

**U.S. District Court  
District of North Dakota (Eastern)  
CIVIL DOCKET FOR CASE #: 3:22-cv-00022-PDW-ARS  
*Internal Use Only***

Turtle Mountain Band of Chippewa Indians et al v. Jaeger  
Assigned to: Chief Judge Peter D. Welte  
Referred to: Magistrate Judge Alice R. Senechal  
Case in other court: USCA8, 23-01597  
USCA8, 23-03655  
USCA8, 23-03697  
Cause: 28:1331 Fed. Question: Other Civil Rights

Date Filed: 02/07/2022  
Date Terminated: 11/17/2023  
Jury Demand: None  
Nature of Suit: 441 Civil Rights: Voting  
Jurisdiction: Federal Question

**Plaintiff**

**Turtle Mountain Band of Chippewa  
Indians**

represented by **Mark Gaber**  
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*TERMINATED: 07/10/2023*

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**Plaintiff**

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**Plaintiff**

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**Plaintiff**

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**Plaintiff**

**Collette Brown**

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**Nicole Hansen**  
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*TERMINATED: 07/10/2023*

**Samantha Blencke Kelty**  
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V.

**Defendant**

**Alvin Jaeger**  
*in his Official Capacity as Secretary of*  
*State of North Dakota*  
*TERMINATED: 01/24/2023*

represented by **Bradley Neuman Wiederholt**  
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*TERMINATED: 01/24/2023*

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*TERMINATED: 01/24/2023*

**Defendant**

**Michael Howe**  
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**Movant**

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**Movant**

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**Movant**

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**Movant**

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**Amicus**

**United States of America**

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Date Filed	#	Page	Docket Text
02/07/2022	<u>1</u>		COMPLAINT against Alvin Jaeger (Filing fee \$402, receipt number 322000147) filed by Wesley Davis, Turtle Mountain Band of Chippewa Indians, Spirit Lake Tribe, Zachery S. King and Collette Brown. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit 1 – November 1, 2021 Letter)(sj) Modified

		on 2/7/2022 to add filer, Collette Brown. NEF Regenerated. (sj). (Entered: 02/07/2022)
02/07/2022	<u>2</u>	Summons Issued as to Alvin Jaeger. (sj) (Entered: 02/07/2022)
02/09/2022	<u>3</u>	MOTION to Appear Pro Hac Vice Molly Danahy (Filing fee \$150, receipt number ANDDC-2358138) by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Danahy, Molly) Modified on 2/10/2022 to add receipt number (mf) (Entered: 02/09/2022)
02/10/2022	4	(Text Only) ORDER by Magistrate Judge Alice R. Senechal granting <u>3</u> Motion to Appear Pro Hac Vice for Attorney Molly E. Danahy. (mf) (Entered: 02/10/2022)
02/15/2022	<u>5</u>	ACKNOWLEDGMENT OF SERVICE Executed by <i>Matthew A. Sagsveen</i> filed by Wesley Davis, Turtle Mountain Band of Chippewa Indians, Spirit Lake Tribe, Zachery S. King, Collette Brown. Alvin Jaeger served on 2/14/2022, answer due 3/7/2022. (Carter, Michael) (Entered: 02/15/2022)
02/15/2022	<u>6</u>	NOTICE of Appearance by Matthew A. Sagsveen on behalf of Alvin Jaeger (Sagsveen, Matthew) (Entered: 02/15/2022)
02/15/2022	<u>7</u>	NOTICE of Appearance by David R. Phillips on behalf of Alvin Jaeger (Phillips, David) (Entered: 02/15/2022)
02/18/2022	<u>8</u>	STIPULATION re <u>1</u> Complaint, <i>for Extension of Deadline to Answer</i> by Alvin Jaeger. (Phillips, David) (Entered: 02/18/2022)
02/22/2022	9	(Text Only) ORDER by Magistrate Judge Alice R. Senechal Adopting <u>8</u> Stipulation. Defendant's answer to <u>1</u> Complaint due by 4/15/2022. (KT) (Entered: 02/22/2022)
02/22/2022		Set/Reset Deadlines: Alvin Jaeger answer due 4/15/2022. (pb) (Entered: 02/22/2022)
03/14/2022	<u>10</u>	*RESTRICTED – FEE NOT PAID* MOTION to Appear Pro Hac Vice Attorney Bryan L. Sells (Filing Fee: Waived) by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Sells, Bryan) Modified on 4/12/2022 to restrict access (lf). (Entered: 03/14/2022)
03/23/2022	11	*RESTRICTED – FILED IN ERROR* (Text Only) ORDER by Magistrate Judge Alice R. Senechal granting <u>10</u> Motion to Appear Pro Hac Vice for Attorney Bryan L. Sells. (sj) Modified on 4/12/2022 to restrict access (lf). (Entered: 03/23/2022)
04/08/2022	12	NOTICE of Hearing: Status Conference set for 4/13/2022 at 03:30 PM in Fargo Courtroom 1 and by video before Chief Judge Peter D. Welte. Parties will appear via video. Video instructions provided to counsel via email. (EA) (Entered: 04/08/2022)
04/12/2022		DOCKET CORRECTION re: <u>10</u> Motion to Appear Pro Hac Vice and 11 Order. Motion was inadvertently filed without payment of the filing fee. The motion and order have been restricted and attorney Sells will refile the motion. (lf) (Entered: 04/12/2022)

04/12/2022	<u>13</u>		*RESTRICTED – FILER WILL RE-FILE AND PAY FILING FEE VIA PAY.GOV* MOTION to Appear Pro Hac Vice Attorney Bryan L. Sells by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Sells, Bryan) Modified on 4/13/2022 to restrict access (lf). (Entered: 04/12/2022)
04/13/2022	<u>14</u>		MOTION to Appear Pro Hac Vice Attorney Bryan L. Sells (Filing fee \$150, receipt number: CNDDC-2403027) by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Sells, Bryan) Modified on 4/13/2022 to add receipt number. (sj). (Entered: 04/13/2022)
04/13/2022	15		(Text Only) ORDER by Magistrate Judge Alice R. Senechal granting <u>14</u> Motion to Appear Pro Hac Vice for Attorney Bryan L. Sells. (sj) (Entered: 04/13/2022)
04/13/2022	<u>16</u>		Minute Entry for proceedings held before Chief Judge Peter D. Welte: Status Conference held on 4/13/2022. (Court Reporter kk) (lh) (Entered: 04/13/2022)
04/15/2022	<u>17</u>		MOTION to Dismiss for Lack of Jurisdiction , MOTION to Dismiss for Failure to State a Claim by Alvin Jaeger. (Phillips, David) (Entered: 04/15/2022)
04/15/2022	<u>18</u>		MEMORANDUM in Support re <u>17</u> MOTION to Dismiss for Lack of Jurisdiction MOTION to Dismiss for Failure to State a Claim filed by Alvin Jaeger. (Phillips, David) (Entered: 04/15/2022)
04/15/2022	<u>19</u>		AFFIDAVIT re <u>18</u> MEMORANDUM in Support by Alvin Jaeger. (Attachments: # <u>1</u> Exhibit 1 – House Bill 1504, signed by Governor Burgum on November 11, 2021, # <u>2</u> Exhibit 2 – Order in Arkansas State Conference NAACP, et. al. v. The Arkansas Board of Apportionment, et. al., Case 4:21-cv-01239)(sj) (Entered: 04/15/2022)
04/21/2022	<u>20</u>		NOTICE of Appearance by Timothy Q. Purdon on behalf of Turtle Mountain Band of Chippewa Indians (Purdon, Timothy) (Entered: 04/21/2022)
04/27/2022	<u>21</u>		NOTICE of Appearance by Samantha Blencke Kelty on behalf of All Plaintiffs (Kelty, Samantha) (Entered: 04/27/2022)
05/06/2022	<u>22</u>		STIPULATION re <u>17</u> MOTION to Dismiss for Lack of Jurisdiction MOTION to Dismiss for Failure to State a Claim by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Carter, Michael) (Entered: 05/06/2022)
05/09/2022	23		(Text Only) ORDER adopting the <u>22</u> Stipulation for an Extension of Time re: <u>17</u> MOTION to Dismiss. Plaintiff's response is due by 5/13/2022. (AS) (Entered: 05/09/2022)
05/13/2022	<u>24</u>		RESPONSE to Motion re <u>17</u> MOTION to Dismiss for Lack of Jurisdiction MOTION to Dismiss for Failure to State a Claim filed by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Carter, Michael) (Entered: 05/13/2022)
05/20/2022	<u>25</u>		BRIEF re <u>17</u> MOTION to Dismiss for Lack of Jurisdiction MOTION to Dismiss for Failure to State a Claim ( <i>Statement of Interest of the United States</i> ) by United States of America. (Williamson, Victor) (Entered: 05/20/2022)

