

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
FIRST JUDICIAL DISTRICT
PROBATE DIVISION

In Re:

Estate of Prince Rogers Nelson,
Decedent.

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

**AFFIDAVIT OF THOMAS P. KANE IN
SUPPORT OF OMARR BAKER, ALFRED
JACKSON, AND TYKA NELSON'S
MEMORANDUM IN OPPOSITION TO
MOTIONS TO QUASH THE
SUBPOENA DUCES TECUM TO
L. LONDELL MCMILLAN**

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Thomas P. Kane, after being duly sworn, states:

1. I am an attorney duly licensed to practice and in good standing in the State of Minnesota. If called as a witness, I could and would competently testify to the facts stated here based on my own personal knowledge.
2. I am an attorney with the law firm Cozen O'Connor and counsel of record for Omarr Baker and Tyka Nelson in the above-captioned matter. I make this affidavit in support of Omarr Baker, Alfred Jackson, and Tyka Nelson's Memorandum in Opposition to the Motions to Quash the Subpoena Duces Tecum to L. Londell McMillan.
3. Prior to receipt of Sharon, Norrine, and John Nelson's Motion to Quash the Subpoena Duces Tecum to L. Londell McMillan on March 14, 2017, I did not receive any communication from counsel for Sharon, Norrine, and John Nelson regarding a meet and confer, as required pursuant to MINN. GEN. R. PRAC. 115.10. My colleagues at Cozen O'Connor similarly did not receive any communication about a meet and confer.

4. Upon receipt of Sharon, Norrine, and John Nelson's Motion to Quash, I emailed counsel for Sharon, Norrine, and John Nelson to request a meet and confer. (*See Exhibit 2.*) I subsequently spoke with Nathaniel Dahl, counsel for Sharon, Norrine, and John Nelson, regarding their Motion to Quash.
5. Prior to receipt of L. Londell McMillan's Motion to Quash the Subpoena Duces Tecum to L. Londell McMillan on April 26, 2017, I did not receive any communication from counsel for L. Londell McMillan regarding a meet and confer, as required pursuant to MINN. GEN. R. PRAC. 115.10. My colleagues at Cozen O'Connor similarly did not receive any communication about a meet and confer.
6. On April 26, 2017, I contacted counsel for Sharon, Norrine, and John Nelson to request a follow-up meet and confer. (*See Exhibit 6.*) On April 27, 2017, I contacted counsel for McMillan to request a meet and confer. On April 28, 2017, I communicated with counsel for McMillan and counsel for Sharon, Norrine, and John Nelson regarding their Motions to Quash. I suggested the parties enter a protective order with an "attorneys' eyes only" provision prior to production of documents pursuant to the Subpoena. I was unable to reach an agreement with either counsel with respect to their Motions to Quash.
7. In my meet and confer with Alan Silver, counsel for McMillan, we did not discuss the issue of compensation. At no time during the meet and confer was I advised that the tendering of compensation pursuant to MINN. R. CIV. P. 45 would remove the need for McMillan's motion to quash. Baker is willing provide reasonable compensation to McMillan for responding to the Subpoena Duces Tecum.
8. Attached are true and correct copies of the following documents:

Exhibit 1: Notice of Subpoena and Subpoena Duces Tecum to L. Londell McMillan dated March 3, 2017

- Exhibit 2: Email from Thomas P. Kane to Nathaniel Dahl dated March 15, 2017
- Exhibit 3: Email from Thomas P. Kane to Yvonne Shirk dated March 16, 2017
- Exhibit 4: Email from Randy Sayers to Steve Silton dated February 16, 2017
- Exhibit 5: Agreement between Alfred Jackson and L. Londell McMillan o/b/o NorthStar Business Enterprises, LLC dated February 6, 2017
- Exhibit 6: Email from Nathaniel Dahl to Thomas P. Kane dated April 26, 2017

FURTHER YOUR AFFIANT SAYETH NOT.

Dated: May 3, 2017.

/s/ Thomas P. Kane
Thomas P. Kane

Subscribed and sworn to before me
this 3rd day of May 2017.

