

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF CARVER

FIRST JUDICIAL DISTRICT

Court File No. 10-PR-16-46

In re Estate of Prince Rogers Nelson,
Decedent.**NOTICE OF MOTION FOR RELIEF
FROM ORDER AND JUDGMENT OF COURT**

PLEASE TAKE NOTICE that on October 21, 2016 at 1:30 p.m., or as soon thereafter as counsel may be heard, the undersigned, on behalf of their client, Corey D. Simmons, will move for relief from the Court's *Order Regarding Genetic Testing Protocol and Heirship Claims Following the June 27, 2016 Hearing and Judgment*, which was filed July 29, 2016. Please also find attached and herewith served upon you a copy of this Court's Amended Scheduling Order Regarding the Claims of Brianna Nelson and V.N. and Corey Simmons To Be Heirs Of The Estate, which Orders a hearing upon this motion. The hearing on this matter will take place at Carver County Courthouse, 604 East 4th Street, in Chaska, Minnesota, before the Honorable Judge Kevin W. Eide

Dated October 4, 2016

Dammeyer Law Firm, P.A.

Lehner Law Office, LLC

/s/ Eric C. Dammeyer

/s/ Andrew M. Lehner

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STATE OF MINNESOTA

COUNTY OF CARVER

DISTRICT COURT
FIRST JUDICIAL DISTRICT
PROBATE DIVISION

FILED

OCT 03 2016

In Re: Estate of:

CARVER COUNTY COURTS

Court File No. 10-PR-16-46

Prince Rogers Nelson,

Deceased.

**AMENDED SCHEDULING
ORDER REGARDING THE
CLAIMS OF BRIANNA NELSON
AND V.N. AND COREY SIMMONS
TO BE HEIRS OF THE ESTATE**

The above entitled matter came on before the Honorable Kevin W. Eide on August 26, 2016 at the request of Celiza Bragança, Esq., one of the attorneys for Briana Nelson and V.N., submitted a proposed discovery, motion and hearing schedule to address the claims of her clients. On August 31, 2016, the Special Administrator submitted a response asking that the discovery process commence after the legal authority of Brianna and V.N.'s claims is determined. Thomas P. Kane, Esq. submitted a response for the "Putative Heirs" requesting a shorter period of time for the resolution of the claims. The Court subsequently received notice of a claim by Corey D. Simmons that he is also a child of Duane Joseph Nelson, Sr. Mr. Simmons seeks an amendment to the Court's Order Regarding Genetic Testing Protocol and Heirship Claims Following the June 27, 2016 Hearing and Judgment filed July 29, 2016 to include him in the section entitled "Applications Based Upon Claims of Being a Descendant of Duane Nelson."

Based upon the record and the arguments of counsel, the Court makes the following:

ORDER

1. This Order shall apply to the Special Administrator and the "non-excluded" heirs. The non-excluded heirs, for the purpose of this Order, are the heirs identified in the original Petition for Formal Appointment of Special Administrator as well as Brianna Nelson and V.N.
2. Discovery regarding the claims of Brianna Nelson and V.N. to be heirs of this Estate shall be completed by November 4, 2016.
3. The Special Administrator and the non-excluded heirs shall notify the Court and serve upon the Special Administrator and the non-excluded heirs no later than October 14, 2016, the type of

expert witness they intend to call at the evidentiary hearing in this matter. For each such expert witness, to the extent that it is known, the Special Administrator and the non-excluded heirs shall disclose the identity, training and experience, the opinion that will be offered, and the facts upon which the opinion is based, for each expert witness to be called. This disclosure shall be supplemented promptly if new information regarding an expert is obtained.

4. Counsel for Brianna Nelson and V.N. shall, by September 30, 2016, provide the Court with a Memorandum of Law regarding the legal basis for the claim that Brianna Nelson and V.N. should be considered heirs of this Estate. Counsel for the Special Administrator and the non-excluded heirs shall respond with any opposing Memorandum of Law they wish to submit by October 14, 2016. Oral argument on the issue of whether Brianna Nelson and V.N. could be considered an heir of this Estate *as a matter of law* shall be heard before the undersigned in Courtroom 1 at the Carver County Judicial Center on October 21, 2016 at 1:30 p.m. Corey D. Simmons motion to be included in this proceeding shall also be heard on October 21, 2016 at 1:30. The Court will endeavor to rule on whether Brianna Nelson and V.N.'s claims and/or Corey Simmons claims will be allowed to proceed promptly after the hearing.

5. For the purpose of the Memorandums of Law and for the oral argument, the facts shall be considered in a light most favorable to Brianna Nelson and V.N. While the Court is not making findings of fact at this time, based upon previous submissions, it appears to the Court that Brianna Nelson and V.N. are claiming:

Brianna Nelson and V.N. do not claim to be genetically related to John L. Nelson, the Decedent or any other non-excluded heir.

Brianna Nelson and V.N. allege they are the niece and grandniece, respectively, of the Decedent and are the daughter and granddaughter, respectively, of Duane J. Nelson. They allege that Duane J. Nelson is the half-sibling of the Decedent though a doctrine identified as equitable adoption or other legal theory that will be identified in their Memorandum of Law.

Duane J. Nelson's birth certificate indicates that John L. Nelson is his birth father and Vivian Nelson is his birth mother.

