



June 21, 2017

Hon. Kevin W. Eide
Judge of District Court
Carver County Courthouse
604 East Fourth Street
Chaska, MN 55318

**Re: In re the Estate of Prince Rogers Nelson
Court File No. 10-PR-16-46**

Dear Judge Eide:

I write in response to your request for proposed schedules for discharging Bremer Trust. Thank you for giving us the opportunity to be heard on this issue.

As the Court is aware, Bremer Trust served the Estate well for approximately ten months. Bremer Trust transitioned administration to Comerica nearly five months ago and would like to bring finality to its service. Not only will a discharge benefit Bremer Trust, but it will benefit the Estate as a whole by reducing the total amount of attorneys' fees being expended by it each month by fiduciaries and their counsel.

There are only two relevant issues that were not already before the Court when it discharged Bremer Trust on April 5, 2017. Those are certain new allegations relating to the tribute concert and the proposed rescission of the UMG Agreement. If Bremer Trust acted in good faith in both of those scenarios, and relied on the advice of its expert agents, it should be discharged. See Minn. Stat. §524.3-715(21) (a special administrator may "act without independent investigation upon [the employed agent's] recommendations"). Therefore, pursuant to the law set forth in Bremer Trust's reply brief supporting discharge, the only way those two new allegations could preclude discharge is if the delegation was improper or unreasonable.

No interested person has shown facts that would establish either of those scenarios because no such facts exist. In addition, as discussed at the recent hearing, there are legal obstacles to proving the new allegations. For example, the statements to Universal Music Group were not false, and certainly were not knowingly false, which defeats the basic elements of fraud. See *Martens v. Minnesota Min. & Mfg. Co.*, 616 N.W.2d 732, 747 (Minn. 2000).

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Because the parties who have objected to Bremer Trust's discharge have come forward with no substance to their allegations, we propose the following schedule:

- Any party wishing to lodge a final objection to Bremer Trust's discharge, on issues not previously addressed, should do so within three weeks of the Court's scheduling order on discharge. Those objections should be stated as objections within this proceeding, not new "complaints" as suggested recently by Mr. Baker's counsel;
- Parties would not be entitled to any additional discovery on discharge;
- Bremer Trust would then have two weeks after receiving a final objection to respond in writing;
- Attorney argument would be scheduled thereafter, if the Court finds it necessary or helpful; and
- Bremer Trust would submit its fee petition within 30 days of the Court's order on discharge.

Bremer Trust intends to make a motion to dismiss the complaint brought by Jobu Presents, and that hearing will likely be August 7, 2017. Under the schedule set forth above, any hearing on Bremer Trust's final discharge would come after August 7, making it possible for the Court to fully discharge Bremer Trust if it grants the motion to dismiss.¹

Alternatively, if the Court is inclined to grant any discovery, Bremer Trust asks that it be completed quickly and be limited to the two narrow issues that could not have been addressed at the January 12, 2017 hearing. Those issues are: 1) Mr. Koppelman's alleged loan to Jobu Presents and Bremer Trust's knowledge of that loan; and 2) Mr. McMillan's alleged misstatement to UMG regarding, and UMG's knowledge of, the rights held by Warner Bros. Records for previously-released WB Masters between 2018-2020. Bremer Trust believes discovery on those narrow issues could be complete within 60-90 days.

¹ If Bremer Trust is not dismissed as a defendant in the Jobu Presents lawsuit, then Bremer Trust asks that the Court carve out that issue and discharge Bremer Trust with respect to everything else.

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Sincerely,

Stinson Leonard Street LLP

s/Liz Kramer

Liz Kramer

ECK:SLS

cc: Counsel for the Personal Representative and all Heirs (via e-service)
Counsel for L. Londell McMillan and Charles A. Koppelman (via e-service)