

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
OBJECTION TO ADMISSION
PRO HAC VICE OF
L. LONDELL MCMILLAN**

Comerica Bank & Trust, N.A., as the Personal Representative (“Personal Representative”) of the Estate of Prince Rogers Nelson (“Estate”), objects to attorney Ralph Love’s Motion for Admission Pro Hac Vice of L. Londell McMillan (“McMillan”) as attorney for Heirs Sharon Nelson, Norrine Nelson, and John Nelson (“SNJ”) as follows:

OBJECTIONS**I. McMillan’s Representation of SNJ in these Proceedings Would Violate the Minnesota Rules of Professional Conduct.**

McMillan should not be admitted pro hac vice to represent SNJ in connection with this Estate because such representation would be a violation of the Minnesota Rules of Professional Conduct. Minnesota Rule of Professional Conduct 1.7 provides that “a lawyer shall not represent a client if the representation involves a concurrent conflict of interest.” Rule 1.7 further explains that a “concurrent conflict of interest exists if . . . there is a significant risk that the representation of one or more clients will be materially limited . . . by a personal interest of the lawyer.” Here, McMillan’s representation would constitute a concurrent conflict of interest because he has a personal interest in the Estate proceedings.

On December 15, 2017, the Second Special Administrator issued a report recommending that the Estate pursue claims against McMillan and Charles Koppelman (“Koppelman”), as former entertainment advisors for the Estate. The Second Special Administrator recommended that the Estate pursue claims against McMillan and Koppelman for the return of the commission they received on a rescinded entertainment agreement. On May 15, 2018, the Second Special Administrator issued a report related to the tribute concert, recommending that the Estate pursue claims against McMillan, Koppelman, and Jobu Presents. The Court subsequently authorized the Second Special Administrator to pursue the claims recommended in the Reports.

The Second Special Administrator brought a motion requesting that the Court require McMillan and Koppelman to return their commissions on both the UMG and Jobu transactions to the Estate. On March 11, 2019, the Court entered an order provisionally approving that motion and ordering that the funds be returned to the Estate pending an evidentiary hearing to establish what, if any, compensation the advisors are entitled to related to the transactions. Mr. McMillan and Mr. Koppelman have appealed from that order. The appeal is currently pending.

With respect to the tribute concert, the Second Special Administrator intervened in a pending lawsuit among Jobu Presents, McMillan, and Koppelman, seeking to recover from Jobu, McMillan, and Koppelman. That case remains pending in the district court.

As a party adverse and liable to the Estate, McMillan has a personal interest that is directly contrary to SNJ’s interests as beneficiaries of the Estate. As a result, his representation of SNJ as their attorney of record in Estate proceedings would constitute a conflict of interest in violation of Rule 1.7 and the Motion for Admission Pro Hac Vice should be denied.

II. McMillan Cannot Effectively Represent SNJ in the Estate Proceedings without Violating the Court's Orders.

McMillan also should not be admitted pro hac vice to represent SNJ in connection with the Estate due to the Court's resulting Order prohibiting any party from sharing confidential Estate information with him. In May 2017, McMillan represented to the Court that he would sign a Non-Disclosure Agreement ("NDA") with the Estate. On that assurance, the Court granted him access to certain confidential information. Yet, eleven months later, McMillan still refused to sign the Estate's standard NDA. In April 2018, the Court expressed "serious concern" that the Estate's confidential information would remain a source of ongoing conflict even if an NDA was executed. As a result, the Court issued an order on April 13, 2018, prohibiting any party to the Estate proceedings from disclosing confidential Estate information to McMillan. The Court's rationale for restricting McMillan's access to confidential Estate information is even more imperative now that McMillan is directly adverse to the Estate in two separate proceedings.

If McMillan were to represent SNJ in connection with the Estate, it would materially limit the Personal Representative's ability to communicate with SNJ, as the Personal Representative could not share with their counsel, for example, any confidential proposed entertainment transactions or confidential financial information. Nor will the Personal Representative be able to share information with SNJ regarding the Estate's litigation with McMillan. The Motion for Admission Pro Hac Vice must be denied to protect the Estate and to enforce the Court's April 13, 2018 Order restricting McMillan's access to confidential information.

As a practical matter, denying the Motion for Admission Pro Hac Vice would not prejudice SNJ, as they may choose virtually any attorney they desire to represent them in this matter, with the sole exceptions of McMillan and Gregg Walker. Indeed, SNJ have previously

been represented by three different local law firms and are currently represented by two more. Thus, denial of this Motion would not deny or limit their right or ability to retain effective counsel.

Respectfully Submitted,

Dated: November 8, 2019

s/ Joseph J. Cassioppi

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