		05/20/2022)
05/27/2022	<u>26</u>	REPLY to Response to Motion re <u>17</u> MOTION to Dismiss for Lack of Jurisdiction MOTION to Dismiss for Failure to State a Claim filed by Alvin Jaeger. (Phillips, David) (Entered: 05/27/2022)
06/01/2022	<u>27</u>	ORDER for Rule 26(f) Planning Meeting and Rule 16(b) Scheduling Conference, and ORDER regarding resolution of Discovery Disputes by Magistrate Judge Alice R. Senechal. Scheduling Conference set for 7/1/2022 at 09:00 AM before Magistrate Judge Alice R. Senechal. (AS) (Entered: 06/01/2022)
07/01/2022	<u>28</u>	Minute Entry for proceedings held before Magistrate Judge Alice R. Senechal: Scheduling Conference held on 7/1/2022. (DR #220701-000 (Chambers Recorder)) (td) (Entered: 07/01/2022)
07/01/2022	<u>29</u>	SCHEDULING ORDER by Magistrate Judge Alice R. Senechal. Discovery due by 12/1/2022. Discovery Motions due by 12/8/2022. Plaintiff(s) Expert Witness Disclosures and Reports due by 11/15/2022. Defendant(s) Expert Witness Disclosures and Reports due by 12/15/2022. Any Rebuttal Expert Disclosures due by 1/16/2023. Discovery Depositions of Expert Witnesses due by 2/1/2023. Join Additional Parties due by 8/1/2022. Amended Pleadings due by 8/1/2022. Nondispositive Motions due by 9/1/2022. Dispositive Motions due by 2/1/2023. Mid-Discovery Status Conference set for 9/15/2022 at 10:00 AM by telephone before Magistrate Judge Alice R. Senechal. Plaintiffs shall initiate the call in conjunction with the plaintiffs in Walen v. Burgum, No. 1:22-cv-31. The telephone number for chambers is 701-297-7070. (AS) Modified on 7/1/2022 to correct typographical errors per Chambers. NEF Regenerated. (sj). (Entered: 07/01/2022)
07/05/2022		Set/Reset Deadlines: Discovery Depositions of Expert Witnesses due by 2/1/2023; Set/Reset Hearings: Mid-Discovery Status Conference set for 9/15/2022 at 10:00 AM by telephone before Magistrate Judge Alice R. Senechal. (cjs) (Entered: 07/05/2022)
07/07/2022	<u>30</u>	ORDER by Chief Judge Peter D. Welte denying <u>17</u> Motion to Dismiss for Lack of Jurisdiction; denying <u>17</u> Motion to Dismiss for Failure to State a Claim (JS) (Entered: 07/07/2022)
07/21/2022	<u>31</u>	ANSWER to <u>1</u> Complaint, by Alvin Jaeger.(Phillips, David) (Entered: 07/21/2022)
09/15/2022	32	(Text Only) ORDER by Magistrate Judge Alice R. Senechal. Per discussion at the 9/15/2022 status conference, the Scheduling Order is amended as follows: Plaintiff(s) Expert Witness Disclosures and Reports due by 11/30/2022. Defendant(s) Expert Witness Disclosures and Reports due by 1/17/2023. Any Rebuttal Expert Disclosures due by 2/16/2023. Discovery Depositions of Expert Witnesses due by 3/16/2023. (AS) (Entered: 09/15/2022)
09/15/2022	<u>33</u>	Minute Entry for proceedings held before Magistrate Judge Alice R. Senechal: Mid-Discovery Status Conference held on 9/15/2022. (DR #220915-002 Walen Turtle Mtn) (td) (Entered: 09/15/2022)
09/30/2022	<u>34</u>	Order for Final Pretrial Conference and Trial Preparation Deadlines by Magistrate Judge Alice R. Senechal. Two business days prior to the Final

		Pretrial Conference, counsel must email the Final Pretrial Statement; Exhibit List and Witness List for each party; and Expert Reports to ndd_J-Senechal@ndd.uscourts.gov. Trial Memorandum due at least 7 days prior to trial. Deposition designations due at least 14 days prior to trial. Additional deposition designations by opposing parties due 7 days prior to trial. Objections to deposition designations due 4 days prior to trial. Jury Instructions due at least 7 days prior to trial. Motions in limine due 30 days prior to trial. Additional deadlines and details contained in the Order. Final Pretrial Conference set for 5/30/2023 at 02:00 PM in Chambers before Magistrate Judge Alice R. Senechal. (AS) (Entered: 09/30/2022)
09/30/2022	35	NOTICE of Hearing: Bench Trial set for 6/12/2023 at 09:00 AM in Fargo Courtroom 1 before Chief Judge Peter D. Welte. (Trial Est. 5 Days). (AS) (Entered: 09/30/2022)
11/10/2022	<u>36</u>	NOTICE of Appearance by Nicole Hansen on behalf of Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians (Hansen, Nicole) (Entered: 11/10/2022)
11/17/2022	<u>37</u>	MOTION to Quash by William R. Devlin, North Dakota Legislative Assembly. (Porsborg, Scott) (Entered: 11/17/2022)
11/17/2022	<u>38</u>	MEMORANDUM in Support re <u>37</u> MOTION to Quash filed by William R. Devlin, North Dakota Legislative Assembly. (Attachments: # <u>1</u> Exhibit A – Subpoena to Testify at a Deposition in a Civil Action, # <u>2</u> Exhibit B – Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action)(Porsborg, Scott) (Entered: 11/17/2022)
11/28/2022	<u>39</u>	MOTION for Extension of Time to Complete Discovery ( <i>Unopposed</i> ) by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Attachments: # <u>1</u> Proposed Order)(Gaber, Mark) (Entered: 11/28/2022)
11/29/2022	40	(Text Only) ORDER by Magistrate Judge Alice R. Senechal granting unopposed <u>39</u> Motion for Extension of Time to Complete Discovery. The deadline to file discovery motions related to third-party subpoenas is extended to 12/22/2022. The deadline for plaintiffs to respond to defendant's discovery requests is extended to 12/15/2022. The discovery deadline as to the deposition of Representative Bill Devlin is stayed pending a ruling on the pending motion to quash. The fact discovery deadline is extended until 12/22/2022. (AS) (Entered: 11/29/2022)
11/29/2022		Set/Reset Scheduling Order Deadlines: Discovery due by 12/22/2022. See Order at 40 . (sj) (Entered: 11/29/2022)
12/01/2022	<u>41</u>	RESPONSE to Motion re <u>37</u> MOTION to Quash filed by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Gaber, Mark) (Entered: 12/01/2022)
12/06/2022	<u>42</u>	MOTION for Leave to File <i>Supplemental Complaint (Unopposed)</i> by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Attachments: # <u>1</u> Proposed Supplemental Complaint, # <u>2</u> Proposed Order)(Gaber, Mark) Modified to clarify attachment description on 12/7/2022 (sc). (Entered: 12/06/2022)

12/07/2022		DOCKET CORRECTION re: <u>42</u> MOTION for Leave to File Supplemental Complaint (Unopposed). Clerk's office added more complete description to attachment. (sc) (Entered: 12/07/2022)
12/07/2022	<u>43</u>	(Text Only) ORDER by Magistrate Judge Alice R. Senechal granting <u>42</u> Unopposed Motion for Leave to File. Counsel is directed to file the supplemental complaint. (KT) (Entered: 12/07/2022)
12/07/2022	<u>44</u>	AMENDED COMPLAINT ( <i>Supplemental Complaint</i> ) against Alvin Jaeger filed by Zachery S. King, Collette Brown, Wesley Davis, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians.(Gaber, Mark) (Entered: 12/07/2022)
12/08/2022	<u>45</u>	REPLY to Response to Motion re <u>37</u> MOTION to Quash filed by William R. Devlin, North Dakota Legislative Assembly. (Porsborg, Scott) (Entered: 12/08/2022)
12/12/2022	<u>46</u>	NOTICE of Appearance by Bradley Neuman Wiederholt on behalf of Alvin Jaeger (Wiederholt, Bradley) (Entered: 12/12/2022)
12/22/2022	<u>47</u>	MOTION Enforce Third–Party Subpoenas by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Attachments: # <u>1</u> Exhibit 1: Defendants' Rule 26(a)(1) Disclosures, # <u>2</u> Exhibit 2: Initial Objections, # <u>3</u> Exhibit 3: Nov. 9 Email from S. Porsborg, # <u>4</u> Exhibit 4: Supplemental Objections, # <u>5</u> Exhibit 5: May 5, 2022 PI Hr'g Tr. Excerpt, # <u>6</u> Exhibit 6: Henderson Deposition Transcript, # <u>7</u> Exhibit 7: Walen Deposition Transcript, # <u>8</u> Exhibit 8: Subpoena Compilation, # <u>9</u> Proposed Order)(Gaber, Mark) (Attachment 6 and 7 replaced on 12/23/2022) (sc). Modified to replace attachments 6 and 7 to enlarge headers on 12/23/2022. NEF regenerated (sc). (Entered: 12/22/2022)
12/22/2022	<u>48</u>	ORDER by Magistrate Judge Alice R. Senechal denying <u>37</u> Motion to Quash. (AS) (Entered: 12/22/2022)
01/05/2023	<u>49</u>	APPEAL OF MAGISTRATE JUDGE DECISION to District Judge by William R. Devlin, North Dakota Legislative Assembly re <u>48</u> Order on Motion to Quash (Porsborg, Scott) (Entered: 01/05/2023)
01/05/2023	<u>50</u>	RESPONSE to Motion re <u>47</u> MOTION Enforce Third–Party Subpoenas filed by William R. Devlin, North Dakota Legislative Assembly. (Attachments: # <u>1</u> Exhibit 1 – Supplemental Privilege Log)(Porsborg, Scott) Modified on 1/6/2023 to add exhibit number. (jb) (Entered: 01/05/2023)
01/06/2023		DOCKET CORRECTION re: <u>50</u> Response. Clerk's office added exhibit number to attachment. (jb) (Entered: 01/06/2023)
01/06/2023	<u>51</u>	ANSWER to <u>44</u> Amended Complaint by Alvin Jaeger.(Phillips, David) (Entered: 01/06/2023)
01/11/2023	<u>52</u>	AFFIDAVIT of <i>Emily Thompson</i> re <u>50</u> Response to Motion, by William R. Devlin, North Dakota Legislative Assembly. (Porsborg, Scott) (Entered: 01/11/2023)
01/12/2023	<u>53</u>	REPLY to Response to Motion re <u>47</u> MOTION Enforce Third–Party Subpoenas filed by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Attachments: # <u>1</u>



