

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF CARVER

FIRST JUDICIAL DISTRICT
PROBATE DIVISION

In the Matter of:

Court File No. 10-PR-16-46

Judge Kevin W. Eide

Estate of Prince Rogers Nelson,

Decedent.

**DECLARATION OF JOSEPH J.
CASSIOPPI IN SUPPORT OF
COMERICA BANK & TRUST, N.A.'S
REPLY IN SUPPORT OF PETITION TO
APPROVE INTERIM ACCOUNTING
AND OPPOSITION TO MOTION TO
INSTITUTE PROTOCOLS**

I, Joseph J. Cassioppi, declare and state as follows:

1. I am a shareholder at Fredrikson & Byron, P.A. ("Fredrikson"), counsel for Comerica Bank & Trust, N.A. in its capacity as personal representative (the "Personal Representative" of the Estate (the "Estate") of Prince Rogers Nelson (the "Decedent").

2. Attached hereto as Exhibit A is a true and correct copy of the attachment to the March 24, 2021 email sent by Jonas Herbsman.

3. Attached hereto as Exhibit B is a true and correct copy of email correspondence between me and L. Londell McMillan dated August 13, 2021.

4. Attached hereto as Exhibit C is a true and correct copy of a letter dated February 1, 2021.

5. Attached hereto as Exhibit D is a true and correct copy of an article published in the Star Tribune dated July 25, 2021.

6. Attached hereto as Exhibit E is a true and correct copy of an email from L. Londell McMillan to me dated August 13, 2021.

7. Attached hereto as Exhibit F is a true and correct copy of email correspondence dated August 25, 2021 between Larry Mestel, Tyka Nelson, President Nelson, Trevor Guy, Ramon Villa, and Angela Aycock.

8. Attached hereto as Exhibit G is a true and correct copy of an excerpt from the Uniform Probate Code.

**I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS
TRUE AND CORRECT.**

Dated: August 27, 2021

s/ Joseph J. Cassioppi
Joseph J. Cassioppi

EXHIBIT A

FILED UNDER SEAL

From: [Cassioppi, Joseph](#)
To: [Londell McMillan](#)
Cc: [J. Magnuson Eric \(EMagnuson@RobinsKaplan.com\)](#); [Alan I. Silver](#); [Matthew Abbott](#)
Subject: RE: Pre-SNJLC Reply Filings (For Confidentiality Review)
Date: Friday, August 13, 2021 5:29:08 PM

Londell – like I said below, it is your issue, and I raised it as a courtesy. I also wanted to make sure that AI was aware so that he could decide whether it was appropriate for him to participate in the filing.

Joseph J. Cassioppi | Fredrikson & Byron, P.A.
200 South Sixth Street, Suite 4000 | Minneapolis, Minnesota 55402
Direct: 612.492.7414 | Cell: 952.212.8972 | jcassioppi@fredlaw.com

This is a transmission from the law firm of Fredrikson & Byron, P.A. and may contain information which is privileged, confidential, and protected by the attorney-client or attorney work product privileges. If you are not the addressee, note that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this transmission in error, please destroy it and notify us immediately at our telephone number (612) 492-7000. The name and biographical data provided above are for informational purposes only and are not intended to be a signature or other indication of an intent by the sender to authenticate the contents of this electronic message.

From: Londell McMillan <llm@thenorthstargroup.biz>
Sent: Friday, August 13, 2021 5:23 PM
To: Cassioppi, Joseph <JCassioppi@fredlaw.com>
Cc: J. Magnuson Eric (EMagnuson@RobinsKaplan.com) <emagnuson@robinskaplan.com>; Alan I. Silver <ASILVER@bassford.com>; Matthew Abbott <matthew@thenorthstargroup.biz>
Subject: Re: Pre-SNJLC Reply Filings (For Confidentiality Review)

[EXTERNAL E-MAIL]

Thank you Joseph.

We do not agree with you on the law. We differ on the facts and the process in this instance with Justice Gilbert's process and the ambiguity of what these "roundtable discussions" have been (for the most part). We will raise the issue with the Court.

On the main issue, we will accept your redactions and shall file today.

Londell

Sent from my iPhone

On Aug 13, 2021, at 6:03 PM, Cassioppi, Joseph <jcassioppi@fredlaw.com> wrote:

Londell:

It is our position, which we believe to be consistent with the law, that communications

(certain of which you and other parties have designated as protected mediation communications) with a court appointed mediator related to attempts to resolve disputes are privileged. If you have any questions regarding specific items and the application of Minnesota law thereto, please discuss with Al.

