

FILED

January 13, 2017

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

In the Matter of the Estate of:

Prince Rogers Nelson, Decedent

ORDER

#A16-1545

In the Matter of the Estate of:

Prince Rogers Nelson, Decedent

ORDER

#A16-1546

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

1. Appeals A16-1545 and A16-1546 are separate appeals arising from the same multi-party probate 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. The appellants in A16-1546 moved this court to consolidate the appeals and to limit those on whom they must serve appellate briefs. The appellant in A16-1545 does not oppose consolidation of the appeals and supports the motion made in A16-1546 to limit service of appellate briefs.

4. By order filed October 31, 2016, this court directed the appellants to serve and file lists identifying parties to the district court proceedings who could be affected by the appeals and should be characterized as respondents. The order also directed any party to the district court proceedings who disagreed with the submissions by appellants to serve and file written objections.

5. The appellant in A16-1545 and the appellants in A16-1546 provided lists of proposed respondents. Those lists are substantially the same. The special administrator for the estate responded, requesting to be treated as a respondent in each appeal and otherwise agreeing with appellants' proposed identification of respondents. This court received no other responses to appellants' submissions.

6. Both the appellant in A16-1545 and the appellants in A16-1546 indicate that the information relied on to prepare their lists was taken from relevant district court records. Some of the addresses on file with the district court are no longer valid, and some parties have failed to update their contact information with the court. *See* Minn. R. Gen. Pract. 13.01 (stating that it is responsibility of parties "to provide notice to all other parties and to the court administrator of their current address for delivery of notices, orders, and other documents in the case" and that "[f]ailure to provide this notice constitutes waiver of the right to notice until a current address is provided"); *see also* Minn. R. Civ. P. 77.04 2012 advisory comm. cmt. (stating that "the burden is squarely on the party or attorney to advise the court of any change in address").

7. Currently, all of those identified as having interests adverse to the appellants have counsel.

8. Judicial economy will be enhanced if appeals A16-1545 and A16-1546 are consolidated.

9. The transcript for A16-1545 was delivered on October 31, 2016, and no transcript was ordered for A16-1546. Previously, this court suspended briefing in both appeals, pending further order.

IT IS HEREBY ORDERED:

1. For purposes of A16-1545, respondents are (a) Tyka Nelson; (b) Norine Patricia Nelson, Sharon Louis Nelson, and John Rodger Nelson; (c) Omarr Julius Baker; (d) Alfred Frank Alonzo Jackson; and (e) Bremer Trust, N.A.

2. For purposes of A16-1546, respondents are (a) Tyka Nelson; (b) Norine Patricia Nelson, Sharon Louis Nelson, and John Rodger Nelson; (c) Omarr Julius Baker; (d) Alfred Frank Alonzo Jackson; (e) Bremer Trust, N.A.; and (f) the State of Minnesota.

3. Appeals A16-1545 and 16-1546 are consolidated.

4. The appellants shall cooperate in the preparation of a joint addendum. The joint addendum shall include the relevant district court rulings and other required documents, and may include up to an additional 50 pages of excerpts from the record. *See* Minn. R. Civ. App. P. 130.02(a), (b) (listing required contents of addendum and addressing length).

5. The appellants shall agree on the content and consecutive pagination of the joint addendum on or before January 27, 2017, to allow time for appellants to include citations to the joint addendum in their respective appellate briefs. Unless the parties agree otherwise, one-half the cost of the joint addendum shall be borne by appellant in A16-1545

and one-half by appellants in A16-1546. The paper copies of the joint addendum shall be bound separately from the appellants' briefs.

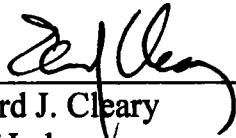
6. Appellant in A16-1545 and appellants in A16-1546 shall serve and file their respective briefs and the joint addendum on or before February 3, 2017. The appellant's brief in A16-1545 shall be served on each respondent named in paragraph 1, above. The appellants' brief in A16-1546 shall be served on the respondents identified in paragraph 2 above. The appellant in A16-1545 need not serve her brief on the State of Minnesota.

7. Each respondent represented by separate counsel may serve and file a single brief addressing both appeals. The State of Minnesota may serve and file a brief addressing A16-1546 but not A6-1545. Respondents' briefs shall be served and filed within 30 days of service of the last appellant's brief.

8. A future order of this court shall address the timing and sequence of oral arguments for this appeal.

Dated: January 13, 2017

BY THE COURT



Edward J. Cleary
Chief Judge