

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF CARVER

FIRST JUDICIAL DISTRICT  
PROBATE DIVISION

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In the Matter of:

Court File No. 10-PR-16-46

Judge Kevin W. Eide

Estate of Prince Rogers Nelson,

Decedent.

**DECLARATION OF JOSEPH J. CASSIOPPI IN  
SUPPORT OF COMERICA BANK & TRUST,  
N.A.'S RESPONSE TO MOTIONS TO APPROVE  
FEES REQUESTED BY HEIRS'  
REPRESENTATIVES**

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I, Joseph J. Cassioppi, declare and state as follows:

1. I am a shareholder at Fredrikson & Byron P.A., counsel for Comerica Bank & Trust, N.A., the Personal Representative of the Estate of Prince Rogers Nelson. I make this declaration in support of Comerica's Response to Motions to Approve Fees Requested by Heirs Representatives.

2. Attached hereto as Exhibit A is a true and correct copy of the non-disclosure agreement between Charles Spicer and Comerica.

3. Attached hereto as Exhibit B is a true and correct copy of the non-disclosure agreement between Gregg Walker and Comerica.

4. Attached hereto as Exhibit C is a true and correct copy of Comerica's Report Regarding Disclosure of Confidential Information by Michael Lythcott and Gregg Walker dated April 25, 2019.

5. Attached hereto as Exhibit D is a true and correct copy of an email sent from Michael Lythcott to Mr. Walker, dated October 17, 2016, which was provided to the Personal Representative by Mr. Lythcott in response to the Court's February 13, 2019 Order.

6. Attached hereto as Exhibit E is a true and correct copy of an email chain between Mr. Walker, Mr. Lythcott, and others, the most recent of which is dated December 20, 2016, which was provided to the Personal Representative by Mr. Lythcott in response to the Court's February 13, 2019 Order.

7. Attached hereto as Exhibit F is a true and correct copy of an email chain between Mr. Walker and Mr. Lythcott, the most recent of which is dated December 30, 2016, which was provided to the Personal Representative by Mr. Lythcott in response to the Court's February 13, 2019 Order.

8. Attached hereto as Exhibit G is a true and correct copy of an email between Mr. Walker and Mr. Lythcott dated March 28, 2018, which was provided to the Personal Representative by Mr. Lythcott in response to the Court's February 13, 2019 Order.

9. Attached hereto as Exhibit H is a true and correct copy of an email between Mr. Walker and Mr. Lythcott dated April 6, 2018 with its attachment, which was provided to the Personal Representative by Mr. Lythcott in response to the Court's February 13, 2019 Order.

10. Attached hereto as Exhibit I is a true and correct copy of an email between Mr. Walker and Andrew Robbins dated April 11, 2018, which was provided to the Personal Representative by Mr. Lythcott in response to the Court's February 13, 2019 Order.

11. Attached hereto as Exhibit J is a true and correct copy of an email between Mr. Walker and Mr. Lythcott dated July 24, 2018, which was provided to the Personal Representative by Mr. Lythcott in response to the Court's February 13, 2019 Order.

12. Attached hereto as Exhibit K is a true and correct copy of a non-disclosure agreement between Gregg Walker and Alignment Debt Holdings 1, LLC dated August 2, 2018,

which was provided to the Personal Representative by Mr. Lythcott in response to the Court's February 13, 2019 Order.

13. Attached hereto as Exhibit L is a true and correct copy of an email between Mr. Walker and Justin Landau dated August 16, 2018, along with the attachment to that email, which was provided to the Personal Representative by Mr. Lythcott in response to the Court's February 13, 2019 Order.

14. Attached hereto as Exhibit M is a true and correct copy of an email chain between Mr. Lythcott, Mr. Walker, and others, the most recent of which is dated August 17, 2018, which was provided to the Personal Representative by Mr. Lythcott in response to the Court's February 13, 2019 Order.

15. Attached hereto as Exhibit N is a true and correct copy of an email chain between Mr. Walker and Mr. Lythcott, the most recent of which is dated August 24, 2018, which was provided to the Personal Representative by Mr. Lythcott in response to the Court's February 13, 2019 Order.

16. Attached hereto as Exhibit O is a true and correct copy of an email dated August 27, 2018 between Leland O'Connor and Mr. Lythcott, copying Mr. Walker, along with the attachment to the email, which was provided to the Personal Representative by Mr. Lythcott in response to the Court's February 13, 2019 Order.

17. Attached hereto as Exhibit P is a true and correct copy of an email dated September 7, 2018 between Mr. Lythcott and Paul Farber, copying Mr. Walker and others, along with the attachment to that email, which was provided to the Personal Representative by Mr. Lythcott in response to the Court's February 13, 2019 Order.

