

**FILED**

May 7, 2019

**OFFICE OF  
APPELLATE COURTS**

STATE OF MINNESOTA  
IN COURT OF APPEALS

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In re the Estate of Prince Rogers Nelson,  
Deceased.

**ORDER**  
#A19-0503  
#A19-0507

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Considered and decided by Cleary, Chief Judge; Ross, Judge; and Larkin, Judge.

**BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND FOR THE  
FOLLOWING REASONS:**

In these consolidated appeals, CAK Entertainment, Inc., et al., and NorthStar Enterprises Worldwide, Inc., et al., seek review of a March 11, 2019 order in the underlying probate matter that directs appellants to refund to respondent Estate of Prince Rogers Nelson within 30 days all compensation that appellants received as a result of certain subsequently terminated or rescinded transactions. We questioned whether the March 11, 2019 order is appealable as a matter of right. The parties filed informal memoranda.

Respondent filed a motion under Minn. Stat. § 524.3-721 (2018) in the probate matter to recover alleged excessive compensation that appellants received for services rendered. The March 11, 2019 order from which this appeal is taken grants respondent's motion in part, directing that appellants refunded commissions be held in a designated escrow account pending further proceedings and an order from the court. The March 11, 2019 order specifies that it is a temporary order to protect respondent's assets.

An appeal may be taken from an order that grants, refuses, dissolves, or refuses to dissolve, an injunction. Minn. R. Civ. App. P. 103.03(b). An order that directs return of property for the purpose of preserving the status quo ante pending determination of the main action is appealable as a temporary mandatory injunction. *Bellows v. Ericson*, 46 N.W.2d 654, 658 (Minn. 1951).

In holding that a protective order was not appealable as an injunction under Minn. R. Civ. App. P. 103.03(b), our supreme court noted that the district court did not apply the equitable factors required for granting or denying a motion for temporary injunction under *Dahlberg Brothers v. Ford Motor Company*, 137 N.W.2d 314, 321-22 (1965) and that the merits of the underlying negligence claim were not at issue. *Howard v. Svoboda*, 890 N.W.2d 111, 114-15 (Minn. 2017). In this case, the March 11, 2019 order does not address the *Dahlberg* factors, but *Howard* does not hold that the district court's failure to address the *Dahlberg* factors precludes appellate review of the order under Minn. R. Civ. App. P. 103.03(b). Unlike the protective order at issue in *Howard*, the March 11, 2019 order in this case is based on the merits of respondent's motion. Because the March 11, 2019 order has the characteristics of a temporary mandatory injunction, the order is appealable under Minn. R. Civ. App. P. 103.03(b).

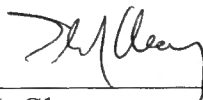
**IT IS HEREBY ORDERED:**

1. Jurisdiction over this appeal is accepted.
2. Appellants' briefs and addenda shall be filed by May 22, 2019.

3. The clerk of the appellate courts shall provide copies of this order to the Honorable Kevin W. Eide, counsel of record, and the district court administrator.

**Dated:** May 7, 2019

**BY THE COURT**



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Edward J. Cleary  
Chief Judge