1 2 3 4 5 6 7 8	OFFICE OF THE ATTORNEY GENERAL Gilbert J. Birnbrich Attorney General Charles E. Brasington Assistant Attorney General Hon Juan A. Sablan Mem. Bldg., 2 nd Floor Saipan, MP 96950-8907 Tel: (670) 664-2393 Fax: (670) 664-2349 e-mail: charles.brasington.law@gmail.com Attorneys for Defendants IN THE UNITED STATE FOR THE NORTHERN		
10	JOHN H. DAVIS, JR.	CIVIL CASE No. 14-0002	
11	Plaintiff,	DECLARATION OF COUNSEL IN SUPPORT OF DEFENDANTS' MOTION	
12	v. COMMONWEALTH ELECTION	FOR SEQUESTRATION OF BALLOTS PENDING APPEAL	
13	COMMISSION; FRANCIS M. SABLAN,		
14	Chairperson of the Commonwealth Election Commission; ROBERT A. GUERRERO,	Judge: Ramona V. Manglona	
15	Executive Director of the Commonwealth Election Commission; ELOY INOS,	Date: October 29, 2014.	
16	Governor of the Commonwealth of the Northern Mariana Islands.	Time: 2:00 p.m.	
17 18	Defendants.		
19			
20	I, Charles Edmond Brasington, hereby declare as follows:		
21	1. I am over the age of eighteen (18). I have personal knowledge of the matters		
22	stated herein, and if called to testif	y, could and would testify competently thereto.	
23	2. I am counsel of record for the Defe	2. I am counsel of record for the Defendants in the above-captioned case.	
24	3. The Court rendered its decision on the merits on May 20, 2014 entered final		
25	judgment on this matter on June 2, 2014.		
26	4. At the time, Defendants did not	4. At the time, Defendants did not intend to seek a stay or other relief pending	
27		real series of the series of t	
28	appeal.		

- 5. Recently, Defendants were made aware of significant efforts—detailed more fully in the memorandum supporting the motion—that will be necessary should HLI 18-1 be approved by the voters of the Commonwealth. Should this occur, and this Court's Order be overturned on appeal, the time and resources expended on such efforts will be for naught, at least pending a special election.
- 6. I examined the Federal Rules of Civil Procedure, Federal Rules of Appellate
 Procedure, and the Local Rules for the U.S. District Court for the Northern
 Mariana Islands.
- 7. I consulted with colleagues in my office as to whether to file this Motion in the Ninth Circuit appeal or in this case before this Court.
- 8. As Defendants are not requesting a stay, but other injunctive relief pending appeal, and since this case is officially closed, my colleagues and I determined that the Ninth Circuit Court of Appeals was the proper court to hear this Motion.
- 9. I submitted a version of this Motion to the Ninth Circuit Court of Appeals on October 10, 2014.
- 10. The Ninth Circuit Court of Appeals rejected the motion without prejudice and instructed Defendants to file the motion first with this Court.
- 11. I learned of the Ninth Circuit Court of Appeals' rejection of the motion on October 15, 2014, shortly after 8:00 a.m.
- 12. As detailed in the Motion to Expedite the briefing of this Motion, I certify that action is required on or before November 3, 2014 to avoid this irreparable harm.
- 13. The Commonwealth Election Commission will begin tabulating votes after the polls close on November 4, 2014 (Election Day in the Commonwealth). The motion seeks to enjoin the tabulation.

14. Defendants are not seeking a stay of this Court's order. Defendants believe it fairest to all involved to allow everyone to vote on HLI 18-1, but to enjoin the tabulation of the votes as to HLI 18-1 pending the resolution of this case on appeal. I declare under penalty of perjury that the foregoing is true and correct, executed this 15th day of October 2014 at Capitol Hill, Saipan. /s/ Charles Edmond Brasington **Charles Edmond Brasington** RESPECTFULLY SUBMITTED. DATED: October 15, 2014 OFFICE OF THE ATTORNEY GENERAL Charles E. Brasington Assistant Attorney General