/s/ Amy E. Kulbeik
Notary Public

EXHIBIT 1

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF CARVER

FIRST JUDICIAL DISTRICT
PROBATE DIVISION
Case Type: Special Administration

In the Matter of:

Estate of Prince Rogers Nelson,

Court File No. 10-PR-16-46

Decedent,

and

**NOTICE TO THE PARTIES IN THIS
ACTION OF SUBPOENA DUCES
TECUM TO THIRD PARTY**

Tyka Nelson,

Petitioner.

Omarr Baker provides notice to the parties in this Action pursuant to Article 31 of the Civil Practice Law of New York and Rule 45 of the Minnesota Rules of Civil Procedure that the Movant intends to serve the attached subpoena for documents on L. Londell McMillan.

Dated: March 3, 2017

COZEN O'CONNOR

By /s/Thomas P. Kane
Steven H. Silton (#260769)
Thomas P. Kane (#53491)
Armeen F. Mistry (#397591)
33 South Sixth Street, Suite 4640
Minneapolis, MN 55402
Telephone: (612) 260-9000
ssilton@cozen.com
tkane@cozen.com
amistry@cozen.comJeffrey Kolodny, *pro hac vice*
277 Park Avenue
New York, NY 10172
Telephone: (212) 883-4900
jkolodny@cozen.com*Attorneys for Omarr Baker*

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

IN THE FIRST
JUDICIAL DISTRICT
COURT COUNTY OF
CARVER IN THE
STATE OF
MINNESOTA

-----x
In Re:

Estate of Prince Rogers Nelson, Decedent,

And

Tyka Nelson,

Petitioner.
-----x

Cause No.: 10-PR-16-46

**SUBPOENA DUCES
TECUM (pursuant to
the Uniform Interstate
Deposition and
Discovery Act and
CPLR § 3119)**

SUBPOENA DUCES TECUM (PERSONAL ATTENDANCE NOT REQUIRED)

To: L. Londell McMillan
635 W. 42nd Street
Apt. 31B
New York, New York 10036-1933

WE COMMAND YOU, to produce and permit inspection and copying of the following documents or tangible things at the place, date, and time specified below:

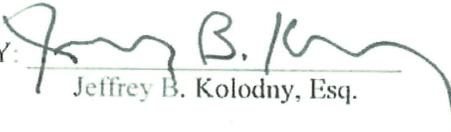
1. All documents sent to or received from Norrine, Sharon, and/or John Nelson.
2. All documents sent to or received from Tyka Nelson, Alfred Jackson, and/or Omarr Baker.
3. All documents sent to or received from any Music Business Entity relating to Norrine Nelson, Sharon Nelson, John Nelson, Alfred Jackson, Tyka Nelson and/or Omarr Baker.
4. All documents sent to or received from any Music Business Entity relating to Prince Rogers Nelson.
5. All documents in the possession or control of L. Londell McMillan relating to Norrine Nelson, Sharon Nelson, John Nelson, Alfred Jackson, Tyka Nelson and/or Omarr Baker.

PLACE:	DATE AND TIME
Cozen O'Connor c/o Thomas P. Kane, Esq. 33 South Sixth Street Suite 4640 Minneapolis, MN 55402 (612) 260-9001	Tuesday, March 20, 2017 at 12:00p.m.

Failure to comply with this Subpoena is punishable as a contempt of Court and shall make you liable to the person on whose behalf this Subpoena was issued for a penalty not to exceed Fifty Dollars (\$50.00) and all damages sustained by reason of your failure to comply.

Dated: New York, New York
February 28, 2017

COZEN O'CONNOR

BY: 
Jeffrey B. Kolodny, Esq.

277 Park Avenue
New York, New York 10172
Telephone (212) 883-4934
Fax (646) 588-1425

Attorneys for Omarr Baker

State of Minnesota

County of Carver

District Court

Judicial District:	First
Court File Number:	10-PR-16-46
Case Type:	Special Administration

In the Matter of:

Estate of Prince Rogers Nelson,

Decedent,

and

Tyka Nelson,

Petitioner.

SUBPOENA IN A CIVIL CASE
(Command to Produce Documents)
Minn. R. Civ. Pro. 45

TO: L. Londell McMillan, 635 W. 42nd St., Apt. 31B, New York, NY 10036-1933.

- You are commanded to appear as a witness in the district court to give testimony at the place, date, and time specified below.