18. Attached hereto as Exhibit Q is a true and correct copy of an email dated September 24, 2018 between Mr. Lythcott and Andrew Robbins and Leland O'Connor, copying Mr. Walker and others, along with one of the attachments to the email, which was provided to the Personal Representative by Mr. Lythcott in response to the Court's February 13, 2019 Order.

19. Attached hereto as Exhibit R is a true and correct copy of a letter I received from Steven Sifton, counsel for Mr. Walker, dated February 25, 2019.

20. Attached hereto as Exhibit S is a true and correct copy of an email dated November 2, 2018 between Emily Rodemoyer and Mr. Lythcott, forwarding an email from that same date from Mr. Walker, and the attachments to that email, which was provided to the Personal Representative by Mr. Lythcott in response to the Court's February 13, 2019 Order.

21. Attached hereto as Exhibit T is a true and correct copy of the April 20, 2020 Affidavit of Gregg Walker, with attachments, submitted to Special Master Richard Solum in support of Cozen O'Connor's Motion for Attorneys' Fees.

22. When it learned of Mr. Walker and Mr. Lythcott's conduct, the Personal Representative immediately took action to attempt to discover the scope of, and remediate that malfeasance. The Personal Representative, working with our law firm, successfully obtained records from Mr. Lythcott (Mr. Walker refused to provide his communications and records, in violation of the Court's February 13, 2019 Order), reviewed thousands of records to determine the scope of the misconduct, sent demand letters to all recipients of confidential information the Personal Representative was able to identify, and after negotiations, obtained the cooperation of the majority of those recipients in ensuring the return and destruction of the materials they were improperly provided. The Personal Representative also engaged in motion practice and participated in numerous court hearings—including based on Mr. Walker's refusal to comply with

the February 13, 2019 Order—prepared the April 25, 2019 Report, and held a mediation with Mr. Walker and Mr. Lythcott, which resulted in a partial settlement, but under which the parties reserved all rights, including “the Estate’s right to seek reimbursement of costs and attorneys’ fees from Mr. Walker . . . .” Most recently, the Personal Representative was forced to oppose the, ultimately unsuccessful, attempt by Mr. Walker’s former counsel to require the Estate to pay approximately \$100,000 in attorneys’ fees it incurred representing Mr. Walker. In total, the Estate incurred at least \$239,863 in attorneys’ fees and costs investigating, litigating, and remediating the misconduct of Mr. Walker and Mr. Lythcott.

**I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS  
TRUE AND CORRECT.**

Dated: June 29, 2020

*/s/ Joseph J. Cassioppi*  
\_\_\_\_\_  
Joseph J. Cassioppi

**EXHIBITS**  
**A-Q and S-T**  
**FILED**  
**UNDER SEAL**

# **EXHIBIT R**



February 25, 2019

**VIA EMAIL**

**Steven H. Silton**

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Joseph J. Cassioppi  
Fredrikson & Byron, PA  
200 South Sixth Street  
Suite 4000  
Minneapolis, MN 55402-1425

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

Dear Mr. Cassioppi:

This correspondence is in compliance with the Court's February 13, 2019 Order.

As an initial matter, Mr. Walker is not in possession of any "communications and [or] related documents with any third-parties (including but not limited to, the two entities references in the February 8, 2019 Letter filed by Alfred Jackson, Omarr Baker and Tyka Nelson), that included confidential information that belongs to the Estate."

Mr. Walker takes his obligations to all six heirs extremely seriously, and he is troubled by the allegations against him that have come from the Personal Representative.

With regard to the "Pitch Book" referenced in your February 13, 2019 Order, as previously indicated, Mr. Walker is not in possession of a "Pitch Book." The "Pitch Book" has only been provided to the Court in fully redacted form, without a corresponding sealed version. Mr. Walker has, in his capacity as Heir's Advisor, communicated with advisors. In the interest of full disclosure, Mr. Walker attaches documents bates stamped WALKER0001 through WALKER0008, that include any communications with financial advisors, even those that do not include confidential information that belongs to the Estate.

Although this disclosure was not provided pursuant to Rule 26, 45 or any related rule, Mr. Walker reserves his ordinary objections to any disclosure, including, but not limited to documents covered under attorney client privilege. Mr. Walker accepts this obligation as continuing, and will supplement this disclosure if he discovers any additional responsive documents.

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Joseph J. Cassioppi  
February 25, 2019  
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Yours truly,

COZEN O'CONNOR

By: Steven H. Silton

SHS:ld