

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
FIRST JUDICIAL DISTRICT
PROBATE DIVISION
Case Type: Special Administration

In the Matter of:

Court File No. 10-PR-16-46

Estate of Prince Rogers Nelson,

Decedent,
and

Tyka Nelson,

Petitioner.

**AFFIDAVIT OF
KATHERINE A. MOERKE**

Katherine A. Moerke, being first duly sworn upon oath, deposes and says as follows:

1. I am an attorney and a partner at Stinson Leonard Street, LLP.

2. I make this affidavit in support of The Special Administrator's Memorandum in Support of Motion to Dismiss Rodney Herachio Dixon's Purported Claim Against the Estate of Prince Rogers Nelson and In Response to Dixon's Request for a Restraining Order.

3. Attached as Exhibit 1 is a copy of the docket in *Ramses America Mercury v. Prince Rogers Nelson and Warner Bros. Records Inc.*, Case No. BC113137, filed in Superior Court of the State of California for the County of Los Angeles in 1994.

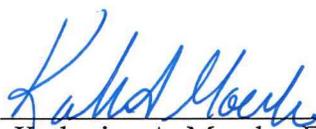
4. Attached as Exhibit 2 is a copy of the document "Defendant Warner Bros. Records Inc.'s Reply to Plaintiff's Declaration Supporting Motion for Default Judgment, Fraud and Collusion, Opposition to Ex Parte Motion; Declaration of Ruth Anne Taylor in Support Thereof," file stamped January 11, 1995 in the case, *Ramses America Mercury v. Prince Rogers Nelson and Warner Bros. Records Inc.*, Case No. BC113137, filed in Superior Court of the State of California for the County of Los Angeles in 1994.

5. Attached as Exhibit 3 is a copy of the Order Re Dismissal, dated February 6, 1995, in the case, *Ramses America Mercury v. Prince Rogers Nelson and Warner Bros. Records Inc.*, Case No. BC113137, filed in Superior Court of the State of California for the County of Los Angeles in 1994.

6. Attached as Exhibit 4 is a copy of a Request for Entry of Default in the case, *Ramses America Mercury v. Prince Rogers Nelson and Warner Bros. Records Inc.*, Case No. BC113137, filed in Superior Court of the State of California for the County of Los Angeles in 1994.

7. Attached as Exhibit 5 is an e-mail from Rodney Dixon to Yvonne Shirk dated June 20, 2016.

Dated: August 5, 2016


Katherine A. Moerke, Esq.

Subscribed and sworn to before me this
5th day of August, 2016.


Notary Public



EXHIBIT 1



SUPERIOR COURT LOS ANGELES COUNTY

BC 113137

BC113137

RAMESES AMER MERCURY

IN PRO PER

NELSON PRINCE ROGERS

ET AL

Attorney

Michael O'Connor (1-6-95)
Attorney

NATURE OF ACTION:

OTHER COMPLAINT

CODE

6000

REPORTER / ERM

REPORTER / ERM

Trial Judge:

YEAR	MONTH	DAY	PROCEEDINGS	FILED DOC	FEES
994	SEP	23	COMPLAINT FILED AND SUMMONS ISSUED		NO FEE
94	10	12	DEPT WARNER BROS. RECORDS INC. NTC OF DEMR TO COMP		14
94	9	30	proof of service		
94	9	28	SLC 1-19-95 830 D47		
94	10	31	proof of service		
94	11	7	DECLA - HRC DT 11-16-94 D47		
94	11	23	PROOF OF SERVICE		
94	1	5	NTC of RJ 12-29-94 8:30 D-47		
95	1	6	deft. IN AMER BROS. RECORDS INC NTC NTC to dismiss complaint (1-30-95 8:30 D-47)		
95	1	12	NTC of Cat 1-30-95 8:30 D-47		
95	1	23	Decl. supporting motion for default judgment, Fraud & Collusory Off. to ER party motion 1-30-95 8:30 D-47		
95	1	11	Decla of Ruth Anne 1-30-95 8:30 D-47		
95	1	30	The motion is granted Final SLC off calendar		
95	2	6	Order Re dismissed 1-30-95 8:30 D-47		

