IN THE SUPREME COURT
FOR THE STATE OF NORTH DAKOTA

Greenpeace International (also known as "Stichting Greenpeace Council"); Greenpeace, Inc.; Greenpeace Fund, Inc.,

Petitioners,

vs.

The Honorable Judge James D. Gion, Judge of the District Court, South Central Judicial District, Morton County; Energy Transfer LP (formerly known as Energy Transfer Equity, L.P.); Energy Transfer Operating, L.P. (formerly known as Energy Transfer Partners, L.P.); and Dakota Access LLC,

Respondents.

Supreme Court Case No. _____

Energy Transfer LP, et al. v. Greenpeace International, et al.
District Court Case No. 30-2019-CV-00180

GREENPEACE DEFENDANTS' PETITION FOR SUPERVISORY WRIT
EXPEDITED ORAL ARGUMENT REQUESTED

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TABLE OF CONTENTS

Paragraph(s)

I. STATEMENT OF THE ISSUE ..... ¶1

II. RELIEF SOUGHT ..... ¶2

III. STATEMENT OF THE CASE ..... ¶3

IV. STATEMENT OF FACTS ..... ¶10

- A. Plaintiffs' Claims and Alleged Damages ..... ¶10
- B. All Judges in Morton County Recuse Themselves ..... ¶13
- C. Greenpeace Defendants' Initial Motion to Change Venue ..... ¶14
- D. Greenpeace Defendants' Motions in Limine ..... ¶16
- E. Paid Targeted Communications to Potential Jurors ..... ¶17
- F. Juror Questionnaires and Voir Dire ..... ¶21
- G. No Adequate Alternative Remedy Exists ..... ¶15

V. STANDARD OF REVIEW ..... ¶28

VI. ARGUMENT ..... ¶30

- A. The District Court Abused Its Discretion by Denying Greenpeace Defendants' Motions to Change Venue. ..... ¶31
- B. The District Court Abused Its Discretion by Denying Greenpeace Defendants' Motion to Allow Limited Discovery ..... ¶47
- C. Absent This Court's Immediate Intervention, Greenpeace Defendants Will Be Irreparably Harmed. ..... ¶51

VII. CONCLUSION ..... ¶52

TABLE OF AUTHORITIES

Federal Cases **Paragraph(s)**

Nebraska Press Ass'n v. Stuart,
427 U.S. 539 (1976).....¶46

Skaggs v. Otis Elevator Co.,
164 F.3d 511 (10th Cir. 1998).....¶50

State Cases

Basin Elec. Power Coop. v. Boschker,
289 N.W.2d 553 (N.D. 1980).....¶¶29, 42

City of Williston v. Beede,
289 N.W.2d 235 (N.D. 1980).....¶26

Mitchell v. Sanborn,
536 N.W.2d 678 (N.D. 1995).....¶28

Olson v. N. Dakota Dist. Ct., Richland Cnty.,
271 N.W.2d 574 (N.D. 1978).....¶¶26, 34, 42

Reems ex rel. Reems v. Hunke,
509 N.W.2d 45 (N.D. 1993).....¶29

Slaubaugh v. Slaubaugh,
499 N.W.2d 99, 106 (N.D. 1993).....¶¶31, 32, 38, 39

St. Alexius Med. Ctr. v. Nesvig,
2022 ND 65, 971 N.W.2d 878.....¶28

State ex rel. Harris v. Lee,
2010 ND 88, 782 N.W.2d 626.....¶28

Troubadour Oil & Gas, LLC v. Rustad,
2022 ND 191, 981 N.W.2d 918.....¶29

W. Coop. Credit Union v. Hagemeister,
454 N.W.2d 531 (N.D. 1990).....¶25

Rules

N.D. R. App. P. 7.....¶¶26, 51

N.D. R. Civ. P. 39.1(b)(1)(B).....¶31

N.D. R. Civ. P. 54(b).....¶25

N.D. R. Civ. P. 65(a).....¶51

Regulations

N.D.C.C. § 27-02-04.....¶28

N.D.C.C. § 28-04-07.....¶31

N.D.C.C. § 28-27-02.....¶25

Constitutional Provisions

N.D. Const. Article VI, § 2.....¶28

Other Authorities

Central ND News website (https://centralndnews.com).....¶47

I. STATEMENT OF THE ISSUE

[¶1] Whether the district court abused its discretion in denying Defendants Greenpeace International, Greenpeace, Inc., and Greenpeace Fund, Inc.'s (collectively, "Greenpeace Defendants") motions to change venue when the personal experiences of Morton County residents, and in particular the jurors now empaneled, along with the use of paid direct mailers with fake news articles, television commercials, and unsolicited text messages on the eve of trial—have affected the jurors' ability to decide the case fairly and impartially based solely on the evidence admitted at trial.

II. RELIEF SOUGHT

[¶2] Greenpeace Defendants respectfully request this Court to issue a supervisory writ directing the district court to change the venue of this trial from Morton County to Cass County or another county the Court finds appropriate. Due to the expedited nature of the relief sought, Greenpeace Defendants respectfully request an oral argument hearing before the Court at the earliest available opportunity. Greenpeace Defendants believe oral argument would help clarify the complex facts, procedural history, and issues for the Court, and best serve the interests of judicial efficiency.

III. STATEMENT OF THE CASE

[¶3] Many people in the United States are familiar with the highly publicized protests concerning the construction of the Dakota Access Pipeline ("DAPL"). Residents of Morton County are not just familiar with these protests—they lived through them.

[¶4] Texas-based Plaintiffs, Energy Transfer LP, Energy Transfer Operating, L.P., and Dakota Access LLC (collectively, "Plaintiffs") have sought to capitalize on residents' personal experiences by bringing suit against Greenpeace Defendants in Morton County. Plaintiffs hope to pin on Greenpeace Defendants all blame for the

damages they purportedly incurred as a result of these protests, seeking an award of over $900 million. Despite the ample evidence demonstrating that a jury drawn from Morton County could not be impartial—and that the jurors actually empaneled are not impartial—the district court has repeatedly denied Greenpeace Defendants' attempts to transfer this case to a venue where they might receive a fair trial. And if Plaintiffs are able to convince this biased panel that Greenpeace Defendants are somehow liable for Plaintiffs' requested damages, Greenpeace Defendants will be irreparably deprived of their right to a fair trial, as even the supersedeas bond needed to secure a stay pending appeal would effectively destroy them. In these extraordinary circumstances, this Court's immediate intervention is warranted.

[¶5] The source of the jurors' bias is straightforward. For nearly a year, the protests at Standing Rock significantly disrupted everyday life for Morton County residents. Many residents reported having to take detours around the protests to attend work, school, and church. At times, they were unable to travel to Bismarck for doctors' appointments and grocery shopping. Morton County residents received "reverse 911" calls advising them to steer clear of certain areas because of the protesters' actions, and some local businesses faced boycotts and vandalism. In response, some residents organized marches and other events to show support for local law enforcement handling the protesters. As Plaintiffs acknowledge, local residents experienced the protests "firsthand." (E1:4:¶9).

[¶6] The fear and disruption Morton County residents experienced during the protests understandably contributed to their strongly held and deeply personal feelings and opinions on the subject. Years later, residents could still vividly describe the

negative impact the protests and protesters had on their lives and their community. When the National Jury Project conducted a survey of eligible potential jurors in Morton County in 2022, it found that ***100%*** of the 150 people surveyed were aware of the protests, and the majority of them had either been personally affected or knew someone who had been affected by the protests. (E3:9–10:¶¶37–39). Notably, ***97% of Morton County residents surveyed indicated that they could not be a fair and impartial juror in this lawsuit.*** (E3:24:¶64).

[¶7] Then and now, pretrial publicity has also fanned the flames of potential jurors' fear and anger. For years, Morton County residents were flooded with largely negative local media coverage of the protests, including extensive discussion of the criminal trials of protesters accused of breaking the law. (E3:71: ¶143). Editorial content in the local and regional media market directly attributed illegal and violent protest activity to out-of-state actors. *See, e.g.*, (E4:4:¶2) ("illegal activity" by "out-of-state protesters"); (E4:5:¶6) (violent protesters "vandalizing private property" and leaving millions of pounds of trash). As trial approached, potential jurors in Morton County began to receive faux newspapers containing negative stories about the protests as well as unsolicited text messages linking to those stories. At the same time, potential jurors are awash with paid television commercials and social media posts promoting the positive impact Plaintiffs have on the Morton County community.

[¶8] The resulting bias is not hypothetical: juror questionnaires and voir dire confirm that Morton County residents hold enduringly negative feelings and opinions associated with the protests and protesters. During voir dire, prospective jurors spoke passionately of their disapproval of people from outside their community disrupting their

life and damaging property. [redacted] Despite the fact that none of the Greenpeace Defendants directed or engaged in any violence or property damage during the protests, prospective jurors were overwhelmingly biased against Greenpeace Defendants, organizations that oppose the use of fossil fuels, and/or protests in general. (E20). In sum, survey results, juror questionnaires, and voir dire all demonstrate that a fair and impartial jury cannot be—and in fact has not been—empaneled in Morton County.

[¶9] While supervisory jurisdiction is an extraordinary measure, this is an extraordinary case. With hundreds of millions of dollars at stake and thousands of docket entries spanning more than five years, this is one of the largest and most complex civil cases in North Dakota history. With jury selection complete, it is clearer now than ever that Greenpeace Defendants will not get a fair and impartial trial in the county where the protests occurred. Before the district court requires Morton County residents to sit for five weeks of jury duty and the parties to expend time and resources putting on a trial in what Greenpeace Defendants have shown is a fundamentally unfair venue—one that may be potentially ruinous even before an appeal can be heard—this Court should issue a supervisory writ changing the venue of trial from Morton County to Cass County (or another county the Court finds appropriate).

IV. STATEMENT OF FACTS

A. Plaintiffs' Claims and Alleged Damages

[¶10] Plaintiffs' pleadings explicitly link their damages claims to the personal experiences of Morton County residents. Seizing upon the community's general

frustration and negative local media coverage of the protests, Plaintiffs claim—without any evidence—that Greenpeace Defendants are 100% responsible for any alleged loss or damage caused by the federal government, financial institutions, and tens of thousands of unidentified and unaffiliated individual protesters. Under Plaintiffs' theory of the case, ***everything*** that happened at Standing Rock is solely attributable to Greenpeace Defendants. This makes the residents of Morton County not only participants in the events they are being asked to adjudicate but also witnesses.

[¶11] It is no accident that Plaintiffs included a host of inflammatory allegations in their Second Amended Complaint (with no relevance whatsoever to their claims) about impacts to the Morton County community:

- The protests left the land "in utterly degraded condition—strewn with rotting garbage, pest-infested firewood, human waste, orphaned animals, abandoned tents and other structures, and over 830 dumpster loads of trash." (E1:4:¶ 8).
- "North Dakota citizens suffered months of harassment, intimidation, and threats from protestors; their property was destroyed; ranchers' cattle and bison were butchered or maimed; graves were vandalized; and local residents' private property was vandalized, leaving people feeling unsafe and under siege in their own homes." (E1:4:¶9).
- Plaintiffs quote the State of North Dakota: "The real brutality [was] committed by violent protesters who use[d] improvised explosive devices to attack police, use[d] hacked information to threaten officers and their families, and use[d] weapons to kill livestock, harming farmers and ranchers." (E1:4:¶9).

[¶12] These allegations have nothing to do with the Greenpeace Defendants. There is no evidence that any of these alleged actions and events were at the direction of, or as a result of any act or statement of, the Greenpeace Defendants. There is no claim for damages related to these events. Plaintiffs inserted these gratuitous and prejudicial allegations in the Complaint because they know they play on the anger, fear, and anxiety of Morton County jurors.

B. All Judges in Morton County Recuse Themselves

[¶13] Not even the ***judges*** of Morton County believed they could be impartial. In 2019, the Presiding Judge of the South Central Judicial District, the Honorable Gail Hagerty, reported that ***all judges in the district*** had recused themselves from the case. (E17:1). Then, three years later in May of 2022, the Presiding Judge of the South Central Judicial District, the Honorable Bruce Romanick, reported that the four new judges seated in the Morton County Courthouse since 2019 had recused themselves because they "are acquainted with the plaintiff/defendant, and feel that in the best interest of justice should disqualify themselves." (E18:1). Judge Romanick requested that this Court assign a judge from ***outside the district*** to hear this case in the interest of justice. (E18:1). In short, all of the judges of the South Central Judicial District recused themselves from this case—not once but twice. There is no reason to believe that the general jury population of Morton County is any less acquainted with or biased about the parties or the underlying events than its judges.

C. Greenpeace Defendants' Initial Motion to Change Venue

[¶14] A public-opinion survey conducted by the National Jury Project confirmed that the personal experiences of Morton County residents during the protests would affect their ability to decide the case impartially. Strikingly, ***97% of those***

surveyed indicated that they could not be a fair and impartial juror in this lawsuit. (E3:24:¶64). Respondents recalled that the protesters "interfered with our farming and ranching operations"; "blocked roads"; "burnt out the bridge [which affected] people getting to work"; caused "[p]ersonal property [to be] damaged and animals poached"; damaged vehicles with rocks and bottles, forced family and friends to move out of their homes, and more. (E3:13–16:¶44). Some residents reported that during the protests "everyone was scared to stick their heads outside, until things were clear"; protesters "scared children on school buses"; "[f]amily and friends [were] getting called at their workplaces or being threatened"; and even that "young men [] slept with knives under their pillows just in case." (E3:13–16,26–57,75–76:¶¶44,73,76,156). Others were skeptical about the protesters' motivations, suggesting that the protests had been "infiltrated" and "orchestrated," and the protesters "were in it for a paycheck." (E3:26–57:¶¶73,76). Given the fear and disruption Morton County residents experienced, and their understandably negative feelings and opinions of the protests and protesters, the survey results demonstrated that Greenpeace Defendants would not be able to obtain a fair trial where the protests occurred.

[¶15] Accordingly, in August 2022, Greenpeace Defendants moved to change the venue of this lawsuit from Morton County to Cass County. (E2:6:¶¶1–3). In opposition, Plaintiffs argued that the motion was premature because the "existence of prejudice, if it exists at all, can generally be determined through voir dire examination of potential jurors" and thus, the "appropriate time" to request a change of venue is after voir dire. (E5:10:¶24 (quoting *Basin Elec. Power Coop. v. Boschker*, 289 N.W.2d 553,

559 (N.D. 1980)). On January 25, 2023, the district court denied the motion to change venue "at this time." (E6:5:¶12).

D. Greenpeace Defendants' Motions in Limine

[¶16] In June 2024, Greenpeace Defendants moved in limine to exclude evidence or argument concerning the impacts of the protests on the local community, and any fear, stress, or other reaction experienced by any individual due to the protests. (E7:2–4:¶¶4–11). Since 100% of Morton County residents surveyed were aware of the protests and the majority had either been personally affected or know someone who was affected by the protests (E3:9–10:¶¶37–39), this evidence is likely to evoke prejudicial feelings and opinions in potential jurors. Greenpeace Defendants argued that allowing this evidence would present a serious risk that the jury's deliberations will be based on their personal experiences with the protests rather than limited to admissible evidence presented in open court. On November 21, 2024, the district court denied both motions and noted that "these matters are best addressed at trial." (E8:10).

E. Paid Targeted Communications to Potential Jurors

[¶17] In November 2024, three months before trial, Greenpeace Defendants became aware of a direct mailer, stylized as a local newspaper called "Central ND News," sent to Morton County residents. (E9:1). The publication contained negative stories about the protests that took place eight years ago as well as positive stories about benefits that Plaintiff Energy Transfer conferred on the community. (E9:1–2). Greenpeace Defendants filed an emergency motion seeking limited discovery from the Dallas, Texas-based printing and mailing business that distributed the direct mailers. (E10:3:¶¶1–2). Although the district court "takes an extremely dim view of attempts to influence a jury panel before the trial," it denied Greenpeace Defendants' motion, stating

that the "only way to determine if such an attempt is successful . . . is through the jury questionnaires and jury selection." (E14:2:¶4).

[¶18] To make matters worse, on February 19, 2025, less than a week before trial, Greenpeace Defendants discovered additional pretrial publicity targeted at potential jurors. Central ND News continues to appear in residents' mailboxes. (E15:1–2:¶¶3,5). The January 2025 issue contained an article with the headline, "Former Dakota Access Pipeline protester: 'We ended up creating a local ecological disaster.'" (E15:1:¶3). Another article discusses the arrest and imprisonment of Ruby Montoya (who is unaffiliated with Greenpeace Defendants) for her acts of damage to DAPL in Iowa and South Dakota. (E15:1:¶3). The February 2025 issue features a pull quote from a local businessperson describing the impacts of the protests "50 miles from the protest site." (E15:2:¶5). During voir dire, a prospective juror brought his copy of Central ND News to court. (E21:242:4–15). Another arrived wearing an Energy Transfer hat. (E21:75:18–22). ***Today***, as trial began, residents received yet another issue of Central ND News containing the headline, "Eight years ago: President Trump signs order to expedite Dakota Access Pipeline." (E19:2:¶7). It is peculiar for a purported newspaper to publish an article about an event that happened eight years ago.

[¶19] Morton County residents are also receiving unsolicited text messages linking to Central ND News and other articles. (E15:2–3:¶¶4,6). One text links to an article with the headline, "North Dakota says shutdown of Dakota Access Pipeline would cause 'immediate' fiscal harm." (E15:3:¶6). At the same time, Plaintiffs are running an advertisement on local television promoting their work in North Dakota. (E16:1:¶3). The same or substantially similar 30-second video was posted on YouTube four weeks

ago with the title, "Energy Transfer Proudly Operates in North Dakota with the Dakota Access Pipeline." (E16:1:¶3). During voir dire, ***seven*** prospective jurors indicated that they had seen the commercial. (E21:242:15–23).

[¶20] Greenpeace Defendants informed the district court of this new paid local media targeting potential jurors and for a second time moved to change venue. On February 19, 2025, the district court denied the motion. (E19:2:¶3.)

F. Juror Questionnaires and Voir Dire

[¶21] Before trial, prospective jurors completed questionnaires asking for their general views relating to the parties, events, and issues underlying this case. (E20). The juror questionnaires aligned with the survey results: many Morton County residents would not be able to set aside their personal experiences to decide the case fairly and impartially. Of the 86 prospective jurors who completed questionnaires, 65 of them (74%) indicated they have personal knowledge or opinion of the protests. (E20). The majority of the prospective jurors had negative opinions of Greenpeace Defendants, organizations that oppose the use of fossil fuels, and/or protests in general. (E20).

[¶22] Unsurprisingly, during voir dire, nearly a dozen prospective jurors indicated they could not be fair based ***solely*** on the fact that some Greenpeace Defendants' employees were at the protests for a period of time. (E21:244–45:16–12). Many prospective jurors were either personally affected by the protests or knew someone who had been affected by the protests. Others spoke passionately of their support for the fossil fuel industry and its importance to their livelihoods. In the end, ***nearly half of the 20 final jurors*** (*i.e.*, the pool subject to peremptory challenges) indicated they had an unqualified opinion or belief as to the merit of the action founded upon their personal experience with the protests. *See* N.D.C.C. § 28–14–06. Contrary to the statute, the

district court refused to excuse any of these jurors for cause and Greenpeace Defendants were forced to use their peremptory challenges on some of them.

[¶23] After the completion of jury selection, Greenpeace Defendants made a third request for a change of venue to no avail. (E22:131:9–10).

G. No Adequate Alternative Remedy Exists

[¶24] Absent the Court's immediate intervention, Greenpeace Defendants will be forced to defend themselves for five weeks before a jury that ultimately cannot give them a fair trial. In these circumstances, this Court's exercise of supervisory jurisdiction is appropriate.

[¶25] Greenpeace Defendants may not immediately appeal the district court's orders denying change of venue and limited discovery. Assuming the district court's orders meet the statutory criteria set forth in N.D.C.C. § 28–27–02, Greenpeace Defendants would still be required to comply with North Dakota Rule of Civil Procedure 54(b) and seek certification from the district court for that appeal. *See W. Coop. Credit Union v. Hagemeister*, 454 N.W.2d 531, 532 (N.D. 1990) (dismissing appeal of an order changing venue where there is no Rule 54(b) certification). But with the first witness set to testify ***today***, there is simply no time do so.

[¶26] Further, if this trial proceeds to judgment, Greenpeace Defendants may be unable to post the bond required for appeal. *See* N.D.R.App.P.7 ("[d]istrict court may require an appellant to file a bond or provide other security in any form and amount necessary to ensure payment of costs on appeal"). Plaintiffs seek ***$900 million*** in compensatory and exemplary damages. If the award is even a small percentage of this amount, posting a supersedeas bond pending appeal would effectively destroy Greenpeace Defendants. (E23:1:¶¶4–6; E24:1:¶¶4–6). Greenpeace Defendants will be

effectively destroyed without this Court ever having the opportunity to decide whether Greenpeace Defendants could have received the fair trial to which they are entitled. In these circumstances, justice delayed will be justice denied.[1]

[¶27] Thus, no adequate remedy is available to Greenpeace Defendants.[2] This Court's immediate intervention is warranted.

V. STANDARD OF REVIEW

[¶28] This Court has "original jurisdiction with authority to issue, hear, and determine such original and remedial writs as may be necessary to properly exercise its jurisdiction." N.D. Const. art. VI, § 2; *see also* N.D.C.C. § 27–02–04. The authority to issue supervisory writs is discretionary and used "to rectify errors and prevent injustice in extraordinary cases where no adequate alternative remedy exists." *St. Alexius Med. Ctr. v. Nesvig*, 2022 ND 65, ¶ 6, 971 N.W.2d 878, 881 (citation omitted). The Court

[1] Even if Greenpeace Defendants could pay the bond for an appeal, the "[a]vailability of appeal after final judgment often falls short of sufficient protection, . . . as the burden, expense, and delay involved in a trial renders an appeal from a final judgment an inadequate remedy." *Olson v. N. Dakota Dist. Ct., Richland Cnty.*, 271 N.W.2d 574, 578 (N.D. 1978) (citation omitted); *see also City of Williston v. Beede*, 289 N.W.2d 235, 236 (N.D. 1980) (issuing a supervisory writ is appropriate where "if the writ were not granted something would have been done which probably could not have been undone later").

[2] Greenpeace International reserves its objection that the district court may not exercise personal jurisdiction over International, a Dutch non-profit foundation located in the Netherlands.

determines whether to exercise supervisory jurisdiction "on a case-by-case basis, considering the unique circumstances of each case." *State ex rel. Harris v. Lee*, 2010 ND 88, ¶ 6, 782 N.W.2d 626, 629 (citations omitted). "Exercise of supervisory jurisdiction may be warranted when issues of vital concern regarding matters of important public interest are presented." *Id.*; *see also Mitchell v. Sanborn*, 536 N.W.2d 678, 683 (N.D. 1995) (explaining that this Court has exercised supervisory jurisdiction "to consider the constitutionality of statutes, the fundamental interests of litigants, and other important public interests" (citations omitted)).

[¶29] This Court reviews an order granting or denying a motion to change venue for abuse of discretion. *See, e.g.*, *Basin Elec. Power Coop.*, 289 N.W.2d at 555. Similarly, this Court reviews discovery rulings for abuse of discretion. *See, e.g.*, *Reems ex rel. Reems v. Hunke*, 509 N.W.2d 45, 48 (N.D. 1993). "A district court abuses its discretion when it acts in an unreasonable, arbitrary, or unconscionable manner, when it misinterprets or misapplies the law or when its decision is not the product of a rational mental process leading to a reasoned decision." *Troubadour Oil & Gas, LLC v. Rustad*, 2022 ND 191, ¶ 8, 981 N.W.2d 918, 922.

VI. ARGUMENT

[¶30] This Court should exercise supervisory jurisdiction because the district court abused its discretion (1) on January 25, 2023, when it denied Greenpeace Defendants' initial motion to change venue based on survey results showing bias among potential jurors in Morton County; (2) on December 17, 2024, when it denied Greenpeace Defendants' emergency motion to allow limited discovery on the paid direct mailers sent to potential jurors in Morton County; (3) on February 19, 2025, when it denied Greenpeace Defendants' renewed motion to change venue based on evidence of

additional paid local publicity targeted at potential jurors in Morton County; and (3) on February 25, 2025, when it denied Greenpeace Defendants' renewed motion to change venue based on juror questionnaires, voir dire, and the composition of the jury empaneled. The district court's orders are in error. Greenpeace Defendants respectfully request that this Court issue a supervisory writ directing the district court to vacate its written order denying Greenpeace Defendants' motion to change venue, grant Greenpeace Defendants' renewed motions to change venue, and change the venue of this trial from Morton County to Cass County or another county the Court finds appropriate.

A. The District Court Abused Its Discretion by Denying Greenpeace Defendants' Motions to Change Venue.

[¶31] A court may change venue if "there is reason to believe an impartial trial cannot be obtained in the county of venue." N.D.R.Civ.P.39.1(b)(1)(B); *see* N.D.C.C. § 28–04–07. "[D]etermining whether a fair and impartial trial can be had in a particular location requires an ***analysis of the jury as a whole and of the community where the trial is to be held***." *Slaubaugh v. Slaubaugh*, 499 N.W.2d 99, 106 (N.D. 1993) (emphasis added) (upholding the district court's change of venue based on the "cumulative effect" of personal relationships "among the prospective jurors, litigants, and witnesses").

[¶32] "These factors may justify a change in venue even though they may be insufficient grounds to remove an individual juror for cause." *Id.* While each individual juror may be able to set aside his or her personal beliefs, the Court should consider the "cumulative effect" of jurors' beliefs. *Id.* This Court has long recognized that "[j]uries, rather than individual jurors, decide cases, and jury decisions are not rendered in a

vacuum." *Id.*; *see also id.* at 107 (affirming district court's change of venue before completion of voir dire where 50 jurors were examined and 30 were dismissed for cause).

[¶33] Here, both the jurors' personal experiences with the DAPL protests and the substantial—and often suspiciously targeted—pretrial publicity have resulted in a jury that will be unable to decide this case based solely on the evidence presented at trial.

1. Jurors' Personal Experiences of the Protests

[¶34] Greenpeace Defendants will not receive a fair and impartial trial with this jury. Fundamentally, "[a] jury verdict must be based upon evidence received in open court, not from outside sources." *Olson*, 271 N.W.2d at 582 (citation omitted). Yet, the jury selection process made it clear that jurors' personal experiences during the protests will inevitably affect their ability to decide this case fairly.

[¶35] ***Nine of the twenty final jurors*** had "an unqualified opinion or belief as to the merits of the action" founded upon their personal experiences with the protests. *See* N.D.C.C. § 28–14–06(6) (listing grounds for challenges for cause). That is, almost ***half*** of them either had a direct personal experience with the protests or protesters, or knows a friend or family member who had a direct personal experience with the protesters. Contrary to the statute, the district court refused to excuse any of the following jurors for cause:

Juror Number	Personal Experience
[redacted]	[redacted]
[redacted]	[redacted]
[redacted]	[redacted]
[redacted]	[redacted]
[redacted]	[redacted]
[redacted]	[redacted]
[redacted]	[redacted]

	[redacted]
[redacted]	[redacted]
[redacted]	[redacted]

[¶36] In the questionnaire responses and during voir dire, the jurors selected to the final pool expressed serious concerns about their ability to perform their duties in accordance with North Dakota law. [redacted]

[¶37] Some jurors reported sentiments that directly track the messages of the paid direct mailers and advertisements targeted at them immediately before trial. For example, [redacted]

[redacted]

[¶38] Multiple jurors indicated interest in the outcome and main question involved in the action, and a state of mind evidencing enmity and bias in favor of Plaintiffs and against Greenpeace Defendants. N.D.C.C. § 28–14–06(5)&(7). [redacted]

Despite these jurors' obvious financial interest and bias, the district court declined to excuse any of these jurors for cause.[3]

[¶39] Not only did the district court misapply the law for challenging individual jurors for cause, but it also failed to grapple with the substantial evidence in the context of a motion to change venue. In *Slaubaugh*, this Court recognized that "[c]hanging venue on the basis that a fair and impartial trial cannot be had demands a ***broader analysis***" than challenging individual jurors for cause. 499 N.W.2d at 105 (emphasis added). Here, the district court failed to consider "the ***aggregate effect*** of many factors." *Id.* at 106 (emphasis added). As summarized above, ***nine of the twenty final jurors*** had personal involvement and experiences related to the events at issue. *See* N.D.C.C. § 28–14–06(6). ***Seven*** of them expressed concerns about following the law as given, and ***seven*** evinced a clear bias in favor of Plaintiffs or against Greenpeace Defendants. *Id.* § 28–14–06(5)&(7). Even if these factors were insufficient to disqualify an individual juror, per *Slaubaugh*, their "cumulative effect" is sufficient to justify a change of venue. Thus, by denying Greenpeace Defendants' renewed motion to change venue, the district court abused its discretion.

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[3] Plaintiffs insist that every juror was rehabilitated and agreed to wipe their memory of their personal experiences. But this is beside the point. *Slaubaugh* holds that a motion to change venue requires a "broader analysis" than a challenge to an individual juror for cause, expressly advising the district to look beyond the criteria set forth in N.D.C.C. § 28–14–06. 499 N.W.2d at 106. Even if each individual juror may be able to set aside his or her personal beliefs, the district court should consider the "cumulative effect" of jurors' beliefs. *Id.*

2. Paid Local Pretrial Publicity

[¶40] The bias stemming from jurors' personal experiences has been compounded by an apparent campaign to exert influence over potential Morton County jurors. In November 2024, Greenpeace Defendants became aware of a direct mailer, stylized as a local newspaper called "Central ND News," sent to Morton County residents—and, for the most part, ***just*** Morton County residents. The publication contained negative stories about the DAPL protests that took place eight years ago as well as positive stories about benefits that Plaintiff Energy Transfer conferred on the community. (E9:1–2). In February 2025, Greenpeace Defendants discovered additional pretrial publicity targeted at potential jurors in Morton County, including a television commercial promoting Plaintiffs' work in North Dakota, more issues of Central ND News, and unsolicited text messages linking to articles about the protests. (E15:1–3:¶¶3–6; E16:1:¶3).

[¶41] The paid local publicity reached its intended audience. One juror ***even brought a copy of Central ND News to the courtroom*** because he thought it was "weird" to get a newspaper about the protests at this time and "it brought back memories." (E21:242:4–15; *see also* E21:242:1–4,24–25; 243:1–2). During voir dire, ***seven*** prospective jurors indicated that they had seen the television commercial. (E21:242:15–23).

[¶42] To determine whether the prejudice generated by pretrial publicity requires a change of venue, this Court considers the following factors: "(1) whether the publicity was recent, widespread, and highly damaging to the defendant; (2) whether the prosecution was responsible for the objectionable material, or if it emanated from independent sources; (3) whether inconvenience to the prosecution and administration of

justice will result from a change of venue or continuance; [and] (4) whether a substantially better panel can be sworn at another time and place."[4] *Olson*, 271 N.W.2d at 580; *Basin Elec. Power Coop.*, 289 N.W.2d at 558 (applying these four factors to civil cases).

[¶43] These factors weigh strongly in favor of transferring the trial out of Morton County. ***First***, the publicity is now "recent, widespread, and highly damaging to the defendant." In the order denying Greenpeace Defendants' initial motion to change venue, the district court acknowledged that "[d]uring the actual protests and the aftermath, the publicity was widespread, but nothing was provided to the Court to show the publicity was highly damaging to Greenpeace[.]" (E6:3–4:¶8). Greenpeace Defendants have now provided the district court with ***recent*** publicity that is highly damaging to them. For example, the January 2025 issue of Central ND News contained an article with the headline, "Former Dakota Access Pipeline protester: 'We ended up creating a local ecological disaster'" (E15:1:¶3), while the February 2025 issue features a pull quote from a local businessperson describing the impacts of the protests "50 miles from the protest site." (E15:2:¶5). And this recent publicity was widespread enough that it actually reached prospective jurors, as mentioned above.

[4] The remaining factors (which have not been explicitly applied to civil cases) are "(5) the nature and gravity of the offense; (6) the size of the community; (7) the status of the defendant in the community; and (8) the popularity and prominence of the victim." *Olson*, 271 N.W.2d at 580 (citations omitted). The small population of Morton County and the unpopularity of Greenpeace Defendants in the community would also weigh in favor of changing venue.

[¶44] ***Second***, the timing and nature of much of this recent publicity suggest that it may have emanated from Plaintiffs or someone closely connected to them. The district court recognized that if the publicity were ***not*** independent or unbiased, this factor would weigh in favor of a change of venue. (E6:4:¶8). To the extent this Court believes the evidence on this factor is lacking, the district court abused its discretion by not allowing Greenpeace Defendants to conduct limited discovery to more definitely determine if the plaintiffs were "responsible for the objectionable material." *See infra* Section VI.B.

[¶45] ***Third***, as the district court has acknowledged, inconvenience to the Plaintiffs or the administration of justice "does not impact a change of venue either way." (E6:4:¶9). That is because Plaintiffs have no connection to Morton County, and additional costs, if any, of holding a trial in Cass County would be minimal.

[¶46] ***Finally***, Greenpeace Defendants' evidence shows that a better panel can be sworn in Cass County. Cass County is located approximately 200 miles from where the protests occurred. Although nearly all of the Cass County residents surveyed were also familiar with the protests, fewer of the Cass County respondents demonstrated strong feelings of hostility towards the protest and protesters than in Morton County. (E3:20–21:¶¶50–53). And, compared to Cass County residents, ***more than twice as many Morton County residents have a personal connection*** to the Dakota Access Pipeline, other pipelines or an oil or gas company, or a personal connection to the protests. (E3:10:¶39). Notably, only 12% of Cass County residents surveyed were either personally affected or knew someone who was affected by the protests compared to 55% of Morton County respondents. (E3:10–12:¶40). While the district court deemed this

factor "inconclusive" at the time of Greenpeace Defendants' initial motion, declaring that "a panel of 50 potential jurors could provide the necessary jury" (E6:4:¶10), the results now confirm the district court was mistaken. Because the jury empaneled in Morton County has, in fact, been demonstrated to be biased, the advantages of Cass County are all the more compelling. As the U.S. Supreme Court has stated, "where there is a reasonable likelihood that prejudicial news prior to trial will prevent a fair trial, the judge should . . . transfer it to another county not so permeated with publicity." *Nebraska Press Ass'n v. Stuart*, 427 U.S. 539, 553 (1976).

B. The District Court Abused Its Discretion by Denying Greenpeace Defendants' Motion to Allow Limited Discovery.

[¶47] Given the timing and nature of the direct mailer, Greenpeace Defendants reasonably believe that it may have emanated from Plaintiffs or from someone closely connected to them. Central ND News appears to be published by Metric Media, a Chicago, Illinois based network founded and operated by an individual named Brian Timpone. (E11:2: ¶¶6–7). Metric Media operates over 1,100 websites and without any apparent pattern distributes direct mail paper publications styled as local newspapers. (E11:2:¶6). Central ND News does not appear to have any physical presence in North Dakota. The mailer contains no advertisements and on page 1 the publication refers readers to the web address https://centralndnews.com. (E13:4). The direct mailer was sent under USPS mailing permit number 1851, which is registered to FMC Printing in Dallas, Texas, where Plaintiffs are headquartered. (E11:4:¶14). Additional investigation has revealed the following:

- On or about September 5, 2024, Energy Transfer's founder and Board Chair Kelcy Warren donated five million dollars ($5,000,000) to a Super

PAC named Turnout for America.[5] (E11:2:¶8). Based on mandatory reporting for a Super PAC, this is the only contribution Mr. Warren has ever made to Turnout for America. (E11:2:¶8).

