

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

Turtle Mountain Band of Chippewa )  
Indians, et al., )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
Michael Howe, in his Official Capacity as )  
Secretary of State of North Dakota, et al., )  
 )  
Defendants. )

Case No. 3:22-cv-22

**FINAL PRETRIAL ORDER**

The court notes discussion of the following at the May 30, 2023 final pretrial conference:

- (1) The court has reserved five days for a bench trial.
- (2) Each side will provide copies of their exhibits, in binders, for Judge Welte.
- (3) Prior to the beginning of trial, the parties will identify objections to foundation of any exhibits identified by the other side.
- (4) Each side requests twenty to thirty minutes for opening statements.
- (5) Each side requests one hour for closing statements.
- (6) No party requests witness sequestration.
- (7) No later than the evening prior to each day of trial, the parties will provide notice to the other side of witnesses expected to be called the following day.
- (8) The timing of submission of proposed findings of fact and conclusions of law will be addressed at trial.

**IT IS SO ORDERED.**

Dated this 30th day of May, 2023.

/s/ Alice R. Senechal  
Alice R. Senechal  
United States Magistrate Judge

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

TURTLE MOUNTAIN BAND OF CHIPPEWA  
INDIANS, *et al.*,

*Plaintiffs,*

v.

MICHAEL HOWE, in his official capacity as Secretary  
of State of the State of North Dakota,

*Defendant.*

Civil No. 3:22-cv-00022-PDW-ARS

**PLAINTIFFS' TRIAL EXHIBIT LIST**

Plaintiffs intend to offer, or reserve the right to offer, the following items as exhibits at trial. In addition to the following items, Plaintiffs intend to offer or reserve the right to offer the video recordings and transcripts of the various legislative hearings on redistricting that occurred during the 2021 redistricting process, which can be found on Defendant's Exhibit List at D417-D447. Moreover, Plaintiffs reserve the right to offer any of the trial exhibits disclosed by Defendant in this action, to the extent any such exhibit is not objected to by Plaintiffs, regardless of whether Defendant ultimately offers those exhibits at trial. Plaintiffs also reserve the right to offer any items produced or to be produced in discovery in this case, including by parties and non-parties, as well as any deposition exhibits, photographs, or videotapes otherwise disclosed by any party or non-party, to the extent not objected.



EXHIBIT NO.	DATE	WITNESSES	FOUNDATION DESCRIPTION	STIPULATED	OFFERED	OBJECTION	RESERVED	OVERRULED	SUSTAINED	WITHDRAWN	RECEIVED
P015			M O L.Collingwood Expert Report Figure 8 - Performance Analysis Statewide and Endogenous 2022 Contests in Enacted District 9 and Subdistricts 9A and 9B								
P016			M O L.Collingwood Expert Report Figure 9 - Performance Analysis Statewide 2020 Contests in Enacted District 9 and Subdistricts 9A and 9B								
P017			M O L.Collingwood Expert Report Figure 10 - Performance Analysis Statewide 2018 Contests in Enacted District 9 and Subdistricts 9A and 9B								
P018			M O L.Collingwood Expert Report Figure 11 - Performance Analysis Statewide 2016 Contests in Enacted District 9 and Subdistricts 9A and 9B								
P019			M O L.Collingwood Expert Report Figure 12 - Performance Analysis Statewide 2014 Contests in Enacted District 9 and Subdistricts 9A and 9B								
P020			M O L.Collingwood Expert Report Figure 13 - Enacted District 15								
P021			M O L.Collingwood Expert Report Figure 14 - RPV Statewide 2016 Contests in Enacted District 15								
P022			M O L.Collingwood Expert Report Figure 15 - RPV Statewide 2018 Contests in Enacted District 15								
P023			M O L.Collingwood Expert Report Figure 16 - RPV Statewide 2020 Contests in Enacted District 15								
P024			M O L.Collingwood Expert Report Figure 17 - RPV Statewide 2022 Contests in Enacted District 15								
P025			M O L.Collingwood Expert Report Figure 18 - Performance Analysis Statewide and Endogenous 2022 Contests in Enacted District 15								
P026			M O L.Collingwood Expert Report Figure 19 - Performance Analysis Statewide 2020 Contests in Enacted District 15								









EXHIBIT NO.	DATE	WITNESS	FOUNDATION DESCRIPTION	STIPULATED	OFFERED	OBJECTION	RESERVED	OVERRULED	SUSTAINED	WITHDRAWN	RECEIVED
P065			W O Declaration of Dr. Daniel McCool (Nov. 30, 2022)								
P066			W O Curriculum Vitae of Dr. Daniel McCool								
P067			M O D. McCool Expert Report Table 1: 2016 Races with Anglo/Native Candidates, Selected Counties								
P068			M O D. McCool Expert Report Image 1: RPV Analysis								
P069			M O D. McCool Expert Report Graph 1: Individuals Below the Poverty Level by Race 1999-2016								
P070			M O D. McCool Expert Report Graph 2: Individuals Below the Poverty Level by Native American Reservation 2012-2016								
P071			M O Sources, Expert Report of Dr. Daniel McCool (Nov. 30, 2022)								
P072			M O D. McCool Expert Report Appendix A: Mortality Rates								
P073			W O Expert Report of Dr. Weston McCool (Nov. 30, 2022)								
P074			W O Declaration of Dr. Weston McCool (Nov. 30, 2022)								
P075			W O Curriculum Vitae of Dr. Weston McCool								
P076			M O W. McCool Expert Report Figure 1 - Census Tract Map of 2019 5-Year ACS Racial Distribution of AIAN and White Population in Rolette County								
P077			M O W. McCool Expert Report Figure 2 - Census Tract Map of 2019 5-Year ACS Racial Distribution of AIAN and White Population in Benson County								











EXHIBIT NO.	DATE	WITNESS	FOUNDATION DESCRIPTION	STIPULATED	OFFERED	OBJECTION	RESERVED	OVERRULED	SUSTAINED	WITHDRAWN	RECEIVED
P155		W	D. Yankton Letter to Redistricting Committee (May 20, 2021)								
P156		W	Joint Legislative Redistricting Committee, HB 1504, Meeting Minutes (Nov. 8, 2021)								
P157		M	Written Testimony of Mike Faith (Sept. 15-16, 2021)								
P158		M	Written Testimony of Chairman Fox (Sept. 29, 2021)								
P159		M	Written Testimony of Lisa DeVille (Sept. 28, 2021)								

May 25, 2023

/s/ Michael S. Carter

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Matthew Campbell  
NM Bar No. 138207, CO Bar No. 40808  
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NATIVE AMERICAN RIGHTS FUND  
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/s/ Timothy Q. Purdon

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*Counsel for Plaintiffs Spirit Lake Nation  
and Turtle Mountain Band of Chippewa  
Indians*

Respectfully submitted,

/s/ Mark P. Gaber

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Telephone: (404) 480-4212  
*Counsel for Plaintiffs*



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
EASTERN DIVISION**

---

Turtle Mountain Band of Chippewa Indians,  
Spirit Lake Tribe, Wesley Davis, Zachery S.  
King, and Collette Brown

Plaintiffs,

vs.