		Exhibit 1 (Jan. 11, 2023 Email to S. Porsborg))(Gaber, Mark) (Entered: 01/12/2023)
01/17/2023	<u>54</u>	MOTION for Extension of Time to File Response/Reply as to <u>49</u> APPEAL OF MAGISTRATE JUDGE DECISION to District Judge by William R. Devlin, North Dakota Legislative Assembly re <u>48</u> Order on Motion to Quash ( <i>Consented Motion</i> ) by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Attachments: # <u>1</u> Proposed Order)(Gaber, Mark) (Entered: 01/17/2023)
01/18/2023	55	(Text Only) ORDER by Magistrate Judge Alice R. Senechal granting unopposed <u>54</u> Motion for Extension of Time to File Response re: <u>49</u> APPEAL OF MAGISTRATE JUDGE DECISION to District Judge. Response due by 1/19/2023. (AS) (Entered: 01/18/2023)
01/19/2023	<u>56</u>	RESPONSE to Motion re <u>49</u> APPEAL OF MAGISTRATE JUDGE DECISION to District Judge by William R. Devlin, North Dakota Legislative Assembly re <u>48</u> Order on Motion to Quash filed by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Gaber, Mark) (Entered: 01/19/2023)
01/24/2023	57	(Text Only) ORDER by Magistrate Judge Alice R. Senechal. In accordance with Federal Rule of Civil Procedure 25(d), the Clerk's office is directed to substitute Secretary of State Michael Howe for Alvin Jaeger as defendant. (KT) (Entered: 01/24/2023)
02/01/2023	<u>58</u>	MOTION for Summary Judgment by Michael Howe. (Phillips, David) (Entered: 02/01/2023)
02/01/2023	<u>59</u>	MEMORANDUM in Support re <u>58</u> MOTION for Summary Judgment filed by Michael Howe. (Phillips, David) (Entered: 02/01/2023)
02/01/2023	<u>60</u>	AFFIDAVIT of <i>David R. Phillips</i> re <u>59</u> MEMORANDUM in Support by Michael Howe. (Attachments: # <u>1</u> Exhibit 1 – House Bill 1397, # <u>2</u> Exhibit 2 – Meeting Minutes of July 29, 2021 Redistricting Committee Meeting, # <u>3</u> Exhibit 3– meetings minutes of the August 17, 2021 Tribal and State Relations Committee meeting, # <u>4</u> Exhibit 4–written testimony of Nicole Donaghy, Executive Director of the North Dakota Native Vote, provided at the August 17, 2021 Tribal and State Relations Committee meeting, # <u>5</u> Exhibit 5–meetings minutes of the August 26, 2021 Redistricting Committee meeting, # <u>6</u> Exhibit 6–presentation provided by Ben Williams from the National Conference of State Legislatures., # <u>7</u> Exhibit 7–Legislative Redistricting Background Memorandum presented by Emily Thompson from the North Dakota Legislative Council at the August 26, 2021 Redistricting Committee meeting, # <u>8</u> Exhibit 8–visual illustration of constitutional and statutory mapping requirements presented by Emily Thompson, # <u>9</u> Exhibit 9–written testimony of Collette Brown, Gaming Commission Executive Director at the Spirit Lake Casino and Resort, provided at the August 26, 2021 Redistricting Committee meeting, # <u>10</u> Exhibit 10–written testimony of Karen Ehrens, Secretary of the League of Women Voters of North Dakota, provided at the August 26, 2021 Redistricting Committee meeting, # <u>11</u> Exhibit 11–written testimony of Matt Perdue, on behalf of North Dakota Farmers Union, provided at the August 26, 2021 Redistricting Committee meeting, # <u>12</u> Exhibit 12–written testimony of Rick Gion, Director of North Dakota Voters First,

		<p>provided at the August 26, 2021 Redistricting Committee Meeting, # <u>13</u> Exhibit 13–meeting minutes of the August 31, 2021 Tribal and State Relations Committee meeting, # <u>14</u> Exhibit 14–meeting minutes of the September 1, 2021 Tribal and State Relations Committee meeting, # <u>15</u> Exhibit 15–meeting minutes of the September 8, 2023 Redistricting Committee meeting, # <u>16</u> Exhibit 16–meeting minutes of the September 15–16, 2021 Redistricting Committee meeting, # <u>17</u> Exhibit 17–written testimony provided by Nichole Donaghy, Executive Director of North Dakota Native Vote, provided at the September 15–16, 2021 Redistricting Commission meeting, # <u>18</u> Exhibit 18–written testimony of Collette Brown, Gaming Commission Executive Director at the Spirit Lake Casino and Resort, provided at the September 15–16, 2021 Redistricting Commission meeting, # <u>19</u> Exhibit 19–written testimony of Mike Faith, Chairman for the Standing Rock Sioux Tribe, provided at the September 15–16, 2021 Redistricting Committee meeting, # <u>20</u> Exhibit 20–written testimony of Charles Walker, Councilman for the Standing Rock Sioux Tribe, provided at the September 15–16, 2021 Redistricting Committee, # <u>21</u> Exhibit 21–meeting minutes of the September 22–23, 2021 Redistricting Committee meeting, # <u>22</u> Exhibit 22–presentation on legal considerations for subdistricting provided by attorney Claire Ness from the North Dakota Legislative Council, # <u>23</u> Exhibit 23–written testimony of Mark Fox, Chairman of the Tribal Business Council of the Mandan, Hidatsa and Arikara Nation, provided at the September 22–23, 2021 Redistricting Committee meeting, # <u>24</u> Exhibit 24–meeting minutes of the September 28–29, 2021 Redistricting Committee meeting, # <u>25</u> Exhibit 25–written testimony of Mike Faith provided at the September 28–29, 2021 Redistricting Committee Meeting, # <u>26</u> Exhibit 26–written testimony of Mark Fox provided at the September 28–29, 2021 Redistricting Committee meeting, # <u>27</u> Exhibit 27–written testimony of Douglas Yankton provided at the September 28–29, 2021 Redistricting Committee meeting, # <u>28</u> Exhibit 28–written testimony of Lisa DeVille provided at the September 28–29, 2021 Redistricting Committee meeting, # <u>29</u> Exhibit 29–email correspondence from Claire Ness to the Redistricting Committee members providing summaries of various court cases relating to Section 2 of the Voting Rights Act, # <u>30</u> Exhibit 30–Redistricting Committee final report regarding redistricting submitted to the legislative management, # <u>31</u> Exhibit 31–Governor Doug Burgums Executive Order 2021–17, # <u>32</u> Exhibit 32–meeting minutes of the November 8, 2021 Joint Redistricting Committee meeting, # <u>33</u> Exhibit 33–select maps of the final statewide redistricting recommended by the Redistricting Committee, # <u>34</u> Exhibit 34–Expert Report of Dr. Loren Collingwood, # <u>35</u> Exhibit 35–Expert Report of Dr. Trey Hood, # <u>36</u> Exhibit 36–North Dakota Legislative Council memorandum regarding reservation populations, # <u>37</u> Exhibit 37–North Dakota Legislative Council memorandum regarding the 2020 Census population change)(Phillips, David) (Entered: 02/01/2023)</p>
02/07/2023	<u>61</u>	<p>MOTION for Extension of Time to File Response/Reply as to <u>58</u> MOTION for Summary Judgment (<i>Consented Motion</i>) by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Attachments: # <u>1</u> Proposed Order)(Gaber, Mark) (Entered: 02/07/2023)</p>
02/08/2023	62	<p>(Text Only) ORDER by Magistrate Judge Alice R. Senechal granting <u>61</u> Unopposed Motion for Extension of Time to File Response/Reply as to <u>58</u></p>



