

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF CARVER

FIRST JUDICIAL DISTRICT
PROBATE DIVISION

In the Matter of:

Court File No. 10-PR-16-46

Estate of Prince Rogers Nelson,

Deceased.

**FINDINGS OF FACT, CONCLUSIONS OF
LAW & ORDER REGARDING HOLLAND
& KNIGHT DOCUMENTS FILED UNDER
SEAL**

The above-entitled matter came before the Court without a hearing on the Court's review of prior orders denying parties' motions for filing documents under seal.

Therefore, the Court makes the following:

FINDINGS OF FACT & CONCLUSIONS OF LAW

1. In the Order Denying Motion for Filing Documents under Seal filed April 11, 2017, the Court denied a motion filed by Holland & Knight, LLP to file various unredacted documents under seal. The Court specifically ordered:

“The unredacted documents identified as documents 923-930, 1374, 1375, 1376, 1468, 1469, and 1474 shall be unsealed on May 5, 2017, unless prior to that date Holland & Knight submits redacted versions of those documents consistent with the standard set forth in *Minneapolis Star & Tribune v. Schumacher*, and those redacted documents are found satisfactory to the Court.”

The Court further ordered:

“If the party who filed the documents initially does not submit an appropriately redacted version of those documents by May 5, 2017, and if the Court does not feel that the document can be unsealed due to references to confidential business transactions, privileged information, or otherwise should be filed under seal, appropriate sanctions may be imposed upon the filer.”

2. Holland & Knight, LLP, failed to submit revised redacted versions of the documents in question, necessitating extensive court time to review the documents to determine what redactions, if any, would be necessary consistent with the standard set forth in *Minneapolis Star & Tribune v. Schumacher*.

3. There is no privileged or confidential information in documents 923, 926-930, 1376, 1468 or 1473 that warrants those documents remaining under seal. It is therefore appropriate that those documents be immediately unsealed by the Court.

4. Document 924 contains privileged or confidential information relating to specific business negotiations and transactions that, if made public, could be damaging to the Estate. Specifically:

- a. Page 3, paragraph 3 (continuing on page 4), references to contract provisions in items a through j; and
- b. Page 5, paragraph 1 (continuing on page 6), references to contract provisions in items a through r.

This information is confidential under the standard set forth in *Minneapolis Star & Tribune v. Schumacher*.

5. Document 925 contains privileged or confidential information relating to specific business negotiations and transactions that, if made public, could be damaging to the Estate. Specifically:

- a. Page 8, paragraph 22, references to contract provisions in items a through j; and
- b. Page 9, paragraph 24 (continuing on page 10), references to contract provisions in items a through r.

This information is confidential under the standard set forth in *Minneapolis Star & Tribune v. Schumacher*.

6. Document 1374 contains privileged or confidential information relating to specific business negotiations and transactions that, if made public, could be damaging to the Estate. Specifically:

- a. Page 3, paragraph 1 under the heading, “GMR Performance Rights Licensing Agreement,” references to dollar amounts and contract provisions;
- b. Page 4, paragraphs 1 and 2 under the heading, “UMG Exclusive Distribution and License Agreement,” references to dollar amounts and contract provisions;
- c. Page 5, paragraph 1 under the heading, “The UMG Consultancy Agreement,” references to dollar amounts and contract provisions; and
- d. Page 6, paragraph 2 under the heading, “Transition to Comerica as Personal Representative,” (and continuing on page 7) references to contract provisions.

This information is confidential under the standard set forth in *Minneapolis Star & Tribune v. Schumacher*.

7. Document 1375 contains privileged or confidential information relating to specific business negotiations and transactions that, if made public, could be damaging to the Estate. Specifically:

- a. Page 3, paragraph 9, reference to a dollar amount;
- b. Page 4, paragraphs 16, 17 and 19 (and continuing on page 5), references to specific contract provisions and a dollar amount;
- c. Page 5, paragraph 20, references to specific contract provisions and a dollar amount;
- d. Page 5, paragraph 23 (and continuing on page 6), references to specific contract provisions;
- e. Page 6, paragraph 25, references to specific contract provisions and a dollar amount; and
- f. Page 6, paragraph 28 (and continuing on page 7), references to specific contract provisions in items a through g.

This information is confidential under the standard set forth in *Minneapolis Star & Tribune v. Schumacher*.

8. Document 1469 contains privileged or confidential information relating to specific business negotiations and transactions that, if made public, could be damaging to the Estate. Specifically:

- a. Page 6, entry dated 10/04/16 for Robert J. Labate, references to dollar amounts and contract provisions after the phrase, “review of deal terms for:”.

This information is confidential under the standard set forth in *Minneapolis Star & Tribune v. Schumacher*.

9. Based upon Holland & Knight’s failure to comply with the Court’s April 11, 2017 Order and the resultant court time necessary to review the sealed submissions, it is appropriate that sanctions be imposed.

Therefore, based upon the foregoing Findings of Fact and Conclusions of Law, the Court makes the following:

ORDER

1. Holland & Knight’s unredacted documents identified as documents 923, 926-930, 1376, 1468 or 1473 shall be immediately unsealed.

2. Holland & Knight's unredacted documents 924, 925, 1374, 1375 and 1469 shall remain sealed, however Holland & Knight shall file revised redacted versions of documents 924, 925, 1374, 1375 and 1469 consistent with the Court's findings herein by no later than August 18, 2017.

3. Holland & Knight shall pay to the Court \$2,500.00 by August 18, 2017 as a sanction for failing to comply with the Court's April 11, 2017 Order. If Holland & Knight fails to file revised redacted versions of documents 924, 925, 1374, 1375 and 1469 by August 18, 2017, the sanction shall be increased to \$5,000.00, and further sanctions may be assessed.

Dated: July 24, 2017

Kevin W. Eide
Judge of District Court

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.