

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.)

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

Defendant.)

**SECOND AFFIDAVIT OF
EMILY THOMPSON**


STATE OF NORTH DAKOTA)
) SS.
COUNTY OF BURLEIGH)

Being duly sworn, Emily Thompson, testifies:

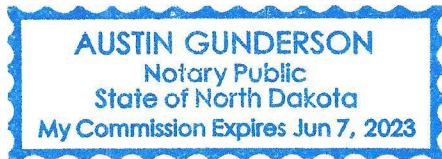
1. I am the Legal Division Director for the North Dakota Legislative Council.
2. This will supplement the Affidavit submitted on January 4, 2023, in support of the Memorandum in Opposition to Plaintiffs’ Motion to Enforce Subpoenas Served on Members of the North Dakota Legislative Assembly and Legislative Council Staff.
3. In the District Court’s Order denying appeal of the Magistrate Judge’s decision (Doc. 72, p. 4) the District Court stated: “And while not necessarily dispositive of the issue, what is also missing from the record is a simple estimate from the Assembly as to the number of documents at issue.”

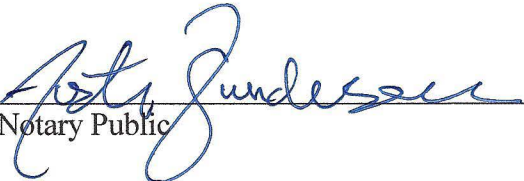
4. In the log of documents produced by the Assembly, the first column shows the number of documents containing the searched keyword. (Doc. 47-4). This number is 64,849. This is the total number of emails that generated keyword hits, and the total number of emails that Legislative Council staff would have to review to determine what is to be provided pursuant to the subpoenas, and to prepare a privilege log as ordered.

Dated this 27th day of March, 2023.

By 
Emily Thompson

On this 27th day of March, 2023, before me personally appeared Emily Thompson known to me to be the person described in the within and foregoing instrument and acknowledged to me that she executed the same.




Notary Public

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of March, 2023, a true and correct copy of the foregoing **SECOND AFFIDAVIT OF EMILY THOMPSON** 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
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