		MOTION for Summary Judgment. Plaintiffs' Response due by 3/1/2023. Defendants' Reply due by 3/15/2023. (KT) (Entered: 02/08/2023)
02/10/2023	<u>63</u>	ORDER by Magistrate Judge Alice R. Senechal granting <u>47</u> Motion to Enforce Third-Party Subpoenas. (KT) (Entered: 02/10/2023)
02/24/2023	<u>64</u>	APPEAL OF MAGISTRATE JUDGE DECISION to District Judge by William R. Devlin, Ray Holmberg, Terry Jones, Michael Nathe, North Dakota Legislative Assembly, Nicole Poolman, Richard Wardner, Claire Ness re <u>63</u> Order on Motion for Miscellaneous Relief (Porsborg, Scott) Modified on 2/24/2023 to add filer (Claire Ness). Regenerated NEF. (jb) (Entered: 02/24/2023)
03/01/2023	<u>65</u>	RESPONSE to Motion re <u>58</u> MOTION for Summary Judgment filed by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Attachments: # <u>1</u> Gaber Declaration, # <u>2</u> Exhibit 1: Collingwood Initial Report, # <u>3</u> Exhibit 2: Collingwood Rebuttal Report, # <u>4</u> Exhibit 3: Hood Deposition Transcript, # <u>5</u> Exhibit 4: Azure Declaration, # <u>6</u> Exhibit 5: Yankton Declaration, # <u>7</u> Exhibit 6: Brown Declaration, # <u>8</u> Exhibit 7: Davis Declaration, # <u>9</u> Exhibit 8: King Declaration, # <u>10</u> Exhibit 9: ND Legislative Council Population Changes Summary, # <u>11</u> Exhibit 10: N.D. Sec'y of State Election Results District 9, # <u>12</u> Exhibit 11: N.D. Sec'y of State Election Results District 9A, # <u>13</u> Exhibit 12: N.D. Sec'y of State Election Results District 9B, # <u>14</u> Exhibit 13: N.D. Sec'y of State Election Results District 15, # <u>15</u> Exhibit 14: Hood Walen Report, # <u>16</u> Exhibit 15: Hood Notes, # <u>17</u> Exhibit 16 County Precinct Maps, # <u>18</u> Exhibit 17: N.D. Legislative Council District 4A Data, # <u>19</u> Exhibit 18: Texas Legislative Council Plan 1374C, # <u>20</u> Exhibit 19: Nov. 9 2021 Committee Meeting, # <u>21</u> Exhibit 20: W. McCool Report)(Gaber, Mark) (Attachment 16 replaced on 3/2/2023 to shrink document to remove overlapping headers) NEF Regenerated (mf) (Entered: 03/01/2023)
03/03/2023	<u>66</u>	RESPONSE to Motion re <u>64</u> APPEAL OF MAGISTRATE JUDGE DECISION to District Judge by William R. Devlin, Ray Holmberg, Terry Jones, Michael Nathe, North Dakota Legislative Assembly, Nicole Poolman, Richard Wardner re <u>63</u> Order on Motion for Miscellaneous Relief filed by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Gaber, Mark) (Entered: 03/03/2023)
03/03/2023	<u>67</u>	MOTION to Expedite <i>Discovery Appeals</i> by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Attachments: # <u>1</u> Proposed Order)(Gaber, Mark) (Entered: 03/03/2023)
03/10/2023	<u>68</u>	REPLY to Response to Motion re <u>64</u> APPEAL OF MAGISTRATE JUDGE DECISION to District Judge by William R. Devlin, Ray Holmberg, Terry Jones, Michael Nathe, North Dakota Legislative Assembly, Nicole Poolman, Richard Wardner re <u>63</u> Order on Motion for Miscellaneous Relief filed by William R. Devlin, Ray Holmberg, Terry Jones, Michael Nathe, Claire Ness, North Dakota Legislative Assembly, Nicole Poolman, Richard Wardner. (Porsborg, Scott) (Entered: 03/10/2023)
03/10/2023	<u>69</u>	RESPONSE to Motion re <u>67</u> MOTION to Expedite <i>Discovery Appeals</i> filed by William R. Devlin, Ray Holmberg, Terry Jones, Michael Nathe, Claire

		Ness, North Dakota Legislative Assembly, Nicole Poolman, Richard Wardner. (Porsborg, Scott) (Entered: 03/10/2023)
03/10/2023	<u>70</u>	AFFIDAVIT of <i>Scott K. Porsborg</i> re <u>69</u> Response to Motion, by William R. Devlin, Ray Holmberg, Terry Jones, Michael Nathe, Claire Ness, North Dakota Legislative Assembly, Nicole Poolman, Richard Wardner. (Attachments: # <u>1</u> Exhibit 1 – Ms. Danahy's Email to Counsel, dated 3.2.23)(Porsborg, Scott) Modified on 3/13/2023 to add exhibit number. (jb) (Entered: 03/10/2023)
03/13/2023		DOCKET CORRECTION re: <u>70</u> Affidavit of Scott Porsborg. Clerk's office added exhibit number to attachment. (jb) (Entered: 03/13/2023)
03/14/2023	<u>71</u>	ORDER by Chief Judge Peter D. Welte denying <u>49</u> Appeal of Magistrate Judge Decision to District Judge. (EA) (Entered: 03/14/2023)
03/14/2023	<u>72</u>	ORDER by Chief Judge Peter D. Welte denying <u>64</u> Appeal of Magistrate Judge Decision to District Judge and finding as moot <u>67</u> Motion to Expedite. (EA) (Entered: 03/14/2023)
03/15/2023	<u>73</u>	REPLY to Response to Motion re <u>58</u> MOTION for Summary Judgment filed by Michael Howe. (Phillips, David) (Entered: 03/15/2023)
03/15/2023	<u>74</u>	AFFIDAVIT of <i>David R. Phillips</i> re <u>73</u> Reply to Response to Motion by Michael Howe. (Attachments: # <u>1</u> Exhibit 38 –deposition transcript of Dr. Loren Collingwood taken on March 6, 2023, # <u>2</u> Exhibit 39–transcript of the September 15, 2021 North Dakota Legislative Assembly Redistricting Committee Meeting, # <u>3</u> Exhibit 40–Expert Report of Dr. Loren Collingwood dated January 17, 2023 issued for the case entitled Charles Walen, et. al. v. Doug Burgum, et al., Case No. 1:22–cv–00031)(Phillips, David) (Entered: 03/15/2023)
03/22/2023	<u>75</u>	MOTION Set Deadline for Compliance with Third Party Subpoenas by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Attachments: # <u>1</u> Proposed Order)(Gaber, Mark) (Entered: 03/22/2023)
03/23/2023	76	(Text Only) ORDER by Magistrate Judge Alice R. Senechal re: <u>75</u> MOTION to Set Deadline for Compliance with Third Party Subpoenas. Any response to the motion is due by close of business on 3/27/2023. (AS) (Entered: 03/23/2023)
03/27/2023	<u>77</u>	AFFIDAVIT of <i>Emily Thompson (Second)</i> re <u>50</u> Response to Motion by William R. Devlin, Ray Holmberg, Terry Jones, Michael Nathe, Claire Ness, North Dakota Legislative Assembly, Nicole Poolman, Richard Wardner. (Porsborg, Scott) Modified on 3/28/2023 to add link. (jb) (Entered: 03/27/2023)
03/27/2023	<u>78</u>	RESPONSE to Motion re <u>75</u> MOTION Set Deadline for Compliance with Third Party Subpoenas filed by William R. Devlin, Ray Holmberg, Terry Jones, Michael Nathe, Claire Ness, North Dakota Legislative Assembly, Nicole Poolman, Richard Wardner. (Porsborg, Scott) (Entered: 03/27/2023)
03/27/2023	<u>80</u>	NOTICE OF INTERLOCUTORY APPEAL as to <u>71</u> Order on Appeal of Magistrate Judge Decision to District Judge, <u>72</u> Order on Appeal of Magistrate Judge Decision to District Judge, Order on Motion to Expedite by William R.

