

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
FIRST JUDICIAL DISTRICT
CASE TYPE: PROBATE DIVISION

In the Matter of:

Case File No.: 10-PR-16-46

Estate of Prince Rogers Nelson,
Decedent.

DECLARATION OF JENNIFER M.
ROBBINS

I, Jennifer M. Robbins, have personal knowledge of the following facts and if called as a witness would testify that:

1. I, along with Christopher W. Madel and Ellen M. Ahrens, am counsel at MADEL PA representing Michael Lythcott (“Lythcott”) in the above-captioned matter.
2. The documents produced to Comerica by Lythcott and his counsel on February 25, 2019, were provided in native format, and not Bates-labelled because there was not enough time to convert all of the documents to be produced that day to TIFF format, which is required to apply Bates-labels on the images of documents.
3. The documents that were provided to the Court on February 22, 2019, were also provided in native format.
4. Attached hereto as Exhibit A is a true and correct copy of the redacted version of Comerica’s counsel’s letter to the Court, and exhibits, submitted March 7, 2019.
5. Attached hereto as Exhibit B is a true and correct copy of an email from Jeffrey J. Witt at Verity Group (our vendor on this matter) attaching: an invoice containing the costs billed for the document collection, front-end filtering, and processing of documents; a February Job Work Detail Report containing additional document processing fees, costs to prepare the productions, data hosting, and database set-up costs; and including an estimate for project manager time for March to prepare the most recent production and ongoing tasks related to the March 7th

production, including identifying the duplicative documents and documents related to the claw back to which we have alerted Comerica's counsel.

I declare under penalty of perjury that the foregoing is true and correct and to the best of my knowledge.

Executed on March 8, 2019 in Minneapolis, Minnesota.

By: s/Jennifer M. Robbins
Jennifer M. Robbins

EXHIBIT A

MADEL PA

800 PENCE BUILDING
800 HENNEPIN AVENUE
MINNEAPOLIS, MINNESOTA 55403
(612) 605-0630
WWW.MADELLAW.COM

ELLEN M. AHRENS
DIRECT DIAL
(612) 605-0641
EAHRENS@MADELLAW.COM

March 7, 2019

Joseph J. Cassioppi
jcassioppi@fredlaw.com

Via Email

Emily Unger
eunger@fredlaw.com

Re: *In re the Estate of Prince Rogers Nelson*
Court File No. 10-PR-16-46

Dear Joe and Emily,

In compliance with the Court's February 13, 2019 Order Regarding Estate Confidential Information and consistent with our previous correspondence, I am sending to you via email a link to what we hope will be our final production on behalf of Michael Lythcott.

As we have discussed by phone on February 25 and via email on February 28, we have now removed non-responsive documents as well as documents based on additional privilege terms. Thus, this production contains 5,346 documents. For this reason, our production today supersedes and replaces our February 25 production. We will send you a letter requesting the claw-back of specific privileged documents pursuant to Minn. R. Civ. P. 26.02(f)(2) as soon as we have identified them. Additionally, for your ease of reference, we anticipate being able to provide information that will show which documents were produced in both productions.

There are 9,647 privileged documents that were withheld. We have determined that it is cost prohibitive to do a privilege log. Further, because of this volume, it would have been impossible for us to create a privilege log and maintain our timeline to provide this production to you. Our vendor estimates that reviewing and coding these documents in order to create a privilege log would cost between \$9,400 and \$18,800. The reason there is such a broad range is because we do not know the rate at which a team of document reviewers can substantively review the documents. If you continue to believe that a privilege log is necessary, then Comerica will have to bear this expense. We are, however, willing to work with you on the most cost-effective manner to provide you with the information that you need regarding the privileged documents.

March 7, 2019

Via email

As you are aware, these documents are confidential and should not be disclosed. Consistent with Alfred Jackson and Omarr Baker's motion to amend the February 13, 2019 Order, we request that you limit the disclosure of these documents to the attorneys in your firm working on this matter, i.e. outside attorneys for Comerica, and we request that the use of these documents be limited to determining whether Mr. Lythcott or Mr. Walker violated their non-disclosure agreement with the Estate. Further, we reserve our right to claw-back any erroneously produced documents pursuant to Minn. R. Civ. P. 26.02(f)(2).

Sincerely,

s/ Ellen M. Ahrens

Ellen M. Ahrens

EXHIBIT B

REDACTED

Fredrikson

& BYRON, P.A.

