

**FILED**

February 23, 2017

**OFFICE OF  
APPELLATE COURTS****STATE OF MINNESOTA  
IN COURT OF APPEALS**

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In the Matter of the Estate of:  
Prince Rogers Nelson, Decedent

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**ORDER  
A16-1545  
A16-1546**

**BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE  
THERE IS A QUESTION WHETHER THIS COURT HAS JURISDICTION:**

1. In a January 13, 2017 order, we consolidated these appeals arising from the same multi-party probate litigation in district court. Appellant in A16-1545 seeks review of a July 29, 2016 district court order and appellants in appeal A16-1546 seek review of certain orders and judgments filed and entered between July 29, 2016, and August 12, 2016.

2. Both appeals challenge the district court's application of the parentage act's presumptions of parentage to the determination of heirs in the underlying intestate probate proceeding. The district court excluded appellants as a matter of law from pursuing their claims of heirship.

3. Respondents' briefs are due on March 8, 2017, which is 33 days after the last appellant's brief was served by mail on February 3, 2017. *See* Minn. R. Civ. App. P. 131.01, subd. 2, 125.03.

4. On February 21, 2017, respondents filed a joint motion for a 45-day extension of their briefing deadline. The ground for the requested extension is that respondents seek to supplement the record on appeal with the results of certain genetic testing that respondents state reveal that the premise of appellants' claims to heirship is false. Respondents state that even if this court adopted appellants' legal arguments, appellants ultimately would not have valid heirship claims.

5. The general rule is that when, pending appeal, an event occurs that makes a decision on the merits unnecessary or an award of effective relief impossible, the appeal should be dismissed as moot. *In re Application of Minnegasco*, 565 N.W.2d 706, 710 (Minn. 1997). The mootness doctrine "implies a comparison between the relief demanded and the circumstances of the case at the time of decision in order to determine whether there is a live controversy that can be resolved." *Id.*

6. If the genetic testing precludes appellants from pursuing their heirship claims even if the district court's orders excluding appellants as heirs as a matter of law are reversed, it appears that the appeals are moot.

7. As directed below, the parties shall file informal memoranda addressing the mootness issue.

8. With their informal memorandum, respondents shall file the relevant genetic-testing results.

**IT IS HEREBY ORDERED:**

1. Respondents' motion to extend their briefing deadline is granted. The time for respondents to file their briefs is stayed, pending further order of this court.

2. On or before March 6, 2017, the parties shall serve and file (by E-MACS, if required by the supreme court's order on mandatory e-filing) signed informal memoranda addressing the following:

(a) Do the genetic-testing results preclude appellants from pursuing their heirship claims?

(b) If the answer to (a) is yes, should these appeals be dismissed as moot? *See Wayzata Nissan, LLC v. Nissan N. Am., Inc.*, 875 N.W.2d 279, 283 (Minn. 2016) (holding that an appeal is not moot when a party could be afforded effective relief).

3. Memoranda filed after March 6, 2017, may not be considered by the court.

4. Appellants' failure to file jurisdiction memoranda may result in such sanctions as the court deems appropriate, including dismissal of the appeals.

5. If, after completion of research, appellants conclude that dismissal of the appeals is warranted, appellants shall immediately file notices of voluntary dismissal.

6. The clerk of the appellate courts shall provide copies of this order to the Honorable Kevin W. Eide, counsel of record, and the district court administrator.

**Dated:** February 23, 2017

**BY THE COURT**



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Edward J. Cleary  
Chief Judge