Brianna Nelson and V.N. allege that John L. Nelson held himself out to be Duane J. Nelson's father during his lifetime, was supportive of Duane's athletic accomplishments, and visited Duane a number of times in Milwaukee. It is further alleged that Duane J. Nelson was identified as the son of John L. Nelson in his own obituary, as well as the obituary of Lorna Nelson. Lorna Nelson listed Duane J. Nelson as her half-brother in pleadings in *Nelson v. PRN Productions, Inc.* 873 F.2d 1141, 1141 (8th Cir. 1989).

Brianna Nelson and V.N. allege that Duane J. Nelson had a close relationship with the Decedent during junior high school and high school. Later, it is alleged that the Decedent put Duane J. Nelson in charge of his personal security. It is alleged that Duane J. Nelson worked with the Decedent when he was at Paisley Park and when the Decedent was traveling.

6. The Court received The Motion of Brianna Nelson and V.N. to Clarify or Reconsider the July 29, 2016 Genetic Testing Order, filed August 26, 2016. In that Motion, counsel for Brianna Nelson and V.N. state that, “Brianna and V.N. – the daughter and granddaughter of Duane Nelson – make heirship claims neither under the Parentage Act nor as blood (or genetic relations).” From this, the Court construes that neither Brianna Nelson or V.N. will be offering by way of testimony, exhibits, or expert testimony that they are genetically related to John L. Nelson, the Decedent or any other non-excluded heir. Upon written statement signed by Brianna Nelson and V.N., through her legal guardian, consistent with the previous statement, the Court will vacate the requirement of its July 29, 2016 Order that Brianna Nelson, V.N., John Nelson, Norrine Nelson, Sharon Nelson and Tyka Nelson shall undergo genetic testing pursuant to the terms of the Genetic Testing Protocol.

7. Final submission of expert reports shall be served upon the Special Administrator and all non-excluded heirs no later than November 11, 2016.

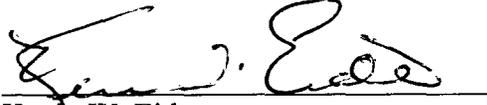
8. If the Court finds that Brianna Nelson and V.N. have a claim, as a matter of law and in the light of the facts construed most favorably to Brianna Nelson and V.N. to be an heir of this Estate, motions *in limine* shall be served and filed no later than November 14, 2016 and shall be heard before the undersigned in Courtroom 1 at the Carver County Judicial Center on November 18, 2016 at 1:30 p.m.

9. If the Court finds that Brianna Nelson and V.N. have a claim, as a matter of law and in the light of the facts construed most favorably to Brianna Nelson and V.N. to be an heir of this Estate, the Court shall conduct an evidentiary hearing on November 30, 2016 and continuing until it is completed or until December 2, 2016 regarding the claims of Brianna Nelson.

10. The Putative heirs have asked the Court to limit the scope of document requests, interrogatories, and requests for admissions. The Court declines to limit the number of such requests but orders that any such requests be individually drafted for each party, not be overly

broad, and be specific in their nature to allow for prompt and meaningful responses in light of the shortened discovery schedule. The Court will make itself available to address discovery disputes so the discovery deadline set forth herein can be accomplished.

BY THE COURT:



Kevin W. Eide
Judge of District Court

Date: September 30, 2016

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF CARVER

FIRST JUDICIAL DISTRICT

Court File No. 10-PR-16-46

In re Estate of Prince Rogers Nelson,
Decedent.**MOTION FOR RELIEF FROM ORDER AND
JUDGMENT OF COURT (RULE 60.02)**Motion

Corey D. Simmons hereby moves for relief from the Court's *Order Regarding Genetic Testing Protocol and Heirship Claims Following the June 27, 2016 Hearing and Judgment*, which was filed July 29, 2016. Mr. Simmons respectfully requests that the Court amend that order to include him in the section entitled "Applications Based Upon Claims Of Being A Descendant of Duane Nelson".

Relationship to Decedent

Corey D. Simmons is a nephew of his uncle, Prince Rogers Nelson. He was born to Duane Joseph Nelson, Sr., who was his father, and Carolyn Renee Simmons, his mother. Accompanying the filing of this motion, Corey D. Simmons has also filed his fully prepared Court Ordered Protocol information form and two affidavits, one from himself and one from his mother to support his submission as an heir. He has also filed herewith a third affidavit from himself in support of this motion.

Carolyn Renee Simmons met Duane Joseph Nelson, Sr. when they were both attending college at University of Wisconsin Milwaukee. They began dating and became sexually intimate. Corey D. Simmons was conceived by that union with Duane Joseph Nelson, Sr. See, Affidavit of Carolyn Renee Simmons.

