, p. 2][R., p.] Mot., 10/30/18, p. 6 [R.p.]	The Legacy Trust "[r]eceives all assets, royalties, tangible and intangible property," and distributes income and assets according to its ownership interests. [R. 1409] Plaintiff Legacy Trust is 75% controlled by the AG and Tommie Rae, but the AG has the right to remove and replace its trustee, Bauknight, at will. [R. 1409; <i>Wilson</i>]	Citation altered by half
A4	4 ; 4	[Bauk, Depos., 8/20/13, pp. 37-38; Ret. 10/29/18, p. 1; Mot., 10/30/18, pp. 1, 9] When Brown's daughter Venisha died in September 2018, her estate became the owner of her 4.79% Legacy Trust share. Mot. 10/30/18, pp 2, 16, 17 [R., pp.] Motions to correct the parties as to these and other	[R. 1467] When Brown's daughter Venisha died in September 2018, her estate became the owner of her 4.79% Legacy Trust share. Motions to correct the parties as to these and other changes were	Citation removed
A5	6 ; 5	On May 8, 2013 the Supreme Court voided the AG's settlement in its final decision in <i>Wilson, supra</i> . [Brief dtd. 4/23/09] The decision also voided Bauknight's appointments as Brown's	On May 8, 2013 the Supreme Court voided the AG's settlement in its final decision in <i>Wilson, supra</i> . The decision also voided Bauknight's appointments as Brown's PR/Trustee under	Citation removed
A6	12; 10	[Mot. 10/30/18, p. 14] Several Richland 4900 Plaintiffs appealed the order. [<i>Id.</i>]	Several Richland 4900 Plaintiffs appealed the order. See <i>Brown v. Sojourner</i> , S.C. Sup. Ct. Op. No. 27982 (June 17, 2020).	Citation altered to <i>Brown v. Sojourner</i>
A7	12 ; 10	On May 8, 2015 the Aiken Court delivered a status report to the Supreme Court at the request of the Court. [Mot. 10/30/18, p. 14] Buchanan and Appellant were not asked to respond and did not. [Mot., 10/30/18, p. 14, Ftn. 4]	On May 8, 2015 the Aiken Court delivered a status report to the Supreme Court at the request of the Court. [R. 1543] Buchanan and Appellant were not asked to respond and did not.	Citations (2) altered/ removed
A8	12 ; 10	On October 13, 2015 the Circuit Court again exempted individual Plaintiffs from the October 22 mediation and declined to appoint GALs. [Ord. dtd. 10/13/15, pp. 1, 2] No settlement was reached. [Proof ADR, 10/15, p. 1; Aff. Pope, 3/7/16, pp. 3,4]	On October 13, 2015 the Circuit Court again exempted individual Plaintiffs from the October 22 mediation and declined to appoint GALs. [R. 141-2] No settlement was reached.	Citation removed
A9	12 ; 10	By order dated March 2, 2016 the Circuit Court stayed Richland 4900. [Ord. dtd. 3/2/16] Appellant moved for reconsideration. [Mot. Filed 3/8/16; Aff. 3/7/16]	By order dated March 2, 2016 the Circuit Court stayed Richland 4900. [R. 147] Appellant moved for reconsideration.	Citation removed

CHART 1

A10	13 ; 11	On September 12, 2017, Appellant appealed the order granting the AG's motion to be dropped; the order preventing the AG's deposition; and other orders. [Notice of Appeal, w/ orders]	On September 12, 2017, Appellant appealed the order granting the AG's motion to be dropped; the order preventing the AG's deposition; and other orders. See Appellate Case No. 2017-001899, pending in this Court.	Citation altered
A11	13-14 ; 11	On December 6, 2017, the Circuit Court denied Appellant's motion to lift the stay imposed by the appeal, stating: "The Orders on appeal here are wide-ranging, [a]ffecting both the inclusion-exclusion of parties to the suit and to the right of the attorneys to represent those parties." [Order filed 12/6/17, p. 2]	n/a	paragraph appears in Initial Amended Brief that does not appear in Final Brief
A12	17 ; 15	They knew they would have to share termination rights with Tommie Rae if she were Brown's spouse, but there was strong evidence that she was not. [Aff. Pope 8/21/12, pp. 1-5]	They knew they would have to share termination rights with Tommie Rae if she were Brown's spouse, but there was strong evidence that she was not.	Citation removed
A13	18 ; 16	the AG's (New) Charity for their education. [2008 Agrmt.] They did it so they would get about \$1 million a year and a quarter of Brown's music empire for themselves. [Aff. B. Bauk, Ex. A, p. 1]	their education. [R. 1311-4] They did it so they would get about \$1 million a year and a quarter of Brown's music empire for themselves.	Citation removed
A14	19 ; 17	McMaster would carefully oversee the operation of Plaintiff Legacy Trust and protect the needy student beneficiaries James Brown intended to benefit. [Pl. Memo, 8/27/10, Ex. A, pp. 38-40] in fact, neither then-AG McMaster nor AG Wilson would know anything about Brown's estate plan	McMaster would carefully oversee the operation of Plaintiff Legacy Trust and protect the needy student beneficiaries James Brown intended to benefit. In fact, neither then-AG McMaster nor AG	Citation removed
A15	19 ; 18	By September 2009 the AG and settling parties, through Bauknight, were using Brown's fortune to lodge a vitriolic attack on Buchanan and Pope. [Ltr., Buchanan and Pope to Klett; Aff. Pope 6/2/11, pp. 2-6; Aff. Pope 11/8/17, pp. 10-12] The attacks continued until this appeal was filed. [Aff. Pope 11/8/17, pp. 10-12]	By September 2009 the AG and settling parties, through Bauknight, were using Brown's fortune to lodge a vitriolic attack on Buchanan and Pope. [R. 1342-5] The attacks continued until this appeal was filed.	Citation removed

