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**UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA**

7 JOE MILLER,)
8) Civil Action No:
9 *Plaintiff,*)
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v.)
LIEUTENANT GOVERNOR CRAIG)
CAMPBELL, in his official capacity;)
and the STATE OF ALASKA,)
DIVISION OF ELECTIONS,)
Defendants.)

**AFFIDAVIT OF THOMAS V. VAN FLEIN IN SUPPORT OF PLAINTIFF’S MOTION
FOR SHORTENED TIME ON MOTION FOR PRELIMINARY INJUNCTION**

THOMAS V. VAN FLEIN, being first duly sworn upon his oath, deposes and says:

1. I am an attorney duly licensed to practice law in Alaska. I am chief counsel for the Joe Miller for U.S. Senate Campaign. As such I have personal knowledge of the events giving rise to Plaintiff’s Motion for Shortened Time on Motion for Preliminary Injunction.

2. The general election for the office of U.S. Senator was held on November 2, 2010. Defendant Craig Campbell, the Lieutenant Governor, publicly announced that counting of

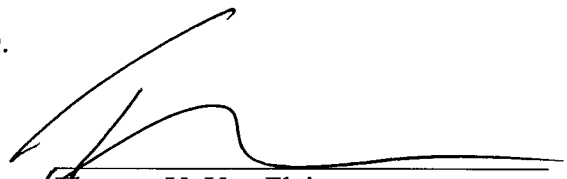
1 write-in votes will commence on Wednesday, November 10, 2010. It was originally scheduled
2 for November 17, 2010, but was changed after the election.

3 3. Plaintiff Miller is seeking a preliminary injunction to bar Defendants from counting
4 write-in votes in a manner that violates various provisions of both the U.S. Constitution and
5 Alaska law. It therefore is imperative to resolve this issue before Defendants begin their count.
6 It is important that the votes be counted lawfully and that all valid votes be counted. Anything
7 less will undermine the legitimacy of the election.

8 4. Service of this Motion and all documents prepared for filing in this case have been
9 provided in both hard copy and electronic format to the Attorney General, as attorney for
10 Defendants Craig Campbell, and the Division of Elections, to provide that office with “an
11 opportunity to see the papers at least as soon as the court.” D.Ak. LR 7.2(c)(1)(B)(i).

12 5. Pursuant to D.Ak. LR 7.2(c)(1)(A)(ii), I attempted to resolve this issue with the Office
13 of the Attorney General, as counsel for Defendants, by contacting the office by email letter on
14 Tuesday, November 9, 2010. I previously wrote a letter to the Division chief on November 3,
15 2010 setting forth our concerns. With one exception (counting write-in votes for Joe Miller)
16 our concerns were not remedied. The state is intent on proceeding notwithstanding these
17 issues, so injunctive relief is necessary.
18

19 DATED this 9th day of November, 2010.

20
21 
22 Thomas V. Van Flein

1 SUBSCRIBED AND SWORN TO before me this 9th day of November, 2010.



Chelsea Greene
Notary Public in and for Alaska
My commission expires: 9/4/2012

5 **CERTIFICATE OF SERVICE**

6 I, Chelsea Greene, hereby certify that, on this 9th day of November, 2010, I did cause a
7 true and correct copy of the foregoing Plaintiff's Motion for Shortened Time on Motion for
8 Preliminary Injunction; Affidavit of Thomas V. Van Flein filed in support thereof, and
9 Proposed Order to be served via hand delivery on:

10 Daniel S. Sullivan, Esq.
11 Attorney General, State of Alaska
12 Department of Law
13 1031 W. Fourth Ave.
14 Suite 200
15 Anchorage, Alaska 99501
16 Phone: (907) 745-3900
17 E-mail: Daniel.sullivan@alaska.gov
18 *Counsel for Defendants Lieutenant Governor*
19 *Craig Campbell, and Elections Division.*

20 Courtesy Copy to:

21 Michael Barnhill
22 Sarah Felix
23 Attorney General's Office
24 P.O. Box 110300
25 Juneau, AK 99811

26 Chelsea Greene