

STATE OF MINNESOTA  
COUNTY OF CARVER

DISTRICT COURT  
PROBATE DIVISION  
FIRST JUDICIAL DISTRICT

In Re the Estate of:

Court File No. 10-PR-16-46

Judge: Kevin W. Eide

Prince Rogers Nelson,  
Decedent.

**LOMMEN ABDO, P.A.'S  
MEMORANDUM OF LAW IN SUPPORT  
OF MOTION TO CONFIRM  
ARBITRATION AWARD**

### **INTRODUCTION**

Lien Claimant Lommen Abdo, P.A. (“Lommen”), submits this Memorandum of Law in support of its Motion to Confirm Arbitration Award rendered against Sharon Nelson, Norrine Nelson, and John Nelson (collectively “Nelsons”), on January 2, 2020 in the arbitration proceedings decided by the Honorable Richard B. Solum.

### **PROCEDURAL HISTORY AND FACTS**

After reviewing the submissions of the parties and the time entries of the Lommen attorneys “with care,” the Arbitrator found that a total amount subject to lien of \$163,080.00 to be reasonable. As he did with Skolnick & Joyce, P.A., the Arbitrator added \$4,570 to the lien amount consistent with this Court’s Order for the arbitration fee. The total lien of \$167,650.00 results in a lien on each of SNJ’s distributive shares of \$55,883.00.

In the Arbitration Award, the Arbitrator concluded that Lommen is entitled to a lien on Sharon Nelson’s interest in the Estate in the amount of \$55,883, a lien on Norrine Nelson’s interest in the Estate in the amount of \$55,883, and a lien on John Nelson’s interest in the Estate in the amount of \$55,883, totaling \$167,650.00. Accordingly, Lommen now seeks to confirm the Arbitrator’s Award, to have liens established against the interests in the Estate of each of the

Nelsons, and to have judgment entered against each of the Nelsons in its favor in the amount of \$55,883.

### **DISCUSSION**

Section 572B.22 of the Minnesota Statutes provides that: “After a party to the arbitration proceeding receives notice of an 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 pursuant to section 572B.20 or 572B.24 or is vacated pursuant to section 572B.23.”

By Order of June 24, 2019 and Amended Order filed August 26, 2019, the Court directed that Richard B. Solum be appointed as arbitrator to decide the amount of attorney liens sought by Lommen Abdo, P.A. (“Lommen”) and Skolnick & Joyce, P.A. (“Skolnick”) in respect to each such firm’s representation of Sharon Nelson, Norrine Nelson, and John Nelson in the above-captioned Estate. Also, pursuant to the August 26, 2019 Order, the parties were each responsible for one-fifth of the arbitration costs and the fees attributable to Sharon, Norrine, and John Nelson shall be added to each firm’s liens.

A briefing schedule and guidelines were established by the arbitrator. On January 2, 2020, the arbitrator issued an award in Lommen’s favor in the total amount of \$167,650.00 in the way of a lien in the amount of \$55,883.00 against each of the interests of Sharon Nelson, Norrine Nelson, and John Nelson in the Estate (the “Award”). (O’Neil Decl., Exhibit 1, Award ¶¶ 1, 2, and 3.) As a part of the liens, the arbitrator apportioned \$4,570 (one-half of the amount of Lommen’s deposit used to cover the arbitration fee that was responsible by the Nelsons). Award Footnote 16.

Lommen is accordingly entitled to entry of an Order confirming the Award and immediately entering judgment establishing an attorneys' lien in favor of Lommen in the amount of \$55,883 against Sharon Nelson's interest in the Estate, an attorneys' lien in favor of Lommen in the amount of \$55,883 against Norrine Nelson's interest in the Estate, and an attorneys' lien in favor of Lommen in the amount of \$55,883 against John Nelson's interest in the Estate. In addition, pursuant to Minn. Stat § 549.09, which applies to "awards", at the rate of ten percent (10%) per annum, Lommen requests post award interest in the amount of \$21.2431 per day after January 2, 2020, the date of the Award.

### **CONCLUSION**

For the reasons stated above, Lommen respectfully requests that its Motion to Confirm Arbitration Award be granted and judgment be entered in its favor establishing attorneys' liens of \$55,883 against each of the interests of Sharon Nelson, Norrine Nelson, and John Nelson in the Estate plus interest at the rate of ten percent (10%) per annum as of the date of the Award.

Dated: January 15, 2020

LOMMEN ABDO, P.A.

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