Michael Howe, in his official capacity as  
Secretary of State of North Dakota,

Defendant.

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Case No. 3:22-cv-00022

**DEFENDANT MICHAEL HOWE'S  
WITNESS LIST FOR TRIAL**

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Michael Howe, in his official capacity as Secretary of State of North Dakota (hereinafter  
“Howe” or “Defendant”), by and through his attorneys, state that the following are witnesses that  
Defendant intends to call at trial or reserves the right to call at trial:

**Plaintiffs:**

1. Matthew Campbell  
Native American Rights Fund  
1506 Broadway  
Boulder, CO 80301  
- **Will Call**
  
2. Jamie Azure  
Chairman, Turtle Mountain Band of Chippewa Indians  
4180 Hwy 281  
Belcourt, ND 58316  
- **May Call**
  
3. Collette Brown  
- **May Call**
  
4. Wesley Davis  
- **May Call**
  
5. Zachery S. King  
- **May Call**
  
6. Alysia LaCounte  
General Counsel, Turtle Mountain Band of Chippewa Indians

4180 Hwy 281  
Belcourt, ND 58316  
- **May Call**

7. Lonna Jackson Street  
Spirit Lake Nation  
- **May Call**

8. Douglas Yankton  
Sr., Chairman, Spirit Lake Tribe  
P.O. Box 359  
Fort Totten, ND 58335  
- **May Call**

**Defendants:**

9. Nathan Davis  
600 East Boulevard Avenue  
Bismarck, ND 58505-0360  
- **May Call**

10. Michael Howe  
Secretary of State  
Secretary of State's Office  
600 East Boulevard Avenue  
Bismarck, ND 58505-0360  
- **May Call**

**Experts:**

11. M.V. (Trey) Hood III  
University of Georgia  
Professor of Political Science  
Baldwin Hall 103D  
Athens, GA 30602  
- **Will Call**

12. Brian Nybakken  
Elections Administration System Manager  
Secretary of State's Office  
600 East Boulevard Avenue  
Bismarck, ND 58505-0360  
- **Will Call**

13. Erika White  
State Election Director  
Secretary of State's Office  
600 East Boulevard Avenue  
Bismarck, ND 58505-0360  
- **Will Call**

14. Brian Newby  
Broadband Program Director  
North Dakota Information Technology  
4201 Normandy Street  
Bismarck, ND 58503  
- **May Call**

**Legislative Witnesses:**

15. Former Senator Howard Anderson  
721 21<sup>st</sup> Avenue NW  
Turtle Lake, ND 58575-9606  
- **May Call**
16. Senator Brad Bekkedahl  
P.O. Box 2443  
Williston, ND 58802  
- **May Call**
17. Representative Larry Bellew  
812 Bel Air Place  
Minot, ND 58703  
- **May Call**
18. John Bjornson  
Director, Legislative Council  
600 East Boulevard Avenue  
Bismarck, ND 58505-0360  
- **May Call**
19. Representative Joshua A. Boschee  
517 First Street N.  
Fargo, ND 58102  
- **May Call**
20. Senator Richard A. Burckhard  
1837 15<sup>th</sup> Street SW  
Minot, ND 58701  
- **May Call**
21. Representative Bill Devlin  
P.O. Box 505  
Finley, ND 58230-0505  
- **May Call**
22. Senator Robert Erbele  
6512 51<sup>st</sup> Avenue SE  
Lehr, ND 58460  
- **May Call**

23. Representative Sebastian Ertelt  
P.O. Box 63  
Gwinner, ND 58040-0063  
- **May Call**
24. Representative Craig Headland  
4950 92<sup>nd</sup> Ave. SE  
Montpelier, ND 58472  
- **May Call**
25. Senator Jason G. Heitkamp  
921 Dakota Avenue, Suite F  
Wahpeton, ND 58075-4341  
- **May Call**
26. Former Senator Ray Holmberg  
- **May Call**
27. Former North Dakota Representative Terry Jones  
P.O. Box 1964  
New Town, ND 58763-1964  
- **May Call**
28. Senator Jerry Klein  
P.O. Box 265  
Fessenden, ND 58438  
- **May Call**
29. Samantha Kramer  
Senior Counsel and Assistant Code Revisor, Legislative Council  
600 East Boulevard Avenue  
Bismarck, ND 58505-0360  
- **May Call**
30. Representative Gary Kreidt  
3892 County Road 86  
New Salem, ND 58563-9406  
- **May Call**
31. Representative Mike Lefor  
P.O. Box 564  
Dickinson, ND 58602  
- **May Call**
32. Senator Richard Marcellais  
301 Laite Loop NE  
Belcourt, ND 58316

- **May Call**

33. Representative David Monson

P.O. Box 8

Osnabrock, ND 58269

- **May Call**

34. Representative Mike Nathe

1899 Bonn Boulevard

Bismarck, ND 58504

- **May Call**

35. Representative Marvin Nelson

P.O. Box 577

Rolla, ND 58367

- **May Call**

36. Claire Ness

Office of the Attorney General

600 East Boulevard Avenue

Bismarck, ND 58505-0360

- **May Call**

37. Former Senator Erin Oban

- **May Call**

38. Senator Nicole Poolman

3609 Bogey Drive

Bismarck, ND 58503

- **May Call**

39. Representative Mike Schatz

400 East Nineth Street

New England, ND 58647-7528

- **May Call**

40. Representative Austen Schauer

110 West Beaton Drive

West Fargo, ND 58078

- **May Call**

41. Representative Kathy Skroch

10105 155<sup>th</sup> Avenue SE

Lidgerwood ND 58053-9761

- **May Call**

42. Senator Ronald Sorvaag

3402 Birdie Street North

Fargo, ND 58102

- **May Call**

43. Emily Thompson  
Legal Division Director, Legislative Council  
600 East Boulevard Avenue  
Bismarck, ND 58505-0360

- **May Call**

44. Former Senator Richard Wardner

- **May Call**

### **OTHERS**

45. Nicole Donaghy  
Executive Director  
North Dakota Native Vote  
919 7<sup>th</sup> Street, Ste. 603  
Bismarck, ND 58504

- **May Call**

46. Marietta Kemmet  
Executive Assistant, Indian Commission  
600 East Boulevard Avenue  
Bismarck, ND 58505-0360

- **May Call**

Defendant reserves the right to call any and all witnesses listed by Plaintiffs, to the extent not objected to. Defendant also further reserves the right to call any additional witnesses that may be located or discovered prior to the trial, any witnesses disclosed in discovery responses or depositions in this case, and any witnesses disclosed during completion of discovery in this matter, to the extent not objected to.

