

STATE OF MINNESOTA
COUNTY OF CARVER

FIRST JUDICIAL DISTRICT
DISTRICT COURT
PROBATE DIVISION

Court File No. 10-PR-16-46
Judge Kevin W. Eide

In re:
Estate of Prince Rogers Nelson,

MEMORANDUM OF LAW IN SUPPORT
OF MOTION TO CONFIRM
ARBITRATION AWARD

Decedent.

INTRODUCTION

On June 24, 2019, this Court ordered that The Honorable Richard B. Solum (the “Arbitrator”) be appointed as arbitrator to determine the amount of attorneys’ liens sought by Lommen Abdo P.A. (“Lommen”) and Skolnick & Joyce, P.A. (“S&J”) in respect to each firm’s representation of Sharon Nelson, John Nelson, and Norrine Nelson (collectively “SNJ”) in the Estate Matter. On January 2, 2020, the Arbitrator determined that S&J is entitled to entry of judgement establishing attorneys’ liens against SNJ collectively in the amount of \$176,458.00 (\$58,819 individually against Sharon Nelson’s, Norrine Nelson’s, and John Nelson’s interests in the estate) (hereinafter the “Award”). (Johnson Dec. Ex. 1). Based on the Award, S&J now moves this Court to confirm the Award and for entry of judgment establishing attorneys’ liens against SNJ’s interests in the Estate consistent with the Award.

FACTS

After reviewing the S&J time entries “with care,” the Arbitrator found that a total amount subject to lien of \$171,888 to be “just and equitable in this arbitration.” As he did with Lommen, the Arbitrator added \$4,570 to the lien amount consistent with this Court’s amount. The total lien of \$176,458 results in a lien on each of the SNJ’s distributive shares of \$58,819.

In the Award, the Arbitrator concluded that S&J is entitled to a lien on Sharon Nelson's interest in the Estate in the amount of \$58,819, a lien on Norrine Nelson's interest in the Estate in the amount of \$58,819, and a lien on John Nelson's interest in the Estate in the amount of \$58,819, totaling \$176,458.00. Accordingly, S&J now seeks to confirm the Arbitrator's Award and have the attorneys' liens entered against SNJ.

LEGAL ARGUMENT

Under the Uniform Arbitration Act, after a party to an arbitration proceeding receives a final arbitration award, "the party may file a motion with the court for an order confirming the award, at which time the court shall issue such an order unless the award is modified or corrected . . . or is vacated" Minn. Stat. § 572B.22. Minn. Stat. § 572B.26 gives the Court exclusive jurisdiction to enforce an agreement to arbitrate and to enter judgment on an arbitration award. The parties' agreement to arbitrate thus confers jurisdiction on the Court to decide this issue.

In this case, S&J received the Award and is entitled to confirmation of that Award by this Court, which shall issue an Order confirming the Award as long as it has not been modified, corrected, or vacated. *Id.* Upon entering an Order confirming the Award, the Court must enter judgment in conformity with the Award. Minn. Stat. § 572B.25. Therefore, S&J is entitled to the immediate entry of judgement establishing an attorneys' lien in the amount of \$58,819 entered against Sharon Nelson's interest in the Estate, an attorneys' lien in the amount of \$58,819 entered against Norrine Nelson's interest in the Estate, and an attorneys' lien in the amount of \$58,819 entered against John Nelson's interest in the Estate.

CONCLUSION

For these reasons, Skolnick & Joyce, P.A. respectfully requests that this Court confirm the Arbitrator's Award, and enter judgment establishing liens of \$58,819 against each of the

Nelson Heirs' interests in the Estate.

SKOLNICK & JOYCE, P.A.

Date: January 13, 2020

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