Place of Testimony	Courtroom
	Date and Time

- You are commanded to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

Place of Deposition	Date and Time
---------------------	---------------

- You are commanded to produce and permit inspection and copying of the listed documents or objects at the place, date and time specified below (attach list of documents or objects if necessary): **See Attached Exhibits A and B.**

Place Cozen O'Connor, 33 South Sixth Street, Suite 4640, Minneapolis, MN 55402	Date and Time February 28, 2017 12:00p.m.
--	--

- You are commanded to permit inspection of the following premises at the date and time specified below.

Premises	Date and Time
----------	---------------

Person requesting subpoena: Thomas P. KaneTelephone no: 612-260-9001

**WARNING: FAILURE TO OBEY A SUBPOENA WITHOUT BEING EXCUSED IS A
CONTEMPT OF COURT**

 Signature of Court Administrator / Plaintiff's Attorney / Defendant's Attorney (Circle) <u>Other</u>	February 22, 2017 Date
Thomas P. Kane, Cozen O'Connor, 33 South Sixth St., Suite 4640, Minneapolis, MN 55402 (612) 260-9001 <hr/> Name, Address and Phone Number (if issued by Attorney as an Officer of the Court)	SEAL (if issued by Court Administration)

IMPORTANT: Both pages of this document must be served on the person receiving the summons.

RETURN OF SERVICE

State of Minnesota)
) SS
 County of _____)

I hereby certify and return that on _____ I served a copy of this subpoena upon the person named thereon. Service was made by:

- personally handing to and leaving with him or her a true and correct copy; or
- leaving a true and correct copy at his or her usual place of residence

_____ Address

with _____ a person of suitable age and
 Name of Person
 discretion.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

_____ Date	_____ Signature Printed Name: _____ Title, if any: _____ Address: _____ City/State/Zip: _____ Telephone: _____ E-mail address: _____
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Rule 45, Minnesota Rules of Civil Procedure, provides that:

- A subpoena may be served by any person who is not a party and is not less than 18 years of age.
- Service of a subpoena shall be made by delivering a copy to the person named in the subpoena or by leaving a copy at the person's usual place of abode with some person of suitable age and discretion who resides there.
- A witness who is not a party to the action or an employee of a party (except a person appointed pursuant to Rule 30.02(f)) and who is required to give testimony or produce documents relating to a profession, business, or trade, or relating to knowledge, information, or facts obtained as a result of activities in such profession, business, or trade, is entitled to reasonable compensation for the time and expense involved in preparing for and giving such testimony or producing such documents and is entitled to have the amount of those expenses determined prior to complying with the subpoena.
- A person is not obligated to attend as a witness in a civil case unless one day's attendance and travel fees are paid or tendered in advance (see fees below), unless the subpoena is issued on behalf of the state of Minnesota, or the state's officer or agent.

Fees to be paid to witnesses shall be as follows (Minn. Stat. § 357.22):

- For attending in any action or proceeding in any court of record or before any officer, person or board authorized the take examination of witnesses, \$20 for each day.
- For roundtrip travel estimated from the witness's residence at 28 cents per mile. If a witness lives outside the state, travel costs shall be estimated from the boundary line of the state where the witness crossed into Minnesota at 28 cents per mile. (Additional fees may be available for out of state witnesses).

In any proceeding where a parent or guardian attends the proceeding with a minor witness and the parent or guardian is not a witness, one parent or guardian shall be compensated in those cases where witness compensation is mandatory under Minn. State. § 357.22, and may be compensated when compensation is discretionary under those sections. No more than a combined total of \$60 may be awarded to the parent or guardian and minor witness. Minn. Stat. § 357.242.

Exhibit A to Subpoena
Definitions and Instruction

1. “Electronic” includes but is not limited to writings or data compilations stored on a computer hard drive, server, removable medium such as a floppy disk, CD, DVD, zip disk, flash drive, or USB drive and any back-up system, archive systems, voice mail system, portable device such as a cellular phone, etc., or other technology.
2. “Time frame” refers to documents created after April, 2016.
3. “Prince Rogers Nelson” refers to the decedent Prince Rogers Nelson in the estate of Prince Rogers Nelson venued in Carver County, Minnesota, the musician Prince, or the Artist formerly known as Prince.
4. “Music business entity” means any entity whether a corporation, sole proprietorship, partnership, LLC (or similar entity under the laws of the state where it is located) or any organized or unorganized entity that is in any aspect of the music business.
5. “Documents in the possession or control of L. Londell McMillan” means any document in the physical or electronic possession of L. Londell McMillan, in the physical or electronic possession of any entity controlled by L. Londell McMillan, sent physically or electronically to any party for the purpose of holding for the benefit of L. Londell McMillan, or any entity legally organized or controlled in whole or in part by L. Londell McMillan.

