

**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 North Dakota, et al.,

Defendant.

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

MOTION TO EXPEDITE

Plaintiffs respectfully request that the Court expedite the briefing and decision regarding Plaintiffs' Motion to Amend Remedial Order. The motion requests modification of the Court's remedial order in this case in response to timing and *Purcell* concerns raised in the Secretary's stay motion, as well as the Secretary's representation that the Legislature does not intend to enact a remedial plan by the Court's December 22, 2023, deadline. An order granting Plaintiff's motion to amend the remedial order and process will resolve the timing and *Purcell* concerns raised by the Secretary. Because these arguments form a substantial basis for the Secretary's motion for a stay, and the Secretary has indicated that he intends to seek a stay from the Eighth Circuit if his current motion is denied, Plaintiffs respectfully request that the Court expedite briefing and consideration of Plaintiffs' motion to amend to ensure that the status of the Court's remedial order and process is clarified and a final map is in place before December 31, 2023, the date suggested by the Secretary.

Plaintiffs respectfully request that the Secretary be ordered to file any response to Plaintiffs' motion by **Friday, December 8**, and that an order on Plaintiffs' motion be expeditiously

entered thereafter. The Secretary's counsel has indicated that they will respond in writing to the Motion to Amend with their position by the deadline set by the Court.

CONCLUSION

For the foregoing reasons, the Motion to Expedite should be granted.

December 5, 2023

/s/ Michael S. Carter

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that the foregoing was served on all counsel of record via the Court's CM/ECF system.

/s/ Mark P. Gaber
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