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 **AFFIDAVIT OF DAVID R. PHILLIPS**

STATE OF NORTH DAKOTA)
) SS.
COUNTY OF BURLEIGH)

Being duly sworn, David R. Phillips, testifies:

1. I am an attorney duly licensed to practice law in the State of North Dakota and am admitted to practice before this Court.

2. I am a member of the firm of Bakke Grinolds Wiederholt, attorney for Defendant Michael Howe, in his official capacity as Secretary of State of North Dakota, in this action. I have personal knowledge of the facts stated herein.

3. This affidavit is submitted in support of *Defendant's Reply Memorandum in Support of Motion for Summary Judgment*, filed herewith.

4. Attached hereto as ***Exhibit 38*** is a true and correct copy of the deposition transcript of Dr. Loren Collingwood taken on March 6, 2023.

5. Attached hereto as ***Exhibit 39*** is a true and correct copy of the transcript of the September 15, 2021 North Dakota Legislative Assembly Redistricting Committee

Meeting.

6. Attached hereto as ***Exhibit 40*** is a true and correct copy of the 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.

Dated this 15th day of March, 2023.

By: _____

David R. Phillips
Special Assistant Attorney General
ND Bar # 06116
300 West Century Avenue
P.O. Box 4247
Bismarck, ND 58502-4247
(701) 751-8188
dphillips@bgwattorneys.com

Attorney for Defendant Michael Howe, in his official capacity as Secretary of State of North Dakota

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

On this 15th day of March, 2023 before me personally appeared David R. Phillips known to me to be the person described in the within and foregoing instrument, and acknowledged to me that he executed the same.

SARAH MARTIN
Notary Public
State of North Dakota
My Commission Expires October 28, 2025

Sarah Martin
Notary Public

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Affidavit of David R. Phillips** was on the 15th day of March, 2023, filed electronically with the Clerk of Court through ECF:

Michael S. Carter
OK No. 31961
Matthew Campbell
NM No. 138207, CO No. 40808
Native American Rights Fund
1506 Broadway
Boulder, CO 80301
carter@narf.org
mcampbell@narf.org

Molly E. Danahy
DC Bar No. 1643411
Campaign Legal Center
1101 14th St. NW, Ste. 400
Washington, DC 20005
mdanahy@campaignlegal.org

Mark P. Gaber
DC Bar No. 98807
Campaign Legal Center
1101 14th St. NW, Ste. 400
Washington, DC 20005
mgaber@campaignlegal.org

Bryan L. Sells
GA No. 635562
The Law Office of Bryan L. Sells, LLC
PO BOX 5493
Atlanta, GA 31107-0493
bryan@bryansellslaw.com

Nicole Hanson
N.Y. Bar No. 5992326
Campaign Legal Center
1101 14th St. NW, Ste. 400
Washington, DC 20005
nhansen@campaignlegalcenter.org

Samantha Blencke Kelty
AZ No. 024110
TX No. 24085074
Native American Rights Fund

1514 P Street NW, Suite D
Washington, DC 20005
kelty@narf.org

Timothy Q. Purdon
ND No. 05392
ROBINS KAPLAN LLP
1207 West Divide Avenue, Suite 200
Bismarck, ND 58501
TPurdon@RobinsKaplan.com

By: *\/s/ David R. Phillips*
DAVID R. PHILLIPS