

Docket Nos. 23-3697 and 24-1171

In the

United States Court of Appeals

For the

Eighth Circuit

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.

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

Movants' Designation & Statement of Issues

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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 13th day of February, 2024.

SMITH PORSBORG SCHWEIGERT
ARMSTRONG MOLDENHAUER & SMITH

By /s/ Scott K. Porsborg
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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
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