

Rosenberg, Giger
& Perala P.C.1330 Avenue of the Americas
Suite 1800
New York, NY 10019

Tel: (646) 494-5000

June 12, 2020

VIA ELECTRONIC FILINGThe Honorable Kevin W. Eide
Carver County Justice Center
604 East 4th Street
Chaska, MN 55318**Re: In re The Estate of Prince Rogers Nelson**
Court File No. 10-PR-16-46

Dear Judge Eide:

This firm, together with Berens & Miller P.A., represents CAK Entertainment, Inc. (“CAK”) in the above referenced matter. The purpose of this letter is twofold, *i.e.*, (a) to request the Court’s guidance with respect to the teleconference hearing scheduled for June 19, 2020, and, in particular, to inquire whether the Court expects to hear argument during that hearing on CAK’s Motion, filed on June 5, 2020, seeking review and reconsideration of the Court’s preliminary rulings concerning the scope of the relevant issues to be addressed at the evidentiary hearing in this proceeding (the “Motion for Review”); and (b) to bring to the Court’s attention certain egregious misstatements and mischaracterizations in both the SSA’s Reply Memorandum in support of his Motion to Quash CAK’s Subpoena *ad testificandum* (the “SSA Reply”) and in the Reply Memorandum filed by WBR in support of its Motion to Quash CAK’s Subpoena to that entity (the “WBR Reply”).

1. The SSA Reply.

With regard to the SSA Reply, I respectfully draw Your Honor’s attention to footnote 1 of that submission (on page 2), in which the SSA avers that CAK’s Motion for Review is “procedurally improper [and] was not pursuant to any rule of Civil Procedure, provision of the Probate Code, or order by this Court.” In fact, in its April 20, 2020 Scheduling Order, the Court expressly characterized its observations in that Order concerning the issues to be addressed at the evidentiary hearing as “preliminary rulings” and directed that “[t]he parties may seek review of these rulings by motion no later than June 5, 2020.” CAK responded to that invitation through the submission of its June 5th Motion for Review.

While we are certainly puzzled as to why the SSA would suggest to Your Honor that CAK’s filing, made in response to your specific directive, was improper, this is not the only

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misstatement contained in the SSA Reply, which is replete with a number of other significant mischaracterizations, including: (1) the SSA's repeated accusation that CAK failed to address matters that are specifically discussed in significant detail in its Opposition; (2) the SSA's false averment that Judge Cain did not expressly determine that the SSA was *not* acting as the Estate's counsel when he conducted his dual investigations; and (3) the SSA's mischaracterization of Special Master Solum's findings in his January 13 Order—an Order that in any event bears little, if any, relevance to this matter as it addressed only the SSA's confidential *writings* in connection with his investigation (which CAK does *not* seek through its present Subpoena) rather than Mr. Gleekel's testimony (though it does bear mention that Judge Solum expressly observed in his Order that “[n]either Mr. Gleekel nor his associate, in conducting the investigation and the subject interviews, were acting as lawyers for a client, and although they were lawyers, they were acting as court-appointed investigators”) (January 13 Order at p. 3).

2. The WBR Reply.

CAK is also compelled to respond to certain of the most egregious (among many other) mischaracterizations and omissions set forth in the WBR Reply, as it appears that WBR has attempted to affirmatively mislead the Court as to certain matters that are highly relevant to the resolution of its Motion to Quash.

WBR has correctly identified the sole remaining issue regarding CAK's subpoena to WBR, *i.e.*, the production of relevant emails of Len Blavatnik, the Vice-Chairman of the Board of The Warner Music Group (“WMG”), which includes WBR. Having thus framed the issue, WBR devotes a significant portion of its Reply to arguing that it is unable to produce the emails of its own Vice Chairman since, according to WBR, Mr. Blavatnik is not an employee of WBR and his emails thus are not within WBR's possession, custody or control.

During the course of the parties' extensive meet-and-confer communications on these issues, WBR's counsel initially advanced that same position, *i.e.*, he averred that WBR simply was not able to produce Mr. Blavatnik's emails because he was not technically employed by WBR. In response, CAK offered that, while it found WBR's professed inability to produce the requested emails unpersuasive, it would accept WBR's representations in that regard and seek leave of Your Honor to issue a subpoena to Access Industries, the entity that WBR has identified as being Mr. Blavatnik's employer.

In a subsequent conversation, however, counsel to WBR retrenched on his prior statements and acknowledged that, in fact, “there is a Len Blavatnik WMG email address.” WBR's counsel continued by advising that, while this account most assuredly existed, counsel was uncertain as to the volume of emails that might be located in that account. As such, WBR's counsel requested that, in its Opposition to WBR's Motion to Quash, CAK not make specific reference to these email accounts to afford WBR sufficient time to obtain more information regarding Mr. Blavatnik's WBR email account. Believing that WBR's counsel was working with him in good faith to resolve these issues, CAK did not raise these matters in CAK's Opposition, as WBR had requested.

