

STATE OF MINNESOTA  
COUNTY OF CARVER

DISTRICT COURT  
FIRST JUDICIAL DISTRICT  
PROBATE DIVISION

In Re:

Estate of Prince Rogers Nelson,  
Decedent.

Case Type: Special Administration  
Court File No.: 10-PR-16-46  
Judge: Kevin W. Eide

**AFFIDAVIT OF THOMAS P. KANE IN  
SUPPORT OF OMARR BAKER, ALFRED  
JACKSON, AND TYKA NELSON'S  
MEMORANDUM IN OPPOSITION TO  
MOTIONS TO QUASH THE  
SUBPOENA DUCES TECUM TO  
L. LONDELL MCMILLAN**

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF HENNEPIN )

Thomas P. Kane, after being duly sworn, states:

1. I am an attorney duly licensed to practice and in good standing in the State of Minnesota. If called as a witness, I could and would competently testify to the facts stated here based on my own personal knowledge.
2. I am an attorney with the law firm Cozen O'Connor and counsel of record for Omarr Baker and Tyka Nelson in the above-captioned matter. I make this affidavit in support of Omarr Baker, Alfred Jackson, and Tyka Nelson's Memorandum in Opposition to the Motions to Quash the Subpoena Duces Tecum to L. Londell McMillan.
3. Prior to receipt of Sharon, Norrine, and John Nelson's Motion to Quash the Subpoena Duces Tecum to L. Londell McMillan on March 14, 2017, I did not receive any communication from counsel for Sharon, Norrine, and John Nelson regarding a meet and confer, as required pursuant to MINN. GEN. R. PRAC. 115.10. My colleagues at Cozen O'Connor similarly did not receive any communication about a meet and confer.

4. Upon receipt of Sharon, Norrine, and John Nelson's Motion to Quash, I emailed counsel for Sharon, Norrine, and John Nelson to request a meet and confer. (*See Exhibit 2.*) I subsequently spoke with Nathaniel Dahl, counsel for Sharon, Norrine, and John Nelson, regarding their Motion to Quash.
5. Prior to receipt of L. Londell McMillan's Motion to Quash the Subpoena Duces Tecum to L. Londell McMillan on April 26, 2017, I did not receive any communication from counsel for L. Londell McMillan regarding a meet and confer, as required pursuant to MINN. GEN. R. PRAC. 115.10. My colleagues at Cozen O'Connor similarly did not receive any communication about a meet and confer.
6. On April 26, 2017, I contacted counsel for Sharon, Norrine, and John Nelson to request a follow-up meet and confer. (*See Exhibit 6.*) On April 27, 2017, I contacted counsel for McMillan to request a meet and confer. On April 28, 2017, I communicated with counsel for McMillan and counsel for Sharon, Norrine, and John Nelson regarding their Motions to Quash. I suggested the parties enter a protective order with an "attorneys' eyes only" provision prior to production of documents pursuant to the Subpoena. I was unable to reach an agreement with either counsel with respect to their Motions to Quash.
7. In my meet and confer with Alan Silver, counsel for McMillan, we did not discuss the issue of compensation. At no time during the meet and confer was I advised that the tendering of compensation pursuant to MINN. R. CIV. P. 45 would remove the need for McMillan's motion to quash. Baker is willing provide reasonable compensation to McMillan for responding to the Subpoena Duces Tecum.
8. Attached are true and correct copies of the following documents:  
  
Exhibit 1: Notice of Subpoena and Subpoena Duces Tecum to L. Londell McMillan dated March 3, 2017

- Exhibit 2: Email from Thomas P. Kane to Nathaniel Dahl dated March 15, 2017
- Exhibit 3: Email from Thomas P. Kane to Yvonne Shirk dated March 16, 2017
- Exhibit 4: Email from Randy Sayers to Steve Silton dated February 16, 2017
- Exhibit 5: Agreement between Alfred Jackson and L. Londell McMillan o/b/o NorthStar Business Enterprises, LLC dated February 6, 2017
- Exhibit 6: Email from Nathaniel Dahl to Thomas P. Kane dated April 26, 2017

FURTHER YOUR AFFIANT SAYETH NOT.