ARBITRATION CONFERENCE SET	DATE	TIME	DEPT	REFERRED TO ARBITRATION	TSC SET	DATE	TIME	DEPT

AT - ISSUE FILED	AT - ISSUE VACATED	MSC DATE	TIME	DEPT	TRIAL DATE	TIME	DEPT

JUDGMENT ENTERED	JUDGMENT VACATED	APPEAL FILED	REMITTITUR FILED	SUMMONS ORG FILED
			AFFIRMED MODIFIED REVERSED DISMISSED	

SUBSTITUTION OF ATTORNEY	FOR	NEW ATTORNEY	DEFAULT ENTERED	FOR	DISMISSAL ENTERED	ENTIRE ACTION FOR

EXHIBIT 2

1 Ruth Anne Taylor, State Bar No. 130587
2 Warner Bros. Records Inc.
3 3300 Warner Blvd.
4 Burbank, CA 91505-4694
5 (818) 953-3290

6 Michael J. O'Connor, State Bar No 090017
7 Robert Shilliday, State Bar No. 168769
8 Christensen, White, Miller, Fink & Jacobs
9 2121 Avenue of the Stars, 18th Floor
10 Los Angeles, CA 90067
11 (310) 553-3000

FILED
LOS ANGELES SUPERIOR COURT
JAN 11 1995
EDWARD M KRITZMAN, CLERK
N. Hampton
BY N HAMPTON, DEPUTY

12 Attorneys for Defendant WARNER BROS. RECORDS INC

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 FOR THE COUNTY OF LOS ANGELES

FAX

15 RAMESES AMERICA MERCURY,) Case No. BC 113 137
16)
17 Plaintiff,) DEFENDANT WARNER BROS. RECORDS
18) INC.'S REPLY TO PLAINTIFF'S
19 v.) DECLARATION SUPPORTING MOTION
20) FOR DEFAULT JUDGMENT, FRAUD AND
21 PRINCE ROGERS NELSON and WARNER) COLLUSION, OPPOSITION TO EX
22 BROS. RECORDS,) PARTE MOTION; DECLARATION OF
23) RUTH ANNE TAYLOR IN SUPPORT
24 Defendants.) THEREOF
25)
26) DATE: January 30, 1995
27) TIME: 8:30 a.m.
28) DEPT.: 47

29 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:
30
31 On January 24 1995, Rameses America Mercury ("Mercury")
32 attempted to deliver a document entitled "Declaration Supporting
33 Motion For Default Judgment; Fraud And Collusion; Opposition To Ex-
34 Parte Motion" ("Declaration") on Warner Bros Records Inc.
35 ("Warner"). However, when presented with the Proof of Service for
36 this document, Ruth Anne Taylor, counsel for Warner Bros. Records

1 Inc., noted that Mercury was attempting to serve Prince Rogers
2 Nelson ("Prince") through Warner. As Warner does not represent
3 Prince in this matter, Ms. Taylor instructed her secretary, Lynne
4 Oropeza, to inform Mercury that she could not accept service on the
5 behalf of Prince

6 Although Ms. Taylor has informed Mercury, on at least five
7 separate occasions, that neither Warner nor she represents Prince,
8 Mercury threatened Ms. Oropeza, stating that "If Ms. Taylor knows
9 what's good for her, she'll accept this document " Ms. Oropeza
10 explained again that Warner and Ms. Taylor could not accept service
11 on behalf of Prince, and Mercury left the premises.

12 On January 25, 1995, Ms Taylor received, by mail, a copy of
13 the Declaration. A review of this Declaration reveals that Mercury
14 has a continued misunderstanding of the concepts of service of a
15 Summons and Complaint, and the legal representation of Prince in
16 this matter. Based on this essential misunderstanding, Mercury has
17 apparently propounded two separate, additional "causes of action"
18 for fraud, neither of which has been served on Warner.