Defendant further reserves the right to call any witnesses necessary to establish foundation for exhibits to the extent the parties cannot agree on foundation. In addition, Defendant reserves the right to call Plaintiffs' custodian(s) of records and director(s) of Plaintiffs' information technology regarding records kept by defendants in the ordinary course of business and/or electronically stored information (ESI) and/or production of the same in this lawsuit. The Court and counsel will be notified, if possible, of any additional witnesses prior to trial.

Dated this 25<sup>th</sup> day of May, 2023.

By: /s/ David R. Phillips

David R. Phillips  
Special Assistant Attorney General  
ND Bar # 06116  
300 West Century Avenue  
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Attorney for Defendant Michael Howe, in his  
official capacity as Secretary of State of  
North Dakota

### **CERTIFICATE OF SERVICE**

I hereby certify that on May 25, 2023, a true and correct copy of the foregoing **DEFENDANT MICHAEL HOWE'S WITNESS LIST FOR TRIAL** was emailed to the following:

Michael S. Carter  
OK No. 31961  
Matthew Campbell  
NM No. 138207, CO No. 40808  
Native American Rights Fund  
1506 Broadway  
Boulder, CO 80301  
[carter@narf.org](mailto:carter@narf.org)  
[mcampbell@narf.org](mailto:mcampbell@narf.org)

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Washington, DC 20005  
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By: /s/ David R. Phillips  
DAVID R. PHILLIPS



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
EASTERN DIVISION**

---

Turtle Mountain Band of Chippewa Indians,  
Spirit Lake Tribe, Wesley Davis, Zachery S.  
King, and Collette Brown

Plaintiffs,

vs.

Michael Howe, in his official capacity as  
Secretary of State of North Dakota,

Defendant.

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Case No. 3:22-cv-00022

**DEFENDANT MICHAEL HOWE'S  
AMENDED EXHIBIT  
LIST FOR TRIAL**

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Michael Howe, in his official capacity as Secretary of State of North Dakota (hereinafter “Howe” or “Defendant”), by and through his attorneys, states that the following are exhibits he intends to offer at trial or reserves the right to offer at trial. Defendant also reserves the right to offer any of the trial exhibits disclosed by Plaintiffs in this action, to the extent those exhibits are not objected to, regardless of whether Plaintiffs ultimately offer those exhibits at trial.

Defendant further reserves the right to offer any of the documents, including but not limited to documents produced during discovery in this case, including by the parties and/or non-parties, deposition exhibits, photographs and/or videotapes, to the extent those exhibits are not objected to.

**Defendant Michael Howe’s Amended Trial Exhibit List**

Turtle Mountain Band of Chippewa Indians, Spirit Lake Tribe, Wesley Davis, Zachery S. King, and Collette Brown vs. Michael Howe, in his official capacity as Secretary of State of North Dakota

**Case No. 3:22-cv-00022**

EXHIBIT NO.	FOUNDATION (W=Waived or NW= Not Waived) (MO=May Offer or WO= Will Offer)	DESCRIPTION	S T I P U L A T E D	O F F E R E D	O B J E C T I O N	R E S E R V E D	O V E R R U L E D	S U S T A I N E D	W I T H D R A W N	R E C E I V E D
		<b><u>Legislative Council Documents</u></b>								
D 300	WO	Certification of Records – Legislative Record								
		<i>July 29, 2021 Redistricting Committee Meeting</i>								
D 301	WO	July 29, 2021 Redistricting Committee Meeting Notice (LEGIS-00001)								
D 302	WO	July 29, 2021 Redistricting Committee Meeting Agenda (LEGIS-00002)								
D 303	WO	July 29, 2021 Redistricting Committee Meeting Minutes (LEGIS-00003)								
		<i>August 17, 2021 Tribal and State Relations Committee Meeting</i>								
D 304	WO	August 17, 2021 Tribal and State Relations Committee Revised Meeting Notice (LEGIS-00004)								
D 305	WO	August 17, 2021 Tribal and State Relations Committee Meeting Agenda (LEGIS-00005)								
D 306	WO	August 17, 2021 Tribal and State Relations Committee Meeting Minutes (LEGIS-00006-8)								

EXHIBIT NO.	FOUNDATION (W=Waived or NW= Not Waived)  (MO=May Offer or WO= Will Offer)	DESCRIPTION	S T I P U L A T E D	O F F E R E D	O B J E C T I O N	R E S E R V E D	O V E R R U L E D	S U S T A I N E D	W I T H D R A W N	R E C E I V E D
D 307	WO	August 17, 2021 Tribal and State Relations Committee Appendix A – Attendance Sheet (LEGIS-00009)								
D 308	WO	August 17, 2021 Tribal and State Relations Committee Background Memorandum (LEGIS-00010-16)								
D 309	WO	August 17, 2021 Tribal and State Relations Committee Supplementary Rules of Operation and Procedure of North Dakota Legislative Management (LEGIS-00017-18)								
D 310	WO	August 17, 2021 Tribal and State Relations Committee Appendix B – Executive Director Donaghy Testimony (LEGIS-00019-20)								
D 311	WO	August 17, 2021 Tribal and State Relations Committee Appendix C – Senator Marcellais Testimony (LEGIS-00021-27)								
		<i>August 26, 2021 Redistricting Committee Meeting</i>								
D 312	WO	August 26, 2021 Redistricting Committee Meeting Notice (LEGIS-00028)								
D 313	WO	August 26, 2021 Redistricting Committee Meeting Agenda (LEGIS-00029)								
D 314	WO	August 26, 2021 Redistricting Committee Meeting Minutes (LEGIS-00030-32)								
D 315	WO	August 26, 2021 Redistricting Committee Meeting Appendix A – Attendance Sheet (LEGIS-00033)								

