

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
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 WHEATON
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 19, 2017, the Court denied a motion filed by Attorney Frank Wheaton to file various unredacted documents under seal. The Court specifically ordered:

“The unredacted documents identified as documents 1523, 1524, and 1525 shall be unsealed on May 12, 2017, unless prior to that date Mr. Wheaton 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 Mr. Wheaton does not submit an appropriately redacted version of those documents by May 12, 2017, and if the Court does not feel that a 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.”

2. Mr. Wheaton 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. Document 1523 contains references to confidential attorney-client work product in connection with services performed on October 23, 2016. This information is confidential under the standard set forth in *Minneapolis Star & Tribune v. Schumacher*.

4. Document 1524 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, paragraphs 1 and 3, references to contract provisions;
- b. Page 4, all paragraphs, references to contract provisions; and
- c. Page 5, paragraph 1, references to contract provisions.

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

5. Document 1525 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 5, paragraphs 24 and 25 (continuing on page 6), references to contract provisions and to dollar amounts;
- b. Page 6, paragraph 27, reference to negotiation strategy and contract provisions;
- c. Page 6, paragraph 29, references to contract provisions and to dollar amounts;
- d. Page 7, paragraph 32, items (a) through (g), references to contract provisions; and
- e. Page 9, paragraph 41, items (a) through (f), references to contract provisions.

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

6. Based upon Mr. Wheaton's failure to comply with the Court's April 19, 2017 Order and the resultant court time necessary to review his 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. Mr. Wheaton's unredacted documents 1523, 1524, and 1525 shall remain sealed, however Mr. Wheaton shall file revised redacted versions of documents 1523, 1524, and 1525 consistent with the Court's findings herein by no later than August 18, 2017.

2. Mr. Wheaton shall pay to the Court \$1,500.00 by August 18, 2017 as a sanction for failing to comply with the Court's April 11, 2017 Order. If Mr. Wheaton fails to file revised redacted versions of documents 1523, 1524, and 1525 by August 18, 2017, the sanction shall be increased to \$3,000.00, 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.