- On or about September 19, 2024, Turnout for America paid $250,000 to Northern CB Corp. (an Illinois corporation providing printing and publishing services that was dissolved in 2022) for "media services." (E11:2–3:¶¶9–10). Northern CB Corp.'s president is Brian Timpone, the operator of Central ND News's publisher Metric Media. (E11:2–3:¶¶6–7,9–10). There are no other prior or subsequent payments purported to have been made to Northern CB Corp. (E11:2:¶9).

[5] Super PACs "are committees that may receive unlimited contributions from individuals, corporations, labor unions and other PACs for the purpose of financing independent expenditures and other independent political activity." *See* https://www.fec.gov/press/resources-journalists/political-action-committees-pacs/. Committees must report both receipts and disbursements. *See* https://www.fec.gov/help-candidates-and-committees/keeping-records/recording-receipts/; https://www.fec.gov/help-candidates-and-committees/keeping-records/records-disbursements/. The FEC Form 3X filed by Turnout for America—both Schedule A, "Itemized Receipts," and Schedule B, "Itemized Disbursements,"—are attached as Exhibits 1 and 2, respectively, to the Jack Declaration, and reflect Turnout for America's incoming and outgoing contributions for 2024. (E11:5–8).

- On or about October 15, 2024, the Central ND News direct mailer appears to have been sent primarily, perhaps exclusively, to Morton County, North Dakota, through FMC Printing in Dallas, Texas. (E9:4–18; E13:4).
- Morton County residents have received the Central ND News direct mailer, including local counsel for Greenpeace International and Greenpeace Inc., who resides in Mandan, North Dakota. (E13:1:¶¶3–5). In addition, at least two prospective jurors received the direct mailer. (E21:242:1–4,24–25; 243:1–2).
- The Central ND News website (https://centralndnews.com) identified on page 1 of the direct mailer has a recurring feature called "On This Day in 2016," which the website began running in August of 2024. (E11:3¶11). Each edition of "On This Day in 2016" recounts a different day in 2016 on which significant DAPL protest activities occurred, including arrests, before ending with an identical, rote description of Plaintiffs' efforts to hold Greenpeace Defendants responsible for the protests through this litigation as well as recent events in the litigation, including the recent resignation of Greenpeace, Inc. and Greenpeace Fund, Inc.'s Executive Director. (E11:11–19). A search of the Central ND News website history reflects that it had never included a story about the DAPL protests prior to August of 2024. (E11:3¶11).
- On August 10, 2024, Central ND News posted a story on its website about the DAPL protests in 2016. (E11:11–15). That same day, a group called Grow America's Infrastructure Now (GAIN) re-posted that story on the X

(formerly Twitter) social media platform. (E11:3:¶12). GAIN was the only one of the 600 million monthly users on X to have re-posted the article. (E11:3:¶12). [redacted]

- In September 2024, the Central ND News website published the online version of the article in the direct mailer about an Energy Transfer donation to the University of Mary in 2018. (E11:3–4;¶13). A search of the Central ND News website history reflects no prior articles on Energy Transfer contributions to the North Dakota community. (E11:3–4;¶13).
- On November 19, 2024, the Central ND News website posted another story about the DAPL protests in 2016. (E11:4¶16).
- On February 26, 2025, as trial began, Central ND News published a physical newspaper containing an article with the headline, "Eight years ago: President Trump signs order to expedite Dakota Access Pipeline." (E19:2:¶7).

[¶48] On November 13, 2024, Greenpeace Defendants sent a litigation preservation demand letter to FMC Printing (E11:4¶15). On November 22, 2024, Greenpeace Defendants filed an emergency motion with the district court seeking documents and a deposition of a representative of the company. (E10:3–4:¶¶1–4).

[¶49] The district court noted that it "takes an extremely dim view of attempts to influence a jury panel before the trial," and acknowledged that "Greenpeace alleges an attempt by someone to influence the jury pool." (E14:2:¶4). However, the district court

denied the motion, stating that the "only way to determine if such an attempt is successful . . . is through the jury questionnaires and jury selection." (E14:2:¶4).

[¶50] The district court's denial was an abuse of discretion. The question is not merely whether the attempt to influence the jury pool was successful, but ***who*** made the attempt. Given the importance of securing a fair and impartial jury, particularly when prior research revealed significant bias, Greenpeace Defendants believe it is critical to understand who requested and paid for these direct mailers, to whom they were distributed, and why. The district court erred by denying Greenpeace Defendants' motion because there is good cause for allowing the requested discovery from FMC Printing, which appears closely connected to Plaintiffs. And as discussed above, whether Plaintiffs may have been responsible for the objectionable material implicate Greenpeace Defendants' right to an impartial jury. *See Skaggs v. Otis Elevator Co.*, 164 F.3d 511, 514–15 (10th Cir. 1998) ("[T]he right to a jury trial in a civil case would be illusory unless it encompassed the right to an impartial jury.").

C. Absent This Court's Immediate Intervention, Greenpeace Defendants Will Be Irreparably Harmed.

[¶51] Greenpeace Defendants are at immediate risk of irreparable harm if this trial were to proceed in Morton County. To the extent that the standard for issuance of a temporary restraining order may inform this Court's decision, Greenpeace Defendants have shown a clear need for immediate relief. *See* N.D.R.Civ.P.65(a). Not only will Greenpeace Defendants be forced to waste time and resources defending themselves for five weeks before a biased jury, but they may be unable to post the bond required for appeal. *See* N.D.R.App.P.7 ("[d]istrict court may require an appellant to file a bond or provide other security in any form and amount necessary to ensure payment of costs on

appeal"). Plaintiffs seek ***$900 million*** in compensatory and exemplary damages. If the jury award is even a small percentage of this amount, Greenpeace Defendants would not have the financial resources to cover the bond to appeal such a judgment. (E23:1:¶¶4–6; E24:1:¶¶4–6). Greenpeace Defendants will be effectively stripped of its assets and destroyed without this Court ever having the opportunity to decide whether Greenpeace Defendants could have received the fair trial to which they are entitled. This Court should prevent that injustice before it occurs.

VII. CONCLUSION

[¶52] For the reasons stated above, Greenpeace Defendants respectfully request that this Court issue a supervisory writ directing the district court to vacate its order denying Greenpeace Defendants' initial motion to change venue, and grant Greenpeace Defendants' renewed motions to change venue. The district court is directed to change the venue of trial from Morton County to Cass County.

Dated this 27th day of February, 2025.

/s/ Derrick Braaten

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CERTIFICATE OF COMPLIANCE

I, Derrick Braaten, one of the attorneys of Braaten Law Firm, hereby certify that the foregoing complies with the page limitation in Rule 32, N.D. R. App. P., as it is a total of 34 pages (including the cover and this final page) .

/s/ Derrick Braaten
Derrick Braaten, ND Bar #06394

CERTIFICATE OF SERVICE

I, Derrick Braaten, hereby certify that on this 27th day of February, 2025 true and correct copies of the foregoing PETITION FOR SUPERVISORY WRIT was served upon the following persons via Public Portal eService:

Lawrence Bender	lbender@fredlaw.com

I further certify that the foregoing was served by e-mail to the following persons not eligible to be served via Public Portal eService:

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County Clerk, Morton County	30clerk@ndcourt.gov
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EXHIBIT 1

Greenpeace Defendants' Petition for Supervisory Writ

STATE OF NORTH DAKOTA

COUNTY OF MORTON

IN DISTRICT COURT

SOUTH CENTRAL JUDICIAL DISTRICT

Energy Transfer LP (formerly known as Energy Transfer Equity, L.P.); Energy Transfer Operating, L.P. (formerly known as Energy Transfer Partners, L.P.); and Dakota Access LLC, Plaintiffs, v. Greenpeace International (also known as "Stichting Greenpeace Council"); Greenpeace, Inc.; Greenpeace Fund, Inc.; Red Warrior Society (also known as "Red Warrior Camp"); Cody Hall; and Krystal Two Bulls Defendants.	Case No. 30-2019-CV-00180 **SECOND AMENDED COMPLAINT**

[¶1] Plaintiffs Energy Transfer LP, Energy Transfer Operating, L.P. (together with Energy Transfer LP, "Energy Transfer"), and Dakota Access LLC ("Dakota Access"), for their complaint against Defendants Greenpeace International (aka "Stichting Greenpeace Council"); Greenpeace, Inc.; Greenpeace Fund, Inc. (collectively, the "Greenpeace Defendants"); Red Warrior Society (aka "Red Warrior Camp"); Cody Hall; and Krystal Two Bulls, allege as follows:

INTRODUCTION

[¶2] This action arises from Defendants' unlawful and violent scheme to cause financial harm to Energy Transfer and Dakota Access, to cause physical harm to their employees and infrastructure, and to disrupt and prevent the companies' construction of the Dakota Access Pipeline ("DAPL") -- a 1,172-mile long underground crude oil pipeline which extends from the Bakken region of North Dakota to Patoka, Illinois. Defendants' unlawful acts include violent

attacks against Plaintiffs' employees and property, soliciting money for and providing funding to support these illegal attacks, inciting protests to disrupt construction, and a vast, malicious publicity campaign against Energy Transfer and Dakota Access. All the while, Defendants utilized the anti-DAPL platform to raise tens of millions of dollars in donations from the public under the guise of concern over indigenous peoples' rights.

[¶3] The conduct and harm alleged here has been described by the U.S. District Court for the District of North Dakota as "mindless and senseless criminal mayhem" that is not protected by the rights of free speech and assembly:

> With respect to the assertion the movement has been a peaceful protest, one need only turn on a television set or read any newspaper in North Dakota. There the viewer will find countless videos and photographs of the "peaceful" protestors attaching themselves to construction equipment operated by Dakota Access; vandalizing and defacing construction equipment; trespassing on privately-owned property; obstructing work on the pipeline; and verbally taunting, harassing, and showing disrespect to members of the law enforcement community. . . . The estimated damage to construction equipment and loss of work on the project is far in excess of several million dollars. . . . To suggest that all of the protest activities to date have been "peaceful" and law-abiding defies commonsense and reality.

Dakota Access, LLC v. Archambault, No. 1:16-cv-296, 2016 WL 5107005, at *2 (D.N.D. Sept. 16, 2016).

[¶4] Defendants advanced their extremist agenda -- to attack and disrupt Energy Transfer and Dakota Access's business and their construction of DAPL -- through means far outside the bounds of democratic political action, protest, and peaceful, legally protected expression of dissent. Instead, Defendants pursued "militant direct action" -- in the words of Defendant Two Bulls -- including trespass onto Dakota Access's private property; unlawful invasion of Dakota Access's easements; violent and destructive attacks on Dakota Access's construction equipment and other private property; arson; and intimidation, harassment, and assault of Plaintiffs' employees.

[¶5] Defendants also engaged in large-scale, intentional dissemination of misinformation and outright falsehoods regarding both Energy Transfer and Dakota Access and the companies' extensive efforts to address the concerns of local North Dakota communities about the pipeline, including spreading defamatory falsehoods regarding DAPL's supposed, but actually nonexistent, intrusion on local indigenous peoples' -- the Standing Rock Sioux Tribe's -- historically important burial sites and land; as well as a defamatory campaign to interfere with and, indeed, destroy Energy Transfer and Dakota Access's relationships with investors, financiers, and other constituents.

[¶6] In fact, prior to starting construction on the pipeline, Plaintiffs spent more than two years working closely with the United States Army Corps of Engineers ("USACE"), and North Dakota officials, to identify a route for the pipeline that would have the least impact on local stakeholders and resources. Plaintiffs went to great lengths to engage with all interested stakeholders potentially affected by the pipeline's construction, including the Standing Rock Sioux Tribe ("SRST"). As a result, DAPL almost exclusively tracks private land, does not encroach on SRST land, and entirely avoids disturbance to historic and cultural resources. Accordingly, USACE determined -- with the concurrence of the North Dakota State Historic Preservation Officer -- that the Project ***affected no historic properties***.

[¶7] Notwithstanding Defendants' specific knowledge of the foregoing, Defendants' actions and words made clear that their purpose was to inflict as much financial harm as possible on Energy Transfer and Dakota Access, whether or not they could actually prevent construction of the pipeline. In fact, when court decisions and other events confirmed the lawfulness and propriety of DAPL, Defendants stated openly that their efforts were nonetheless justified by the tremendous additional expense and delay they caused to Energy Transfer and Dakota Access.

[¶8] Defendants' malicious intent -- and their stunning hypocrisy -- were evidenced by, among other things, the fact that their calls for "direct action" incited, led, and financially supported by Defendants left tribal and other lands in an utterly degraded condition -- strewn with rotting garbage, pest-infested firewood, human waste, orphaned animals, abandoned tents and other structures, and over 830 dumpster loads of trash. The Greenpeace Defendants -whose pockets were lined with tens of millions of dollars in anti-DAPL contributions they raised from around the globe -- disappeared, and contributed ***not a cent*** to restore North Dakota to the condition in which they found it. Instead, the bill for the multi-million dollar cleanup of the "environmental disaster" left by protestors fell largely upon the citizens of North Dakota, American taxpayers, and the Standing Rock Sioux Tribe.

[¶9] As the citizens of North Dakota experienced firsthand, the Defendants, purportedly protesting Energy Transfer, Dakota Access, and DAPL, inflicted other significant harm upon the State of North Dakota and its citizens in addition to the environmental mess they left behind. North Dakota citizens suffered months of harassment, intimidation, and threats from protestors; their property was destroyed; ranchers' cattle and bison were butchered or maimed; graves were vandalized; and local residents' private property was vandalized, leaving people feeling unsafe and under siege in their own homes. The State of North Dakota publicly condemned Defendants' conduct: "[t]he real brutality [was] committed by violent protesters who use[d] improvised explosive devices to attack police, use[d] hacked information to threaten officers and their families, and use[d] weapons to kill livestock, harming farmers and ranchers."

[¶10] By this action, Energy Transfer and Dakota Access seek to recover the millions of dollars of damages caused by Defendants' unlawful, malicious, and coordinated attack on Energy Transfer, Dakota Access, and DAPL. Energy Transfer and Dakota Access in no way seeks to limit

or threaten anyone's lawful exercise of their rights to free expression of their political and other beliefs and opinions, or in any way suppress political debate over important environmental issues. Defendants' actions, however, were not protected free speech or expression. Instead, they were designed to inflict damage, cause delay, defame Energy Transfer and Dakota Access, and disrupt their operations as much as possible. It is for all of this extensive, unjustified, and unlawful conduct, as detailed in this complaint, that Plaintiffs seek to vindicate their own legal rights.

PARTIES AND RELEVANT NON-PARTIES

Plaintiffs

[¶11] Plaintiff Energy Transfer LP is a master limited partnership organized under the laws of Delaware and headquartered in Dallas, Texas. Energy Transfer LP was formerly known as Energy Transfer Equity, L.P.

[¶12] Plaintiff Energy Transfer Operating, LP is a master limited partnership organized under the laws of Delaware and headquartered in Dallas, Texas. Energy Transfer Operating, L.P. was formerly known as Energy Transfer Partners, L.P.

[¶13] Energy Transfer owns the largest liquid petroleum and natural gas pipeline system by volume in the United States, spanning nearly 72,000 miles. Energy Transfer was the "project lead" and "primary builder" of DAPL, and the subject and target of numerous false and defamatory statements by the Greenpeace Defendants.

[¶14] Plaintiff Dakota Access is a limited liability company organized under the laws of Delaware with its headquarters and principal place of business in Dallas, Texas. Dakota Access owns and operates DAPL, a project planned, designed, and constructed by Energy Transfer. Dakota Access also owns the easements with which Defendants unlawfully interfered, and owned or was otherwise in possession of the land on which Defendants trespassed at all relevant times. Dakota Access further owns or was otherwise in possession of machinery and construction

equipment, the use of which Defendants wrongfully deprived Dakota Access by damaging, destroying or otherwise detaining such equipment.

The Greenpeace Defendants

[¶15] Defendants Greenpeace International, aka Stichting Greenpeace Council ("GP-International" or "GPI"), Greenpeace, Inc. ("GP-Inc."), and Greenpeace Fund, Inc. ("GP-Fund") are each constituents of the international "Greenpeace" organization, a network of legally distinct, yet coordinated, international, national, and regional associations, and are inextricably bound with each other.

[¶16] Defendant GPI is a Dutch not-for-profit foundation based in Amsterdam, the Netherlands. GPI reviews, approves, and underwrites the activities of national and regional "Greenpeace" entities, including GP-Inc. and GP-Fund. GPI also directs the activities of international Greenpeace entities, such as Greenpeace Netherlands and Greenpeace Japan.

[¶17] GP-Inc. is a nonprofit corporation organized under the laws of California and headquartered in Washington, D.C. GP-Inc. is licensed to do business in many states, including North Dakota.

[¶18] GP-Fund is a nonprofit corporation organized under the laws of California and headquartered in Washington, D.C. GP-Fund is licensed to do business in many states, including North Dakota.

[¶19] GP-Inc. and GP-Fund collectively hold themselves out as "Greenpeace USA" and share an executive director, Annie Leonard. Employees of GP-Inc. and GP-Fund are publicly identified as representatives of "Greenpeace USA." GP-Inc. and GP-Fund publish reports as "Greenpeace USA," and act together as "Greenpeace USA." GP-Inc. and GP-Fund have admitted in public filings that they jointly "control all Greenpeace operations in the United States" and

"pursuant to a 'protocol' between [ ] all other Greenpeace entities worldwide, including . . . Greenpeace International, no Greenpeace operations are to occur in the United States without [their] consent." GPI and Greenpeace USA each purport to be "expert" organizations that publish reports based on "expert analysis and investigations."

Defendants Red Warrior Society aka Red Warrior Camp, Cody Hall, and Krystal Two Bulls

[¶20] Defendant Cody Hall is a resident of South Dakota. Defendant Hall is a leader, organizer, spokesperson, and fundraiser for Red Warrior Society.

[¶21] Defendant Krystal Two Bulls is a resident of Montana. Defendant Two Bulls serves as a leader, organizer, media coordinator, and fundraiser for Red Warrior Society.

[¶22] Red Warrior Society is an informal organization of the most violent, most radical anti-DAPL activists in North Dakota and across the country. Red Warrior Society is a front organization for Greenpeace USA intended to provide cover for Greenpeace USA's support of and engagement in illegal, violent "direct action" against DAPL. Defendant Hall formed Red Warrior Camp, the physical incarnation of Red Warrior Society, near the DAPL crossing at Lake Oahe in the fall of 2016 with the financial support and direction of Greenpeace USA and Earth First! in connection with anti-DAPL protests in North Dakota.

[¶23] Red Warrior Society, and its members at Red Warrior Camp, distinguished themselves from other activists by their express rejection of non-violent protest, and embrace of violence and "militant direct action" tactics against DAPL. "Militant direct action," as the term is used by Red Warrior Society, means the destruction and/or damage of DAPL construction equipment and other property, attacks on and intimidation of Plaintiffs' employees, and operations specifically designed to damage or destroy DAPL. In the words of Defendant Two Bulls, "Militant direct action is a strategy we use to build real movements, change power dynamics, shift societies

and even remove governments."

Non-Party Banktrack

[¶24] Banktrack, aka Stichting Banktrack, is a not-for-profit foundation based in Nimegen, the Netherlands. Banktrack coordinated with Greenpeace Defendants to publish and disseminate false statements about Energy Transfer, Dakota Access, and DAPL. Banktrack also coordinated with Greenpeace Defendants to disseminate false statements about Energy Transfer, Dakota Access, and DAPL to Dakota Access's and Energy Transfer's respective lenders to induce the termination or impairment of these relationships.

Non-Party Earth First!

[¶25] Earth First!, an unincorporated association, is a radical environmental activist group. In connection with DAPL protests, Earth First! provided $500,000 to extremist protestors, including Cody Hall and Krystal Two Bulls, to form and fund the violent Red Warrior Camp at DAPL crossing near Lake Oahe; coordinated with Greenpeace USA to provide training in "direct action" and criminal sabotage to Red Warrior Camp; and distributed copies of its Direct Action Manual and Ecodefense Guide -- which provide instruction on "direct action" techniques -- at protest camps in North Dakota and other sites along DAPL's route.

JURISDICTION AND VENUE

[¶26] This Court has jurisdiction pursuant to N.D. R. Civ. P. 4(b)(2) because each defendant directly and through agents transacts business within the state; committed tortious acts within or outside the state causing injury to another person or property within the state; and/or has committed a tort within the state causing injury to another person or property within or outside the state.

[¶27] Venue is proper in Morton County pursuant to N.D.C.C. § 28-04-05 because Plaintiffs' causes of action arose in Morton County and the vast majority of the events and conduct

giving rise to this action occurred in this county.

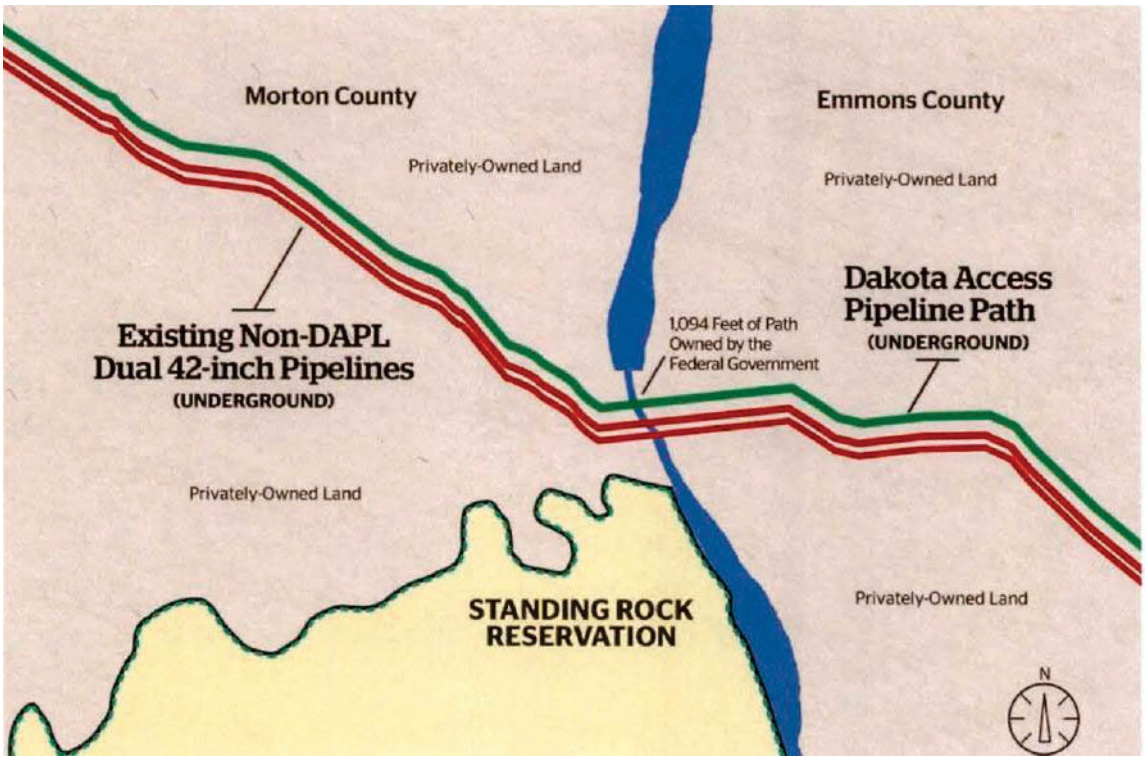
FACTS

A. Energy Transfer and Dakota Access carefully and extensively plan and design DAPL to track privately owned land and minimize environmental impact.

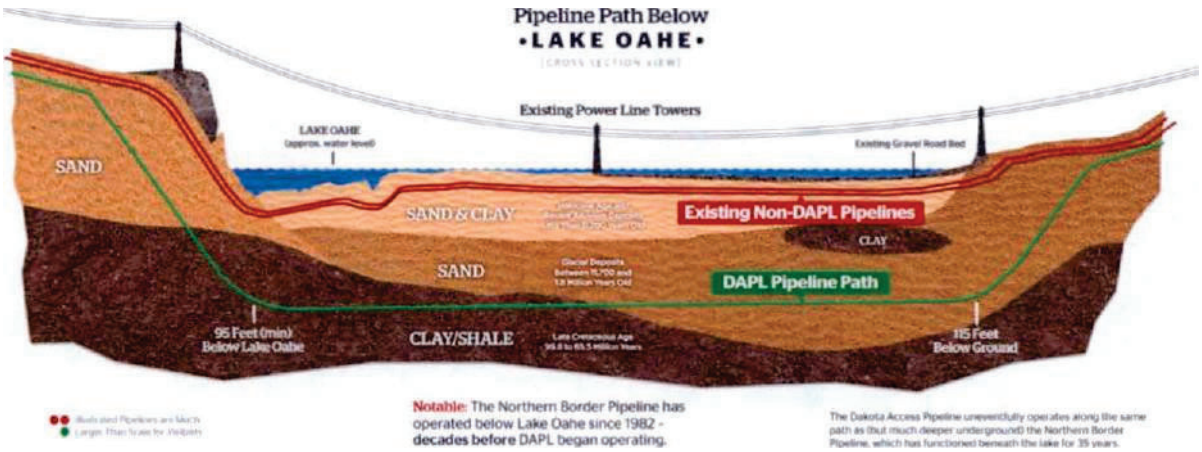
[¶28] On June 25, 2014, Plaintiffs announced the development and construction of DAPL -- a 1,172 mile underground oil pipeline -- to transport nearly a half-million barrels of domestically produced crude oil across four states on a daily basis. Via the pipeline, oil is transported from the Bakken region in North Dakota, across South Dakota and Iowa, to Patoka, Illinois, where it connects to the national and international oil refining and distribution networks.

[¶29] For the next 25 months, Plaintiffs -- working closely with USACE and North Dakota state officials -- conducted extensive planning to identify a route for the pipeline that would have the least impact on community stakeholders and natural and cultural resources.

[¶30] As a result of Plaintiffs' careful planning, DAPL traverses private land for 99% of its route. One exception is where DAPL crosses federally-owned and regulated waters at the Missouri River under the man-made Lake Oahe -- a reservoir that begins just north of Pierre, South Dakota and extends nearly to Bismarck, North Dakota. Lake Oahe is federally owned and regulated, as is the land surrounding it. The Lake Oahe crossing is located a half mile above the northern boundary of the SRST reservation. As shown in the image below, ***DAPL does not cross any SRST-owned land or water.***



[¶31] As depicted in the image below, the pipeline "crosses" 90 to 115 feet beneath Lake Oahe along the route of an existing pipeline -- the Northern Border Pipeline. Plaintiffs selected this crossing location because it would traverse a path that was already disturbed by existing infrastructure, thus reducing the risk of any negative impact to historic resources or cultural features.



[¶32] On July 25, 2016, USACE issued a Final Environmental Assessment for DAPL

with a Mitigated Finding of No Significant Impact, concluding that the risk of spill was very low, and authorizing the pipeline's route under Lake Oahe.

B. Defendants execute an unlawful and violent campaign to cause financial and reputational harm to Energy Transfer and Dakota Access and to obstruct construction of DAPL.

[¶33] No later than July 2016, as DAPL neared completion, the Greenpeace Defendants conspired and agreed with Banktrack, Earth First!, Cody Hall, and Krystal Two Bulls to engage in a coordinated campaign to obstruct Energy Transfer and Dakota Access's construction of DAPL and their business operations and to inflict the maximum amount of financial and reputational harm possible upon Energy Transfer and Dakota Access.

[¶34] Defendants' operations against Energy Transfer and Dakota Access consisted of three components. First, the Greenpeace Defendants and Banktrack disseminated false statements about Energy Transfer, Dakota Access, and DAPL to the public for the purpose of raising funds to further their anti-DAPL agenda, inciting thousands of protestors to descend on Lake Oahe to halt construction of DAPL, and damaging Energy Transfer and Dakota Access's reputation. Second, Greenpeace USA and Earth First! organized, funded, and supported unlawful acts of trespass, property destruction, and violence by protestors (including Hall and Two Bulls) to obstruct construction and operation of DAPL. Third, the Greenpeace Defendants and Banktrack disseminated false statements about Energy Transfer, Dakota Access, and DAPL directly to Energy Transfer and Dakota Access's respective lenders and investors to induce the termination or impairment of these relationships and/or contracts and damage both Energy Transfer's and Dakota Access's reputations. Defendants' defamatory attacks on "DAPL," the "pipeline," "Dakota Access," and "Energy Transfer" were intended to harm both Dakota Access and Energy Transfer. While Dakota Access and Energy Transfer are separate corporate entities, Defendants made no distinctions between Plaintiffs in their defamatory attacks, and used these names and

phrases interchangeably to attack all Plaintiffs.

1. Defendants disseminate malicious false statements about Energy Transfer, Dakota Access, and DAPL in a misinformation campaign.

[¶35] Beginning in (at the latest) August 2016 and continuing through the months of protests at Lake Oahe, the Greenpeace Defendants and Banktrack commenced large-scale dissemination of false claims about the impacts of the development, construction, and operation of DAPL. These misrepresentations were disseminated via, *inter alia,* mass emails sent by these Defendants to their membership, donor, and other email lists, websites operated by these Defendants, press releases, social media accounts, and other means.

[¶36] The Greenpeace Defendants' and Banktrack's specific misrepresentations are set forth in detail in the Second Amended Appendix A to this Second Amended Complaint. Defendants' misrepresentations regarding Energy Transfer, Dakota Access, and DAPL fall into three broad categories: (a) false statements regarding DAPL's path, (b) false statements alleging Energy Transfer "desecrated" cultural resources, (c) false statements regarding Energy Transfer's treatment of anti-DAPL protestors. A number of Defendants' false publications specifically identify Energy Transfer as DAPL's "project lead" and "primary builder," and describe DAPL as "a project of Energy Transfer," thereby defaming Energy Transfer by false statements about the planning, approval, and construction of DAPL.

[¶37] As will be shown at trial, each of Defendants' misrepresentations, individually and collectively, caused substantial harm and damage to both Dakota Access and Energy Transfer.

a. <u>Defendants misrepresented that DAPL traverses SRST lands</u>.

[¶38] The Greenpeace Defendants and Banktrack made, and repeated countless times, baseless claims regarding DAPL's route. Specifically, they falsely represented that the pipeline would traverse under and/or across sovereign SRST land. This is false. ***In fact, the pipeline does not traverse SRST property, at all***. The Lake Oahe crossing is located a half-mile north of the legal boundary of the SRST reservation. Its waters are federally owned and regulated, as is the 1.4 miles of land beneath Lake Oahe where DAPL passes *<u>under</u>* the waterway. The land adjacent to Lake Oahe, through which the pipeline traverses, is likewise federally owned. The facts regarding DAPL's specific path have been publicly known since before construction on the pipeline ever commenced. Yet the Greenpeace Defendants and Banktrack repeatedly disseminated this false claim to thousands upon thousands, if not millions, of people, including their constituents and the general public, as part of their effort to raise funds and to incite anti-DAPL protests.

b. <u>Defendants misrepresented that Energy Transfer and Dakota Access desecrated cultural resources</u>.

[¶39] The Greenpeace Defendants and Banktrack also falsely claimed that Energy Transfer "deliberately desecrated documented burial grounds and other culturally important sites" and destroyed sacred Native Lands and religious and other historical sites. Contrary to these claims, the DAPL route was meticulously planned to, and does, avoid historically or culturally important sites. In fact, as the Defendants were well aware, Plaintiffs went to extraordinary lengths to ensure cultural resources were not disturbed or destroyed, including by consulting with SRST prior to construction. Indeed, in April 2016, USACE determined -- with the concurrence of the North Dakota State Historic Preservation Officer -- that the pipeline affected no historic properties.

[¶40] Moreover, findings of the North Dakota State Historical Society, released on September 22, 2016, refute any claim that Energy Transfer or Dakota Access desecrated historical

resources near Lake Oahe. In fact, after conducting its own, independent cultural resource survey of the Lake Oahe corridor and DAPL's impact on the cultural and historical resources, the North Dakota State Historical Society concluded that there was "no evidence of infractions . . . with respect to disturbance of human remains or significant sites" as a result of the DAPL project.

[¶41] On September 9, 2016, the U.S. District Court of the District of Columbia (the "DC Court") in *Standing Rock Sioux Tribe, et al. v. U.S. Army Corps of Engineers,* 16-cv-1534, a lawsuit challenging the adequacy of the consultation and environmental review process for DAPL found that Dakota Access "prominently considered" the "potential presence of historic properties" in choosing a route for the pipeline:

> Using past cultural surveys, the company devised DAPL's route to account for and avoid sites that had already been identified as potentially eligible for or listed on the National Register of Historic places. With that path in hand, in July 2014, the company purchased rights to a 400-foot corridor along its preliminary route to conduct extensive new cultural surveys of its own. These surveys eventually covered the entire length of the pipeline in North and South Dakota, and much of Iowa and Illinois. Professionally licensed archaeologists conducted Class II cultural surveys, . . . [and] [i]n some places, . . . intensive Class III cultural surveys....
>
> Where this surveying revealed previously unidentified historic or cultural resources that might be affected, the company mostly chose to reroute. In North Dakota, for example, the cultural surveys found 149 potentially eligible sites, 91 of which had stone features. The pipeline workspace and route was modified to avoid all 91 of these stone features and all but 9 of the other potentially eligible sites. By the time the company finally settled on a construction path, then, the pipeline route had been modified 140 times in North Dakota alone to avoid potential cultural resources. Plans had also been put in place to mitigate any effects on the other 9 sites through coordination with the North Dakota SHPO. All told, the company surveyed nearly twice as many miles in North Dakota as the 357 miles that would eventually be used for the pipeline.

[¶42] The D.C. Court also detailed Dakota Access's efforts to consult with the SRST, noting that, despite "dozens of attempts to engage Standing Rock," the "Tribe largely refused to engage in consultations." Nonetheless, the D.C. Court also concluded that the USACE -- who provided critical oversight of DAPL planning -- independently consulted with the SRST regarding

DAPL's proposed path. In fact, the D.C. Court found that the USACE "exceeded its NHPA obligations" in considering the SRST's concerns:

> For example, in response to the Tribe's concerns about burial sites at the James River crossing, the Corps verified that cultural resources indeed were present and instructed Dakota Access to move the site to avoid them. Dakota Access did so. Furthermore, the Corps took numerous trips to Lake Oahe with members of the Tribe to identify sites of cultural significance. [The USACE commander] also met with the Tribe no fewer than four times in the spring of 2016 to discuss their concerns with the pipeline. Ultimately, the Corps concluded that no sites would be affected by the DAPL construction at Lake Oahe, and the State Historic Preservation Officer who had visited that site concurred. The Corps' effort to consult the Tribe on this site — the place that most clearly implicated the [SRST's] cultural interests — sufficed under the NHPA. . . . [T]his is not a case about empty gestures. . . . [T]he Corps and the Tribe engaged in meaningful exchanges that in some cases resulted in concrete changes to the pipeline's route.