19 In order to clarify the record in this matter, Warner hereby
20 sets forth the following:

- 21 1. Warner received a copy of the Summons & Complaint in
22 this matter ("the Complaint") by mail on September 30, 1994.
23 Although service was incorrect, Warner determined to demur to the
24 matter rather than move to quash the summons (Declaration of Ruth
25 Anne Taylor ["Taylor Declaration"], ¶ 2.)

26 / / /

27 / / /

28

1 2. At the time Warner received the Complaint, Ruth Anne
2 Taylor wrote a letter to Mercury specifically informing him that
3 Warner did not represent Prince. (Taylor Declaration, ¶ 3., Exhibit
4 "A".)

5 3. Subsequent to service of the Complaint on Warner, Ms.
6 Taylor had the occasion to speak with an attorney who was
7 representing Prince in a separate matter between Warner and Prince
8 During the course of this conversation, Ms. Taylor mentioned to this
9 attorney that Warner had been served with the Complaint and inquired
10 as to whether the attorney was aware of the action. The attorney
11 indicated that he was not aware of the action. He thereafter asked
12 if he could see a copy of the Complaint and Ms. Taylor agreed to
13 mail one to him. (Taylor Declaration, ¶ 4)

14 4. On December 23, 1994, while Ms. Taylor was on vacation,
15 Mercury telephoned Ms. Taylor and stated that he had been informed
16 by Michael Caine, "an attorney for Prince", that Warner was
17 representing Prince. Ms. Taylor specifically reiterated that Warner
18 was not representing Prince in the action. (Taylor Declaration, ¶
19 5.)

20 5. On or about January 7, 1995, Mercury telephoned Ms.
21 Taylor at her office and again insisted that she was representing
22 Prince. Ms. Taylor again stated that Warner did not represent
23 Prince. (Taylor Declaration, ¶ 6.)

24 / / /
25 / / /
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1 6. On or about January 7, 1995, Ms. Taylor telephoned
2 Paisley Park Enterprises, a company which Ms. Taylor believed to be
3 related to Prince, and requested to speak to Michael Caine. She was
4 informed that Mr. Caine was an independent accountant who sometimes
5 performed services for Paisley Park Enterprises. Ms. Taylor then
6 telephoned Mr. Caine at his office and inquired if he had
7 represented to Mercury that Warner was representing Prince *vis-à-vis*
8 the Complaint. Mr. Caine informed Ms. Taylor that he had never made
9 such a representation, that as far as he knew, Prince had not even
10 been served with the Complaint, and that he understood that Warner
11 would not represent Prince in the matter. (Taylor Declaration, ¶ 7.)

12 7. On or about January 11, 1995, Mercury again telephoned
13 Ms. Taylor insisting that she represented Prince. Ms. Taylor again
14 informed Mercury that she did not represent Prince, and further
15 informed Mercury that Mr Caine was an accountant, not an attorney.
16 Mercury than insisted that Ms. Taylor had "served" Prince with the
17 Complaint. Ms Taylor then attempted to explain to Mercury that it
18 would be impossible for her to serve Prince, and advised Mercury to
19 seek legal representation. (Taylor Declaration, ¶ 8.)

20 8. On or about January 12, 1995, Ms. Taylor delivered a
21 letter to Mercury in which she set forth rules pertaining to proper
22 service. (Taylor Declaration ¶ 9)

23 Mercury has failed to file an Amended Complaint within the time
24 set forth by the Court. His filing of an additional "cause of
25 action" for fraud at this point does not constitute an amendment.
26 Further, as set forth above, the additional "cause of action" for
27 fraud propounded by Mercury is as frivolous as the remainder of the
28 Complaint.

1 For the foregoing reasons, Warner respectfully requests that
2 the Complaint be dismissed against Warner Bros. Records Inc. in its
3 entirety.

4 Respectfully submitted,

5 Dated: January 26, 1995

Ruth Anne Taylor
WARNER BROS. RECORDS INC.

By: 
Ruth Anne Taylor, Esq.
Attorneys for Defendants
WARNER BROS. RECORDS INC.

9 c:\data\winword\cases\prince\mercury\rplyopp.doc

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1 Prince in the action.

2 6. On or about January 7, 1995, Mercury telephoned me at my
3 office and again insisted that I was representing Prince. I again
4 stated that Warner did not represent Prince.

