

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**

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
ARMSTRONG MOLDENHAUER & SMITH

By /s/ Scott K. Porsborg
Scott K. Porsborg (ND Bar ID #04904)
sporsborg@smithporsborg.com

Brian D. Schmidt (ND Bar ID #07498)
bschmidt@smithporsborg.com
122 East Broadway Avenue
P.O. Box 460
Bismarck, ND 58502-0460
(701) 258-0630

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:

ATTORNEYS FOR PLAINTIFFS

Michael S. Carter
Matthew Campbell
Allison Neswood
Attorneys At Law
250 Arapahoe Ave.
Boulder, CO 80302

carter@narf.org
mcampbell@narf.org
neswood@narf.org

ATTORNEYS FOR PLAINTIFFS

Mark P. Garber
Molley E. Danahy
Attorneys At Law
1101 14th St. NW, Ste. 400
Washington, DC 20005

mgaber@campaignlegal.org
mdanahy@campaignlegal.org

ATTORNEY FOR PLAINTIFFS

Timothy Q Purdon
Attorney at Law
1207 West Divide Avenue, Suite 200
Bismarck, ND 58501

tpurdon@robinskaplan.com

ATTORNEY FOR PLAINTIFFS

Samantha B. Kelty
Attorney at Law
950 F Street NW, Ste. 1050
Washington, D.C. 20004

kelty@narf.org

ATTORNEY FOR PLAINTIFF

Bryan Sells
Attorney at Law
P.O. Box 5493
Atlanta, GA 31107-0493

bryan@bryansellsllaw.com

ATTORNEYS FOR DEFENDANT MICHAEL HOWE

Matthew A Sagsveen
Phillip Axt
Assistant Attorney General
500 North 9th Street
Bismarck, ND 58501-4509

masagsve@nd.gov
pjaxt@nd.gov

David R. Phillips
Bradley N. Wiederholt
Grant T. Bakke
Special Assistant Attorney General
300 West Century Avenue
P.O. Box 4247
Bismarck, ND 58502-4247

dphillips@bgwattorneys.com
bwiederholt@bgwattorneys.com
gbake@bgwattorneys.com

By /s/ Scott K. Porsborg

SCOTT K. PORSBORG