The situation became stressful for Duane Joseph Nelson, Sr. and his grades suffered, which resulted in him leaving college and going back to Minnesota when Ms. Simmons was five months pregnant. *Id.*

Ms. Simmons did not see Duane Joseph Nelson, Sr. again for three years. Three years later, Mr. Nelson returned to visit with Ms. Simmons and his son, Corey D. Simmons. He remarked how much his son resembled him. *Id.*

Mr. Nelson's involvement and relationship with Ms. Simmons and Corey D. Simmons became strained after that and inconsistent on his part, but there were more visits. He received pictures of his son which he kept in his wallet. After a year of visits, Mr. Nelson

again stopped connecting with them, for years. Thereafter, in 1989 he called Carolyn Renee Simmons indicating he was in rehabilitation in New York. This was the last contact with Mr. Nelson. *Id.*

When his father, Duane Joseph Nelson, Sr. died in 2011 Corey D. Simmons became introduced to his father's family, as a result of Mr. Nelson's death and funeral. For the first time Corey D. Simmons met his sister, Brianna Nelson, and aunts he had previously not met. His father's family remain connected to this day. His relationship with Brianna Nelson is a happy and affectionate one, in which Brianna Nelson acknowledges him as her brother. See, Affidavit of Corey D. Simmons.

After the death of Prince Rogers Nelson, Mr. Simmons again spent quality time with his family, including his sister Brianna and his aunts Norrine and Sharon during this last summer of 2016, particularly at the funeral and gathering of family and friends of Prince Rogers Nelson which was held on August 12, 2016. *Id.*

Mr. Simmons never received any correspondence or notice regarding the estate of his uncle, Prince Rogers Nelson. See, Affidavit of Corey Simmons Supporting Motion for Relief from Order and Judgment of Court (hereinafter "Affidavit of Corey Simmons Supporting Motion").

The Court record shows that he is not listed on the petition for Special Administration filed by Tyka Nelson, nor is his father listed in the petition.

Mr. Simmons knew of the estate proceedings unfolding in the last few months. Although he knew of the death of his uncle and the proceedings, he has never received notice of any hearings or other Court proceedings relating to the estate. Mr. Simmons thought the Special Administrator should be doing something about his rights to the estate of his uncle, Prince Rogers Nelson. Affidavit of Corey D. Simmons Supporting Motion. Then, after urgings from his family, Corey D. Simmons contacted attorneys for the Special Administrator and talked to attorney Lauren Routhier, at Stinson Leonard Street. She said that her firm only represented the Special Administrator and could not represent him. She also sent him a follow-up email, a copy of which is attached to his Affidavit of Corey D. Simmons Supporting Motion. Ms. Routhier also attached to her email the form for the Protocol and the Court's Order Approving the Protocol. She properly indicated that these documents should be reviewed and filed by an attorney of Mr. Simmons' choosing, thus inviting him to make his claim. *Id.*

However, she did not mention nor inform him of this Court's July 29th *Order Regarding Genetic Testing Protocol and Heirship Claims Following the June 27, 2016 Hearing and Judgment*. Mr. Simmons then promptly engaged the undersigned counsel.

Corey D. Simmons Affidavit establishes his relationship to his family among his father's children and siblings, including his sister Brianna Nelson, demonstrating that he was not an unknown son of Duane Joseph Nelson, Sr. He also establishes that he reached out to Tyka Nelson, the petitioner who knew of his claim to relationship with Prince Rogers Nelson and Duane Joseph Nelson, Sr.

Tyka Nelson's petition for the appointment of Special Administrator of April 26, 2016, does not list or refer to Duane Joseph Nelson, Sr., nor to any of his descendants. Although Corey D. Simmons was never given notice, he remains an interested person and an heir of Prince Rogers Nelson.

The July 29th Order Should Be Amended

This Court's *Order Regarding Genetic Testing Protocol and Heirship Claims Following the June 27, 2016 Hearing and Judgment*, of July 29, 2016 (hereinafter, the "Heirship Claims Order") should be amended. In the Heirship Claims Order, Corey D. Simmons would have been included in the class the Court referred to as "Applications Based Upon Claims Of Being A Descendant of Duane Nelson", beginning on page 13 of the Order – but only if the Court had known of his existence and had he had notice of the opportunity to submit his information for the Protocol. He would clearly qualify for the same analysis and treatment by the Court as Brianna Nelson and the child V.N., since he was also a descendant of Duane Joseph Nelson, Sr.

The Court ruled that Brianna Nelson and the child V.N. had made satisfactory *prima facie* showing that they were potential heirs of Prince Rogers Nelson. This could also apply then to Corey D. Simmons, had his application preceded the Heirship Claims Order.

Further, the Heirship Claims Order is silent as to limiting the time for the claims of any other persons as to heirship who had not yet appeared at the time the order was issued. Such a time limitation has not yet been Ordered by the Court nor is Corey D. Simmons' application precluded by any procedural court rule or statutory deadlines, the Heirship Claims Order which authorizes the testing of only Brianna Nelson and the child V.N. should now include Corey D. Simmons.

Rule 60.02 on Minnesota's Rules of Civil Procedure states:

On motion and upon such terms as are just, the court may relieve a party or the party's legal representatives from a final judgment (other than a marriage dissolution decree), order, or proceeding and may order a new trial or grant such other relief as may be just for the following reasons:

(a) Mistake, inadvertence, surprise, or excusable neglect;

(b) Newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial pursuant to Rule 59.03;

(c) Fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party;

(d) The judgment is void;

(e) The judgment has been satisfied, released, or discharged or a prior judgment upon which it is based has been reversed or otherwise vacated, **or it is no longer equitable that the judgment should have prospective application; or**

(f) Any other reason justifying relief from the operation of the judgment.

