

**STATE OF MINNESOTA
COUNTY OF CARVER**

**DISTRICT COURT
FIRST JUDICIAL DISTRICT
PROBATE DIVISION**

In Re: Estate of:

Court File No. 10-PR-16-46

Prince Rogers Nelson,

Deceased.

**SCHEDULING ORDER &
MEMORANDUM**

On November 25, 2019, the Minnesota Court of Appeals issued a decision in connection with their files A19-0503 and A19-0507 affirming in part, reversing in part, and remanding this Court's March 11, 2019 Order for consideration of the factors set forth in *Dahlberg Bros., Inc. v. Ford Motor Co.*, 137 N.W.2d 314 (Minn. 1965). On November 27, 2019, this Court issued its Order for Submissions on Remanded *Dahlberg* Issues, inviting counsel for appellants and respondent in the appellate files to submit, if desired, any memoranda with regard to the remanded *Dahlberg* issues by December 20, 2019. Submissions were received from appellants and respondent and have been considered by the Court. Based upon the decision of the Court of Appeals and the submissions of the parties, the Court believes the best approach going forward is to set these matters on for an evidentiary hearing.

Now therefore, based upon the file and proceedings herein and arguments of counsel, the Court makes the following:

ORDER

1. Paragraphs 2, 3, and 4 of the Court's Order & Memorandum on Second Special Administrator's Motion for return of Fees filed March 11, 2019 with respect to an immediate refund of compensation received as a result of the terminated Jobu transaction and rescinded UMG transaction are hereby vacated.

2. This matter shall be scheduled for an evidentiary hearing before the undersigned on what, if any, compensation the Advisors are entitled to retain from the rescinded UMG transaction on April 28, 2020 beginning at 1:30 p.m. and on April 30, 2020 beginning at 8:30 a.m. Additional time for testimony shall be scheduled, if necessary on April 30, 2020.

3. Prior to March 31, 2020, the Second Special Administrator, the Personal Representative NorthStar Enterprises Worldwide, Inc. (hereinafter “NorthStar”) and CAK Entertainment, Inc. (hereinafter “CAK”) shall attempt to mediate a settlement to the dispute over the return of funds paid to Northstar and CAK as commissions received from the terminated Jobu transaction and the rescinded UMG transaction.

BY THE COURT:

Date: December 31, 2019

Kevin W. Eide
Judge of District Court

NOTICE: A true and correct copy of this Order/Notice has been served by EFS upon the parties. Please be advised that orders/notices sent to attorneys are sent to the lead attorney only.

MEMORANDUM

The Second Special Administrator has suggested that an argument over whether the *Dahlberg* factors weigh in favor of the return of funds from NorthStar and CAK in not in the best interest of the parties or judicial economy. The Court agrees.

The Court acknowledges there is a separate proceeding regarding the Jobu transaction and the Court will allow that proceeding to go forward and resolve the obligations of all parties relating to that transaction.

The Court is scheduling an evidentiary hearing with respect to the legal obligation of NorthStar and CAK to return all or part of the funds paid to Northstar and CAK as compensation received from the rescinded UMG transaction.

The Court acknowledges that an argument can be made that NorthStar and CAK should be entitled to some amount of compensation for their efforts to negotiate the agreement between the Estate and UMG that was ultimately rescinded. The Court hereby orders the parties to mediate the resolution of this dispute, as to Jobu and UMG or either one, in an effort to reach an agreement that is acceptable to the parties and to save the parties the cost of litigating this evidentiary hearing. The parties may have attempted mediation in this matter previously. However, the parties are now on the brink of the evidentiary hearing and have the benefit of the Court of Appeals analysis. Hopefully mediation can be successful at this time.

K.W.E.