



February 7, 2017

Hon. Kevin W. Eide
Carver County Justice Center
604 East Fourth Street
Chaska, MN 55318

Re: Estate of Prince Rogers Nelson, Court File No. 10-PR-16-46

Dear Judge Eide:

We write on behalf of Comerica Bank & Trust N.A. (the "Personal Representative") in advance of the telephone conference at 1:30 tomorrow related to the motion for a temporary restraining order filed by Aspiro AB, WiMP Music AS, and Project Panther Ltd. ("Petitioners"). Based on the exchange of correspondence today, we understand the purpose of the call is to discuss scheduling and related matters, and that the hearing on Petitioners' motion for a temporary restraining order will occur at a later date. Despite the limited nature of the call, Petitioners are continuing to insist that they will ask the Court tomorrow to issue a wide-ranging injunction against the Estate, necessitating this response.

Petitioners' request for an informal hearing to address the merits of the requested restraining order is procedurally improper. The Personal Representative is entitled to a hearing on the merits before the Court rules on the motion. *See* Minn. R. Civ. P. 65.03. Petitioners cannot avoid a hearing by invoking the informal process in Minn. Gen. R. Prac. 115.04(d), a process designed to resolve discovery disputes and other, similar matters that can be addressed without formal briefing. Indeed, Rule 115.04(d) explicitly prohibits the submission of "briefs, declarations or sworn affidavits," and instead mandates that parties file only "short letters." Petitioners' substantial filing consists of an 11-page petition, an affidavit with 19 exhibits (including 105 pages of documents), and a 23-page memorandum.

The Personal Representative is working diligently to respond to the requested injunction. It is not reasonable for Petitioners to expect an immediate response to their lengthy submission, nor is it appropriate to deprive the Personal Representative of a hearing on the merits by seeking the same relief in an informal telephone conference.

Further, the relief Petitioners are requesting is also unwarranted. The Personal Representative has serious concerns about the validity of the "Artist Equity Term Sheet" that forms the basis for

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Petitioners' motion ("Term Sheet"). Among other things, the Term Sheet was not signed by the Decedent, was not performed by either party, was superseded by the August 1, 2015 Letter of Intent addressing the same subject matter, and was terminated by the Special Administrator.

Petitioners bear the burden of proving that the "rights" they claim they have are valid. Petitioners made no attempt to do so in their motion or in their letter requesting informal resolution.

Moreover, even if one assumes that the Term Sheet is valid (an assumption not warranted by Petitioners' submission), the Term Sheet does not prevent the Decedent from entering into contracts with other streaming services. Rather than maintain the "status quo," the injunction would impose obligations on the Personal Representative that do not exist in the two writings Petitioners have relied upon in this action, the Term Sheet and the Letter of Intent. Petitioners are trying to obtain this relief through the back door, without the hearing required under Rule 65.

On behalf of the Personal Representative, we respectfully request that the Court consider Petitioners' requested injunction after a formal hearing has been conducted and the Personal Representative has had the opportunity to be heard on this serious matter.

Sincerely,

/s/ Lora M. Friedemann

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cc: All Counsel of Record (via e-Serve)

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