

1 Thomas V. Van Flein
 2 Clapp, Peterson, Van Flein,
 3 Tiemessen & Thorsness LLC
 4 711 H St., Suite 620
 Anchorage, Alaska 99501-3454
 Phone: (907) 272-9228
 Facsimile: (907) 272-9586

5 **UNITED STATES DISTRICT COURT**
 6 **DISTRICT OF ALASKA**

7 JOE MILLER,)
) Civil Action No:
 8)
) *Plaintiff,*) _____
 9)
) v.)
 10)
 11 LIEUTENANT GOVERNOR CRAIG)
 CAMPBELL, in his official capacity;)
 12 and the STATE OF ALASKA,)
 DIVISION OF ELECTIONS,)
 13)
) *Defendants.*)
 14 _____)

15 **AFFIDAVIT OF THOMAS V. VAN FLEIN IN SUPPORT OF**
 16 **PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

17 THOMAS V. VAN FLEIN, being first duly sworn upon his oath, under penalty of
 18 perjury, deposes and says:

19 1. I am chief counsel for Plaintiff Joe Miller for U.S. Senate in the above-captioned case
 20 and, as such, have personal knowledge of the events giving rise to Plaintiff's Motion for
 21 Preliminary Injunction.
 22

23
 24 Affidavit of Thomas V. Van Flein in Support of Motion for Preliminary Injunction
 25 Miller for Senate v. Campbell, et al., Case No.
 26 Page 1 of 3

1 2. Attached to this Affidavit as Exhibit 1 is a true, correct, and complete copy of an article
2 entitled "Candidate Argues Spelling Should Count in Alaska Vote" from the November 6, 2010
3 edition of the *Wall Street Journal*.


4 3. Attached to this Affidavit as Exhibit 2 is a true, correct, and complete copy of an article
5 entitled "Write-Ins to Be Counted Sooner Than Expected" from the November 4, 2010 edition
6 of the *Anchorage Daily News*.

7 4. Attached to this Affidavit as Exhibit 3 is a true, correct, and complete copy of an article
8 entitled "Miller Attorney Wants to Ensure Law's Upheld" from the November 4, 2010
9 Associated Press State & Local Wire.

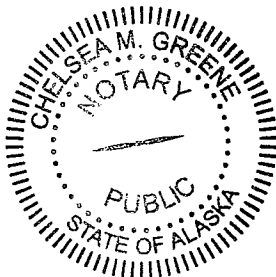
10 5. Attached to this Affidavit as Exhibit 4 is a true, correct, and complete copy of an article
11 entitled "Murkowski Acts Like Winner But Questions Linger" from the November 4, 2010
12 edition of the *Washington Post*.

13
14 Further affiant sayeth not.

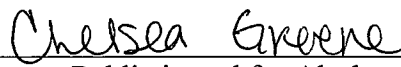
15 DATED this 9th day of November, 2010.

16
17 
18 Thomas V. Van Flein

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



24
25
26


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

CERTIFICATE OF SERVICE

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

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

Courtesy Copy to:

Michael Barnhill
Sarah Felix
Attorney General's Office
P.O. Box 110300
Juneau, AK 99811

Chelsea Greene