EXHIBIT NO.	FOUNDATION (W=Waived or NW= Not Waived)  (MO=May Offer or WO= Will Offer)	DESCRIPTION	S	O	O	R	O	S	W	R
			T	F	B	E	V	U	I	E
			I	F	J	S	E	S	T	H
			P	E	E	E	R	T	D	R
			L	R	R	R	R	A	A	A
			A	E	E	E	R	I	D	R
			T	D	T	V	L	N	R	E
			E		I	D	E	E	A	C
			D		O				W	E
					N				I	I
									V	V
									E	E
									D	D
D 316	WO	August 26, 2021 Redistricting Committee Meeting Supplementary Rules of Operation and Procedure of the North Dakota Legislative Management (LEGIS-00034-35)								
D 317	WO	August 26, 2021 Redistricting Committee Meeting Appendix B – Program Principal Williams Testimony (LEGIS-00036-78)								
D 318	WO	August 26, 2021 Redistricting Committee Meeting Background Memorandum (LEGIS-00079-88)								
D 319	WO	August 26, 2021 Redistricting Committee Meeting, 2021 House Bill No. 1397 (LEGIS-00089-90)								
D 320	WO	August 26, 2021 Redistricting Committee Meeting Appendix C – Redistricting Overview (LEGIS-00091-115)								
D 321	WO	August 26, 2021 Redistricting Committee Meeting, 2020 Census – Population Change Summary (LEGIS-00116-125)								
D 322	WO	August 26, 2021 Redistricting Committee Meeting Appendix – Visual Representation of the Percentage Deviation from the Ideal District Size in Each Legislative District (LEGIS-00126)								
D 323	WO	August 26, 2021 Redistricting Committee Meeting Appendix D – Redistricting Records and Privileges (LEGIS-00127-138)								

EXHIBIT NO.	FOUNDATION (W=Waived or NW= Not Waived)  (MO=May Offer or WO= Will Offer)	DESCRIPTION	S	O	O	R	O	S	W	R	
			T	F	B	E	V	U	I	E	
			I	F	J	S	E	S	T	H	
			P	E	E	E	R	T	D	R	
			L	R	R	R	R	A	A	A	
			A	E	E	E	U	I	D	R	
			T	D	C	R	L	N	R	E	
			E	I	T	V	E	E	A	C	
			D	O	I	E	D	D	W	E	
					O				N	I	
					N					V	
										E	
										D	
										R	
										E	
D 324	WO	August 26, 2021 Redistricting Committee Meeting Appendix E – Secretary Ehrens Testimony (LEGIS-00139)									
D 325	WO	August 26, 2021 Redistricting Committee Meeting Appendix F – Director Gion Testimony (LEGIS-00140)									
D 326	WO	August 26, 2021 Redistricting Committee Meeting Appendix G – Lobbyist Perdue Testimony (LEGIS-00141-142)									
D 327	WO	August 26, 2021 Redistricting Committee Meeting Exhibit H – Spirit Lake Nation Testimony (Colleen Brown) (LEGIS-00143-145)									
		<i>August 31, 2021 Tribal and State Relations Committee Meeting</i>									
D 328	WO	August 31, 2021 Tribal and State Relations Committee Meeting Notice (LEGIS-00146)									
D 329	WO	August 31, 2021 Tribal and State Relations Committee Meeting Agenda (LEGIS-00147)									
D 330	WO	August 31, 2021 Tribal and State Relations Committee Meeting Minutes (LEGIS-00148-00150)									
D 331	WO	August 31, 2021 Tribal and State Relations Committee Meeting Appendix – Attendance Sheet (LEGIS-00151)									
		<i>September 1, 2021 Tribal and State Relations Committee Meeting</i>									

EXHIBIT NO.	FOUNDATION (W=Waived or NW= Not Waived)  (MO=May Offer or WO= Will Offer)	DESCRIPTION	S	O	O	R	O	S	W	R
			T	F	B	E	V	U	I	E
			I	F	J	S	E	S	T	H
			P	E	E	E	R	T	D	R
			L	R	C	R	R	A	A	A
			A	E	T	V	U	I	D	I
			T	D	I	E	L	N	R	V
			E		O	D	E	E	E	E
D 332	WO	September 1, 2021 Tribal and State Relations Committee Revised Meeting Notice (LEGIS-00152)								
D 333	WO	September 1, 2021 Tribal and State Relations Committee Meeting Agenda (LEGIS-00153)								
D 334	WO	September 1, 2021 Tribal and State Relations Committee Meeting Minutes (LEGIS-00154-155)								
D 335	WO	September 1, 2021 Tribal and State Relations Committee Meeting Appendix A – Attendance Sheet (LEGIS-00156)								
D 336	WO	September 1, 2021 Tribal and State Relations Committee Meeting Appendix B – Dr. Lindquist Testimony (LEGIS-00157-184)								
D 337	WO	September 1, 2021 Tribal and State Relations Committee Meeting Appendix C – Special Counsel Van Norman Testimony (LEGIS-00185-188)								
		<i>September 8, 2021 Redistricting Committee Meeting</i>								
D 338	WO	September 8, 2021 Redistricting Committee Meeting Notice (LEGIS-00189)								
D 339	WO	September 8, 2021 Redistricting Committee Meeting Agenda (LEGIS-00190)								
D 340	WO	September 8, 2021 Redistricting Committee Meeting Minutes (LEGIS-00191-194)								

EXHIBIT NO.	FOUNDATION (W=Waived or NW= Not Waived)  (MO=May Offer or WO= Will Offer)	DESCRIPTION	S T I P U L A T E D	O F F E R E D	O B J E C T I O N	R E S E R V E D	O V E R R U L E D	S U S T A I N E D	W I T H D R A W N	R E C E I V E D
D 341	WO	September 8, 2021 Redistricting Committee Meeting Appendix – Attendance Sheet (LEGIS-00195)								
D 342	WO	September 8, 2021 Redistricting Committee Meeting – Senator Holmberg’s Proposed Maps (LEGIS-00196-201)								
D 343	WO	September 8, 2021 Redistricting Committee Meeting – Representative Boschee’s Proposed Maps (LEGIS-00202-212)								
D 344	WO	September 8, 2021 Redistricting Committee Meeting – Senator Bekkedahl’s Proposed Maps (LEGIS-00213-214)								
		<i>September 15 and 16, 2021 Redistricting Committee Meeting</i>								
D 345	WO	September 15 and 16, 2021 Redistricting Committee Meeting Notice (LEGIS-00215)								
D 346	WO	September 15 and 16, 2021 Redistricting Committee Meeting Agenda (LEGIS-00216)								
D 347	WO	September 15 and 16, 2021 Redistricting Committee Meeting Minutes (LEGIS-00217-220)								
D 348	WO	September 15 and 16, 2021 Redistricting Committee Appendix A (LEGIS-00221)								
D 349	WO	September 15 and 16, 2021 Redistricting Committee Appendix B – Chairman Faith Testimony (LEGIS-00222-226)								

