



June 1, 2018

**VIA E-FILING**

The Honorable Kevin W. Eide  
Judge of the District Court  
Carver County Justice Center  
604 East 4<sup>th</sup> Street  
Chaska, MN 55318

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

Dear Judge Eide:

We are writing on behalf of Comerica Bank & Trust, N.A. (the "Personal Representative") in response to Omarr Baker, Alfred Jackson, and Tyka Nelson's motion to appoint the Honorable James H. Gilbert as Special Master for the purpose of deciding the Heirs' attorneys' fees issues remanded to the Court by the Minnesota Court of Appeals on January 22, 2018.

The Personal Representative respectfully opposes the request for two reasons. First, the parties have already mediated this exact issue with Justice Gilbert and, in that context, engaged in ex parte conversations with Justice Gilbert in a manner that ordinarily would not occur with a special master.

Second, after significant time and effort, Justice Gilbert is now beginning to make progress with the parties as a moderator and mediator, including by narrowing and resolving potential disputes before they have required Court intervention. Although, technically, Justice Gilbert's appointment as special master (on this, or any other issue) may not preclude him from continuing to serve as moderator/mediator for the Estate, it will from a practical standpoint significantly impact his effectiveness in that role, as parties will be unwilling to discuss issues with him in a frank and thorough matter knowing that he may ultimately be a decision-maker on those exact issues. From the Personal Representative's perspective, Justice Gilbert's appointment as special master on this narrow issue would impede his ability to continue serving as moderator and mediator for the Estate.

The Personal Representative recognizes the significant amount of work associated with the Court

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(again) reviewing, categorizing, and making findings of fact related to the attorneys' fees sought by the Heirs in this matter, particularly taking into account that an additional sixteen months have passed since January 2017, for which at least certain of the Heirs, presumably, will be seeking reimbursement of some of their attorneys' fees from the Estate. Because of the importance of the issue, the Personal Representative prefers that it be decided by the Court. However, to the extent that the substantial work associated with resolving these issues would unduly interfere with the Court's responsibilities in this and its other cases, the Personal Representative does not object to another individual being appointed as special master for that purpose, including the individuals previously suggested by the Court or the parties to serve as mediator (*i.e.*, Judge Richard Solum, who has familiarity with the matter based on his now-concluded service as mediator on the Roc Nation matter, Judge John W. Borg, etc.).

Respectfully submitted,

*/s/ Joseph J. Cassioppi*

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