



March 7, 2019

VIA E-FILING

The Honorable Kevin W. Eide
Judge of the District Court
Carver County Justice Center
604 East 4th Street
Chaska, MN 55318

(REDACTED)

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

Dear Judge Eide:

We are writing on behalf of Comerica Bank & Trust, N.A. as Personal Representative of the Estate of Prince Rogers Nelson, to provide an update regarding our initial review of the documents provided thus far by Michael Lythcott in response to the Court's February 13, 2019 Order. Despite the filing of our contempt motion, Gregg Walker has not supplemented his original production of three emails, nor has he indicated an intention to do so.

On February 25, 2019, Mr. Lythcott provided us a production consisting of 9,561 of the more than 20,000 documents that he produced to the Court on February 22, 2019. We sought clarification from counsel for Mr. Lythcott on the difference between what was provided to the Court and what we were provided and were told: (1) certain of the 20,000+ documents provided to the Court are being withheld as privileged; (2) some of the 20,000+ documents are not responsive to the February 13, 2019 Order; and (3) we would be receiving a supplemental production today including any responsive, non-privileged documents that were not produced to us on February 25, 2019.

Today, we received a production of 5,346 documents from Mr. Lythcott, although his counsel has claimed that it is a replacement for the production sent to us on February 25, making it unclear if Mr. Lythcott has actually provided us any new documents. (Ex. A.) Additionally, despite our demand, Mr. Lythcott is refusing to produce a privilege log for what he now claims are 9,647 privileged communications and other documents the he is withholding from production unless the Estate agrees to pay for it. We will attempt to address this matter with counsel for Mr. Lythcott and, that failing, will seek relief from the Court.

To date, we have by no means reviewed all of the at least 9,561 documents produced by Mr. Lythcott, but, as set forth in greater detail in the Personal Representative's March 5 motion to

Attorneys & Advisors
main 612.492.7000
fax 612.492.7077
www.fredlaw.com

Fredrikson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, Minnesota
55402-1425

The Honorable Kevin Eide
March 7, 2019
Page 2

hold Gregg Walker in contempt, those documents we have reviewed reveal that Mr. Lythcott and Mr. Walker's unauthorized disclosure of confidential Estate information was far worse and more widespread than we ever imagined. Specifically, Mr. Lythcott and Mr. Walker [REDACTED]

[REDACTED] (See March 4, 2019 Declaration of Joseph J. Cassioppi, ¶ 9 & Ex. G.) Mr. Lythcott and Mr. Walker violated not only their non-disclosure agreements with the Estate, but at least four confidentiality orders entered by the Court (dated March 22, 2017, June 15, 2017, and May 15 and 25, 2018). Mr. Lythcott and Mr. Walker knew they were violating Court orders and confirmed as much in a letter [REDACTED]

[REDACTED]:

[REDACTED]

(*Id.*, Ex. E-4 at p. 5.)

As set forth above, we have not reviewed all of the 9,561 documents produced by Mr. Lythcott on February 25 nor any new documents in the supplemental production we received today. We also expect to eventually receive additional records from Mr. Walker. However, based on what we have reviewed, the Personal Representative intends to undertake two preliminary actions in an attempt to identify the scope of, and mitigate, Mr. Lythcott and Mr. Walker's misconduct.

First, we have been able to identify [REDACTED]

[REDACTED] The Personal Representative is

¹ The data site access log provided by Mr. Lythcott, for the most part, includes only first and last names (including common names like [REDACTED]) making it difficult to determine who the individuals are. If the Personal Representative is unable to obtain contact information for all individuals on the access log from other documents in Mr. Lythcott's production, it will seek that information from Mr. Lythcott and Mr. Walker directly and, that failing, will seek relief from the Court.

The Honorable Kevin Eide
March 7, 2019
Page 3

going to begin sending letters to those third-parties notifying them that they were not authorized to receive confidential Estate information and demanding that they destroy all information they received, as well as confirm that they have not forwarded the information to any additional parties. We sent counsel for Mr. Lythcott and Mr. Walker a letter on Tuesday, March 5, demanding that they notify us by today whether they were willing, themselves, to send letters to the individuals to whom they provided confidential Estate information demanding the destruction of that information. (Ex. B.) We have not received a response from Mr. Walker or his counsel. Counsel for Mr. Lythcott emailed us today stating that they would respond by Monday. While we are skeptical that Mr. Lythcott will agree to assist with the mitigation of the damage he has done to the Estate—he reacted to the filing of the pitch book with the Court by threatening to sue everyone who received a copy of the Court filing (Ex. C)—the Personal Representative will welcome any assistance Mr. Lythcott agrees to provide. We do not, however, intend to wait to hear back from Mr. Lythcott before proceeding with the demand letters.

Second, we intend to review all the records we receive from Mr. Lythcott, Mr. Walker, and any third-parties and provide a report of that review to the Court. Our goal is to file the report in advance of the hearing currently scheduled for May 20, 2019 (although we may need to supplement our findings based on additional documents received thereafter, including based on any order entered on the motion to hold Mr. Walker in contempt).

Please do not hesitate to let us know if Your Honor has any questions related to this matter.

Respectfully submitted,

/s/ Joseph J. Cassioppi

Joseph J. Cassioppi
Direct Dial: 612.492.7414
Email: jcassioppi@fredlaw.com

Enclosures
66142757.1

EXHIBIT A

EXHIBIT B

REDACTED

EXHIBIT C