EXHIBIT NO.	FOUNDATION (W=Waived or NW= Not Waived)  (MO=May Offer or WO= Will Offer)	DESCRIPTION	S	O	O	R	O	S	W	R
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			A	E	C	E	U	I	D	I
			T	D	T	V	L	N	R	V
			E		I	E	E	E	A	E
			D		O	D	D	D	W	D
D 350	WO	September 15 and 16, 2021 Redistricting Committee Appendix C – Councilman Walker Testimony (LEGIS-00227-231)								
D 351	WO	September 15 and 16, 2021 Redistricting Committee Appendix D – Executive Director Brown Testimony (LEGIS-00232-234)								
D 352	WO	September 15 and 16, 2021 Redistricting Committee Appendix E – Executive Director Donaghy Testimony (LEGIS-00235-236)								
D 353	WO	September 15 and 16, 2021 Redistricting Committee Appendix F – 2015 District 31 Voting Information (LEGIS-00237)								
D 354	WO	September 15 and 16, 2021 Redistricting Committee, Representative Lefor’s Proposed Maps (LEGIS-00238-244)								
D 355	WO	September 15 and 16, 2021 Redistricting Committee, Representative Nathe’s Proposed Maps (LEGIS-00245-255)								
D 356	WO	September 15 and 16, 2021 Redistricting Committee, Representative Devlin’s Proposed Maps – Eastern Area Proposal 1 (LEGIS-00256-267)								
D 357	WO	September 15 and 16, 2021 Redistricting Committee, Representative Devlin’s Proposed Maps – Eastern Area Proposal 2 (LEGIS-00268-279)								
D 358	WO	September 15 and 16, 2021 Redistricting Committee, Senator Holmberg’s Proposed Maps (LEGIS-00280-286)								



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D 359	WO	September 15 and 16, 2021 Redistricting Committee, Senator Poolman's Proposed Maps (LEGIS-00287)								
D 360	WO	September 15 and 16, 2021 Redistricting Committee, Senator Burckhard's Proposed Maps (LEGIS-00288-295)								
D 361	WO	September 15 and 16, 2021 Redistricting Committee, Senator Sorvaag's Proposed Maps (LEGIS-00296-308)								
D 362	WO	September 15 and 16, 2021 Redistricting Committee, Senator Bekkedahl's Proposed Maps (LEGIS-00309-313)								
D 363	WO	September 15 and 16, 2021 Redistricting Committee Appendix G – Mr. Hermann Testimony (LEGIS-00314)								
		<i>September 22 and 23, 2021 Redistricting Committee Meeting</i>								
D 364	WO	September 22 and 23, 2021 Redistricting Committee Meeting Notice (LEGIS-00315)								
D 365	WO	September 22 and 23, 2021 Redistricting Committee Meeting Agenda (LEGIS-00316-317)								
D 366	WO	September 22 and 23, 2021 Redistricting Committee Meeting Minutes (LEGIS-00318-321)								
D 367	WO	September 22 and 23, 2021 Redistricting Committee Appendix A – Attendance Sheet (LEGIS-00322)								

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D 368	WO	September 22 and 23, 2021 Redistricting Committee Appendix B – Legal Counsel and Assistant Director Birst Testimony (LEGIS-00323-324)								
D 369	WO	September 22 and 23, 2021 Redistricting Committee, Legal Considerations for Subdistricting (LEGIS-00325-333)								
D 370	WO	September 22 and 23, 2021 Redistricting Committee, Representative Nath’s Bismarck-Mandan Area Proposal (LEGIS-00334-342)								
D 371	WO	September 22 and 23, 2021 Redistricting Committee, Representative Nath’s Districts 8 and 33 Proposal (LEGIS-00343-345)								
D 372	WO	September 22 and 23, 2021 Redistricting Committee, Representative Lefor’s Proposed Maps (LEGIS-00346-352)								
D 373	WO	September 22 and 23, 2021 Redistricting Committee, Representative Headland’s Proposed Maps (LEGIS-00353-363)								
D 374	WO	September 22 and 23, 2021 Redistricting Committee, Representative Monson’s Proposed Maps (LEGIS-00364-375)								
D 375	WO	September 22 and 23, 2021 Redistricting Committee, Senator Oban’s and Representative Boschee’s Full State Proposal (LEGIS-00376-425)								

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D 376	WO	September 22 and 23, 2021 Redistricting Committee Appendix C – Table Relating to Senator Oban’s and Representative Boschee’s Full State Proposal (LEGIS-00426-431)								
D 377	WO	September 22 and 23, 2021 Redistricting Committee, Impact on Redistricting on Legislative Election Schedules (LEGIS-00432-434)								
D 378	WO	September 22 and 23, 2021 Redistricting Committee Appendix D – Representative Schatz Testimony (LEGIS-00435)								
D 379	WO	September 22 and 23, 2021 Redistricting Committee Appendix E – Chairman Fox Testimony (LEGIS-00436-438)								
D 380	WO	September 22 and 23, 2021 Redistricting Committee Appendix F – Mayor Wise Testimony (LEGIS-00439-440)								
D 381	WO	September 22 and 23, 2021 Redistricting Committee Appendix G – Ms. Jelliff Testimony (LEGIS-00441-442)								
D 382	WO	September 22 and 23, 2021 Redistricting Committee Appendix H – Ms. Tarlin Testimony (LEGIS-00443-444)								
D 383	WO	September 22 and 23, 2021 Redistricting Committee, Senator Bekkedahl’s Proposed Maps (LEGIS-00445-451)								
D 384	WO	September 22 and 23, 2021 Redistricting Committee, Senator Poolman’s Proposed Maps (LEGIS-00452)								