		Devlin, Ray Holmberg, Terry Jones, Michael Nathe, Claire Ness, North Dakota Legislative Assembly, Nicole Poolman, Richard Wardner. Filing fee \$ 505. (pb) (Entered: 03/28/2023)
03/27/2023	82	MOTION to Stay, MOTION to Expedite by William R. Devlin, Ray Holmberg, Terry Jones, Michael Nathe, Claire Ness, North Dakota Legislative Assembly, Nicole Poolman, Richard Wardner. See document <u>78</u> . (jb) (Entered: 03/28/2023)
03/27/2023	83	MEMORANDUM in Support re 82 MOTION to StayMOTION to Expedite filed by William R. Devlin, Ray Holmberg, Terry Jones, Michael Nathe, Claire Ness, North Dakota Legislative Assembly, Nicole Poolman, Richard Wardner. See document <u>78</u> . (jb) (Entered: 03/28/2023)
03/28/2023		DOCKET CORRECTION re: <u>79</u> NOTICE OF APPEAL. Wrong event selected. Clerk's Office restricted access and refiled as NOTICE OF INTERLOCUTORY APPEAL at <u>80</u> . (pb) (Entered: 03/28/2023)
03/28/2023	<u>81</u>	Transmittal of Notice of Appeal Supplement to 8th Circuit Court of Appeals re <u>80</u> Notice of Interlocutory Appeal, (pb) (Entered: 03/28/2023)
03/28/2023		DOCKET CORRECTION re: <u>77</u> Affidavit of Emily Thompson (Second). Clerk's office added link; re: <u>78</u> Response to Motion. Multiple relief document filed as one relief. Clerk's office filed Motion to Stay and Motion to Expedite at 82 and filed Memorandum in Support at 83 . (jb) (Entered: 03/28/2023)
03/28/2023	<u>84</u>	REPLY to Response to Motion re <u>75</u> MOTION Set Deadline for Compliance with Third Party Subpoenas filed by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Gaber, Mark) Modified on 3/29/2023 to remove link (cjs). (Entered: 03/28/2023)
03/28/2023	85	RESPONSE to Motion re 82 MOTION to StayMOTION to Expedite filed by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. See document <u>84</u> . (cjs) (Entered: 03/29/2023)
03/29/2023		DOCKET CORRECTION re: <u>84</u> Reply to Response to Motion. Clerk's Office removed link. (cjs) (Entered: 03/29/2023)
03/29/2023		USCA Case Number 23-1597 for <u>80</u> Notice of Interlocutory Appeal. (sj) (Entered: 03/29/2023)
03/30/2023	<u>86</u>	REPLY to Response to Motion re 82 MOTION to StayMOTION to Expedite filed by William R. Devlin, Ray Holmberg, Terry Jones, Michael Nathe, Claire Ness, North Dakota Legislative Assembly, Nicole Poolman, Richard Wardner. (Porsborg, Scott) (Entered: 03/30/2023)
04/03/2023	<u>87</u>	USCA JUDGMENT as to <u>80</u> Notice of Interlocutory Appeal, filed by Nicole Poolman, Richard Wardner, Michael Nathe, Terry Jones, North Dakota Legislative Assembly, Ray Holmberg, William R. Devlin, Claire Ness. The court has carefully reviewed the original file of the United States District Court and orders that this appeal be dismissed for lack of jurisdiction. (sc) (Entered: 04/03/2023)
04/05/2023	<u>88</u>	

		NOTICE of Change of Address by Michael Stephen Carter (Carter, Michael) (Entered: 04/05/2023)
04/10/2023	<u>89</u>	ORDER by Chief Judge Peter D. Welte denying <u>58</u> Motion for Summary Judgment. (EA) (Entered: 04/10/2023)
04/11/2023	<u>90</u>	ORDER by Chief Judge Peter D. Welte granting <u>75</u> Motion to Set Deadlines for Compliance with Third Party Subpoenas and denying 82 Motion to Stay. (EA) (Entered: 04/11/2023)
04/17/2023	<u>91</u>	NOTICE of USCA Order staying <u>90</u> Order pending disposition of the Petition for Writ of Mandamus (USCA8: 23-1600). (sc) (Entered: 04/17/2023)
04/24/2023	<u>92</u>	MANDATE of USCA as to <u>80</u> Notice of Interlocutory Appeal, filed by Nicole Poolman, Richard Wardner, Michael Nathe, Terry Jones, North Dakota Legislative Assembly, Ray Holmberg, William R. Devlin, Claire Ness (sj) (Entered: 04/24/2023)
05/12/2023	<u>93</u>	MOTION in Limine by Michael Howe. (Phillips, David) (Entered: 05/12/2023)
05/12/2023	<u>94</u>	MEMORANDUM in Support re <u>93</u> MOTION in Limine filed by Michael Howe. (Phillips, David) (Entered: 05/12/2023)
05/12/2023	<u>95</u>	AFFIDAVIT of David R. Phillips re <u>94</u> MEMORANDUM in Support by Michael Howe. (Attachments: # <u>1</u> Exhibit 1 – Deposition transcript of Weston McCool taken on February 16, 2023, # <u>2</u> Exhibit 2 – Plaintiffs' Rule 26(a) Initial Disclosures, # <u>3</u> Exhibit 3 – Plaintiffs' Second Set of Supplemental Disclosures)(Phillips, David) (Entered: 05/12/2023)
05/12/2023	<u>96</u>	MOTION in Limine by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Gaber, Mark) (Entered: 05/12/2023)
05/12/2023	<u>97</u>	MEMORANDUM in Support re <u>96</u> MOTION in Limine filed by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Attachments: # <u>1</u> Exhibit 1: Defendant's Supplemental Disclosures, # <u>2</u> Exhibit 2: Defendant's Initial Disclosures, # <u>3</u> Exhibit 3: Defendant's Expert Disclosures)(Gaber, Mark) (Entered: 05/12/2023)
05/22/2023	<u>98</u>	RESPONSE to Motion re <u>93</u> MOTION in Limine filed by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Attachments: # <u>1</u> Declaration of Mark P. Gaber, # <u>2</u> Exhibit 1: Order, Perez v. Texas, # <u>3</u> Exhibit 2: Declaration of David G. Bradlee, # <u>4</u> Exhibit 3: Declaration of Dr. Loren Collingwood, # <u>5</u> Exhibit 4: Memorandum from Bernard Grofman, Ph.D. and Sean Trende to Virginia Supreme Court, # <u>6</u> Exhibit 5: Special Master Report of Bernard Grofman, Ph.D., Holloway v. City of Virginia Beach, # <u>7</u> Exhibit 6: N.D. Legislative Redistricting Committee Meeting Transcript (Aug. 26, 2021), # <u>8</u> Exhibit 7: Declaration of Washington Redistricting Committee Chair Sarah Augustine, Washington Supreme Court, # <u>9</u> Exhibit 8: Email from Clark Benson to Dr. Trey Hood III)(Gaber, Mark) (Attachment 2, 6, and 9 replaced on 5/23/2023 to remove double headers). Regenerated on 5/23/2023 (mf) (Entered: 05/22/2023)

05/24/2023	<u>99</u>	RESPONSE to Motion re <u>96</u> MOTION in Limine filed by Michael Howe. (Phillips, David) (Entered: 05/24/2023)
05/24/2023	<u>100</u>	AFFIDAVIT of <i>David R. Phillips</i> re <u>99</u> Response to Motion by Michael Howe. (Attachments: # <u>1</u> Exhibit A – Transcript of the Deposition of Daniel McCool, # <u>2</u> Exhibit B – Plaintiff Turtle Mountain Band of Chippewa Indians Answer to Defendant's Interrogatories and Requests for Production of Documents to Plaintiffs (Set No.1), # <u>3</u> Exhibit C – Plaintiff Spirit Lake Tribe–s Answer to Defendant's Interrogatories and Requests for Production of Documents to Plaintiffs (Set No. 1), # <u>4</u> Exhibit D – Referenced emails involving Campbell)(Phillips, David) (Entered: 05/24/2023)
05/30/2023	<u>101</u>	REPLY to Response to Motion re <u>96</u> MOTION in Limine filed by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Attachments: # <u>1</u> Exhibit 1: Sept. 15, 2021 Redistricting Committee Transcript, # <u>2</u> Exhibit 2: 2021 Enacted ND State House Map, # <u>3</u> Exhibit 3: Joint Legislative Redistricting Committee Meeting Minutes (Nov. 8, 2021), # <u>4</u> Exhibit 4: Nov. 8, 2021 Redistricting Committee Meeting Transcript, # <u>5</u> Exhibit 5: Plaintiffs' Privilege Log, # <u>6</u> Exhibit 6: Plaintiffs' Witness List)(Gaber, Mark) (Attachment 1 and 5 replaced on 5/31/2023 to remove overlapping headers) NEF Regenerated on 5/31/2023 (mf) (Entered: 05/30/2023)
05/30/2023	<u>102</u>	REPLY to Response to Motion re <u>93</u> MOTION in Limine filed by Michael Howe. (Phillips, David) (Entered: 05/30/2023)
05/30/2023	<u>103</u>	FINAL PRETRIAL ORDER by Magistrate Judge Alice R. Senechal. (Attachments: # <u>1</u> Plaintiffs' Witness List, # <u>2</u> Plaintiffs' Exhibit List, # <u>3</u> Defendant's Witness List, # <u>4</u> Defendant's Exhibit List). (AS) (Entered: 05/30/2023)
05/30/2023	<u>104</u>	Minute Entry for proceedings held before Magistrate Judge Alice R. Senechal: Final Pretrial Conference held on 5/30/2023. (DR #230530–000.Turtle Mountain) (td) (Entered: 05/30/2023)
06/05/2023	<u>105</u>	TRIAL BRIEF by Michael Howe. (Phillips, David) (Entered: 06/05/2023)
06/05/2023	<u>106</u>	TRIAL BRIEF by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Attachments: # <u>1</u> Exhibit A: Hood Deposition Transcript, # <u>2</u> Exhibit B: Defendants' Witness List)(Gaber, Mark) (Attachment 1 replaced to fix headers on 6/6/2023) (sc). Modified to replace Attachment 1 on 6/6/2023. NEF regenerated (sc). (Entered: 06/05/2023)
06/09/2023	<u>107</u>	ORDER by Chief Judge Peter D. Welte denying <u>93</u> Motion in Limine; granting in part and finding as moot in part <u>96</u> Motion in Limine (JS) (Entered: 06/09/2023)
06/11/2023	<u>108</u>	STIPULATION of <i>Facts</i> by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Gaber, Mark) (Entered: 06/11/2023)
06/12/2023	<u>109</u>	MOTION for Leave to File <i>Offer of Proof</i> by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Gaber, Mark) (Entered: 06/12/2023)