**Exhibit B to Subpoena
Requests for Production**

1. All documents sent to or received from Norrine, Sharon, and/or John Nelson.
2. All documents sent to or received from Tyka Nelson, Alfred Jackson, and/or Omarr Baker.
3. All documents sent to or received from any Music Business Entity relating to Norrine Nelson, Sharon Nelson, John Nelson, Alfred Jackson, Tyka Nelson and/or Omarr Baker.
4. All documents sent to or received from any Music Business Entity relating to Prince Rogers Nelson.
5. All documents in the possession or control of L. Londell McMillan relating to Norrine Nelson, Sharon Nelson, John Nelson, Alfred Jackson, Tyka Nelson and/or Omarr Baker.

EXHIBIT 2

From: Kane, Tom
Sent: Wednesday, March 15, 2017 8:42 AM
To: ndahl@hansendordell.com
Cc: Silton, Steve; Mistry, Armeen
Subject: motion re McMillan

Good Morning:

Do you have time for a quick call today discuss your motion to quash the subpoena.

Thanks.

Tom



Thomas P. Kane
Senior Counsel | CozenO'Connor
33 S. 6th Street Suite 4640 | Minneapolis, Mn. 55402
P: 612 260 9001 F: 612 260 9081 C: 612 867 7757
Email | Bio | LinkedIn | Map | cozen.com

EXHIBIT 3

From: Kane, Tom
Sent: Thursday, March 16, 2017 5:16 PM
To: Cassioppi, Joseph; Shirk, Yvonne (Yvonne.Shirk@courts.state.mn.us)
Cc: Greiner, Mark; Silton, Steve; 'anthonyjonesesq@gmail.com'; 'justin@b2lawyers.com'; 'fkwheaton@gmail.com'; 'rsayers@hansendordell.com'; Nathaniel Dahl; Adam Rohne; Hamilton, Dexter
Subject: RE: PRN Estate: Court call March 17 @ 8 am

Good Evening:

I do not expect a response tonight and certainly not tomorrow afternoon as everyone will be celebrating St. Patrick's day. In any event I would like to propose the 13th all day or the 14th in the morning of April 2017 for the hearing on the motion to quash the McMillan subpoena brought by Mr. Dahl. I have talked to Mr. Dahl and we have agreed as to our schedules these dates are acceptable. We would like this on the agenda for the morning call. Thank you.

Tom



Thomas P. Kane
Senior Counsel | CozenO'Connor
33 S. 6th Street Suite 4640 | Minneapolis, Mn. 55402
P: 612 260 9001 F: 612 260 9081 C: 612 867 7757
Email | Bio | LinkedIn | Map | cozen.com

From: Cassioppi, Joseph [mailto:JCassioppi@fredlaw.com]
Sent: Tuesday, March 14, 2017 3:20 PM
To: Shirk, Yvonne (Yvonne.Shirk@courts.state.mn.us) <Yvonne.Shirk@courts.state.mn.us>
Cc: Greiner, Mark <mgreiner@fredlaw.com>; Kane, Tom <TKane@cozen.com>; Silton, Steve <SSilton@cozen.com>; 'anthonyjonesesq@gmail.com' <anthonyjonesesq@gmail.com>; 'justin@b2lawyers.com' <justin@b2lawyers.com>; 'fkwheaton@gmail.com' <fkwheaton@gmail.com>; 'rsayers@hansendordell.com' <rsayers@hansendordell.com>; Nathaniel Dahl <ndahl@hansendordell.com>; Adam Rohne <arohne@hansendordell.com>; Hamilton, Dexter <DHamilton@cozen.com>
Subject: PRN Estate: Court call March 17 @ 8 am

Ms. Shirk & Counsel:

There will be a call with the Court this Friday, March 17 at 8:00 a.m. central time. Please use the following dial-in information:

1-866-851-9752
Passcode 6124927414

Thank you,

Joseph J. Cassioppi
Fredri/son & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402-1425
Direct Dial: 612.492.7414
Main Phone: 612.492.7000
Fax: 612.492.7077