The motion shall be made within a reasonable time, and for reasons (a), (b), and (c) not more than one year after the judgment, order, or proceeding was entered or taken. A Rule 60.02 motion does not affect the finality of a judgment or suspend its operation. **This rule does not limit the power of a court to entertain an independent action to relieve a party from a judgment, order, or proceeding, or to grant relief to a defendant not actually personally notified as provided in Rule 4.043, or to set aside a judgment for fraud upon the court.** Writs of coram nobis, coram vobis, audita querela, and bills of review and bills in the nature of a bill of review are abolished, and the procedure for obtaining any relief from a judgment shall be by motion as prescribed in these rules or by an independent action. [emphasis of pertinent provisions added]

Closest in logical application to this complex situation, Rule 60.02 should apply and the Court should grant Mr. Simmons the right to now be recognized and participate, primarily for the failure of the initial petition to properly identify him and secondarily because he was never legally served.

Minnesota's probate code requires notice on any petition to commence a probate estate to be given to all interested persons. Minn.Stat. §524.1-401. In this case, the initial petition of Tyka Nelson should have indicated the existence of descendants of Duane Joseph Nelson, Sr., a class now clearly identified by the Court. It would be clear that the heirs of Prince Rogers Nelson would include descendants of such predeceased sibling. Not only was the entire class of descendants of Duane Joseph Nelson, Sr. excluded from the petition, but investigation into the identity of his descendants has been dealt with only passively by the Special Administrator. The Order of the Court appointing the Special Administrator specifically charges them with finding and determining heirs of the estate. Parties known by the Special Administrator and by Tyka Nelson, knew or should have known of the existence and nature of the descendants of Duane Joseph Nelson,

Sr. They were apparently never questioned for the family branch of Duane Joseph Nelson, Sr. has been entirely cut off. Those members of that family who have spoken up on their own, without the benefit of the notices required by law, include Brianna Nelson and the mother of V.N. These are descendants of Duane Joseph Nelson, Sr. now identified by the Court. Tyka Nelson and the Special Administrator should have discovered this information and given legal notice.

Any Implied Limitation in the Heirship Claims Order Does Not Bind Corey D. Simmons
Minnesota's Probate Code says that interested persons who are not served legal notice may nonetheless be bound by subsequent orders *but only if*

"(a) The pleadings appropriately and reasonably identify affected interests by name or by class. Minn.Stat. §524.1-403(1);"

or

"(b) An unascertained person who is not otherwise represented to the extent that person's interests are adequately represented by another party having a substantially identical interest in the proceedings." Minn.Stat. §524.1-403(2)(iii).

The name or class related to Duane Joseph Nelson, Sr. was not appropriately or reasonably identified in Tyka Nelson's pleadings by name or by class. Rather, Duane Joseph Nelson, Sr. and his descendants were entirely omitted. Brianna Nelson and the child V.N. appeared as interested persons despite not being identified in the pleadings commencing this estate. The fact that Corey D. Simmons has not been adequately represented in this matter by any other party is demonstrated by the fact that his existence is not included in the July 29th Heirship Claims Order, nor in the Court records up until this filing. He is therefore not bound by the Heirship Claims Order under the foregoing statute provisions because (a) the pleadings did not appropriately nor reasonably identify his affected interests by name or by class and (b) his interests were not at all adequately represented by anyone else. It appears to the undersigned that no limitation of this class of heirs was intended by the Heirship Claims Order. Corey D. Simmons should now be allowed to participate in the process, step into the testing requirement, which is still underway, and proceed with those "Applications Based Upon Claims Of Being A Descendant of Duane Nelson".

Lack Of Due Process And Legal Notice Is Not Resolved By Actual Knowledge

As to lack of legal service of process and notice to Corey D. Simmons, no defense of *laches* or some other similar assertion asserting delay in this filing will stand, since the

statutory scheme in probate requires *actual legal notice*. Minn.Stat. §§524.1-401, 524.3-401, 524.3-403(a), and 524.3-614(2). The procedural history that has excluded Corey D. Simmons was fatally flawed by those who initiated it and by lack of a reasonably thorough investigation for heirs. Both the Minnesota Probate Code and Minnesota case law demonstrate that principles of due process and notice standards are strict and jurisdictional. Mr. Simmons' participation as an heir should not be precluded simply because he did not act prior to this current motion. This is not to say that the entire Heirship Claims Order is void, but rather that it does not yet bind him and that it is not equitable that the judgment should have prospective application. The situation and lack of notice justifies giving him relief from the operation of the Heirship Claims Order. It should be amended so that he would now be entitled to join in with his other family members in the process.

Had he been served and had he an opportunity for counsel, he would have been a co-beneficiary of the Court's Heirship Claims Order and now proceeding towards genetic testing with his sister, Brianna Nelson and his niece, V.N. Rule 60.02 provides his right to request relief from the failure of other parties in identifying and serving him as required by these rules of law.

Analogous to this situation are cases regarding creditors' claims against estates, which can also only be precluded by prescribed procedural actions.