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D 385	WO	September 22 and 23, 2021 Redistricting Committee, Districts 4, 6, and 33 Proposal Map (LEGIS-00453-456)								
D 386	WO	September 22 and 23, 2021 Redistricting Committee, Reservation Populations (LEGIS-00457)								
		<i>September 28 and 29, 2021 Redistricting Committee Meeting</i>								
D 387	WO	September 28 and 29, 2021 Redistricting Committee Revised Meeting Notice (LEGIS-00458)								
D 388	WO	September 28 and 29, 2021 Redistricting Committee Meeting Agenda (LEGIS-00459)								
D 389	WO	September 28 and 29, 2021 Redistricting Committee Meeting Minutes (LEGIS-00460-466)								
D 390	WO	September 28 and 29, 2021 Redistricting Committee Appendix A – Attendance Sheet (LEGIS-00467)								
D 391	WO	September 28 and 29, 2021 Redistricting Committee, Proposed Statewide Plan Packet (LEGIS-00468-520)								
D 392	WO	September 28 and 29, 2021 Redistricting Committee, Representative Devlin’s Districts 14 and 15 Proposed Maps (LEGIS-00521-522)								
D 393	WO	September 28 and 29, 2021 Redistricting Committee, Senator Bekkedahl's District 5 Proposal (LEGIS-00523)								

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D 394	WO	September 28 and 29, 2021 Redistricting Committee, Representative Headland's Districts 12 and 29 Proposal (LEGIS-00524-526)								
D 395	WO	September 28 and 29, 2021 Redistricting Committee, Senator Poolman's Districts 7, 8, and 14 Proposals (LEGIS-00527-530)								
D 396	WO	September 28 and 29, 2021 Redistricting Committee, Population Changes in Even-Numbered Districts (LEGIS-00531)								
D 397	WO	September 28 and 29, 2021 Redistricting Committee, Appendix B – Representative Finley-DeVill Testimony (LEGIS-00532)								
D 398	WO	September 28 and 29, 2021 Redistricting Committee Appendix C – Chairman Yankton, Sr. Testimony (LEGIS-00533-536)								
D 399	WO	September 28 and 29, 2021 Redistricting Committee Appendix D – Chairman Fox Testimony (LEGIS-00537-540)								
D 400	WO	September 28 and 29, 2021 Redistricting Committee Appendix E – Chairman Faith Testimony (LEGIS-00541-545)								
D 401	WO	September 28 and 29, 2021 Redistricting Committee Appendix F – 09-28-21 Voting Rights Act Cases Email (LEGIS-00546-548)								
D 402	WO	September 28 and 29, 2021 Redistricting Committee Appendix G – Representative Skroch Testimony (LEGIS-00549-550)								

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D 403	WO	September 28 and 29, 2021 Redistricting Committee, Representative Ertelt's Proposed Maps (LEGIS-00551-598)								
D 404	WO	September 28 and 29, 2021 Redistricting Committee, District 4 Subdistricts Proposal (LEGIS-00599)								
D 405	WO	September 28 and 29, 2021 Redistricting Committee, District 9 Subdistricts Proposal (LEGIS-00600-604)								
D 406	WO	September 28 and 29, 2021 Redistricting Committee, Bill Draft (LEGIS-00605-607)								
D 407	WO	September 28 and 29, 2021 Redistricting Committee, Population Changes in Even-Numbered Districts (LEGIS-00608)								
D 408	WO	September 28 and 29, 2021 Redistricting Committee, Final Proposed Statewide Plan (LEGIS-00609-658)								
D 409	WO	September 28 and 29, 2021 Redistricting Committee, Bill Draft (LEGIS-00659)								
		<i>2021 House Bill No. 1504 Legislative History Materials</i>								
D 410	WO	2021 House Bill No. 1504 Minutes and Testimony (including the November 8 and 9, 2021 Joint Redistricting Committee documents) (LEGIS-00660-701)								
D 411	WO	November 9, 2021 Journal of the House of Representatives (LEGIS-00702-729)								

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D 412	WO	November 10, 2021 Journal of the Senate (LEGIS-00730-753)								
		<i>Other Redistricting Committee Documents</i>								
D 413	WO	Final Maps CSV File (LEGIS-00754)								
D 414	WO	Final Maps Shape File (LEGIS-00755)								
D 415	WO	2021 Report of the North Dakota Legislative Management (LEGIS-00756-1126)								
		<i>Additional Information</i>								
D 416	WO	Final Statewide Districts Map and Population Information (LEGIS-01127)								
		<b><u>Transcripts – Office of the Attorney General</u></b>								
D 417	WO	Certification of Records – Transcripts								
D 418	WO	Transcript of the Video-Recorded Meeting of the Tribal and State Relations Committee, State of North Dakota - August 17, 2021								
D 419	WO	Transcript of the Video-Recorded Meeting of the Redistricting Committee, State of North Dakota - August 26, 2021								
D 420	WO	Transcript of the Video-Recorded Meeting of the Tribal and State Relations Committee, State of North Dakota - August 31, 2021								
D 421	WO	Transcript of the Video-Recorded Meeting of the Tribal and State Relations Committee, State of North Dakota - September 1, 2021								

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			A	E	C	E	U	I	D	I
			T	D	T	V	L	N	R	V
			E		I	E	E	E	A	E
			D		O	D	D	D	W	D
D 422	WO	Transcript of Video File North Dakota Legislative Assembly Redistricting Committee - September 8, 2021								
D 423	WO	Transcript of the September 15, 2021 North Dakota Legislative Assembly Redistricting Committee Meeting								
D 424	WO	Transcript of September 16, 2021 Meeting of the Redistricting Committee								
D 425	WO	Transcript of September 22, 2021 Meeting of the Redistricting Committee								
D 426	WO	Transcript of September 23, 2021 Meeting of the Redistricting Committee								
D 427	WO	Transcript of September 28, 2021 Meeting of the Redistricting Committee								
D 428	WO	Transcript of September 29, 2021 Meeting of the Redistricting Committee								
D 429	WO	Transcript of November 8, 2021 Meeting of the Joint Redistricting Committee								
D 430	WO	Transcript of November 9, 2021 Meeting of the Joint Redistricting Committee								
D 431	WO	Transcript of November 9, 2021 Senate Debate/Vote								
D 432	WO	Transcript of November 10, 2021 Senate Debate/Vote								
		<u>Videos</u>								