[¶43] In addition, on June 14, 2017, the D.C. Court rejected the SRST's claim that the USACE's review process was inadequate; finding instead that the USACE amply considered viable alternatives to the final route, the risks of spill, and the environmental impact of any potential spill. The D.C. Court found that the environmental analysis extensively "discuss[ed] DAPL's 'reliability and safety,"' providing "the necessary content" to support its conclusion that the risk of a spill is very low.

[¶44] Further, the D.C. Court held that Dakota Access's choice of the approved route, rather than an alternative route that traversed closer to Bismarck, North Dakota, was not only legal, but prudent because, among other reasons, the proposed Bismarck route would have been co-located with existing utility or pipeline routes for only 3 percent of the total route, and thus posed a substantially greater risk of negative impact to cultural resources and the environment than the selected route.

c. <u>Defendants misrepresented that Plaintiffs used extreme violence against peaceful protests</u>.

[¶45] The Greenpeace Defendants and Banktrack also repeatedly published false

statements that Energy Transfer and/or Dakota Access used "extreme violence" against "peaceful, nonviolent". This too is false. Neither Energy Transfer nor Dakota Access utilized "extreme violence" against anyone. Construction workers and private security officers exercised restraint, and proportionately responded to extreme violence and intentional sabotage directed at Plaintiffs' employees and property by protestors. In fact, the protests incited and funded by Defendants at Lake Oahe were not remotely peaceful. The State of North Dakota publicly concluded that it was not Energy Transfer or Dakota Access that was violent, but the protestors: "[t]he real brutality [was] committed by violent protesters who use[d] improvised explosive devices to attack police, use[d] hacked information to threaten officers and their families, and use[d] weapons to kill livestock, harming farmers and ranchers."

[¶46] The U.S. District Court for the District of North Dakota likewise described the protests as "mindless and senseless criminal mayhem," with "protestors attaching themselves to construction equipment operated by Dakota Access; vandalizing and defacing construction equipment; trespassing on privately owned property; obstructing work on the pipeline." *Dakota Access, LLC v. Archambault*, 2016 WL 5107005, at *2 (D.N.D. Sept. 16, 2016).

2. Defendants organize, fund, and support unlawful acts of trespass, property damage and destruction, and violence.

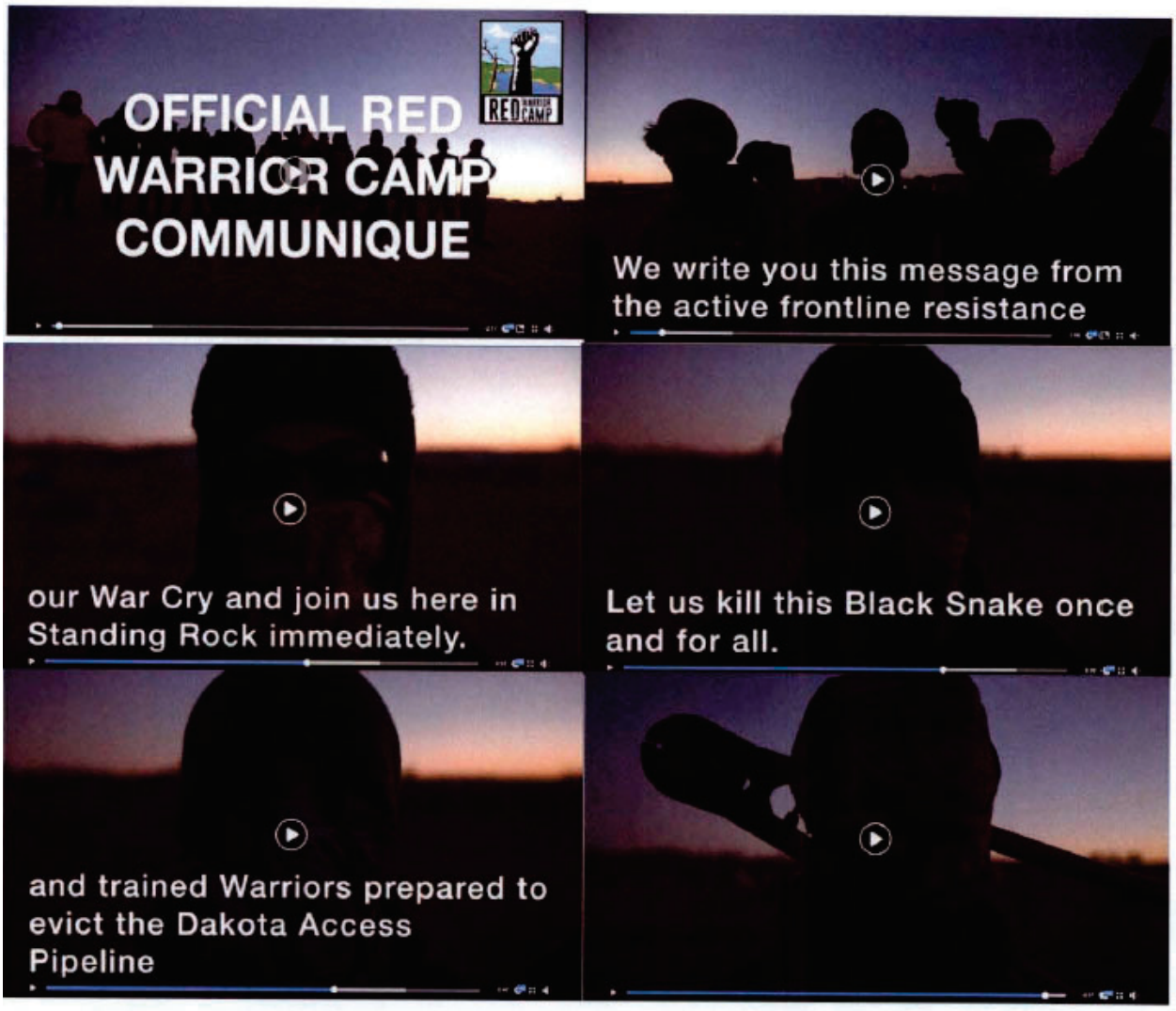
1. <u>Defendants obstruct construction of the pipeline in North Dakota</u>.

[¶47] In or around August 2016, in response to the Defendants' misinformation campaign, thousands of protestors from around the country and the world traveled to North Dakota to join what to date had been small, local protests against DAPL. As more and more out-of-state protestors descended on the Lake Oahe crossing, they formed massive encampments on surrounding land. Greenpeace USA sent its "direct action trainers," including direct action trainer Harmony Lambert, to the camps to lead "daily direct action trainings," including instruction in

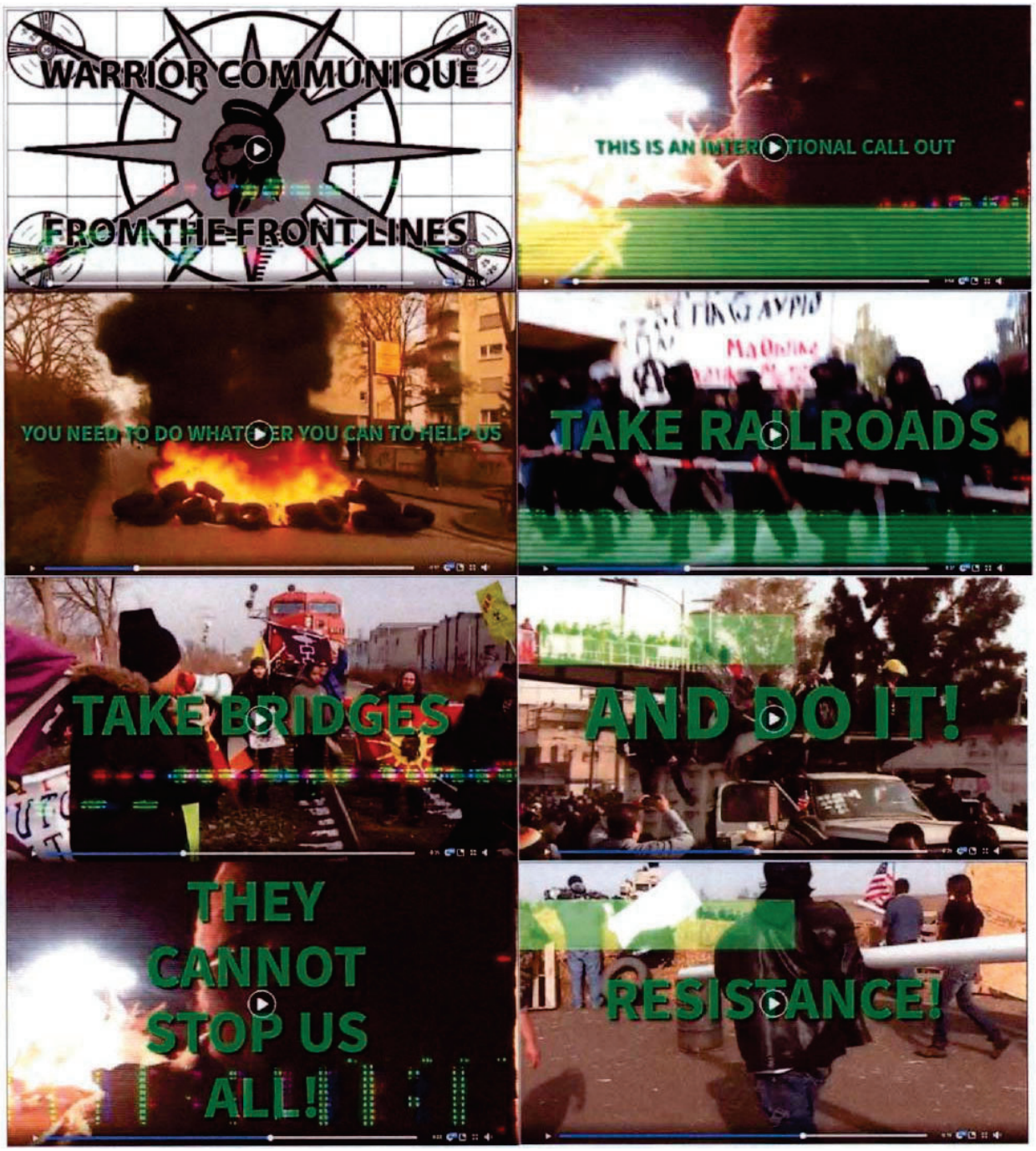
"hard lockdown blockades" and "technical blockades." Among other things, Greenpeace USA taught protestors how to use U-locks, steel cables, chains, and heavy metal pipes to attach themselves to construction equipment. Protestors proceeded to employ these tactics at DAPL construction sites on an almost daily basis between August and November 2016, causing a total shutdown of pipeline construction.

[¶48] In or around August 2016, Earth First!, in concert with the Greenpeace Defendants, gave $500,000 in seed money to the most extreme anti-DAPL protestors to form and support "Red Warrior Camp." Red Warrior Camp" was formed to organize the protestors most willing to engage in violence against DAPL and Plaintiffs' employees. Greenpeace USA supported Red Warrior Camp by providing direct action training to its members and excusing its own employees from their jobs at Greenpeace to join Red Warrior Camp (while being paid by Greenpeace USA) to protest DAPL as members of Red Warrior Camp. Greenpeace USA also held a donation drive in ten or more cities across North America to raise money and supplies to support Red Warrior Camp, whose advocacy of violent protest against the pipeline, and demonstrated willingness to engage in violence against Plaintiffs' employees, was well known.

[¶49] Red Warrior Camp openly announced its violent intentions and spread its violent message on social media via a series of recruitment videos posted by a purported parent organization styled the "Red Warrior Society." One video, called an "Official Red Warrior Society Communique," uses stylized footage of Red Warrior Camp members wearing hoods and masks standing in front of a camera as the sun rises behind them. One masked member holds a large bolt cutter over his shoulder. The video claims to bring a "message from the active front line resistance" and issues a call for "skilled and trained warriors who are prepared to evict the Dakota Access Pipeline."



[¶50] Another video, entitled an "Official Warrior Communique From the Front Lines," and produced with digital effects imitating a coded military transmission, features a masked Red Warrior Camp member issuing a call to action. The video repeatedly cuts to footage of violent anarchic riots across the world and urges the viewer to "take railroads. Take bridges. Do it! They cannot stop us all!"


WARRIOR COMMUNIQUE
FROM THE FRONT LINES
THIS IS AN INTERNATIONAL CALL OUT
YOU NEED TO DO WHATEVER YOU CAN TO HELP US
TAKE RAILROADS
TAKE BRIDGES
AND DO IT!
THEY CANNOT STOP US ALL!
RESISTANCE!

[¶51] Another video documents Red Warrior Society's "Mask Up and Donate" tour of the United States to seek financial support. The video states that the Red Warrior Society is "looking for likeminded warriors" who will "join [them] in [their] fight for water by any means necessary." The video refers to Red Warrior Society members as "Black Snake Killaz" who eat "rubber bullets for breakfast."

[¶52] Red Warrior Society also produced documentary-style recruitment and fundraising videos that glorified and celebrated its members' unlawful acts. One video, titled "The Water Wars Have Begun #NODAPL," focused on conflicts between members of Red Warrior Camp and law enforcement in North Dakota on October 27, 2016. The video displays images of burning barricades, burning cars, and violent confrontations between masked Red Warrior Camp members and law enforcement. A masked and hooded member of Red Warrior Camp states, "This is on the frontlines, right now. This is War." As Red Warrior Camp burns roads and barricades, a masked member of Red Warrior Camp threatens, "This is nothing compared to what the corporate greed does."





[¶53] Another video shows an event held at 8th Street and Memorial Highway in Mandan, North Dakota, in which members clad in military-style camouflage jackets, black hoods, ski goggles, and bandanas chant "black snake killas" and "no pipeline pigs." The video also contains images of a mock Thanksgiving feast with a severed pig's head covered in blood as law

enforcement personnel stand nearby.

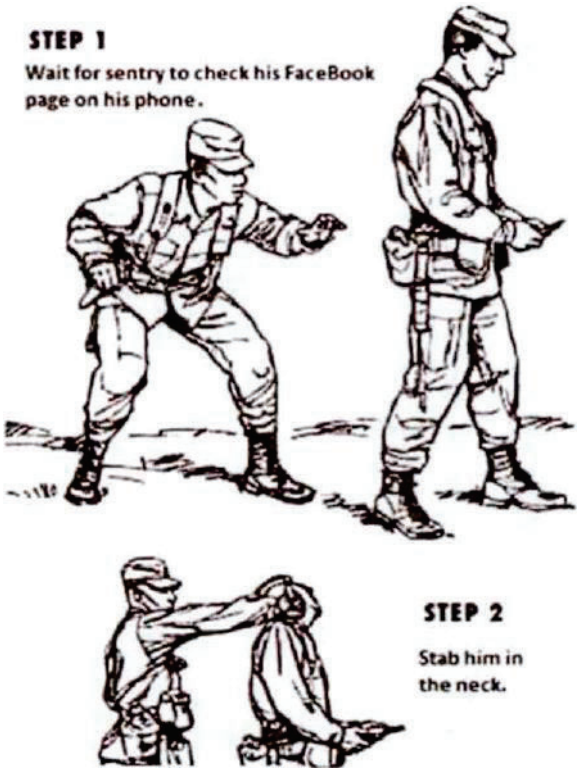
[¶54] Red Warrior Society's violent anti-DAPL propaganda was also spread to the public through social media posts, primarily via Facebook. These posts often featured images of masked Red Warrior Society members, calls to arms, and other violent, anti-DAPL imagery.

[¶55] One image stated, "No Compromise, Stand For Water" and depicted masked Red Warrior Society members pointing drawn bows at a Native American wearing a shirt inscribed "DAPL" sitting in front of stacks of money:



Red Warrior Society posted the image above with text that read: "By Any Means Necessary stand where ever [sic] you are the waters connect us all #EARTHSARMY."

[¶56] In another Facebook post, Red Warrior Society provided "instructions" for disabling security guards or other law enforcement that stated: "Step 1. Wait for sentry to check his Facebook page on his phone. Step 2. Stab him in the neck" and depicted a man dressed in a military-style uniform being stabbed in the neck.



[¶57] In yet another post, Red Warrior Society posted an image of a masked Red Warrior Society member superimposed on a picture of a group of soldiers, with text that read "Grassroots Warriors Aren't All Pacifists."



[¶58] The image above was accompanied with a post from Red Warrior Society that criticized non-violent protestors, who pursued a non-violent, pacifist approach.

> Red Warrior Society is full of prayerful people, we pray with our bodies as well as our spirits! Pacifism and those who use it and defend it in a laterally (sic) violent matter and even a violently physical matter (which makes no sense) need to educate and inform themselves on a diversity of tactics! #realitycheck #warriorup #grassroots #redwarrior #ancestralpride #warriorblood

[¶59] Red Warrior Society also used social media to post "communiqués," including an October 10, 2016 message asking supporters to hear Red Warrior Society's "War Cry" and issuing a call for "skilled and trained Warriors prepared to evict the Dakota Access Pipeline" to join the group in North Dakota and help Red Warrior Society "kill this Black Snake once and for all."

[¶60] Each and every one of these videos and social media posts by Red Warrior Society illustrate Red Warrior Society's rejection of peaceful protest, and its embrace and advocacy of violence and intimidation as a means to stopping construction of DAPL. Moreover, the posts served to incite mayhem and violence against DAPL.

[¶61] Throughout this period, Defendant Two Bulls served as, in her own words, Red Warrior Society's "media coordinator," and would have been responsible for publication of the images above.

[¶62] In addition, on October 12, 2016, in the midst of the violence inflicted on DAPL by Red Warrior Society, Two Bulls published an editorial article entitled "The Financial Powers Behind the Dakota Access Pipeline Must Be Confronted" on the website www.commondreams.org that called for "militant direct action" in the "fight against the Dakota Access Pipeline." In the article, Two Bulls set forth "lessons moving forward" to guide opponents of DAPL, including to:

> **Make militant direct action the organizing strategy, not just a tool in the toolbox**. . . . Movements around the world use confrontational action as a strategy, not just as a tactic. Militant movements in Serbia ousted Milosevic . . . . Militant direct action is a strategy we use to build real movements, change power dynamics, shift societies and even remove governments.

A copy of Two Bulls article is attached hereto as Exhibit 1.

[¶63] As set forth below, Two Bulls and her Red Warrior Society cohorts heeded their own calls for "militant direct action" against DAPL and carried out a string of militant attacks on DAPL operations in North Dakota.

2. Hall leads Red Warrior Camp's violent attacks on Plaintiffs and DAPL.

[¶64] On August 10, 2016, roughly 100 protestors led by Red Warrior Camp and Hall entered Dakota Access property near Lake Oahe. Upon entering, Red Warrior Camp members sought to obstruct Plaintiffs' employees from gaining access to the property. One member -- who openly carried a 12-inch knife on his hip -- threatened DAPL personnel on their way to work that if they tried to enter the site they would get "hurt." Another member chained himself to a DAPL fence.

[¶65] The following day, August 11, 2016, approximately 200 protestors led by Red Warrior Camp and Hall again raided Dakota Access property near Lake Oahe, jumping fences, threatening Plaintiffs' employees by brandishing knives and other weapons, and further threatening to attack them. Upon entering the property, Red Warrior Camp members destroyed barricades constructed by Dakota Access to prevent trespassers from entering the construction site. Local police were called to provide protection to Plaintiffs' employees.

[¶66] Attacks continued on August 12, 2016, when Red Warrior Camp members again raided Dakota Access property and threatened violence against Plaintiffs' employees on the property and prevented others from entering to perform their jobs. As a result of the persistent and escalating threats of violence against Plaintiffs' employees, local police -- who had been called on each of the previous days -- were again called in to provide protection to employees attempting to evacuate the property. As the police escorted the employees out, Red Warrior Camp members attacked departing cars with rocks and bottles.

[¶67] On September 3, 2016, Red Warrior Camp and Hall led hundreds of protestors in an attack on construction crews working on DAPL. Members of Red Warrior Camp stampeded horses, loosed dogs, and drove cars onto federal and private land where construction was occurring. Red Warrior Camp members attacked security personnel with knives, fence posts, flagpoles, and other improvised weapons.

[¶68] Red Warrior Camp members again attacked Plaintiffs' employees and Dakota Access property on September 6, 2016.

[¶69] Days later, Defendant Hall was arrested by local police and charged with criminal trespass for his role in the multiple attacks on DAPL.

[¶70] Red Warrior Camp attacked again on September 9, 2016. Masked members, armed with knives and hatchets, swarmed a DAPL construction site two miles east of Highway 1806, leaving a wake of destruction in their path.

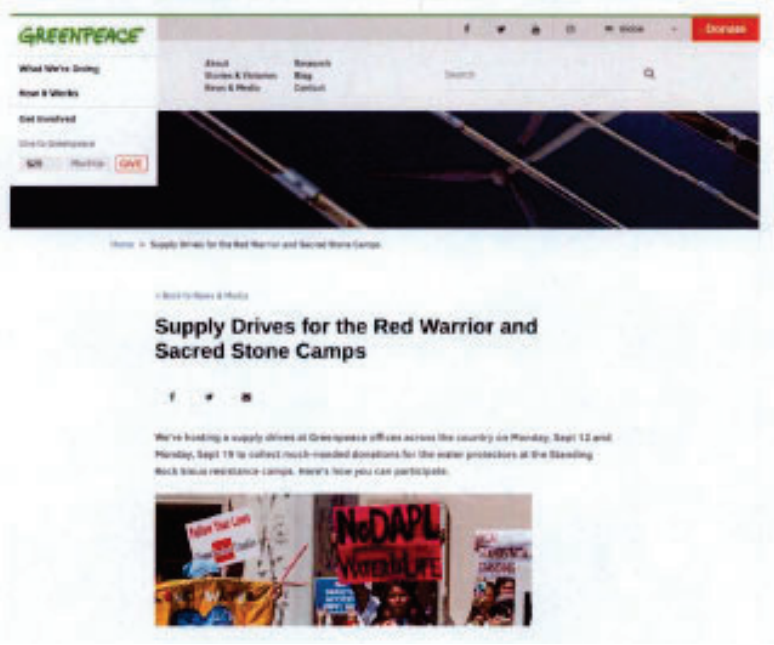
[¶71] On September 13, 2016, members of Red Warrior Camp again illegally entered a DAPL construction site and used steel pipes to lock themselves to DAPL construction equipment. The next day, September 14, 2016, Red Warrior Camp members trespassed at a DAPL construction site and attached themselves to a DAPL excavator, preventing its use.

3. The Greenpeace Defendants raise funds to support Red Warrior Camp's violent mission.

[¶72] Simultaneous with and after the attacks described above, the Greenpeace Defendants mounted a nationwide campaign to raise money and supplies to support and further Red Warrior Camp's attacks on DAPL. During this time, Greenpeace USA organized donation drives in ten cities across the United States to collect supplies to fund, feed, and house Red Warrior Camp members at Lake Oahe. Greenpeace USA directed funds be sent directly to Red Warrior Camp, notwithstanding Hall's recent arrest, and Greenpeace USA also delivered funds that it

collected to Red Warrior Camp. At this time, Red Warrior Camp's record of violence against DAPL personnel was well known, including within Greenpeace USA, and yet, with full knowledge that their aid to Red Warrior Camp would sustain it and allow its members to perpetrate violence, Greenpeace USA continued its fundraising activities on Red Warrior Camp's behalf. The supplies and funds Greenpeace USA raised directly enabled Red Warrior Camp's violent attacks on DAPL through October and November 2016.

[¶73] Greenpeace USA published an advertisement of its donation drives on its website, https://www.greenpeace.org/usa/campaign-updates/supply-drive-for-dakota-red-warrior-camp/:





Demonstrators at a solidarity rally for Dakota Access Pipeline activists in Washington, DC.
Robert Meyers

For months, the Standing Rock Sioux and their allies have been peacefully protesting the Dakota Access Pipeline project, which will carry more than 400,000 barrels of crude oil a day across their ancestral lands and under the Missouri River. If the pipeline leaks or spills, it could dump hundreds of thousands barrels of crude oil in the Missouri River less than a half mile downstream from the tribe's water supply.

The momentum created by Indigenous activists at Standing Rock is getting results. Resistance camp organizers have reached out for donations of camping, cooking, art, and other supplies to keep the growing peaceful opposition to the pipeline going as long as possible.

Stand with the Standing Rock Sioux by participating in donation drives in the following cities:

- Costa Mesa, CA
- Denver, CO
- Los Angeles, CA
- New York City, NY
- Oakland, CA
- Portland, OR
- San Diego, CA
- San Jose, CA
- St. Petersburg, FL
- Washington, DC

You can drop off your contributions to any Greenpeace office between **10:00am – 2:00pm local time on Monday, 9/12 or Monday 9/19.**

Here is a list of the supplies that the camp has requested:

CAMPING SUPPLIES:

- Tents (Various Sizes)
- 1 person pup tents
- Flashlights
- Lanterns
- Sleeping bags
- Blankets
- Heat blankets
- Rain Coats/rain gear
- Wool Socks
- Winter gear
- Shades/canopies
- Chem lights
- Tarps
- Folding tables
- Coolers (Large)
- Cell phone boosters
- Solar powered chargers/lights
- Walkie talkies
- Fire wood
- Parachute cord
- Jumper Cables

COOKING SUPPLIES:

- Industrial sized pots and pans
- Cooking sheets

BULK FOOD:

- Non-perishable food

ART SUPPLIES:

- Canvas (Various sizes)
- Poster board
- Paint
- Paint rollers
- White flat sheets
- Screen printing materials
- Drawing ink (Black or red)
- T-shirts (Red/various sizes)
- Sweaters (Grey/Various sizes)
- Large Tote/storage boxes

KITCHEN SHADE MATERIALS:

- Metal shelving units
- Nails
- Screws
- Battery powered drill
- Shovels

BASIC MEDIC SUPPLIES:

- Variety bandages
- Splints
- Ace wraps
- Sleeves
- Goldbond
- Medical tape
- Athletic tape
- Medical scissors
- Ice/hot packs

OTHER:

- Gift Cards
- Visa Gas Cards

Please donate supplies of new or near-new condition appropriate (i.e. not damaged, dirty, or otherwise unfit for donation). Note that all donations are not tax-deductible.

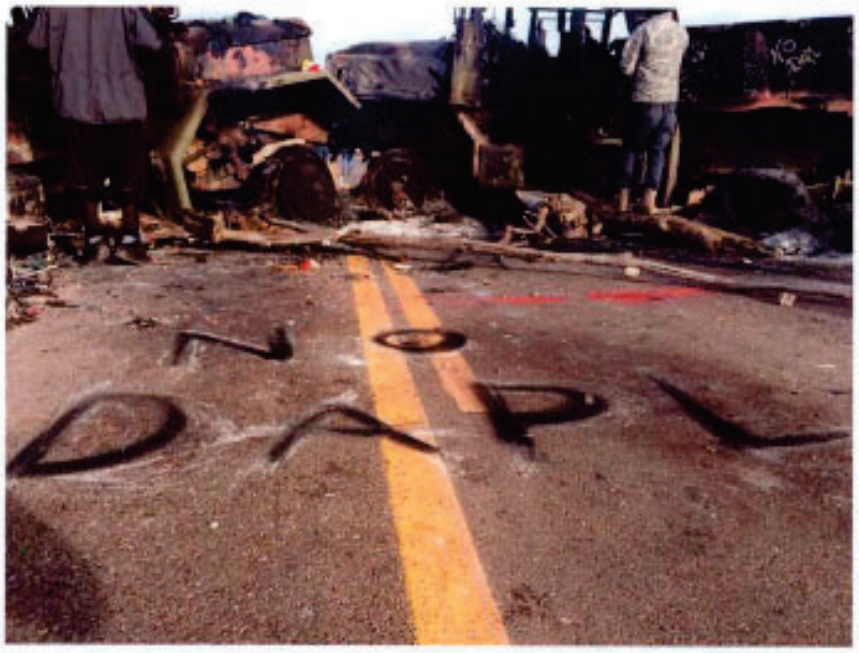
You can also mail supply donations directly to the following address:

Red Warrior Camp
BIE 00N02 Agency Ave
Fort Yates, ND 58538
United States
Phone: (605) 220-2531

[¶74] During this same time period, Greenpeace USA published Red Warrior Camp's public "call to action" -- authored by defendant Two Bulls -- on its website. This communique urged the public to "***take escalated action to stop the pipeline.***" A copy of the communique is attached hereto as Exhibit 2.

[¶75] Red Warrior Camp continued violent attacks on DAPL over the following months. On September 25, 2016, Red Warrior Camp led hundreds of protestors who trespassed on Dakota Access property west of Highway 6, damaging equipment on site. When security personnel informed Red Warrior Camp members they were trespassing, members brandished knives and assaulted a security guard, dragging the security guard 100 yards. Paramedics were called to treat the security guard for injuries.

[¶76] On October 27, 2016, Red Warrior Camp led protestors who again trespassed on Dakota Access property near Highway 1806, set up roadblocks to prevent access to the area, and erected an encampment on Dakota Access property. When law enforcement requested that Red Warrior Camp members remove the barricade and leave Dakota Access's property, Red Warrior Camp members responded with violence. On this night, Red Warrior Camp members built makeshift barriers between themselves and the police and lit them on fire to prevent law enforcement from evicting them from the site. Red Warrior Camp members threw Molotov cocktails at law enforcement, setting fire to Dakota Access land and appurtenant structures. Red Warrior Camp members also deliberately set fire to numerous DAPL vehicles and its heavy construction equipment, destroying the property in the process.

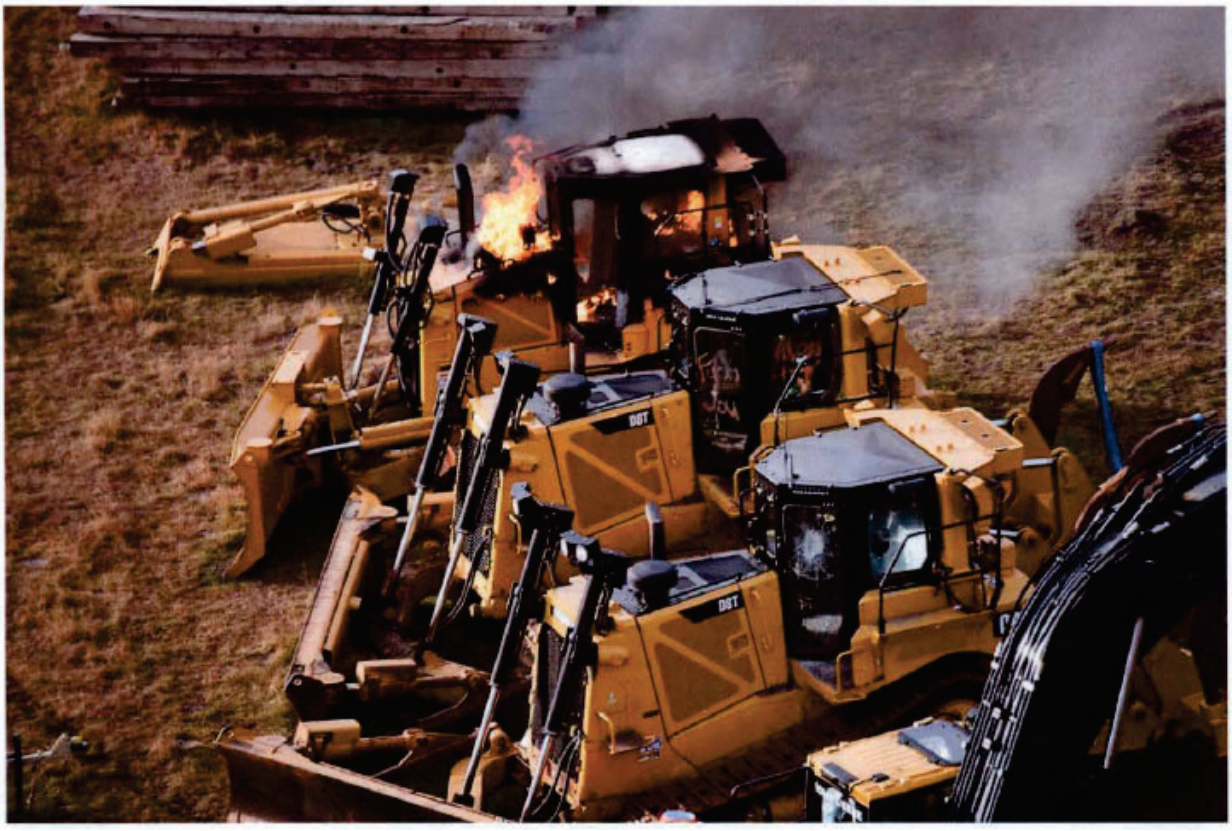

NO
DAPL


FUCK OFF
WATER
IS LIFE












CAUTION



[¶77] On November 20, 2016, Red Warrior Camp members gathered at a location known as Backwater Bridge. Red Warrior Camp members tore down barbed wire fencing and illegally entered Dakota Access property. Armed Red Warrior Camp members attacked police, ignited fires on and near the bridge, and threw grenades and flares at law enforcement officers.

4. SRST votes to evict Red Warrior Camp, condemning its violence against DAPL.

[¶78] As a result of Red Warrior Camp's violent tactics, on November 1, 2016, the SRST Tribal Council unanimously voted to ask Red Warrior Camp to decamp from the Lake Oahe area out of concern for the safety of non-violent protestors opposing DAPL and because SRST rejected Red Warrior Camp's violent tactics. Red Warrior Camp ignored SRST's request, and not only did not leave the area, but continued to perpetrate violent operations against DAPL, rather than adopt the non-violent means of protest that SRST preferred and supported.

3. Defendants target Energy Transfer and Dakota Access's respective business constituents.

[¶79] In addition to the misrepresentations regarding Energy Transfer, Dakota Access, and DAPL that the Greenpeace Defendants and Banktrack disseminated to the general public and their followers in the anti-fossil fuel and environmental activist communities, these Defendants also mounted a misinformation campaign directly targeted at both Energy Transfer and Dakota Access's business constituents in an effort to induce the termination of existing contracts or relationships or the impairment of these relationships. In particular, the Greenpeace Defendants and Banktrack focused their efforts on banks financing DAPL and "any other credit facilities to the Energy Transfer Family of Partnerships," as wells as Energy Transfer's other ongoing and prospective infrastructure projects. The specific misrepresentations directed by the Greenpeace Defendants and Banktrack are set forth in detail in the Second Amended Appendix A to the Second Amended Complaint. These actions, together with those detailed below, were designed to inflict maximum financial harm to Energy Transfer and Dakota Access, and succeeded in doing significant damage to the companies and their relationship with the financial marketplace.

[¶80] For example, on November 8, 2016, Banktrack and Greenpeace USA sent a joint letter to the Equator Principles Association, a consortium of global banks that includes Energy Transfer and Dakota Access lenders DNB, ING, Nordea, and BNP Paribas. The letter falsely alleged that Energy Transfer and Dakota Access committed "gross violations of Native land titles," "deliberately desecrated documented burial grounds and other culturally important sites," and violated human rights.

