

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
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
ORDER IMPOSING PRECONDITIONS
ON SUBMISSIONS BY
SHAWNETTA T. GRAHAM**

Comerica Bank & Trust, N.A. (the "Personal Representative"), as the Personal Representative of the Estate (the "Estate") of Prince Rogers Nelson (the "Decedent"), submits this response to the Court's Order Regarding Submissions, dated November 22, 2017. In that Order, the Court invited Shawnetta T. Graham ("Ms. Graham") and any other interested party to submit written argument regarding whether Ms. Graham has standing to submit further documents to the Court, and whether the Court should deem further filings in this matter by Ms. Graham to be frivolous litigation and impose preconditions on her serving or filing any new submissions pursuant to Rule 9 of the Minnesota Rules of General Practice for the District Court. The Personal Representative believes that Ms. Graham lacks standing, and that it is in the best interest of the Estate for the Court to declare Ms. Graham to be a frivolous litigant and to impose preconditions on future filings by Ms. Graham. The continued filing of baseless claims and other submissions is a burden on the Court's administrative resources, requires undue attention and resources of the Personal Representative, and causes delay and expense to the legitimate stakeholders in this matter. Thus, the Court should declare Ms. Graham to be a frivolous litigant who lacks standing, and should impose preconditions on future submissions by Ms. Graham in

the form of an order deeming all such submissions frivolous and not to be addressed by the Court.

FACTUAL BACKGROUND

The period for submitting creditor claims in this matter expired on September 12, 2016. *See* Minn. Stat. § 524.3-803(a). On June 5, 2017, Ms. Graham filed a “Notice of Objection of Closing of Case 10-PR-16-46 & Notice for consideration to be including¹ in the Probate Process of PRINCE RODER NELSON’S ESTATE.” It is difficult to decipher the claims or requests in that filing—for example, it appears to request, without supporting authority or grounds, that this matter be transferred to the United States Supreme Court. By a separate document appearing on the docket on June 21, 2017 and entitled “Pro-Se Notice to Request a Hearing & distribution of available Funds,” Ms. Graham requested a meeting with the Court or the Personal Representative, a distribution of funds from the Estate, and a visit to Paisley Park.

Out of an abundance of caution, the Personal Representative treated Ms. Graham’s June filings as asserting an heirship claim and/or a creditor claim against the Estate. Accordingly, by letter dated June 28, 2017, the Personal Representative informed Ms. Graham that the Court had already determined the Decedent’s heirs, provided information regarding the procedure for challenging that determination, and included a copy of the “Request for Parentage Information” questionnaire. (Declaration of Sarah M. Olson in Support of Comerica Bank & Trust, N.A.’s Memorandum in Support of Order Imposing Preconditions on Submissions by Shawnetta T. Graham, Ex. A.) Also on June 28, 2017, the Personal Representative filed and served on Ms. Graham a Notice of Disallowance of Claim, stating that Ms. Graham’s claim in an undisclosed amount, presented on June 5, 2017 and/or June 21, 2017, was disallowed because

¹ To avoid repetition and unnecessary length, the numerous typographical and grammatical errors in Ms. Graham’s filings will not be denoted herein with [sic].

the claim had no basis in law or fact and was presented after the expiration of the creditors' claim period. (*See id.* at Ex. A.)

On July 9, 2017, the Personal Representative received from Ms. Graham a "Request for Parentage information: Pro Se Affidavit." By letter dated July 11, 2017, the Personal Representative informed Ms. Graham that it had determined that she was precluded from being an heir as a matter of law. (*Id.* at Ex. B.) Within the next two months, Ms. Graham filed the following four documents:

- (a) A "Demand for Notice," including "A statement for late filing with Proof of Service" filed on July 11, 2017;
- (b) A "Pro-Se Notice of Objections to Order file July 29, 2016" filed on August 1, 2017;
- (c) A "Notice to request that Pro-Se (STG) documents are including in the Records on Appeal & have access to seal legal documents" filed on August 1, 2017; and
- (d) "A notice to request a fair determination for funds & privilege to Paisley Park property which is title the Prince Rogers Nelson Estate's without a motion hearing & this is a request to filed this notice under SEAL" filed on September 11, 2017.

While the filings are difficult to interpret, none appear to timely or specifically challenge the disallowance of any creditor claim by Ms. Graham or the denial of Ms. Graham's heirship claim. Even if one or more filing were deemed to make such a challenge, they all fail to state any legal or factual support for a claim or for the reversal of the Personal Representative's determination that Ms. Graham does not hold a valid claim in this matter.

Ultimately, on September 12, 2017, the Court issued an Order Denying Graham Motions, which addressed Ms. Graham's August 1 and September 11 filings. The Court stated that it was denying Ms. Graham's requests because the time for appealing or seeking reconsideration of the July 29, 2016 order had long since passed, and that there was "no basis" for granting the requests

for access to documents filed under seal, disbursement of funds, access to Paisley Park, or for filing her submissions under seal.

Despite the disallowance of her claims and the denial of her motions, Ms. Graham continues to file documents in this matter, including:

- (a) A “Notice of Appeal to District Court” along with a “Notice for Discovery: For the Use of Foreign Military Force,” which included a request to file documents under seal, filed on October 3, 2017;
- (b) A “Notice of Objections for the Sale of Gaplin Property” filed November 8, 2017; and
- (c) A “Notice to Request to be the Estate Administrator or be a part of a team” filed November 22, 2017.