Joseph J. Cassioppi | Fredrikson & Byron, P.A.
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From: L Londell McMillan <llm@thenorthstargroup.biz>
Sent: Friday, August 13, 2021 4:59 PM
To: Cassioppi, Joseph <JCassioppi@fredlaw.com>
Cc: J. Magnuson Eric (EMagnuson@RobinsKaplan.com)
<emagnuson@robinskaplan.com>; Alan I. Silver <asilver@bassford.com>; Matthew Abbott <matthew@thenorthstargroup.biz>
Subject: Re: Pre-SNJLC Reply Filings (For Confidentiality Review)

[EXTERNAL E-MAIL]

Thanks Joseph, we will review your redactions and we look to get this filed today.

With respect to the mediation issue, is it your position that all of the communications with Gilbert are not presentable to the Court even if formal mediation was not commenced?

L. Londell McMillan
The NorthStar Group
Chairman
240 W. 35th, Suite 405
New York, NY 10001

T: (646) 559-8314
F: (646) 559-8318
E: llm@thenorthstargroup.biz

On Fri, Aug 13, 2021 at 5:51 PM Cassioppi, Joseph <JCassioppi@fredlaw.com> wrote:

Londell – please see the attached, which include our limited redactions. Additionally, Exhibit F was filed under seal with the Court. Please either just cite to that court filing or use the public, redacted, version that was filed with the Court as your public version for this filing.

As I mentioned during our call, multiple exhibits include confidential mediation communications, including with Justice Gilbert, the filing of which is improper under Minnesota law. I did not redact those filings, as I leave the issue to you. As I communicated during our call, we are willing to provide an extension until Monday to make this filing so that you can discuss with Al and make any necessary changes (provided that you provide us a similar extension to file our reply).

Joseph J. Cassioppi | Fredrikson & Byron, P.A.

200 South Sixth Street, Suite 4000 | Minneapolis, Minnesota 55402
Direct: 612.492.7414 | Cell: 952.212.8972 |
jcassioppi@fredlaw.com

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From: L Londell McMillan <llm@thenorthstargroup.biz>

Sent: Friday, August 13, 2021 3:32 PM

To: Cassioppi, Joseph <JCassioppi@fredlaw.com>

Cc: J. Magnuson Eric (EMagnuson@RobinsKaplan.com)

<emagnuson@robinskaplan.com>; Alan I. Silver <asilver@bassford.com>; Matthew Abbott <matthew@thenorthstargroup.biz>

Subject: Pre-SNJLC Reply Filings (For Confidentiality Review)

[EXTERNAL E-MAIL]

Hello Joseph,

Further to the Court's instruction at the July 23, 2021 hearing, please find attached our brief and exhibits to be filed this afternoon with the Court. If there is information that you deem to be confidential and wish to have redacted in the public filing, please advise us accordingly or feel free to apply the necessary redactions as you would like them to appear and return the redacted documents to my attention.

We appreciate your commitment to perform your review within a two-hour timeframe, as we will need to proceed with filing. I am also extending Eric Magnuson

a copy of these proposed filings in advance for his review also. Thank you.

Regards,
Londell

L. Londell McMillan
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Chairman
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The Honorable James H. Gilbert
February 1, 2021
Page 3

That plan should be developed in cooperation with the Personal Representative and will ultimately need to be approved by the Court, through a petition and with notice to all persons potentially affected by the closing of the Estate. We expect that the Court will also want to review the Interested Parties' governance plan for after the assets are distributed, to help ensure the continued efficient operation of the assets held by the Estate.

IV. ACCOUNTINGS, DISCHARGE AND RELEASE OF PERSONAL REPRESENTATIVE.

- Settlement Agreements and releases from liability by the IRS and MNDOR.
- Approvals of Personal Representative's accountings.
- Complete discharge of Personal Representative.
- Release of liability for the Personal Representative and its agents.
- Agreement with Personal Representative on terms of any post-distribution transition services.

For next steps, to the extent that all Interested Parties are interested in pursuing an expedited closing of the Estate, we propose that the Interested Parties meet to discuss a framework to address all of the tasks listed herein. Once they have that framework in place, the Interested Parties and the Personal Representative can meet to start filling out that framework. To the extent that not all of the Interested Parties are able to agree on a framework, we would need guidance from the Court prior to expending additional resources pursuing an expedited closing.

Please do not hesitate to contact us with any questions.