06/12/2023	<u>112</u>	Minute Entry for proceedings held before Chief Judge Peter D. Welte: Bench Trial held on 6/12–15/2023 (4 days). (Court Reporter rc) (Attachments: # <u>1</u> Plaintiffs' Exhibit List, # <u>2</u> Defendant's Exhibit List) (lh) (Entered: 06/15/2023)
06/13/2023	<u>110</u>	NOTICE of Appearance by Allison Neswood on behalf of Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians (Neswood, Allison) (Entered: 06/13/2023)
06/13/2023	<u>111</u>	RESPONSE to Motion re <u>109</u> MOTION for Leave to File <i>Offer of Proof</i> filed by Michael Howe. (Phillips, David) (Entered: 06/13/2023)
06/15/2023	113	(Text Only) ORDER by Chief Judge Peter D. Welte granting <u>109</u> Motion for Leave to File Offer of Proof for the reasons stated on the record. (JS) (Entered: 06/15/2023)
06/16/2023	<u>114</u>	NOTICE OF FILING OF TRANSCRIPT of Bench Trial held June 12–15, 2023 (rc) (Main Document 114 replaced with a non–fillable document on 6/16/2023) (sc). Modified to replace document on 6/16/2023. NEF regenerated (sc). (Entered: 06/16/2023)
06/16/2023	<u>115</u>	TRANSCRIPT of Bench Trial, Volume I, held on June 12, 2023, before Judge Peter D. Welte. Court Reporter/Transcriber Ronda Colby, Telephone number 701–530–2309. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Request Redaction due 6/23/2023. Redaction Request due 7/7/2023. Redacted Transcript Deadline set for 7/17/2023. Release of Transcript Restriction set for 9/14/2023. (rc) (Entered: 06/16/2023)
06/16/2023	<u>116</u>	TRANSCRIPT of Bench Trial, Volume II, held on June 13, 2023 before Judge Peter D. Welte. Court Reporter/Transcriber Ronda Colby, Telephone number 701–530–2309. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Request Redaction due 6/23/2023. Redaction Request due 7/7/2023. Redacted Transcript Deadline set for 7/17/2023. Release of Transcript Restriction set for 9/14/2023. (rc) (Entered: 06/16/2023)
06/16/2023	<u>117</u>	TRANSCRIPT of Bench Trial, Volume III, held on June 14, 2023, before Judge Peter D. Welte. Court Reporter/Transcriber Ronda Colby, Telephone number 701–530–2309. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Request Redaction due 6/23/2023. Redaction Request due 7/7/2023. Redacted Transcript Deadline set for 7/17/2023. Release of Transcript Restriction set for 9/14/2023. (rc) (Entered: 06/16/2023)
06/16/2023	<u>118</u>	TRANSCRIPT of Bench Trial, Volume IV, held on June 15, 2023, before Judge Peter D. Welte. Court Reporter/Transcriber Ronda Colby, Telephone number 701–530–2309. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Request Redaction due 6/23/2023. Redaction Request due 7/7/2023. Redacted Transcript Deadline set for 7/17/2023.

		Release of Transcript Restriction set for 9/14/2023. (rc) (Entered: 06/16/2023)
06/29/2023	<u>119</u>	MOTION for Extension of Time to File <i>Proposed Findings of Fact and Conclusions of Law (Consented Motion)</i> by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Attachments: # <u>1</u> Proposed Order)(Gaber, Mark) (Entered: 06/29/2023)
06/29/2023	120	(Text Only) ORDER by Chief Judge Peter D. Welte granting <u>119</u> Motion for Extension of Time to File. The parties may file their proposed Findings of Fact and Conclusions of Law on 7/7/2023. (EA) (Entered: 06/29/2023)
07/07/2023	<u>121</u>	MOTION to Withdraw as Attorney by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Hansen, Nicole) (Entered: 07/07/2023)
07/07/2023	<u>122</u>	Proposed Findings of Fact by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Gaber, Mark) (Entered: 07/07/2023)
07/07/2023	<u>123</u>	Proposed Findings of Fact by Michael Howe. (Phillips, David) (Entered: 07/07/2023)
07/10/2023	124	(Text Only) ORDER by Magistrate Judge Alice R. Senechal granting <u>121</u> Motion to Withdraw as Attorney. Attorney Nicole Hansen withdrawn from the case. (AS) (Entered: 07/10/2023)
11/17/2023	<u>125</u>	MEMORANDUM AND OPINION – FINDINGS OF FACT AND CONCLUSIONS OF LAW by Chief Judge Peter D. Welte. (EA) (Entered: 11/17/2023)
11/17/2023	<u>126</u>	CLERK'S JUDGMENT. (pb) (Entered: 11/17/2023)
11/27/2023	<u>127</u>	MOTION for Extension of Time to File <i>Motion for Attorneys' Fees, Expenses, and Costs</i> by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Attachments: # <u>1</u> Proposed Order)(Gaber, Mark) (Entered: 11/27/2023)
11/28/2023	128	(Text Only) ORDER by Magistrate Judge Alice R. Senechal granting plaintiffs' unopposed <u>127</u> Motion for Extension of Time to File motion for attorneys' fees, expenses, and costs until after resolution of any appeal or after the time for any appeal has expired. Plaintiffs shall file a status report within 10 days of resolution of any appeal or within ten days of expiration of the time for any appeal. (AS) (Entered: 11/28/2023)
12/01/2023	<u>129</u>	NOTICE of Appearance by Philip Axt on behalf of Michael Howe (Axt, Philip) (Entered: 12/01/2023)
12/04/2023	<u>130</u>	NOTICE OF APPEAL as to <u>125</u> MEMORANDUM AND OPINION – FINDINGS OF FACT AND CONCLUSIONS OF LAW, <u>126</u> Clerk's Judgment by Michael Howe. Filing fee \$605. (Phillips, David) Modified to add link on 12/5/2023 (pb). (Entered: 12/04/2023)
12/04/2023	<u>131</u>	MOTION to Stay re <u>126</u> Clerk's Judgment by Michael Howe. (Phillips, David) (Entered: 12/04/2023)
12/04/2023	<u>132</u>	