[¶81] In reliance on these misrepresentations, DNB, one of the banks funding DAPL, sold its equity interest in Energy Transfer, totaling approximately $3 million. DNB also promised to reconsider its participation in the lending facility to DAPL. Greenpeace USA took credit for

DNB's divestment of shares in Energy Transfer, but continued to call on DNB to exit its loan to Energy Transfer.

[¶82] Between November 28-30, 2016, Banktrack, GPI, and Greenpeace USA sent joint letters to 17 banks involved in the $2.5 billion lending facility to DAPL, including DNB, Citigroup, and ING, urging these banks to exit DAPL loan facility based on false claims about the impact of DAPL on cultural and historical resources. Immediately after, Greenpeace USA delivered a separate letter to Citibank reiterating the same false statements demanding that Citibank "withdraw from the [DAPL] loan agreement and any other credit facilities to the Energy Transfer Family of Partnerships."

[¶83] In response to Greenpeace Defendants' and Banktrack's misrepresentations, Citibank announced the retention of Foley Hoag LLP, a law firm with human rights expertise, on behalf of the consortium of banks financing DAPL. The consortium retained Foley Hoag to review various matters relating to the permitting process. Over the course of the following four months, Energy Transfer incurred fees and diverted resources to respond to requests for information in connection with Foley Hoag's investigation.

[¶84] The Greenpeace Defendants and Banktrack continued to disseminate misrepresentations to the banks throughout 2017. In reliance on these misrepresentations, banks terminated their relationships with Energy Transfer and Dakota Access. In January 2017, ING divested its shares in Energy Transfer.

[¶85] On February 2, 2017, after meeting with Greenpeace Netherlands and Banktrack, who misrepresented that Energy Transfer violated the SRST's rights, ABN AMRO announced that it would not pursue new business with Energy Transfer. On February 8, 2017, after learning of Greenpeace USA's false representation that DAPL traverses reservation land, Nordea announced

it would exclude Energy Transfer from all investments.

[¶86] In March 2017, after representatives of Greenpeace Netherlands dug room for and planted 15 meters of super heavy pipe at ING headquarters in protest against DAPL, ING sold its share of the $2.5 billion DAPL credit facility, totaling $120 million. DNB sold its estimated $340 million share of DAPL loan, after numerous calls by Greenpeace Defendants and Banktrack to end its participation. Norwegian funds KLP and Storebrand sold their shares in Energy Transfer.

[¶87] On April 5, 2017, BNP Paribas sold its $120 million share of the DAPL loan.

[¶88] Even after DAPL's completion, Greenpeace Defendants continue to interfere with Energy Transfer's business relationships through their dissemination of false statements about Energy Transfer and DAPL. Beginning around March 2018 and continuing to this day, Greenpeace Defendants have demanded banks that have "provided and/or arranged loans to ETP and related companies" -- labeled the "dirty dozen banks" -- "to end their financial relationship with ETP and relevant subsidiaries," based on representations already proven demonstrably false, including the false allegations that Energy Transfer "damag[ed] at least 380 sacred and cultural sites along the DAPL pipeline route."

C. Defendants' criminal scheme caused substantial harm in North Dakota.

[¶89] Defendants' campaign against Energy Transfer and Dakota Access has had significant contact with, and effects in, North Dakota where Energy Transfer and Dakota Access were actively involved in the construction of 357 miles of DAPL.

[¶90] Defendants' unlawful scheme was intended to -- and did -- cause harm to Energy Transfer and Dakota Access in North Dakota. First, Greenpeace Defendants' campaign of misinformation was directed at disrupting lawful construction activity near the Lake Oahe crossing in North Dakota. Second, Greenpeace Defendants, Red Warrior Camp, Cody Hall, and Krystal Two Bulls organized, funded, and directed violent activities against DAPL construction sites in

North Dakota. Third, Greenpeace Defendants targeted Energy Transfer and Dakota Access's business constituents, intending to interfere with Energy Transfer and Dakota Access's financing and stop construction in North Dakota.

[¶91] As a result of Defendants' wrongful acts, Energy Transfer and Dakota Access each suffered substantial damage in North Dakota, including costs of delayed construction, unanticipated costs of professional security services to ward off violent protesters, and costs associated with mitigating Defendants' misinformation campaign in North Dakota.

[¶92] Defendants' wrongful conduct also caused immense harm to the state of North Dakota and its citizens. North Dakota taxpayers were damaged in an amount of more than $38 million to pay for state and local responses to the protests and related illegal activities. The SRST -- on whose behalf Defendants purported to act -- incurred significant damages to begin major cleanup and restoration in January 2017 to prevent snowmelt from washing tens of thousands of pounds of garbage into the Cannonball and Missouri Rivers and contaminating the very waters the Defendants were purporting to protect. On federal land alone, it took USACE approximately three weeks in March and April 2017, and $1.1 million of taxpayers' money, to clean up after the protesters left 835 dumpsters worth of trash and debris in their wake.

CAUSES OF ACTION

COUNT I

TRESPASS TO LAND AND CHATTEL
(DAKOTA ACCESS AGAINST THE GREENPEACE DEFENDANTS, RED WARRIOR SOCIETY, HALL, AND TWO BULLS)

[¶93] Dakota Access re-alleges and incorporates every allegation in the foregoing paragraphs as if set forth in full.

[¶94] As set forth above, the above-named Defendants willfully entered Dakota Access's property without consent or other privilege.

[¶95] The above-named Defendants funded, trained, directed, and caused others to willfully enter Dakota Access's property without consent or other privilege.

[¶96] Upon willfully entering Dakota Access's property without consent or other privilege, the above-named defendants and individuals funded and trained by the above-named Defendants maliciously and wantonly damaged and destroyed DAPL property, prevented Dakota Access from using its land and construction equipment, disrupted Dakota Access's operations, and caused financial harm to Dakota Access.

[¶97] As a result of the above-named defendants' intentional trespass, Dakota Access suffered harm and damages in an amount to be proven at trial, including damages for damaged or destroyed construction equipment, fencing and other barrier systems, and land; loss of use of Dakota Access's land and construction equipment; numerous construction delays; and increased costs of operations. Because the foregoing acts were committed with oppression, fraud, or actual malice, Dakota Access is entitled to an award of exemplary damages.

COUNT II

AIDING AND ABETTING TRESPASS TO LAND AND CHATTEL (DAKOTA ACCESS AGAINST THE GREENPEACE DEFENDANTS, HALL, AND TWO BULLS)

[¶98] Dakota Access re-alleges and incorporates every allegation in the foregoing paragraphs as if set forth in full.

[¶99] Individuals funded, trained, directed, and supported by the above-named Defendants committed unlawful acts of trespass onto and conversion of Dakota Access's property.

[¶100] Each of the above-named Defendants knew that these individuals intended to and did commit unlawful acts of trespass onto and conversion of Dakota Access's property.

[¶101] Each of the above-named Defendants provided substantial assistance or encouragement to the trespass onto and conversion of Dakota Access's property, including by

providing funds, personnel, supplies, and training in support of the commission of unlawful acts against Dakota Access, and the intentional infliction of financial harm resulting therefrom.

[¶102] [¶110] As a direct, proximate result of each Defendant's substantial assistance and encouragement, Dakota Access has been injured and suffered damages in an amount to be proven at trial. Because the foregoing acts were committed with oppression, fraud, or actual malice, Dakota Access is entitled to an award of exemplary damages.

COUNT III

CONVERSION
(DAKOTA ACCESS AGAINST THE GREENPEACE DEFENDANTS, RED WARRIOR SOCIETY, HALL, AND TWO BULLS)

[¶103] Dakota Access re-alleges and incorporates every allegation in the foregoing paragraphs as if set forth in full.

[¶104] As set forth above, Defendants intentionally detained or destroyed Dakota Access's personal property and wrongfully exercised dominion over Dakota Access's personal property, in violation of Energy Transfer's property rights, and causing it material financial harm.

[¶105] Defendants funded, trained, directed, and caused others to willfully detain or destroy Dakota Access's personal property and wrongfully exercise dominion over Dakota Access's personal property, in violation of Dakota Access's property rights, and causing it material financial harm.

[¶106] As a result of Defendants' unlawful conversion, Dakota Access suffered harm and damages in an amount to be proven at trial, including damages for damaged or destroyed construction equipment and fencing and other barrier systems; loss of use of Dakota Access's land and construction equipment; numerous construction delays; and increased costs of construction and operations. Because the foregoing acts were committed with oppression, fraud, or actual malice, Dakota Access is entitled to an award of exemplary damages.

COUNT IV

AIDING AND ABETTING CONVERSION
(DAKOTA ACCESS AGAINST THE GREENPEACE DEFENDANTS, HALL, AND TWO BULLS)

[¶107] Dakota Access re-alleges and incorporates every allegation in the foregoing paragraphs as if set forth in full.

[¶108] Individuals funded, trained, directed, and supported by the above-named Defendants committed unlawful acts of trespass onto and conversion of Dakota Access's property.

[¶109] Each of the above-named Defendants knew that these individuals intended to and did commit unlawful acts of trespass and conversion of Dakota Access's property.

[¶110] Each of the above-named Defendants provided substantial assistance or encouragement to the trespass onto and conversion of Dakota Access's property, including by providing funds, personnel, supplies, and training in support of the commission of unlawful acts against Dakota Access.

[¶111] As a direct, proximate result of each Defendant's substantial assistance and encouragement, Dakota Access has been injured and suffered damages in an amount to be proven at trial. Because the foregoing acts were committed with oppression, fraud, or actual malice, Dakota Access is entitled to an award of exemplary damages.

COUNT V

NUISANCE
(DAKOTA ACCESS AGAINST THE GREENPEACE DEFENDANTS, RED WARRIOR SOCIETY, HALL, AND TWO BULLS)

[¶112] Dakota Access re-alleges and incorporates every allegation in the foregoing paragraphs as if set forth in full.

[¶113] [¶121] As set forth above, the above-named Defendants committed unlawful acts that unreasonably interfered with Dakota Access's ability to use its easements.

[¶114] The above-named Defendants funded, trained, directed, and caused others to willfully invade Dakota Access's easements without consent or other privilege.

[¶115] Upon willfully invading Dakota Access's easements without consent or other privilege, the above-named defendants and individuals funded and trained by the above-named Defendants maliciously and wantonly damaged and destroyed DAPL property, prevented Dakota Access from using its land and construction equipment, disrupted Dakota Access's operations, and caused financial harm to Dakota Access.

[¶116] As a result of the above-named defendants' unlawful interference with Dakota Access's easements, Dakota Access suffered harm and damages in an amount to be proven at trial, including damages for loss of use of its easements; numerous construction delays; and increased costs of operations. Because the foregoing acts were committed with oppression, fraud, or actual malice, Dakota Access is entitled to an award of exemplary damages.

COUNT VI

AIDING AND ABETTING NUISANCE (DAKOTA ACCESS AGAINST THE GREENPEACE DEFENDANTS, HALL, AND TWO BULLS)

[¶117] Dakota Access re-alleges and incorporates every allegation in the foregoing paragraphs as if set forth in full.

[¶118] Individuals funded, trained, directed, and supported by the above-named Defendants committed unlawful acts that unreasonably interfered with Dakota Access's ability to use its easements.

[¶119] Each of the above-named Defendants knew that these individuals intended to and did commit unlawful acts that unreasonably interfered with Dakota Access's ability to use its easements.

[¶120] Each of the above-named Defendants provided substantial assistance or

encouragement to the unlawful acts that unreasonably interfered with Dakota Access's ability to use its easements, including by providing funds, personnel, supplies, and training in support of the commission of unlawful acts against Dakota Access.

[¶121] As a direct, proximate result of each Defendant's substantial assistance and encouragement, Dakota Access has been injured and suffered damages in an amount to be proven at trial. Because the foregoing acts were committed with oppression, fraud, or actual malice, Dakota Access is entitled to an award of exemplary damages.

COUNT VII

DEFAMATION
(ENERGY TRANSFER AND DAKOTA ACCESS AGAINST THE GREENPEACE DEFENDANTS)

[¶122] Energy Transfer and Dakota Access re-allege and incorporate every allegation in the foregoing paragraphs as if set forth in full.

[¶123] As set forth above, Greenpeace Defendants and Banktrack knowingly and intentionally published false and injurious statements about and concerning Energy Transfer and Dakota Access, including:

a. DAPL traverses SRST lands;

b. Energy Transfer and Dakota Access used excessive and illegal force against peaceful protestors; and

c. Energy Transfer and Dakota Access intentionally desecrated SRST's cultural resources.

[¶124] Greenpeace Defendants and Banktrack published these false and misleading statements in numerous publications on the internet, social media platforms, and in direct emails, letters, telephone communications, and in-person meetings to Energy Transfer and Dakota Access's creditors, investors, and other critical market constituents, as well as to the public at large.

[¶125] Greenpeace Defendants and Banktrack made and published the false and

defamatory statements set forth herein with actual malice, as such statements were made by Greenpeace Defendants and Banktrack with knowledge of their falsity or reckless disregard for their truth.

[¶126] Greenpeace Defendants and Banktrack published these falsehoods to third-parties and understood and intended that these false statements would have the effect of injuring Energy Transfer and Dakota Access's reputation, preventing others from doing business with Energy Transfer and Dakota Access, and interfering with Energy Transfer and Dakota Access's existing business relationships.

[¶127] Greenpeace Defendants and Banktrack's false statements directly harmed Energy Transfer and Dakota Access's business, property, and reputation in an amount to be determined at trial. Energy Transfer and Dakota Access have each been injured. Their damages include lost financing; lost profits; increased expenses; legal fees; and monies expended to mitigate the impact of Greenpeace Defendants' and Banktrack's defamation campaign. Because the foregoing acts were committed with oppression, fraud, or actual malice, Energy Transfer and Dakota Access are entitled to an award of exemplary damages.

COUNT VIII

TORTIOUS INTERFERENCE WITH BUSINESS RELATIONS (ENERGY TRANSFER AND DAKOTA ACCESS AGAINST THE GREENPEACE DEFENDANTS)

[¶128] Energy Transfer and Dakota Access re-allege and incorporate every allegation in the foregoing paragraphs as if set forth in full.

[¶129] Energy Transfer and Dakota Access had many existing and prospective valid business relationships with third-parties, including with: (i) existing and prospective creditors; (ii) existing and prospective investors; and (iii) existing and prospective long-term capacity transportation shippers.

[¶130] The Greenpeace Defendants knew of Energy Transfer and Dakota Access's existing and prospective business relationships with these third-parties.

[¶131] The Greenpeace Defendants intentionally interfered with Energy Transfer and Dakota Access's existing and prospective business relationships with these third-parties by disseminating false, misleading, and defamatory statements concerning Energy Transfer and Dakota Access's business and DAPL and supporting, funding, and committing acts of trespass and violence on Dakota Access's land and property. This interference was committed intentionally and without justification or excuse.

[¶132] Energy Transfer and Dakota Access each had a reasonable expectation of obtaining the benefits of these existing and prospective business relationships. Each of the Defendants was aware of, and intended to cause, this detrimental impact on Energy Transfer and Dakota Access's existing and prospective business relationships.

[¶133] The Greenpeace Defendants' tortious interference directly and proximately harmed Energy Transfer and Dakota Access's business relationships. Energy Transfer and Dakota Access's damages include lost financing, increased cost of capital, increased operating costs, lost revenue, injury to reputation, mitigation costs, and attorney's fees in an amount to be determined at trial. Because the foregoing acts were committed with oppression, fraud, or actual malice, Energy Transfer and Dakota Access are entitled to an award of exemplary damages.

COUNT IX

CIVIL CONSPIRACY
(ENERGY TRANSFER AND DAKOTA ACCESS AGAINST ALL DEFENDANTS)

[¶134] Energy Transfer and Dakota Access re-allege and incorporate every allegation in the foregoing paragraphs as if set forth in full.

[¶135] Each of the Defendants conspired with the others with respect to committing the

unlawful acts set forth in Counts I through VI. Defendants shared and agreed upon the same conspiratorial objective, which was to stop construction of DAPL and harm Energy Transfer and Dakota Access through the publication and dissemination of false statements concerning Energy Transfer, Dakota Access, and DAPL; obstruction of DAPL construction by means of trespass, vandalism, violence, property destruction, and other unlawful activity; and interference with Energy Transfer and Dakota Access's critical business relationships.

[¶136] Defendants carried out their conspiratorial scheme by the commission of wrongful and overt acts, including publishing and disseminating numerous defamatory statements concerning Energy Transfer, Dakota Access, and DAPL; organizing, supporting, funding, and committing acts of trespass, vandalism, property destruction, and violence to obstruct construction; and interfering with Energy Transfer's and Dakota Access's business relationships.

[¶137] As a direct, proximate result of the operation and execution of the conspiracy, Energy Transfer and Dakota Access have each been injured and suffered damages in an amount to be proven at trial. Because the foregoing acts were committed with oppression, fraud, or actual malice, Energy Transfer and Dakota Access are entitled to an award of exemplary damages.

PRAYER FOR RELIEF

[¶138] WHEREFORE, Energy Transfer and Dakota Access pray for judgment as set forth below.

A. For actual, consequential, special, restitution, and exemplary damages in an amount to be proven at trial.

B. For attorney's fees.

C. For pre- and post-judgment interest as permitted by law.

D. For such other legal and equitable relief as the Court may deem Energy Transfer and Dakota Access are entitled to receive.

DATED this 6th day of March, 2024.

FREDRIKSON & BYRON, P.A.

By: _____

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EXHIBIT 2

Greenpeace Defendants' Petition for Supervisory Writ

STATE OF NORTH DAKOTA	**DISTRICT COURT**
COUNTY OF MORTON	**SOUTH CENTRAL JUDICIAL DISTRICT**
ENERGY TRANSFER LP, *et al.*, Plaintiffs, v. GREENPEACE INTERNATIONAL, *et al.*, Defendants.	Case No. 30-2019-CV-00180 **NOTICE OF DEFENDANTS GREENPEACE INTERNATIONAL, GREENPEACE, INC. and GREENPEACE FUND, INC.'S MOTION TO CHANGE VENUE AND REQUEST FOR ORAL ARGUMENT**

[¶1] PLEASE TAKE NOTICE that Defendants Greenpeace International, Greenpeace, Inc. and Greenpeace Fund, Inc. (together, "Movants" or "Greenpeace Defendants") have filed a Motion to Change Venue, along with a Brief and Exhibits in Support thereof in the above-captioned matter. This motion is submitted pursuant to Rule 3.2 of the North Dakota Rules of Court and oral argument is requested.

Dated: August 4, 2022

Respectfully submitted,

/s/ Derrick Braaten

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STATE OF NORTH DAKOTA	**DISTRICT COURT**
COUNTY OF MORTON	**SOUTH CENTRAL JUDICIAL DISTRICT**

ENERGY TRANSFER LP, *et al.*, Plaintiffs, v. GREENPEACE INTERNATIONAL, *et al.*, Defendants.	Case No. 30-2019-CV-00180 **DEFENDANTS GREENPEACE INTERNATIONAL, GREENPEACE, INC. and GREENPEACE FUND, INC. JOINT MOTION TO CHANGE VENUE**

[¶1] Defendants Greenpeace International, Greenpeace, Inc. and Greenpeace Fund, Inc. (together, "Movants" or "Greenpeace Defendants"), by and through their counsel, jointly move the Court under Rule 39.1 of the North Dakota Rules of Civil Procedure and Rule 3.2 of the North Dakota Rules of Court.

[¶2] Movants respectfully requests that the Court enter an Order changing venue to the District Court of Cass County, and that all subsequent proceedings and all related court files be transferred.

[¶3] This motion is based on the accompanying brief in support and other supporting documents in support of this motion, which are served and filed with the motion.

Dated: August 4, 2022

Respectfully submitted,

/s/ Derrick Braaten

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STATE OF NORTH DAKOTA	**DISTRICT COURT**
COUNTY OF	**SOUTH CENTRAL JUDICIAL DISTRICT**

ENERGY TRANSFER LP, *et al.*, Plaintiffs, v. GREENPEACE INTERNATIONAL, *et al.*, Defendants.	)	Case No. 30-2019-CV-00180 **GREENPEACE DEFENDANTS' BRIEF IN SUPPORT OF MOTION TO CHANGE VENUE OF THE**

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[¶1] The Greenpeace Defendants move the Court to change the venue of this lawsuit to Cass County, North Dakota. In North Dakota, the jury's verdict must be based upon evidence received in open court, not from outside sources. Transferring this lawsuit to a community with a larger jury pool, whose residents were not personally connected to the protests and whose communities did not host many of the actual protests, would better allow the Court to empanel a jury that can fairly and impartially decide the case based solely on the evidence presented at trial to support the actual claims by Plaintiffs in this action.

[¶2] The factors articulated by the North Dakota Supreme Court relevant to a change of venue all weigh heavily towards moving this lawsuit out of Morton County. For nearly a year, the protests about the construction of the Dakota Access Pipeline became part of the fabric of daily life for many Morton County residents. This significant event for local residents created strong feelings and opinions in Morton County about the protests that have not dissipated.

[¶3] In its pleadings, Energy Transfer inextricably attempts to link its damage claims by alleging personal experiences that individual Morton County residents reportedly experienced – for no reason other than creating bias against Greenpeace. The cornerstone allegations of Plaintiffs First Amended Complaint – without any factual basis whatsoever – attack protected speech in opposition to the Dakota Access Pipeline by trying to associate the Greenpeace Defendants with alleged actions and events involving thousands of unidentified individual protestors. Even five years out, and after years of discovery, Plaintiffs without any substantiation or evidence whatsoever continue to baselessly contend the Greenpeace Defendants are responsible for the existence and every part of the protests, and the damages the protests allegedly caused.

I. BACKGROUND

A. The Dakota Access Pipeline Protests Were a Significant Local Event That Had a Personal and Lasting Effect on Morton County Residents

[¶4] Many people in the United States are familiar with the highly publicized protests concerning the construction of the Dakota Access Pipeline in 2016 and 2017. Residents of Morton County, North Dakota are not just familiar with these protests, they lived it.

[¶5] The National Jury Project ("NJP"), a consulting firm with four decades of experience in jury research, conducted public opinion research of eligible potential jurors in Morton and Cass counties to measure the knowledge, attitudes, and prejudgment about events surrounding the Dakota Access Pipeline protests. *See* Declaration of Diane Wiley ("Wiley Decl.") ¶ 2[1]

[¶6] The survey results highlight the reported disruption that the nearly year-long protests had on Morton County residents. Strikingly, 100% of 150 juror-eligible residents surveyed in Morton County were aware of the protests and the majority had either been personally affected or knew someone who claimed to be affected by the protests. *Id.* ¶¶ 33, 37. The survey revealed the many ways in which the protests disrupted the daily routines of Morton County residents. Some reported having to drive around the protests to attend work, school, and church, or were unable to drive into Bismarck for doctors' appointments and groceries, they received "reverse 911" calls warning them to avoid certain areas because of the protests, local businesses were boycotted, and marches and other events were held to show support for local law enforcement handling the protesters. *Id.* ¶ 28.

[1] "The survey conducted in 2022 for this case was designed to measure the sources, nature and extent of the knowledge and opinions held by potential jurors in Morton and Cass counties in relation to the protests and the allegations made in the *Energy Transfer v. Greenpeace* case. The study was designed in accordance with accepted survey research principles and followed the same basic format which has been accepted in numerous state and federal courts." Wiley Decl. ¶ 32.

[¶7] The survey also reflects the tension, anxiety and fear in the Morton County community, as residents worried about the safety of themselves, their family, and their friends. Even five years after the protests ended, Morton County residents still provided detailed answers about the negative impact the protests had on their lives and their community. Residents noted the protesters "interfered with our farming and ranching operations"; "blocked roads"; "burnt out the bridge [which affected] people getting to work"; caused "[p]ersonal property [to be] damaged and animals poached"; damaged vehicles with rocks and bottles, forced family and friends to move out of their homes, and more. *Id.* ¶ 44. Some residents reported that during the protests "everyone was scared to stick their heads outside, until things were clear," that protesters "scared children on school buses"; "[f]amily and friends [were] getting called at their workplaces or being threatened"; and even that "young men [] slept with knives under their pillows just in case." *Id.* ¶¶ 44, 73, 76, 156. One resident described their pregnant daughter-in-law who claimed to fear for her life when protesters entered the bank where she worked. *Id.* ¶ 44. Another resident was "actively [] scared" that their stepdad, who worked security for the protests, "wouldn't come home." *Id.*

B. The Morton County Protests Have Produced Bias in the Form of Strongly-Held Feelings and Opinions About the Protests and Protesters

[¶8] The fear and disruption reported by residents from the protests have contributed to strongly-held and primarily negative feelings and opinions in Morton County about the protesters. Residents surveyed described the protesters as "from out of town," "dirty and just filthy," and "very trashy." Wiley Decl. ¶¶ 44, 73; *see also* Wiley Decl. Ex. 7, Appendix 4 – Verbatim Responses – Morton County – 2022. Morton County residents are also skeptical about what motivated the protesters, contending that the protests had been "infiltrated" and "orchestrated" and that the protesters "were in it for a paycheck," *Id.* ¶¶ 73, 76. Multiple respondents were convinced that George Soros and Warren Buffett were responsible for flying individuals into North Dakota

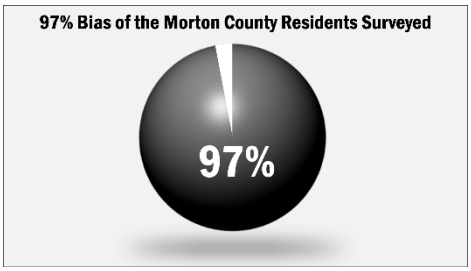
and paying them to protest. *Id.* ¶¶ 44, 73. Other residents claimed that some of the protesters were "terrorists" and included "people who came in [who] were professional protesters," and blamed the protesters for a man's death when an ambulance could not get through the protests to the hospital. *Id.* ¶¶ 73, 156.

[¶9] These opinions and assumptions of Morton County residents were reinforced by the widespread local and regional media coverage of the protests, including the criminal trials of the protesters that continued for years after the protests had concluded. Wiley Decl. ¶ 143. Even today there are articles published by local and regional news outlets that discuss the Dakota Access Pipeline. *See, e.g.,* Declaration of Everett W. Jack, Jr. ("Jack Decl."), Exs. 1-3. Many of these stories were explicitly anti-protestor or presented features about future violent protests. In March 2021, the Mountrail County Record quoted the Morton County Sheriff as pointing the finger at "out-of-state protestors who instigated illegal activity." Jack Decl. Ex. 1. In July 2021, the Duluth News-Tribute published an opinion piece that lamented the frequency of violent protests. The author, a retired U.S. Army Major General, claimed that Dakota Access Pipeline protesters had been "vandalizing private property, setting fires, attacking law enforcement with pepper spray, rocks and Molotov cocktails" before leaving 48 million pounds of trash at the camps. Jack Decl. Ex. 2. In February 2022, the Grand Forks Herald published an opinion piece referencing the "often violent demonstrations" against the Dakota Access Pipeline. Jack Decl. Ex. 3.

C. Morton County Residents' Prevalent and Strongly Held Views Will Make Empaneling a Fair and Impartial Jury in Morton County Nearly Impossible

[¶10] The fear and personal disruption reported by Morton County residents, as well as their strongly held views about the protests and protesters, make it highly unlikely that the Greenpeace Defendants could be judged by a fair and impartial jury in Morton County. Many Morton County respondents readily admitted their biases and prejudices. In fact, ***more Morton***

County residents candidly said they could not be fair and impartial than residents who thought that they could be fair and impartial. Wiley Decl. ¶ 58.

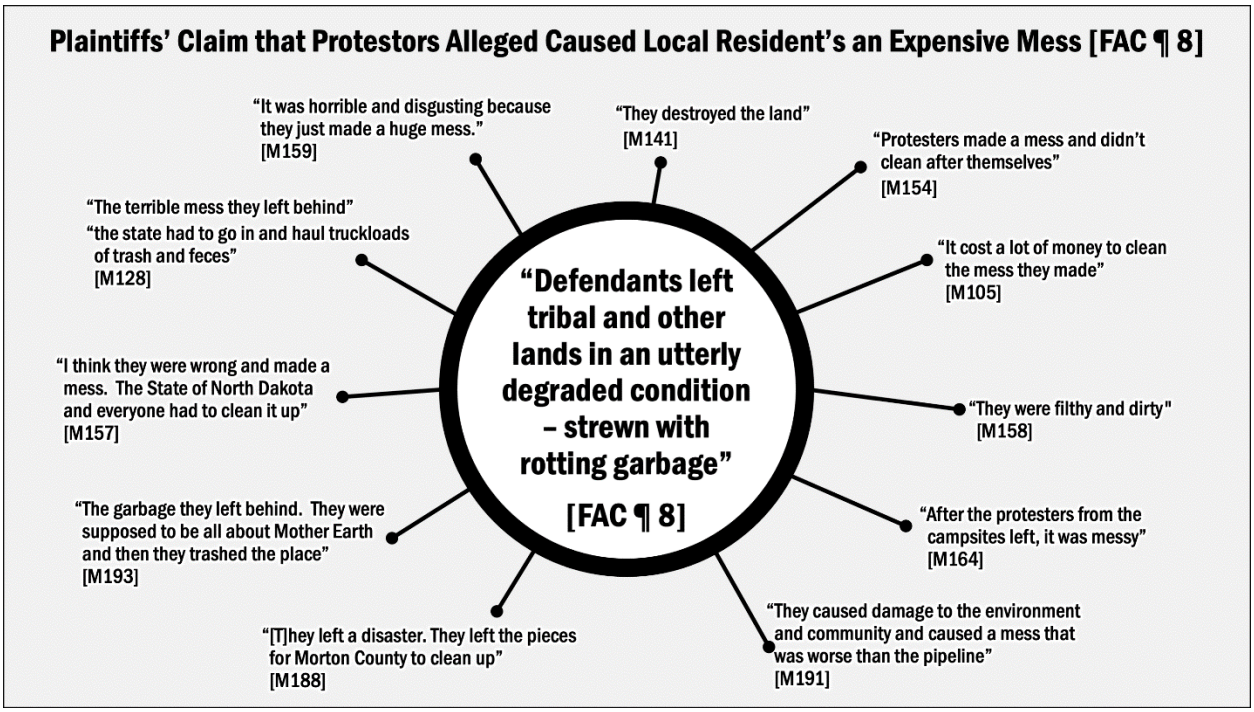


[¶11] Even as to the minority of Morton County residents who said they could be fair and impartial, when asked specific questions, they almost all gave answers that reflect strong bias or prejudice against the protestors. Altogether, the survey results indicate that ***97% of the Morton County residents surveyed could not be a fair and impartial juror in this litigation.*** *Id.* ¶ 64.

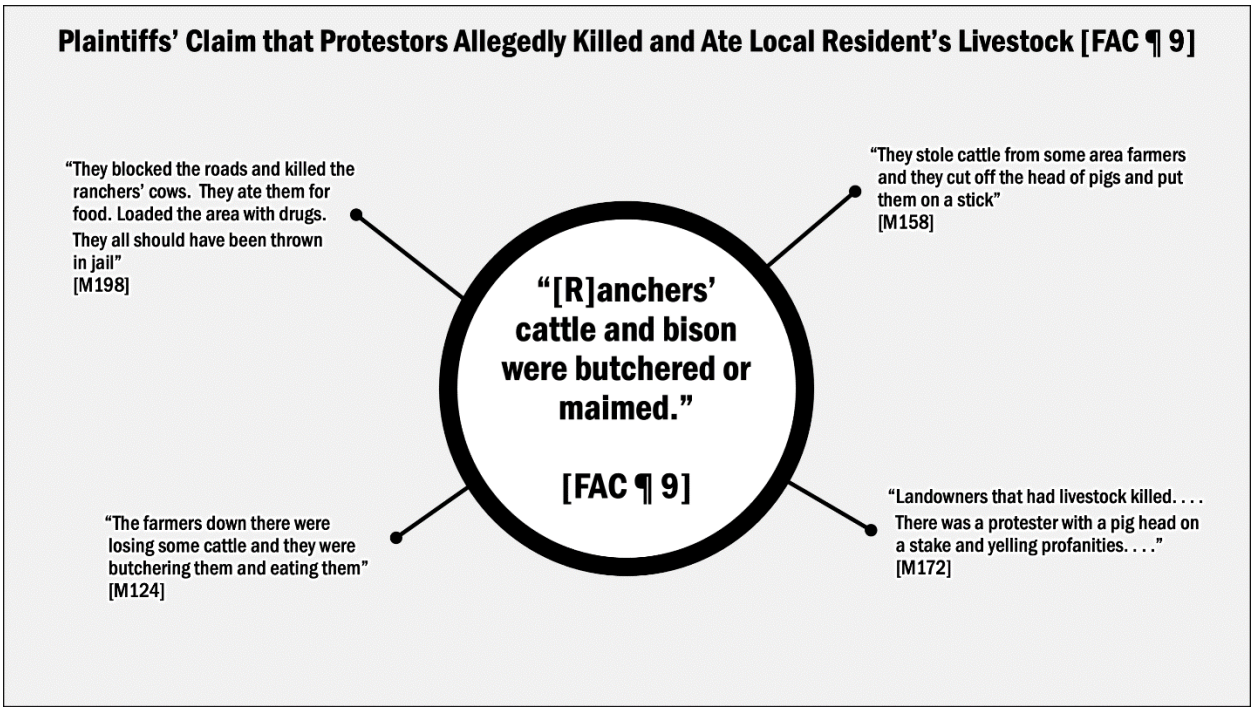
[¶12] An example of this demonstrated bias is that the majority of survey respondents indicated they already had an opinion in favor of Energy Transfer. Before even stepping into the courtroom, nearly ***two-thirds of Morton County residents*** surveyed supported the idea that organizations that support the protests and protesters should be responsible for the alleged damages caused by the protesters, construction delays, or loss of pipeline investors caused by the protests. Wiley Decl. ¶ 56.