EXHIBIT 4

From: Randall Sayers <rsayers@hansendordell.com>
Sent: Thursday, February 16, 2017 10:40 AM
To: Siltan, Steve; Kane, Tom; Mistry, Armeen
Cc: Van Jones; fkwhheaton@gmail.com; mgreiner@fredlaw.com; jcassioppi@fredlaw.com; justin@b2lawyers.com; Nathaniel Dahl; Adam Rohne
Subject: RE: Review of Sealed and Confidential Documents

Steve,

The authorities you cite have nothing to do with the issue you raise. They all relate to public access to confidential documents, not to a party sharing confidential information with an advisor.

You seem to be suggesting either that all counsel and all parties are prohibited from sharing confidential information with any other person or that my clients alone are prohibited from sharing confidential information with an advisor of their choice. Both alternatives are unsupported by any authority, and the latter is absurd.

It's unfortunate that you continue to make an issue of Mr. McMillan. My clients are entitled to consult with whom they please.

Randy

From: Siltan, Steve [mailto:SSiltan@cozen.com]
Sent: Monday, February 13, 2017 3:50 PM
To: Randall Sayers <rsayers@hansendordell.com>; Kane, Tom <TKane@cozen.com>; Mistry, Armeen <AMistry@cozen.com>
Cc: Van Jones <vanjones68@magiclabsmedia.com>; fkwhheaton@gmail.com; mgreiner@fredlaw.com; jcassioppi@fredlaw.com; justin@b2lawyers.com; Nathaniel Dahl <ndahl@hansendordell.com>; Adam Rohne <arohne@hansendordell.com>
Subject: RE: Review of Sealed and Confidential Documents

Randy,

You hadn't asked for analysis with regard to this matter. I assume you could conduct your own research and come up with your own conclusions regarding this matter in order to fully abide by the Court's existing orders. That being said, the following is our analysis which may inform your opinion.

Generally, there is a common law right of access to inspect public records—i.e., court files. See *Minneapolis Star & Tribune Co. v. Schumacher*, 392 N.W.2d 197, 205 (Minn. 1986). The common law right of access involves a balancing test in which the "interests supporting access, including the presumption in favor of access, are balanced against the interests asserted for denying access." *Id.* at 202-03. Access should be denied only when the interests asserted in favor of denial are "strong enough to overcome the presumption [for access]." *Id.* at 203. The Court has supervisory power over its own records and files, and access may be denied where court files might become a vehicle for improper purposes. *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 598 (1977).

In this case, the interests asserted in favor of denial are strong enough to overcome the presumption for access. On August 30, 2016, the Court filed an *Order Adopting Modified Protocol for Confidential Business Agreements*, in which the

court states that “[t]o the extent that any confidential business documents, such as any proposed agreement, need to be filed with the Court in conjunction with any objection, **the parties are authorized to file such documents under seal** in accordance with Minnesota Rule of Civil Procedure 11.06(a).” See p. 2 (Order attached to this email). On September 14, 2016, the Court filed an *Order on Media Coalition Motion to Intervene*, in which the court states that **keeping the court-approved entertainment deals confidential is important to “maintain[] the confidentiality of business negotiations** which, if made public, may impede administration of the estate, compromise the Special Administrator’s ability to negotiate contract terms, or devalue the estate.” See p. 3 (Order attached to this email). Similarly, on January 23, 2017, the Court filed an *Order Regarding the Filing of Certain Documents under Seal*, in which the court states that it will “exercise a strong preference for the sealing, through the use of a redacted copy, of only those portions of a document that reference **confidential business transactions** . . . [that] should be filed under seal.” See pp. 4-5 (Order attached to this email).

Minnesota Rule of General Practice 14.01 defines “confidential document” as “a document that will not be accessible to the public, but will be accessible to court staff, and where applicable, to certain governmental entities as authorized by law, court, or court order.” See Minn. Gen. R. Prac. 14.01(a)(1). The rule similarly defines “sealed document” as “a document that will not be accessible to the public but will be accessible to court staff with only the highest security level clearance.” See Minn. Gen. R. Prac. 14.01(a)(9). Minnesota Rule of General Practice 11.06 provides that a party may submit a document for filing as a “confidential document” or “sealed document” if “the court has entered an order *permitting* the filing of the particular document or class of documents under seal or confidential.” This Court’s September 14, 2016 order permits the sealed filing of documents relating to or discussing the court-approved entertainment deals. Furthermore, Minnesota Rule of Record Access 4, subd. 2 provides that a court may restrict public access to case records if it makes findings that are required by law (as the Court has done in this case). None of these rules as written provide an exception for confidential documents or sealed documents (like the proposed entertainment deals) to be accessible to a non-party.