Dated: May 3, 2017.

/s/ Thomas P. Kane  
Thomas P. Kane

Subscribed and sworn to before me  
this 3rd day of May 2017.

/s/ Amy E. Kulbeik  
Notary Public

# **EXHIBIT 1**

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF CARVER

FIRST JUDICIAL DISTRICT  
PROBATE DIVISION  
Case Type: Special Administration

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In the Matter of:

Estate of Prince Rogers Nelson,

Court File No. 10-PR-16-46

Decedent,

and

**NOTICE TO THE PARTIES IN THIS  
ACTION OF SUBPOENA DUCES  
TECUM TO THIRD PARTY**

Tyka Nelson,

Petitioner.

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Omarr Baker provides notice to the parties in this Action pursuant to Article 31 of the Civil Practice Law of New York and Rule 45 of the Minnesota Rules of Civil Procedure that the Movant intends to serve the attached subpoena for documents on L. Londell McMillan.

Dated: March 3, 2017

COZEN O'CONNOR

By       /s/Thomas P. Kane        
Steven H. Silton (#260769)  
Thomas P. Kane (#53491)  
Armeen F. Mistry (#397591)  
33 South Sixth Street, Suite 4640  
Minneapolis, MN 55402  
Telephone: (612) 260-9000  
ssilton@cozen.com  
tkane@cozen.com  
amistry@cozen.com

Jeffrey Kolodny, *pro hac vice*  
277 Park Avenue  
New York, NY 10172  
Telephone: (212) 883-4900  
jkolodny@cozen.com

*Attorneys for Omarr Baker*

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----x  
In Re:

Estate of Prince Rogers Nelson, Decedent,

And

Tyka Nelson,

Petitioner.  
-----x

IN THE FIRST  
JUDICIAL DISTRICT  
COURT COUNTY OF  
CARVER IN THE  
STATE OF  
MINNESOTA

Cause No.: 10-PR-16-46

**SUBPOENA DUCES  
TECUM (pursuant to  
the Uniform Interstate  
Deposition and  
Discovery Act and  
CPLR § 3119)**

**SUBPOENA DUCES TECUM (PERSONAL ATTENDANCE NOT REQUIRED)**

To: L. Londell McMillan  
635 W. 42<sup>nd</sup> Street  
Apt. 31B  
New York, New York 10036-1933

**WE COMMAND YOU**, to produce and permit inspection and copying of the following documents or tangible things at the place, date, and time specified below:

1. All documents sent to or received from Norrine, Sharon, and/or John Nelson.
2. All documents sent to or received from Tyka Nelson, Alfred Jackson, and/or Omarr Baker.
3. All documents sent to or received from any Music Business Entity relating to Norrine Nelson, Sharon Nelson, John Nelson, Alfred Jackson, Tyka Nelson and/or Omarr Baker.
4. All documents sent to or received from any Music Business Entity relating to Prince Rogers Nelson.
5. All documents in the possession or control of L. Londell McMillan relating to Norrine Nelson, Sharon Nelson, John Nelson, Alfred Jackson, Tyka Nelson and/or Omarr Baker.

PLACE:	DATE AND TIME
Cozen O'Connor c/o Thomas P. Kane, Esq. 33 South Sixth Street Suite 4640 Minneapolis, MN 55402 (612) 260-9001	Tuesday, March 20, 2017 at 12:00p.m.















# **EXHIBIT 2**



# **EXHIBIT 3**





# **EXHIBIT 4**









**EXHIBIT 5 – UNDER SEAL PURSUANT TO  
COURT’S ORDER DATED MAY 18, 2017**

# **EXHIBIT 6**