		MEMORANDUM in Support re <u>131</u> MOTION to Stay re <u>126</u> Clerk's Judgment filed by Michael Howe. (Phillips, David) (Entered: 12/04/2023)
12/05/2023		DOCKET CORRECTION re: <u>130</u> NOTICE OF APPEAL. Clerk's Office added link. (pb) (Entered: 12/05/2023)
12/05/2023	<u>133</u>	Transmittal of Notice of Appeal Supplement to 8th Circuit Court of Appeals re <u>130</u> Notice of Appeal (pb) (Entered: 12/05/2023)
12/05/2023	<u>134</u>	MOTION to Amend/Correct <u>125</u> Memorandum & Opinion, Findings of Fact & Conclusions of Law ( <i>Plaintiffs' Motion to Amend Remedial Order</i> ) by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Attachments: # <u>1</u> Proposed Order)(Gaber, Mark) (Entered: 12/05/2023)
12/05/2023	<u>135</u>	MOTION to Expedite <i>Briefing and Decision on Plaintiffs' Motion to Amend Remedial Order</i> by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Gaber, Mark) (Entered: 12/05/2023)
12/06/2023		USCA Case Number 23-3655 for <u>130</u> Notice of Appeal. (sc) (Entered: 12/06/2023)
12/06/2023	136	(Text Only) ORDER by Chief Judge Peter D. Welte granting <u>135</u> Motion to Expedite. The Secretary shall file his response to the <u>134</u> Motion to Amend Remedial Order on 12/8/2023. (EA) (Entered: 12/06/2023)
12/06/2023		Set/Reset Deadlines as to <u>134</u> MOTION to Amend/Correct <u>125</u> Memorandum & Opinion, Findings of Fact & Conclusions of Law ( <i>Plaintiffs' Motion to Amend Remedial Order</i> ). Responses due by 12/8/2023. See Order at 136 . (sc) (Entered: 12/06/2023)
12/08/2023	<u>137</u>	MOTION to Intervene by North Dakota Legislative Assembly. (Porsborg, Scott) (Entered: 12/08/2023)
12/08/2023	<u>138</u>	*RESTRICTED – WRONG EVENT SELECTED* MEMORANDUM in Support re <u>134</u> MOTION to Amend/Correct <u>125</u> Memorandum & Opinion, Findings of Fact & Conclusions of Law ( <i>Plaintiffs' Motion to Amend Remedial Order</i> ), <u>137</u> MOTION to Intervene , <u>131</u> MOTION to Stay re <u>126</u> Clerk's Judgment filed by North Dakota Legislative Assembly. (Porsborg, Scott) Modified to restrict access on 12/12/2023 (pb). (Entered: 12/08/2023)
12/08/2023	<u>139</u>	AFFIDAVIT of <i>Emily Thompson</i> re <u>150</u> RESPONSE to Motion, by North Dakota Legislative Assembly. (Attachments: # <u>1</u> Exhibit 1 – Nov 30, 2023 Meeting Notice, # <u>2</u> Exhibit 2 – Meeting Minutes)(Porsborg, Scott) Modified to correct link on 12/12/2023 (pb). (Entered: 12/08/2023)
12/08/2023	<u>140</u>	RESPONSE to Motion re <u>134</u> MOTION to Amend/Correct <u>125</u> Memorandum & Opinion, Findings of Fact & Conclusions of Law ( <i>Plaintiffs' Motion to Amend Remedial Order</i> ) filed by Michael Howe. (Phillips, David) (Entered: 12/08/2023)
12/08/2023	<u>150</u>	RESPONSE to Motion re <u>134</u> MOTION to Amend/Correct <u>125</u> Memorandum & Opinion, Findings of Fact & Conclusions of Law ( <i>Plaintiffs' Motion to Amend Remedial Order</i> ) filed by North Dakota Legislative Assembly. (pb) (Entered: 12/12/2023)



12/08/2023	151		MOTION to Stay by North Dakota Legislative Assembly. See document at <a href="#">150</a> . (pb) (Entered: 12/12/2023)
12/08/2023	152		MEMORANDUM in Support re <a href="#">137</a> MOTION to Intervene filed by North Dakota Legislative Assembly. See document at <a href="#">150</a> . (pb) (Entered: 12/12/2023)
12/10/2023	<a href="#">141</a>		MOTION for Leave to File Excess Pages <i>for Plaintiffs' Opposition to the Secretary's Stay Motion</i> by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Attachments: # <a href="#">1</a> Proposed Order)(Gaber, Mark) (Entered: 12/10/2023)
12/10/2023	<a href="#">142</a>		RESPONSE to Motion re <a href="#">131</a> MOTION to Stay re <a href="#">126</a> Clerk's Judgment filed by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Gaber, Mark) (Entered: 12/10/2023)
12/10/2023	<a href="#">143</a>		MOTION for Leave to File Excess Pages <i>for Plaintiffs' Reply in Support of Motion to Amend Remedial Order</i> by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Attachments: # <a href="#">1</a> Proposed Order)(Gaber, Mark) (Entered: 12/10/2023)
12/10/2023	<a href="#">144</a>		REPLY to Response to Motion re <a href="#">134</a> MOTION to Amend/Correct <a href="#">125</a> Memorandum & Opinion, Findings of Fact & Conclusions of Law ( <i>Plaintiffs' Motion to Amend Remedial Order</i> ) filed by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Gaber, Mark) (Entered: 12/10/2023)
12/11/2023	<a href="#">145</a>		NOTICE of Appearance by Grant Bakke on behalf of Michael Howe (Bakke, Grant) (Entered: 12/11/2023)
12/11/2023	<a href="#">146</a>		MOTION for Leave to File Excess Pages <i>for Brief in Support of Motion for Stay of Judgment Pending Appeal</i> by Michael Howe. (Phillips, David) (Entered: 12/11/2023)
12/11/2023	<a href="#">147</a>		REPLY to Response to Motion re <a href="#">131</a> MOTION to Stay re <a href="#">126</a> Clerk's Judgment filed by Michael Howe. (Phillips, David) (Entered: 12/11/2023)
12/12/2023	<a href="#">148</a>		*RESTRICTED – MUST SEEK LEAVE OF COURT* REPLY to Response to Motion re <a href="#">131</a> MOTION to Stay re <a href="#">126</a> Clerk's Judgment filed by North Dakota Legislative Assembly. (Porsborg, Scott) Modified to restrict access on 12/12/2023 (pb). (Entered: 12/12/2023)
12/12/2023	149		(Text Only) ORDER by Chief Judge Peter D. Welte granting <a href="#">141</a> Motion for Leave to File Excess Pages; granting <a href="#">143</a> Motion for Leave to File Excess Pages; and granting <a href="#">146</a> Motion for Leave to File Excess Pages. (EA) (Entered: 12/12/2023)
12/12/2023			DOCKET CORRECTION re: <a href="#">138</a> MEMORANDUM in Support. Wrong event selected and multiple relief document filed as one relief. Clerk's Office restricted access and refiled as RESPONSE to Motion at <a href="#">150</a> . Additionally, added additional relief events MEMORANDUM in Support at 152 , and MOTION to Stay at 151 ; re: <a href="#">139</a> AFFIDAVIT. Clerk's Office corrected link; re: <a href="#">148</a> REPLY to Response to Motion. Clerk's Office restricted access. Wrong event selected. Additionally, must seek leave of court to file surreply. (pb) (Entered: 12/12/2023)

12/12/2023	<u>153</u>	ORDER by Chief Judge Peter D. Welte denying <u>131</u> Motion to Stay; denying <u>134</u> Motion to Amend/Correct; denying <u>137</u> Motion to Intervene; and denying <u>151</u> Motion to Stay. (EA) (Main Document <u>153</u> replaced to correct typographical error on 12/12/2023. NEF regenerated) (pb). (Entered: 12/12/2023)
12/14/2023	<u>154</u>	NOTICE OF APPEAL as to <u>153</u> Order on Motion to Stay, Order on Motion to Amend/Correct, Order on Motion to Intervene by North Dakota Legislative Assembly. Filing fee \$605. (Porsborg, Scott) (Entered: 12/14/2023)
12/14/2023	<u>155</u>	Transmittal of Notice of Appeal Supplement to 8th Circuit Court of Appeals re <u>154</u> Notice of Appeal (sj) (Entered: 12/14/2023)
12/15/2023		USCA Case Number 23-3697 for <u>154</u> Notice of Appeal. (sc) (Entered: 12/15/2023)
12/21/2023	<u>156</u>	MOTION for Extension of Time to File by North Dakota Legislative Assembly. (Porsborg, Scott) (Entered: 12/21/2023)
12/21/2023	<u>157</u>	MEMORANDUM in Support re <u>156</u> MOTION for Extension of Time to File filed by North Dakota Legislative Assembly. (Porsborg, Scott) (Entered: 12/21/2023)
12/21/2023	<u>158</u>	AFFIDAVIT of <i>Emily Thompson</i> re <u>157</u> MEMORANDUM in Support by North Dakota Legislative Assembly. (Attachments: # <u>1</u> Exhibit A- Notice, # <u>2</u> Exhibit B- Request for Proposals, # <u>3</u> Exhibit C- Minutes, # <u>4</u> Exhibit D- Notice, # <u>5</u> Exhibit E- Agenda, # <u>6</u> Exhibit F- Dec 15, 2023 Email, # <u>7</u> Exhibit G- Dec 15, 2023 Response Email, # <u>8</u> Exhibit H- Proposed Map #3, # <u>9</u> Exhibit I- Proposed Map #4, # <u>10</u> Exhibit J- Comparison Table, # <u>11</u> Exhibit K- Oct 13, 2023 Letter, # <u>12</u> Exhibit L- Executive Order 2023-09)(Porsborg, Scott) (Entered: 12/21/2023)
12/21/2023	162	MOTION to Expedite by North Dakota Legislative Assembly. See Document <u>156</u> . (sc) (Entered: 12/22/2023)
12/22/2023	<u>159</u>	MOTION Plaintiffs' Motion for Remedial Order by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Attachments: # <u>1</u> Proposed Order)(Gaber, Mark) (Entered: 12/22/2023)
12/22/2023	<u>160</u>	MEMORANDUM in Support re <u>159</u> MOTION Plaintiffs' Motion for Remedial Order filed by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Gaber, Mark) (Entered: 12/22/2023)
12/22/2023	<u>161</u>	RESPONSE to Motion re <u>156</u> MOTION for Extension of Time to File and 162 Motion to Expedite filed by Collette Brown, Wesley Davis, Zachery S. King, Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians. (Gaber, Mark) Modified on 12/28/2023 to add missing link. (sj). (Entered: 12/22/2023)
12/22/2023		DOCKET CORRECTION re: <u>156</u> MOTION for Extension of Time to File. Multiple motion relief filed as one motion relief. Clerk's Office added MOTION to Expedite at 162 . (sc) (Entered: 12/22/2023)
12/26/2023	<u>163</u>	RESPONSE to Motion re <u>159</u> MOTION Plaintiffs' Motion for Remedial Order , <u>156</u> MOTION for Extension of Time to File filed by North Dakota