In *Estate of Kotowski*, 704 N.W.2d 522, 526 (Minn.App. 2005) the Minnesota Court of Appeals cited with approval the due process principle that actual knowledge of an estate, or of a proceeding in probate, does not itself supply sufficient notice to its creditors to preclude their claims under the Uniform Probate Code. Legal notice is required. *Citing, Armstrong v. Armstrong*, 130 F.R.D. 449, 453 (D.Colo.1990) and *Nat'l Bank of Commerce*, 606 N.W.2d at 756.

The Minnesota Court of Appeals, in *Estate of Thompson*, 484 N.W.2d 258, 261 has also held that the Due Process Clause of the United States Constitution requires the personal representative of an estate to provide legal notice of probate proceedings to known or reasonably ascertainable creditors. The mere publication of notice in a legal newspaper alone is not a constitutional basis to preclude such a claim. *Citing, Tulsa Professional Collection Servs., Inc. v. Pope*, 485 U.S. 478, 489-90, 108 S.Ct. 1340, 1347, 99 L.Ed.2d 565 (1988). The strict requirements of legal notice apply to creditors, how much more are they important and applicable to heirs at law?

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF CARVER

FIRST JUDICIAL DISTRICT

Court File No. 10-PR-16-46

In re Estate of Prince Rogers Nelson,
Decedent.

**AFFIDAVIT OF COREY D. SIMMONS
SUPPORTING MOTION FOR RELIEF FROM
ORDER AND JUDGMENT OF COURT (RULE 60.02)**

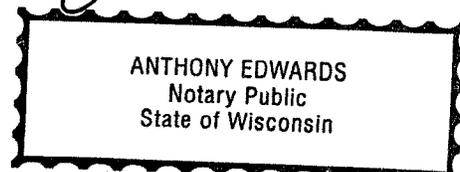
I, Corey D. Simmons, being first duly sworn, depose and state the following in support of my motion for relief from this Court's Order Regarding Genetic Testing Protocol and Heirship Claims Following the June 27, 2016 Hearing and Judgment of July 29, 2016:

1. I have never received any correspondence of notice regarding the estate of my uncle, Prince Rogers Nelson.
2. I knew of his death and of the estate proceedings in general, but was under the belief that the Special Administrator was advocating for the heirs, including myself.
3. I attended my uncle's funeral in 2016. I spent time with my family including my sister Brianna, aunt Norrine and aunt Sharon during the summer, including at the family and friends funeral held on August 12, 2016. Even still, I never received notice of any hearings or other Court proceedings related to the estate. Only on September 12 did I have communication from counsel for the Special Administrator regarding the administration of the estate.
4. On September 12, 2016, I contacted attorneys for the Special Administrator and talked to attorney Lauren Routhier, at Stinson Leonard Street. I thought the Special Administrator should be doing something about my rights to the estate of my uncle, Prince Rogers Nelson, but was informed that her firm represented only the Special Administrator. She said that her firm could not represent me. She sent me a follow-up email, a copy of which was attached. She attached the form for the Protocol and the Court's Order Approving the Protocol, inviting me to submit my claim. She indicated that these documents should be reviewed and filed by an attorney of my own choosing.
5. Neither Ms. Routhier, nor any other person, had notified me about this Court's *Order Regarding Genetic Testing Protocol and Heirship Claims Following the June 27, 2016 Hearing and Judgment of July 29, 2016*.
6. I promptly found and retained Mr. Lehner to help submit my claim.

Subscribed and sworn before me
this 23 day of September, 2016.

Anthony Edwards
Notary Public

Corey D. Simmons
Corey D. Simmons



Commission Expires: 8/03/2020

Fwd: Corey Simmons: Prince R. Nelson Heirship claim

Begin forwarded message:

From: "Routhier, Lauren" <lauren.routhier@stinson.com>
Date: September 12, 2016 at 10:10:46 AM CDT
To: "coreydsimmons@gmail.com" <coreydsimmons@gmail.com>
Cc: "Halferty, Laura" <laura.halferty@stinson.com>, "Crosby, David" <david.crosby@stinson.com>
Subject: **Corey Simmons: Prince R. Nelson Heirship claim**

Dear Mr. Simmons,

As a follow up to our telephone call this morning, I attach the Order approving the attached Protocol Prior to Potential Genetic Testing which applies to your claim.

Please note that we represent Bremer Trust, N.A. as the Special Administrator of the Estate of Prince Rogers Nelson. Stinson Leonard Street does not and cannot represent you in this matter. Your claimed relationship to Mr. Nelson involves significant legal rights, and we recommend that you engage your own attorney to represent you regarding these rights.

If you have any questions regarding the attached protocol, please contact Laura Halferty at 612-335-1763 or David Crosby at 612-335-1627.

Best,
Lauren

Lauren Routhier | Attorney | Stinson Leonard Street LLP
150 South Fifth Street, Suite 2300 | Minneapolis, MN 55402
T: [612.335.1440](tel:612.335.1440) | F: [612.335.1657](tel:612.335.1657)
lauren.routhier@stinson.com | www.stinson.com
Legal Administrative Assistant: Charlene Hegre | [612.335.1963](tel:612.335.1963) | charlene.hegre@stinson.com

This communication (including any attachments) is from a law firm and may contain confidential and/or privileged information. If it has been sent to you in error, please contact the sender for instructions concerning return or destruction, and do not use or disclose the contents to others.

