

STATE OF MINNESOTA  
COUNTY OF CARVER

DISTRICT COURT  
FIRST JUDICIAL DISTRICT  
PROBATE DIVISION

<p>In Re:  Estate of Prince Rogers Nelson,  Decedent,</p>	<p>Case Type: Special Administration Court File No. 10-PR-16-46 (Judge Kevin W. Eide)</p> <p><b><u>NON-PARTY WARNER RECORDS INC.'S OBJECTIONS TO SUBPOENA DUCES TECUM AND AD TESTIFICANDUM</u></b></p>
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Non-party Warner Records Inc., formerly Warner Bros Records Inc. (“WBR”), submits these objections to the Subpoena Duces Tecum (“Document Subpoena”) and Ad Testificandum (“Deposition Subpoena,” and together with the Document Subpoena, “WBR Subpoenas”) issued by CAK Entertainment, Inc. (“CAK”) to WBR.

### **GENERAL OBJECTIONS**

WBR makes the following general objections to each definition, request, and topic propounded in the WBR Subpoenas. These General Objections are hereby incorporated into each specific response. The assertion of the same, similar, or additional objections does not waive any of WBR’s General Objections.

1. WBR objects to the WBR Subpoenas to the extent that they purport to require unreasonably costly and/or time-consuming measures to locate and produce documents in violation of Minn. R. Civ. P. 45.03.

2. WBR objects to the WBR Subpoenas as being overly broad and unduly burdensome and reserves the right to seek reimbursement for any excessive costs associated with electronic searches or extensive document collection efforts.

3. WBR objects to the WBR Subpoenas to the extent they call for information already in the possession of the named litigants. WBR should not be required to produce materials that are available from a named party in the litigation or that have already been produced.

4. WBR objects to the definition of “WBR Agreements” as vague, ambiguous, and overly broad, because it encompasses “all agreements between WBR on the one hand and Prince or any entity affiliated with Prince . . . on the other hand concerning rights in Prince’s recorded music.”

5. WBR objects to the Document Subpoena to the extent it purports to require WBR to produce “all,” “any,” or other similarly expansive or all-inclusive terms with respect to the documents requested.

6. WBR objects to the WBR Subpoenas to the extent they seek information that is protected from disclosure by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege, doctrine, or discovery immunity.

7. WBR objects to the WBR Subpoenas to the extent they are not limited in time and seek information for periods of time that are not relevant to any claim or defense.

8. WBR objects to the WBR Subpoenas to the extent they seek information that is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive.

9. WBR objects to the Deposition Subpoena to the extent it seeks testimony from individuals no longer under WBR's control.

10. Pursuant to the Motion to Quash WBR will file regarding the WBR Subpoenas, and consistent with the General and Specific Objections set forth herein, no documents will be provided in response to the Document Subpoena. Likewise, WBR will not furnish a witness in response to the Deposition Subpoena.

### **SPECIFIC OBJECTIONS**

#### **Objections to Deposition Subpoena**

**Topic No. 1:** The negotiation, drafting and terms of the UMG Agreement.

**Objection:** WBR objects to this topic because it seeks testimony related to an agreement to which WBR is not a party.

**Topic No. 2:** The negotiation, drafting and terms of the WBR Agreements, including, without limitation, the 2014 WBR Agreement.

**Objection:** WBR objects to this topic as overly broad, unduly burdensome, and not limited to a reasonable period. As phrased, this topic seeks testimony regarding any and all agreements between WBR and Prince for a period of approximately 40 years. WBR also objects to this topic as seeking testimony that is irrelevant to the October 13, 14, and 15 evidentiary hearing. WBR further objects to this topic because it seeks information protected by the attorney-client privilege and the work product doctrine.

WBR further objects to this topic as seeking testimony that is duplicative of information that will be produced by other parties in this proceeding.

**Topic No. 3:** Claims or assertions by WBR of rights in or to recordings that were the subject of the UMG Agreement.

**Objection:** WBR objects to this topic as overly broad and unduly burdensome. WBR also objects to this topic as seeking testimony that is irrelevant to the October 13, 14, and 15 evidentiary hearing. WBR further objects to this topic because it seeks information protected by the attorney-client privilege and the work product doctrine. WBR further objects to this topic as seeking testimony that is duplicative of information that will be produced by other parties in this proceeding.

