

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
FIRST JUDICIAL DISTRICT
PROBATE DIVISION

In Re:

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

Estate of Prince Rogers Nelson,
Decedent,

And

Tyka Nelson,

Petitioner.

**SUPPLEMENTAL RESPONSE OF
BRIANNA NELSON AND V.N. IN
OPPOSITION TO
MOTION TO APPROVE
PAYMENT OF SPECIAL
ADMINISTRATOR'S FEES AND
COSTS, AND ATTORNEYS' FEES**

Brianna Nelson and V.N., both Non-Excluded Heirs of the Estate of Prince Rogers Nelson (the "Estate"), through their undersigned counsel, make the following supplemental response in objection to the Special Administrator Bremer Trust, N.A.'s ("Bremer" or "Special Administrator") motion to approve payment of fees. This is a supplement to the joint opposition previously filed by all Non-Excluded Heirs.

Brianna and V.N. file this supplemental response in order to alert the Court to improper conduct of Bremer that has only recently come to light. This conduct includes making payments and/or loans to certain Non-Excluded Heirs without disclosure to the Court or to Brianna and V.N. as well as Bremer concealing numerous communications with other Non-Excluded Heirs from Brianna and V.N. about the Tribute and Paisley Park.

Bremer's conduct is incompatible with the fiduciary duties that it has undertaken as Special Administrator. As Bremer well knows, "trustees owe beneficiaries a duty of full disclosure. . . ." See *In re Matter of the Revocable Trust of Margolis*, 731 N.W.2d 539, 546

(Minn. Ct. App. 2007). Although those beneficiaries include Brianna and V.N., Bremer has repeatedly withheld important information about the Estate from Brianna and V.N.

Bremer knows this is improper. Bremer can have no doubt of this because it brought similar claims against a law firm that withheld material information from Bremer. *See Bremer Bus. Fin. Corp. v. Dorsey & Whitney, LLP (In re SRC Holding Corp.)*, 364 B.R. 1 (D. Minn. 2007). Bremer complained that the law firm concealed the fact that it was not representing Bremer in a transaction and that the law firm had become aware of a potential malpractice claim that Bremer could bring. *Id.* In ruling on Bremer’s claims, the court observed “[i]f Dorsey [the law firm] truly believed that Bremer was not its client, then the reasonable and prudent thing to do would have been to advise Bremer that Dorsey was not its attorney.” *Id.* at n. 53. Bremer was successful in convincing the court that the law firm’s conduct demonstrated a “blatant conflict of interest” and “bad faith.” *Id.* at 49. The court granted Bremer’s request for **TOTAL FEE DISGORGEMENT**. *Id.* at 49 (in the amount of \$887,444.20).

The same type of conduct is at issue here – only this time Bremer is the fiduciary. Brianna and V.N. have only recently learned of the following payments that Bremer, either directly or through its agent Stinson Leonard Street, has made to certain Non-Excluded Heirs:

Recipient	Date	Amount
Tyka Nelson	May 9	\$
Tyka Nelson	July 19	\$
Tyka Nelson	August 17	\$
Omarr Baker	August 29	\$
Norinne Nelson	September 7	\$
Sharon Nelson	September 7	\$
John N. Nelson	August 18	\$

Some of the recipients of these payments initially denied that they received any payment from the Estate in deposition testimony and in answers to interrogatories. When challenged, they asserted that the payments were loans or payments for work done for the Estate. They conceded that they have no documentation to support claims but directed us to Bremer. Bremer refuses to provide any. Bremer's counsel also states that it is too busy to produce communications concerning the Tribute and Paisley Park that did not include Brianna and V.N. As a result, Brianna, V.N., and the Court will be deprived of this information until after the Court has ruled on important motions concerning Bremer and after the Tribute concert and the opening of Paisley Park.

For the foregoing reasons, Brianna Nelson and V.N. respectfully request the Court deny the Special Administrator's motion to approve payment of fees and costs, and attorneys' fees, and require that the Special Administrator provide full and complete information concerning these conflicts of interest before ruling on any motion for fees.

Dated: September 27, 2016

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