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			L	R	R	R	R	A	A	A
			A	E	E	E	R	I	D	I
			T	D	T	V	U	N	R	V
			E		I	L	L	E	A	E
			D		O	E	E	D	W	D
D 433	WO	Portions of the Video of the Meeting of the Tribal and State Relations Committee, State of North Dakota - August 17, 2021								
D 434	WO	Portions of the Video of the Meeting of the Redistricting Committee, State of North Dakota – August 26, 2021								
D 435	WO	Portions of the Video of the Meeting of the Tribal and State Relations Committee, State of North Dakota – August 31, 2021								
D 436	WO	Portions of the Video of the Meeting of the Tribal and State Relations Committee, State of North Dakota – September 1, 2021								
D 437	WO	Portions of the Video of the North Dakota Legislative Assembly Redistricting Committee – September 8, 2021								
D 438	WO	Portions of the Video of the North Dakota Legislative Assembly Redistricting Committee Meeting – September 15, 2021								
D 439	WO	Portions of the Video of the North Dakota Legislative Assembly Redistricting Committee Meeting – September 16, 2021								
D 440	WO	Portions of the Video of North Dakota Legislative Assembly Redistricting Committee – September 22, 2021								
D 441	WO	Portions of the Video of North Dakota Legislative Assembly Redistricting Committee – September 23, 2021								
D 442	WO	Portions of the Video of the Redistricting Committee – September 28, 2021								

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D 443	WO	Portions of the Video of the Redistricting Committee – September 29, 2021								
D 444	WO	November 8, 2021 Meeting of the Joint Redistricting Committee								
D 445	WO	November 9, 2021 Meeting of the Joint Redistricting Committee								
D 446	WO	Portions of the Video of North Dakota House HB 1504 / Joint Redistricting – November 9, 2021								
D 447	WO	Portions of the Video of North Dakota House HB 1504 / Joint Redistricting – November 10, 2021								
		<b><u>Secretary of State Documents</u></b>								
D 448	WO	Certification of Records – ND Secretary of State								
D 449	WO	2021 House Bill No. 1397								
D 450	WO	2021 House Bill No. 1504								
D 451	WO	Governor Doug Burgum’s Executive Order 2021-17								
		<b><u>Experts</u></b>								
		<b>M.V. Trey Hood III</b>								
D 452	WO	Curriculum Vitae of M.V. Trey Hood III								
D 453	MO	Figure 1. Legislative District 15 – Block-Level Native American Voting Age Population from Hood’s Report								
D 454	MO	Figure 2. Plaintiff Demonstrative District 1 (LD9) from Hood’s Report								

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D 455	MO	Figure 3. Plaintiff Demonstrative District 2 (LD9) from Hood's Report								
D 456	MO	ND Compactness (HOOD-0001)								
D 457	MO	From Legal Theory to Practice Application: A How-To for Performing Vote Dilution Analyses (HOOD-0194-0210)								
D 458	MO	Measures of Compactness Report 2012 (HOOD-0039-0042)								
D 459	MO	Political Subdivision Splits Between Districts 2012 (HOOD-0043-0045)								
D 460	MO	Measures of Compactness Report 2021 (HOOD-0046-0049)								
D 461	MO	Political Subdivision Splits Between Districts 2021 (HOOD-0050-0052)								
D 462	MO	Measures of Compactness Report 2022 (HOOD-0053-0056)								
D 463	MO	Political Subdivision Splits Between Districts 2022 (HOOD-0057-0059)								
D 464	MO	Measures of Compactness Report 2022 (HOOD-0060-0063)								
D 465	MO	Political Subdivision Splits Between Districts 2022 (HOOD-0064-0066)								
D 466	MO	Compactness Scores (Depo. Ex. 12)								
D 467	MO	2021 Enacted State Legislative Plan (Depo. Ex. 15)								
D 468	MO	Table 1. Summary of Races Analyzed by Professor Collingwood (LD 9, LD 9A, LD 9B)								

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D 469	MO	Table 2. Summary of Races Analyzed by Professor Collingwood (LD 9)								
D 470	MO	Table 3. Compactness Score Comparisons								
D 471	MO	Table 4. Compactness Score Comparisons								
		<b>Loren Collingwood</b>								
D 472	WO	Expert Report of Dr. Loren Collingwood in the Walen v. Burgum case								
D 473	MO	Collingwood Research Invoice dated May 22, 2022 (Depo. Ex. 33)								
D 474	MO	Collingwood Research Invoice dated December 15, 2022 (Depo. Ex. 34)								
D 475	MO	Collingwood Handwritten Notes dated December 15, 2021 (Depo. Ex. 35)								
D 476	MO	Collingwood Handwritten Notes dated January 18, 2022 (Depo. Ex. 36)								
D 477	MO	Demonstrative Plans XWalk File								
D 478	MO	Election Data 2014g								
D 479	MO	Election Data 2014 g_D15								
D 480	MO	District 15 Senate/Representative XWalk File								
D 481	MO	Legislative District Precinct Results 2022								
D 482	MO	Nd_county_xwalk								
D 483	MO	VEST ND 2016 Election Results Validation Report								

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D 484	MO	VEST ND 2018 Election Results Validation Report								
D 485	MO	VEST ND 2020 Election Results Validation Report								
D 486	MO	ND Collingwood Report 11/30/22 – RPV Process								
D 487	MO	Average_to_by_race								
D 488	MO	Table 2. Reported Voting and Registration, by Race, Hispanic Origin, Sex, and Age: November 2020 (White alone, not Hispanic)								
D 489	MO	Table 2. Reported Voting and Registration, by Race, Hispanic Origin, Sex, and Age: November 2020 (Black alone)								
D 490	MO	Table 2. Reported Voting and Registration, by Race, Hispanic Origin, Sex, and Age: November 2020 (Asian alone)								
D 491	MO	Native American Majority State Legislative Districts								
D 492	MO	Texas 2013-2020 Plan C235 Compactness Report								
D 493	MO	Texas Plan 1151C Compactness Report								
D 494	MO	Texas Plan C235 Map								
		<b>Weston Craig McCool</b>								
D 495	MO	North Dakota Case Invoice from Weston McCool dated September 7, 2022 (Depo. Ex. 20)								

