

STATE OF MINNESOTA**DISTRICT COURT****COUNTY OF CARVER****FIRST JUDICIAL DISTRICT
CASE TYPE: PROBATE DIVISION**

In the Matter of:

Case File No.: 10-PR-16-46

Estate of Prince Rogers Nelson,

**MEMORANDUM OF LAW IN
SUPPORT OF MOTION TO FILE
CERTAIN DOCUMENTS UNDER SEAL**Decedent.

Pursuant to Minnesota Rule of Civil Procedure 11.06(c) and the Court's Order Regarding the Filing of Certain Documents Under Seal, dated January 23, 2017, and Minnesota Rule of General Practice 11.06(c), non-party Michael Lythcott hereby moves the Court for leave to file the following documents under seal in support of his Motion for Return of Flash Drive and Motion for Costs: (1) his reply memorandum; (2) his April 8, 2019 declaration and exhibits; and (3) exhibits attached to the April 8, 2019 declaration of Ellen M. Ahrens.

Sealing of these documents is authorized and justified by law. *See* Minn. R. of Public Access to Records of Judicial Branch 4; Minn. R. Civ. P. 26.03(a)(7); Minn. R. of Gen. Prac. 11.06(c); *In re GlaxoSmithKline, PLC*, 732 N.W.2d 257, 268-69 (Minn. 2007); *Minneapolis Star & Tribune Co. v. Schumacher*, 392 N.W.2d 197, 202 (Minn. 1986).

These documents refer to or contain confidential business transactions and the procedures and administration of confidential information that belongs to the Estate. For example:

- The reply memorandum and the April 8, 2019 declaration of Michael Lythcott discuss Mr. Lythcott's disclosure of confidential information that resulted in the Court's February 13, 2019 Order Regarding Estate Confidential Information.

- Exhibits attached to the April 8, 2019 declaration of Ellen M. Ahrens refer to Mr. Lythcott's disclosure of confidential Estate information.
- The reply memorandum discusses the details of Mr. Lythcott's non-disclosure agreement with the Estate.

It is our understanding that a significant portion of the submissions preceding the Court's February 13, 2019 Order were filed under seal. For this reason, it remains somewhat unclear what matters the Court considers public and in an effort to protect all parties' information, Mr. Lythcott request that the above-referenced documents be placed under seal.

Any presumption of public access to these filings is outweighed by the need to protect not only the confidential information, but also the mechanisms by which this information is exchanged and protected. This is especially true where, as here, the Estate has alleged that Mr. Lythcott violated the NDA he signed with the Estate. Because Mr. Lythcott is not a party to this litigation and numerous filings have already been made under seal, Mr. Lythcott, in an abundance of caution, seeks to protect not only his own confidential information, but also the confidential information of the parties and their associates in this matter. Mr. Lythcott will publicly file a redacted version of the above-referenced documents.

For the foregoing reasons, Mr. Lythcott respectfully requests that the Court grant the Motion to File Certain Documents Under Seal.

Dated: April 8, 2019

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ACKNOWLEDGMENT

The undersigned hereby acknowledges that pursuant to Minn. Stat. § 549.211 costs, disbursements, and reasonable attorney and witness fees may be awarded to the opposing party or parties in this litigation if the Court should find that the undersigned acted in bad faith; asserted a claim or defense that is frivolous and that is costly to the other party; asserted an unfounded position solely to delay the ordinary course of the proceedings or to harass; or committed a fraud upon the Court.

Dated: April 8, 2019

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