

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF CARVER

FIRST JUDICIAL DISTRICT
PROBATE DIVISION
Case Type: Special Administration

In the Matter of:

Estate of Prince Rogers Nelson,

Court File No. 10-PR-16-46

Decedent,

and

**NOTICE TO THE PARTIES IN THIS
ACTION OF SUBPOENA DUCES
TECUM TO THIRD PARTY**

Tyka Nelson,

Petitioner.

Omarr Baker provides notice to the parties in this Action pursuant to Article 31 of the Civil Practice Law of New York and Rule 45 of the Minnesota Rules of Civil Procedure that the Movant intends to serve the attached subpoena for documents on L. Londell McMillan.

Dated: March 3, 2017

COZEN O'CONNOR

By /s/Thomas P. Kane
Steven H. Silton (#260769)
Thomas P. Kane (#53491)
Armeen F. Mistry (#397591)
33 South Sixth Street, Suite 4640
Minneapolis, MN 55402
Telephone: (612) 260-9000
ssilton@cozen.com
tkane@cozen.com
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277 Park Avenue
New York, NY 10172
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jkolodny@cozen.com*Attorneys for Omarr Baker*

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

IN THE FIRST
JUDICIAL DISTRICT
COURT COUNTY OF
CARVER IN THE
STATE OF
MINNESOTA

-----x
In Re:

Estate of Prince Rogers Nelson, Decedent,

And

Tyka Nelson,

Petitioner.
-----x

Cause No.: 10-PR-16-46

**SUBPOENA DUCES
TECUM (pursuant to
the Uniform Interstate
Deposition and
Discovery Act and
CPLR § 3119)**

SUBPOENA DUCES TECUM (PERSONAL ATTENDANCE NOT REQUIRED)

To: L. Londell McMillan
635 W. 42nd Street
Apt. 31B
New York, New York 10036-1933

WE COMMAND YOU, to produce and permit inspection and copying of the following documents or tangible things at the place, date, and time specified below:

1. All documents sent to or received from Norrine, Sharon, and/or John Nelson.
2. All documents sent to or received from Tyka Nelson, Alfred Jackson, and/or Omarr Baker.
3. All documents sent to or received from any Music Business Entity relating to Norrine Nelson, Sharon Nelson, John Nelson, Alfred Jackson, Tyka Nelson and/or Omarr Baker.
4. All documents sent to or received from any Music Business Entity relating to Prince Rogers Nelson.
5. All documents in the possession or control of L. Londell McMillan relating to Norrine Nelson, Sharon Nelson, John Nelson, Alfred Jackson, Tyka Nelson and/or Omarr Baker.

PLACE:	DATE AND TIME
Cozen O'Connor c/o Thomas P. Kane, Esq. 33 South Sixth Street Suite 4640 Minneapolis, MN 55402 (612) 260-9001	Tuesday, March 20, 2017 at 12:00p.m.

Failure to comply with this Subpoena is punishable as a contempt of Court and shall make you liable to the person on whose behalf this Subpoena was issued for a penalty not to exceed Fifty Dollars (\$50.00) and all damages sustained by reason of your failure to comply.

Dated: New York, New York
February 28, 2017

COZEN O'CONNOR

BY: 
Jeffrey B. Kolodny, Esq.

277 Park Avenue
New York, New York 10172
Telephone (212) 883-4934
Fax (646) 588-1425

Attorneys for Omarr Baker

State of Minnesota

County of Carver

District Court

Judicial District:	First
Court File Number:	10-PR-16-46
Case Type:	Special Administration

In the Matter of:

Estate of Prince Rogers Nelson,

Decedent,

and

Tyka Nelson,

Petitioner.

SUBPOENA IN A CIVIL CASE
(Command to Produce Documents)
Minn. R. Civ. Pro. 45

TO: L. Londell McMillan, 635 W. 42nd St., Apt. 31B, New York, NY 10036-1933.

- You are commanded to appear as a witness in the district court to give testimony at the place, date, and time specified below.

Place of Testimony	Courtroom
	Date and Time

- You are commanded to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

Place of Deposition	Date and Time
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- You are commanded to produce and permit inspection and copying of the listed documents or objects at the place, date and time specified below (attach list of documents or objects if necessary): **See Attached Exhibits A and B.**

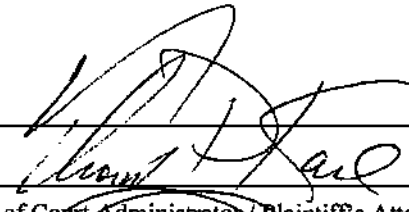
Place Cozen O'Connor, 33 South Sixth Street, Suite 4640, Minneapolis, MN 55402	Date and Time February 28, 2017 12:00p.m.
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- You are commanded to permit inspection of the following premises at the date and time specified below.