EXHIBIT NO.	FOUNDATION (W=Waived or NW= Not Waived)  (MO=May Offer or WO= Will Offer)	DESCRIPTION	S	O	O	R	O	S	W	R
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			A	E	C	E	R	I	D	I
			T	D	T	V	L	N	R	V
			E		I	E	E	E	A	E
			D		O	D	D	D	W	D
D 496	MO	Weston McCool Expert Witness SES Analysis (Depo. Ex. 21)								
<b>Daniel McCool</b>										
D 497	MO	North Dakota Turtle Mountain Invoice from Daniel McCool submitted August 22, 2022 (Depo. Ex. 23)								
D 498	MO	Questions for North Dakota Interviews, 2022 (prepared by Daniel McCool) (Depo. Ex. 24)								
D 499	MO	Telephone Interviews (North Dakota case, Brakebill v. Jaeger filed 1/20/2016 (Depo. Ex. 25)								
D 500	MO	North Dakota Interviews for Brakebill v. Jaeger filed 1/20/2016 (Depo. Ex. 26)								
D 501	MO	Questions for Interviews, Second Report, North Dakota case February 2018 (Depo. Ex. 27)								
D 502	MO	Highlighted Portions from Transcription of Video File North Dakota Legislative Assembly Redistricting Committee – September 15, 2021 (Depo. Ex. 30)								
D 503	MO	Emails produced by Daniel McCool (Plaintiffs_000067-186)								
<b><u>Census Information</u></b>										
D 504	WO	U.S. Census Bureau Statement of Release of Legacy Format Summary Redistricting Data File released March 15, 2021								

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D 505	WO	2020 Census Delays and the Impact on Redistricting								
D 506	WO	Redistricting Learning Portal – When Will I Receive my 2020 Redistricting Data								
D 507	WO	Census Bureau Delivers 2020 Census Redistricting Data in Easier-to-Use Format released September 16, 2021								
		<b><u>Other</u></b>								
D 508	MO	Email from Matthew Campbell to Jamie Azure dated April 14, 2021 re: Redistricting Presentation at UTTC and enclosing guide on redistricting (Plaintiffs_000005-12)								
D 509	MO	Email from Matthew Campbell to Douglas Yankton dated May 14, 2021 re: meeting to discuss redistricting in North Dakota and enclosing 2 guides on redistricting (Plaintiffs_000013-21)								
D 510	MO	Email from Matthew Campbell to Jamie Azure dated May 14, 2021 re: meeting to discuss redistricting in North Dakota and enclosing 2 guides on redistricting (Plaintiffs_000022-30)								
D 511	MO	Email from Matthew Campbell to Douglas Yankton dated August 15, 2021 enclosing talking points for August 18, 2021 meeting (Plaintiffs_000031-33)								

EXHIBIT NO.	FOUNDATION (W=Waived or NW= Not Waived)  (MO=May Offer or WO= Will Offer)	DESCRIPTION	S T I P U L A T E D	O F F E R E D	O B J E C T I O N	R E S E R V E D	O V E R R U L E D	S U S T A I N E D	W I T H D R A W N	R E C E I V E D
D 512	MO	Email string dated September 13, 2021 between Collette Brown, Matthew Campbell, Michael Carter and Nicole Donaghy re: meeting to discuss census numbers (Plaintiffs_000034-35)								
D 513	MO	Email dated September 24, 2021 from Matthew Campbell to Douglas Yankton and Collette Brown re: reporter interested in speaking with the tribe regarding redistricting (Plaintiffs_000036-38)								
D 514	MO	Email dated September 29, 2021 from Colleen Brown to Joshua Boschee, Devlin, and Claire Ness requesting to add testimony to the agenda (Plaintiffs_000039-43)								
D 515	MO	Email dated January 12, 2022 from Michael Carter to King re: North Dakota Redistricting (Plaintiffs_000044)								
		<b><u>Plaintiffs' Discovery Answers</u></b>								
D 516	MO	Plaintiff Collette Brown's Answer to Defendant's Interrogatories and Requests for Production of Documents to Plaintiff (Set No. 1)								
D 517	MO	Plaintiff Spirit Lake Tribe's Answer to Defendant's Interrogatories and Requests for Production of Documents to Plaintiff (Set No. 1)								
D 518	MO	Plaintiff Turtle Mountain Band of Chippewa Indians Answer to Defendant's Interrogatories and Requests for Production of Documents to Plaintiff (Set No. 1)								



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D 519	MO	Plaintiff Wesley Davis' Answer to Defendant's Interrogatories and Requests for Production of Documents to Plaintiff (Set No. 1)								
D 520	MO	Plaintiff Zachary King's Answer to Defendant's Interrogatories and Requests for Production of Documents to Plaintiff (Set No. 1)								

Dated this 30<sup>th</sup> day of May, 2023.

By: /s/ David R. Phillips

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 official capacity as Secretary of State of  
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**CERTIFICATE OF SERVICE**

I hereby certify that on May 30, 2023, a true and correct copy of the foregoing **DEFENDANT MICHAEL HOWE'S AMENDED EXHIBIT LIST FOR TRIAL** was emailed to the following:

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By: /s/ David R. Phillips  
DAVID R. PHILLIPS

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

TURTLE MOUNTAIN BAND OF CHIPPEWA  
INDIANS, *et al.*,

*Plaintiffs,*

v.

MICHAEL HOWE, in his official capacity as Secretary  
of State of the State of North Dakota,

*Defendant.*

Civil No. 3:22-cv-00022-PDW-ARS

**PLAINTIFFS' WITNESS LIST**

Pursuant to Federal Rule of Civil Procedure 26(a)(3), and this Court's Pretrial Order, ECF 34, Plaintiffs hereby identify the following witnesses who Plaintiffs will call at trial and may call at trial if the need arises. Unless otherwise noted, all witnesses would testify live at trial.

<b>Witness</b>	<b>Witness Type</b>	<b>Will Call</b>	<b>May Call</b>	<b>Est. Time</b>
Dr. Loren Collingwood	Expert	x		3:00
Dr. Dan McCool	Expert	x		2:00
Dr. Weston McCool	Expert	x		1:00
Douglas Yankton	Fact	x		0:50
Chairman Jaime Azure	Fact	x		0:50
Collette Brown	Fact	x		0:40
Lonna Jackson Street	Fact		x	0:20
Wesley Davis	Fact		x	0:10
Zachary King	Fact		x	0:10

Senator Richard Marcellais	Fact		x	0:30
Representative Marvin Nelson	Fact		x	0:30
Representative Bill Devlin <sup>1</sup>	Fact		x	0:20

In addition to the foregoing individuals, Plaintiffs reserve the right to and may call all persons identified or called by Defendant, as well as any person needed for impeachment or rebuttal. Plaintiffs furthermore reserve the right to amend this witness list with appropriate notice to Defendant.

May 25, 2023

/s/ Michael S. Carter

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Respectfully submitted,

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<sup>1</sup> Subject to the resolution of Rep. Devlin's petition for mandamus to the Eighth Circuit, Plaintiffs may call Rep. Devlin live or in the alternative by video deposition.

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