March 5, 2019

VIA EMAIL

Steven H. Siltan, Esq.
Cozen O'Connor
33 South Sixth Street, Suite 3800
Minneapolis, MN 55402

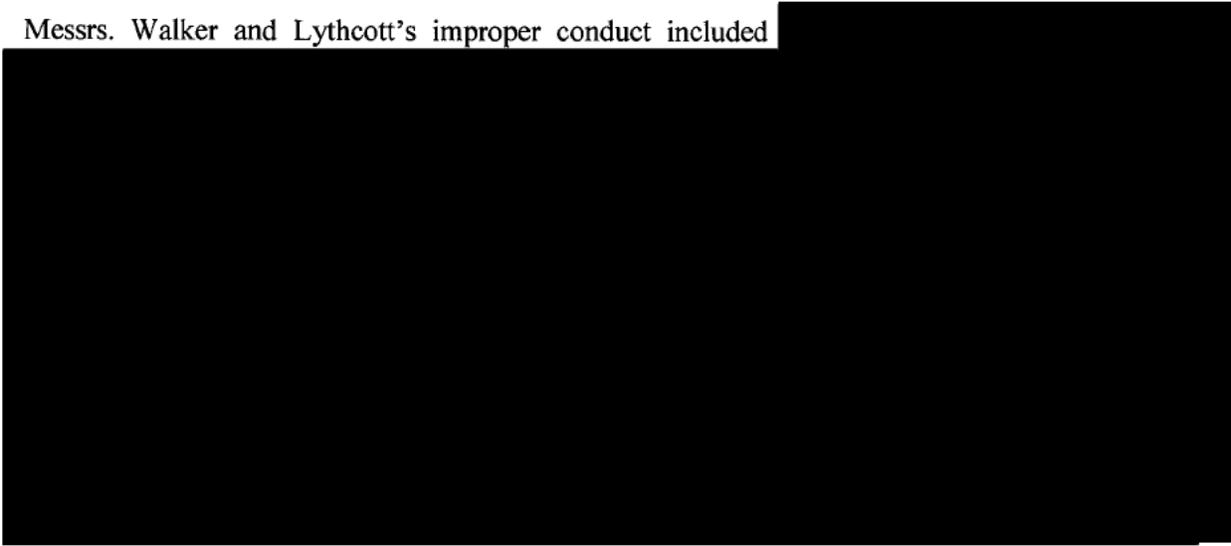
Christopher W. Madel, Esq.
Madel PA
800 Pence Building
800 Hennepin Ave.
Minneapolis, MN 55403

Re: *In re the Estate of Prince Rogers Nelson*
Court File No. 10-PR-16-46

Counsel:

Although we have, to this point, conducted only a preliminary review of the records produced thus far by Mr. Lythcott in response to the Court's February 13, 2019 Order, that review has confirmed that your clients committed numerous serious violations of both their non-disclosure agreements with the Estate, as well as their confidentiality obligations under multiple Court Orders (including, without limitation, the Orders dated March 22, 2017, June 15, 2017, May 15, 2018 and May 25, 2018).

Messrs. Walker and Lythcott's improper conduct included



Attorneys & Advisors
main 612.492.7000
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www.fredlaw.com

Fredrikson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, Minnesota
55402-1425

March 5, 2019

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[REDACTED]

To attempt to mitigate the damage done by your clients, we demand that they immediately:

- Disable all third-party access to the site (but not modify, alter, or otherwise destroy any of the data associated with the site, which must be preserved pending resolution of your clients' violation of their confidentiality obligations);
- Provide us a log from the data site showing all individuals who downloaded information from the site (rather than the access log previously provided), as well as what information was downloaded;
- Provide contact information for all individuals to whom confidential Estate information was provided by your clients, along with what information they were provided;
- Preserve all information and communications related to the Estate, including, but not limited to hard-copy records, emails, text messages, social-networking messages, and voicemails; and
- Notify all third-parties in writing to whom they provided any confidential Estate information (with a copy to us) that your clients were not authorized to provide access to Estate confidential information (enclosing the Court's February 13, 2019 Order), and demanding that the third-parties destroy all confidential information they have in their possession, as well as disclose to whom the third-parties themselves provided any Estate confidential information.

Please confirm by Thursday, March 7 at noon that your clients will take the actions set forth in this letter.

The Estate reserves all rights.

Regards,

/s/ Joseph J. Cassioppi

Joseph J. Cassioppi

Direct Dial: 612.492.7414

Email: jcassioppi@fredlaw.com

CC: Mark W. Greiner, Esq.

66123440.1

EXHIBIT C

Cassioppi, Joseph

From: Michael Lythcott <michael@lythcott.com>
Sent: Tuesday, February 12, 2019 9:11 AM
Subject: Request for Return and Disclosure of Stolen Documents

To Whom it May Concern

It has come to my attention that you may be in possession of internal documents that were recently stolen from the legal "virtual" data room of Omarr Baker. In violation of the terms of service of said digital data room, that was provided to the law firms of J. Selmer Law and White Wiggins & Barnes, LLP, and the lawyers Ward White, Kennedy Barnes and James Selmer and Marc M. Berg who have admitted to taking the court presentation materials from Omarr Baker (Pro Se) who is representing himself in a probate case to which he is a party.

Since I facilitated White Wiggins & Barnes, LLP access to Mr. Baker's files; I am in part contractually responsible for the damages caused by J. Selmer Law and White Wiggins & Barnes, LLP, and the lawyers Ward White, Kennedy Barnes and James Selmer and Marc M. Berg to Mr. Baker.

