

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
EASTERN DIVISION**

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

Plaintiffs,

vs.

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

Defendant.

Case No. 3:22-cv-00022

**MOTION FOR STAY OF JUDGMENT
PENDING APPEAL**

Defendant Michael Howe, in his official capacity as Secretary of State of North Dakota (“Defendant”) hereby moves the Court for an order staying execution without bond the Judgment entered November 17, 2023, permanently enjoining Defendant from administering, enforcing, preparing for, or in any way permitting the nomination or election of members of the North Dakota Legislative Assembly from districts 9 and 15 and subdistrict 9A and 9B, and ordering Defendant and the Legislative Assembly to adopt a plan to remedy the violation of Section 2 by December 22, 2023. The grounds for this motion are that the judgment has been appealed, and the Court is empowered to stay the judgment on appeal.

This motion is made pursuant to Rule 8 of the Federal Rules of Appellate Procedure and Rule 62 of the Federal Rules of Civil Procedure, and is supported by the attached Brief in Support of Motion for Stay of Judgment Pending Appeal.

Dated this 4th day of December, 2023.

State of North Dakota
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Attorney General

By: /s/ David R. Phillips

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **MOTION FOR STAY OF JUDGMENT PENDING APPEAL** was on the 4th day of December, 2023, filed electronically with the Clerk of Court through ECF:

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