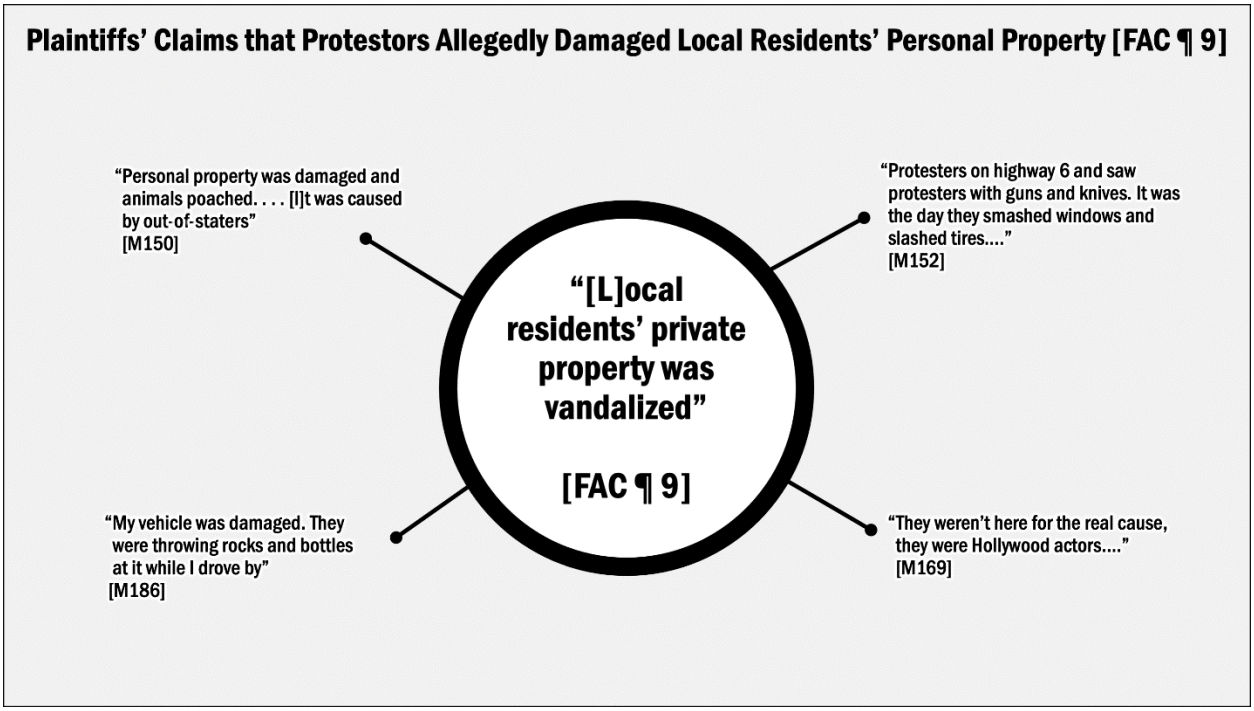
[¶13] Seizing upon long-running local negative media concerning the protests and protestors, Energy Transfer included many inflammatory (yet irrelevant) statements in their First Amended Complaint about impacts to the Morton County community. Plaintiffs' claims seek to piggyback on the community's general frustration with the protests by claiming – without any basis whatsoever – that the Greenpeace Defendants are responsible for the existence of the protests and the damages the protests allegedly caused. An indication that these incendiary statements have now become the community standard for prejudging the issues present in this case, many of the verbatim answers given by survey respondents echo the community rumors and media reports that Energy Transfer imported into the First Amended Complaint.

[¶14] Self-reporting on bias is notoriously unreliable. Each of the statements in the charts below, which correspond to the allegations in Plaintiffs' First Amended Complaint, was made by a survey respondent who believed that they were not biased about the case:









Wiley Decl. ¶ Ex. 7.

[¶15] However, perhaps a most significant example of the bias that has permeated the Morton County community is the ***recusal of all the judges*** of the South Central Judicial District – not once but twice. First in 2019, the Presiding Judge of the South Central Judicial District, the Honorable Gail Hagerty, reported that ***all judges in the district*** had recused themselves from the case. Doc. 10, Not. of Disqualification. Then, three years later in May of 2022, the Presiding Judge of the South Central Judicial District, the Honorable Bruce Romanick, reported that the four new District Court judges seated in the Morton County Courthouse since 2019 all recused themselves because they "are acquainted with the plaintiff/defendant, and feel that in the best interest of justice should disqualify themselves." Judge Romanick requested that the Supreme Court assign a judge from ***outside the district*** to hear this case in the interest of justice. Doc. 635, Not. of Disqualification, (emphasis added). There is no reason to believe the general jury population of Morton County are any less acquainted with or biased about the parties or the underlying events than its judges.

II. ARGUMENT

[¶16] "A jury verdict must be based upon evidence received in open court, not from outside sources." *Olson v. North Dakota District Court, Richland County,* 271 N.W.2d 574 (N.D. 1978) (quoting *Sheppard v. Maxwell*, 384 U.S. 333 (1966)). The Court has broad discretion to "change the venue of an action or proceeding to another county within or outside a judicial district if … there is reason to believe an impartial trial cannot be obtained in the county of venue." N.D.R.CIV.P. 39.1(b)(1)(B).[2] [D]etermining whether a fair and impartial trial can be had in a particular location requires an analysis of … the community where the trial is to be held."

[2] "Rule 39.1 . . . incorporates and supersedes statutory provisions governing change of venue, including N.D.C.C. § 28-04-07." *Linstrom v. Normile*, 899 N.W.2d 287, 293 (N.D. 2017).

Slaubaugh v. Slaubaugh, 499 N.W.2d 99, 106 (N.D. 1993) (upholding the district court's change of venue when the primary concern "was the relationship among the prospective jurors, litigants and witnesses. While each juror may have been able to set aside any personal relationships, the district court could consider the cumulative effect of these connections.").

[¶17] In *Olson,* the North Dakota Supreme Court outlined factors for district courts to consider when determining whether prejudice generated by pretrial publicity necessitates a change of venue for a fair and impartial trial to take place. 271 N.W.2d at 580. The factors include "(1) whether the publicity was recent, widespread, and highly damaging to the defendant; (2) whether the prosecution was responsible for the objectionable material, or if it emanated from independent sources; (3) whether inconvenience to the prosecution and administration of justice will result from a change of venue or continuance; [and] (4) whether a substantially better panel can be sworn at another time and place."[3] *Id.*; *Basin Elec. Power Coop. v. Boschker*, 289 N.W.2d 553, 558 (N.D. 1980) (applying these four factors to civil cases). These factors weigh strongly in favor of transferring the trial out of Morton County.

A. The Recent, Continuing, Widespread and Personal Experience and Exposure to the Protests Would Hinder the Ability to Empanel a Fair and Impartial Jury in Morton County

[¶18] The impact of the protests in Morton County and the rumors and community dialogue regarding the protests has been so intense and pervasive that it would be exceedingly difficult – if not impossible – to empanel a jury that could be fair and impartial towards the Greenpeace Defendants. For nearly a year, Morton County residents lived through protests that they reported to have disrupted many aspects of their everyday life. But more than just disrupt,

[3] The remaining factors (which have not been explicitly applied to civil cases) are "(5) the nature and gravity of the offense; (6) the size of the community; (7) the status of the defendant in the community; and (8) the popularity and prominence of the victim." *Olson*, 271 N.W.2d at 582.

the survey results reflect that the protests scared the Morton County community; residents feared for the safety of their property, local businesses, their friends and family, and even their children. Unsurprisingly, this disruption and fear have led many Morton County residents to harbor deeply-held, negative feelings and opinions about both the protests and protesters. The duration of the events also compounded their feelings and added to creating a cumulative impact of even greater weight. And these views are not based only on personal experiences of Morton County residents; these views have also been solidified, reinforced, and likely strengthened by the barrage of largely negative local and regional media coverage of the protests over the last five years, including extensive coverage of the criminal trials of many protesters.

[¶19] These deeply-held negative opinions have created a long-held bias in Morton County residents that would be highly damaging to the Court's ability to empanel an impartial jury. Typical jury selection mechanisms, such as voir dire, may assist with eliminating the large percentage of potential jurors who, like the residents surveyed, would candidly admit their inability to be fair and impartial in this case. However, voir dire would be much less effective at identifying the significant portion of jurors who, despite self-reporting they could proceed fairly and impartially, still gave answers that demonstrated bias towards the Greenpeace Defendants and a prejudgment in support of Energy Transfer's claims. And even if voir dire could effectively weed out all jurors harboring conscious and unconscious bias towards the Greenpeace Defendants, including stealth jurors, given that **97% of residents surveyed** indicated bias, a very real risk exists that not enough jurors would even remain for a fair and impartial jury to be empaneled in Morton County. This factor, therefore, weighs strongly in favor of transferring the case out of Morton County.

B. Plaintiffs' Complaint Mirrors the Barrage of Negative Media

[¶20] The Bismarck media market, which includes Morton County, was subject to years of largely negative media coverage about the protests, including recent coverage about the criminal trials of the protesters. Wiley Decl. ¶ 143. Editorial content in the local market directly attributes illegal and violent protest activity to out-of-state actors. *See, e.g.*, Jack Decl., Ex. 1 ("illegal activity" by "out-of-state protestors") (March 2021); Ex. 2 (violent protest "vandalizing private property" and leaving millions of pounds of trash) (July 2021).

[¶21] Many themes from the negative media coverage that saturated the Bismarck region are reflected in the verbatim survey answers by Morton County residents.

[¶22] In sum, recognizing that the local media reported on events that caused anger, fear and anxiety in Morton County residents, Energy Transfer inserted gratuitous and irrelevant allegations into its First Amended Complaint – presumably for no reason other than to further elicit the anger, fear and anxiety in Morton County jurors. This weighs in favor of transferring this case out of Morton County.

C. The Parties, Witnesses, and Counsel Would Not Be Inconvenienced by a Change of Venue

[¶23] Moving the lawsuit out of Morton County would not inconvenience Plaintiffs, Plaintiffs' counsel, or any other player in this litigation. Plaintiffs Energy Transfer LP, Energy Transfer Operating, L.P., and Dakota Access LLC have their headquarters and principal place of business in Dallas, Texas. *See* First Am. Compl. ("FAC") ¶¶ 11–14. Plaintiffs' lead counsel – Jennifer Recine and Thomas Kelly of Kasowitz Benson Torres – are both located in New York. The Greenpeace Defendants and their counsel are also not located in Morton County, and neither are many of the potential witnesses. Jack Decl. ¶¶ 8-9. Even potential witnesses from North Dakota live throughout the state. Even the judge is not located in Morton County, since all the

judges in Morton County recused themselves from this litigation. This factor, too, weighs in favor of transferring the venue from Morton County.

D. A Fairer and More Impartial Jury Could Be Empaneled in Cass County, Which is Larger and Generally Prospective Jurors Have No Personal Connection to the Protests

[¶24] A higher likelihood exists of empaneling a fair and impartial jury in Cass County, rather than Morton County. Cass County is located approximately 200 miles from where the protests occurred. Although nearly all of the Cass County residents surveyed were also familiar with the Dakota Access Pipeline protests, fewer of the Cass County respondents demonstrated strong feelings of hostility towards the protest and protesters than in Morton County. Wiley Decl. ¶¶ 50-53. And, compared to Cass County residents, ***more than twice as many Morton County residents have a personal connection*** to the Dakota Access Pipeline, other pipelines or an oil or gas company, or a personal connection to the protests. Wiley Decl. ¶ 38. Notably, only 12% of Cass County residents surveyed were either personally affected or knew someone who was affected by the protests compared to 55% of Morton County respondents.

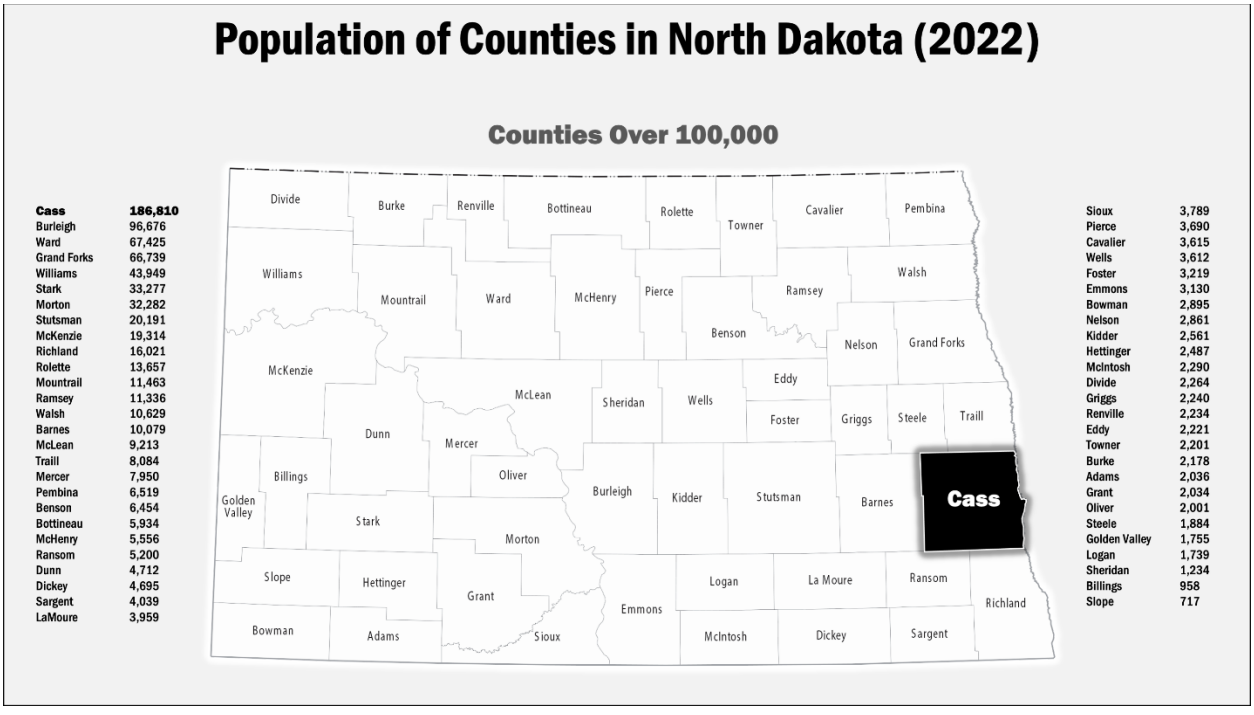
Connection	**Cass County**	**Morton County**
Respondent or someone they know was affected by the protests in any way	12%	55%
Know someone or family members of someone who has ever worked for Plaintiffs and/or vendors	3%	17%

Wiley Decl. ¶ 40. A transfer of the case of Morton County would reduce the potential bias from such advance association with the subject at issue by more than a factor of four.

[¶25] Furthermore, although a number of respondents in Cass County also demonstrated bias and negativity about the protests and protesters and about the Greenpeace Defendants, Cass County has a significantly larger (by a ratio of over 12:1) and significantly more heterogenous jury

pool than Morton County which creates greater likelihood that unbiased jurors could be empaneled. Wiley Decl. ¶ 125; *see, e.g., Olson*, 271 N.W.2d at 583 ("Reason dictates that the larger and more heterogeneous the community, the less that community is likely to be influenced by pretrial publicity from another area and the possibility of selecting an impartial jury is increased."). Because a substantially more neutral jury could be empaneled in Cass County, this factor as well weighs strongly in favor of changing venue.

[¶26] Finally, as this Court has noted, Cass County offer the parties a larger potential jury pool to empanel the jury. This is particularly important given the potential for the sheer number of jurors that will need to be excused due to the length of the trial and the strong opinion that many jurors are likely to have concerning the issues presented in the case.



Cass County is the only option that both meaningfully increases the size of the available jury pool ***and*** addresses the potential bias associated with jurors proximity and involvement in these events.

III. CONCLUSION

For the reasons stated above, the Greenpeace Defendants respectfully requests that this Court change the venue of this case from Morton County to Cass County.

Dated: August 4, 2022

s/ Derrick Braaten

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EXHIBIT 3

Greenpeace Defendants' Petition for Supervisory Writ

STATE OF NORTH DAKOTA	**DISTRICT COURT**
COUNTY OF MORTON	**SOUTH CENTRAL JUDICIAL DISTRICT**

ENERGY TRANSFER LP, *et al.*, Plaintiffs, v. GREENPEACE INTERNATIONAL, *et al.*, Defendants.	Case No. 30-2019-CV-00180 **UNSWORN DECLARATION OF DIANE WILEY IN SUPPORT OF DEFENDANTS GREENPEACE INTERNATIONAL, GREENPEACE, INC. and GREENPEACE FUND, INC.'S MOTION TO CHANGE VENUE**

[¶1] I, Diane Wiley, declare as follows:

I. NATIONAL JURY PROJECT, MIDWEST

[¶2] The National Jury Project Midwest is a subsidiary of the National Jury Project, Incorporated, a not-for-profit corporation specializing in the study of the American jury system and providing consultation to attorneys and courts. National Jury Project, Inc. is incorporated in the State of Minnesota and has offices in New Orleans, Louisiana; Oakland, California and Minneapolis, Minnesota and does business as NJP Litigation Consulting. Our primary areas of research include juror attitudes and decision-making, voir dire procedures, jury composition and venue evaluation, and other issues related to minimizing the effects of juror bias on the trial process. I have been conducting both quantitative and qualitative research into juror attitudes and decision making and advising attorneys since 1973.

[¶3] Our research, including surveys and testimony about news coverage, venue evaluation, and voir dire conditions, has been accepted by courts in numerous federal and state jurisdictions across the country. I have personally supervised the administration of venue surveys, content analysis of news coverage, consulted and/or given written or oral testimony in over 60 cases involving recommendations for change of venue, and have also recommended to attorneys that they not seek change of venue in various cases.[1]

[¶4] Our manual, JURYWORK: Systematic Techniques, (2d ed., Clark Boardman Callaghan) is widely recognized as one of the most comprehensive and in depth works in the field of jury research. It is widely used by attorneys, court administrators and other jury researchers. I am a past editor and contributor.

[1] See *Appendix 1* for resume of Diane Wiley.

[¶5] In addition, other members of the National Jury Project and I have been invited speakers to a number of governmental bodies analyzing the jury trial process in various states, including both Minnesota Task Forces on Gender and Race in the Courts, and the Minnesota Sixth Judicial District Jury Management Task Force.

II. VENUE EVALUATION

[¶6] I have been asked by attorneys Everett Jack and Steven Caplow, counsel for defendants Greenpeace International, et al.,[2] to advise them and the court as to whether the instant case, venued in Morton County, North Dakota, should be moved in order to provide Greenpeace with a fair trial.

[¶7] This case alleges claims arising out of the protests against the Dakota Access Pipeline which started in 2016. Our office conducted surveys in Morton, Burleigh and Cass counties in late 2016 and early 2017 to measure knowledge, attitudes and prejudgment of a representative sample of juror-eligible persons in each of those counties in relation to criminal cases involving the Dakota Access Pipeline protests in order to determine which of those counties would provide a venue that would likely afford a fair trial to the criminal defendants. I concluded at that time that Cass County residents had less prejudice against the protests and protesters than residents of Morton and Burleigh Counties and that the criminal defendants would be much more likely to receive a fair trial in Cass County than in either Morton or Burleigh County.

[¶8] For this case, we conducted a survey in 2022 in Morton and Cass counties which reflects results consistent with our earlier research – the impact of the protests, news coverage, and social media concerning the protests has produced fear, hostility and other strong feelings in a very large percentage of the residents of Morton County which persists to this day.[3] The survey found significant bias and prejudice against the protests and protesters. Because Energy Transfer is alleging that Greenpeace should be held responsible for damage caused by the protesters during the protests, strong negative feelings about the protests and protesters will translate into negative feelings towards Greenpeace for most jurors in Morton County.

[¶9] While there are many people in Cass County who also have negative feelings, biases and prejudices about the protests and protesters, there are significantly fewer people with strong feelings, biases and prejudices in Cass County. This is because:

Cass County is located far from where the protests occurred;

Very few residents in Cass County had any personal interactions with the protests or those who were involved with the protests, such as law enforcement, firefighters, National Guard and first responders, among others;

[2] I will refer to the Greenpeace defendants as "Greenpeace" and the Energy Transfer plaintiffs as "Energy Transfer".

Very few Cass County residents were personally affected by the protests;

Very few Cass County residents are connected to Dakota Access or the oil and gas industry in general.

[¶10] Generally, courts assume that feelings about events related to a court case will diminish with the passage of time, and thus potential jurors will be able to be fair and unbiased. In general, that is probably true. However, when a series of events has gone on for so long and had such a profound impact on the life of a community as the Dakota Access Pipeline protests have had, the feelings do not go away. Some of the potential jurors can be expected to have less instant recall of the details of what occurred in 2016 and 2017, but the survey clearly demonstrates that strong negative feelings remain - and it is those feelings which produce strong bias.

[¶11] The survey findings show that while respondents' recall of some of the specifics of the protests has diminished, there is still considerable bias, prejudice and strong feelings in Morton County and Cass County against those associated with the protests, feelings and bias are still stronger in Morton County because people in Morton County were personally affected by the protests. On the other hand, the Fargo metropolitan area, where the bulk of Cass County residents live, is approximately 200 miles away.

III. SUMMARY CONCLUSION AND RECOMMENDATION

A. Greenpeace is much more likely to receive a fair trial in Cass County than in Morton County.

[¶12] Based on the results of the survey and my years of experience evaluating juror attitudes through surveys, post-trial interviews, focus groups and in-court jury selection, I conclude that Greenpeace, as a supporter of lawful DAPL protests, would be highly unlikely to receive a fair trial from petit jurors impaneled in Morton or surrounding counties.

[¶13] The Greenpeace defendants are alleged to have funded and supported unlawful DAPL protests in 2016 and 2017.

[¶14] Few of the survey respondents in either county were aware of the lawsuit brought by Energy Transfer against Greenpeace. Many respondents in both counties were not familiar with Greenpeace. But when the lawsuit starts, the argument will be made that Greenpeace is responsible for the unlawful protests by virtue of their support for the lawful protests. Thus, potential jurors' feelings about the protests will affect the Greenpeace defendants in the same way as they have affected feelings about the protesters.

[¶15] The survey shows that there is more prejudice and bias towards the protesters and Greenpeace in Morton County than Cass County because, as mentioned above, the protests took place in Morton County and nearby Burleigh County. Morton County residents and their friends and families were directly affected by the protests and that caused them to develop stronger feelings and more bias at the time of the protests, which

continue to this day. In addition, the Cass County economy is not as dependent on the oil industry. And finally, Cass County was not bombarded by negative news media during the protests to the extent that Morton County was. There is still significant prejudice against the protesters in both Morton and Cass counties. However, based on the survey results, the level of prejudice is not as high or generally as vociferous and emotional in Cass County as it is in Morton County.

[¶16] Consequently, while there will be more unbiased jurors in Cass County, there will be prejudiced prospective jurors there as well. If the trial is moved to Cass County, it will be imperative that an extensive voir dire be conducted in order to assure that persons who are prejudiced are not selected to be on the jury.

[¶17] I would recommend that the *Energy Transfer v. Greenpeace* trial be moved to Cass County where the jurors are not likely to have been personally affected by the protests or know someone who was affected; are not as likely to be as prejudiced and will not feel that they have a personal stake in the outcome of the trial.

B. Cass County has a significantly larger jury pool which affords the Greenpeace defendants a better chance of obtaining a fair jury.

[¶18] The population of Morton County is 22,611.[4] The population of Cass County is 186,562.[5]

[¶19] Cass County is more heterogeneous than Morton County. There is more diversity of opinion in Cass County which means that it is more likely that there will be jurors who don't have strong opinions and don't feel they have a personal stake in the outcome of the case. Most Cass County jurors will not have experienced a threat to their families, friends and communities, or a threat to their economic wellbeing during the protests. It should be possible to find unbiased jurors there who don't feel the pressure of a community which is hostile to the protesters.

[¶20] A majority of potential jurors in Cass County can also be expected to have prejudged the protesters as guilty of crimes and thus will have negative attitudes towards the Greenpeace defendants based on their alleged association with the unlawful protesters. However, if in-depth voir dire is conducted, Cass County is much more likely to provide a better chance that jurors could be selected who were able to be fair and objective than in Morton and surrounding counties.

[¶21] The press coverage of the protests against the Dakota Access Pipeline was extensive and continuous throughout the State of North Dakota. However, not all of the coverage was the same. While the coverage in the Bismarck media market was primarily negative as to the protests and protesters, the coverage in the Fargo media market was somewhat more

[4] Estimated population of Morton County as of July 1, 2021. https://www.census.gov/quickfacts/mortoncountynorthdakota

[5] Estimated population of Cass County as of July 1, 2021. https://www.census.gov/quickfacts/mortoncountynorthdakota

balanced with some writers expressing somewhat positive or more nuanced views about the protests.

[¶22] We also know from the survey that there has been much more extensive discussion about the protests in Morton County than in Cass County, along with rumors and speculation. There was less hostility expressed by survey respondents in Cass County towards the protesters than in Morton County. A comparison of the verbatim answers to the survey questions in Cass County with those in Morton County demonstrates that the feelings and opinions of Cass County respondents, while still primarily in opposition to the protesters, were less intense, less negative and less personal.

[¶23] Given that much of the source of the differences between Cass County and Morton County is due to the proximity of the respondents to the protests, and their effect on the local communities in Morton County, there is no reason to think that attitudes in other counties near the protests will be different or less intense than in Morton County.[6]

IV. CHARACTERISTICS OF POTENTIAL JURORS THAT LEAD TO BIAS.

[¶24] I base my recommendation to move the instant trial to Cass County on the fact that every defendant is entitled to a fair and impartial trial and the survey we conducted clearly demonstrates that a petit jury convened in Morton County or surrounding counties will consist of a panel of jurors who we can expect to have characteristics from one or more of the following categories which will make it impossible for many of them to be fair and impartial and very difficult for others:

1. extensive past exposure to news coverage and to discussion, rumors[7] and speculation about the protests and the arrests of protesters;

2. extensive past exposure to extra-evidentiary material which may or may not be admissible in court, through either the news media, discussion with others in the community, or both;

3. have or had personal connections to the Dakota Access Pipeline and/or the oil and gas industry, or know someone who does;

4. were either personally affected by the protests or know others who have been personally affected by the protests - including law enforcement, landowners, businesses, protesters or others who were affected;

[6] The conditions in Burleigh County are similar to those in Morton County and their experiences and connections to those involved and affected by the protests are similar. Thus, Greenpeace is also highly unlikely to receive a fair trial in Burleigh County

[7] One rumor that many respondents believe is that the protesters were paid to protest. Two Morton County respondents thought that George Soros was paying the protesters. Another thinks that Warren Buffet was paying the protesters $15 an hour and flying them into North Dakota. More Morton County respondents mentioned that the protesters were paid than Cass County respondents.

5. have negative feelings towards Energy Transfer and/or Dakota Access and/or the pipeline;

6. have negative feelings or outright hostility towards the protesters and believe they committed crimes, which will affect their feelings about Greenpeace because of Greenpeace's alleged association with the unlawful protesters;

7. have negative feelings about Greenpeace.

[¶25] The survey respondents include both those who are prejudiced against the protesters and those who are prejudiced against Energy Transfer and/or Dakota Access. There are also those who are specifically prejudiced against Greenpeace. However, the vast majority of respondents had negative feelings about the protesters and Greenpeace rather than Energy Transfer.

[¶26] Negative feelings about the protesters in most instances will be transferred to the Greenpeace defendants due to their alleged support of unlawful protests. Energy Transfers claims include that protesters were drawn to the protests because of the actions of Greenpeace. Many of the respondents are upset that many protesters came from out of state. Rumors that the protesters were being paid feeds right into the claims made by Energy Transfer about Greenpeace. This allegation, even if there were no evidence to support it, prejudices Greenpeace in that it could lead potential jurors to believe Energy Transfer's claims that Greenpeace should be held responsible for the criminal actions of the protesters before the trial even begins.

[¶27] The same categories of prejudice are operative in Cass County, but to a lesser extent.

B. The survey shows that Cass County residents were not as personally affected by the protests as were Morton County residents and the atmosphere in Cass County was not and is not as hostile as that in Morton County.

[¶28] The main reason that the trial should be moved is because Morton County residents or people they know were personally affected by the protests, which is not true for Cass County residents. Unlike the juror-eligible population in Morton County which has been negatively affected in some personal way or know others who were negatively affected by the protests, there is a far smaller percentage of Cass County jurors who have been affected or know someone who has been affected.

Most of those in Cass County were not exposed to marches to show support for law enforcement, a GoFundMe page and collections of food, drinks and other supplies for law enforcement, as were those in Morton and surrounding counties.

A far smaller number in Cass County know law enforcement officers, fire fighters and first responders who were involved in policing the protests than those in Morton and surrounding counties.

Cass County residents did not receive "reverse 911" calls to warn them to avoid certain areas because of the protests as have those in Morton and surrounding counties.

There was no boycott of local businesses in Cass County as there were in Morton and Burleigh counties.

Cass County residents didn't have to drive miles out of their way to get to their homes, children's schools, businesses and churches and they weren't prevented from going into businesses or to their jobs by protesters as were those in Morton and Burleigh counties.

Most Cass County respondents do not know people who claimed to have had negative interactions with protesters or perceived that protester were responsible for property damage to people they know, such as missing livestock and damaged equipment, as do those respondents in Morton County.

Cass County residents are less likely to have seen damage that was done to the areas where the protests were staged and did not participate in the clean up or know others who did.

Most Cass County residents were not exposed to as much community discussion and rumors about the protesters and what they allegedly did as were those residents in Morton County.

Cass County residents were not inundated with as many statements from their local sheriff condemning the protesters as were those in Morton County. That said, the Cass County Sheriff was featured in a January 14, 2017 Bismarck Tribune article headlined "Cass County sheriff says intense North Dakota pipeline protests haunted his dreams nightly," where he said the protests are "the Mecca for every eco-terrorist." And the Sheriff characterized the protesters as "at times very violent" in a Feb. 6, 2017 KVRR television interview. The Cass County Sheriff's Department also posted some very prejudicial material on their website. A number of Cass County respondents mentioned this sheriff in the survey.

However, emotions in Cass County do not run as hot as in Morton County.

Cass County respondents do not report feeling that the protests had a negative impact on their community as did those in Morton County. Most Cass County respondents were not afraid of what the protesters might do next and didn't know others who were afraid, anxious or worried about their families, friends and community.

[¶29] The survey clearly demonstrates that the community atmosphere in Morton County was and is one of hostility towards and to a certain extent, fear of, the protesters.[8] While there remains some hostility in Cass County towards the protesters, there was and is no fear. More Cass County respondents are ambivalent or show support of or at least tolerance of

[8] There is no reason to think that residents of Burleigh County would be less negative than those in Morton County would, as the conditions are the same.

the protesters or an understanding of their motives and are willing to believe that not all of the protesters were criminals.

[¶30] There has continued to be news coverage and community discussion about the protests, and a number of criminal trials and other court and administrative cases related to the pipeline have regularly been reported on by local media well after the protests had ended. The survey demonstrates that far more Morton County residents were affected by the protests or know others who were affected by the protests than in Cass County. The survey shows that the level of hostility, disgust and fear in Morton County is significantly higher than that in Cass County. There is more diversity of opinion in Cass County and a higher likelihood of being able to find jurors who are not biased against the protesters and concurrently, Greenpeace.

[¶31] The 2016 and 2022 survey results in Morton County reflect the first time in my nearly 50 years of conducting venue evaluation surveys that I have ever seen 100% recognition of the issues involved in a court case or cases and had so many respondents who had themselves or knew others who had been affected by activities related to the defendants' actions.

V. THE 2022 ATTITUDINAL STUDY

[¶32] The survey conducted in 2022 for this case was designed to measure the sources, nature and extent of the knowledge and opinions held by potential jurors in Morton and Cass counties in relation to the protests and the allegations made in the *Energy Transfer v. Greenpeace* case. The study was designed in accordance with accepted survey research principles and followed the same basic format which has been accepted in numerous state and federal courts.[9]

[¶33] The questionnaire was administered over the telephone to a random sample of 150 juror-eligible residents of Morton County and 150 juror-eligible residents of Cass County. I designed the questionnaire and it was administered by Pacific Market Research utilizing random samples of both landlines and cell phones.[10] Once the interviewer contacted a phone number, the respondent was then qualified as juror eligible.[11]

[¶34] The venue evaluation study was designed to measure:

1. the extent, nature and sources of knowledge of the juror-eligible population in relation to the Dakota Access Pipeline protests and protesters;

2. the level of connection between the juror-eligible population and anything

[9] *Appendix 2* includes the screener, survey questionnaires, completion rates and margins of error.

[10] The sample included both landlines and cell phones.

[11] Respondents were screened to include only English-speaking US citizens, residents of either Morton or Cass County over the age of 18 and under the age of 79, either having a driver's license or state identification card or being eligible to vote.

to do with the protests or being affected by the protests;

3. connections to Dakota Access or other pipeline or oil and gas companies;

4. opinions of Energy Transfer and Dakota Access and Greenpeace

5. the extent to which the juror-eligible population has prejudged or possesses predisposing opinions in relation to the allegations made by Energy Transfer against the Greenpeace defendants.

[¶35] The interviews were conducted from April 21 through June 8, 2022 in Morton and Cass counties by Pacific Market Research. The questionnaires were then prepared for analysis by computer at our office. A computerized data analysis of the fixed responses and content analysis of the verbatim open-ended responses were done.

[¶36] The percentages of responses to each fixed question for Morton and Cass counties are contained in *Appendix 3*.[12] The questionnaire also includes numerous open-ended questions which asked the respondents for comments. Those verbatim comments are contained in *Appendices 4 and 5*.[13]

B. Knowledge and Connections

[¶37] The survey results demonstrate an extremely high level of knowledge of the protests in both counties today.

1. There is a very high level of awareness of the Dakota Access Pipeline protests which took place in 2016 and 2017 and their aftermath in both Morton County and Cass County.

100% of the respondents in Morton County were aware of the protests.

96% of the respondents in Cass County were aware of the protests.

6. A number of years ago there were people protesting against the Dakota Access Oil Pipeline in the Mandan and Bismarck area. Did you read,	Morton County	Cass County

6a. The protests were started by Native American people from the Standing Rock Reservation who were opposed to the pipeline, and they were joined by	Morton County	Cass County

[12] *Appendix 3* is titled "Fixed Responses - Morton - Cass 2022"

[13] See *Appendix 4*, "Verbatim Responses – Morton County 2022" for all of the verbatim answers for Morton County and *Appendix 5,* Verbatim Responses – Cass County – 2022" for all of the verbatim answers for Cass County.

hear about or see any of these protests?		
1 Yes	97%	91%
2 No	3%	9%

thousands of people from around the country over a number of months. Do you remember the protests now?		
1 Yes	3%	5%
2 No	0%	4%

[¶38] As mentioned above, the results were a first in my professional career, reflecting a venue where 100% of those interviewed in Morton County were aware of the events in dispute.

1. Most Morton and Cass County respondents are aware of the arrests of Dakota Access Pipeline protesters.

11. Did you read, hear or see anything about some of the Dakota Access protesters being arrested and charged with crimes in relation to these protests?	Morton County	Cass County
1 Yes	87%	79%
2 No	10%	17%
7 Does not apply	0%	0%
8 Refused	0%	0%
9 Don't know	3%	5%

2. More than twice as many Morton County respondents have personal connections to either the Dakota Access Pipeline, the oil and gas industry, know or were protesters, and/or were personally affected or know others who were personally affected by the protests, compared to Cass County respondents.

[¶39] 77% of Morton County respondents and 36% of Cass County respondents had some kind of personal connection either to DAPL, the oil and gas industry, protesters and/or were affected by the protests or know someone who was affected.

[¶40] As the tables summarizing the survey results reflect, Morton County has over four times as many respondents who were affected by the protests or know someone who was affected by the protests than Cass County.

