

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.

**COMERICA BANK & TRUST, N.A.'S
OPPOSITION TO GREGG WALKER'S
REQUEST FOR CONTINUANCE ON
MOTION FOR ORDER TO SHOW
CAUSE**

On May 6, 2019, Gregg Walker filed (but did not serve on Comerica) a request to continue the May 20, 2019 hearing on Comerica's motion for an order to show cause why Mr. Walker should not be held in contempt of the Court's February 13, 2019 Order. According to Mr. Walker, he is in the process of obtaining new counsel and when the process is complete—at some indefinite date in the future—he will agree to reschedule the hearing.

Minnesota General Rule of Practice 105 allows an attorney to withdraw as counsel with notice to all parties. The Rule, however, explicitly provides that “[w]ithdrawal of counsel does not create any right to continuance of any scheduled trial or hearing.” Minn. Gen. R. Prac. 105.

Comerica filed its motion for an order to show cause on March 5, 2019—meaning that Mr. Walker has already had more than two months to prepare for the hearing. Mr. Walker's then counsel (Steve Siltan) confirmed Mr. Walker's availability for the hearing and declined to move the hearing to April 19, 2019. (May 10, 2019 Declaration of Joseph J. Cassioppi, Ex. A.) Comerica understands that the withdrawal of Mr. Walker's latest attorney (Justin Bruntjen) may have been beyond Mr. Walker's control, but Mr. Walker has not provided any explanation—beyond the conclusory assertions in his request—for why he has not been able to retain substitute

counsel in the several weeks between when Mr. Bruntjen notified him he needed to withdraw and the present.

The simple fact is that Mr. Walker committed an egregious breach of his confidentiality obligations to the Estate and then attempted to conceal his conduct, including by falsely representing that he had only three documents responsive to the Court's February 13, 2019 Order. It is understandable that Mr. Walker does not want to face the consequences of his misconduct, but the Court should decline to grant Mr. Walker an open-ended extension under the pretense that he has not been able to find, in several weeks, one of the 25,000-plus lawyers licensed in Minnesota to represent him.

To the extent that Mr. Walker retains substitute counsel and that counsel requests a continuance, Comerica will confer with that counsel and report back to the Court. But the Court should decline to provide Mr. Walker an indefinite extension when he cannot establish that he has acted diligently to attempt to retain counsel to represent him at the long-scheduled May 20, 2019 hearing.

Respectfully Submitted,

Dated: May 10, 2019

s/ Joseph J. Cassioppi

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