5 7 On or about January 7, 1995, I telephoned Paisley Park
6 Enterprises and requested to speak to Michael Caine I was informed
7 that Mr. Caine was an independent accountant who sometimes performed
8 services for Paisley Park Enterprises I then telephoned Mr. Caine
9 at his office and inquired if he had represented that Warner was
10 representing Prince in the Mercury matter. Mr. Caine informed me
11 that he had never made such a representation, that as far as he
12 knew, Prince had not even been served with the Complaint, and that
13 he understood that Warner would not represent Prince in the matter.

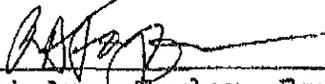
14 8. On or about January 11, 1995, Mercury again telephoned
15 me, insisting that I represented Prince. I again informed Mercury
16 that I did not represent Prince, and further informed Mercury that
17 Mr. Caine was an accountant, not an attorney. Mercury than insisted
18 that I had "served" Prince with the Complaint. I then attempted to
19 explain to Mercury that it would be impossible for me to serve
20 Prince, and advised Mercury to seek legal representation.

21 9. On or about January 12, 1995, I delivered a letter to
22 Mercury in which I set forth rules pertaining to proper service, a
23 true and correct copy of which is attached hereto as "Exhibit B"

24 I declare under penalty of perjury of the laws of the State of
25 California that the foregoing is true and correct. Executed this
26 26th day of January, 1995 at Burbank, California.

27

28


Ruth Anne Taylor, Esq.



Ruth Anne Taylor
Senior Counsel
Litigation and Employee Relations

October 4, 1994

Ramses America Mercury
352 Sutton Court
Pomona, CA 91767

Dear Mr Mercury:

I am in receipt of the complaint served on Warner Bros Records Inc ("Warner") and will be responding to the complaint. However, please be advised that Warner is not authorized to accept service of any legal pleadings on behalf of Price Rogers Nelson or "P".

Very Truly Yours,

Ruth Anne Taylor
Ruth Anne Taylor

EXHIBIT A



Ruth Anne Taylor
Senior Counsel
Litigation and Employee Relations

January 12, 1995

Ramses America Mercury
1072 Ralston
Ontario, CA 91762

Re: Mercury v. WBR, et al.

Dear Mr Mercury:

In light of your continued insistence that Warner has somehow "served" Prince with your complaint, I invite you to review section 414 10 of the California Rules of Civil Procedure, which specifically states.

"A summons may be served by any person who is at least 18 years of age and not a party to the action."

I have explained to you on several occasions, that I am an attorney for Warner Bros Records Inc only, that I have no association whatsoever with Prince and that I do not represent Prince. Further, as Warner is a party to this action, it is impossible for Warner to somehow have effectuated service of your complaint on Prince. I sincerely hope that this explanation finally resolves this issue

I urge you to obtain your own legal representation, as it is not my place to advise you on the law

Very Truly Yours,

Ruth Anne Taylor

EXHIBIT B

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES.

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen and not a party to the within action. My business address is 3300 Warner Boulevard, Burbank, CA 91505-4694.

On January 26, 1995, I served the foregoing document described as DEFENDANT WARNER BROS. RECORDS INC.'S REPLY TO PLAINTIFF'S DECLARATION SUPPORTING MOTION FOR DEFAULT JUDGMENT, FRAUD AND COLLUSION, OPPOSITION TO EX PARTE MOTION; DECLARATION OF RUTH ANNE TAYLOR IN SUPPORT THEREOF on the interested parties in this action by placing a true copy thereof enclosed in a sealed addressed as follows:

Rameses America Mercury
352 Sutton Court
Pomona, CA 91767

Rameses America Mercury
1072 Ralston
Ontario, CA 91762

Rameses America Mercury
5195 Revere St., #5
Chino, CA 91710

I caused such envelope with postage fully prepaid to be placed in the United States mail at Burbank, CA. I am "readily familiar" with the firm's practice of collection and processing of correspondence for mailing. Under that practice, such envelope(s) would be deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of the party served, services is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on January 26, 1995 at Burbank, CA.


