

FILEDSTATE OF MINNESOTA
COUNTY OF CARVERNOV 02 2016
CARVER COUNTY COURTSDISTRICT COURT
FIRST JUDICIAL DISTRICT
PROBATE DIVISION

In Re: Estate of:

Court File No. 10-PR-16-46

Prince Rogers Nelson,
Deceased.**AMENDED ORDER FOR
ALTERNATE TESTING**

The above-entitled matter involves DNA testing to determine heirship claims. In one circumstance to date, a party is requesting a second, or alternate, test, and is objection to the protocol under which the first test was taken. In order to ensure such testing would be completed as expeditiously as possible, the Court previously ordered counsel for Carlin Q. Williams to identify a desired alternate DNA testing facility by August 31, 2016, otherwise the Court would select and identify the facility by separate order. When counsel for Mr. Williams failed to identify an alternate facility, the Court appointed LabCorp as the alternate testing facility and further ordered that testing be completed by September 21, 2016. The Court further ordered that if Mr. Williams does not undergo testing through LabCorp by September 21, 2016, he shall be excluded as an heir of this Estate. To the Court's knowledge, Mr. Williams has yet to submit to testing through LabCorp, however, he did request additional time to identify the testing that he is now requesting. Now, counsel for Mr. Williams seeks an order requiring additional testing of Decedent's siblings, "for purpose of verification and confirmation of the DNA profile created from the blood sample drawn of the Deceased by MME, as is provided to Demandant as a statutory right pursuant to Minnesota Statute Section 257.62, Subd. 1(c), upon the grounds that the alleged father, namely, the Deceased, is now dead."

Now, based upon the file and record herein, the Court makes the following:

ORDER

1. The Court's previous Order providing "If Mr. Williams does not undergo testing through LabCorp by September 21, 2016, he shall be excluded as an heir of this Estate" is vacated.

2. LabCorp shall be used to provide alternate, or secondary, DNA testing in this matter. Mr. Williams or his counsel may contact staff attorney Yvonne Shirk at Yvonne.shirk@courts.state.mn.us to obtain the contact information at LabCorp.

3. If Mr. Williams requests an alternate or second DNA test through LabCorp, counsel for Mr. Williams shall notify the Court and the Special Administrator by November 10, 2016.

4. If Mr. Williams requests an alternate or second DNA test through LabCorp, the Special Administrator shall coordinate with LabCorp to arrange for their receipt of Decedent's DNA/blood sample.

5. Mr. Williams shall undergo testing through LabCorp no later than November 18, 2016. The results of the comparison shall be reported to the Court, the Special Administrator and counsel for Mr. Williams no later than November 28, 2016.

6. If Mr. Williams is contesting the Medical Examiner's protocol for obtaining Decedent's original DNA/blood sample, the chain of custody of the DNA/blood sample of the Decedent delivered by the Midwest Medical Examiner's office to DNA Diagnostic Center which was used for the comparison of DNA between the Decedent and Mr. Williams, or the testing protocol used by DNA Diagnostics Center, counsel for Mr. Williams shall notify the Court and the Special Administrator by November 10, 2016.

7. If Mr. Williams provides notice that he is contesting the Medical Examiner's protocol for obtaining Decedent's original DNA/blood sample, the chain of custody of the DNA/blood sample of the Decedent delivered by the Midwest Medical Examiner's office to DNA Diagnostic Center, or the testing protocol used by DNA Diagnostics Center, by November 10, 2016, this matter shall be scheduled for an evidentiary hearing on December 2, 2016, at 8:30 a.m. to inquire into the Medical Examiner's protocol for obtaining Decedent's original DNA/blood sample, the chain of custody of the DNA/blood sample and the protocol for the comparison testing of the DNA/blood samples of the Decedent and Mr. Williams.

8. If a hearing is scheduled for December 2, 2016, the Special Administrator shall arrange for the appearance of witnesses from the Midwest Medical Examiner's office and DNA Diagnostics Center. Counsel for the Special Administrator will have the burden of going forward to prove that proper protocol was used by the Midwest Medical Examiner's office and DNA Diagnostic Center, and that a proper chain of custody for the DNA/blood samples is provided. If the Special

Administrator is able to meet this burden, the burden will shift to counsel for Mr. Williams to establish any irregularity that would call into question any of the test results.

9. If a hearing is scheduled for December 2, 2016, the Special Administrator shall provide the Court with a proposed order based upon the anticipated testimony of the witnesses from the Midwest Medical Examiner's office and DNA Diagnostic Center.

10. If any party wishes to object to the foregoing, they may do so by written submission only by no later than November 7, 2016.

BY THE COURT:



Kevin W. Eide
Judge of District Court

Date: November 2, 2016