

**FILED**

SEP 14 2016

STATE OF MINNESOTA  
COUNTY OF CARVER

CARVER COUNTY COURTS

DISTRICT COURT  
FIRST JUDICIAL DISTRICT  
PROBATE DIVISION

In Re: Estate of:

Court File No. 10-PR-16-46

Prince Rogers Nelson,

Deceased.

**ORDER ON MEDIA  
COALITION MOTION TO  
INTERVENE**

The above-entitled matter came on before the Court on July 28, 2016 at 10:30 a.m. pursuant to the Media Coalition's Motion to Intervene for the Limited Purpose of Ensuring Access to Court Proceedings and Records filed June 24, 2016. Appearances were noted on the record.

Now, based upon the file and proceedings herein, along with the arguments of counsel, the Court makes the following:

**ORDER**

1. The Media Coalition's Motion to Intervene for the Limited Purpose of Ensuring Access to Court Proceedings and Records is GRANTED.
2. The Media Coalition's motion for an order granting public and press access to the Court proceedings and files in this case is GRANTED IN PART as set forth further herein.
3. The Media Coalition's motion for the Court to permit the use of audio and video recording equipment and sketch artists in all proceedings in this case (except as may be provided in a further written order, following a specific motion by a party seeking to limit such coverage in a particular proceeding, with service of that motion on the Media Coalition counsel and a hearing on that motion prior to any limitation) is respectfully DENIED.
4. The Media Coalition's Motion for the Court to refrain from sealing any portion of the Court file without first giving members of the media an opportunity to be heard is DENIED.

BY THE COURT:

Date: September 14, 2016

  
 Kevin W. Eide  
 Judge of District Court

## MEMORANDUM

The Media Coalition's motions came on the heels of the Court's "Order Denying Audio and Video Recording of Proceeding on June 27, 2016" filed June 22, 2016 and the "Order Sealing Heirship Affidavits and Responses of Special Administrator" filed June 20, 2016. A party, such as the Media Coalition, may be allowed to intervene in a court if the party meets the requirements of a 4-part test set: (1) a timely application for intervention, (2) an interest relating to the property or transaction which is the subject of the action; (3) circumstances demonstrating that the disposition of the action may as a practical matter impair or impede the party's ability to protect that interest; and (4) a showing that the party is not adequately represented by the existing parties. Minn. R. Civ. P. 24.01; *Minneapolis Star & Tribune v. Schumacher*, 392 N.W.2d 197, 207 (Minn. 1986). The Court is well aware of the public interest in this proceeding, finds that the Media Coalition's motion was timely, and that the public's interest may not be adequately represented in this proceeding. With that in mind, the Court finds the Media Coalition's motion to intervene meets the 4-part test set forth in Minn. R. Civ. P. 24.01, and that it is appropriate that their motion to intervene be granted.

The Court is committed to ensuring public access to both court proceedings and court records, subject only to narrow limitations. The Court has no general objection to the use of audio and video recording equipment or sketch artists in the courtroom. Their use, however, may be contingent upon such factors as the nature of the issues being addressed (i.e. paternity) and whether a witness objects. *See* Minn. Gen. R. Prac. 4.02(c). As a result, the Court will not issue a blanket order permitting recording equipment or sketch artists, but will consider each request on a case by case basis.

The Media Coalition has suggested it be allowed to be heard prior to the Court sealing any portion of this file. The Court reminds the Media Coalition that every court has supervisory power over its own records and files, and access may be denied where court files might become a vehicle for improper purposes. *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 598 (1977). While the Court is not suggesting the Media Coalition would use any information it obtained from this proceeding for an improper purpose, others made privy to the information by virtue of an initial filing not under seal pending a possible Media Coalition objection may do so. Requests to seal portions of this court record shall continue to be reviewed by the court on a case by case basis pursuant to Minn. R. Civ. P. 11.06. In each case, the Court shall balance

a presumption in favor of access against the interests asserted for denying access. *See Minneapolis Star & Tribune v. Schumacher*, 392 N.W.2d 197 (Minn. 1986).

The Court notes that the majority, if not all, of the affidavits filed under seal pursuant to the June 20, 2016 Order have now been unsealed. However, other documents have been submitted for filing under seal and the Court has approved their sealed filing status based upon the content of the filings and concerns for maintaining 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. The nature of this proceeding is such that a number of business agreements and related information which would not generally be made public or part of a court file have, in fact, been submitted for Court review and approval. The Court's decisions to seal such documents have been made to protect ongoing negotiations on behalf of the Estate and support the Special Administrator in performing its fiduciary duty. Where and when appropriate, the Court will consider unsealing documents or portions thereof if the circumstances warranting their initial sealing no longer exist.

K.W.E.