LYNNE OROPEZA

c:\data\winword\cases\prince\mercury\pos doc

EXHIBIT 3

1 Ruth Anne Taylor, State Bar No 130587
2 Warner Bros. Records Inc.
3 3300 Warner Blvd.
4 Burbank, Ca. 91505
5 (818) 953-3290

6 Attorneys for Defendant WARNER BROS RECORDS INC.

FILED
FEB 06 1995
JAN DE
Ruby R. Maya
BY RUBY R. MAYA, DEPUTY

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 FOR THE COUNTY OF LOS ANGELES

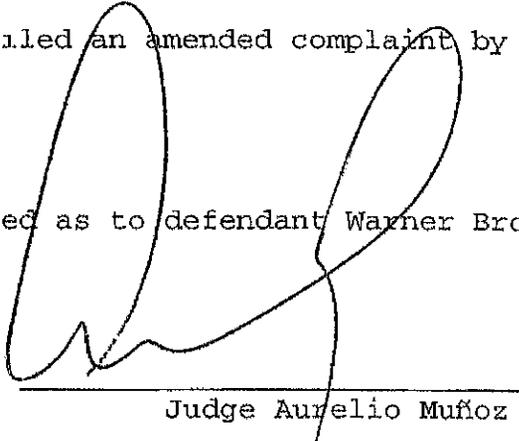
9
10 RAMSES AMERICA MERCURY,) Case No. BC113137
11)
12 Plaintiff,) (~~PROPOSED~~) ORDER RE DISMISSAL
13)
14 v.) DATE: January 30, 1995
15 WARNER BROS. RECORDS INC., and) TIME: 8:30 a.m.
16 PRINCE ROGERS NELSON et. al,) DEPT: 47
17)
18 Defendants.) DISCOVERY CUT-OFF: None Set
19) MOTION CUT-OFF: None Set
20) TRIAL DATE: None Set
21)

22 Upon reading and considering the motion to dismiss complaint
23 filed by defendants Warner Bros. Records Inc. ("Warner") and the
24 exhibits thereto, and upon submission by both Ruth Anne Taylor,
25 counsel to Warner and Ramses America Mercury ("Mercury") and upon
26 determining that Mercury has not filed an amended complaint by
27 December 16, 1994:

28 IT IS HEREBY ORDERED THAT:

a. The complaint is dismissed as to defendant Warner Bros.
Records Inc.

Dated: February 6, 1995



Judge Aurelio Mufioz

EXHIBIT 4

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) RAMESES AMERICA MERCURY (909) 5195 REVERE ST #5 CHINO, CA 91710 ATTORNEY FOR (Name) PRO PER TELEPHONE NO 464-9113	FOR COURT USE ONLY
Insert name of court and name of judicial district and branch court, if any SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES	
PLAINTIFF RAMESES AMERICA MERCURY DEFENDANT PRINCE ROGERS NELSON, et al.	
REQUEST FOR <input checked="" type="checkbox"/> ENTRY OF DEFAULT <input type="checkbox"/> CLERK'S JUDGMENT (Application) <input type="checkbox"/> COURT JUDGMENT	CASE NUMBER BC 113137

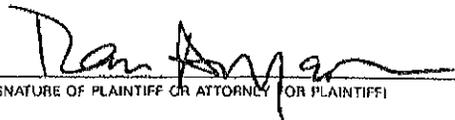
- 1 TO THE CLERK On the complaint or cross-complaint filed
- a On (date) **SEPTEMBER 23, 1994**
 - b By (name) **RAMESES AMERICA MERCURY**
 - c Enter default of defendant (names)
PRINCE ROGERS NELSON
 - d I request a court judgment under CCP 585(b), (c), 989 etc (Testimony required Apply to the clerk for a hearing date, unless the court will enter a judgment on an affidavit under CCP 585(d))
 - e Enter clerk's judgment
 - (1) For restitution of the premises only and issue a writ of execution on the judgment CCP 1174(c) does not apply (CCP 1169) Include in the judgment all tenants, subtenants, named claimants, and other occupants of the premises The Prejudgment Claim of Right to Possession was served in compliance with CCP 415 46
 - (2) Under CCP 585(a) (Complete the declaration under CCP 585 5 on the reverse (item 3))
 - (3) For default previously entered on (date) **OCTOBER 27, 1994**