**Topic No. 4:** The decision to rescind the UMG Agreement, and the rescission thereof.

**Objection:** WBR objects to this topic as overly broad and unduly burdensome. WBR also objects to this topic as seeking testimony that is irrelevant to the October 13, 14, and 15 evidentiary hearing. WBR further objects to this topic because it seeks information protected by the attorney-client privilege and the work product doctrine. WBR further objects to this topic as seeking testimony that is duplicative of information that will be produced by other parties in this proceeding.

**Topic No. 5:** Claims or assertions by UMG that its entry into the UMG Agreement was induced by fraud, misrepresentation or omission.

**Objection:** WBR objects to this topic because it seeks information related to claims or assertions made by an entity other than WBR.

**Topic No. 6:** Communications with UMG, Fredrikson, the Estate, the Heirs (or any of them), NPG, Bremer, Stinson, the Advisors (or either of them), Charles Koppelman or L. Londell McMillan concerning the UMG Agreement and/or rescission thereof.

**Objection:** WBR objects to this topic as overly broad and unduly burdensome. WBR also objects to this topic as seeking testimony that is irrelevant to the October 13, 14, and 15 evidentiary hearing. WBR further objects to this topic as seeking testimony that is duplicative of information that will be produced by other parties in this proceeding.

**Topic No. 7:** Any valuation, appraisal or other financial analysis or summary of the value of rights in the Prince recordings that were the subject of the UMG Agreement or the WBR Agreements.

**Objection:** WBR objects to this topic as overly broad, unduly burdensome, and not limited to a reasonable period. As phrased, this topic seeks testimony regarding any and all valuations, appraisals, and similar financial analyses of WBR's rights with respect to Prince's recordings for a period of approximately 40 years. WBR also objects to this topic as seeking testimony that is irrelevant to the October 13, 14, and 15 evidentiary hearing. WBR further objects to this topic because it seeks information protected by the attorney-client privilege and the work product doctrine.

**Topic No. 8:** Fredrikson's investigation concerning the negotiation, drafting and terms of the UMG Agreement and WBR's claims or assertions of rights in or to recordings that were the subject of the UMG Agreement.

**Objection:** WBR objects to this topic as overly broad and unduly burdensome.

WBR also objects to this topic as seeking testimony that is irrelevant to the October 13, 14, and 15 evidentiary hearing. WBR further objects to this topic because it seeks information protected by the attorney-client privilege and the work product doctrine. WBR further objects to this topic as seeking testimony that is duplicative of information that will be produced by other parties in this proceeding.

**Topic No. 9:** The SSA's investigation concerning the UMG Agreement and rescission thereof.

**Objection:** WBR objects to this topic as overly broad and unduly burdensome.

WBR also objects to this topic as seeking testimony that is irrelevant to the October 13, 14, and 15 evidentiary hearing. WBR further objects to this topic because it seeks information protected by the attorney-client privilege and the work product doctrine. WBR further objects to this topic as seeking testimony that is duplicative of information that will be produced by other parties in this proceeding.

### **Objections to Deposition Subpoena**

**Request for Production No. 1:** The WBR Agreements (including, without limitation, the 2014 WBR Agreement), including all drafts and prior version thereof, and all amendments thereto.

**Objection:** WBR objects to this request as overly broad, unduly burdensome, and not limited to a reasonable period. As phrased, this request seeks any and all agreements—including drafts—related to WBR's relationship with Prince's recordings for a period of approximately 40 years. WBR also objects to this request as seeking

information that is irrelevant to the October 13, 14, and 15 evidentiary hearing. WBR further objects to this request because it seeks documents/information protected by the attorney-client privilege and the work product doctrine. WBR further objects to this request as seeking documents/information that are duplicative of those that will be produced by other parties in this proceeding.

**Request for Production No. 2:** The UMG Agreement, including all drafts and prior versions thereof, and all amendments thereto.

**Objection:** WBR objects to this request because it seeks documents related to an agreement to which WBR is not a party. WBR further objects to this request as seeking documents/information that are duplicative of those that will be produced by other parties in this proceeding.

**Request for Production No. 3:** All documents, including without limitation, correspondence and other communications, concerning the UMG Agreement.

