

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
FIRST JUDICIAL DISTRICT
PROBATE DIVISION

In Re:

Court File No.: 10-PR-16-46
Judge: Kevin W. Eide

Estate of Prince Rogers Nelson,
Decedent,

**MEMORANDUM IN SUPPORT OF
COZEN O'CONNOR'S NOTICE OF
MOTION AND MOTION FOR ORDER TO
APPROVE PAYMENT OF HEIRS'
REPRESENTATIVE'S G.A. WALKER,
LLC FEES FROM JUNE 18, 2018
THROUGH SEPTEMBER 28, 2018**

Cozen O'Connor ("Cozen") submits this memorandum in support of his motion to approve payment of the attorneys' fees and costs of Heirs' representative's Gregg Walker of G.A. Walker, LLC from June 18, 2018 through September 28, 2018 for the benefit of the Estate.

BACKGROUND

Gregg Walker of G.A. Walker, LLC was appointed as an Heirs' representative on May 25, 2018. The Court set forth a procedure for requesting fees related to the services of Gregg Walker as an Heirs' representative. (*See Order & Memorandum on Proposed Entertainment Deal & the Appointment of Heirs' Representatives*, filed May 25, 2018, at ¶ 2(d) ("The billing for the services of Gregg Walker shall, in the first instance, be billed to Omarr Baker and Alfred Jackson. They may submit the billing to the Court to determine whether the services provided were a benefit to the Estate as a whole, instead of a benefit to individual Heirs, and should be paid by the Estate.").) This Motion seeks reimbursement of fees incurred from June 18, 2018 through September 28, 2018. The fees requested in this Motion were first billed to the undersigned on a monthly basis. Cozen O'Connor now seeks reimbursement of those fees from the Estate as they were just and reasonable and commensurate with the benefit to the Estate. (*Id.*, ¶¶ 3-5.)

ARGUMENT

Minnesota's Probate Code allows for the payment of attorneys' fees from the Estate for services rendered on behalf of the Estate. Minn. Stat. § 524.3-720 provides that "the services of an attorney for any interested person contribute to the benefit of the estate, as such, as distinguished from the personal benefit of such person." In such cases, the "attorney shall be paid such commission from the estate as the court shall deem just and reasonable and commensurate with the benefit to the estate from the recovery so made or from such services." Minn. Stat. § 524.3-720; *In re Estate of Van Den Boom*, 590 N.W.2d 350, 354 (Minn. Ct. App. 1999) ("Van Den Boom, as an interested person, acted for the benefit of the estate by keeping a major asset intact. His attorney is entitled to fees."); *In re the Estate of Kane*, No. A15-1033, 2016 WL 1619248, at *7 (Minn. Ct. App. April 25, 2016). Minn. Stat. § 524.3-720 allows compensation for attorneys representing interested persons in four circumstances:

1. An "interested person . . . successfully opposes the allowance of a will";
2. If "after demand, the personal representative refuses to prosecute or pursue a claim or asset of the estate . . . and any interested person . . . by a separate attorney prosecute[s] or pursue[s] and recover[s] such fund or asset for the benefit of the estate";
3. If "a claim is made against the personal representative on behalf of the estate and any interested person . . . by a separate attorney prosecute[s] or pursue[s] and recover[s] such fund or asset for the benefit of the estate"; and
4. If "the services of an attorney for any interested person contribute to the benefit of the estate, as such, as distinguished from the personal benefit of such person."

In the Matter of the Estate of Prince Rogers Nelson, Decedent, No. A17-0880, 2018 WL 492639, at *3 (Minn. Ct. App. Jan. 22, 2018). In the first circumstance, the interested person "is entitled to receive from the estate necessary expenses and disbursements including reasonable attorneys' fees incurred." *Id.* (citing Minn. Stat. § 524.3-720). In the second, third, and fourth circumstances, the

attorney representing an interested person “shall be paid such compensation from the estate as the court shall deem just and reasonable and commensurate with the benefit to the estate from the recovery so made or from such services.” *Id.*

Walker is entitled to an award of the requested fees pursuant to Minn. Stat. § 524.3-720. It is undisputed that this is a unique and complex case. In its first fee petition to the Court more than three years ago, the Special Administrator stated: “The Court is well aware of the unique and extraordinary nature of this proceeding and legal work performed on behalf of the Estate. The scope and sophistication required to represent the Estate may be unlike any other estate administration proceeding in Minnesota’s history.” (Mem. in Support of Motion to Approve Payment of Special Administrator's Fees and Costs, Attorney's Fees and Costs, and to Establish a Procedure for Review and Approval of Future Fees and Costs, dated July 29, 2016, p. 3.)

Gregg Walker and G.A. Walker, LLC’s services benefited the Estate “by providing a greater level of communication of information to the Heirs in a timely manner, allowing the Heirs input into the formulation of entertainment deals, avoiding conflict between the parties and ultimately increasing the level of income or reduc[ing] the expenses of the Estate.” (*See Order & Memorandum on Proposed Entertainment Deal & the Appointment of Heirs’ Representatives*, filed May 25, 2018, at ¶ 2(f).) A review of the invoice indicate how the fees requested benefited the Estate.

CONCLUSION

For all the foregoing reasons, Cozen O'Connor respectfully requests the Court authorize and direct the Personal Representative to pay it \$95,956.50 in fees and \$510.47 in costs from the assets of the Estate for its efforts from June 18, 2018 through September 28, 2018 that benefited the Estate.

Dated: February 7, 2020

COZEN O'CONNOR

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