

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
FIRST JUDICIAL DISTRICT

Court File No.: 10-PR-16-46

In the Matter of:

Estate of Prince Rogers Nelson,
Decedent.

**MEMORANDUM IN SUPORT OF
MOTION TO ALLOW GRAY PLANT
MOOTY'S UNREDACTED
MEMORANDUM OF LAW AND
THE AFFIDAVIT OF MATTHEW SHEA
TO BE FILED UNDER SEAL**

Pursuant to the Court's January 19, 2017 Order Regarding the Filing of Certain Documents Under Seal, Gray Plant Mooty ("GPM") moves the Court for an order sealing the unredacted version of: (1) the Memorandum of Law in Support of GPM's Motion for Approval of Payment from the Estate for Services that Benefitted the Estate as a Whole ("Memorandum"); and (2) the supporting Affidavit of Matthew Shea ("Shea Affidavit").

On December 16, 2016, GPM served the following documents, in unredacted form, on the Special Administrator and non-excluded heirs: (a) a Notice of Motion and Motion for Approval of Payment from the Estate for Services that Benefitted the Estate as a Whole ("Motion"); (b) the Memorandum; and (c) the Shea Affidavit and its attachments, including GPM billing statements. At the same time, GPM submitted with the Court for filing under seal an unredacted version of the Memorandum and the Shea Affidavit, and for public filing an unredacted version of the Motion.

On December 29, 2016, based on instructions received from Court staff, GPM: (a) re-served on the Special Administrator and non-excluded heirs and re-submitted for filing under seal an unredacted version of the Motion, Memorandum, and Shea Affidavit; and (b) submitted

for public filing a partially redacted version of both the Memorandum and Shea Affidavit, as well as an unredacted version of its Motion.

On January 5, 2016, the Court accepted GPM's December 29 submissions for filing.

On January 11, 2016, GPM filed a Motion for Clarification explaining the history behind its December 16 and December 29 submissions and asking the Court to rule on its Motion in whatever manner the Court decides to rule on similar motions recently filed by other law firms, including Holland & Knight and Lommen Abdo.

On January 19, 2017, the Court entered an Order Regarding the Filing of Certain Documents Under Seal. GPM files the instant motion in response to the January 19th Order. Through the instant motion, GPM requests an order from the Court sealing the unredacted version of the Memorandum and the Shea Affidavit, which the Court accepted for filing on January 5.

In conjunction with the instant motion, and in light of the preference under Minnesota law to provide public access to court files, GPM is re-submitting for public filing a more modestly redacted Shea Affidavit. In particular, the Shea Affidavit submitted in conjunction this motion lifts redactions from certain entries in GPM's billing statements (Exhibits A and B to the Shea Affidavit) that relate to subjects or work performed by GPM attorneys that: (a) have been presented to the Court or otherwise made known to the public; or (b) help demonstrate GPM's role as *de facto* lead counsel for the non-excluded heirs on estate administration issues during the initial months of these proceedings, which benefitted the Estate as a whole and are at issue in the Motion.

For reasons that are supported by Minn. R. Civ. P. 26.03(g) and *Minneapolis Star & Tribune Co. v. Schumacher*, 392 N.W.2d 197 (Minn. 1986), content that remains redacted from

the Memorandum and the Shea Affidavit filed in conjunction with this motion should remain redacted and under seal in the Court's file. First, the redacted content is derived entirely from attorney billing records that make reference to attorney-client communications or work product. Like the settlement agreement in *Schumacher*, such records are historically private and should remain private.¹ Second, the redacted content generally relates to subjects or activities, including confidential business negotiations impacting the Estate, that have not been made part of the public record. If disclosed publicly, this information could negatively impact the Estate, impede the Estate's efficient administration, or devalue Estate assets. In its Order dated September 14, 2016, the Court recognized that it is important to "maintain[] the confidentiality of business negotiations which, if made public, may impede administration of the estate . . . or devalue estate assets." Third, on December 16, 2016, GPM served the Special Administrator and the non-excluded heirs with a complete and unredacted version of the Motion, Memorandum, and Shea Affidavit. Accordingly, all parties with standing to object to the Motion have had ample opportunity to respond.

¹ For cases cited in support of this conclusion, see the Special Administrator's Memorandum in Support of Motion to Approve Payment of Special Administrator's Fees and Costs at 2, n. 1 (July 29, 2016).

Respectfully submitted,

GRAY, PLANT, MOOTY,
MOOTY & BENNETT, P.A.

Dated: February 3, 2017

By /s/Brian A. Dillon

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