

**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

**DEFENDANT’S MOTION TO EXCEED
PAGE LIMITATION IN BRIEF IN
SUPPORT OF MOTION FOR STAY OF
JUDGMENT PENDING APPEAL**

Pursuant to Rule 7.1(C) of the District of North Dakota Local Rules, Defendant Michael Howe, in his official capacity as Secretary of State of North Dakota (“Defendant”) hereby respectfully moves the Court for leave to exceed the 20-page limitation set by Rule 7.1(B) for Defendant’s Brief in Support of Motion for Stay of Judgment Pending Appeal (Doc. 132), which was filed with the Court on December 4, 2023. This motion should have been filed prior to the filing of Defendant’s brief, but the undersigned neglected to do so due to an oversight. The undersigned apologizes to the Court and Plaintiffs for this mistake.

Good cause exists to permit Defendant to exceed the page limitation in this situation. Defendant’s brief contains 25 pages of briefing on the merits, a significant portion of which concerns a recent decision of the Eighth Circuit Court of Appeals which was submitted after judgment was entered in this case and which concerns many of the same issues as this case.

Dated this 11th day of December, 2023.

State of North Dakota
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By: /s/ David R. Phillips

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **DEFENDANT'S MOTION TO EXCEED PAGE LIMITATION IN BRIEF IN SUPPORT OF MOTION FOR STAY OF JUDGMENT PENDING APPEAL** was on the 11th day of December, 2023, filed electronically with the Clerk of Court through ECF:

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