

FILED

February 9, 2017

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

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

ORDER
#A16-2042

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

1. This is an appeal from an order filed by the district court in a probate proceeding on October 27, 2016.

2. We are awaiting the completion of a transcript and briefing will commence when the transcript is delivered. *See* Minn. R. Civ. App. P. 131.01.

3. Appellants Brianna Nelson and Jeannine Halloran move for clarification of the parties on appeal and to limit those on whom they must serve submissions to this court.

4. In an appeal, parties “seeking review” are appellants. Minn. R. Civ. App. P. 101.02, subd. 6. In an appeal, those “adverse” to 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*, 561 N.W.2d 772, 774 (Minn. App. 1997) (citing these aspects of *Larson and Thayer*), *review denied* (Minn. Sept. 11, 1997).

IT IS HEREBY ORDERED:

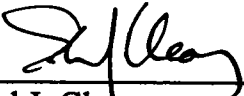
1. On or before February 22, 2017, appellants shall serve on each party to the district court proceedings, and shall e-file in this court, a list that identifies (1) by name (or, if appropriate, by confidential designation), each party to the district court proceedings; and (2) whether, in the district court proceedings, the listed party took a position adverse to 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 the appeal, appellants shall also propose appropriate groupings.

2. On or before March 8, 2017, any party to the district court proceedings who objects to that party’s classification or proposed grouping in the list prepared by appellants 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, 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: February 8, 2017

BY THE COURT



Edward J. Cleary
Chief Judge