



PETER J. GLEEKEL

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April 27, 2020

Honorable Kevin W. Eide
Carver County District Court
604 East Fourth Street
Chaska, Minnesota 55318

VIA E-FILE

Yvonne.Shirk@courts.state.mn.us

Re: ***In the Matter of: Estate of Prince Roger Nelson***
Court File No.: 10-PR-16-46

Your Honor:

We are writing to Your Honor per the request of Ms. Shirk in her email of April 8, 2020 concerning a proposed Scheduling Order on the Estate's Motion for a Refund of Excessive Fees. Rest assured, we are sensitive to the fact that Your Honor entered a Scheduling Order on April 20, 2020.

After we received Ms. Shirk's email, and both before and after Your Honor's Scheduling Order, counsel for all concerned parties have been communicating in an attempt to reach an agreement on a proposed Scheduling Order to submit to Your Honor. We have after considerable discussion reached such an agreement and respectfully request Your Honor's consideration of the following as an amended scheduling order to the Order entered on April 20.

The parties have been discussing October 12 or October 19 as the date on which the evidentiary hearing on the excessive fee motion will commence before Your Honor. The November 2 and 3 hearing dates in the Court's April 20 Scheduling Order create a conflict for Mr. Silver, Mr. McMillan's lawyer, who has an order in another case to be ready for a ten day trial starting October 30. After considerable back and forth on the issue, the parties agreed to the date of October 19. By the same token, we defer to the Court, and respectfully request that Your Honor set the evidentiary hearing on the excessive fee motion to commence on October 19, 2020 unless you believe October 12 more



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appropriate. Additionally, the lawyers for CAK/Koppelman and Northstar/McMillan believe that a three day setting for the hearing is more appropriate and will obviate any need to continue the hearing if two days proves insufficient and that would require additional travel for the parties and counsel.

The pre-evidentiary hearing deadlines that have been agreed upon by the parties, assuming the hearing begins on October 19, are:

1. May 1 – All additional subpoenas, document requests and deposition notices must served.
2. May 18 - Objections to/motions addressing subpoenas, document requests and deposition notices are due.
3. June 1 – Responses to any objections/motions concerning discovery are due.
4. June 12 – Reply memoranda addressing any discovery related motions are due.
5. September 10 – Fact discovery closes.
6. September 18 – Designation of expert witnesses with summary of expected opinions (not to exceed five pages double spaced).
7. October 2 – Designation of rebuttal experts with summary opinions (not to exceed five pages double spaced).
8. October 5 – Witness and exhibit lists and other pretrial filings (as directed/permitted by the Court) (assuming October 19 evidentiary hearing date).
9. October 19-21 – evidentiary hearing on fee motion.
10. November 16 – Post-trial submissions, including proposed Findings of Fact and Conclusions of Law (as directed/permitted by Your Honor).

As indicated, counsel for each of the parties have agreed to the foregoing. If the proposed Amended Scheduling Order meets with Your Honor's approval, we would be more than happy to prepare an Order for Your Honor's entry. In the event Your Honor has any questions concerning the foregoing or believes it appropriate to hold an additional telephone conference to address scheduling, please let us know and we will facilitate it.

Sincerely,

LARSON • KING, LLP

s/ Peter J. Gleekel

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cc: John J. Rosenberg (via E-File)
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