**Objection:** WBR objects to this request as overly broad and unduly burdensome. WBR also objects to this request as seeking information that is irrelevant to the October 13, 14, and 15 evidentiary hearing. WBR further objects to this request because it seeks documents/information protected by the attorney-client privilege and the work product doctrine. WBR further objects to this request as seeking documents/information that are duplicative of those that will be produced by other parties in this proceeding.

**Request for Production No. 4:** All documents, including, without limitation, correspondence and other communications, concerning claims or assertions by WBR of any rights in or to recordings that were the subject of the UMG Agreement.

**Objection:** WBR objects to this request as overly broad and unduly burdensome. WBR also objects to this request as seeking information that is irrelevant to the October 13, 14, and 15 evidentiary hearing. WBR further objects to this request because it seeks documents/information protected by the attorney-client privilege and the work product doctrine. WBR further objects to this request as seeking documents/information that are duplicative of those that will be produced by other parties in this proceeding.

**Request for Production No. 5:** All documents, including, without limitation, correspondence and other communications, concerning the negotiation or drafting of paragraph 2(b) of the 2014 WBR Agreement.

**Objection:** WBR objects to this request as overly broad and unduly burdensome. WBR also objects to this request as seeking information that is irrelevant to the October 13, 14, and 15 evidentiary hearing. WBR further objects to this request because it seeks documents/information protected by the attorney-client privilege and the work product doctrine.

**Request for Production No. 6:** All documents, including, without limitation, correspondence and other communications, concerning the term “Records,” as defined and used in any of the WBR Agreements.

**Objection:** WBR objects to this request as overly broad, unduly burdensome, and not limited to a reasonable period. As phrased, this request seeks any and all documents and communications related to a contractual term between WBR and Prince for a period of approximately 40 years. WBR also objects to this request as seeking information that is irrelevant to the October 13, 14, and 15 evidentiary hearing. WBR further objects to



this request because it seeks documents/information protected by the attorney-client privilege and the work product doctrine. WBR further objects to this request as seeking documents/information that are duplicative of those that will be produced by other parties in this proceeding.

**Request for Production No. 7:** All correspondence and other communications concerning the negotiation, drafting, rescission or terms of the UMG Agreement, including, without limitation, all such correspondence and other communications between UMG and WBR.

**Objection:** WBR objects to this request because it seeks documents related to an agreement to which WBR is not a party. WBR also objects to this request as overly broad and unduly burdensome. WBR further objects to this request as seeking information that is irrelevant to the October 13, 14, and 15 evidentiary hearing. WBR further objects to this request because it seeks documents/information protected by the attorney-client privilege and the work product doctrine. WBR further objects to this request as seeking documents/information that are duplicative of those that will be produced by other parties in this proceeding.

**Request for Production No. 8:** All correspondence and other communications concerning UMG's decision to seek rescission of the UMG Agreement and/or the rescission thereof.

**Objection:** WBR objects to this request because it seeks documents related to decision made by an entity other than WBR. WBR also objects to this request as overly broad and unduly burdensome. WBR further objects to this request as seeking

information that is irrelevant to the October 13, 14, and 15 evidentiary hearing. WBR further objects to this request because it seeks documents/information protected by the attorney-client privilege and the work product doctrine. WBR further objects to this request as seeking documents/information that are duplicative of those that will be produced by other parties in this proceeding.

**Request for Production No. 9:** All documents, including, without limitation, correspondence and other communications, concerning claims or assertions by UMG that its entry into the UMG Agreement was induced by fraud, misrepresentation or omission.

**Objection:** WBR objects to this request because it seeks information related to claims or assertions made by an entity other than WBR. WBR also objects to this request as overly broad and unduly burdensome. WBR further objects to this request as seeking information that is irrelevant to the October 13, 14, and 15 evidentiary hearing. WBR further objects to this request because it seeks documents/information protected by the attorney-client privilege and the work product doctrine. WBR further objects to this request as seeking documents/information that are duplicative of those that will be produced by other parties in this proceeding.

**Request for Production No. 10:** All correspondence and other communications between WBR and UMG concerning rights in Prince's recorded music, including, without limitation, the licensing, assignment, sale or exploitation thereof.

