

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
FIRST JUDICIAL DISTRICT
PROBATE DIVISION

In Re:

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

Estate of Prince Rogers Nelson,
Decedent,

**MEMORANDUM IN SUPPORT OF
MOTION TO FILE AFFIDAVIT OF
STEVE SILTON WITH VARIOUS
EXHIBITS A-Z FILED UNDER SEAL**

Cozen O'Connor P.C. ("Cozen") submits this memorandum of law in support of its Motion to File the Affidavit of Steven H. Silton ("Silton Affidavit") and Various Exhibits A-Z Under Seal. The Silton Affidavit and Exhibits A-Z were filed on January 10, 2022 in support of Cozen's Application for Determination and Establishment of Attorneys' Lien. Pursuant to this Court's January 23, 2017 Order, Cozen filed the Silton Affidavit and Exhibits A-Z in both redacted and unredacted form. The unredacted form of the Silton Affidavit and Exhibits A-Z is made exclusively available to this Court. The redacted forms remain publicly available.

In keeping with the preference under Minnesota law to allow full public access to court filings, Cozen has made only necessary and minimal redactions to the Affidavit of Steven H. Silton in Accordance with Order Regarding Procedure for Fee Applications and Exhibits A-Z (the "Filing"). The redacted content in the Filing addresses confidential and privileged information, and Cozen requests the Court's permission to keep this Filing under seal.

The unredacted version of the Filing should remain under seal for several reasons supported by *Minneapolis Star & Tribune Co. v. Schumacher*, 392 N.W.2d 197 (Minn. 1986), Minn. R. Civ. P. 26.03(a)(7), and this Court's stated interests. First, the redacted content addresses Cozen's invoices and timekeeping records, confidential financial information, confidential settlement

discussions, confidential attorney work product, and confidential references to attorney-client communications related to the Estate for services rendered to Omarr Baker. This type of confidential commercial material is traditionally considered private and should remain private in this case. *See Schumacher*, 392 N.W.2d at 203-204; Minn. R. Civ. P. 26.03(a)(7).

Second, keeping this content confidential is supported by this Court's September 14, 2016 order, commenting that it is important to "maintain the confidentiality of business negotiations which, if made public, may impede administration of the estate, compromise the Special Administrator's ability to negotiate contract terms, or devalue estate assets." Here, the redacted content generally relates to subjects or activities, including confidential business negotiations impacting the Estate, which have not been made part of the public record. If disclosed publicly, this information could negatively impact the Estate, impede the Estate's efficient administration, or devalue Estate assets. *See* September 14, 2016 Order.

Third, Cozen has made a good faith effort to separate publicly available information in its time entries from information that should remain private. Cozen has not yet had the opportunity to discuss with Omarr Baker's counsel to determine whether certain time entries, references, and attorney client communications may fall outside the attorney-client privilege. Accordingly, the redacted version of the Filing represents Cozen's best good faith effort to protect the confidential nature of the content.

Finally, Cozen has provided the Court with an unredacted version of the Filing. Accordingly, all parties with standing to object to the Application have the opportunity to respond. For all of these reasons, Cozen requests that this Court enter an Order sealing the unredacted version of the Siltan Affidavit and Exhibits G, H, I, J, K, L, M, N, Q, R, S, T, U, V, W, X, and Z.

Dated: January 10, 2022

COZEN O'CONNOR

s/ Mark Jacobson

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