Minnesota case law also supports keeping the documents related to the court-approved entertainment deals that were filed under seal confidential from non-parties. See *Star & Tribune v. Schumacher*, 392 N.W.2d at 202 (the common-law right of access is not absolute, access may be denied where the interests favoring the right of access are outweighed by countervailing interests supporting the denial of access, and courts have a general supervisory power over their files and records); see also *Minneapolis Star & Tribune Co. v. Minnesota Twins Partnership*, 659 N.W.2d 287, 296 (Minn. Ct. App. 2003) (“the district court was within its broad discretion in allowing the documents to be filed with the court under seal to protect the identities and privacy of the nonparties and providing the nonparties with an opportunity to challenge the commission’s discovery request. Because the documents were submitted with a discovery motion and filed under seal with the court’s specific approval, we conclude that the district court was within its discretion in holding that the nonparties’ documents were not subject to the common-law right to access”). Moreover, it is worth noting that private documents that are *not* filed with the court are not considered “judicial records,” and therefore not subject to the common-law presumption of access. See *United States v. Anderson*, 799 F.2d 1438, 1441 (11th Cir. 1986) (stating that “documents collected during discovery are not ‘judicial records.’”); *Star & Tribune v. Twins*, 659 N.W.2d at 296; *Bonzel v. Pfizer, Inc.*, No. C4-02-298, 2002 Minn. App. LEXIS 977, at *17-18 (Minn. Ct. App. Aug. 20, 2002) (“Medtronic has also requested access to . . . documents and information never filed in district court. Unlike those documents filed in court, to which the public access doctrine applies creating the presumption requiring a competing interest before access can be denied, Medtronic has no right to these other documents”).

As of February 1, 2017—when Comerica took over as personal representative—Mr. McMillan is no longer an entertainment advisor to the Special Administrator and is not working in conjunction with the Estate. See *Order for Transition from Special Administrator to Personal Representative* dated January 20, 2017. Mr. McMillan has similarly not appeared as counsel of record for any of the parties in the underlying proceeding. In the opposition to the motion to compel Londell McMillan to produce certain information, your office, as counsel for John, Norrine, and Sharon Nelson actually represented that **Mr. McMillan is a “non-party” to the underlying litigation**. See *Memorandum in Opposition to Motion to Compel* filed under seal on January 9, 2017 at pp. 9-10. Therefore, Mr. McMillan’s role in this proceeding is strictly as a non-party—one who pursuant to Minnesota law does not have a right to review sealed court filings *unless* he seeks a motion to intervene. See *Star & Tribune v. Schumacher*, 392 N.W.2d at 207. In *Schumacher*, the Minnesota

Supreme Court confirmed that the proper procedure for a non-party seeking access to information sealed in court files is to request intervention as of right under Minnesota Rule of Civil Procedure 24.01. *Id.* As of February 1, Mr. McMillan is no longer an agent of the Special Administrator, and the Court has terminated the Special Administrator's role in this proceeding. Therefore, in order to receive access to the sealed documents, Mr. McMillan must bring a motion to intervene like any other non-party.

The current situation highlights Mr. McMillan's elusive and unstated role in this process. It is unclear to me whether he is acting as your co-counsel, whether he is an agent of your clients, or whether he is in fact, your client. This has and will continue to create issues until and unless his role is disclosed and the implications of such are fully vetted.

Truly,

Steve

From: Randall Sayers [<mailto:rsayers@hansendordell.com>]
Sent: Monday, February 13, 2017 9:45 AM
To: Siltan, Steve <SSiltan@cozen.com>; Kane, Tom <TKane@cozen.com>
Cc: Van Jones <vanjones68@magiclabsmedia.com>; fkwheaton@gmail.com; mgreiner@fredlaw.com; icassioppi@fredlaw.com; justin@b2lawyers.com; Nathaniel Dahl <ndahl@hansendordell.com>; Adam Rohne <arohne@hansendordell.com>
Subject: RE: Review of Sealed and Confidential Documents

Steve,

You haven't provided me with any analysis with which I can agree or disagree. If you have court orders, district court rules or other authority for your position, please provide it to me, and I will respond.