2 Judgment to be entered

	Amount	Credits Acknowledged	Balance
a Demand of complaint	\$ 1,000,000.00	0	\$ 1,000,000.00
b Statement of damages (CCP 425 11) (superior court only)*			
(1) Special	\$ 1,000,000.00	\$ 0	\$ 1,000,000.00
(2) General	\$ 1,000,000.00	\$ 0	\$ 1,000,000.00
c Interest	\$ 0	\$ 0	\$ 0
d Costs (see reverse)	\$ 0	\$ 0	\$ 0
e Attorney fees	\$ 0	\$ 0	\$ 0
f TOTALS	\$ 3,000,000.00	\$ 3,000,000.00	\$ 3,000,000.00

g Daily damages were demanded in complaint at the rate of \$ **0** per day beginning (date) **N/A**
Date

RAMESES AMERICA MERCURY
(TYPE OR PRINT NAME)


(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

* Personal injury or wrongful death actions only

FOR COURT USE ONLY	(1) <input type="checkbox"/> Default entered as requested on (date) (2) <input type="checkbox"/> Default NOT entered as requested (state reason)	By _____
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(Continued on reverse)

SHORT TITLE MERCURY V. NELSON	CASE NUMBER BC 113137
---	---------------------------------

3 **DECLARATION UNDER CCP 585 5** (Required for clerk's judgment under CCP 585(a)) This action

a is is not on a contract or installment sale for goods or services subject to CC 1801 etc (Unruh Act)

b is is not on a conditional sales contract subject to CC 2981 etc (Rees-Levering Motor Vehicle Sales and Finance Act)

c is is not on an obligation for goods, services, loans or extensions of credit subject to CCP 395(b)

4 **DECLARATION OF MAILING (CCP 587)** A copy of this Request for Entry of Default was

a not mailed to the following defendants whose addresses are unknown to plaintiff or plaintiff's attorney (names)

b mailed first-class, postage prepaid, in a sealed envelope addressed to each defendant's attorney of record or, if none to each defendant's last known address as follows

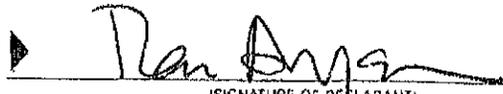
(1) Mailed on (date)

(2) To (specify names and addresses shown on the envelopes)

WARNER BROTHERS RECORDS
ATTN: RUTH ANNE TAYLOR
3300 WARNER BLVD
BURBANK, CA 91505

I declare under penalty of perjury under the laws of the State of California that the foregoing items 3 and 4 are true and correct

Date
RAMESES AMERICA MERCURY
 (TYPE OR PRINT NAME)


 (SIGNATURE OF DECLARANT)

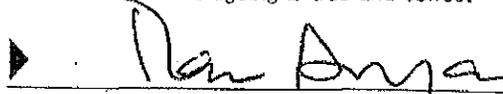
5 **MEMORANDUM OF COSTS** (Required if judgment requested) Costs and Disbursements are as follows (CCP 1033 5)

a Clerk's filing fees	\$	<input checked="" type="checkbox"/>	
b Process server's fees	\$	<input checked="" type="checkbox"/>	
c Other (specify)	\$	<input checked="" type="checkbox"/>	
d	\$	<input checked="" type="checkbox"/>	
e TOTAL	\$	<input checked="" type="checkbox"/>	
f <input checked="" type="checkbox"/> Costs and disbursements are waived			

I am the attorney, agent, or party who claims these costs To the best of my knowledge and belief this memorandum of costs is correct and these costs were necessarily incurred in this case

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct

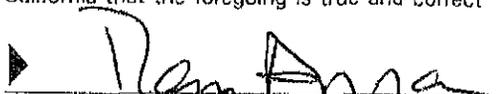
Date
RAMESES AMERICA MERCURY
 (TYPE OR PRINT NAME)


