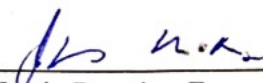


this fee request.

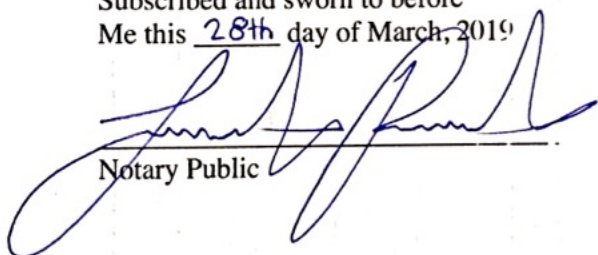
51. Given the complexity of the litigation, the entertainment deals the Estate is negotiating, the issues with the discharge of Bremer and Comerica, the concerns with the Special Advisors, the appointment of a mediator, special master, heirs representatives and the necessary investigation of the Second Special Administrator and results achieved, \$296,752.50 in fees is just and reasonable and commensurate with the benefit to the Estate from the recovery so made or from such services.

FURTHER YOUR AFFIANT SAYETH NOT.

Dated: March 28, 2019


Justin Bruntjen, Esq.

Subscribed and sworn to before
Me this 28th day of March, 2019


Notary Public



4. The Court reserves the issue of attorney's fees due Alfred Jackson's former attorney, Frank Wheaton. Mr. Wheaton shall submit his motion for and affidavit of attorney's fees up through his discharge date by April 21, 2017. If any part of the submissions are filed under seal, Mr. Wheaton shall comply with the Court's prior orders with respect to such filings. Any objections to Mr. Wheaton's motion shall be filed by April 28, 2017, and the Court shall take the matter under advisement as of that date. If not submitted by April 21, 2017, Mr. Wheaton's claim for reimbursement for attorney's fees from the Estate shall be considered to have been waived.

5. This Order shall be filed as a public document. The attached addendums, however, shall be filed separately UNDER SEAL pending further order of the Court, and may be released only to the attorney or law firm to whom they apply and the Personal Representative and its counsel.

IT IS SO ORDERED.

Dated: April 5, 2017

BY THE COURT:



The Honorable Kevin W. Eide
District Court Judge

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.

As a result of the Court of Appeals guidance and the above statutory provisions, there remained a number of related concerns which impacted the undersigned's findings and the above awards:

1. Duplication: As noted in the above section 524.3-720, attorney compensation from an estate must be "*just and reasonable and commensurate with the benefit to the estate,*" and Minnesota Statute section 525.515--noted as helpful by the Court of Appeals, provides:

525.515 BASIS FOR ATTORNEY'S FEES.

(a) *Notwithstanding any law to the contrary, an attorney performing services for the estate at the instance of the personal representative, guardian or conservator shall have such compensation therefor out of the estate **as shall be just and reasonable.** This section shall apply to all probate proceedings.*

(b) *In determining what is a fair and reasonable attorney's fee effect shall be given to a prior agreement in writing by a testator concerning attorney fees. Where there is no prior agreement in writing with the testator consideration shall be given to the following factors in determining what is a fair and reasonable attorney's fee:*

(1) *the time and labor required;*

(2) *the experience and knowledge of the attorney;*

(3) *the complexity and novelty of problems involved;*

(4) *the extent of the responsibilities assumed and the results obtained; and*

(5) *the **sufficiency of assets properly available to pay for the services.***

(c) *An interested person who desires that the court review attorney fees shall seek review of attorney fees in the manner provided in section 524.3-721. In determining the reasonableness of the attorney fees, consideration shall be given to all the factors listed in clause (b) **and the value of the estate shall not be the controlling factor.***

Thus, in respect to all of the statutory provisions, those controlling or merely helpful, the work and time charges must be "*just and reasonable,*" and issues such as the time and labor required, the experience and knowledge of the attorney, the complexity of the problem, the results obtained and the sufficiency of the assets available to pay for the services are helpful considerations in assessing whether fees are "reasonable."

Here much of the subject work and time entries involved essentially comparable objectives of each of the three Applicant law offices. In fact, the Bruntjen affidavit piggy-backs on the affidavit of Cozen's Mr. Kane, stating that the work of Bruntjen's law office was "almost identical" to that of the Cozen firm. Moreover, the Applicants' time entries are so general that it is difficult to appreciate the nature or reasonable value of the work, and in many cases much of the work of the three Applicants appear to be communicating with, or reviewing the communications of, one another. In short, in many instances there is little ability to discern the degree to which there was any value added from three law offices pursuing the same objectives and apparently doing comparable (at times "almost identical") work, raising a concern about whether there has been a showing that the related fees are just and reasonable, or whether the work of three law offices resulted in any benefit not achievable by the work of just one.