2 attachments

 **0124 Protocol Prior to Potential Genetic Testing.pdf**
245K

 **0135 Order Approving Protocol.pdf**
48K

I, Carolyn Renee Simmons, first duly sworn, depose and state the following, I am the mother of Corey D'Andrea Simmons and the late Duane Joseph Nelson is Corey's father.

I met Duane J. Nelson at the University of Wisconsin Milwaukee where we both attended college. I was assigned to work in the cafeteria as a part of my work study program. While working Duane introduced himself and asked if he could have my telephone number. We began conversing on a regular basis and eventually began dating.

During our courtship Duane often invited me to his dorm at Sandburg Hall Dormitory and during those visits we were intimate. I soon became pregnant and informed Duane that I was pregnant and that I was keeping the baby. This time became stressful, Duane's grades suffered, he had other issues that impacted his schooling and he left school and moved back to Minnesota when I was approximately five months pregnant. I did not see Duane again until Corey was approximately three years old; He was smitten by how much Corey resembled him. During his visits he would spend time with me, my mother and Corey. My mother questioned why he wasn't consistent in Corey's life and he told my mother that I would not let him see Corey and that was absolutely false. Duane's visits and calls were sporadic making it difficult to maintain a relationship with him.

He was in and out of our lives and never consistent with his interactions, so I learned to make the best out of the time we had when he was around. While working at Wonder Bread he would visit Corey and at that time I would give him pictures of Corey.

Those interactions lasted about a year and then he disappeared again and I did not hear from him or know of his whereabouts.

Years had past and while I was at a friends home I called a cab to pick me up, when the cab arrived the driver was Duane. Rather than resume working Duane decided to turn off the cab and we stayed at my friends house and talked for hours. We talked about how Corey was doing and what was going on in both of our lives. He later dropped me off to my mothers house and I never physically saw him again.

I received a call from Duane in the winter of 1989 and he indicated that he was in a Rehabilitation Center in New York, I never heard from him after that. In March of 2011, I received a call from Corey informing me that his father had died.

Duane acknowledged Corey as his son but did not provide financial support and I was not able to find him to pursue child support. I became tired and stressed out about trying to find Duane and eventually decided I had to be the sole provider and protect my son from the negativity and the effects of his fathers absence.

Carolyn R. Simmons
Carolyn R. Simmons

Sept. 17th, 2016
Date

JURAT WITH AFFIANT STATEMENT

State of WISCONSIN } ss.
County of MILWAUKEE

- See Attached Document (Notary to cross out lines 1-7 below)
- See Statement Below (Lines 1-7 to be completed only by document signer[s], not Notary)

1 _____
 2 _____
 3 _____
 4 _____
 5 _____
 6 _____
 7 _____

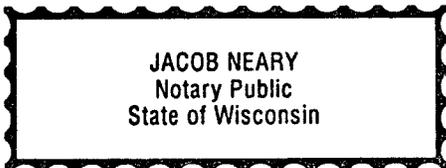
Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

Subscribed and sworn to (or affirmed) before me

this 17th day of SEPTEMBER, 2016, by
Date Month Year

CAROLYN R. SIMMONS
Name of Signer No. 1



Name of Signer No. 2 (if any)

Jacob Neary
Signature of Notary Public

Exp. 06/02/2018

Any Other Required Information
(Residence, Expiration Date, etc.)

Place Notary Seal/Stamp Above

OPTIONAL

This section is required for notarizations performed in Arizona but is optional in other states. Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

STATE OF MINNESOTA**DISTRICT COURT****COUNTY OF CARVER****FIRST JUDICIAL DISTRICT****Court File No. 10-PR-16-46****In re Estate of Prince Rogers Nelson,
Decedent.****AFFIDAVIT OF COREY D. SIMMONS**

I, Corey D. Simmons, being first duly sworn, depose and state the following in support of my claim to be an heir of Prince Rogers Nelson:

1. My name is Corey D. Simmons. I am over twenty-one (21) years of age and am making this Affidavit based upon my own personal knowledge.
2. According to the birth and death certificates of Duane Nelson Sr., John Lewis Nelson was his father.
3. John Lewis Nelson was also the father of the Decedent by Vivian Howard, making my father, Duane Nelson Sr., the half-brother of the Decedent, Prince Rogers Nelson.
4. Duane Joseph Nelson, Sr. is my father. He died on March 4, 2011.
5. I am the nephew and heir of Prince Rogers Nelson ("Decedent").
6. Duane Nelson Sr. fathered me out of wedlock, prior to fathering his other two children: Brianna Nelson and the late Duane J. Nelson, Jr.
7. Duane Joseph Nelson received me into his home and acknowledged me as his son. According to my mother, Carolyn Simmons, he visited me often until I was age 4. He relocated back to Minnesota, but periodically visited back and forth to Milwaukee to see me thereafter.
8. During my teenage years, I lost all contact and whereabouts of him until his passing on March 4, 2011. I was notified by various family members of his passing and reached out to Tyka Nelson, requesting information regarding the funeral arrangements.
9. At the Park Avenue Methodist Church located at 3400 Park Avenue South, in Minneapolis, I attended my father's funeral on March 18, 2011. While attending that funeral I first met my sister Brianna Nelson, my two aunts Norrine and Tyka Nelson, along with a few others. I have since established numerous other relationships and had reunions with other family members to date. In addition, I have been informed and shown by my sister Brianna that my dad carried pictures of me with him every day along with my aunt Norrine.