CHART 1

A16	20 ; 18	By October 2009, with the stay of Buchanan's and Pope's appeal lifted, and an order preventing their payment for the appeal secured, Bauknight and a dozen lawyers were managing Brown's music empire for the Legacy Trust beneficiaries. [Memo 8/29/16 (Re: Depos, AG)]	By October 2009, with the stay of Buchanan's and Pope's appeal lifted, and an order preventing their payment for the appeal secured, Bauknight and a dozen lawyers were managing Brown's music empire for the Legacy Trust beneficiaries.	Citation removed
A17	21 ; 19	11/5/12, p. 4] The projected cost for this project, already in place pursuant to a March 8, 2008 order, was thousands, not millions, of dollars. [Ord. 3/8/08]	rights. [R. 1477-88; 815-817] The projected cost for this project, already in place pursuant to a March 8, 2008 order, was thousands, not millions, of dollars.	Citation removed
A18	21 ; 19	The acknowledged children agreed to stipulate that Tommie Rae was Brown's spouse despite strong evidence to the contrary. [Email, Pope to Levenson, 11/5/12; Depos., Deanna, pp 65-68] They also knew that James was the only claimed child born in the twenty years between Brown's vasectomy and his death and had refuse a paid-for \$300 DNA test. [Email, Pope to Levenson, 11/5/12, p. 4] But they agreed to stipulate that he was an heir. [2008 Agmt.]	The acknowledged children agreed to stipulate that Tommie Rae was Brown's spouse despite strong evidence to the contrary. They also knew that James was the only claimed child born in the twenty years between Brown's vasectomy and his death and had refuse a paid-for \$300 DNA test. But they agreed to stipulate that he was an heir. [R. 1311-4]	Citations (2) removed
A19	24 ; 22	In December 2010 the AG and settling parties presented a single brief in <i>Wilson v. Dallas</i> . They did not disclose the \$4.7 million valuation. [Ret. To. Mot. Protective Ord., Ex. A, p. 1]	In December 2010 the AG and settling parties presented a single brief in <i>Wilson v. Dallas</i> . They did not disclose the \$4.7 million valuation.	Citation removed
A20	24 ; 22	In 2011 the AG, and Bauknight "on behalf of" the AG, began to accuse Buchanan and Pope	In 2010 the AG, and Bauknight "on behalf of" the AG, began to accuse Buchanan and Pope	Date changed
A21	29 ; 27	On July 28, 2018 Daryl Brown made an attempt in Aiken County to receive a distribution of assets he put in the Legacy Trust prior to bringing Richland 4900. [Aff. Daryl Brown. 8/28/18]	n/a	Paragraph appears in Initial Amended Brief that does not appear in Final Brief

