

**Docket Nos. 23-3697 and 24-1171**

**In the**

**United States Court of Appeals**

**For the**

**Eighth Circuit**

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Turtle Mountain Band of Chippewa Indians, et al.,

Plaintiffs - Appellees

v.

Michael Howe, in his Official Capacity as Secretary of State of North Dakota

Defendant - Appellee

North Dakota Legislative Assembly, et al.,

Movants.

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On Consolidated Appeal of Order Denying Assembly's Motion to Intervene (Doc. 153) and Order Denying Assembly's Motion for Extension of Time and Adopting Plaintiffs' Proposed Plan 2 as Remedial Map (Doc. 164)  
To The United States District Court for the District of North Dakota  
In Case No. 3:22-cv-00022

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**Movants' Designation & Statement of Issues**

Scott K. Porsborg (ND State Bar ID No. 04904)

[sporsborg@smithporsborg.com](mailto:sporsborg@smithporsborg.com)

Brian D. Schmidt (ND State Bar ID No. 07498)

[bschmidt@smithporsborg.com](mailto:bschmidt@smithporsborg.com)

122 East Broadway Avenue

P.O. Box 460

Bismarck, ND 58501

(701) 258-0630

Attorneys for Movants.

## Designation & Statement of Issues

The North Dakota Legislative Assembly identifies the following issues on appeal.

1. Whether the district court erred by denying the Assembly's motion to intervene to protect its well-established right to be afforded a reasonable opportunity to adopt a remedial redistricting plan.

2. Whether the district court erred by denying the Assembly a reasonable opportunity to adopt a remedial redistricting plan.

3. Whether the district court erred by imposing a racial gerrymander upon the North Dakota electorate when adopted Plaintiffs' Proposed Plan 2 in lieu of affording the Assembly a reasonable opportunity to adopt a remedial redistricting plan.

Dated this 13<sup>th</sup> day of February, 2024.

SMITH PORSBORG SCHWEIGERT  
ARMSTRONG MOLDENHAUER & SMITH

By /s/ Scott K. Porsborg  
Scott K. Porsborg (ND State Bar ID No. 04904)  
[sporsborg@smithporsborg.com](mailto:sporsborg@smithporsborg.com)  
Brian D. Schmidt (ND State Bar ID No. 07498)  
[bschmidt@smithporsborg.com](mailto:bschmidt@smithporsborg.com)  
122 East Broadway Avenue  
P.O. Box 460  
Bismarck, ND 58501  
(701) 258-0630

Attorneys for Movants

## CERTIFICATE OF SERVICE

I hereby certify that on February 13, 2024, I electronically submitted the foregoing **Movants' Designation & Statement of Issues** to the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit for review by using the CM/ECF system and that ECF will send a Notice of Electronic Filing (NEF) to all participants who are registered CM/ECF users.

By /s/ Scott K. Porsborg  
Scott K. Porsborg