3. Have you or anyone you know ever worked on the Dakota Access Pipeline in any way - such as on construction or being a vendor - or do you know family members of Dakota Access employees or vendors?	**Morton County**	**Cass County**
1 Yes	17%	3%
2 No	83%	97%
7 Does not apply	0%	0%
8 refused	0%	0%
9 Don't know	0%	0%

4. Have you or anyone you know ever worked on other pipelines or in the oil and gas industry or do you know a family member of pipeline or oil and gas employees?	**Morton County**	**Cass County**
1 Yes	47%	22%
2 No	53%	78%
7 Does not apply	0%	0%
8 Refused	0%	0%
9 Don't know	0%	0%

7. Do you know any of the people who were protesting or members of their families?	**Morton County**	**Cass County**
1 Yes	13%	9%
2 No	87%	91%
7 Does not apply	0%	0%
8 Refused	0%	0%
9 Don't know	0%	0%

8. Were you or anyone you know affected by the protests in any way? That could include law enforcement, firefighters, landowners, businesses or others who were affected?	**Morton County**	**Cass County**
1 Yes	55%	12%
2 No	44%	87%
7 Does not apply	0%	0%
8 Refused	0%	0%
9 Don't know	1%	1%

Connection	**Morton County**	**Cass County**
Respondent or someone they know, or a family member of someone they know, has ever worked for DAPL and/or vendors	17%	3%
Respondent or someone they know, or a family member of someone they know, has ever worked on another pipeline or for another oil or gas company	47%	22%
Was a protester or knows a protester or family member of a protester	13%	9%
Respondent or someone they know was affected by the protests in any way	55%	12%
Connections in one or more of the four categories above	**77%**	**36%**

1. 55% of Morton County respondents and/or people they know were affected by the protests.

[¶41] They include the following general categories of people:

- law enforcement
- first responders, firefighters
- National Guard
- children delayed going to school, school being closed, school used to house protesters during blizzard
- school employees
- state workers when the Capitol was on lockdown
- construction workers

- DAPL and/or oil industry workers
- business owners, including restaurants
- casino or reservation connections
- local Native Americans – access to reservations, racial tension
- landowners, ranchers, farmers – property damage, livestock shot
- store owners who were negatively affected – including a respondent who owned a store they had to close; another whose wife's employer closed down the business for a time; a restaurant where protesters ran out without paying
- shoppers unable to get to businesses because roads were blocked by protests
- residents unable to get to work because roads were blocked by protests
- residents unable to get home because roads were blocked by protests
- being or knowing a protester(s)
- recreational areas were blocked

[¶42] Morton County Respondents also mentioned:

- drugs and/or rapes were occurring which were ascribed to the protesters
- that relationships between white people and the local Native American community were damaged.
- that people were fearful

2. Sample of verbatim answers of Morton County residents who said they were personally affected by the protests or know someone who was affected.

[¶43] Morton County respondents related problems which they or people they know experienced during the protest, including this sample of answers to Questions 8 and 9:

Question 8, "*Were you or anyone you know affected by the protests in any way? That could include law enforcement, firefighters, landowners, businesses or others who were affected."*

Question 8a*., Please describe how you or the people you know were affected by the protests.*

Question 9, *"What do you think were the worst problems that the protest caused for you, your community or others you know?"*

[¶44] The following is a sample of respondents' answers to the above questions.

M101	[Q8a.]	I don't know if I want to go into that. I would say they interfered with our farming and ranching operations.
M105	[Q8a.]	They had the highway blocked and caused a lot of trouble south of Mandan.
	[Q9}	It cost a lot of money to clean the mess they made.

MI07	[Q9]	Everyone was scared to stick their heads outside, until things were clear. They broke into some places. Some elderly people had to go to the care facility. It's like an apartment.
M108	[Q8a.]	I had some relatives who had to use that highway to go back and forth and they were afraid to go by that area.
	[Q9]	I guess the cost to our state and our county as far as law enforcement that had to deal with this. It was in the millions of dollars as far as labor and manpower.
M113	[Q8a.]	I had to detour to get kids home as a school bus driver. some of the children I picked up had land that was accessed through the pipelines. The farms were invaded. They were damaged. The equipment was painted on.
M114	[Q9]	There was a lot of tension around town. Very few of them were in support of the protests. They wanted to pass a law that if the protesters were blocking roads we could run them over.
M125	[Q8a]	The travel. They burnt out the bridge, it affected people in terms of people getting to work, because we lost use of an entire road/highway for quite some time.
M133	[Q8a.]	They blocked roads and scared children on school buses.
M139	[Q8a.]	Someone I know had to be put under surveillance because they were getting death threats from these people.
M141	[Q8a.]	Affected by going back down there and cleaning the mess they left.
	[Q9]	Many things, they were stealing and destroying private property or property. It was putting the cost to people who live here.
M145	[Q8a.]	I knew people who live in the suburbs and were escorted to their homes and the destruction they had to endure due to the protesters. Properties were destroyed and they didn't care. I thought protesting had a purpose in this world, but now people don't know how to protest. They didn't care about the water that the Indians were preserving.
	[Q9]	One of the Indians that I was speaking to on a regular basis, he and I agreed that the protests had set back the relationship between whites and Indians one hundred years. So, instead of going forward, it went backward.
M150	[Q8a.]	We had landowners, law enforcement, and the hospital. The whole community. Personal property was damaged and animals poached. The relationships in the community are no longer peaceful

		including in the Indian community and it was caused by out-of-staters.
M152	[Q8a.]	Property was damaged. It was very scary to be in close proximity to where it was going on. Very negative impact towards Native Americans. They damaged their local reputation and the number one impact, the violence, the protest was not peaceful. Had it been peaceful I would have had a different opinion.
M158	[Q6b.[14]]	The protesters, most of them came from out of state. They were filthy and dirty and they had no idea what was going on, what the true cause of it was. They were paid by billionaire George Soros. They caused so much damage around the Mandan and the Bismarck area. They stole cattle from some area farmers and they cut off the head of pigs and put them on a stick.
M164	[Q8a.]	Family and friends getting called at their workplaces or being threatened. A variety of different threats, but no reason.
	[Q9]	After the protesters from the campsites left, it was messy and first responders were at risk of harm from them. Overly aggressive to law enforcement and co-workers that have to go to the reservation areas for work. These co-workers have nothing to do with the pipeline - and are being threatened with hitting their vehicles, just for going into that local area for work purposes.
M173	[Q8a.]	Local business were [affected]. Just trying to leave our yard and or drive there was just law enforcement everywhere. When we went to go pump gas the protesters would harass us and when we went to the grocery stores too they would just harass us. Just glad that it's over.
M177	[Q8a.]	The protesters showed up on their property because the pipeline was going through their property. My pregnant daughter-in-law had an encounter with them at the bank where she worked because they stormed the bank in protest of the bank being a financer of the project. She feared for her life because she didn't know what they were going to do. We had to take an alternate route to visit my mother because they had the main street blocked off.
M186	[Q8a.:]	My vehicle was damaged. They were throwing rocks and bottles at it while I drove by.
M191	[Q8a.]	I had family members who were law enforcement and dealt with it. I saw a town where the riff-raffers were and saw damage to the

[14] Question 6b.: *What do you remember about these protests and the protesters?*

property. The casino down there got trashed. I saw the mess weeks after the time but it was a mess.

M192 [Q8a.:] That was my stepdad, he was in security and he was pretty negatively affected by the protests. So obviously it was pretty scary for my stepdad. Obviously something could have gone wrong and some would been shaken on both sides. It was a pretty very tense sort of time. Other than actively being scared that my stepdad wouldn't come home.

M194 [Q9] Them holding up the school in Mandan and literally closed the school, scaring us.

M201 [Q8a.] My wife had to leave her work because of the protest. They shut down her business for the days.

M212 [Q8a.] The casino took a big economic downturn.

M228 [Q8a.] I know some of my family and friends' officers' wives had to move out of their homes. Change their names. I know young men who slept with knives under their pillows just in case. I know people who had to stop at checkpoints to and from their homes.

M244 [Q9] They caused healthcare problems. There were rapes and drugs.

[¶45] It is precisely these kinds of distressing personal experiences, and connections to others who have had distressing personal experiences, that produce bias and prejudice. In my experience, many potential jurors who have had these kinds of negative experiences or know others who have had negative experiences, will say in court that they can be fair. The courts, however, recognize that jurors are not always the best judges of whether they can be fair. And given what we know about how prejudices operate, it is highly unlikely that they can put aside their experiences and the opinions they have formed based on those experiences, especially since they have held these opinions for a number of years.

[¶46] Defendants in all trials are entitled to a fair trial – and that requires jurors who are free of prejudice. Jurors who've had these kinds of personal experiences do not fall into that category.

3. Only 12% of Cass County respondents were affected by the protests or know someone who was affected.

[¶47] Not surprisingly, only 12% in Cass County said they were personally affected or know someone who was personally affected by the protests. However, these are very different ways of being affected than in Morton County; and significantly, only one respondent in Cass County who said they were personally affected actually had an experience with the protests and that was someone who attended the protests.

Six knew or knew of law enforcement and a first responder who were in Morton County during the protests (some respondents didn't know these officers personally)

- Six knew a landowner, friend or family member in Morton County who was affected
- One knew a trucker who was affected by road closures in Morton County
- One was affected by attending the protests,
- One knew protesters who were impacted by the protests
- Five felt personally affected as taxpayers, having to pay for police, clean-up and/or gas prices going up

4. A greater number of Cass County residents are more likely to be able to be unbiased than those in Morton County because they and others they know did not have the distressing personal experiences that those in Morton County had.

[¶48] In contrast to Morton County where 55% felt they or someone they know was personally affected by the protests, only 12% in Cass County know someone they perceive was affected by the protests, Significantly, out of 18 people in Cass County who said they or someone they knew were affected by the protests, only one was actually personally affected because he or she became a protester.

5. Verbatim answers of Cass County residents who said that they were affected by the protests or know someone who was affected

[¶49] The following are all of the verbatim answers of respondents in Questions 8 and 9 who said that they or someone they know was affected by the protests.

Question 8, "*Were you or anyone you know affected by the protests in any way? That could include law enforcement, firefighters, landowners, businesses or others who were affected."*
Question 8a*., Please describe how you or the people you know were affected by the protests.*

Question 9, *"What do you think were the worst problems that the protest caused for you, your community or others you know?"*

C308 [Q8a.] From what I heard on the news, we sent some police to the area in Cass County to watch the protests. They might have affected us but I did not hear of any crime in my area nor was I a victim of crime.

[Q9] It was a disruption to being normal. We were 200 miles away. I know they had roadblocks and if trucks were going through, they were impacted. I heard this from other truckers that that was a problem. I was not affected because I am local.

C323 [Q8a.] The Cass County Sherriff was out there, a bunch of cops had to go over there, all over the state. It cost a lot of money to pay for the mess they made.

	[Q9]	Money. The law enforcement out there to clean up.
C328	[Q8a.]	I don't know how anyone was affected. For the most part it was just peaceful and that is about all that I can say.
	[Q9]	Nothing for me whatsoever or no one that I know of. There were no problems. It didn't affect me at all. No one that I know.
C333	[Q8a.]	The sheriff that was affected. It was difficult. He played a number of voicemails he had where they threatened to kill him and his family. That sheriff definitely had an impact on him for life. He played a number of voicemails where he and his family were threatened and it is hard to not have that have an impact on you.
	[Q9]	I do not know if it directly affected Fargo, but a number of our law enforcement had to go out there. It was costly to Fargo and our state. That was not reimbursed by our state. There was a lot of bad press when they went.
C340	[Q8a.]	I think us taxpayers have to deal with that mess the most. Just about the taxes. Just having to pay for the taxes of their mess. If they had picked up their mess before they left it would have been fine.
	[Q9]	Well it's that the pipeline and higher taxes.
C359	[Q8a.]	Friends and family were affected and still being affected because of not just this pipeline but also G3 pipeline.
	[Q9]	The protest didn't cause any problems for me or anyone I know.
C361	[Q8a.]	The landowners and some of the LEOs that were just trying to do their jobs. No not really that was just a shitty time.
	[Q9]	It was just tension and high tension and all it does is just create hate towards other people. Besides that everyone gets along. I think it takes the focus off the reason of protest. People are just going to end up shocked.
C379	[Q8a.]	Gas prices went up for all of us. Nothing good was heard or seen by me.
	[Q9]	The cost of the cleanup and I'm not sure if the protesters were for the good or bad.
C385	[Q8a.]	We had to pay for the police, pay to keep protesters under control, pay for delays in building the pipeline, pay for the cleanups. Protests are not cheap. Having celebrities show up for it was ridiculous.
	[Q9]	Where I am from the money costs to have to deal with it.
C391	[Q8a.]	The rising price of gas. Cleaning up destruction.

	[Q9]	Gas prices. No other first-hand accounts of them.
C393	[Q8a.]	I have some relatives in law enforcement, and someone associated with the protesters was giving addresses out of law enforcement and we were concerned because their address had been made public.
	[Q9]	Unnecessary stress like the family member, like law enforcers and just kind of on edge not knowing if they were going to show up to their houses.
C401	[Q8a.]	Friends.
	[Q9]	They left garbage behind.
C409	[Q8a.]	The roads were blocked by the protesters] not allowing some family members to travel.
	[Q9]	The protesters] used our local and state resources and caused our state financial damage.
C420	[Q8a.]	The landowners, I mean they occupied the land and the roads in the area.
	[Q9]	Cost us possibly millions of dollars on the trash and pollution they left behind.
C425	[Q8a.]	They were called out to respond as an ambulance service to the protest.
	[Q9]	I don't have any idea - wasn't living here at the time the protest was on.
C428	[Q8a.]	I know a police family who had a high stressed time with all of the additional traffic in rural areas a lot more to deal with.
	[Q9]	Poor representation nationally. It made the area look more violent that it was in all reality.
C434	[Q8a.]	It was my first protest, it helped me prepare for the subsequent protests I participated in.
	[Q9]	There was a lot of violence, damage to Mother Earth and litter.
C447	[Q8a.]	It took an emotional toll on the protesters] [mom's friends] who watched it happen.
	[Q9]	It stopped the Dakota Access pipeline. People got hurt because of the law enforcement people. Protesters] got hurt.

6. 76% percent of respondents in Morton County believe the pipeline should have been constructed compared to 53% of those in Cass County. Opinions are more diverse in Cass County than in Morton County.

2. What is your opinion about whether the Dakota Access pipeline should have been built?	Morton County	Cass County
1 Should have	76%	53%
2 Should not have	5%	15%
3 Mixed feelings	16%	29%
7 Does not apply	0%	0%
8 Refused	1%	1%
9 Don't have an opinion	2%	3%

7. Cass County respondents are more neutral towards the parties.

[¶50] As could be expected, a larger percentage of respondents in Morton County feel positive about Dakota Access/Energy Transfer than in Cass County, 40% to 23%.

[¶51] Those feeling negative about Dakota Access/Energy Transfer and Greenpeace are similar in both counties.

[¶52] However, a majority of Cass County respondents are neutral, mixed or say they don't know how they feel about Energy Transfer and slightly more are neutral about Greenpeace:

	Morton County	Cass County
Energy Transfer Neutral, Mixed or Don't know	47%	61%
Greenpeace Neutral, Mixed or Don't know	33%	38%

[¶53] This is another way in which Cass County provides a less prejudiced jury pool than Morton County.

5. Would you say you have positive, negative, neutral or mixed feelings about Dakota Access and their owner, Energy Transfer, as companies?	Morton County	Cass County
1 Positive	40%	23%
2 Negative	11%	15%
3 Neutral	29%	40%
4 Mixed	13%	15%

7 Does not apply	0%	0%
8 Refused	1%	1%
9 Don't know	6%	6%

10. Have you ever heard of an organization called Greenpeace?	Morton County	Cass County
1 Yes	55%	64%
2 No	44%	33%
7 Does not apply	0%	0%
8 Refused	0%	0%
9 Don't know	1%	3%

10a. Do you have positive, negative, neutral or mixed feelings about Greenpeace?	Morton County	Cass County
1 Positive	5%	13%
2 Negative	15%	12%
3 Neutral	19%	27%
4 Mixed	9%	11%
7 Does not apply (Have not heard of Greenpeace)	45%	36%
8 Refused	0%	0%
9 Don't know	5%	1%

C. Prejudgment of Energy Transfer's Claims

1. There is a significant difference in the percentage of respondents in Morton County and those in Cass County who feel that organizations should be held responsible for the actions of protesters under various conditions.

[¶54] Respondents were first asked if they thought that organizations which gave financial assistance or training to protesters or publicized their claims about the pipeline were "responsible" for crimes committed by some of the protesters.

[¶55] They were then asked their opinions about some of the allegations made by Energy Transfer against Greenpeace – the questions were framed as to whether an organization which gave certain kinds of support should be held responsible for various damages caused by the protesters.

[¶56] Morton County respondents were consistently more in favor of having organizations be held responsible for some or all of the costs. Cass County respondents were more evenly divided.

Questions	**Morton County**	**Cass County**
13. Do you think that organizations which gave money or provided training or publicized the protesters' criticisms about the pipeline are responsible in some way for acts of trespassing, vandalism violence, property destruction or other crimes that were committed by some of the protesters?	**72%**	**47%**
14. Do you think that organizations which gave money, training or other support to the protesters should pay for at least some of the cost of vandalism to construction equipment and other property damage caused by the protesters?	**78%**	**59%**
15. Do you think that organizations which gave money, training or other support to the protesters should pay for at least some of the cost of construction delays caused by the protesters?	**75%**	**51%**
16. Do you think that organizations which published material nationally criticizing the pipeline and encouraging protests should pay for at least some of the damage caused by the protesters?	**66%**	**46%**
17. Do you think that organizations which published material nationally encouraging people to put pressure on pipeline investors to withdraw from the project should pay for at least some of the cost of Dakota Access losing investors?	**60%**	**35%**

2. Most respondents did not know about the *Energy Transfer v. Greenpeace* lawsuit in either county.

[¶57] Respondents were first asked about the issues involved in the case without asking specifically about their knowledge of the lawsuit.

18. Have you read or heard anything about a lawsuit where Dakota Access and its owner, Energy Transfer, have sued Greenpeace for Greenpeace's role in providing publicity, funding, and training for the protests against the Pipeline? Dakota access is claiming that Greenpeace should pay for the vandalism and other damage done by the protesters, for the cost of construction delays caused by the protest, for Dakota Access losing investors and for damage to their reputation. Have you heard about this lawsuit?	Morton County	Cass County
1 Yes	13%	9%
2 No	86%	90%

7 Does not apply	0%	0%
8 Refused	0%	0%
9 Don't know	1%	1%

3. Finally, respondents were asked if they think they could be fair and impartial jurors in a case where Dakota Access is suing Greenpeace for damages related to the protests. A greater percentage of respondents in Morton County said they could not be fair.

[¶58] Only 43% of respondents in Morton County said they thought they could be fair jurors, while 53% in Cass County thought they could be fair.

[¶59] Those numbers dwindle further when looking at other answers respondents gave to the survey which indicate that many of those who said they could be fair have had experiences or hold opinions which show that it is highly unlikely they could be fair.

19. Do you think you could be a fair and impartial juror in a case where Dakota Access is claiming that because Greenpeace provided money, training and other support to the protesters - and because Greenpeace had a campaign to pressure investors to withdraw from the pipeline project - Greenpeace should be held responsible to pay for damage done to the company's property, for construction delays, for loss of their investors, loss of their reputation and other damage to the company? Greenpeace claims their actions are covered by the right to free speech. Given any feelings you have about the protests, about Dakota Access, or about Greenpeace, do you think you could be fair and impartial to both sides?	Morton County	Cass County
1 Yes	43%	53%
2 No	47%	36%
7 Does not apply	1%	0%
8 Refused	1%	1%
9 Don't know	8%	9%

4. 97% of the total Morton County respondents gave verbatim or other answers that indicated a bias against the protesters and/or Greenpeace or against Energy Transfer.

[¶60] In Morton County, 47% of the respondents said that they could not be fair jurors.

[¶61] In Morton County, 43% - 64 respondents – said they could be fair jurors.

[¶62] Of the 64 who said they could be fair:

42 gave verbatim answers which indicate they cannot be fair to Greenpeace
7 gave verbatim answers which indicate they cannot be fair to Energy Transfer

6 gave verbatim answers which indicate biases against both Energy Transfer and the protesters and/or Greenpeace

That leaves 9 out of 64 Morton County respondents who said they could be fair who don't have any verbatim answers which indicate bias against Greenpeace, Energy Transfer and/or protesters. However,

5 out of the 9 respondents who said they could be fair who didn't give any other verbatim answer that demonstrated bias, said that they thought "organizations" which provided money, training or other support to the protesters and/or publicized material criticizing the pipeline, encouraging the protests and/or encouraged investors to withdraw from the project should have to pay at least some or all of the costs of damage.[15] [Q14 – Q17]

[¶63] In Morton County, 8% - 15 respondents – said they didn't know if they could be fair jurors, refused or didn't answer the question.

14 of the 15 gave other verbatim answers which indicate bias

1 of the 15 Morton County respondents who said he didn't know if he could be fair didn't give any other verbatim answers which indicate bias. However, this respondent said that he thought "organizations" which provided money, training or other support to the protesters or publicized material criticizing the pipeline and/or encouraging the protests should have to pay at least some or all of the costs of physical damage and construction delays. He did not think "organizations" which encouraged investors to withdraw from the project should have to pay those costs.

[¶64] This means only 5 out of 150 (3.3%) of Morton County respondents gave answers that did not indicate a bias against protesters, Greenpeace and/or Energy Transfer.

5. 87% of the total Cass County respondents gave verbatim or other answers that indicated a bias against the protesters and/or Greenpeace or against Energy Transfer.

[15] Q14. Do you think that organizations which gave money, training or other support to the protesters should pay for at least some of the cost of vandalism to construction equipment and other property damage caused by the protesters?

Q15. Do you think that organizations which gave money, training or other support to the protesters should pay for at least some of the cost of construction delays caused by the protesters?

Q16. Do you think that organizations which published material criticizing the pipeline and encouraging people to protest should pay for at least some of the cost of the damage caused by the protests?

Q17. Do you think that organizations which published material nationally encouraging people to put pressure on pipeline investors to withdraw from the project should pay for at least some of the cost of Dakota Access losing investors?
by the protests?

[¶65] In Cass County, 36% of the respondents said that they could not be fair jurors.

[¶66] In Cass County, 53% - 80 respondents – said they could be fair jurors.

[¶67] Of the 80 who said they could be fair:

20 gave verbatim answers which indicate they cannot be fair to Greenpeace
9 gave verbatim answers which indicate they cannot be fair to Energy Transfer
7 gave verbatim answers which indicate they cannot be fair to Energy Transfer or Greenpeace

[¶68] That leaves 44 out of 80 Cass County respondents who said they could be fair who don't have any verbatim answers which indicate bias. However,

27 out of the 44 Cass County respondents who said they could be fair who didn't give any other verbatim answer that demonstrated bias, said that they thought "organizations" which provided money, training or other support to the protesters and/or publicized material criticizing the pipeline, encouraging the protests and/or encouraging investors to withdraw from the project should have to pay at least some or all of the costs of damage. [Q14 –Q17]

[¶69] In Cass County, 10% - 16 respondents – said they didn't know if they could be fair or refused to answer the question.

Of the 16 respondents:

5 gave verbatim answers which indicate they cannot be fair to Greenpeace

1 gave verbatim answers which indicate they cannot be fair to Energy Transfer

3 gave verbatim answers which indicate they cannot be fair to Energy Transfer or Greenpeace

[¶70] 7 out of 16 Cass County respondents who said they didn't know if they could be fair or refused to answer the question didn't give any other verbatim answers which indicate bias. However,

4 out of the 7 Cass County respondents who said they didn't know if they could be fair or refused to answer the question who didn't give any other verbatim answer that demonstrated bias said that they thought "organizations" which provided money, training or other support to the protesters or publicized material criticizing the pipeline, encouraging the protests and/or encouraging investors to withdraw from the project should have to pay at least some or all of the costs of damage to one or more of those questions. [Q14 –Q17]

[¶71] This means 20 out of 150 (13%) Cass County respondents gave answers that did not indicate a bias against protesters, Greenpeace and/or Energy Transfer.

6. Most Morton County respondents who said they could be fair had previously given verbatim answers which indicated that they could not be fair.

[¶72] As discussed above, only 64 Morton County respondents stated that they could be fair in their consideration of the issues presented. However, their verbatim answers reflect strong negative feelings about the protests.

a. Verbatim answers from Morton County respondents who said they could be fair jurors but who gave other responses expressing strong feelings about what happened during the protests or they or someone they know was personally affected and/or they have negative feelings about Greenpeace.

[¶73] M104 [Q4a] I just know them from way back. [work/ed on other pipelines]

[Q6b] All were from out of state not any truly born here.
[Q9] The total lack of respect for law enforcement and our property.
[Q10a] Negative [towards Greenpeace]

[Q12] I think they were paid to protest at the time and I found it funny none were from Dakota.

M122 [Q5] Neutral [about Energy Transfer]
[Q6b] I remember that they blocked off the road south of Mandan. There was confrontations between law enforcement and protesters. Those are the things that I remember seeing on the news. Just they wanted to shut it down due to water issues I would say. That is the majority of what I heard or seen.
[Q8a] [Knew people affected] Long hours of work. Treated disrespectfully.
[Q9] I would say the mess left behind. The treatment and injuries caused to parties involved.
[Q10a] Neutral [towards Greenpeace]
[Q12] [Protesters' claims] They had valid concerns but as far as the extent I am not sure.

M124 Retired police officer who worked at the protests
[Q3a] I knew a lot of police officers. I worked with them when they were having the Indians down there. They were protesting there and causing damage. We had to go down and keep them from damaging the equipment that was down there.
[Q5] Positive [towards Energy Transfer]
[Q6a] Arresting the protesters and driving them up to jail. We had police officers all over North Dakota coming down to help us like Grand Forks, Fargo, Jamestown and Minot. One gal from New York got

her arm blown off. She was making a cocktail bomb and it blew her arm off. We had people from all over the US come and help the Indians protest. It was bad. It was the corps engineers' fault in my opinion. We wouldn't kick them off and they weren't supposed to camp on that line in which they did. Plus they tried to set fire to bridges and try to burn them down and to weaken the structure. They burned up an old car on the bridge and blocked traffic.

[Q8a] We had to send officers down there to work. We were short handed and putting in double time. There was a lot of fear about what they were going to do. They came up here and we couldn't even go to a show because they had lice. The people that owned the show halls they had to sterilize their seating because people were getting lice. They were coming up here for entertainment and you couldn't go to the show because people were getting lice from them. They came into our stores and they were very dirty and they stink. They left a hell of a mess down there when they left. It cost the county a lot of money to clean up the mess. I think that they just about broke the county.

[Q9] It cost the county a lot of money. There were alerts all the time. You had to be on your toes down there. You never knew what they were up to or what they were planning to do like throwing rocks. They chained themselves to the bulldozers. They did some damage to them and the people that lived down there in that area were very upset. They didn't know what they would do. The farmers down there were losing some cattle and they were butchering them and eating them. We couldn't prove it but that's what was happening. They were using tear gas and they would try to run you down. They liked to cause problems and we tried to keep them in one area. They were accusing us of doing things that we didn't.

[Q12] Well it would have went south of Fort Yates. The tribes wanted more money for crossing the land. If they would have let them do it that way it wouldn't have caused damage to the water because the river runs south. But they wanted more money to let them cross the land and the outrageous price that they wanted. That is why they wanted to cross the engineers' land. The bureau of engineers owned the land and they were the ones that were supposed to kick them off because the law says that they can't camp out on that land.

M125 [Q5] Positive [towards Energy Transfer]

[Q6a] They left an environmental mess. I remember they had a lot of paid protesters, people who didn't know anything about the protest they just came to protests. They were a lot of Native Americans who came and it just grew. I saw quite a bit because I live near where the pipeline was being built.

	[Q8a]	[How affected] The travel. They burnt out the bridge, it affected people in terms of people getting to work, because we lost use of an entire road/highway for quite some time.
	[Q9]	They left such a big mess. There was a financial issue, there were National Guards in there. It was a huge economic burden. The cost of police departments, and the mess they made. If they were so worried about the environment why did they leave the protest grounds in such a mess.
	[Q10a]	Mixed [towards Greenpeace]
	[Q12]	[Protesters' claims] I think they were fabricated. I don't think it was going to make that big of an issue. I think it was more a political move than concern for the environment.
M128	[Q4a]	My brother did [worked in oil and gas] for three months right out of high school.
	[Q5]	Mixed [towards Energy Transfer]
	[Q6a]	I read how they were against the pipeline. The worst part was the terrible mess they left behind.
	[Q9]	The terrible mess they left behind and a terrible taste in our mouths and sad that the state had to go in and haul truckloads of trash and feces. They even burned a car on the bridge. The local tribes south of Mandan were not even involved.
	[Q10a]	Neutral [towards Greenpeace]
	[Q12]	With the runoff of trash to the river from the protesters like porta potties, propane and graffiti and just about a riot. The tribe members I know that I worked with said they didn't even know 90% of the protesters. They were from somewhere else and by the truckloads and I think the charges got dropped for them awful folks.
M130	[Q5]	Mixed [towards Energy Transfer]
	[Q6b]	Cops being stupid and the Native Americans acting ridiculous and burning stuff and causing fights. Destroying property.
	[Q9]	Vandalizing our town and properties.
	[Q12]	[Protesters' claims] I do not know how to answer that.
M132	[Q5]	Neutral [towards Energy Transfer]
	[Q6a]	It was not a good thing to happen. It was a disturbance and a lot of destruction. It cost $33 million to police it. It caused injuries and violence.
	[Q9]	Disruption of normal life activities.
	[Q12]	[Protesters' claims] I do not think it was a real threat.
M138	[Q5]	Mixed [towards Energy Transfer]
	[Q6b]	They were a bunch of assholes. If they were going to protest the pipeline they should have done it before they started. They caught

		it when it was on my land and it got delayed an extra year. The protesters delayed them and winter came.
	[Q8a]	[Affected] They were a nuisance. The hassle of everyday junk. I came home and they have the road blocked. Stuff like that.
	[Q9]	The delay of the pipeline. I do not blame the pipeline nor the workers. They were told to stop.
	[Q12]	[Protesters' claims] I do not think there was any damage.
M141	[Q3a,4a]	Respondent work/ed on DAPL and for other oil and gas companies.
	[Q5]	Positive [towards Energy Transfer]
	[Q6b]	They destroyed the land they were standing on. It was about 30 miles of where I live, trashed it and contaminated the water. They found a body in the trash too.
	[Q8a]	Affected by going back down there and cleaning the mess they left.
	[Q9]	Many things, they were stealing and destroying private property or property. It was putting the cost to people who live here.
	[Q10a]	Negative [towards Greenpeace]
	[Q12]	[Protesters' claims] They don't have a mind of their own and put a few dollars and they will say what you want.
M143	[Q5]	Positive [towards Energy Transfer]
	[Q6b]	The national media was not correct reporting about that. They were not giving the full story about the amount of garbage, it was more politically driven than being a more objective argument against the pipeline.
	[Q8a]	[How affected] The amount of money to clean the mess and police the protest ended up on the taxpayers of North Dakota.
	[Q9]	[Worst] Financial burden it caused to the state.
	[Q10a]	Neutral [towards Greenpeace]
	[Q12]	[Protesters' claims] I think they were unbiased and unsubstantiated and untrue by different surveys. It's been found to be true that there wouldn't be any damages to the water.
M147	[Q4a]	My uncle and cousin [work/ed in oil and gas]
	[Q5]	Neutral [towards Energy Transfer]
	[Q6b]	I guess it depends, the protesters were from out of town and the camps they set up were all dirty and just filthy. They talk about better water quality but they just ruined it.
	[Q7a]	I know one guy that served in the Marine Corps. [was a protester]
	[Q9]	[Worst problem] I think it's just in the community to be honest like people leaving trash and walking off bridges. If that protest happened in a different way I think no one would of had a problem.

	[Q12]	Everyday there is so much oil being rolled through here which sometimes scares because it might cause a fire but running that pipeline as a whole has less of a carbon footprint than them worrying about water quality and I think the pipeline is safer. If the pipeline went through your backyard you should be paid for that. It's hard right now to find a middle ground.
M148	[Q4a]	Co-workers [work/ed in oil and gas]
	[Q5]	Positive [towards Energy Transfer]
	[Q6b]	They blocked off the highway going to the reservation. They were very trashy. The National Guard was down there and was antagonizing them. A contractor was taken out of his truck, and he got his hand on the rifle, and that was the end of that.
	[Q9]	Changed the general perspectives on Native Americans. They were the ones protesting, after that, they left all their trash there.
	[Q10a]	Neutral [towards Greenpeace]
	[Q12]	[Protesters' claims] I don't see how they would. Look at the Alaska pipeline, that's way older than what this is. There is no issues.
M149	[Q5]	Neutral [towards Energy Transfer]
	[Q6b]	It was a mess, I heard both sides of it and why it should and shouldn't be. They shouldn't for possible oil spill, the positives of having an oil pipeline would be the jobs and the process of delivering it instead of tanking it.
	[Q8a]	[I was affected] I was a police officer at the time.
	[Q9]	Damage to property and investments. Released cattle, bad rep for that area and poor safety.
	[Q12]	I think I agree with some, but I don't know if they just chose the right battle. I don't think they went about it the right way.
M152	[Q3a,4a]	Friend work/ed on DAPL. Friends work/ed in oil and gas.
	[Q5]	Positive [towards Energy Transfer]
	[Q6b.]	The protesters were aggressive. Violent towards outsiders who did not share their opinion. They were disruptive to surrounding communities. They were not respectful in anyway. I have my family with me from home to Mandan and had to bypass the protesters on highway 6 and saw protesters with guns and knives. It was the day they smashed windows and slashed tires and handcuffed themselves to construction equipment. It was terrifying going through there. I was there.
	[Q8a]	Property was damaged. It was very scary to be in close proximity to where it was going on. Very negative impact towards Native Americans. They damaged their local reputation and the number one impact, the violence, the protest was not peaceful. Had it been peaceful I would have had a different opinion.

	[Q9]	We were scared. It was disruptive and our school had to go into lock down because of protesters traveling highways.
	[Q10a]	Negative [towards Greenpeace]
	[Q12]	It is bullshit. I am in the water industry and there is no danger.
M154	[Q4a]	Friends [work/ed in oil and gas]
	[Q5]	Positive [towards Energy Transfer]
	[Q6b]	Honestly there were hired protesters, not even in our community or in the area or out state. Also, people got arrested. Did not have local ties to the communities, why would they protest for. They were in it for a paycheck. Protesters made a mess and didn't clean after themselves, camping sites. The other thing we have to pay extra cost, it increases our revenue we had for our police department, because of the extra resources because of the protests.
	[Q7a]	Friends [were protesters]
	[Q8a]	There was increased overtime for our city to go down there to work. The fire fighters and police, more time away from their family.
	[Q9]	The worst was the increased cost for the community resources and the mess that was left. The pipeline didn't go through because of it. It was part of the whole process.
	[Q10a]	Negative [towards Greenpeace]
	[Q12]	I think there was potential risks, but there are already other pipelines underneath. Standing Rock wanted more money for them to place it there. Everything was already approved but then the counsel from the reservation wanted more money because of it. They were testing sites and things they could do to make sure there were no leaks, there were procedures in place for potential catastrophic failures.
M156	[Q5]	Positive [towards Energy Transfer]
	[Q6b]	They were demonstrating on private land. Half of the people weren't from here.
	[Q8a]	They were protesting where I lived and were in my back yard.
	[Q9]	They cost our county money and there was a negative article about our community in Rolling Stone.
	[Q10a]	Don’t know [towards Greenpeace]
	[Q12]	[Protesters’ claims] The tribe's water access is 100 miles away from the community.
M157	[Q5]	Positive [towards Energy Transfer]
	[Q6b]	I think they were wrong and made a mess. The State of North Dakota and everyone had to clean it up and don't think they had the right to do that but they let them go anyways so what good is it.