CHART 1

A22	32 ; 30	The AG and Bauknight, who claimed to be acting for the "I Feel Good" Trust, had the duty to <i>defend</i> this false claim against Buchanan and Pope - not bring it. [Mot., 10/30, 18, pp. 7 - 17]	The AG and Bauknight, who claimed to be acting for the "I Feel Good" Trust, had the duty to defend this false claim against Buchanan and Pope - not bring it.	Citation removed
A23	34 ; 32	millions of dollars for the Legacy Trust and "on behalf of" the AG to continue to attack Buchanan and Pope increased the damage to both Buchanan and Appellant. [Mot. 10/30/18, pp. 9, 16, 19]	millions of dollars for the Legacy Trust and "on behalf of" the AG to continue to attack Buchanan and Pope increased the damage to both Buchanan and Appellant.	Citation removed
A24	35 ; 32	The action of SWB and Bauknight claiming to act "on behalf of the AG" was exacerbated by the years spent concealing the SWB contract; interfering in FOIA cases to prevent its release [Mot. 10/30/18, pp. 11, 12, 16]; and standing in the way of a deposition of Governor McMaster, where he would confirm that he did not authorize SWB to file suit in the name of the State/AG or Bauknight to act "on behalf of" the AG. [Mot., 10/30/18, p. 18]	The action of SWB and Bauknight claiming to act "on behalf of the AG" was exacerbated by the years spent concealing the SWB contract; interfering in FOIA cases to prevent its release; and standing in the way of a deposition of Governor McMaster, where he would confirm that he did not authorize SWB to file suit in the name of the State/AG or Bauknight to act "on behalf of" the AG.	Citations (2) removed
A25	35 ; 33	concealed his role as he took the opposite position in Federal Court, and, trading on the wide reach of Cannon and Dallas, planted the false Grammy (c) claim with an Atlanta firm. [Mot. 10/30/18, p. 3, n. 2] [R., p.]	concealed his role as he took the opposite position in Federal Court, and, trading on the wide reach of Cannon and Dallas, planted the false Grammy © claim with an Atlanta firm.	Citation removed
A26	38 ; 35	statutory requirement that it be brought in Aiken County. The complaint should have been dismissed in 2010. [Mot. 10/30/18, p. 19]	statutory requirement that it be brought in Aiken County. The complaint should have been dismissed in 2010.	Citation removed
A27	41 at n. 15 ; 38 at n. 15	¹⁵ The lower Court's Order Approving Settlement Agreement specifically noted that the "court ha[d] not heard the [removal action] pending the settlement approval." (May 26, 09 Order at 9).	¹⁵ The lower Court's Order Approving Settlement Agreement specifically noted that the "court ha[d] not heard the [removal action] pending the settlement approval."	Citation removed

CHART 1

A28	42-43 at n. 16 ; 40 at n. 16	<p>¹⁶Any comparison to the Forlando case is further complicated by the fact that Bauknight's service to the 2000 Trust was declared void by the Supreme Court. [Mot. 10/30/18, p. 11][R., p.]; that he served as agent for Terry Brown from 2010 in Richland 4900, and secretly became the agent for Forlando in January 2011 [<i>Id.</i> at 13][R. p.]; that he condoned Forlando's false statements to Judge Bertelsman in the Forlando Suit, including the false claim that Forlando had no assets, when he owned nearly 1/25 of the 2000 Trust, which had been enhanced from about 1/300 by the Bauknight/Afterman \$79 million devaluation to \$4.7 million. [<i>Id.</i> at 7][R. p.] that Bauknight withdrew the 2000 Trust's claims against Forlando for legal fees for his 4-year attempt to reinstate felon Cannon and his co-trustee Dallas as trustees of the 2000 Trust. [<i>Id.</i> at 13] that in his August 2013 deposition Bauknight claimed that Appellant had "raped" the estate of James Brown' that Terry had not transferred his interest to Forlando; that Appellant was not truthful; and that Forlando had done nothing wrong in his 4-year effort to reinstate Cannon and Dallas as trustees of the 2000 Trust. [<i>Id.</i>] It is further complicated by the fact that Bauknight and SWB continue to act for Forlando/Terry in Richland 4900 after Terry's transfer to Forlando; after John Donsbach, Esq., appeared for Terry/Forlando; and even after Donsbach was "terminated" by Terry/Forlando, a device Terry and Forlando, aligned with Cannon and Dallas, have used to</p>	<p>¹⁶Any comparison to the Forlando case is further complicated by the fact that Bauknight's service to the 2000 Trust was declared void by the Supreme Court; that he served as agent for Terry Brown from 2010 in Richland 4900, and secretly became the agent for Forlando in January 2011; that he condoned Forlando's false statements to Judge Bertelsman in the Forlando Suit, including the false claim that Forlando had no assets, when he owned nearly 1/25 of the 2000 Trust, which had been enhanced from about 1/300 by the Bauknight/Afterman \$79 million devaluation to \$4.7 million; that Bauknight withdrew the 2000 Trust's claims against Forlando for legal fees for his 4-year attempt to reinstate felon Cannon and his co-trustee Dallas as trustees of the 2000 Trust; that in his August 2013 deposition Bauknight claimed that Appellant had "raped" the estate of James Brown' that Terry had not transferred his interest to Forlando; that Appellant was not truthful; and that Forlando had done nothing wrong in his 4-year effort to reinstate Cannon and Dallas as trustees of the 2000 Trust. It is further complicated by the fact that Bauknight and SWB continue to act for Forlando/Terry in Richland 4900 after Terry's transfer to Forlando; after John Donsbach, Esq., appeared for Terry/Forlando; and even after Donsbach was "terminated" by Terry/Forlando, a device Terry and</p>	Citations (6) removed
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CHART 1