10. I attach a number of photographs as exhibits. They are:

Exhibit A. My father, Duane Joseph Nelson, Sr. (Right), and myself (Left).

Exhibit B. My sister, Brianna Nelson, at the family plot of our father.

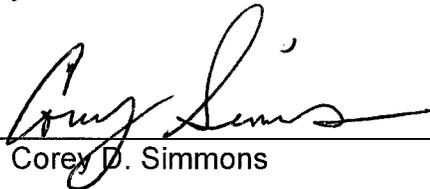
Exhibit C. My sister, Brianna Nelson, and my wife, Tanya, together at a seminar for women where my wife was a speaker.

Exhibit D. (Left to Right), my aunt Norrine, myself, my aunt Sharon, and a cousin at a family gathering.

Exhibit E. (Left to Right), two of my cousins, my aunt Norrine, myself, two of my daughters, and my wife, Tanya.

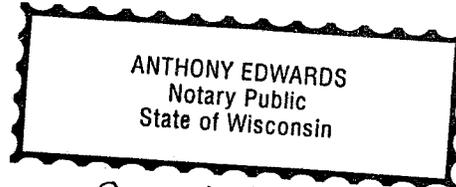
Exhibit F. Screenshots of text messages between myself and Brianna, in which she affectionately refers to me and calls me her brother.

Exhibit G. My father (back row, third from the right - #21) and Prince Rogers Nelson (front row, far right - #3) on the same basketball team in their junior high school years.


Corey D. Simmons

Subscribed and sworn before me
this 23 day of September, 2016.


Notary Public



Commission Expires: 5/13/2020

EXHIBIT A



EXHIBIT B

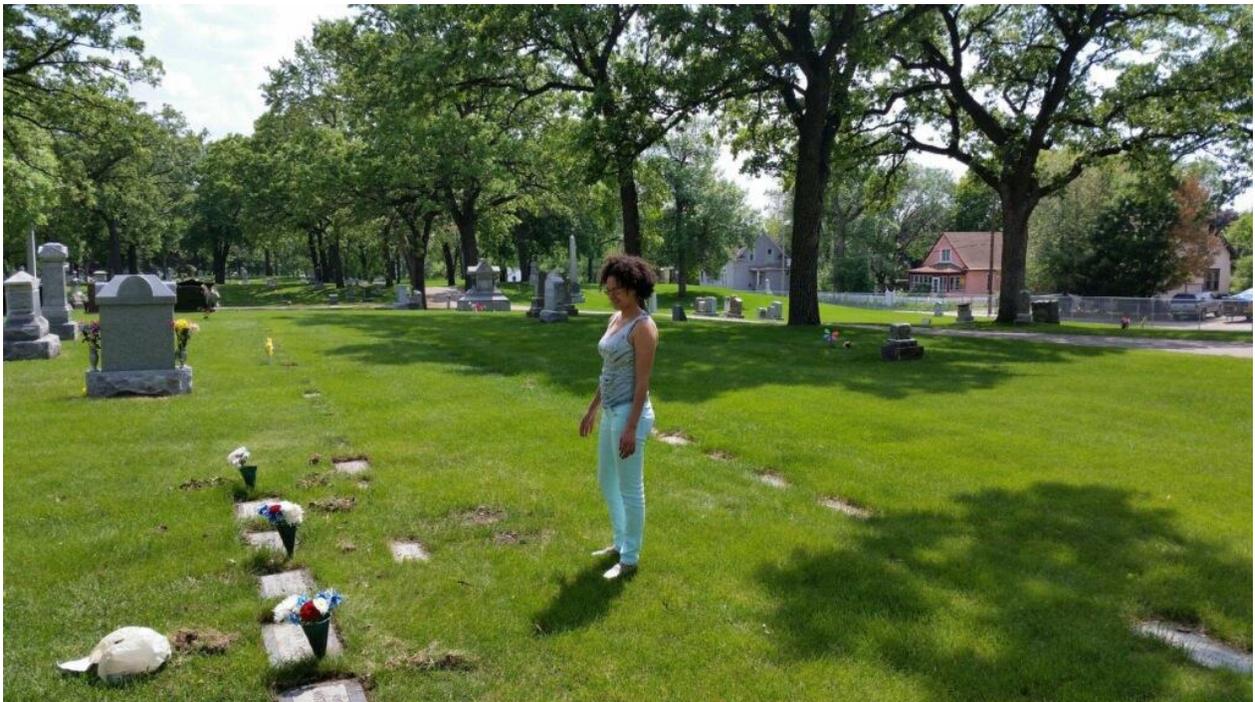


EXHIBIT C



EXHIBIT D



EXHIBIT E



EXHIBIT F

F1

< Messages Brianna Nelson - Sister Details

Text Message
Thu, Oct 29, 10:27 AM

Brother?
I love you!

Thu, Oct 29, 12:28 PM

Love you too

:)

Mon, Dec 14, 4:13 PM

Happy Birthday !!! I texted
you Ja'Cey's schedule

Mon, Dec 14, 9:30 PM

Thank you! I didn't get the
schedule..

