

STATE OF MINNESOTA  
COUNTY OF CARVER

DISTRICT COURT  
FIRST JUDICIAL DISTRICT  
PROBATE DIVISION

---

In the Matter of:

Court File No. 10-PR-16-46  
Case Type: Special Administration

Estate of Prince Rogers Nelson,

**FILED UNDER SEAL**

Decedent.

**The Special Administrator's Objection to  
Phaedra Ellis-Lamkins' Petition**

and

Tyka Nelson,

Petitioner.

---

The Special Administrator respectfully objects to the "Petition Requesting Special Administrator to Provide Documentation and Other Relief" filed on November 17, 2016, because Petitioner Phaedra Ellis-Lamkins has no standing to ask the Court to order the Special Administrator to take any action. In particular, Petitioner is not a party to this estate administration, she is not a creditor or claimant, and she does not cite any statute or rule giving her any standing to demand relief from this Court.

Especially in an estate administration that attracts as much notoriety as this one and with attendant confidentiality concerns, it is important to rigidly enforce rules that grant and deny access to Estate documents. Otherwise, precedent could be established that would allow many people who are not operating in the best interest of the Estate or the eventual heirs to demand confidential records from the Special Administrator.

**Petitioner Is Not A Party**

Only "parties" may obtain discovery. Minn. R. Civ. P. 26.02(a) ("*Parties* may obtain discovery by one or more of the following methods . . . .") (emphasis added). In particular, only

parties may serve requests for documents. Minn. R. Civ. P. 34.01 (“Any party may serve on any other party a request (1) to produce . . . any designated documents.”). While there is a rule allowing parties to seek documents or testimony from non-parties, there is no civil procedure rule allowing non-parties to seek documents from parties. *See* Minn. R. Civ. P. 45.

Petitioner is not a party to this action. Petitioner is a former business associate of Decedent, whose responsibilities were terminated on or before May 2, 2016. Petitioner has not made any substantive argument that she falls under any of the categories of “parties” recognized by the Minnesota Rules of Civil Procedure (Rules 17-25).

Nor is Petitioner an “interested party” who may seek relief under the Probate Code:

“Interested person” includes heirs, devisees, children, spouses, creditors, beneficiaries and any others having a property right in or claim against the estate of a decedent, ward or protected person which may be affected by the proceeding. It also includes persons having priority for appointment as personal representative, and other fiduciaries representing interested persons. The meaning as it relates to particular persons may vary from time to time and must be determined according to the particular purposes of, and matter involved in, any proceeding.

Minn. Stat. § 524.1-201, subd. 33. Petitioner does not claim to be an heir, devisee, child, spouse, or beneficiary of the estate. Instead, the Petition asserts that “Petitioner . . . has or may have a property right in or claim against the estate that may be affected by the proceeding.” In the six months of this estate administration, however, Petitioner has not asserted any property rights or claims against the Estate (and the time for doing so has expired), and the Petition does not identify any other property right or claims that she asserts. Therefore, no Minnesota rule or statute gives Petitioner the right to demand documents from the Special Administrator.

#### **The California Code Does Not Authorize An Inspection Action in Minnesota**

In paragraph 20 of the Petition, it asserts “Petitioner has the right to inspect and copy records of NPG Music pursuant to Cal. Corp. Code §17713.13(d) (Deering 2016).” That statute does not support the request. There is no subpart d of that section, and the full text of the

numbered statute is “This title shall become operative on January 1, 2014.” Cal. Corp. Code § 17713.13 (West).<sup>1</sup>

The California Revised Uniform Limited Liability Act provide that any action to enforce rights must be brought in California state court. Cal. Corp. Code § 17713.06 (West) (“any manager or member may petition the *superior court*”) (emphasis added). The same is true for other types of California corporations. *See, e.g.*, Cal. Corp. Code § 12593 (West) (“The superior court of the proper county shall enforce the duty of making and mailing or delivering the information and financial statements required by this article”); Cal. Corp. Code § 1603 (West) (“Upon refusal of a lawful demand for inspection, the superior court of the proper county, may enforce the right of inspection with just and proper conditions “). Therefore, even if Petitioner has statutory rights to inspect the records of NPG Music (which she has not established), she could not enforce them in this forum.

### **Petitioner’s Concerns Have No Basis**

Putting aside Ms. Ellis-Lamkins’ inability to identify some valid legal basis to ask the Court to force the Special Administrator to provide her documents, her concerns are baseless. Petitioner states that “press accounts” of the Special Administrator’s action are contrary to “her understanding of agreements entered into and obligations of the Companies and of the Decedent.” Therefore, Petitioner alleges that she is worried she may not have been properly removed as an officer, director, or manager of all Decedent’s entities. Petitioner’s concerns lack foundation.

Petitioner has been repeatedly assured that she was removed from all positions of authority and responsibility by May 2, 2016. *See* Declaration of Katherine Moerke dated

---

<sup>1</sup> Additionally, no nearby section of the California Code appears to support the requested relief.

Dec. 21, 2016, at Exs. 1-2. The Special Administrator has offered to provide Ms. Ellis-Lamkins with an affidavit confirming that, when Bremer Trust was appointed as Special Administrator, it took on exclusive authority for Decedent's businesses. *Id.* at ¶ 5. There is no basis for Petitioner's concern about her own potential liability.

### **Conclusion**

Petitioner has stated no colorable basis for alleged standing as an interested party under the Probate Code, or as any type of party recognized by the Rules of Civil Procedure, or for this Court to grant relief under California statutes. Therefore, her attempt to force the Special Administrator to release information should be rejected. It is essential to keep the business records of the Estate and all of its entities confidential and accessible only to those individuals with both a right and a direct need to know the information to ensure that the best interests of the Estate are preserved.

Respectfully submitted,

Dated: December 21, 2016

s/ Liz Kramer  
Laura E. Halferty (0311698)  
David R. Crosby (237693)  
Liz Kramer (325089)  
Katherine A. Moerke (312277)  
STINSON LEONARD STREET LLP  
150 South Fifth Street, Suite 2300  
Minneapolis, MN 55402  
Telephone: (612) 335-1500  
laura.halferty@stinson.com  
david.crosby@stinson.com  
liz.kramer@stinson.com

ATTORNEYS FOR BREMER TRUST,  
NATIONAL ASSOCIATION,  
SPECIAL ADMINISTRATOR