A29	44 ; 42	this action related to the alleged "judicially created conflict" of SWB, which has been sole counsel of record for all Plaintiffs since the commencement of this case. [Ltr. of Gende, dtd. 3/27/13] As	this action related to the alleged "judicially created conflict" of SWB, which has been sole counsel of record for all Plaintiffs since the commencement of this case. As a result of their counsel's	Citation removed
A30	45 ; 42	on August 18, 2016. [Mot. Alt, , pp. 3, 4, 5] Other Respondents have refused to show up for properly noticed depositions and others have yet to be scheduled and taken. [Non-Appearance, Venisha, pp. 1-3, Legacy Tr., pp. 1-3] Indeed, discovery in this action was begun anew by Order	Other Respondents have refused to show up for properly noticed depositions and others have yet to be scheduled and taken. Indeed, discovery in this action was begun anew by Order of	Citations (2) removed

CHART 1

A31	46-47 ; 44	<p>Plaintiffs knowingly engaged in the false heirs determination [Mot. 10/30/18, p. 6]; false claims about termination rights [<i>Id.</i>]; false claims about Buchanan and Pope; and other known false representations to the Courts, beginning before the commencement of this action, and continuing until the appeal was filed [<i>Id.</i> , pp. 3, 9, 17]. Buchanan and Appellant were clearly damaged thereby. [<i>Id.</i> , 10, 11, 18] In addition, the fraud on the Supreme Court, following the claimed zero value of Brown's Right of Publicity and Tangible Person Property to the IRS and the securing of an ill-gotten "refund" proximately caused injury to Defendant as required by the Code. [<i>Id.</i> , p. 10, ftn 5] Even innocent former minors have benefitted from the §62-1-106 termination rights and valuation fraud on multiple courts made on their behalf. [<i>Id.</i> at pp. 4, 7,18] Forlando's Federal lawsuit, referenced in a footnote, bears no relation to Richland 4900, except that Forlando and Bell have both engaged in deception in two cases. [<i>Id.</i> at p.9] For example, Forlando has agreed under oath that offers of \$150 Million were available in late 2008 and that the \$4.7 million claim is "bogus" while Bauknight, his (undisclosed) agent in Richland 4900, told the Supreme Court that the \$4.7 million value claim was correct. [<i>Id.</i> at pp. 10, 18] In short, Forlando and Terry have repeatedly defrauded the Court, and been supported and joined in by the Legacy Trust and its Beneficiary Plaintiffs, including with the false Grammy Claim; have benefitted from</p>	<p>Plaintiffs knowingly engaged in the false heirs determination; false claims about termination rights; false claims about Buchanan and Pope; and other known false representations to the Courts, beginning before the commencement of this action, and continuing until the appeal was filed. Buchanan and Appellant were clearly damaged thereby. In addition, the fraud on the Supreme Court, following the claimed zero value of Brown's Right of Publicity and Tangible Person Property to the IRS and the securing of an ill-gotten "refund" proximately caused injury to Defendant as required by the Code. Even innocent former minors have benefitted from the §62-1-106 termination rights and valuation fraud on multiple courts made on their behalf. Forlando's Federal lawsuit, referenced in a footnote, bears no relation to Richland 4900, except that Forlando and Bell have both engaged in deception in two cases. For example, Forlando has agreed under oath that offers of \$150 Million were available in late 2008 and that the \$4.7 million claim is "bogus" while Bauknight, his (undisclosed) agent in Richland 4900, told the Supreme Court that the \$4.7 million value claim was correct. In short, Forlando and Terry have repeatedly defrauded the Court, and been supported and joined in by the Legacy Trust and its</p>	Citations (8) removed
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CHART 1