		Legislative Assembly. (Porsborg, Scott) (Entered: 12/26/2023)
12/28/2023		DOCKET CORRECTION re: <u>161</u> RESPONSE to Motion. Clerk's Office added missing link. (sj) (Entered: 12/28/2023)
01/08/2024	<u>164</u>	ORDER by Chief Judge Peter D. Welte denying <u>156</u> Motion for Extension of Time to File and denying 162 Motion to Expedite; granting <u>159</u> Motion for Remedial Order. (EA) (Entered: 01/08/2024)
01/26/2024	<u>165</u>	NOTICE OF APPEAL as to <u>164</u> Order on Motion for Extension of Time to File, Order on Motion for Miscellaneous Relief, Order on Motion to Expedite by North Dakota Legislative Assembly. Filing fee \$605. (Porsborg, Scott) (Entered: 01/26/2024)
01/26/2024	<u>166</u>	Transmittal of Notice of Appeal Supplement to 8th Circuit Court of Appeals re <u>165</u> Notice of Appeal (pb) (Entered: 01/26/2024)

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

<p>Turtle Mountain Band of Chippewa Indians, et al.,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">vs.</p> <p>Michael Howe, in his Official Capacity as Secretary of State of North Dakota,</p> <p style="text-align: center;">Defendant.</p>	<p style="text-align: center;"><b>ORDER</b></p> <p>Case No. 3:22-cv-22</p>
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The North Dakota Legislative Assembly moves for an extension of time to file (Doc. 156) and to expedite (Doc. 162). Plaintiffs Turtle Mountain Band of Chippewa Indians, Spirit Lake Tribe, Wesley Davis, Zachery S. King, and Collette Brown oppose the motion (Doc. 161) and move for a remedial order (Doc. 159). The Legislative Assembly opposes the Plaintiffs’ motion. Doc. 163. Defendant Michael Howe, Secretary of State of North Dakota, has not responded to either motion.

As to the Legislative Assembly’s motion for extension of time to file, the Assembly asks for an extension of time to file a remedial plan until February 9, 2024. An initial problem with the Legislative Assembly’s request is that it is not a party to this case, and it did not seek leave to file its motion for an extension of time to file. Another problem is that the two parties to this case oppose the extension sought by the Legislative Assembly. The Plaintiffs actively oppose the extension, and the Secretary did not file a response, though he did oppose the same motion made by the Legislative Assembly to the Eighth Circuit Court of Appeals.

After finding a Section 2 violation of the Voting Rights Act, federal law requires that, “whenever practicable,” the state be “afford[ed] a reasonable opportunity . . . to adopt[] a substitute measure rather than for the federal court to devise and order into effect its own plan.” Wise v.

Lipscomb, 437 U.S. 535, 540 (1978). Here, that is what the Court ordered. The Secretary was provided a reasonable time, until December 22, 2023, to propose a remedial plan. The Plaintiffs are correct that the Court did not order the Secretary (or the Legislative Assembly) to adopt a new plan by that date; it provided a reasonable opportunity to the Secretary to propose his own plan to correct the proven Section 2 violation. The law requires nothing more and nothing less. But if the Secretary elects to not offer a proposed remedial plan (as is the case here), then it becomes the “unwelcome obligation of the federal court” to devise a remedy. Id. (internal citations and quotations omitted). And that is where we find ourselves now. On this record, an extension of time is not warranted because the Secretary was provided a reasonable opportunity to propose a remedial plan, and an extension has not been requested by either party to this case. So, the motion for extension of time to file (Doc. 156) and the motion to expedite (Doc. 162) are **DENIED**.

Given that the Secretary did not submit a proposed remedial plan by December 22, 2023, the Plaintiffs now move for a remedial order. Doc. 159. Substantively, the Eighth Circuit stated in Bone Shirt v. Hazeltine, 461 F.3d 1011, 1022-23 (8th Cir. 2006):

In formulating a remedial plan, the first and foremost obligation of the district court is to correct the Section 2 violation. See Westwego Citizens for Better Gov't, 946 F.2d at 1124. Second, the plan should be narrowly tailored, and achieve population equality while avoiding, when possible, the use of multi-member districts. Abrams v. Johnson, 521 U.S. 74, 98, 117 S.Ct. 1925, 138 L.Ed.2d 285 (1997); Chapman v. Meier, 420 U.S. 1, 26-27, 95 S.Ct. 751, 42 L.Ed.2d 766 (1975). Third, the plan must not violate Sections 2 or 5 of the Voting Rights Act. Finally, the plan should not “intrude on state policy any more than is necessary” to uphold the requirements of the Constitution. Upham v. Seamon, 456 U.S. 37, 41-42, 102 S.Ct. 1518, 71 L.Ed.2d 725 (1982) (per curiam) (quoting White v. Weiser, 412 U.S. 783, 794-95, 93 S.Ct. 2348, 37 L.Ed.2d 335 (1973)).

Here, the Plaintiffs’ proposed plan 2 meets all four requirements. It corrects the Section 2 violation, is narrowly tailored, and achieves population equality. Per this Court’s findings, proposed plan 2 “comports with traditional redistricting principles.” Doc. 125 at 18-19. Proposed plan 2 does not

violate Section 2 of the Voting Rights Act. Doc. 125. It requires changes to only three districts (Doc. 65-2 at 41) and is the least intrusive option that complies with the Voting Rights Act and the Constitution.

Procedurally, the Court notes that the Secretary did not respond to the motion, and Civil Local Rule 7.1(F) states that an adverse party's "failure to serve and file a response to a motion may be deemed an admission that the motion is well taken." D.N.D. Civ. Local R. 7.1(F). The Court deems the Secretary's lack of response as an admission that the motion for a remedial order encouraging the Court to adopt proposed plan 2 is well taken.

Because the motion (Doc. 159) is unopposed and is in the interest of justice, it is **GRANTED**. The Court **ORDERS** that the Plaintiffs' proposed plan 2 be adopted and implemented as the remedial map to correct the Section 2 violation.

**IT IS SO ORDERED.**

Dated this 8th day of January, 2024.

/s/ Peter D. Welte  
Peter D. Welte, Chief Judge  
United States District Court

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 )

**NOTICE OF APPEAL BY NORTH  
DAKOTA LEGISLATIVE ASSEMBLY**

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The North Dakota Legislative Assembly, hereby gives notice of its appeal of the District Court's January 8, 2024 Order (Doc. 164) denying its motion for extension of time to adopt a remedial plan to protect its sovereign legislative interest in establishing legislative districts under the North Dakota Constitution as recognized by the United States Supreme Court and ordering the Plaintiffs' proposed plan 2 be adopted and implemented as the remedial map to correct the Section 2 violation.

The appeal is taken to the United States Court of Appeals for the Eighth Circuit pursuant to 28 U.S.C. §§ 1291, 1292 and Rules 3 and 4(a) of the Federal Rules of Appellate Procedure.

Dated this 26th day of January, 2024.

SMITH PORSBORG SCHWEIGERT  
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Attorneys for the North Dakota Legislative  
Assembly

**CERTIFICATE OF SERVICE**

I hereby certify that on the 26th day of January, 2024, a true and correct copy of the foregoing **NOTICE OF APPEAL BY NORTH DAKOTA LEGISLATIVE ASSEMBLY** 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

U. S. COURT OF APPEALS - EIGHTH CIRCUIT  
NOA SUPPLEMENT

Please note any additions or deletions to the style of the case from the style listed on the docket sheet.

Case No. 3:22-cv-00022

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Turtle Mountain Band of Chippewa Indians et al v. Jaeger

Length of trial: 4 days

Financial Status:	Fee Paid?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	If <b>NO</b> , has IFP been granted?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Is there a pending motion for IFP?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there any other pending post-judgment motions?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Please identify the court reporter:  No hearings held

Name: Ronda Colby

Address: PO Box 1193, Bismarck, ND 58502

Telephone Number: 701-530-2300

Criminal cases only:

Is the defendant incarcerated?  Yes (include address below) No

Please list all other defendants in this case if there were multiple defendants.

**SPECIAL COMMENTS:**