

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
FIRST JUDICIAL DISTRICT
PROBATE DIVISION

In the Matter of:

Court File No. 10-PR-16-46
Judge Kevin W. Eide

Estate of Prince Rogers Nelson,

Decedent.

**THE PERSONAL REPRESENTATIVE'S
RESPONSE TO MOTIONS TO QUASH
SUBPOENA DUCES TECUM TO
L. LONDELL MCMILLAN**

Comerica Bank & Trust, N.A., as Personal Representative of the Estate of Prince Rogers Nelson (the "Personal Representative"), respectfully submits this response to the motions filed by L. Londell McMillan and Sharon Nelson, Norrine Nelson, and John Nelson to quash the subpoena duces tecum issued to Mr. McMillan (the "Subpoena") by Omarr Baker.

The Subpoena seeks five categories of documents from Mr. McMillan. With respect to four of the five categories (seeking records related to Mr. McMillan's dealings with the Non-Excluded Heirs), the Personal Representative takes no position on the motions to quash. The Personal Representative, however, opposes the motions to the extent that they seek to prevent Mr. McMillan from being required to respond to the following requests for records in the subpoena:

4. All documents sent to or received by any Music Business Entity relating to Prince Rogers Nelson. ("Request No. 4")

In analyzing a request for discovery, Minnesota Rule of Civil Procedure 26.01(b) requires the Court to consider relevancy, the benefit of the proposed discovery, proportionality, and burden and expense. *See also* Minn. R. Civ. P. 45.03(a) (requiring a person serving a subpoena

to take “reasonable steps to avoid imposing undue burden or expense on a person subject to a subpoena”). Consideration of these factors establishes that the Court should deny the motions to quash as to Request No. 4.

First, the information requested—documents exchanged with any Music Business Entity (defined as an entity in the music business) related to the Decedent and the Estate—is plainly relevant to the Objections filed by Mr. Baker. Indeed, Mr. McMillan acknowledged as much when he filed a motion to intervene in this proceeding on May 2, 2017 based on his purported “substantial interest” in the Court’s ruling on the Special Administrator’s request for a discharge.

The documents sought in Request No. 4 will also be of substantial benefit to the Personal Representative. Specifically, the Court in its April 5, 2017 Order directed the Personal Representative to investigate the Jobu Presents transaction, including the commission received by Mr. McMillan. As a result, if Mr. McMillan does not produce documents related to Jobu Presents in response to Mr. Baker’s subpoena, the Personal Representative will be forced to separately subpoena such records. Additionally, in light of concerns raised by two of the Estate’s entertainment partners regarding the scope of rights granted in entertainment transactions negotiated by Mr. McMillan and Charles Koppelman, the Personal Representative needs all records related to those negotiations to continue analyzing the Estate’s rights and obligations.

Finally, Request No. 4 is proportional to the matters at issue in this case, and the benefits to the Estate far outweigh any burden or expense. The Request is limited by time from documents after April 2016 and to a single subject—communications with music entertainment partners and potential music entertainment partners of the Estate. And while Mr. McMillan may incur some expense associated with the production, Mr. McMillan earned millions of dollars in

his role as an advisor for the Special Administrator. Having been retained by the Estate and paid a substantial amount for his services, Mr. McMillan should not be surprised that persons associated with the Estate would seek information reasonably related to those services.

Dated: May 3, 2017

/s/ Joseph J. Cassioppi

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