	[Q8a]	I know the ambulance and city of Bismarck were affected by being on call and had to go in the middle of the night and asked to be there if they knew there was going to be any trouble.
	[Q9]	They didn't cause any problems to our community, they were just standing in the roads so they couldn't cross and sabotaging equipment, they were painting on it and disrupting it and making trouble for the contractor. They were chaining themselves to the equipment so they couldn't move.
	[Q10a]	Negative [towards Greenpeace]
	[Q12]	I believe it could eventually cause problems by leaks but the way they are set up they have automatic stops if there is pressure it automatically shut down.
M159	[Q5]	Positive [towards Energy Transfer]
	[Q6b]	It was horrible and disgusting because they just made a huge mess.
	[Q9]	They just blocked the roads so we were not able to use them and had to stay at our exact spot.
	[Q12]	It's horrible right now in that area because of the pipeline.
M169	[Q4a]	Family members [work/ed in gas and oil]
	[Q5]	Positive [towards Energy Transfer]
	[Q6b]	They weren't here for the real cause, they were Hollywood actors and people came - it wasn't like the Native Americans protesting, they just used that and left the land in more disarray than the pipeline would have caused.
	[Q8a]	[Knows] The firefighters, we had to go down and put out fires and help control the protest area. We had to put out fires after the protest too and some of the people were threatened by the protesters too.
	[Q9]	Probably the increasing crime, it wasn't peaceful it was disruptive.
	[Q10a]	Don’t know [towards Greenpeace]
	[Q12]	False claim, because I believe they just wanted money to go across the land and weren't getting any monetary funds for the pipeline.
M172	[Q4a]	I’m a pastor who meets a lot of people [work/ed in oil and gas]
	[Q5]	Positive [towards Energy Transfer]
	[Q6b]	They were within three miles of my home. It was hijacked by extremists. My Native American friends were taken advantage of. They gave out condoms and other things and left the place in squalor.
	[Q7a]	[Know protesters]I know the people on the reservation. We are friends.
	[Q8a]	[Know people affected} Landowners that had livestock killed. I have friends in the National Guard. Also, people had to go a long way out of the way to get to work. There was a protester with a pig

		head on a stake and yelling profanities against the government and the police.
	[Q9]	It deteriorated the relationship between the tribe and the rest of North Dakota. The protesters made a lot of hard feelings. They allowed radicals to take it over.
	[Q10a]	Positive [Greenpeace]
	[Q12]	I don't believe it would cause harm. They had all the safety protocol in place and their permits. They had crossed other waterways and it hadn't been a problem.
M186	[Q5]	Positive [towards Energy Transfer]
	[Q6b]	I remember the protesters storming my vehicle and trashing the land and burning vehicles. They basically trashed everything around them.
	[Q8a]	My vehicle was damaged. They were throwing rocks and bottles at it while I drove by.
	[Q9]	Well the destruction of the land and environment and they just left all the trash and burning vehicles by the river.
	[Q12]	Their claims have been proven false most of the time.
M188	[Q3a]	I believe I had a couple of relatives that worked on it, [DAPL] but I'm not 100% sure.
	[Q5]	Positive [towards Energy Transfer]
	[Q6b]	I was not impressed, they were very close to where I live. They caused major chaos where I live and I lost a lot of security and my house was locked whether or not I was home. I read and heard a lot and was stopped by cops down the road. People with the protests were not very friendly.
	[Q8a]	I know a few firefighters. Mentally I think it kind of got to them. It was kind of exhausting let's put it that way. Mentally, emotionally it got exhausting for the people that I know.
	[Q9]	It was far from a friendly protest, they disrupted everyday lives, made it difficult to go from a destination to another at times due to law enforcement stopping people. It also caused a lot of fights amongst family members of mine.
	[Q12]	By the way they left the facility here in Morton County, they left a disaster. They destroyed their so-called land. They left the pieces for Morton County to cleanup.
M191	[Q4a]	A lot of family members, friends and neighbors [work/ed in oil and gas]
	[Q5]	Positive [towards Energy Transfer]
	[Q6b]	They weren't here for the right reasons, that's for sure. They were just here for a show - the people who really cared about it made a respectful approach to law enforcement. Some of the Native

		Americans ran from North Dakota to DC without leaving damage and mess. Most local protesters did it in a positive way but the riffraff and celebrities came in and did it inappropriately. They caused damage to the environment and community and caused a mess that was worse than the pipeline.
	[Q8]	I had family members who were law enforcement and dealt with it. I saw a town where the riff-raffers were and saw damage to the property. The casino down there got trashed. I saw the mess weeks after the time but it was a mess.
	[Q9]	The damage they did to the properties.
	[Q12]	I do remember hearing about the claim and I don't necessary think it was wrong but they didn't take into account the precaution put in place by the pipeline.
M193	[Q4a]	My brother worked in oil.
	[Q5]	Neutral [towards Energy Transfer]
	[Q6b]	They were getting paid 15 dollars an hour and being flown in to protest here. The big RR Guys. Trying to remember his name, Warren Buffett is the man.
	[Q9]	The garbage they left behind. They were supposed to be all about Mother Earth and then they trashed the place.
	[Q10a]	Neutral [towards Greenpeace]
	[Q12]	[Protesters' claims] I'm neutral on this subject.
M196	[Q4a]	Cousin [work/ed in gas and oil]
	[Q5]	Mixed [towards Energy Transfer]
	[Q6b]	Some of them were violent. There were some famous people that came to protest.
	[Q8a]	[Knows] Landowners, their property was damaged.
	[Q10a]	[Worst problems] Their properties being damaged.
	[Q12]	I don't think they are inaccurate. I think they were correct in protesting but they did it in the wrong ways.
M198	[Q5]	Positive [towards Energy Transfer]
	[Q6b]	They blocked the roads and killed the ranchers' cows. They ate them for food. Loaded the area with drugs. They all should have been thrown in jail.
	[Q8]	[Knows] Landowners had to take big detours to get around blocked roads.
	[Q9]	The state alone had to have millions and millions to charge us taxpayers for all that.
	[10a]	Negative [towards Greenpeace]
	[Q12]	[Protesters' Claims] That's all BS. It's all about the Indians having the control of the land but the work wasn't on their land.
M200	[Q5]	Neutral [towards Energy Transfer]

	[Q6b]	The trash they left behind. That is all I can speak about.
	[Q8a]	[Knows person/s affected] No, I can't. [say how they were affected.]
	[Q9]	Increase in taxes.
	[Q12]	[Protesters' Claims] It seemed irrelevant to the situation. The situation was about the choice if the pipeline would go through. It wasn't about the damage it would cause.
M202	[Q3a,4a]	Best friend [work/ed on DAPL] Dad [work/ed in oil and gas]
	[Q5]	Positive
	[Q6b]	They were cutting people's fences and trespassed on Corps of Engineering land and didn't take their garbage with them and stole a lot of livestock. Bison and cows.
	[Q8a]	They were cutting people's fences and trespassed on Corps of Engineering land and didn't take their garbage with them and stole a lot of livestock. Bison and cows.
	[Q9]	They left a lot of trash for us to pick up.
	[Q12]	They broke windows of bulldozers and excavators.
M203	[Q5]	Neutral [towards Energy Transfer]
	[Q6b]	They were disrespectful. They were not local. They did not care about the environment. They left garbage everywhere. The camp was left and left the garbage and the state had to spend $2 million dollars to clean it. They blocked roads and put pig heads on stakes with signs that said all pigs must die. The news did not portray it like it actually was if you lived here.
	[Q8a]	I was blocked access to places I normally go to by the protests.
	[Q9]	Huge burden on law enforcement. They were stressed out and overworked. The other burden was blocking of local areas so they could protest.
	[Q10a]	Neutral
	[Q12]	They are forgetting the other pipelines right next to it and up and down the United States. It would not affect the water quality.
M212	[Q4a]	Uncles [work/ed in oil and gas]
	[Q6b]	They're protesting against the pipeline. They were worried about the spills and they left a bigger mess. There was a lot of vandalism.
	[Q8a]	[Knows someone affected] The casino took a big economic downturn.
	[Q9]	They tried to use the media to say the police weren't doing their job. The police are great people. I knew one of the sheriffs.
	[Q10a]	Neutral [towards Energy Transfer]
	[Q12]	[Protester's claims] I think that statistic is pretty low. There's always going to be risks to it.
M215	[Q5]	Positive [towards Energy Transfer]

	[Q6a]	They turned violent against the police force. They weren't protesting on public land. They were on private citizen's lands. They didn't have permission to do that. I was there. They, the police, arrested the protesters and then charges were dropped. I remember the false statements about water would be polluted.
	[Q8a]	It affected my business because the highways were closed so people couldn't get to me. They left garbage all over. We defended that land for our business. The price of diesel has gone up.
	[Q9]	Environmental impact on how the protesters left the land. How dirty it was. They protest that the pipeline destroys the land but they left it a mess. They destroyed it.
	[Q10a]	Negative [towards Greenpeace]
	[Q12]	Absolutely false. Where the pipeline was crossing the Missouri is below where the intake for their water is.
M216	[Q4a]	Husband [work/ed in oil and gas]
	[Q5]	Neutral [towards Energy Transfer]
	[Q6a]	The huge messes that they left and the obnoxious interruptions of workplace, sitting in the capitol and would not leave.
	[Q8a]	They disrupted our work. We couldn't hear the people on the phone and couldn't leave our building and couldn't leave to pick our kids up.
	[Q9]	Just the noises of businesses and causes of lockdown.
	[Q12]	They caused more damage and pollution and everything they said the pipeline would do they did themselves in protest because they're dumb.
M219	[Q5]	Neutral [towards Energy Transfer]
	[Q6a]	I remember they blocked the highway and they had celebrities there.
	[Q9]	I remember hearing they left a lot of garbage and a mess.
	[Q12]	I don't think it would've caused any issues to the water. The people building the pipeline know what they're doing.
M226	[Q5]	Neutral [towards Energy Transfer]
	[Q6a]	There was a national uproar. There were strong feelings all across the board. I remember the protesters left a mess that took a long time to clean up, property destruction from the protesters.
	[Q9]	Traffic problems and crime.
	[Q12]	[Protesters' claims] It is possible.
M227	[Q4a]	A lot of cousins and my dad and friends work in the oil and gas industry.
	[Q6a]	I remember hearing and reading about the protest sites having women being treated badly and the protesters being horrid to the police.

	[Q9]	When the roads were blocked by the protesters.
	[Q12]	The pipeline was supposed to be at a depth under and the water quality wouldn't be affected in any way.
M228	[Q3a,4a]	Through my job [know people who work/ed on DAPL and in oil and gas]
	[Q5]	Neutral [towards Energy Transfer]
	[Q6a]	They blocked our main street. They blocked off our highways. They published names of our officers and their spouses and their addresses.
	[Q7a]	Family members protested
	[Q8a]	I know some of my family and friends' officers' wives had to move out of their homes. Change their names. I know young men who slept with knives under their pillows just in case. I know people who had to stop at checkpoints to and from their homes.
	[Q9]	Traffic and I think they gave the Native Americans a very bad reputation.
	[Q10a]	Mixed [towards Greenpeace]
	[Q12]	[Protesters' claims] It's all [xxxx]. I lived through it.
M229	[Q4a]	I have several family members [work in oil and gas]
	[Q5]	Mixed [about Energy Transfer]
	[Q6a]	They were very very vulgar. It was an absolute disgrace what they did to the land that they say they were protecting. They were very destructive, there was so much rape the amount of tents set up for condoms and pregnancy tests and so much illegal crime. The media only showed what the media wanted the public to see. There was so much cover up for all the things going on down there, down on the Reservation.
	[Q8a]	They were spat on, the police, and parts of the land was violated and people were raped and violated.
	[Q9]	It brought in so much trash and violated us and it was the leaders and the head rich in charge and the paid protesters.
	[Q12]	[Protesters' claims] Absolutely they are not the truth.
M231	[Q5]	Neutral [towards Energy Transfer]
	[Q6a]	They caused a lot of mess and waste. They shouldn't have been allowed to stay down there so long and make a mess.
	[Q8a]	I had a client who had some animals stolen.
	[Q9]	The clean up and the traffic was blocked.
	[Q10a]	Neutral [towards Greenpeace
	[Q12]	Pipelines are very safe. There are multiple pipelines running in the past 30 years with no issues.
M245	[Q4a]	I did know some who worked on other pipelines in my area.
	[Q5]	Negative [towards Energy Transfer]

	[Q6a]	They were peaceful but when you block the main road to the casino and the reservation it would be hard for people to get along.
	[Q8a]	Police officer who was trying to hold the line on the interstate and my neighbor who also said that it was peaceful at first but later got out of hand. They first were good but then they started polluting.
	[Q9]	The traffic that was down the road and businesses not being able work or go to work because of the protests.
	[Q12]	They were offered money but wanted more so if they were really protesting it would be different. On the protesters it's a reoccurrence of people being arrested but I feel the charge should not be harsh.
M246	[Q5]	Negative [towards Energy Transfer]
	[Q6b]	They did a lot of damage. They did a lot of bad things like littering all over the place and didn't clean up afterwards, and had no business being there. Some of them came out of the country and were paid. They also burned a bridge.
	[Q8b]	They had to be out there and monitor everything that was going on so there was always one or two of them as well as tribal police. They didn't want it out there because of the wildlife and fish and the water. It was an inconvenience for the Indians.
	[Q9]	A lot of road problems because it was during the winter. A lot of protesting. People who didn't even live in the state, came on an airplane.
	[Q10a]	Positive [towards Greenpeace]
	[Q12]	It can still happen due to the pipeline. The fish and the wildlife that gets affected. The Indians had to be there and they were protesting and I agree with them. Then a lot of people from everywhere came over and told the Indians to go. They were from other organizations but I didn't know who they worked for.
M248	[Q5]	Mixed [towards Energy Transfer]
	[Q6b]	They were probably fighting for an honorable cause but I don't support the way in which they were doing it, with violence and vandalism. I don't support those type of actions and don't support the aggressive response by law enforcement.
	[Q9]	[Worst part of protest] That's hard to say, I can't give an objective answer at this time.
	[Q10a]	Mixed [towards Greenpeace]
	[Q12]	[Protesters' claims] I think they were blown out of proportion, the damages that they claimed about the pipeline would cause.
M250	[Q4a]	Friends [work/ed in oil and gas]
	[Q5]	Neutral [towards Energy Transfer]
	[Q6b]	They left a bunch of trash behind. They left a mess.

	[Q9]	Increased strain on law enforcement. The EMT's and the police had to work long hours out there.
	[Q12]	Those claims were not true, and it would not cause damage to the environment. That's it simply.

a. Verbatim answers from Morton County respondents who said they could be fair jurors but who have negative feelings about Energy Transfer or positive feelings about Greenpeace, the protesters or both

M109	[Q4a]	I worked in oil and gas back in the 70s and some of my friends did as well.
	[Q5]	Negative [towards Energy Transfer]
	[Q6b]	Mostly peaceful, prayer and songs. I drove to the protest myself.
	[Q7a]	I know their [protesters] families and where they live. They are acquaintances.
	[Q8a]	I was not affected. Police might have been affected because they worked long hours and that was their own fault. They should not have been there.
	[Q9]	I did not see any problems for me or anyone I know. It might have inconvenienced people trying to get to a casino - Prairie Knights. The protests were nearby so there were traffic problems and roadblocks and the protests were 50 miles south.
	[Q10a]	Mixed [towards Greenpeace]
	[Q12]	That was not the original route for the access line. What they could have picked other routes and they had them picked out and one of them is directly across from Bismarck and Mandan. Also, Bismarck, Mandan thought it was close to the water source and we pushed it closer to the Indians and we don't give a [xxxx] about them.
M114	[Q5]	Negative [towards Energy Transfer]
	[Q6b]	I remember the sheriffs shooting the protesters with freezing water when it was below zero. Energy transfer hired TigerSwan. It's a contracted military. It was all over the national news, how many tribes came here to protest it. The local white people hated the protest and wanted them out of here.
	[Q8a]	Law enforcement. It was about 30 miles from my house and they were blocking the roads. Both protesters and police did it.
	[Q9]	There was a lot of tension around town. Very few of them were in support of the protests. They wanted to pass law that if the protesters were blocking roads we could run them over.
	[Q10a]	Positive [towards Greenpeace]
	[Q12]	I agree 100%. I believe we should be working towards renewable and getting away from gas and oil.
M123	[Q4a.]	Brother [work/ed in oil and gas]

	[Q5]	Don’t know [towards Energy Transfer]
	[Q6b]	I think they had a legitimate cause but that is my opinion. The way they were handled like the pipeline was rerouted from North of Bismarck to South of Bismarck. When it was all done there was a big mess and I was wondering if they were worried about the environment why did they leave a mess there.
	[Q9]	A little bit of division, in the community itself, like you're for it or not. A lot of people decided not to support the business down there and the roads were blocked off.
	[Q10a]	Neutral [towards Energy Transfer]
	[Q12]	I guess a little later after the pipeline was put in there was a leak reported in South Dakota and yes, they did have a cause to be concerned about it.
M208	[Q3a]	Acquaintances work/ed on DAPL.
	[Q5]	Negative [towards Energy Transfer]
	[Q6b]	I remember that people were complaining about the protesters more than anything unfortunately.
	[Q9]	I don't think they [protesters] caused us any problems.
	[Q10a]	Mixed [towards Greenpeace]
	[Q12]	[Protesters’ claims] I think that is an absolute possibility.
M241	[Q4a]	My boyfriend, my cousins, and my friends. [work/ed on DAPL]
	[Q5]	Neutral [towards Energy Transfer]
	[Q6b]	I remember the white people being very upset about the protesters. I remember very extremely negative racial comments towards indigenous people. I remember Native Americans wanting to protect their land and I remember law enforcement using inappropriate and over aggressive measures to remove the protesters. I remember having very heated conversations with college friends and community members. I remember it caused a lot of conflict in the Bismarck Mandan area.
	[Q7a]	Friends and my students and my student's families. [were protesters]
	[Q9]	There were huge racism issues. I am going to leave it at that. There is already a negative stereotype of our Native American community members. This situation only exasperated this issue. I had to counsel teenage students on how to handle it. It probably caused lifelong impact if we want to be honest.
	[Q10a]	Positive [towards Greenpeace]
	[Q12]	[Protesters’ claims] I think that they are obvious and accurate and that they are correct.
M242	[Q5]	Mixed [towards Energy Transfer]
	[Q6a]	I just didn't like how they were treated. I wished that the police officers had a little bit more respect for the protesters.
	[Q7a]	[Protesters] They were family friends.

	[Q8a]	I know that a couple of the protesters were being treated really badly and some of the farmers and people that owned land. I guess that their feelings were put aside just with they would go onto the land without them knowing and destroy property.
	[Q9]	It just caused a lot of problems for the Native Americans living in and around the Mandan and Bismarck area.
	[Q12]	I think that their claims were pretty valuable and they have a right to be heard.
M153	[Q5]	Neutral [towards Energy Transfer]
	[Q6b]	I just remember the protesters protesting against them and the community was not fond of them. I was okay. I support them.
	[Q9]	Traffic, we're always complaining about traffic. More division between the Native Americans.
	Q12]	[Protesters' claims] I think they made legit complaints. I think maybe whatever went on with the arrests was exaggerated by authorities.

b. Verbatim answers from Morton County respondents who said they could be fair jurors but who have strong feelings about the protests or the issues, indicating biases towards Energy Transfer and Greenpeace or the protesters

M168	[Q5]	Positive [towards Energy Transfer]
	[Q6b]	There was a lot. That people felt very strongly but it almost became a loving earth versus the man situation, because there was a lot of outside people involved. It put a lot of people on edge. For example, there was a rise in racial tension, because there would be groups that were obviously there for the protests in public restaurants and stuff. It was frustrating to read either side because everyone interviewed was always very for their side.
	[Q8a]	[Affected] Just the general feeling of unease around town.
	[Q9]	Again that feeling of unease, that just because of your skin tone you were put on a side. The uncomfortableness.
	[Q10a]	Positive [towards Greenpeace]
	[Q12]	[Protesters' claims] It's mixed because I know where the water intake was moved to further down the river. There was some ambiguity about where the risk was. There were several attempts at making sure there was nothing of significant value that was being injured. Points were brought up that it was never checked. If there are artifacts that were being damaged really I would understand.
M210	[Q3a]	Friends [work/ed on DAPL]
	[Q5]	Neutral [towards Energy Transfer]

	[Q6b]	People were upset that it was in tribal land or crossing north of tribal lands. Just the violence.
	[Q7a]	Friends [protested]
	[Q8a]	I wasn't really affected by it but I have a brother-in-law that went to the protest to make sure everything was okay.
	[Q9]	The mess the protesters left behind was pretty bad. Road closures and families having hard times going to their farms.
	[Q10a]	Positive [towards Greenpeace][Q12] [Protesters' claims] I think they were very unfounded claims since there are already other pipelines under the river in the reservation. That is what I didn't understand. Existing pipelines have been there for years but maybe they didn't know about them.
M213	[Q3a]	I guess my boyfriend was XXXXX[16] and he was in the front and handled it the most.
	[Q4a]	My dad was a driller.
	[Q5]	Negative [towards Energy Transfer]
	[Q6a]	My boyfriend was on the front cover of magazines and newspapers of the protests.
	[Q7a]	My boyfriend was the one who set up camps and built a bridge for the people to cross and it was said that so that all the generations could come together.
	[8a]	Well for example my boyfriend went to jail for it and he was injured and his brother was beaten to death almost and he was in there for like forever. The inmates would beat him up too.
	[Q9]	I don't know how to answer that one. [worst problems caused by the protests]
	[Q12]	[Protester's claims] It's something that will affect not my people but something that will affect people across the globe. It's not just about us. You can't do things like that.
	[Q19a]	I think I could be fair because I understand it's out of everyone's hands. But when I look like at it from one side, I can look at the people's side. But from both sides I could also see that Greenpeace could've done something to prevent it from happening.
M231	[Q4a]	Dad [work/ed in oil and gas]
	[Q5]	Mixed [towards Energy Transfer]
	[Q6b]	It was pretty crazy. It took a lot of time out of our everyday life. It was scary not knowing what was going to happen next.
	[Q9]	Pricing of gas and seems like everything inflated in price.
	[Q12]	[Protesters' claims] I think it was all very true as we should all not pollute the environment.
M233	[Q5]	Negative [towards Energy Transfer]

[16] Edited to protect the respondent's confidentiality. Boyfriend was very involved in the protests.

	[Q6b]	They were rude. They weren't protesting peacefully. They were destroying private property. It was a disaster. It made me scared. There were people on our roads. I couldn't go for runs with my dogs. I was followed.
	[Q7a]	I met people [protesters] at the hospital where I work.
	[Q8a]	When the protesters stopped our school they were destroying equipment on the side of the road and blocking the middle of the road. Law enforcement had to get involved.
	[Q9]	There were so many things. The looting was huge. The garbage left behind. The damage to property. Just scary people you don't want in your community.
	[Q12]	[Protesters' claims] I am a trustworthy person. It seems like Dakota Access put a lot of safety in place.
M247	[Q5]	Negative [towards Energy Transfer]
	[Q6a]	It was a nightmare for the locals and the protesters left behind trash.
	[Q8a]	Ranchers were affected by property damage and livestock were shot and people could not go to work.
	[Q9]	Probably the disruption of daily life and property destruction.
	[Q10a]	Mixed [towards Greenpeace]
	[Q12]	[Protesters' claims] I feel like they were greatly exaggerated.

7. Many Cass County respondents who said they could be fair had previously given gave verbatim answers which indicate that they could not be fair.

As discussed above, 80 Cass County respondents stated that they could be fair in their consideration of the issues presented. However, many of them gave verbatim answers which reflect negative feelings about the protests, protesters and/or parties.

a. Verbatim answers from Cass County respondents who said they could be fair jurors who gave other responses expressing strong feelings about what happened during the protests or they or someone they know was personally affected and/or they have negative feelings about Greenpeace:

C308	[Q5]	Positive [towards Energy Transfer]
	[Q6b]	It was amazing what I saw on the tv, they drove in to protest and were using the fuel they said they did not want. It went on for a while but do not know how it ended. All I remember is that they were driving big, fancy pickups and protesting about oil.
	[Q8a]	From what I heard on the news, we sent some police to the area in Cass County to watch the protests. They might have affected us but I did not hear of any crime in my area nor was I a victim of crime.
	[Q9]	It was a disruption to being normal. We were 200 miles away. I know they had roadblocks and if trucks were going through, they

		were impacted. I heard this from other truckers that that was a problem. I was not affected because I am local.
	[10a]	Mixed [towards Greenpeace]
	[Q12]	[Protesters' claims] If you do not have a pipeline, you have to transport the oil some way - rail or truck - and both are more dangerous. It is possible to contaminate the water with a pipeline, but truck or rail is dangerous. We had a train derailment and many cars turned over 30 miles from here and they had a big fireball. If it had been in town a lot of people could have died. I think pipelines are safer than other modes of transportation.
C312	[Q5]	Positive [towards Energy Transfer]
	[Q6b]	They were wrong they should have been chased out right away they should have learned their facts. The real facts not just what they have been told or heard.
	[Q9]	There was a lot of cost and disruption and environmental bad things. The waste and pollution they left behind that had to be taken care of.
	[Q10a]	Negative [towards Greenpeace]
	[Q12]	[Protesters' claims] I guess it goes back to learning the facts and most of their claims were invalid.
C323	[Q5]	Positive [towards Energy Transfer]
	[Q6b]	Bunch of idiots. My neighbor is a criminal investigator and he had to spend four months out there when he didn't have to. Just a mess they made when they left. The county there, bulldozers and it cost a lot of money to clean up. People from Utah or someplace came to protest.
	[Q8a]	The Cass County Sherriff was out there a bunch of cops had to go over there, all over the state. It cost a lot of money to pay for the mess they made.
	[Q9]	Money. The law enforcement out there to clean up.
	[Q10a]	Mixed [Greenpeace]
	[Q12]	[Protesters' claims] No because there were environmental impact done and most of it is in the ground. It would be underneath the river, if anything is spilled they would clean it up. The pipeline is safer than rail cars.
C333	[Q5]	Based on the news it appeared it was mostly out-of- staters paid to be there and to do as much destruction as possible.
	[8a]	The sheriff that was affected. It was difficult. He played a number of voicemails he had where they threatened to kill him and his family. That sheriff definitely had an impact on him for life. He played a number of voicemails where he and his family were threatened and it is hard to not have that have an impact on you.

	[Q9]	I do not know if it directly affected Fargo, but a number of our law enforcement had to go out there. It was costly to Fargo and our state. That was not reimbursed by our state. There was a lot of bad press when they went.
	[Q10a]	Neutral [towards Greenpeace]
	[Q12]	[Protesters' claims] I disagree with that.
C339	[Q5]	Positive [towards Energy Transfer]
	[Q6b]	They think it shouldn't have been built for reasons that were inappropriate I guess.
	[Q9]	The garbage they left behind. Debris.
	[Q12]	[Protesters' claims] I think it was all false.
	[Q19a]	Once I look into it more and get more info I feel I could be fair. I have my opinions right now, but I think they're right.
C341	[Q5]	Positive [towards Energy Transfer]
	[Q6b]	Native Americans were living in tents as a protest.
	[Q9]	They left the area piled with garbage. If I throw garbage out of the window of my car I get fined $500.
	[Q10a]	Negative [towards Greenpeace]
	[Q12]	[Protesters' claims] It was a false accusation. They have no proof of damage to water quality.
C346	[Q5]	Positive [towards Energy Transfer]
	[Q6b]	Well it seems like they seem careless and they left the place in a mess and they seemed violent and it seemed like they were very antagonizing and had a lot of disregard for farmers and ranchers and landowners in the area. I really thought it was terrible how they were doing it when they release addresses and personal information about the officers and endangering them. I am very disgusted. It seemed like the majority of the actual troublemakers were not local.
	[Q9]	The mess that they left behind. We paid for it to be cleaned up and also we are paying for the law enforcement to protect all those involved. protesters and citizens. That's a good summation.
	[Q10a]	Negative [towards Greenpeace]
	[Q12]	[Protesters' claims] I guess the whole premise. If they had a complaint they should have taken it to the courts - that's what law abiding citizens do. You know again that is what the test is for. We have quality things. We have rules and regulations that we have to follow. If those rules and regulations were. The premise is a bit sketchy. It's such a big framing of the questions. No there isn't any because we have rules and regulations to help prevent that.
C361	[Q5]	Positive [towards Energy Transfer]

	[Q6b]	I remember I understood the local natives that lived here. I respected their opinions. But the people that came from out of state I did not like them because they caused damage and ill well. But I do not despise the natives and their right to protest because it's their right.
	[Q7a]	[Knows protesters] I am friends with them.
	[Q8a]	[Knows people affected] The landowners and some of the LEOs that were just trying to do their jobs. No not really that was just a shitty time.
	[Q9]	It was just tension and high tension and all it does is just create hate towards other people. Besides that everyone gets along. I think it takes the focus off the reason of protest. People are just going to end up shocked.
	[Q10a]	Mixed [towards Greenpeace]
	[Q12]	[Protesters' claims] That's a valid point to bring up. But when you face the discourse when there's madness occurring like this it's how the country gets divided and drives the focus away. I'm talking about when they start threatening people - you don't do that.
C375	[Q5]	Positive [towards Energy Transfer]
	[Q6b]	They were protesting. Nothing. Just saw them protesting.
	[Q9]	I hated the protesters. They're bad people. We didn't like them. They were creating havoc and I thought they were crazy.
	[Q12]	[Protesters' claims] I think that's a lie. We need carbon.
C385	[Q5]	Neutral [towards Energy Transfer]
	[Q6b]	They were fighting an uphill battle and there were already pipelines under the river, that's my only thought.
	[Q8a]	[Knows people affected] We had to pay for the police, pay to keep protesters under control, pay for delays in building the pipeline, pay for the cleanups. Protests are not cheap. Having celebrities show up for it was ridiculous.
	[Q9]	Where I am from the money costs to have to deal with it.
	[Q10a]	Neutral [towards Greenpeace]
	[Q12]	[Protesters' claims] Once again, pipelines were already running under the rivers so it's ridiculous. This one just got attention.
C386	[Q4a]]	[Knows] Truckers that worked in the oil fields, through my husband who is a trucker of other businesses.
	[Q5]	Neutral [towards Energy Transfer]
	[Q6b]	Leaving all the garbage around. Basically just that, they want to save the earth yet they left their garbage.
	[Q9]	With the pipeline being done it took some truckers out of jobs.
	[Q12]	[Protesters' claims] Not sure, I have never heard the claims before this.

C387	[Q5]	Refused [attitude towards Energy Transfer]
	[Q6b]	It seemed violent and unpeaceful at times. The road was blocked and they were burning cars and wheels. Highways were blocked, it should be a peaceful protest. It was eventually dispersed. This was years ago. Some celebrities got involved. The project was approved and it's a nonissue for me.
	[Q9]	I ended up watching the news every day. Just showing the protests, that's it that I saw.
	[Q10a]	Neutral [towards Greenpeace]
	[Q12]	Pipelines easements exists everywhere or water or gas or anything. The new pipeline that was installed was to upgrade the current one. I work in construction and there is one in my jobsite and they are everywhere for the most part.
C388	[Q5]	Neutral [towards Energy Transfer]
	[Q6b]	There was some concerns about the oil pipeline going on tribal lands and causing a negative environmental impact.
	[Q7a]	A college friend was covering the protest as an independent reporter.
	[Q9]	Blocking traffic and commerce.
	[Q10a]	Negative [towards Greenpeace]
	[Q12]	[Protesters' claims] The pipeline had received all the necessary permits and gone through the state's legal process. The state is charged with making those assessments.
C391	[Q4a]	Coworkers now. They are out of it now. [oil and gas]
	[Q5]	Neutral [towards Energy Transfer]
	[Q6b]	They left garbage and I really think I was disagreeing with it. I heard a lot of rumors but no firsthand facts.
	[Q8a]	[Affect yourself or others] The rising price of gas. Cleaning up destruction.
	[Q9]	[Worst problem] Gas prices. No other firsthand accounts of them.
	[Q10a]	Mixed [towards Greenpeace]
	[Q12]	[Protesters' claims] They were blowing it out of proportion. I think it was or had risks but nothing like they were claiming.
C398	[Q5]	Positive [towards Energy Transfer]
	[Q6B]	They got violent.
	[Q9]	Disruption in oil distribution.
	[Q10a]	Negative [towards Greenpeace]
	[Q12]	[Protesters' claims] Potential accidents. I don't agree with those claims.
C402	[Q4a]	Myself and former co-workers [work/ed in oil and gas]
	[Q5]	Positive [towards Energy Transfer]

	[Q6b]	It was environmental bull crap. They think oil should be left in the ground and they don't understand what energy is in the US. I know that people were trespassing on the property and vandalizing the equipment and being absolute idiots.
	[Q9]	They weren't inconvenient for me but I thought they were stupid.
	[Q10a]	[Protesters' claims] I know that the claims. They are a lot of BS. The right of way already had a pipeline in it and the new one was better and had better safer features.
C406	[Q4a]	I went to church with a gentleman that worked at TransCanada oil and gas industry. I have one cousin and several friends that worked for drilling rigs and oil companies.
	[Q5]	Positive [towards Energy Transfer
	[Q6b]	I remember that there was some violent accounts on behalf of the protesters. There were no meaningful discussion that they were wanting to engage in. There was a lot of uncertainty and I lived in Bismarck during that time and there was a lot of uncertainty with a lot of the out of state protesters] that was brought in.
	[Q9]	The out of state residents who came in and really made the community feel unsafe at times.
	[Q10a]	Negative [towards Greenpeace]
	[Q12]	[Protesters' claims] I think that the concerns were unfounded and I also think that there was a willingness in relation the pipeline company to make reasonable accommodations for concerns. But it didn't seem like that they were interested in any talks just interested in shutting down the pipeline.
C415	[Q5]	Mixed [toward Energy Transfer]
	[Q6b]	That they were protesting south of Bismarck. It was a Native issue.
	[Q9]	They did a lot of property damage. Private property, cutting fences for cattle.
	[Q10a]	Negative [towards Greenpeace]
	[Q12]	[Protesters' claims] I disagree with that. An oil pipeline is safer than a derailed oil car.
C417	[4a]	An acquaintance work/ed in oil and gas.
	[Q5]	Neutral [towards Energy Transfer]
	[Q6b]	I remember I didn't have firsthand observation of it and spoke with people and remember it was very messy and the people who were protesting came from out of state and camped and didn't know how to camp. They trashed the place. It was people that were out of state, not a bunch of locals. I remember there seemed to be a lot of people that were frustrated by the impending of the progress of the pipeline. A lot of people live in the area and they were being

		harassed and the work conditions were less than ideal. It was second-hand and the protesters showed up to their work every day.
	[Q9]	It was a misguided protest funded by out of state actors and it disrupted a lot of peoples lives and left a big mess for the people that lived here to clean up, both business and financially.
	[Q10a]	Negative [towards Greenpeace]
	[Q12}	I think there were legitimate concerns that were blown out of proportion but were legitimate.
C420	[Q5]	Neutral [towards Energy Transfer]
	[Q6b]	The trash they left while protesting. It was pretty negative in my books.
	[Q8a]	[Knew people affected] The landowners, I mean they occupied the land and the roads in the area.
	[Q9]	Cost us possibly millions of dollars on the trash and pollution they left behind.
	[Q10a]	Negative [towards Greenpeace]
	[Q12]	[Protesters' claims] They were unsubstantiated.

b. Verbatim answers from Cass County respondents who said they could be fair jurors but who have negative feelings about Energy Transfer or positive feelings about Greenpeace, the protesters or both.

