

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF CARVER

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.

**COMERICA BANK & TRUST, N.A.'S
MEMORANDUM IN SUPPORT OF MOTION
TO APPROVE SETTLEMENT AGREEMENT****REDACTED**

Comerica Bank & Trust, N.A., as the Personal Representative of the Estate of Prince Rogers Nelson (“Personal Representative”), submits the following in support of its Motion for Approval of Settlement Agreement:

BACKGROUND

In early April 2017, the Personal Representative received information that George Ian Boxill (“Boxill”), a former sound engineer of Prince Rogers Nelson (“Prince”), planned to release an album of Prince music without authorization. On April 14, 2017, the Personal Representative and Paisley Park Enterprises, Inc. filed a lawsuit and motion for a temporary restraining order against Boxill in district court in Carver County, Minnesota, alleging breach of a Confidentiality Agreement Boxill signed with Paisley Park Enterprises, Inc. in 2004. On April 18, Boxill removed the case to the District Court for the District of Minnesota. Later that day, Boxill, with Rogue Music Alliance, LLC (“RMA”), Deliverance, LLC (“Deliverance”), and RMA owners Gabriel Solomon Wilson (“Wilson”) and David Staley (“Staley”), released the 5-track album of Prince music entitled *Deliverance EP* to the public.

The Confidentiality Agreement between Boxill and Paisley Park Enterprises contains an arbitration clause. The litigation thus ensued along dual tracks; the Personal Representative litigated its claims against all defendants in the federal action in the District of Minnesota (the “Federal Litigation”) and litigated the claims arising out of the Confidentiality Agreement against Boxill in private arbitration (the “Arbitration”).

The District Court entered a TRO and later a preliminary injunction in the Federal Litigation. In the ensuing months, the Personal Representative added RMA, Deliverance, Wilson, and Staley as defendants, along with their law firms Brown & Rosen, LLC, and Sidebar Legal, PC. The Personal Representative brought fourteen total causes of action, including claims for copyright infringement, trademark infringement, cybersquatting, tortious interference with contract, violation of the right of publicity, and a declaratory judgment that Boxill is not a joint author with Prince of the songs on the *Deliverance EP*. The Defendants brought a counterclaim for tortious interference with contract based on the cease and desist letters the Estate sent to third parties.

In the Arbitration, the arbitrator found that Boxill breached the Confidentiality Agreement and converted the property of the Estate. The arbitrator awarded the Estate approximately \$4 million, which included \$1 million in attorneys’ fees and costs (the “Arbitration Award”). The Arbitration Award was confirmed in the Federal Litigation. Boxill appealed the confirmation of the Arbitration Award to the Eighth Circuit.

Fact discovery has concluded in the Federal Litigation. The Federal Litigation has been stayed pending settlement discussions, as has Boxill’s appeal.

PROPOSED SETTLEMENT AGREEMENT

On June 3, 2019, U.S. Magistrate Judge Tony N. Leung held a settlement conference in connection with the Federal Litigation. During the conference, Boxill, Wilson, RMA, and Deliverance (collectively, the “Participating Defendants”) represented that [REDACTED]

[REDACTED]. The Personal Representative subsequently sought and obtained sworn affidavits [REDACTED] of the Participating Defendants, which are attached to the Settlement Agreement as Exhibits B and C. The Personal Representative [REDACTED]
[REDACTED]
[REDACTED]

In light of [REDACTED] and after extensive negotiation, the Personal Representative and the Participating Defendants have agreed on a settlement that proposes to resolve the Federal Litigation and unpaid Arbitration Award through [REDACTED] that includes the following

- elements: (1) [REDACTED]
[REDACTED]; (2) [REDACTED]
[REDACTED] (3) [REDACTED]
[REDACTED] (4) [REDACTED]
[REDACTED]
[REDACTED] (5) [REDACTED]
[REDACTED]
[REDACTED] nd (6) [REDACTED]. [REDACTED] is Exhibit A to the proposed

Settlement Agreement.

The Personal Representative submits that the proposed settlement is in the Estate’s best interest and respectfully requests that the Court approve the settlement.

CONCLUSION

For the reasons set forth above, the Personal Representative respectfully requests that the Court approve the Settlement Agreement attached as Exhibit 1 to the Declaration of Lora M. Friedemann.

Upon request by the Court or in the event that any party opposes this motion, the Personal Representative will provide any additional information necessary for the Court to address this matter.

Dated: November 1, 2019

/s/ Joseph J. Cassioppi

Mark W. Greiner (#0226270)
Lora M. Friedemann (#0259615)
Joseph J. Cassioppi (#0388238)

FREDRIKSON & BYRON, P.A.
200 South Sixth Street
Suite 4000
Minneapolis MN 55402-1425
612-492-7000
612-492-7077 fax
mgreiner@fredlaw.com
lfriedemann@fredlaw.com
jcassioppi@fredlaw.com

Attorneys for Comerica Bank & Trust, N.A.

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