**Objection:** WBR objects to this request as overly broad, unduly burdensome, and not limited to a reasonable period. As phrased, this request seeks any and all communications between WBR and UMG regarding rights in Prince's recordings,

regardless of when those communications occurred and regardless of whether those communications had any connection to this proceeding. WBR further objects to this request as seeking information that is irrelevant to the October 13, 14, and 15 evidentiary hearing. WBR further objects to this request because it seeks documents/information protected by the attorney-client privilege, the work product doctrine, and/or the common interest privilege. WBR further objects to this request as seeking documents/information that are duplicative of those that will be produced by other parties in this proceeding.

**Request for Production No. 11:** All correspondence and other communications from, to or copied to the Estate, the Heirs (or any of them), Bremer, Comerica, Stinson, Fredrikson, the Advisors (or either of them), Charles Koppelman or L. Londell McMillan concerning rights in Prince's recorded music, including, without limitation, the licensing, assignment, sale or exploitation thereof.

**Objection:** WBR objects to this request as overly broad and unduly burdensome. WBR also objects to this request as seeking information that is irrelevant to the October 13, 14, and 15 evidentiary hearing. WBR further objects to this request as seeking documents/information that are duplicative of those that will be produced by other parties in this proceeding.

**Request for Production No. 12:** Without limitation of the preceding Request, all correspondence and other communications between UMG or WBR on the one hand and the Estate, the Heirs (or any of them), Bremer, Comerica, Stinson, Fredrikson, the Advisors (or either of them), Charles Koppelman or L. Londell McMillan on the other

hand concerning rights in Prince's recorded music, including, without limitation, the licensing, assignment, sale or exploitation thereof.

**Objection:** WBR objects to this request as overly broad and unduly burdensome. WBR also objects to this request as seeking information that is irrelevant to the October 13, 14, and 15 evidentiary hearing. WBR further objects to this request as seeking documents/information that are duplicative of those that will be produced by other parties in this proceeding.

**Request for Production No. 13:** Any valuation, appraisal or other financial analysis or summary of the value of rights in the Prince recordings that were the subject of the UMG Agreement or the WBR Agreements.

**Objection:** WBR objects to this request as overly broad, unduly burdensome, and not limited to a reasonable period. As phrased, this request seeks documents regarding any and all valuations, appraisals, and similar financial analyses of WBR's rights with respect to Prince's recordings for a period of approximately 40 years. WBR also objects to this request as seeking testimony that is irrelevant to the October 13, 14, and 15 evidentiary hearing. WBR further objects to this request because it seeks information protected by the attorney-client privilege and the work product doctrine.

**Request for Production No. 14:** All correspondence and other communications concerning the documents referenced in the immediately preceding request.

**Objection:** See Objection to Request for Production No. 13.

**Request for Production No. 15:** All documents, including, without limitation, correspondence and other communications, concerning Fredrikson's investigation

concerning the negotiation, drafting and terms of the UMG Agreement and WBRs claims or assertions of rights in or to recordings that were the subject of the UMG Agreement.

**Objection:** WBR objects to this request as overly broad and unduly burdensome. WBR further objects to this request as seeking information that is irrelevant to the October 13, 14, and 15 evidentiary hearing. WBR further objects to this request because it seeks documents/information protected by the attorney-client privilege and the work product doctrine. WBR further objects to this request as seeking documents/information that are duplicative of those that will be produced by other parties in this proceeding.

**Request for Production No. 16:** All documents, including, without limitation, correspondence and other communications, concerning the decision of Comerica and/or the Estate to seek rescission of the UMG Agreement.

**Objection:** WBR objects to this request as overly broad and unduly burdensome. WBR further objects to this request as seeking information that is irrelevant to the October 13, 14, and 15 evidentiary hearing. WBR further objects to this request because it seeks documents/information protected by the attorney-client privilege and the work product doctrine. WBR further objects to this request as seeking documents/information that are duplicative of those that will be produced by other parties in this proceeding.

**Request for Production No. 17:** All documents, including, without limitation, correspondence and other communications, concerning the SSA's investigation concerning the UMG Agreement and the rescission thereof.

**Objection:** WBR objects to this request as overly broad and unduly burdensome. WBR further objects to this request as seeking information that is irrelevant to the

October 13, 14, and 15 evidentiary hearing. WBR further objects to this request because it seeks documents/information protected by the attorney-client privilege and the work product doctrine. WBR further objects to this request as seeking documents/information that are duplicative of those that will be produced by other parties in this proceeding.

Dated: May 22, 2020

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