

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

Case No: 3:22-cv-00022

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

Plaintiffs,)

v.)

Alvin Jaeger, in his official capacity as)
Secretary of State of North Dakota.)

Defendant)

**DECLARATION OF SCOTT K.
PORSBORG**

I, Scott K. Porsborg, declare as follows:

1. I am an attorney duly licensed to practice law in the State of North Dakota and am admitted to practice before this Court.

2. I am a member of the law firm of Smith Porsborg Schweigert Armstrong Moldenhauer and Smith, attorneys for North Dakota Legislative Assembly; Senators Ray Holmberg, Richard Wardner, and Nicole Poolman; Representatives Michael Nathe, William R. Devlin, and Terry Jones; and Senior Counsel at the North Dakota Legislative Council Claire Ness.

3. This Declaration is submitted in support of *North Dakota Legislative Assembly; Senators Ray Holmberg, Richard Wardner, and Nicole Poolman; Representatives Michael Nathe, William R. Devlin, and Terry Jones; and Senior Counsel at the North Dakota Legislative Council – Claire Ness’ Memorandum in Response to Plaintiffs’ Motion to Expedite Discovery Appeals.*

4. Attached hereto as Exhibit #1 is a true and correct copy of Ms. Danahy’s Email to Counsel, dated March 2, 2023.

5. Plaintiffs' Motion to expedite (Doc. 67) was not provided to the Respondents prior to filing.

I declare under penalty of perjury, under N.D.C.C. ch. 31-15 and N.D.R.Civ.P. 11 (a)(2), that the foregoing is true and correct.

Signed on the 10th day of March, 2022 at Bismarck, ND, USA.


SCOTT K. PORSBORG

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of March, 2023, a true and correct copy of the foregoing **DECLARATION OF SCOTT K. PORSBORG** was filed electronically with the Clerk of Court through ECF, and that ECF will send a Notice of Electronic Filing (NEF) to the following:

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By /s/ Scott K. Porsborg _____
SCOTT K. PORSBORG

Brian Schmidt

From: Scott Porsborg
Sent: Thursday, March 2, 2023 4:04 PM
To: Molly Danahy; Mark Gaber; Anna Heinen; carter@narf.org; Purdon, Timothy Q.; kelty@narf.org; bryan@bryansellslaw.com; Nicole Hansen; Allison Neswood
Cc: Austin Lafferty; April Heinz; masagsve@nd.gov; David Phillips; Brian Schmidt
Subject: RE: Turtle Mountain Band of Chippewa Indians v. Alvin Jaeger - Case No 3:22-cv-22

Molly, we also take no position on whether the panel should expedite its ruling(s).

From: Molly Danahy <mdanahy@campaignlegalcenter.org>
Sent: Thursday, March 2, 2023 2:38 PM
To: Scott Porsborg <SPorsborg@smithporsborg.com>; Mark Gaber <MGaber@campaignlegalcenter.org>; Anna Heinen <AHeinen@smithporsborg.com>; carter@narf.org; Purdon, Timothy Q. <TPurdon@RobinsKaplan.com>; kelty@narf.org; bryan@bryansellslaw.com; Nicole Hansen <NHansen@campaignlegalcenter.org>; Allison Neswood <Neswood@narf.org>
Cc: Austin Lafferty <ALafferty@smithporsborg.com>; April Heinz <aheinz@smithporsborg.com>; masagsve@nd.gov; David Phillips <dphillips@bgwattorneys.com>; Brian Schmidt <bschmidt@smithporsborg.com>
Subject: RE: Turtle Mountain Band of Chippewa Indians v. Alvin Jaeger - Case No 3:22-cv-22

Hello,

Plaintiffs intend to file a motion to expedite consideration of the two discovery matters pending before the court— Representative Devlin’s appeal of the magistrate judge’s order denying his motion to quash and the legislative respondents’ appeal of the order granting the motion to enforce Plaintiffs’ documents subpoenas.

Scott, David – can you please let me know you clients’ respective positions on this motion? We intend to file concurrently with Plaintiffs’ response to the appeal on the document subpoenas.

Best,

Molly E. Danahy

Senior Legal Counsel, Litigation

202.868.4759 | mdanahy@campaignlegalcenter.org

Campaign Legal Center
 1101 14th St. NW, Suite 400
 Washington, DC 20005
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From: Molly Danahy
Sent: Thursday, February 16, 2023 9:35 AM
To: Scott Porsborg <SPorsborg@smithporsborg.com>; Mark Gaber <MGaber@campaignlegalcenter.org>; Anna Heinen <AHeinen@smithporsborg.com>; carter@narf.org; Purdon, Timothy Q. <TPurdon@RobinsKaplan.com>; kelty@narf.org;