

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
FIRST JUDICIAL DISTRICT
PROBATE DIVISION

In Re:

Case Type: Special Administration
Court File No.: 10-PR-16-46
Judge: Kevin W. Eide

Estate of Prince Rogers Nelson,
Decedent,

REDACTED

And

Tyka Nelson,

Petitioner.

**OMARR BAKER AND TYKA NELSON'S
MEMORANDUM IN SUPPORT OF
MOTION FOR EXTENSION OF TIME TO
FILE OPPOSITION TO PETITION FOR
ORDER APPROVING ACCOUNTING,
DISTRIBUTION OF ASSETS AND
DISCHARGE OF SPECIAL
ADMINISTRATOR**

INTRODUCTION

Omarr Baker and Tyka Nelson (“Objectants”) respectfully move the Court, pursuant to Minnesota Rule of Civil Procedure 6.02, for an Order extending the time for the Objectants to serve and file their objections to the Special Administrator Bremer Trust National Association’s (“Special Administrator” or “Bremer”) Petition for Order Approving Accounting, Distribution of Assets and Discharge of Special Administrator. The Objectants request a 60 day extension from Thursday, January 12, 2017 to Monday, March 13, 2017.

FACTS

The Special Administrator filed its Petition for an Order Approving Accounting, Distribution of Assets, and Discharge of Special Administrator (“Petition”) on December 16, 2016. On December 28, 2016, Judge Kevin W. Eide signed an order stating that any objections to the Petition must be filed with the Court prior to or raised at the hearing scheduled for January 12,

2017 at 10:30 a.m. (“Order”). The accounting the Special Administrator provided, which is through November 30, 2016, was filed on January 3, 2017 and delivered on January 4, 2017 electronically.

ARGUMENT & AUTHORITIES

Rule 6.02 of the Minnesota Rules of Civil Procedure gives the trial court discretion to extend deadlines previously set in an order. *See* Minn. R. Civ. P. 6.02. That discretion is a “broad discretion” and is reviewed by the appellate court through the abuse of discretion standard. *See Mercer v. Andersen*, 715 N.W.2d 114, 123 (Minn. Ct. App. 2006). In order to exercise that broad discretion, the moving party must show good cause. The Minnesota Rules of Civil Procedure provide that a party must bring a motion to extend before the deadline at issue has already passed. Minn. R. Civ. P. 6.02.

I. GOOD CAUSE EXISTS FOR THE PROPOSED MODIFICATION

Even without several asset values, the Estate of Prince Rogers Nelson (“Estate”) is listed at an inventory value of [REDACTED]. The Objectants need more than 8 days—from January 4 to January 12, 2017—to carefully consider the implications of this accounting, whether Bremer should be discharged, whether objections should be filed, and if objections should be filed what they should be.

The Objectants have several initial issues with the accounting Bremer provided, all of which support extending the deadline for adjudication of the accounting by 60 days. For example, an initial, cursory, review of the inventory and the accounting indicates that [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] This is just one example of several issues which adds to the time necessary for the Objectants to consider the Petition. The Objectants are entitled to properly consider each of these issues before determining whether to file an objection to the Petition. The Objectants have demonstrated good cause to request a 60 day continuance to review the accounting.

II. THE PROPOSED MODIFICATION WILL HAVE NO EFFECT ON OTHER DEADLINES

A 60 day extension to the deadline for the Objectants to review to the Special Administrator's petition will not impact any other deadlines. All substantive dates involving the Court will remain unchanged. There is no reason why Bremer cannot be relieved as Special Administrator and replaced with another corporate fiduciary on January 12, with their account being adjudicated after 60 days.

This case involves complex issues and a proper review of the Petition warrants adequate time. The Objectants are also working to coordinate efforts to minimize the number of submissions to the Court. For these reasons, the Objectants ask the Court to extend the deadline for filing their objections to the Petition by 60 days, to March 13, 2017. Although the Objectants have acted with due diligence and given priority to the review of the accounting, the Objectants believe that this additional time will aid the Court, the parties, and the interests of justice in permitting the fullest—yet still concise—possible discussion of these issues.

CONCLUSION

For all the foregoing reasons, Omarr Baker and Tyka Nelson respectfully request the Court grant their Motion to Extend the court-issued deadline to object to the Special Administrator's

Petition for Order Approving Accounting, Distribution of Assets and Discharge of Special Administrator by 60 days, up to and including Monday, March 13, 2017.

Dated: January 5, 2017

COZEN O'CONNOR

/s/ Thomas P. Kane

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