Please be advised if you have received any files or information from these individuals relating to Omarr Baker or the Estate of Prince Rogers Nelson- return them to Mr. Baker immediately, as they are highly confidential and are the property of Mr. Baker or other parties to which Mr. Baker and myself are subject to third party confidentiality agreements. If you ignore this notice and use or refer to these documents in any way you may be subject to pending litigation claims against J. Selmer Law and White Wiggins & Barnes, LLP.

For any attorney who may have received any of this stolen information, please consider the ethical violations. In addition to the obvious attorney client privilege issues in question, after they were terminated - J. Selmer Law and White Wiggins & Barnes, LLP have shared expressly confidential legal files and strategies with counsel for parties that are or may become adverse to Mr. Baker.

We expect to report these activities to their respective Bar associations as well as the appropriate criminal authorities.

Respectfully,

Michael Lythcott

EXHIBIT C

Friday, March 8, 2019 at 12:53:33 PM Central Standard Time

Subject: Feb and March Cost
Date: Friday, March 8, 2019 at 10:53:29 AM Central Standard Time
From: Jeff Witt
To: Amanda Jeffers
Attachments: image001.png, image002.png, 02190205.pdf, Hosting Cost Lythcott February.pdf

Hi Amanda,

I have attached our invoice for the collection phase and technical time and the work detail for February's data hosting cost which will be invoiced soon.

Invoice 002190205	= \$4,521.50
February work order detail	<u>= \$3,015.70</u>
	\$7,537.20

March cost Hosting and user access	= \$570.00
March estimate PM Hours 8 -12	= \$1,000.00 to \$1,500.00
March estimated cost	= \$1,570.00 to \$2,070.00

Please let me know if you need anything additional, best regards.



Jeffrey J. Witt
Managing Director
Information Lifecycle Governance Certified
 125 South Wacker, Suite Lower Level C
 Chicago, IL 60606
 Cell: (630) 885-5652
 Direct: (312) 754-1001
 Office: (312) 704-0247 ext: 201
jwitt@verityinc.com
www.verityinc.com



The information contained in this communication is confidential and may be legally privileged, It is intended to be read only by the individual or entity to whom it is addressed or by their designee. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or duplication of this communication in any form, is strictly prohibited. If you have received this message in error, please immediately notify the sender and delete or destroy any and all copies of this message.

INVOICE

Chicago

Date	Invoice #
2/28/2019	02190205

www.verityinc.com**(312) 704-0247****Job #: 02190205****Bill To**

Kelsey Lund
Madel PA
800 Pence Building, 800 Hennepin Avenue
Minneapolis, MN 55403

Client Ref. #	Terms	Rep	Ordered By
Michael Lythcott	Net 30	RS	Amanda Jeffers

Description	Qty	Rate	Amount
Processing:Filtering Services	85.86	\$25.000	\$2,146.50
Processing:Technical Time (Hourly)	15	\$125.000	\$1,875.00
Forensics:Data Collection per Media	1	\$500.000	\$500.00

Please Remit to: Verity Group LLC 125 S. Wacker Drive Suite: Lower Level C (LLC) Chicago, IL. 60606

For invoice questions, please contact your Verity Representative or info@verityinc.com

We appreciate your business. Our Terms are net 30 days from date of invoice. All delinquent accounts shall bear interest at a rate of 1.5% per month (18% annum), or the maximum legal rate of interest, if less, commencing 10 days after the invoice date.

Subtotal: \$4,521.50

Tax(0): \$0.00

**Customer
Signature:
Session ID:**

Date: 3/1/2019

Total: \$4,521.50

Tax ID Number:

Job Work Detail Report

Job Number: 02190155 Due Date: 2/28/2019
 Client Matter: Michael Lythcott Time Due: 1:00:00 AM
 Firm Name: Madel PA Date Created: 2/20/2019

Total Billed

\$3,015.70**Services Summary**

<u>Operator</u>	<u>Start Time</u>	<u>End Time</u>	<u>Total Hours</u>	<u>Billable Qty</u>	<u>Rate</u>	<u>Billable \$</u>
Data Storage-Monthly (Relativity)						
Amanda Spitzer			0	14.23	\$15.00	\$213.45
•Data Storage-Monthly (Relativity)						
Totals:			0	14.23		\$213.45
Database Setup (One Time Fee)						
Amanda Spitzer			0	2	\$500.00	\$1,000.00
•Database Setup (One Time Fee)						
Totals:			0	2		\$1,000.00
Native File Review (per GB)						
John Houston			0	7.5	\$100.00	\$750.00
•Native File Review (per GB) - Intralinks and Gmail (after search)						
John Houston			0	1.65	\$100.00	\$165.00
•Native File Review (per GB) - PRN Folders						
Totals:			0	9.15		\$915.00
Project Manager Hours						
Amanda Spitzer			0	4.25	\$125.00	\$531.25
•Project Manager Hours						
Totals:			0	4.25		\$531.25
Relativity User Access Fee						
Amanda Spitzer			0	4	\$89.00	\$356.00
•Relativity User Access Fee						
Totals:			0	4		\$356.00

Vended Services Summary

No vended services associated with this job.

QC Summary

<u>QC By</u>	<u>Start Time</u>	<u>End Time</u>	<u>Revenue</u>	<u>Errors</u>
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