On October 3, 2017, the Court entered an Order Denying Motion for Filing Under Seal, denying that request in Ms. Graham’s October 3, 2017 filing because it failed to comply with the Court’s previous Order Regarding the Filing of Certain Documents Under Seal. On November 22, 2017, following Ms. Graham’s additional submissions, the Court entered the Order Regarding Submissions, inviting Ms. Graham and other interested parties to provide submissions regarding the issues addressed herein. Even after the Order for Submissions was filed, Ms. Graham continued to file documents with the court, including, on December 1, 2017, an amended exhibit to the “Notice to Request to be the Estate Administrator or be a part of a team.”

ARGUMENT

I. Ms. Graham Lacks Standing to Submit Further Claims, Motions or Requests to the Court.

Ms. Graham lacks standing to submit any further documents to the Court in this matter. Despite her numerous filings, Ms. Graham has failed to provide factual or legal support for a valid creditor claim or heirship claim, and such claims have been denied and disallowed. Specifically, it was not clear what, if any, creditor claim Ms. Graham asserted in her filings, and

her filings were made after the September 12, 2016 deadline for submitting creditor claims in this matter. *See* Minn. Stat. § 524.3-803(a). The Personal Representative filed and served on Ms. Graham a notice of disallowance of any creditor claim. In addition, the information provided by Ms. Graham in connection with her heirship claim was insufficient to establish such a claim, and the Personal Representative determined that she was precluded from being an heir as a matter of law. Ms. Graham failed to timely or specifically challenge such denial and disallowance. Because Ms. Graham has failed to provide any basis for a valid and enforceable claim against the Estate within the time periods required by Minnesota law or governing Court order, and is not otherwise an interested party, Ms. Graham lacks standing to submit future filings in this matter.

II. Any Additional Submissions of Claims, Motions or Requests by Ms. Graham Should Be Considered Frivolous Litigation.

Ms. Graham's numerous untimely and often unclear submissions to the Court should be considered frivolous litigation. Rule 9.01–.07 of the Minnesota Rules of General Practice for the District Court addresses frivolous litigation, and defines "frivolous litigant" as:

- (1) A person who, after a claim has been finally determined against the person, repeatedly relitigates or attempts to relitigate [the claim]; or
- (2) A person who in any action or proceeding repeatedly serves or files frivolous motions, pleadings, letters, or other documents, conducts unnecessary discovery, or engages in oral or written tactics that are frivolous or intended to cause delay; or
- (3) A person who institutes and maintains a claim that is not well grounded in fact and not warranted by existing law or a good faith argument for the extension, modification or reversal of existing law or that is interposed for any improper purpose, such as to harass or cause unnecessary delay or needless increase in the cost of litigating the claim.

Minn. R. Gen. P. 9.06(b). Fitting just one of these definitions is sufficient to be a frivolous litigant, and Ms. Graham fits all three of them. With respect to the first definition, although her

claims have been denied, she continues to file documents asserting them. For example, although the Personal Representative informed Ms. Graham in July that she is precluded from being an heir as a matter of law, she appears to base her November 22 request to be the estate administrator on her assertion that the Decedent was her “Half-brother like spouses[.]” With respect to the second and third definitions, Ms. Graham has repeatedly served and filed irrelevant and often incomprehensible pleadings with no identifiable request or basis in law or fact. For example, her November 8 filing objects to the sale of real property based on various questionable, irrelevant and unsupported assertions, including that “the Mohawk Indian Tribe Nation has trillion of soldiers and they are the National Native Army . . . and if a war starts than President Donald J. Trump would have to draft.” Ms. Graham is a frivolous litigant, and any future submissions by her in this matter should be considered frivolous litigation.

III. The Court Should Impose Sanctions or Preconditions on Ms. Graham’s Service or Filing of Any New Claims, Motions or Requests in this Matter.

On its own initiative, a district court may impose preconditions or sanctions on a frivolous litigant’s service or filing of any new claims, motions or requests. Minn. R. Gen. P. 9.01. When determining whether to impose sanctions or preconditions on a frivolous litigant, a district court may consider any factor relevant to the determination, including but not limited to factors such as the frequency and number of claims pursued with an adverse result, whether there is a reasonable probability that the frivolous litigant will prevail on the claim or request, and injury incurred by other litigants or injury to the efficient administration of justice caused by the frivolous litigation. Minn. R. Gen. P. 9.02(b).

These and other factors support the imposition of sanctions or preconditions on Ms. Graham’s future filings in this matter. Ms. Graham has made numerous and various claims and requests in this case, all of which have had an adverse result. Given the incomprehensible

nature and lack of legal or factual basis for her various filings and requests, there is no reasonable probability that Ms. Graham will prevail on any claims or requests. The need to review and respond to her multiple filings harms other parties in this case by creating an unnecessary drain on the resources of the Estate and its professionals. Ms. Graham's filings likewise hamper the efficient administration of justice by raising unmeritorious issues and increasing the administrative burden on the parties and Court. Accordingly, the Court should impose preconditions in connection with any future filings by Ms. Graham—namely, the Court should determine that such filings shall be deemed frivolous and need not be addressed by the parties or the Court.

CONCLUSION

For the foregoing reasons, the Personal Representative respectfully requests that the Court enter an order finding that Ms. Graham lacks standing in this matter, and deeming all future submissions by Ms. Graham in this matter to be frivolous, such that they need not be addressed by the parties or the Court.

Dated: December 20, 2017

/s/ Joseph J. Cassioppi

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