I assume your position would apply to all the heirs and their counsel and would prohibit disclosure of sealed documents to any business advisors, financial advisors, accountants, attorneys not of record, family members, etc.

Randy

From: Siltan, Steve [<mailto:SSiltan@cozen.com>]
Sent: Thursday, February 9, 2017 9:02 AM
To: Randall Sayers <rsayers@hansendordell.com>; Kane, Tom <TKane@cozen.com>
Cc: Van Jones <vanjones68@magiclabsmedia.com>
Subject: Review of Sealed and Confidential Documents

Randy,

I am aware that Mr. McMillan is a "business advisor" to your clients. While your clients are free to work with whoever they chose, if Mr. McMillan is not going to make a formal appearance as counsel in this matter (which may or may not be appropriate) he is not entitled to access to review any documents that are sealed. If you disagree with this analysis, please let me know, so I can bring this matter to the Court's attention.

Truly,

Steve

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On Mon, Feb 6, 2017 at 3:32 PM -0600, "Silton, Steve" <SSilton@cozen.com> wrote:

Bob,

Thanks for your continued work on this. I appreciate the progress, though still have some questions. I am pretty busy tomorrow, but will find some time tomorrow to talk. I am including my assistant Marie who can assist.

Randy,

While I appreciate your client's desire to expedite this agreement, I wonder if the request for alacrity is based on information regarding the agreement provided by third parties, including Mr. McMillan, that may not be readily available to the other heirs, or their representatives. The contractual relationship disclosed by your client at the hearing should not be used to provide a personal advantage to your clients at the expense of the Estate. Any information you could provide with regard to this would be greatly appreciated.

Truly,

Steve

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Steven H Silton
Member | Cozen O'Connor
33 South 6th Street, Suite 4640 | Minneapolis, MN 55402
T: 612-260-9003
[Email](#) | [Bio](#) | [LinkedIn](#) | [Map](#) | cozen.com

**EXHIBIT 5 – UNDER SEAL PURSUANT TO
COURT’S ORDER DATED MAY 18, 2017**

EXHIBIT 6

From: Nathaniel Dahl <ndahl@hansendordell.com>
Sent: Wednesday, April 26, 2017 4:35 PM
To: Kane, Tom
Cc: Mistry, Armeen
Subject: RE: Request for a meet and confer

11AM works for me.

From: Kane, Tom [mailto:TKane@cozen.com]
Sent: Wednesday, April 26, 2017 4:35 PM
To: Nathaniel Dahl <ndahl@hansendordell.com>
Cc: Mistry, Armeen <AMistry@cozen.com>
Subject: RE: Request for a meet and confer

Nate

We did discuss it but we did not finish the conversation. How about 11 or 9 on Friday as I have a 10 am call. Thanks.
 Tom



Thomas P. Kane
Senior Counsel | CozenO'Connor
 33 S. 6th Street Suite 4640 | Minneapolis, Mn. 55402
 P: 612 260 9001 F: 612 260 9081 C: 612 867 7757
 Email | Bio | LinkedIn | Map | cozen.com

From: Nathaniel Dahl [mailto:ndahl@hansendordell.com]
Sent: Wednesday, April 26, 2017 4:33 PM
To: Kane, Tom <TKane@cozen.com>
Subject: RE: Request for a meet and confer

Tom,

My recollection is that we previously discussed this matter. That said, I'm certainly willing to discuss it further. Does Friday morning at 10AM work for you?

Best,

Nate

From: Kane, Tom [mailto:TKane@cozen.com]
Sent: Wednesday, April 26, 2017 3:39 PM
To: Nathaniel Dahl <ndahl@hansendordell.com>
Cc: Mistry, Armeen <AMistry@cozen.com>
Subject: Request for a meet and confer

Good Afternoon:

I request a follow up meet and confer regarding the upcoming motion to quash the Londell McMillan subpoena. Please advise if either Thursday morning or Friday morning work.

Thanks.
Tom



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