

FILED

October 31, 2016

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

In the Matter of the Estate of:

Prince Rogers Nelson, Decedent

ORDER

#A16-1546

In the Matter of the Estate of:

Prince Rogers Nelson, Decedent

ORDER

#A16-1545

BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:

1. Appeals A16-1545 and A16-1546 are taken by different appellants but arise from the same multi-party litigation in district court.
2. The appellant in A16-1545 seeks review of an order filed by the district court on July 29, 2016. The appellants in A16-1546 seek review of certain orders and judgments filed and entered between July 29, 2016 and August 12, 2016.
3. On October 27, 2016, appellants in A16-1546 filed a series of motions in A16-1546. Those motions ask this court to (1) consolidate the appeals; (2) extend the time for appellants in A16-1546 to file their principal brief; and (3) limit to persons represented by counsel those on whom appellants must serve briefs. The appellants in

A16-1546 also filed a motion in A16-1545 to consolidate the appeals, although it is not clear that they are parties to A16-1545.

4. On October 28, 2016, the appellant in A16-1545 filed, in A16-1545, a response to the motions filed in A16-1546. That response states, among other things, that the appellant in A16-1545 does not oppose consolidation of the two appeals and supports the motion made in A16-1546 to limit service of briefs.

5. By order filed October 28, 2016 in A16-1546, this court suspended the time for appellants in A16-1546 to file their principal brief, pending further order of the court.

6. In an appeal, parties “seeking review” are appellants. Minn. R. Civ. App. P. 101.02, subd. 6. In an appeal, parties who are “adverse” to the appellant(s) are respondents. *See* Minn. R. Civ. App. P. 143.01 (stating that “[t]he party appealing shall be known as the appellant . . . and the adverse party as the respondent”). An “adverse party” is “[a]ny party who would be prejudiced by a reversal or modification of an order, award, or judgment[.]” *Larson v. Le Mere*, 220 Minn. 25, 27-28, 18 N.W.2d 696, 698 (1945) (citations omitted); *see Thayer v. Duffy*, 240 Minn. 234, 254-55, 63 N.W.2d 28, 40 (1953) (stating that if the ruling from which an appeal is taken “is indivisible so that it must be affirmed, modified, or reversed as to all parties, notice of appeal therefrom must be given to every party whose interest in the subject of the appeal is in direct conflict with an affirmance, reversal, or modification of the judgment or order appealed from” (citations omitted)); *see also City of Victoria v. County of Carver*, 567 N.W.2d 772, 774 (Minn. App. 1997) (citing these aspects of *Larson* and *Thayer*), *review denied* (Minn. Sept. 11, 1997).

7. “The parties to the [district court] record are not always necessary parties to the appeal[.]” *Kells v. Nelson-Tenney Lumber Co.*, 74 Minn. 8, 10, 76 N.W. 790, 791 (1898). On the limited record currently before this court for A16-1545 and A16-1546, it is unclear which parties to the proceedings in district court are “respondents” for purposes of appeal A16-1545, or appeal A16-1546, or both. Clear identification of the parties to A16-1545 and A16-1546 is necessary to resolve the pending motions.

IT IS HEREBY ORDERED:

1. On or before November 14, 2016, the appellant in A16-1545 shall serve on each party to the district court proceedings, and shall e-file in this court, a list that identifies (1) by name (or, if appropriate, by confidential designation), each party to the district court proceedings; and (2) whether, in the portion of the district court proceedings generating appeal A16-1545, the listed party took a position adverse to this appellant. To the extent that parties to the district court proceedings can be grouped into sets of parties that will be treated similarly for purposes of A16-1545, the appellant in A16-1545 shall also propose appropriate groupings.

2. On or before November 14, 2016, the appellants in A16-1546 shall serve on each party to the district court proceedings, and shall e-file in this court, a list that identifies (1) by name (or, if appropriate, by confidential designation), each party to the district court proceedings; and (2) whether, in the portion of the district court proceedings generating appeal A16-1546, the listed party took a position adverse to these appellants. To the extent that parties to the district court proceedings can be grouped into sets of

parties that will be treated similarly for purposes of A16-1546, the appellants in A16-1546 shall also propose any appropriate groupings.

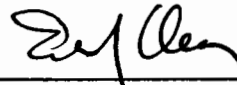
3. On or before November 23, 2016, any party to the district court proceedings, other than the appellant in A15-1545, who objects to that party's classification or proposed grouping in the list prepared by the appellant in A16-1545 may serve on each party to the district court proceeding, and file in this court, a written objection. Any objection shall identify the legal authority and factual basis for the objection(s). If an objection asserts that the party was, in district court, adverse to appellant in A16-1545, the objecting party shall specifically identify the documents in the district court record which show the issues on which there was adversity, and which show the objecting party's arguments on those issues.

4. On or before November 23, 2016, any party to the district court proceedings, other than the appellants in A15-1546, who objects to that party's classification or proposed grouping in the list prepared by the appellants in A16-1546 may serve on each party to the district court proceedings, and file in this court, a written objection. Any objection shall identify the legal authority and factual basis for the objection(s). If an objection asserts that the party was, in district court, adverse to the appellants in A16-1546, the objecting party shall specifically identify the documents in

the district court record which show the issues on which there was adversity, and which show the objecting party's arguments on those issues.

Dated: October 31, 2016

BY THE COURT



Edward J. Cleary
Chief Judge