

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 Dakota¹ (“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

¹ 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.

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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:

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