 (SIGNATURE OF DECLARANT)

6 **DECLARATION OF NONMILITARY STATUS** (Required for a judgment) No defendant named in item 1c of the application is in the military service so as to be entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 USC Appen § 501 et seq)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct

Date
RAMESES AMERICA MERCURY
 (TYPE OR PRINT NAME)


 (SIGNATURE OF DECLARANT)

*NOTE Continued use of form 982(a)(6) (Rev July 1, 1988) is authorized until June 30 1992 except in unlawful detainer proceedings

EXHIBIT 5

Moerke, Katie

From: RODNEY DIXON <dubailandlegend@yahoo.com>
Sent: Monday, June 20, 2016 1:30 PM
To: Moerke, Katie; 'Shirk, Yvonne'
Cc: Krishnan, Laura; Peterson, Douglas; Crosby, David; Sanford, Lee Ann
Subject: Re: Claim against Estate of PRN / 10-PR-16-46
Attachments: THE FOURTH DECLARATION OF RODNEY H DIXON (CARVER) - PRINCE ROGERS NELSON, ET AL (2).pdf; Fourth Declaration of RHD - Executed Verification Page.pdf

Yvonne Shirk,

I have had time to go over Bremer Trust motion to dismiss. There appears to be some issues with its service of process. Nonetheless, I have had enough to time to generate a response to it. Notwithstanding, my response to the Bremer Trust motion to dismiss does not set-aside its Notice of Disallowance.

Therefore, based on the statements made by Bremer Trust in its email dated June 17, 2016, I agree with Bremer Trust to leave it up to Judge Eide to determine if a hearing is needed to proceed. I have requested a Summary Judgment however. If a summary judgment is not granted and the motion to dismiss by Bremer Trust fails I am requesting we move forward with discovery, etc.

It appears Bremer Trust is willing to rests on the courts decision based on its filed motion to dismiss. As long as no other motions are filed after my response to its motion to dismiss I would agree no need for discovery is warranted.

Warm Regards,

Rodney H. Dixon

www.slrld.net

On Friday, June 17, 2016 10:07 AM, "Moerke, Katie" <katie.moerke@stinson.com> wrote:

Dear Ms. Shirk:

Thank you. Discovery is not warranted because Bremer Trust's motion to dismiss is based on the failure to state a claim upon which relief may be granted.

Bremer Trust is fine either proceeding without a hearing or appearing for a hearing and will defer to the Court's preference and discretion as to whether to schedule a hearing.

Sincerely,
Katie

Katherine A. Moerke | Partner | Stinson Leonard Street LLP
150 South Fifth Street, Suite 2300 | Minneapolis, MN 55402
T: 612.335.1421 | M: 612.968.5928 | F: 612.335.1657
katie.moerke@stinson.com | www.stinson.com
Legal Administrative Assistant: Rhonda Pearson | 612.335.1722 | rhonda.pearson@stinson.com

From: Shirk, Yvonne [mailto:Yvonne.Shirk@courts.state.mn.us]
Sent: Friday, June 17, 2016 11:13 AM
To: Moerke, Katie; 'RODNEY DIXON'
Cc: Krishnan, Laura; Peterson, Douglas; Crosby, David; Sanford, Lee Ann
Subject: RE: Claim against Estate of PRN / 10-PR-16-46

Do you need any time for discovery? Do you want an actual hearing or would you all like to simply submit written arguments?

Yvonne Shirk

Law Clerk to the Honorable Kevin W. Eide
Carver County Courthouse
604 East 4th Street
Chaska, MN 55318
952-361-1438

From: Moerke, Katie [mailto:katie.moerke@stinson.com]
Sent: Friday, June 17, 2016 10:46 AM
To: Shirk, Yvonne <Yvonne.Shirk@courts.state.mn.us>; 'RODNEY DIXON' <dubailandlegend@yahoo.com>
Cc: Krishnan, Laura <laura.krishnan@stinson.com>; Peterson, Douglas <douglas.peterson@stinson.com>; Crosby, David <david.crosby@stinson.com>; Sanford, Lee Ann <Lee.Sanford@stinson.com>
Subject: RE: Claim against Estate of PRN / 10-PR-16-46

Dear Ms. Shirk and Mr. Dixon:

Attached are the Motion and Notice of Motion to Dismiss filed electronically on April 29, 2016, by Bremer Trust. (Along with other filings in this case, these documents are also available on the website that the Court set up on this matter:

<http://www.mncourts.gov/InReTheEstateofPrinceRogersNelson.aspx>.)

