

STATE OF MINNESOTA  
COUNTY OF CARVER

DISTRICT COURT  
PROBATE DIVISION  
FIRST JUDICIAL DISTRICT

In Re:

Court File No. 10-PR-16-46

Estate of Prince Rogers Nelson,  
Decedent.

**ORDER APPOINTING SPECIAL MASTER**

The above-entitled matter came before the undersigned pursuant to the Motion to Appoint Special Master brought by Omarr Baker, Alfred Jackson, and Tyka Nelson, heirs in the Estate of Prince Rogers Nelson (the “Estate”).

Omarr Baker, Alfred Jackson, and Tyka Nelson’s counsel moved the Court for an award of attorneys’ fees pursuant to Minnesota Statutes, § 524.3-720. The Court granted in part and denied in part those motions. Baker and Jackson’s counsel appealed the Court’s orders to the Minnesota Court of Appeals. On January 22, 2018, the Court of Appeals issued its opinion affirming in part, reversing in part, and remanding the fee awards the Court filed on April 5, 2017 and May 15, 2017. The Court of Appeals entered Judgment on March 16, 2018 and no party sought review by the Minnesota Supreme Court.

The Court then issued an order stating that by March 2, 2018, the parties shall submit any memoranda to assist the Court in supplementing its findings in connection with the decisions filed on April 5, 2017 and May 15, 2017 in response to the Minnesota Court of Appeals decision filed on January 22, 2018 (the “Remanded Fees Issue”). The parties agreed to mediate the Remanded Fees Issue. In order to facilitate mediation, the parties agreed to continue the deadline in the Court’s January 25 Order. The parties later stipulated to continue deadline until July 2, 2018.

Omarr Baker, Alfred Jackson, and Tyka Nelson now move to appoint the Honorable James H. Gilbert (“Justice Gilbert”) as Special Master pursuant to Minnesota Rule of Civil Procedure 53. Justice Gilbert has indicated he will accept the Special Master role if the Court appoints him. Minnesota Rule of Civil Procedure 53, the Court appoints Justice Gilbert as Special Master as follows:

**ORDER**

1. The above-entitled matter is a complex case involving an estate with multiple moving parts. The issues before the Court have been, and will continue to be, complex and voluminous. The Remanded Fees Issue likely cannot be addressed timely by an available District Court judge. To promote justice and fairness and allow the Remanded Fees Issue to be resolved

efficiently and expeditiously, the Court finds it advisable and necessary to appoint a Special Master to hear and rule on the Remanded Fees Issue.

2. Justice James H. Gilbert (Ret.) is found to have the requisite qualifications and experience, there are no grounds for his disqualification, and he has already been mediating the Remanded Fees Issue. Justice Gilbert is hereby appointed under Minnesota Rule of Civil Procedure 53 as Special Master to hear the Remanded Fees Issue.
3. The Special Master shall proceed with all reasonable diligence in exercising the powers and duties granted to him by this Order and Minnesota Rule of Civil Procedure 53. As such, he may adopt procedures that are consistent with the Minnesota Rules of Civil Procedure and prior Orders of this Court. He may conduct conferences or hearings as deemed necessary to promote the prompt and efficient disposition of all discovery issues. When necessary and appropriate, the Court may also direct the Special Master to hear and decide other issues.
4. In resolving the Remanded Fees Issue and any other issues the court directs the Special Master to hear and decide, the Special Master shall make findings of facts and conclusions of law with respect to the matters the parties present, and shall file the Order(s) with the Court and serve a copy on each party pursuant to Minnesota Rule of Civil Procedure 53. The Special Master may file his Order(s) by e-mailing them to Court staff, who will electronically file them. The Special Master's rulings shall become final and approved without further review by this Court, unless an objection is filed no later than fourteen (14) days from the date the Special Master's Order is served. Service of the Special Master's Orders may be completed by e-mail.
5. Briefing and hearings on objections to the Special Master's order shall be governed by Rule 115 of the General Rules of Practice, although the Court may modify the provisions of Rule 115 as justice requires or in conjunction with agreements. The Special Master shall establish briefing schedules for the issues before him.
6. The parties shall file with the Court Administrator all papers filed for consideration by the Special Master. The parties shall also provide the Special Master with copies of such papers, in a format the Special Master prefers.
7. The Special Master shall not have the authority to order amendments or extensions to the existing deadlines established by this Court but he may, when appropriate, recommend in writing to the Court that it extend or amend the deadlines it has imposed.
8. This case involves sensitive documents that are at times filed under seal, with redacted versions publicly issued. With respect to the documents filed under seal, the Special Master shall have the same level of access to documents and other materials that is available to the

Court and its staff.

9. The Special Master shall report to the Court regarding the status of matters under his authority every three (3) months following his appointment, or more frequently as he sees fit. Such a report must be served on all parties and filed with the Court. Where he deems it appropriate, the Special Master may engage in ex parte communications with the Court.
10. The Special Master shall not have ex parte communications with the parties or their counsel, except regarding the scheduling of submissions, conferences, and hearings.
11. Compensation for the Special Master shall be the same as was provided hourly in his role mediating the Remanded Fees Issue. As with the mediation, the Estate shall remain responsible for the Special Master's compensation.
12. The Special Master shall preserve until the conclusion of this matter, including the expiration of all appeal periods: (a) all billing records; (b) formal written orders or recommendations; and (c) all documents received by the Special Master from the parties.
13. This Order is effective immediately. All prior Orders issued by the Court remain in full force and effect, with the exception of the Court's order dated May 2, 2018 regarding submissions related to the Remanded Fees Issue.
14. Failure to comply with any part of this Order shall subject the party or parties to appropriate sanctions, including assessment of costs against the delinquent party or other relief as the Court may deem appropriate.

Dated: \_\_\_\_\_, 2018

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 Kevin W. Eide  
 Judge of District Court

NOTICE: A true and correct copy of this Order/Notice has been served by EFS upon the parties. Please be advised that orders/notices sent to attorneys are sent to the lead attorney only.