

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF CARVER

FIRST JUDICIAL DISTRICT
PROBATE DIVISION

In the Matter of:

Court File No. 10-PR-16-46

Judge Kevin W. Eide

Estate of Prince Rogers Nelson,

Decedent.

**COMERICA BANK & TRUST, N.A.'S
MEMORANDUM IN SUPPORT OF MOTION
TO FILE UNDER SEAL ITS MEMORANDUM
IN OPPOSITION TO MOTION FOR RETURN
OF FLASH DRIVE AND SUPPORTING
DECLARATION AND EXHIBITS**

Comerica Bank & Trust, N.A., as the Personal Representative of the Estate of Prince Rogers Nelson (the "Personal Representative"), submits this Memorandum in Support of its Motion to File under Seal unredacted copies of the following documents:

Comerica Bank & Trust, N.A.'s Memorandum in Opposition to Motion for Return of Flash Drive and Motion for Costs
March 15, 2019 Declaration of Joseph J. Cassioppi with Exhibits 3-7
Exhibits A-K to March 15, 2019 Declaration of Emily A. Unger

The Memorandum and Declaration of Joseph J. Cassioppi with Exhibits 3-7 contain confidential information regarding the Estate and its agreements. The request to seal these documents is supported by the need to maintain the confidentiality of information belonging to the Estate. Exhibits A-K to the Declaration of Emily A. Unger contain communications that Michael Lythcott claim are attorney-client privileged. The request to seal these documents is in deference to Mr. Lythcott's claim of privilege. The redacted information qualifies as confidential commercial information under Minn. R. Civ. P. 26.03(g), and there is no historical right of access to the information under the test articulated in *Minneapolis Star & Tribune Co. v.*

Schumacher, 392 N.W.2d 197 (Minn. 1986). Revealing the confidential information could adversely impact the Estate and/or cause waiver of any purported privilege.

Accordingly, the Personal Representative respectfully requests that the Court permit it to file unredacted copies of these documents under seal.

Dated: March 15, 2019

/s/ Joseph J. Cassioppi

Mark W. Greiner (#0226270)

Joseph J. Cassioppi (#0388238)

Emily A. Unger (#0393459)

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