

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

CIVIL NO. 1:22-CV-00031

Charles Walen, an individual; and Paul  
Henderson, an individual, )

Plaintiffs )

vs. )

Doug Burgum, in his official capacity as  
Governor of the State of North Dakota; )  
Alvin Jaeger, in his official capacity as  
Secretary of the State of North Dakota, )

Defendants )

and )

The Mandan, Hidatsa and Arikara Nation; )  
Lisa DeVille, an individual; and )  
Cesareo Alvarez, Jr., an individual. )

Defendants-Intervenors )

**DEFENDANTS' MOTION  
REQUESTING STAY OF ORDER  
REGARDING DISCOVERY DISPUTE  
PENDING DECISIONS ON APPEAL**

\*\*\*

\*\*\*

\*\*\*

Pursuant to Rule 72(a) of the Federal Rules of Civil Procedure and Civil Local Rule 72(D)(2), Defendants Doug Burgum, in his official capacity as Governor of the State of North Dakota; Alvin Jaeger, in his official capacity as Secretary of the State of North Dakota<sup>1</sup> (“Defendants”) hereby request the Court stay its *Order Regarding Discovery Dispute* filed January 3, 2023 (doc. 77) pending appeal. Filed in conjunction with this motion is *Defendants’ Notice of Appeal From Order Regarding Discovery Dispute* and its memorandum in support of this stay

---

<sup>1</sup> As the Court is likely aware, Alvin Jaeger is no longer the North Dakota Secretary of State, having served out his last term which expired on December 31, 2022. The current North Dakota Secretary of State is Michael Howe, who assumed the office on January 1, 2023. Pursuant to Fed. R. Civ. P. 25(d) Michael Howe is automatically substituted as the Defendant in this case.

motion.

Dated this 12th day of January, 2023.

By: /s/ Bradley N. Wiederholt  
David R. Phillips (# 06116)  
Bradley N. Wiederholt (#06354)  
Special Assistant Attorney General  
300 West Century Avenue  
P.O. Box 4247  
Bismarck, ND 58502-4247  
(701) 751-8188  
[dphillips@bgwattorneys.com](mailto:dphillips@bgwattorneys.com)  
[bwiederholt@bgwattorneys.com](mailto:bwiederholt@bgwattorneys.com)

Attorney for Defendants Doug Burgum, in his official capacity as Governor of the State of North Dakota; Alvin Jaeger, in his official capacity as Secretary of State of the State North Dakota

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **DEFENDANTS' MOTION REQUESTING STAY OF ORDER REGARDING DISCOVERY DISPUTE PENDING DECISIONS ON APPEAL** was on the 12th day of January, 2023 filed electronically with the Clerk of Court through ECF:

Paul Sanderson (#05830)  
Ryan Joyce (#09549)  
Evenson Sanderson PC  
1100 College Drive, Suite 5  
Bismarck, ND 58501  
[psanderson@esattorneys.com](mailto:psanderson@esattorneys.com)  
[rjoyce@esattorneys.com](mailto:rjoyce@esattorneys.com)

Robert Harms (#03666)  
815 N. Mandan St.  
Bismarck, ND 58501  
[robert@harmsgroup.net](mailto:robert@harmsgroup.net)

Mark P. Gaber (DC Bar No. 988077)  
Molly Danahy  
CAMPAIGN LEGAL CENTER  
1101 14th St. NW, Ste. 400

Washington, DC 20005  
[mgaber@campaignlegal.org](mailto:mgaber@campaignlegal.org)  
[mdanahy@campaignlegalcenter.org](mailto:mdanahy@campaignlegalcenter.org)

Michael S. Carter, OK No. 31961  
Matthew Lee Campbell  
NATIVE AMERICAN RIGHTS FUND  
1506 Broadway  
Boulder, CO 80301  
[carter@narf.org](mailto:carter@narf.org)  
[mcampbell@narf.org](mailto:mcampbell@narf.org)

Bryan L. Sells  
PO BOX 5493  
Atlanta, GA 31107-0493  
[bryan@bryansellsllaw.com](mailto:bryan@bryansellsllaw.com)

Samantha Blencke Kelty  
Native American Rights Fund  
1514 P Street NW, Suite D  
Washington, DC 20005  
[kelty@narf.org](mailto:kelty@narf.org)

By: /s/ Bradley N. Wiederholt  
BRADLEY N. WIEDERHOLT

RETRIEVED FROM DEMOCRACYDOCKET.COM