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It is now apparent that CAK's belief in WBR's supposed good faith was misplaced and that it was "sandbagged" by WBR. In this regard, WBR utterly fails in its Reply to even mention, let alone apprise the Court of, (a) CAK's offer to resolve the issue of the Blavatnik emails by requesting that the Court permit it leave to serve a subpoena on Access Industries seeking those emails; (b) WBR's subsequent confirmation that Mr. Blavatnik does, indeed, maintain an email account at WMG; and (c) WBR's request that CAK not address these issues while WBR made further inquiry into the matter.¹

In exacerbation of the foregoing, WBR unequivocally states in its Reply that Mr. Blavatnik had no involvement in the matters at issue in this proceeding and dismissively characterizes as "attorney innuendo" any suggestion to the contrary. In fact, as WBR well knows, Mr. Blavatnik personally met at his residence with representatives of both of the Advisors to the Estate, *i.e.*, Mr. Koppelman on behalf of CAK and Mr. McMillan on behalf NorthStar, to discuss, *inter alia*, possible transactions concerning rights in certain Prince recordings, including the so-called "Vault Recordings." During the course of these discussions, Mr. Koppelman and Mr. McMillan specifically advised Mr. Blavatnik that the Estate was involved in discussions with UMG concerning the conveyance of rights in Prince recordings to UMG. Mr. Blavatnik advised Messrs. Koppelman and McMillan during the meeting that WBR was interested in acquiring the Vault Recordings, certain rights in which were ultimately granted to UMG in the UMG Agreement.

CAK assumed - - perhaps naively - - that, in light of Mr. Blavatnik's participation in these discussions, which are directly relevant to these proceedings, WBR would not dispute CAK's "offer of proof." Lest there be any lingering misapprehension on the issue, I have attached to this letter a Declaration of Mr. Koppelman confirming these matters.

In light of the foregoing, CAK respectfully requests that, after it has received from WBR and UMG the documents that they have agreed to produce, it be permitted, if it believes it appropriate, to serve a subpoena on Access Industries and/or Mr. Blavatnik seeking Mr. Blavatnik's emails, limited in time, scope and substance as provided in the agreement that CAK reached with WBR concerning the production of the emails of other document custodians. As a concomitant thereto, in light of WBR's decision to affirmatively mislead the Court as to the true nature of the parties' discussions - - and its inexcusable failure to apprise the Court that Mr. Blavatnik does, in fact, maintain an email account at WMG - - CAK also requests that WBR be required to search that email account for responsive documents pursuant to the parties' agreement on the scope of email production and requests that WBR be directed to pay CAK the attorneys' fees and costs it incurred in opposing WBR's Motion to Quash.

¹ Undersigned counsel will be more than willing to submit an affidavit confirming the recitation set forth above if the Court so desires.

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CAK is fully prepared to address the foregoing issues in greater detail in a further submission if the Court so directs.

Respectfully submitted,

John J. Rosenberg

John J. Rosenberg
Direct Dial: (646) 494-5011
E-Mail: 'jrosenberg@rglawpc.com

Enclosure

cc: All counsel of record (via electronic filing)
Eric A.O. Ruzicka, Esq. (via email)

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
FIRST JUDICIAL DISTRICT
PROBATE DIVISION

Court File No. 10-PR-16-46
Honorable Kevin W. Eide

In re Estate of Prince Rogers
Nelson, Decedent.

DECLARATION OF
CHARLES KOPPELMAN

STATE OF NEW YORK)
) ss.
COUNTY OF NASSAU)

CHARLES KOPPELMAN hereby declares the following under penalty of perjury pursuant to Minn. Stat. § 358.116:

1. I am the CEO of CAK Entertainment, Inc. (“CAK”). The statements made in this Declaration are based on my personal knowledge of and participation in the events that are described below.

2. After CAK and NorthStar Enterprises Worldwide, Inc. (“NorthStar”) were appointed as Advisors to the Estate of Prince Rogers Nelson, Londell McMillan and I, acting on behalf of NorthStar and CAK, respectively, met personally with Len Blavatnik at his residence in Manhattan to discuss matters relating to Prince’s Estate, including rights in masters that had been recorded by Prince.

3. It is my understanding that Mr. Blavatnik is, and was at the time of our meeting, the Vice-Chairman of the Warner Music Group and the company’s ultimate decision-maker.

4. During the course of our meeting, Mr. McMillan and I advised Mr. Blavatnik that the Estate was engaged in discussions with UMG concerning UMG's interest in acquiring rights in Prince's recordings, including rights in so-called "Vault Recordings."

5. Mr. Blavatnik advised that Warners was interested in acquiring rights in the Vault Recordings; certain rights in those recordings ultimately were conveyed to UMG in the UMG Agreement.

I declare under penalty of perjury that everything I have stated in this document is true and correct.

Dated: June 12, 2020

/s/ Charles Koppelman
Charles Koppelman