

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 THIRD-
PARTIES NORTH DAKOTA
LEGISLATIVE ASSEMBLY, SENATOR
RAY HOLMBERG, SENATOR
RICHARD WARDNER, SENATOR
NICOLE POOLMAN,
REPRESENTATIVE MICHAEL
NATHE, REPRESENTATIVE WILLIAM
R. DEVLIN, REPRESENTATIVE
TERRY JONES, SENIOR COUNSEL AT
THE NORTH DAKOTA LEGISLATIVE
COUNCIL CLAIRE NESS.**

Third-Party Respondents North Dakota Legislative Assembly, Senator Ray Holmberg, Senator Richard Wardner, Senator Nicole Poolman, Representative Michael Nathe, Representative William R. Devlin, Representative Terry Jones and Senior Counsel at the North Dakota Legislative Council Claire Ness, hereby give notice of their appeal of the District Court's March 14, 2023 Order (Doc. 72) denying third-party respondents' appeal, and affirming the Magistrate Judge's Order Granting Plaintiffs Motion to Enforce Third-Party Subpoenas (Doc 63).

Further, Third-Party Respondents North Dakota Legislative Assembly and State Representative William Devlin, hereby give notice of their appeal of the District Court's March 14, 2023 Order (Doc. 71) denying third-party respondents appeal, and affirming the Magistrate Judge's Order Denying Third-Party Respondent's Motion to Quash Subpoenas. (Doc. 48).

In light of a circuit split with respect to jurisdictional issues related to this appeal, the Third-Party Respondents will also file a Petition for Writ of Mandamus with the Eighth Circuit

Court of Appeals pursuant to Fed. R. App. P. 21.

Dated this 27th day of March, 2023.

SMITH PORSBORG SCHWEIGERT
ARMSTRONG MOLDENHAUER & SMITH

By /s/ Scott K. Porsborg

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Bill Devlin, Mike Nathe, and Terry B. Jones,
and Former Senior Counsel Claire Ness

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CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of March, 2023, a true and correct copy of the foregoing **NOTICE OF APPEAL BY THIRD-PARTIES NORTH DAKOTA LEGISLATIVE ASSEMBLY, SENATOR RAY HOLMBERG, SENATOR RICHARD WARDNER, SENATOR NICOLE POOLMAN, REPRESENTATIVE MICHAEL NATHE, REPRESENTATIVE WILLIAM R. DEVLIN, REPRESENTATIVE TERRY JONES, SENIOR COUNSEL AT THE NORTH DAKOTA LEGISLATIVE COUNCIL CLAIRE NESS** 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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