

FILED

STATE OF MINNESOTA
COUNTY OF CARVER

SEP 16 2016
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 REGARDING
SUBMISSIONS**

The above entitled matter came on before the Honorable Kevin W. Eide without a hearing after the Court's receipt of various submissions filed by Claire Boyd, aka Claire Elizabeth Elliot and Claire Elizabeth Nelson. In the Court's Amended Order Regarding Genetic Testing Protocol and Heirship Claims Following the June 27, 2016 Hearing and Judgment filed August 11, 2016, Claire Boyd, also known as Claire Elizabeth Elliot and Claire Elizabeth Nelson, was excluded as an heir of the Decedent's Estate as a matter of law. Until and unless this Court's decision is overturned by our appellate courts, the Court questions whether Ms. Boyd has further standing to appear in this matter, file new claims, motions, or request. The Court further questions whether, if Ms. Boyd were to file further claims, motions or requests, they should be considered frivolous litigation pursuant to Rule 9 of the Minnesota Rules of General Practice for the District Court.

Rule 9.01 of the Minnesota Rules of General Practice for the District Court provides in the relevant part:

"Upon the motion of any party or on its own initiative, the court may, subject to the conditions stated in Rules 9.01 to 9.07, enter an order: (a) requiring the furnishing of security by a frivolous litigant who has requested relief in the form of a claim, or (b) imposing preconditions on a frivolous litigant's service or filings of any new claims, motions or requests."

Rule 9.02 of the Minnesota Rules of General Practice for the District Court provides:

"**(a) Evidence.** At the hearing upon such motion the court shall consider such evidence, written or oral, by witnesses or affidavit, as may be material to the ground of the motion.

(b) Factors. In determining whether to require security or to impose sanctions, the court shall consider the following factors:

(1) the frequency and number of claims pursued by the frivolous litigant with an adverse result;

(2) whether there is a reasonable probability that the frivolous litigant will prevail on the claim, motion, or request;

(3) whether the claim, motion, or request was made for purposes of harassment, delay, or vexatiousness, or otherwise in bad faith;

(4) injury incurred by other litigants prevailing against the frivolous litigant and to the efficient administration of justice as a result of the claim, motion, or request in question;

(5) effectiveness of prior sanctions in deterring the frivolous litigant from pursuing frivolous claims;

(6) the likelihood that requiring security or imposing sanctions will ensure adequate safeguards and provide means to compensate the adverse party;

(7) whether less severe sanctions will sufficiently protect the rights of other litigants, the public, or the courts.

The court may consider any other factors relevant to the determination of whether to require security or impose sanctions.

(c) Findings. If the court determines that a party is a frivolous litigant and that security or sanctions are appropriate, it shall state on the record its reasons supporting that determination. An order requiring security shall only be entered with an express determination that there is no reasonable probability that the litigant will prevail on the claim. An order imposing preconditions on serving or filing new claims, motions, or requests shall only be entered with an express determination that no less severe sanction will sufficiently protect the rights of other litigants, the public, or the courts.

(d) Ruling Not Deemed Determination of Issues. No determination or ruling made by the court upon the motion shall be, or be deemed to be, a determination of any issue in the action or proceeding or of the merits thereof.

Therefore, based on the file and proceedings herein, the Court makes the following:

ORDER

1. The Court will receive written argument submitted by Ms. Boyd or any other party regarding whether the Court should deem Ms. Boyd a frivolous litigant and impose preconditions on a frivolous litigant's service or filings of any new claims, motions or requests. No oral argument shall be permitted.

2. Ms. Boyd and any interested party shall submit written record as to:

- a. whether Ms. Boyd currently has standing to submit further claims, motions or requests to the district court;
- b. whether the continued submission of claims, motions or requests by Ms. Boyd should be considered frivolous litigation; and
- c. whether the court should deem Ms. Boyd a frivolous litigant and impose preconditions on a frivolous litigant's service or filings of any new claims, motions or requests.

3. All submissions regarding this issue shall be received by the Court no later than October 7, 2016.

Date: September 15, 2016

BY THE COURT:



Kevin W. Eide
Judge of District Court