

FILED

April 3, 2017

**OFFICE OF
APPELLATE COURTS****STATE OF MINNESOTA
IN COURT OF APPEALS**

In the Matter of the Estate of:

ORDER

Prince Rogers Nelson, Decedent

A16-2042

BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:

1. This is an appeal from an order filed by the district court in this multi-party probate proceeding.
2. By order filed February 9, 2017, this court directed the appellants to serve and file lists identifying parties to the district court proceedings who could be affected by the appeal and should be characterized as respondents in this appeal. The order also directed any party to the district court proceedings who disagreed with the submissions by appellants to serve and file written objections.
3. The appellants filed an "Identification and List from Proceedings Below and Designation of Adverse Position for Purposes of Appeal." Appellants' "Identification and List of Parties" refers to "NON-ADVERSE POTENTIAL HEIRS[,]" to "ADVERSE POTENTIAL HEIRS[,]" and to the Special Administrator of the estate of the deceased, as well as to two other classes of parties to the district court proceedings not relevant to these appellate proceedings.
4. This court received no response to appellants' "Identification and List of Parties[,]" and the time to respond has expired.

5. Some of the addresses of record for persons originally named as respondents to this appeal are no longer valid, and some parties have failed to update their contact information with this court. *See* Minn. R. Gen. Pract. 13.01 (stating that it is responsibility of parties “to provide notice to all other parties and to the court administrator of their current address for delivery of notices, orders, and other documents in the case” and that failure to provide this notice “constitutes waiver of the right to notice until a current address is provided”); *see also* Minn. R. Civ. P. 77.04 2012 advisory comm. cmt. (stating that “the burden is squarely on the party or attorney to advise the court of any change in address”).

6. Because those identified as non-adverse potential heirs did not bring this appeal, they are not appellants. *See* Minn. R. Civ. App. P. 101.02, subd. 6 (stating that, in an appeal, parties “seeking review” are appellants). And, because the non-adverse potential heirs are not adverse to appellants, they are not respondents. *See* Minn. R. Civ. App. P. 143.01 (stating that “[t]he party appealing shall be known as the appellant . . . and the adverse party as the respondent”); *Larson v. Le Mere*, 220 Minn. 25, 27-28, 18 N.W.2d 696, 698 (1945) (stating that an “adverse party” is “[a]ny party who would be prejudiced by a reversal or modification of an order, award, or judgment”) (citations omitted); *City of Victoria v. County of Carver*, 561 N.W.2d 772, 774 (Minn. App. 1997) (citing this aspect of *Larson*), *review denied* (Minn. Sept. 11, 1997). Therefore, the non-adverse heirs are not parties to this appeal, and the respondents in this appeal are the adverse potential heirs, and the special administrator of the estate of the deceased.

7. Those identified as having interests adverse to the appellants have counsel; some may have multiple attorneys in multiple states. Appellants’ “Identification and List

of Parties” asks that one attorney be designated as the contact for service for each adverse heir, and for the special administrator of the estate.

IT IS HEREBY ORDERED:

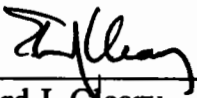
1. The respondents in this appeal are (a) Carlin Q. Williams; (b) Tyka Nelson; (c) Norrine Patricia Nelson, Sharon Louise Nelson, and John Rodger Nelson; (d) Alfred Frank Alonzo Jackson; (e) Omar Julius Baker; and (f) the special administrator of the estate of the deceased.

2. On or before April 6, 2017, any party to this appeal who is represented by more than one attorney shall serve and file a designation of which attorney representing that party is the attorney who will be served on behalf of that party. Thereafter, only that attorney for the party need be served for purposes of proceedings in this appeal in this court. The attorney designated for service shall be either an attorney licensed to practice in Minnesota, or an attorney admitted to practice in Minnesota pro hac vice for purposes of this appeal to this court.

3. Each respondent represented by separate counsel may serve and file a single brief addressing this appeal.

Dated: April 3, 2017

BY THE COURT



Edward J. Cleary
Chief Judge