Premises	Date and Time
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Person requesting subpoena: Thomas P. KaneTelephone no: 612-260-9001

**WARNING: FAILURE TO OBEY A SUBPOENA WITHOUT BEING EXCUSED IS A
CONTEMPT OF COURT**

 Signature of Court Administrator / Plaintiff's Attorney / Defendant's Attorney (Circle) <u>Other</u>	February 22, 2017 Date
Thomas P. Kane, Cozen O'Connor, 33 South Sixth St., Suite 4640, Minneapolis, MN 55402 (612) 260-9001 Name, Address and Phone Number (if issued by Attorney as an Officer of the Court)	SEAL (if issued by Court Administration)

IMPORTANT: Both pages of this document must be served on the person receiving the summons.

RETURN OF SERVICE

State of Minnesota)
) SS
 County of _____)

I hereby certify and return that on _____ I served a copy of this subpoena upon the person named thereon. Service was made by:

- personally handing to and leaving with him or her a true and correct copy; or
- leaving a true and correct copy at his or her usual place of residence

_____ Address

with _____ a person of suitable age and
Name of Person
discretion.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Date

Signature
 Printed Name: _____
 Title, if any: _____
 Address: _____
 City/State/Zip: _____
 Telephone: _____
 E-mail address: _____

Rule 45, Minnesota Rules of Civil Procedure, provides that:

- A subpoena may be served by any person who is not a party and is not less than 18 years of age.
- Service of a subpoena shall be made by delivering a copy to the person named in the subpoena or by leaving a copy at the person's usual place of abode with some person of suitable age and discretion who resides there.
- A witness who is not a party to the action or an employee of a party (except a person appointed pursuant to Rule 30.02(f)) and who is required to give testimony or produce documents relating to a profession, business, or trade, or relating to knowledge, information, or facts obtained as a result of activities in such profession, business, or trade, is entitled to reasonable compensation for the time and expense involved in preparing for and giving such testimony or producing such documents and is entitled to have the amount of those expenses determined prior to complying with the subpoena.
- A person is not obligated to attend as a witness in a civil case unless one day's attendance and travel fees are paid or tendered in advance (see fees below), unless the subpoena is issued on behalf of the state of Minnesota, or the state's officer or agent.

Fees to be paid to witnesses shall be as follows (Minn. Stat. § 357.22):

- For attending in any action or proceeding in any court of record or before any officer, person or board authorized the take examination of witnesses, \$20 for each day.
- For roundtrip travel estimated from the witness's residence at 28 cents per mile. If a witness lives outside the state, travel costs shall be estimated from the boundary line of the state where the witness crossed into Minnesota at 28 cents per mile. (Additional fees may be available for out of state witnesses).

In any proceeding where a parent or guardian attends the proceeding with a minor witness and the parent or guardian is not a witness, one parent or guardian shall be compensated in those cases where witness compensation is mandatory under Minn. State. § 357.22, and may be compensated when compensation is discretionary under those sections. No more than a combined total of \$60 may be awarded to the parent or guardian and minor witness. Minn. Stat. § 357.242.

**Exhibit A to Subpoena
Definitions and Instruction**

1. “Electronic” includes but is not limited to writings or data compilations stored on a computer hard drive, server, removable medium such as a floppy disk, CD, DVD, zip disk, flash drive, or USB drive and any back-up system, archive systems, voice mail system, portable device such as a cellular phone, etc., or other technology.
2. “Time frame” refers to documents created after April, 2016.
3. “Prince Rogers Nelson” refers to the decedent Prince Rogers Nelson in the estate of Prince Rogers Nelson venued in Carver County, Minnesota, the musician Prince, or the Artist formerly known as Prince.
4. “Music business entity” means any entity whether a corporation, sole proprietorship, partnership, LLC (or similar entity under the laws of the state where it is located) or any organized or unorganized entity that is in any aspect of the music business.
5. “Documents in the possession or control of L. Londell McMillan” means any document in the physical or electronic possession of L. Londell McMillan, in the physical or electronic possession of any entity controlled by L. Londell McMillan, sent physically or electronically to any party for the purpose of holding for the benefit of L. Londell McMillan, or any entity legally organized or controlled in whole or in part by L. Londell McMillan.

**Exhibit B to Subpoena
Requests for Production**

1. All documents sent to or received from Norrine, Sharon, and/or John Nelson.
2. All documents sent to or received from Tyka Nelson, Alfred Jackson, and/or Omarr Baker.
3. All documents sent to or received from any Music Business Entity relating to Norrine Nelson, Sharon Nelson, John Nelson, Alfred Jackson, Tyka Nelson and/or Omarr Baker.
4. All documents sent to or received from any Music Business Entity relating to Prince Rogers Nelson.
5. All documents in the possession or control of L. Londell McMillan relating to Norrine Nelson, Sharon Nelson, John Nelson, Alfred Jackson, Tyka Nelson and/or Omarr Baker.