A32	47 ; 45	Trust and its Beneficiary Plaintiffs, including with the false Grammy Claim; have benefitted from the fraud; and Buchanan and Appellant have been damaged. [<i>Id.</i> at 10-18] The AG has joined, with knowledge of its falsity, the false \$4.7 million claim to the Supreme Court and other Courts. [<i>Id.</i> at pp. 10, 11] From January 2011 until after the <i>Wilson</i> decision in 2013 Respondents all secreted from the Court the SWB contract and made false statements about its contents. [<i>Id.</i> at 10-12]	Beneficiary Plaintiffs, including with the false Grammy Claim; have benefitted from the fraud; and Buchanan and Appellant have been damaged. The AG has joined, with knowledge of its falsity, the false \$4.7 million claim to the Supreme Court and other Courts. From January 2011 until after the <i>Wilson</i> decision in 2013 Respondents all secreted from the Court the SWB contract and made false statements about its contents.	Citations (3) removed
A33	49 ; 46	Court of the announced intention to reinstate the 2008 settlement. [Status Report, pp. 1-6] The Circuit Court has issued numerous orders which advance the May 29, 2013 announced intention to dismember James Brown's estate plan. [Notice of Appeal, all Exhs.] This has deprived Buchanan	intention to reinstate the 2008 settlement. [R. 1543-5] The Circuit Court has issued numerous orders which advance the May 29, 2013 announced intention to dismember James Brown's estate plan.	Citation removed

From: [Adam Silvernail](#)
To: [Mark V. Gende](#)
Cc: [Ken B. Wingate](#); [Aaron J. Hayes](#); [Adele Pope](#); [Charles Carpenter](#); [Daryl Williams](#); [Jeff Smith](#)
Subject: Re: Bauknight v. Pope, Appellate Case No. 2018-2229
Date: Wednesday, September 09, 2020 9:47:38 AM

Dear Mark:

I am disappointed that you find my invitation to avoid needless motions practice to be a 'burden.' As you recall, you sifted through our previous brief to locate every single change; made no attempt at contacting me or any other counsel for Mrs. Pope to resolve the issues; and filed a motion 30 days later, accusing us of an elaborate scheme to manipulate the Court of Appeals by omission of certain citations to a document which was still cited multiple times in the brief.

Because we anticipate that you will once again carefully review our brief to see if you can find any matter with which to take issue, I thought we might be united in allowing that review prospectively, rather than burdening your clients, mine, and especially the Court with another completely avoidable round of motions practice. Given your unwillingness to collaborate, however, I will proceed with filing and serving the brief; I trust you will find upon your later review that it addresses all points noted in your motion.

Take care.

Adam

On Wed, Sep 9, 2020 at 8:59 AM Mark V. Gende <MVG@swblaw.com> wrote:

Adam:

I decline your invitation to shift the burden for the integrity of your brief from yourself and the other attorneys working on this matter for Mrs. Pope to us.

Mark V. Gende, Esq.

Sweeny, Wingate, & 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, September 08, 2020 3:33 PM

To: Mark V. Gende <MVG@swblaw.com>; Ken B. Wingate <KBW@swblaw.com>

Subject: Bauknight v. Pope, Appellate Case No. 2018-2229

Dear Mark and Ken:

Attached please find a PDF of our Amended Final Brief. I ask that you confirm everything addressed in your motion to strike has been addressed, so that we can put this matter to bed.

Note that there are a handful of citations from the initial brief to documents which did not end up in the Record, possibly because of the same issue which led to the incorrect final brief in the first place. I have reverted those to the original references.

These items were included in your chart but unmentioned in your motion, which appears primarily preoccupied with the omitted references to the Supplemental Motion.

I intend to file this before the close of business tomorrow, so I ask that you let me know if you see any issue before 4 o'clock tomorrow.

Adam

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

Sep 18 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 September 18, 2020 I served Respondents' Motion to Strike Amended Brief of Appellant and Renewed Motion to Dismiss Appeal by depositing a copy of it in the United States Mail, postage prepaid, and by e-mailing a copy of the same, to the following attorneys of record:

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s/ Mark V. Gende

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Columbia, South Carolina

September 18, 2020



SWEENEY WINGATE & BARROW P.A.

September 18, 2020

Reply to: Main Office

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The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

Re: *Russell L. Bauknight, et al. v. Adele J. Pope*
Appellate Case No. 2018-02229
Our File: 4077-7389

RECEIVED
Sep 18 2020
SC Court of Appeals

Dear Ms. Kitchings:

Enclosed please find our firm's check for \$100.00, which represents the motion filing fees of Respondents' Motion to Strike Appellant's Amended [Final] Brief, Renewed Motion to Dismiss, and Motion for Costs and Fees; and Petition for a Rule to Show Cause, both of which were e-filed on September 18, 2020.

Sincerely,

SWEENEY, WINGATE & BARROW, P.A.


Mark V. Gende

MVG/gpc

Enclosure

cc: Counsel of Record