Tue, Dec 15, 2:31 PM

Text Message Send

F2

< Messages Brianna Nelson - Sister Details

4365 n 29th between
congress & Roosevelt

Fri, Jan 1, 12:10 AM

Happy New Years !!!

HAPPY 2016!

Sun, Jan 10, 10:37 AM

Can't talk right
now...what's up?

Thu, Jan 14, 10:08 AM

I love you!

Love you too!!! You good

I'm great!

Mon, Feb 15, 1:24 PM

Text Message Send

F3

< Messages Brianna Nelson - Sister Details

Right

I'm on one. Been on it
since Valentine's day.

Awesome!!! What else
going on ...

Y'all do prayer at 3pm
everyday

Nothing up jus getting
used to 3rd shift. Keeping
the enemy under my feet.
I brought some food home
from golden gate. My
mom said that the most
fresh Chinese food in
town. She said she hasn't
had Chinese food that
fresh since we went to
daddy's favorite
restaurant in Minneapolis.

Text Message Send

F4

< Messages Brianna Nelson - Sister Details

fresh Chinese food in
town. She said she hasn't
had Chinese food that
fresh since we went to
daddy's favorite
restaurant in Minneapolis.
Yes 3 everyday.

Oh ok... 3 to what ?

Thu, Feb 25, 8:24 PM

Sorry I was taking a nap
b4 work. Prayer is usually
an hour. Sometimes an
hour and a half or 2
depending on how the
Spirit moves! I love u! Talk
to u soon!

Love you too... You be at
work listening to prayer

Text Message Send

EXHIBIT F
(continued)

<p style="text-align: center;">F5</p> <p>< Messages Brianna Nelson - Sister Details</p> <p>No I get up from my morning sleep around 2 and go back to sleep after. Or sometimes I call and lay the phone down on mute. And relax while they pray.</p> <p style="text-align: center;">Fri, Feb 26, 3:37 PM</p> <p>Looking at a house call you later</p> <p style="text-align: center;">Sat, Mar 19, 11:32 AM</p> <p>Brother?</p> <p>Hey Bri!!!!!!!</p> <p>Hey! What are u doing? I'm off next week. Wanted to see you for Easter.</p> <p>Text Message Send</p>	<p style="text-align: center;">F6</p> <p>< Messages Brianna Nelson - Sister Details</p> <p>At the dealership... Let's make it happen</p> <p>Ok! Your mom cooking? Or are we going out to eat? I get out of church at 1pm on Sunday. Tell me the plans when u know.</p> <p>Ok...</p> <p>Love you! Ttyl</p> <p>Love you too</p> <p style="text-align: center;">Sun, Mar 27, 11:12 AM</p> <p>Happy Easter!!! We going to brunch! Call when you out of church</p> <p>Ok. Where?</p> <p>Cheesecake</p> <p>Text Message Send</p>
<p style="text-align: center;">F7</p> <p>< Messages Brianna Nelson - Sister Details</p> <p>Untee always told me that Mr Nelson was not on daddy's birth certificate. He is I went to Minnesota and got daddy's birth certificate. She is going to be so mad at me. More than she already is. She made me feel like crap for asking if we could be a part of inheriting the estate. I haven't talk to her for a week. Please keep this between us.</p> <p>I rather had told you before you saw it on social media. Sometimes I don't know the right decision to make I pray this is the best one. Talk to you soon. I love you too!</p> <p>Text Message Send</p>	Empty section

Exhibit G





ORIGINAL CERTIFICATE OF LIVE BIRTH

STATE FILE NUMBER: 1977052450
LEGACY STATE FILE NUMBER: 148-0000301786

FILE DATE: JUNE 24, 1977

Child's Name:

COREY DANDREA SIMMONS

Sex:

MALE JUNE 15, 1977

Birth Occurred Inside City, Village, Township:

WAUWATOSA

County of Birth:

MILWAUKEE

Mother's Birth Name:

CAROLYN R SIMMONS



I certify that this document contains a true and correct reproduction of facts on file with the Wisconsin Vital Records Office.

John La Fave

JOHN LA FAVE
MILWAUKEE COUNTY REGISTER OF DEEDS

15815914

Date Issued: SEPTEMBER 13, 2016



DAMMEYER LAW FIRM, P.A.

3800 American Blvd. West #1500, Bloomington, MN 55431
T 952.927.7060 F 952.232.6263 Email eric@dammeyerlaw.com
Eric C. Dammeyer, Attorney at Law

September 26, 2016
eFile Only

District Court
Carver County Justice Center
604 East 4th Street
Chaska, MN 55318

Dear Clerk of Court

With the eFiling today by Mr. Lehner and I, we are appearing for Corey D. Simmons, a nephew of Prince Rogers Nelson.

Unless the Court grants our request and supplements or amends its July 29th Order, and there must be a hearing on our motion, we are requesting to have that consolidated with the other matters scheduled for October 21st. Please advise if the matter will be heard telephonically or require in-person appearances.

Please also advise if we should file any other documents the Court requires.

Sincerely,
Dammeyer Law Firm, P.A.

/s/ Eric C. Dammeyer

Eric C. Dammeyer, Attorney
encl.
ec: Andrew M. Lehner