

# EXHIBIT A



SWEENEY WINGATE & BARROW P.A.

April 27, 2015

Reply to: Main Office

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Honorable L. Casey Manning, Jr.  
Circuit Court Judge  
Richland Judicial Center  
1701 Main Street, Room 214 (2nd Floor)  
Post Office Box 192  
Columbia, SC 29202-0192

RE: Russell L. Bauknight, et al. v. Adele J. Pope  
Civil Action No.: 2010-CP-40-04900  
Our File: 4077-7389

Dear Judge Manning:

I am writing to disagree with the characterization in Mr. Adam Silvernail's April 21, 2015 correspondence complaining of undue delay on the part of this Court in hearing motions related to Mrs. Adele Pope's FOIA matters.

I have expressed both in memoranda and open court the belief that Mrs. Pope's FOIA requests are merely efforts to secure through FOIA that to which she may not be entitled through discovery in case 4900. Therefore, this Court has acted appropriately in holding her FOIA matters in abeyance until the discovery issues in case 4900 can be heard and resolved.

I have also represented on numerous occasions the case 4900 plaintiffs' position that due to the South Carolina Supreme Court's *Wilson v. Dallas* decision, we are judicially conflicted from proceeding with case 4900, because *Wilson v. Dallas* had the effect of making some of my clients adverse to one another in the Aiken will contest matters.

In an effort to resolve all issues involving Mrs. Pope, including her FOIA matters, my clients waived this judicially created conflict for the one-time opportunity to engage in mediation ordered by Judge Early and yourself. However, even that mediation is now being held in abeyance due to the Supreme Court's recent intervention.

The net effect of all of this is that case 4900 has been in the posture of an effective stay since the *Wilson v. Dallas* opinion and must remain in that posture until the Aiken matters are resolved.

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Mr. Silvernail points to Mr. Bauknight's recent dismissal of an appeal of Judge Griffith's denial of the right to intervene in the separate FOIA action of Mrs. Sue Summer, a long-time, close friend of Mrs. Pope. Mr. Silvernail for some reason believes that dismissal proves the motions to intervene in Mrs. Pope's FOIA actions are improper.

What Mr. Silvernail does not tell you is that Mr. Bauknight voluntarily dismissed that appeal only after the attorney general's office released the documents that were at issue, thus mooting the controversy, as the Supreme Court properly found. Therefore, Mr. Silvernail's self-serving characterization that the dismissal demonstrates the motions to intervene in Mrs. Pope's FOIA actions are inappropriate is simply wrong, as a matter of fact and law.

Because of the complex procedural posture of all of the related James Brown cases and the effect on these cases of decisions and deliberations of the Supreme Court and at least two circuit courts, I strongly disagree with Mr. Silvernail's characterization that somehow this Court is unduly delaying his client's FOIA matters.

Respectfully,

**SWEENEY, WINGATE & BARROW, P.A.**



Mark V. Gende

MVG/ljm

CC: Adam T. Silvernail, Esquire  
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