Best Regards,

/s/ Joseph J. Cassioppi

Joseph J. Cassioppi
Direct Dial: 612.492.7414
Email: jcassioppi@fredlaw.com

|

From: [L Londell McMillan](#)
To: [Cassioppi, Joseph](#)
Cc: [J. Magnuson Eric \(EMagnuson@RobinsKaplan.com\)](#); [Alan I. Silver](#); [Matthew Abbott](#)
Subject: Pre-SNJLC Reply Filings (For Confidentiality Review)
Date: Friday, August 13, 2021 3:32:25 PM
Attachments: [2021-08-13 Response and Memorandum.pdf](#)
[Ex. A.pdf](#)
[Ex. B.pdf](#)
[Ex. C.pdf](#)
[Ex. D.pdf](#)
[Ex. E.pdf](#)
[Ex. F.pdf](#)
[Ex. G.pdf](#)
[Ex. H.pdf](#)
[Ex. I.pdf](#)
[Ex. J.pdf](#)
[Ex. K.pdf](#)
[Declaration - LLM.pdf](#)
[Declaration - Sharon Nelson.pdf](#)
[Declaration - Norraine Nelson.pdf](#)

[EXTERNAL E-MAIL]

Hello Joseph,

Further to the Court's instruction at the July 23, 2021 hearing, please find attached our brief and exhibits to be filed this afternoon with the Court. If there is information that you deem to be confidential and wish to have redacted in the public filing, please advise us accordingly or feel free to apply the necessary redactions as you would like them to appear and return the redacted documents to my attention.

We appreciate your commitment to perform your review within a two-hour timeframe, as we will need to proceed with filing. I am also extending Eric Magnuson a copy of these proposed filings in advance for his review also. Thank you.

Regards,
Londell

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Chairman
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E: llm@thenorthstargroup.biz

From: [Larry Mestel](#)
To: [President Nelson](#)
Cc: [Aycock, Angela \(Contingent Worker\)](#); [Tyka Nelson](#); [Trevor Guy](#); [Ramon Villa](#)
Subject: Re: Trevor's Employment
Date: Wednesday, August 25, 2021 4:21:00 PM

I support tyka and president

Sent from my iPhone

On Aug 25, 2021, at 5:19 PM, President Nelson <kemoshaw@yahoo.com> wrote:

I 100% agree

On Wednesday, August 25, 2021, 04:12:28 PM CDT, Tyka Nelson
<nelphiproductionsgospelmusic@yahoo.com> wrote:

Hi Angela,

I read the August 13 court filing submitted by Londell McMillan, Charles Spicer and Sharon, Norrine and John Nelson that seeks to terminate the services of Trevor Guy. As Prince's sister, I disagree with that request completely. For the last 4 years of his life, my brother Prince entrusted Trevor Guy with significant responsibilities related to his business and they worked together closely on good terms until my brother's passing. That speaks volumes and means a lot to me. I consider Trevor to be ESSENTIAL to the Prince music business both in terms of day to day work and in terms of authentically continuing my brother's legacy. It is my desire that Trevor continue to be retained by the Prince Estate now and into the future.

Sincerely,

Tyka Nelson

[Sent from Yahoo Mail for iPhone](#)

UNIFORM PROBATE CODE (1969)
(Last Amended or Revised in 2010)

Drafted by the

NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

and by it

APPROVED AND RECOMMENDED FOR ENACTMENT
IN ALL THE STATES

WITH COMMENTS

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www.uniformlaws.org

May 17, 2018

Comment

Model Probate Code (1946) Section 125, with additions. See, also, UPC Section 6-102, which specifies creditors' rights in regard to non-testamentary transfers effective at death.

SECTION 3-711. POWERS OF PERSONAL REPRESENTATIVES; IN GENERAL.

[(a)] Until termination of his appointment a personal representative has the same power over the title to property of the estate that an absolute owner would have, in trust however, for the benefit of the creditors and others interested in the estate. This power may be exercised without notice, hearing, or order of court.

[(b) A personal representative has access to and authority over a digital asset of the decedent to the extent provided by [the Revised Uniform Fiduciary Access to Digital Assets Act] or by order of court.]

Comment

Historical Note. This section was amended in 2016 to add bracketed subsection (b) in order to conform this section to the Revised Uniform Fiduciary Access to Digital Access Act and to clarify that the court may grant authority over digital assets to a personal representative.

The personal representative is given the broadest possible power over title. He receives a *power*, rather than title, because the power concept eases the succession of assets which are not possessed by the personal representative. Thus, if the power is unexercised prior to its termination, its lapse clears the title of devisees and heirs. Purchasers from devisees or heirs who are distributees may be protected also by Section 3-910. The power over title of an absolute owner is conceived to embrace all possible transactions which might result in a conveyance or encumbrance of assets, or in a change of rights of possession. The relationship of the personal representative to the estate is that of a trustee. Hence, personal creditors or successors of a personal representative cannot avail themselves of his title to any greater extent than is true generally of creditors and successors of trustees. Interested persons who are apprehensive of possible misuse of power by a personal representative may secure themselves by use of the devices implicit in the several sections of Parts 1 and 3 of this article. See especially Sections 3-501, 3-605, 3-607 and 3-611.

SECTION 3-712. IMPROPER EXERCISE OF POWER; BREACH OF FIDUCIARY DUTY. If the exercise of power concerning the estate is improper, the personal