

STATE OF MINNESOTA

DISTRICT COURT

CARVER COUNTY

FIRST JUDICIAL DISTRICT  
PROBATE DIVISION  
Case Type: Special AdministrationIn the Matter of:  
Estate of Prince Rogers Nelson,

Court File No. 10-PR-16-46

Decedent.

COUSINS LAW APA'S RESPONSE  
TO COMERICA'S MOTION TO DISMISS

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Claimant, COUSINS LAW, APA, for its response to Comerica Bank & Trust, N.A.'s Memorandum in Support of Motion to Dismiss Cousins Law, APA's Petition for Allowance of Previously Disallowed claim, states and alleges as follows:

1. As an important introduction and procedural issue, Claimant has never been legally served with Comerica's Motion to Dismiss Claimant's claim and all accompanying documents associated with same. Claimant became aware of Comerica's motion when Claimant asked Minnesota attorney Paul F. Shoemaker if he had received any notices or motions from the court related to Claimant's claim. Attorney Shoemaker advised that in fact Comerica had filed a motion and he then forwarded copies of the same to Claimant sometime on March 13, 2017. Comerica was aware of Claimant's address, email, telephone and fax numbers yet Comerica never attempted to mail, email, Fed Ex, call, fax, or otherwise serve Claimant with a copy of its'

Motion to Dismiss or supporting materials. As such, this motion is not properly before this Court.

2. Claimant's address is (and at all times relevant to the Claimant's claim has been at) 319 Clematis Street, Suite 701, West Palm Beach, Florida 33401.
3. Claimant is represented in this matter by Patrick St. George Cousins, President of COUSINS LAW, APA, 319 Clematis Street, Suite 701, West Palm Beach, Florida 33401. Mr. Cousins is a duly admitted and licensed attorney in the State of Florida.
4. Claimant is an interested person as defined by Minnesota law because claimant has a claim against the Estate.
5. On September 2, 2016, Claimant mailed a Written Statement of Claim to counsel for the Special Administrator in this proceeding. A copy of the claim is attached to this response and incorporated herein as Exhibit A.
6. The Special Administrator's counsel initially responded to Claimant's claim by sending a denial to Claimant of another claimant's claim, see copy attached to this response and incorporated herein as Exhibit B. The clerical error made by the Special Administrator was later corrected by action of the Claimant.
7. Claimant contacted the attorneys for the Special Administrator by telephone and left a detailed message drawing attention to the foregoing error and to request clarification as to Exhibit B. Counsel for the Special Administrator did not respond to this message. Claimant then sent a series of emails to counsel for the Special Administrator advising that Claimant had received correspondence described as Exhibit B, see copy of this email attached to this response and incorporated herein as exhibit C.
8. Sometime later, counsel for the Special Administrator attempted to send Claimant a denial of the Claimant's claim; however, counsel for the Special

Administrator mailed that correspondence (denial) to the wrong address for Claimant thus delaying Claimant's receipt of same. To the best of Claimant's knowledge, the correspondence constituting a denial of Claimant's claim by counsel for the Special Administrator was received by Claimant on or about October 27, 2016. See copy attached to this response and incorporated herein as Exhibit D.

9. Thereafter on December 6, 2016, and within sixty (60) days of Claimant's receipt of the denial of Claimant's claim, Claimant made a timely filing, pursuant to the applicable law, of its' written Statement of Claim with the District Court and Special Administrator in this proceeding, see a true and correct copy attached to this response and incorporated as Exhibit E.
10. Mr. Cousins called the district court administrator's office on several occasions to ensure that Claimant's claim was timely received after mailing the same via certified United States mail. The court administrator advised that the Claimant's written statement of claim was timely filed and that Claimant needed to wait on a hearing date.
11. On January 26, 2017, after not receiving a hearing date, Claimant filed for a hearing on the petition for allowance of a claim previously disallowed, see a true and correct copy attached to this response and attached as Exhibit F.
12. The claim is proper and should be allowed because: Claimant represented the Decedent on various legal matters prior to his death and provided legal services at the request of Decedent. Claimant is entitled to payment on its Claim because Decedent has an outstanding balance due and owing to Claimant as described in Exhibits A, E and F.
13. Comerica has filed a memorandum which includes a statement of facts that are full of assumptions and errors. Claimant hereby responds to the same as follows.













