Bremer Trust maintains its position that the Motion to Dismiss should be briefed by both parties and ruled upon by the Court before proceeding with setting any deadlines for discovery, dispositive and non-dispositive motion deadlines, etc. Bremer Trust seeks a hearing date for the motion in accordance with Rule 115.02 (Motion Practice) of the General Rules of Practice for the District Courts of Minnesota. Bremer Trust is amenable to the default briefing schedule in Rule 115.03 or an expedited briefing schedule to minimize any possible delays.

Sincerely,
Katie Moerke

Katherine A. Moerke | Partner | Stinson Leonard Street LLP
150 South Fifth Street, Suite 2300 | Minneapolis, MN 55402
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From: RODNEY DIXON [mailto:dubailandlegend@yahoo.com]
Sent: Friday, June 17, 2016 12:35 AM
To: Krishnan, Laura; 'Shirk, Yvonne'
Cc: Moerke, Katie
Subject: Re: Claim against Estate of PRN / 10-PR-16-46

Yvonne,

I have never received a Motion to Dismiss from Bremer Trust. I have never viewed said document(s) and have absolutely no idea of its content. Being that I was never served in any form with said Motion to Dismiss, I do not agree to unwarranted delays.

The first and second declarations filed by me are not based on a Motion to Dismiss by Bremer Trust. The third declaration filed by me is based on the filed Notice of Disallowance of Claims by Bremer Trust, which I actually received by mail.

Therefore, If Bremer Trust is unwilling to work with me to set a schedule as specified by Judge Eide, I am willing to submit a proposed scheduling order to be considered by the court.

Warm Regards,

Rodney H. Dixon

On Thursday, June 16, 2016 9:11 PM, "Krishnan, Laura" <laura.krishnan@stinson.com> wrote:

Ms. Shirk,

Thank you for your inquiry. Bremer Trust filed a motion to dismiss Mr. Dixon's claim for failure to state a claim upon which relief may be granted. See Doc. No. 20. Accordingly, Bremer Trust requests that a briefing schedule be set for that motion and then, only if the motion to dismiss is not granted, proceed with setting deadlines for discovery, dispositive and non-dispositive motion deadlines, etc.

For reference, here's the exact timing of Dixon-related filings, etc. so far:

Date	Document	Docket Number
4/16/2016	First Declaration: "Declaration, Petition & Demand for Notice of Rodney H. Dixon"	12
4/29/2016	Motion to Dismiss (Bremer Trust)	20
5/9/2016	Second Declaration: "Declaration in Support of Petition, Demand for Notice, and Recovery of Rodney H. Dixon"	52
6/3/2016	Disallowance of Claim (mailed to Dixon, not filed)	N.A.
6/10/2016	Third Declaration: "Third Declaration in Support of Petition for Allowance of Claims of Rodney H. Dixon Motion for Bremer Trust to Show Cause for Its Purported Defenses"	158

Laura Krishnan

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From: Shirk, Yvonne [<mailto:Yvonne.Shirk@courts.state.mn.us>]

Sent: Tuesday, June 14, 2016 3:03 PM

To: dubailandlegend@yahoo.com; Krishnan, Laura
Subject: Claim against Estate of PRN / 10-PR-16-46

Mr. Dixon and Ms. Krishnan;

We have received Mr. Dixon's claim against the Estate of Prince Rogers Nelson. Judge Eide has asked me to put together a scheduling order. Can you give me some idea of timeframes you'd like for discovery, dispositive and non-dispositive motion deadlines, etc.?

Yvonne Shirk
Law Clerk to the Honorable Kevin W. Eide
Carver County Courthouse
604 East 4th Street
Chaska, MN 55318
952-361-1438