C304	[Q5]	Negative [towards Energy Transfer]
	[Q9]	Didn't affect me directly or my work area. There was no affect.
	[Q10a]	Positive [towards Greenpeace]
	[Q12]	[Protesters' claims] I think the public have to stand back to look back at what we have done to the Native Americans and how we have treated them. We have taken over their lands, foods and kids. When you start looking at another one of those things that hold important to them, it is unfair to make you make a survey when you don't understand the Indians' backgrounds and cultures. I am not saying we shouldn't have a pipeline but the way they treated people in the past 2-300 years is wrong. Look at slavery - the tip of the iceberg and the Native Americans were wronged. I don't like to see conflict but at some point you have to get your voice heard.
C307	[Q4a]	Myself [work/ed in oil and gas]
	[Q5]	Negative [towards Energy Transfer]
	[Q6b]	They didn't want the pipeline on their lands. The protesters didn't want that. They thought it would contaminate the aqueduct or water under it. It was some sacred land for the Indians.
	[Q9]	I don't think it caused any problems. I can understand why they protested. They have the right to.
	[Q10a]	Positive [towards Greenpeace]
	[Q12]	[Protesters' claims] I agree with them. With all their claims.

C309	[Q5]	Mixed [towards Energy Transfer]
	[Q6b]	There were a lot of Indians that didn't want it going through their land and water. It was a lost cause to begin with. The pipeline companies get their way eventually. The more they protested the more the powers that be became more invested in their decision .
	[Q9]	They didn't do much of anything that affected me. In terms of community, I think there were law enforcement from all over the state there.
	[Q10a]	Positive [towards Greenpeace]
	[Q12]	[Protesters' claims] I didn't know if it would but I think one of the main problems are that the ones in control aren't the ones that are affected. By the time someone is persuaded to turn off the tap the damage is done. It would take a few days to even send a crew to look at the damage.
C330	[Q5]	Negative [towards Energy Transfer]
	[Q6b]	The over armoring of the police force, the militarization of the military and using those against the indigenous people all came from everywhere and opposed it. We all wondered why the ugly black headed snake rose its head.
	[Q9]	I do not know how to answer that as I do not know that it did.
	[Q10a]	Positive [towards Greenpeace]
	[Q12]	[Protesters' claims] I think they were right on and very accurate and it's not a matter of if but when.
C342	[Q5]	Negative [towards Energy Transfer]
	[Q6b]	Protesters were peaceful. Dakota pipeline people hired private security and were violent towards peaceful people, like kids and grandmas. They went straight through gravesites.
	[Q7a]	[Knows protester] They married into the family, then divorced again. My old stepmom who is not married anymore.
	[Q9]	It creates more division. Those who work on the pipeline, come from other states, not from Dakota. Brings in more drug addicts. The actions and building the pipeline caused problems.
	[Q10a]	Neutral [towards Greenpeace]
	[Q12]	[Protesters' claims] That is true and correct and it does cause problems.
C349	[Q5]	Negative [towards Energy Transfer]
	[Q6a]	They were blocking an interstate. Blocking construction something like that.
	[Q9]	I don't think there was any problems caused. People were concerned with the earth and fearing leaks and spills. The most would have been blocking a road. I don't know for a fact.
	[Q10a]	Positive [towards Greenpeace]

	[Q12]	I agree but I don't think it's just to a tribe, but to an entire state and beyond.
C359	[Q4a]	I have a friend of the family who has worked on it.
	[Q5]	Negative [towards Energy Transfer]
	[Q6b]	I remember police showing up to take the protesters away using force. Protesters in the camps were talking about the pipeline going through sacred land because of oil leaks and the police who came out had used tear gas and rubber bullets to make them leave.
	[Q7a]	[Knows protesters] Some of them were neighbors and I met some when I also moved houses.
	[Q8a]	Friends and family were affected and still being affected because of not just this pipeline but also G3 pipeline.
	[Q9]	The protest didn't cause any problems for me or anyone I know.
	[Q12]	I believe those claims are correct that the pipeline would cause danger to water quality.
C360	[Q5]	Negative [towards Energy Transfer]
	[Q9]	The negative of the whole situation in general towards the protesters.
	[Q10a]	Neutral [towards Greenpeace]
	[Q12]	I thought they were correct in their claims that it would cause damage.
C389	[Q5]	Negative [towards Energy Transfer]
	[Q9]	I don't think anything really. I just don't think it impacted my life too much but what was presented on the news it looked like it affected them but not me personally.
	[Q10a]	Neutral [towards Greenpeace]
	[Q12]	Well I pretty much agree with the protest because I think it does cause environmental damage.

c. Verbatim answers from Cass County respondents who said they could be fair jurors but who have strong feelings about the protests or the issues, indicating biases towards Energy Transfer and Greenpeace or the protesters.

C305	[Q5]	Neutral [towards Energy Transfer]
	[Q6a]	Mainly out of state, hypocritical. They left a mess. And some unlawful behavior. I heard this from local news and some national. They used unlawful riot tactics and blocked roads. They left a mess and did not tidy up and it went into the water stream and they called themselves water savers and actively polluted the water. It was some of them but not all of them.
	[Q9]	It was just an image problem. It made the state look more violent than it should have.

	[Q10a]	Mixed [towards Greenpeace]
	[Q12]	I believe that it could cause damage. Any oil spills could cause damage and oil consumption.
C313	[Q5]	Neutral [towards Energy Transfer]
	[Q9]	It cost the state a lot of money. Everything the law enforcement and National Guard had to do to maintain order.
	[Q10a]	Positive [towards Greenpeace]
	[Q12]	[Protesters' claims] I think that is potential but unlikely. Any more than any other pipelines that they put in.
C326	[Q5]	Negative [towards Energy Transfer]
	[Q6b]	It was huge. They were very angry. They were on the right side of the issue because they were crossing tribal land without safeguards. Law enforcement made fools of themselves. That alone made me mad at law enforcement. Law enforcement was violent. I could write a book about it but I won't.
	[Q9]	They cost a lot of taxpayer money.
	[Q10a]	Positive [towards Greenpeace]
	[Q12]	I believe that's correct. It would cause water quality damage but even so we've got to have the oil.
C382	[Q5]	Neutral [towards Energy Transfer]
	[Q6B]	They left a lot of trash on the land where they protested.
	[Q9]	Protesters were violent and burned things.
	[Q10a]	Positive [towards Greenpeace]
	[Q12]	I think the oil pipeline is the cleanest and safest way to transport energy.
C395	[Q5]	Mixed [towards Energy Transfer]
	[Q6b]	I read and saw it on TV. The concern of polluting the water and the land as well. I don't like protesters that defy the law. There is a lot of danger in transport in a truck or trains more than a pipeline. A pipeline is much more efficient in transport. There are pros and cons to it. Most of it was propaganda on both sides. That is why I have mixed feelings.
	[Q9]	People who were promoting their fine rate theories. They have to vote for people that have a fine rate theories.
	[Q10a]	Positive [towards Greenpeace]
	[Q12]	[Protesters' claims] Protests are wonderful if they obey law. There is a good chance the pipeline breaks. That was a good argument and it could possibly happen.
C409	[Q4a]	My old neighbor [work/ed in oil and gas]
	[Q5]	Mixed [towards Energy Transfer]

	[Q8a]	[Knew people affected] The roads were blocked by the protesters] not allowing some family members to travel.
	[Q9]	The protesters] used our local and state resources and caused our state financial damage.
	[Q10a]	Positive [towards Greenpeace]
	[Q12]	The pipeline could cause environmental damage if there was a breach in the pipeline. However, the stats were low. So the likelihood of environmental damage I believe is low.
C428	[Q5]	Negative [towards Energy Transfer]
	[Q6b]	It was likely overplayed by the media that the protesters were violent. It was overplayed. Based on first had experience all protests I participated in were peaceful and calm with open communication.
	[Q7]	[Protesters] me
	[Q8a]	I know a police family who had a high stress time with all of the additional traffic in rural areas. A lot more to deal with.
	[Q9]	Poor representation nationally. It made the area look more violent that it was in all reality.
	[Q10a]	Negative [towards Greenpeace]
	[Q12]	Protesters' claims] They were fair. There is always a possibility that the pipeline would affect water quality. I think there was a lot of exaggerated claims on both sides.

8. Fourteen out of fifteen Morton County respondents who said they didn't know if they could be fair jurors or refused or did not answer the question gave verbatim answers which indicated that they could not be fair.

[¶74] Many of the respondents who said they didn't know if they could be fair gave specific verbatim answers which indicated that they likely could not be fair in previous questions that they would be prejudiced for or against Energy Transfer or the protesters and/or Greenpeace or had personal experiences which would make it difficult for them to be fair.

	Morton County	**Cass County**
Number of respondents who said they didn't know if they could be a fair juror, refused or didn't answer	15	14
Number of respondents who said they didn't know if they could be a fair juror and gave verbatim answer(s) that show bias	14	9

a. Verbatim answers from Morton County respondents who said they didn't know if they could be a fair juror, refused to answer or didn't answer the question but who gave verbatim responses indicating they cannot be fair.

[¶75] In Morton County there were 12 respondents who said they didn't know if they could be fair jurors and 2 who refused and 1 who did not answer the question.

> 10 of the 15 gave verbatim answers which indicate they cannot be fair to Greenpeace
>
> 4 of the 15 gave verbatim answers which indicate they cannot be fair to Energy Transfer or Greenpeace

[¶76] The following are some of the answers from 14 of the 15 respondents in Morton County who said they didn't know if they could be fair or not, or refused, or didn't answer the question who indicated in other answers that they have strong opinions which would make it difficult to be fair.

M107	[Q9]	Everyone was scared to stick their heads outside, until things were clear. They broke into some places. Some elderly people had to go to the care facility. It's like an apartment.
	[Q19a]	I don't like the protesting, and sometimes they have to protest. It always brings trouble. We've lost so many people in this area. Dynamite is something else too. It was a small bridge that gave access for people from the town. The interstate helps a lot.
M110	[Q6b]	They blocked off main street in Mandan. They had a pig head walking down Mandan and it was blocked off and did damage to the environment and I had a negative view of them.
	[Q10a]	Negative [towards Greenpeace]
	[Q19a]	I know what I know about Greenpeace and don't know if I can be impartial about them.
M113	Q6b]	I think it was infiltrated. People were bought to demonstrate and were paid. There were many protesters on one side and officers on the opposite. The campgrounds had all these protesters and left a terrible mess to the state.
	[Q8a]	I had to detour to get kids home as a school bus driver. Some of the children I picked up had land that was accessed through the pipelines. The farms were invaded. They were damaged. The equipment was painted on.
		[Q9] I think it was orchestrated. They went to another state and did the same thing. It was a horrible expense to the officers for the cleanup. Police were brought in from different places and had to be paid.
M126	[Q5]	Negative [towards Energy Transfer]

	[Q6]	They were non-native. It wasn't the protesters] that were aggressive, it was the agitators who were sent there to do it and it wasn't the Native American Indians but we took the hit for it.
	[Q9]	Racist, basically racist because the Natives took the hit because it was on a reservation but all the Indians whether you were from there or wasn't.
	[Q12]	[Protesters' claims] If the pipeline leaked it's their source of water and it would be contaminated.
M129	[Q6a]	I was not happy with the whole thing. It was a mess. They destroyed whatever they came across. They were not Native Americans and they were I believe paid.
	[Q9]	People couldn't go on with what they were doing. It held up people's jobs unnecessarily. It seemed more like publicity.
M131	Q6b]	I thought it was ridiculous. There was no reason for it, other than to cause a commotion. It was mentioned a lot in the media.
M134	Q6b]	I think the protesters were violent and protected by civil rights. Law enforcement or whatever, they were doing their job correctly and were being kind and the protesters would spit in their face. They had no respect for anyone.
	[Q9]	They did a lot of vandalism from reports I heard on the news and from other people. I didn't witness anything.
	[Q12]	[Protesters' claims] I think the company should be responsible if there is damage and try and repair the damage but protesters did a lot of damage to the property itself. Environmentally they cut down trees for heat and spoiled waterways for their sewage.
	[Q19a]	[Don't know if could be fair because] I feel the protesters were wrong by doing the vandalism. If they are going to protest, they should be trained to do it peacefully.
M136	Q6b]	I know they protested on Main Street in Bismarck and left a mess wherever the protesters were because I know someone who had to clean it up.
	[Q9]	The mess they left and my opinion that the people who came in were professional protesters from what I heard on the news. One or two of them were actors I had seen them on the news.
	[Q19a]	I don't think I could be [fair] but I just don't know. I think I would be prejudiced towards the protesters because I don't think it was right.
M167	[Q5]	Refused [attitude towards Energy Transfer]
	[Q6b]	They brought a lot of garbage and waste in our area.
	[Q9]	Just the same thing destruction of property.
	[Q12]	[Protesters' claims] No comment

M184	[Q5]	Mixed [towards Energy Transfer
	[Q6b]	I thought they were way out of line, all the garbage out there and the damage to property. I think it was all a bunch of BS.
	[Q9]	The traffic and garbage. The theme of the whole thing was probably the worst.
	[Q10a]	Negative [towards Greenpeace]
	[Q12]	[Protesters' claims] I didn't think it would cause anyone problems.
M171	[Q6b]	Those that came in from other places should have stayed out of it. It was our business.
	[Q12]	[Protesters' claims] I believe it could be a problem. Sometimes the companies need to focus on the people instead of the money.
	[Q19a]	I am tired of big oil or big gas because I am just sick of people pointing blame at each other.
M230	Q6b]	We lived it. It was awful. We couldn't get to Bismarck to get to the doctor or groceries. They threw rocks and blocked traffic completely.
	[Q8a]	Directly got involved and made us very fearful of doing our daily activities. For instance, the protesters showed up to my young children's basketball game and stopped it. Not only fearful if they were going to stop us or take our stuff and we would have to defend our stuff and our own beings. Anything we may have had.
	[Q9]	Their lack of respect for any other human being. Our police and their families were ridiculed and targeted.
	[Q19a]	[Don't know if could be fair] Well, because it was a difficult, ugly time to live through. I just kept thinking it would go away.
M237	[Q3a]	My husband. [work/ed in oil and gas]
	[Q5]	Negative [towards Energy Transfer]
	Q6b]	I remember that they were complete idiots and out of control and uneducated. You know it was completely out of line and it was unfounded. It was one of worst examples of human nature I have ever seen.
	[Q7]	[Know protesters] I used to work in Fort Yates and on the Sioux Indian Reservation.
	[Q9]	It was a burden on law enforcement and it cast a negative light on North Dakota throughout the country.
	[Q10a]	Negative [towards Greenpeace]
	[Q12]	[Protesters' claims] It's complete BS. It does not cause problems.
M238	[Q5]	Negative [towards Energy Transfer]
	Q6b]	I remember seeing increased police force in our area and neighborhoods. I remember people from out of town being in our stores and businesses.

	[Q9]	Just interruptions in traffic and with the police. The police, I remember them having to having staging in our parking lot.
	[Q10a]	Neutral [towards Greenpeace]
	[Q12]	[Protesters' claims] I think that it was blown out of proportion and that there was misunderstanding of how pipelines work.
	[Q19a]	I feel like maybe we were a little too close to it. I just think that I have heard too much about it in the press.

b. Verbatim answers from Cass County respondents who said they did not know if they could be a fair juror or refused to answer the question but who gave verbatim responses indicating they cannot be fair.

[¶77] In Cass County, 14 respondents said they didn't know if they could be fair jurors and 2 refused to answer the question. Below are the verbatim answers from 9 of the 16 respondents in Cass County who said they didn't know if they could be fair jurors or refused to answer the question, who indicated in verbatim answers that they have strong opinions which would make it difficult to be fair.

C436	[Q5]	Negative [towards Energy Transfer]
	[Q6b]	They were a bunch of crazy people wrecking things while they were protesting. Someone got murdered also. Very bad people.
	[Q9]	For us we had to send law enforcement and incur a lot of bills.
	[Q12]	[Protesters' claims] I do not believe it would do any of that. They engineer the heck out of those pipelines so it should be just fine.
C437	[Q5]	Don't know [towards Energy Transfer]
	[Q6b]	They made one hell of a mess. They caused a lot of trouble with law enforcement. They trashed the place and destroyed things that were not theirs. The news said most of them were not from this state. They were protesting the pipeline being built. They were not being too environmentally friendly themselves.
	[Q10a]	Neutral [towards Greenpeace]
	[Q19a]	If they want to protest themselves, fine. But to train and fund others to protest, I do not consider free speech. It is manipulation.
C440	[Q5]	Neutral [towards Energy Transfer]
	[Q6b]	I thought it was silly for the protesters. They were obstructing justice in my mind.
	[Q10a]	Neutral [towards Greenpeace]
	[Q19a]	I'm 200 miles away from all the stuff that went on and just seen what's on the news and don't know if I have the facts. In my mind the protesters shouldn't have protested in the first place.
C441	[Q5]	Neutral [towards Energy Transfer]
	[Q6b]	I remember people were causing problems. Some of those people were not involved. I just think people came in to cause trouble.

	[Q9]	It was damage that was unnecessary. The property and people, cost to the state to try to keep things in order.
	[Q10a]	Neutral [towards Greenpeace]
C442	[Q5]	Neutral [towards Energy Transfer]
	[Q6b]	They were protesting that it would hurt their land. When they left they left a big mess and that other people had to come and clean up their mess.
	[Q8a]	I think us taxpayers have to deal with that mess the most. Just about the taxes. Just having to pay for the taxes of their mess. If they had picked up their mess before they left it would have been fine.
	[Q9]	Well it's that, the pipeline and higher taxes.
	[Q10a]	Mixed [towards Greenpeace]
	[Q12]	[Protesters' claims] I think it's bullshit and there are already pipelines that go under the water and on the land that haven't caused any problems.
	[Q19a]	[Don't know if can be fair] Just because I think Greenpeace does need to be responsible.
C443	[Q5]	Don't know [towards Energy Transfer]
	[Q6b]	I just remember seeing how frustrated the Native Americans were, they were trying to fight not to have the pipeline go through their land.
	[Q9]	Just the way it divided us more that we already are. There was some violence that was not right.
	[Q12]	I guess if the Native Americans were making claims like that I agree with their stance.
C444	[Q5]	Negative [towards Energy Transfer]
	[Q6b]	I remember hearing they started out by protecting the land and water but then got very big and drew attention and then there was a few wild protesters and going to protect their land.
	[Q7a]	Some of my coworkers protested.
	[Q10a]	Mixed [towards Greenpeace]
	[Q12]	I think that it is a possibility it would cause damage and the company that wanted it placed on native land bypassed it.
	[Q19a]	I agree with Greenpeace, they have free speech.
C446	[Q5]	Neutral [towards Energy Transfer]
	[Q6b]	Honestly, I think they did more damage than good. They were trying to protect the land but they left the place a mess with garbage and debris. I don't think they helped the cause at all.
	[Q9]	I just think they put a lot of law enforcement in danger because some of them were not peaceful and they had to pull law enforcement from other areas of the state.

	[Q10a]	Neutral [towards Greenpeace]
	[Q19a]	Individuals are responsible for their own actions and not corporations.
C450	[Q5]	Don’t know [towards Energy Transfer]
	[Q6b]	The fakeness of many of the protesters being actors and coming in and protested and don't have a clue what they were fighting for. I think they just came in for TV time or exposure. The way they left the land when they were done was trashed and they closed the major highway by Cannon Ball, they put up barriers and a vehicle and I believe they chained themselves across it.
	[Q9]	Again, they just totally disrupted everything and they destroyed part of the pipeline and were part of the problem.
	[Q10a]	Neutral [towards Greenpeace]
	[Q12]	[Protesters’ claims] It's bull. They didn't build the pipeline with any intentions of damaging anything.
	[Q19a]	I am somewhat biased. On one side, I was against the protest to begin with and am deep seated about my feeling. I know what side I would vote for.

9. The community atmosphere is hostile to the protesters in both Morton and Cass counties, but less hostile in Cass County.

[¶78] The atmosphere in Cass County is hostile, but less hostile than that in Morton County. More respondents in Morton Counties made negative statements about the protesters and called them “paid” or “professional protesters or said other insulting things about them, such as that they were smelly or rude. A larger majority in Morton County are in favor of the pipeline as compared to Cass County. Many Morton County respondents had negative personal experiences or know someone who did. We know from the previous survey that there was more community discussion in 2016/2017 when the protests were going on.

[¶79] A hostile atmosphere contributes to jurors’ beliefs that their negative feelings are legitimate and puts pressure on jurors who perceive that the community agrees with them to find against the protesters or those who are supporting the lawful protests. The Greenpeace defendants’ fate is tied to that of the protesters and there is more hostility against the protesters before the trial even starts in Morton County than in Cass County.

VI. NEWS COVERAGE

[¶80] The news coverage of the protests in 2016 in Cass, Morton and Burleigh counties was extensive, continuous and pervasive for at least a year, although there were approximately one-quarter less newspaper articles and broadcasts in Cass County than in Morton and Burleigh counties during 2016. All three communities were saturated with information about the protests and their aftermath, DAPL and the legal and administrative battle over whether it would be allowed to continue to operate. We know from research on jurors that after the initial deluge of articles, when other articles and broadcasts related to the previous event or events occur, people’s memories are

restimulated and they think – and often talk about -- the previous events. A cursory review of articles in the Bismarck Tribune shows that they have continued to cover protester's trials, lawsuits and administrative issues involving the Dakota Access Pipeline. And there will undoubtedly be news coverage as the *Energy Transfer v. Greenpeace* trial approaches.

[¶81] I think it's helpful to look briefly at the media coverage in the Bismarck media market and the Fargo media market during the protests. News coverage both reflects and creates attitudes in a populace. The extent of the coverage during the protests was a reflection of concern and interest in the two counties and it also resulted in information being disseminated.

Total Number of Bismarck Tribune Articles March 2016 through December 2016	Total Number of Fargo Forum Articles June 2016 through January 11, 2017
652	**579**

[¶82] The 2016 television coverage was similarly intense, with again, less coverage in the Fargo media market[17]:

Broadcasts on KFYR (Bismarck Media Market) End of March – December 2016	Broadcasts on KVLY (Fargo Media Market) August 2016 - January 11, 2017
315	**196**

[¶83] In my experience, this is a tremendous amount of newspaper and television coverage relating to issues involved in a trial. It is one explanation for why there is 99-100% awareness of the protests and such a high level of bias and prejudgment towards the parties in 2022.

[¶84] In addition to newspaper articles and television broadcasts, there were continuous local radio broadcasts and social media sites which dealt with the protests, in addition to statewide and national coverage, which would also be available to those with computers or smart phones.

[17] We only looked at one of the television stations in each market.

[¶85] Many of the newspaper articles were front page news in both papers. Television stories are often played more than once during the day and many of them are left up on the stations' websites to be viewed at viewers' convenience.

A. Evolution of News Coverage from Factual to Negative and Inflammatory

[¶86] The news coverage in the Bismarck paper[18] evolved from factual in the first article in March 2016 to negative and inflammatory after the first week in August 2016. After that point, there were numerous statements from law enforcement that what the protesters were doing was illegal.

[¶87] The 2016/2017 coverage in the Fargo media market while it also included primarily negative coverage starting in August, along with statements from law enforcement that the protesters were acting illegally, also includes features on the protesters and other articles that do not paint them and their cause in a negative light.

1. Bismarck Media Market

[¶88] In the Bismarck media market, there was widespread local and regional coverage relating to the protests, starting back on March 29, 2016. There was considerable coverage of community responses to the protesters and law enforcement officials and the impact of the protests on residents of Morton and Burleigh Counties. After August 2016 the news coverage was extremely damaging to the protesters, portraying them as violent and as "paid professionals" and "outside agitators". Sheriff Kirchmeier and then Governor Dalrymple made numerous inflammatory statements about the protesters as being "outside agitators", starting as early as August of 2016. Statements of local officials typically carry more weight with most residents.

[¶89] Local media coverage of the DAPL Protests was slight in May, June and July 2016. Local radio stations informed listeners that actor Leonard DiCaprio had joined the protest. A Tribune writer covered the economic benefits of pipeline construction in Emmons County. The paper reprinted an article from the Cedar Rapids Gazette reporting that the Bakken pipeline in northwestern Iowa would bore beneath tribal grounds rather than being entrenched and thus disturbing sacred land.

[¶90] On July 26, the U.S. Army Corps of Engineers approved the final land easement and water crossing that would allow the pipeline to go forward. The next day, the Standing Rock Sioux Tribe sued the Corps seeking an emergency halt to construction. These actions are barely mentioned by local media. At that time the protests were still seen as symbolic, with the pipeline as inevitable.

[¶91] The intensity of the protests and characterizations of the protesters in local media began to change in a Tribune article, "Ten move beyond 'legal' protest boundaries," on August 11 when ten people were arrested at the pipeline worksite. Morton County Sheriff Kyle Kirchmeier was quoted as saying the protesters were not staying within bounds set by law

[18] The Bismarck media market includes Morton, Burleigh and other surrounding counties.

enforcement and getting in the way of surveyors. Local radio stations promoted videos of protesters, including the Standing Rock Chairman, being arrested on that and successive days.

[¶92] Though an August 16 Tribune editorial ("Protests OK, calm needed by all parties") characterized the ongoing debate as a "public relations battle, the Tribune posted a video the next day in which Sheriff Kirchmeier said the protesters were "compromising officers and property." The same day on Prairie Public Radio, Sheriff Kirchmeier was reported as saying that the protests had turned unlawful and that some protesters had pipe bombs and fireworks.

[¶93] At this point, public opinion took a turn regarding the protests, their legality, and the Native American community in increasingly frequent radio call-in shows (at least 21 radio shows on this topic in August), and online commentaries. On radio call-in programs, from August 18 to 29**,** local residents called protesters] "lawless thugs" … "imported from all over the place," and "spoiling for a fight." One caller said Native Americans were, "ravaging and decimating their tribes, their own reservations." Another said that at the risk of "sounding racist, 'I've lived on the reservation. … There's ones that don't necessarily do anything for society.'"

[¶94] At this time several themes common to the responses from survey respondents begin to emerge. A radio caller stated that the fact that people have been arrested makes the protests unlawful. A second common theme - the financial burden of the protests - emerges on August 22 when the Tribune reports that the Morton County sheriff estimated protest law enforcement costs at $100,000 per week. On the same day, then Governor Dalrymple said that while many protesters were peaceful, there were "outside agitators" responsible for vandalism, trespassing and blocking the highway resulting in "hundreds of criminal acts." In the same article, Sheriff Kirchmeier added that threats had been made against law enforcement on social media. Finally, there were numerous mentions among interviewees of the potential dangers to children. The Tribune reported on August 23 that Mandan student buses would receive a law enforcement escort for as long as necessary to ensure their safety.

[¶95] In the same period, anger and anxiety about outside perceptions of North Dakota rose as the Tribune reported the expressed support for the protest of the American Civil Liberties Union, representatives of the United Nations, Amnesty International, and a growing list of celebrities and other groups. An August 19 letter to the Tribune editor asks, "Why aren't people … protesting actual … threats: drug dealers in their communities, underage drinking, joblessness, single-parent families, sexual abuse, domestic abuse, and suicide of young people?

[¶96] Articles in the Tribune increased from August's 75 to 142 in September (almost 5 a day in the same paper), again with corresponding increases among other local media. Reporting and opinion on both sides of the controversy became darker and angrier after guard dogs attacked protesters and private security guards maced protesters on September 3rd. A Tribune reader writes, ""Why isn't the state protecting these workers from people throwing rocks, chasing them and wearing masks? If they're not going to do anything and

the company has to hire protective security and there are dogs out there, if they get bit, or whatever, hey, reality is reality."

[¶97] Dueling videos and internet stories fueled both sides of the controversy on Facebook, YouTube and online forums. Arrests increased throughout September and the patience of local residents decreased while their anxiety, anger and fear - and protest coverage - became ubiquitous and unavoidable. Each story of a protester injury or incident is met with a corresponding justification for that injury/incident or denial that it occurred.

[¶98] The Bismarck Tribune asks on September 4, "Anti-DAPL – Are you a traitor or a patriot?" On September 5, a much quoted and copied Facebook post by a deputy court clerk in Minot stated, "Solution: let them keep their sacred land. Go around their water and burial grounds. It obviously means a lot to them and they should have it. … Then, Stop the monthly checks and ALL the government payouts! Stop all the subsidies and handouts. Done!"

[¶99] Bismarck Tribune articles on the protests peaked in October, increasing from September's 142 to 179 that month. September and October television, radio and newspaper coverage reinforced the overarching themes; mostly promoted by credible sources in the community and all later reiterated by community members who were interviewed:

- Law enforcement and pipeline crew being harassed or mistreated;
- Financial, emotional, and long-term cost to society;
- Violence, vandalism, trespassing and other crimes ending in arrest (including stories of Molotov cocktails, tomahawks, pipe bombs;
- Protesters are paid outside agitators with criminal histories (e.g., various rumors about a website where one might arrange to be a protester and be paid up to $1500 per week);
- Other destruction of public and private property (e.g., damage to the Capitol grounds, the frequently mentioned burning vehicle on the bridge);
- Missing and damaged livestock;
- Potential for harm to children (e.g., blockades and school buses);
- Landowner harassment and other resident inconvenience (e.g., most prominently, disruption at the mall on Black Friday);

[¶100] There were more articles and forums devoted to the unfair perception of North Dakota and North Dakotans by people across the country and the world; and an increasing desire to blame the Federal government, as well as local officials, for allowing this to happen. Residents expressed anger that outside reporting focuses on harm to protesters, for example when protesters are stripped, numbered and kept in cages, battered with rubber bullets, or hosed down in frigid weather. These are explained as protesters getting what they're asking for, or the normal consequences of criminal behavior.

[¶101] The coverage indicates that the community was angry and exhausted. Media coverage declines (146 Tribune articles in November) and on November 18, then Governor Dalrymple calls on the Federal government for help, expressing his frustration and saying that "Delaying has no purpose. It does no good whatsoever."

[¶102] There are inflammatory Facebook posts, such as this one on November 25**:** **"**Now, by continuing down the current path you all are headed … If you don't get arrested by law enforcement some citizen might take things in their own hands … You might think your cause is worth dying for, another person might feel it is equally important to help you with that. [sic]" There appear to be very few neutral parties to the conflict at this point as covered by the media.

[¶103] In late November there is a boycott on certain businesses called for by the Standing Rock tribe and on the other side, a rally by "hundreds" in support of law enforcement. There is news coverage of small business owners who are concerned about the effect of the boycott and protests on shoppers. On November 28, the Morton County North Dakota Sheriff's Department kicked-off a, "Know the Truth Morton County" video series with the message that protesters are using social media to get their "agitator message" to the public. The purpose of the video series is to "tell the real stories." Series titles include: "Protesters harass female officers," "Restoring the stars and stripes to its rightful position," and "Protester arrested trying to locate law enforcement operations base."

[¶104] Throughout the protests there were many YouTube postings and Facebook postings – both in support of the protesters and against them. A number of the postings were extremely critical of the protests and quite vulgar. Two December Facebook posts show the level of nastiness that infected some of the debate:

"that two bit crook in charge of the s---hole known as standing rock wanted cash....but his half breed a-- chose to make a statement on water [sic]," and

"get out of my state you f---ing asshole....we don't want or need your trash out here, [sic]" and "It's a lack of education. It's a lack of brain capacity. Simple problem-solving skills all these monkies should have learned at some point in life....[sic]"

[¶105] These comments are more vulgar yet no less intense or frustrated than comments made by a large number of survey respondents (survey respondents do not generally use profanity in their responses). And all of the themes and attitudes covered by the press show up in respondent's responses.

1. Fargo Media Market

[¶106] News coverage in the Fargo media market was also continuous relating to the protests, beginning in at least June of 2016. The Fargo Forum which is the major newspaper in the eastern part of North Dakota had 579 articles that we were able to find from June 2016 until January 11, 2017. KVLY TV, Valley View News, which also covers much of eastern North Dakota, had 196 stories that we were able to find from August 2016 through January 11, 2017[19]. While the Forum and KVLY had some stories that were from the perspective of the protesters, and some supporting the protesters, as well as critical of law enforcement's actions, much of the coverage of the protesters was also

[19] I assume there were stories before June in the Forum and before August at KVLY, but we were not able to access them.

negative. The areas of coverage listed in the bullet list above in relation to the Bismarck coverage were also covered by the Fargo Forum and KVLY, including "violence", threats to community members in Morton and Burleigh counties and damage to their property.

[¶107] Many of the stories also included statements from law enforcement, politicians and other opinion leaders talking about how many protesters had been arrested, how most were from out-of-state, and that many were "violent" and had past criminal arrests. Protesters were characterized by these opinion leaders as violent and a threat to the Mandan and Bismarck communities.

[¶108] Another theme commentators focused on was how much the protests were costing the state. On October 27, 2016, there was an article in the Fargo Forum entitled*, "Pipeline protest costs to reach 'double-digit millions,' emergency spokeswoman says."* Then a KVLY broadcast on October 31, 2016 asked, *"Are Some of the DAPL Protesters Purposefully Trying to Bankrupt the state of North Dakota?"* Many of the stories mentioned the costs throughout the coverage. As of January 2017, costs as high as $22 million were being cited. Many of the respondents echoed their concerns over how much the protest was costing.

[¶109] Another theme that runs through the reporting is that the protesters are "paid" and/or professionals and this is repeated by many survey respondents. For example, a December 5, 2016 letter to the editor states:

> "This brings to question, what are the protests even about anymore? It's plainly obvious that it's not about water security. I don't need to list all of the safety measures that will be in place with the river crossing. Is it about money? Past grievances? Considering the "something about oil?" response given to police by a paid protester during arrest, it appears they don't even know either."

[¶110] On November 26, 2016, local television station KVLY, Valley View News ran a story about Morton County Sheriff Kirchmeier's new website, "Know the Truth", designed to give the sheriff's perspective and "set the record straight about protest conflict through the eyes of law enforcement covering the Dakota Access Pipeline protests." The first video, as mentioned above, purportedly shows "law enforcement's perspective" on what they characterize as "the increasing violence and dangerous tactics being used by some anti-DAPL protesters." In the second video Morton County Sheriff Kyle Kirchmeier warns that the upcoming winter conditions are, "life threatening."

[¶111] Fear of the protesters was also covered in the Fargo media market from early on in the protests. On October 13, 2016, KVLY had a broadcast titled, *"Some are farming with firearms near protest sites in Morton County, ND."*

[¶112] Negative attitudes of various community leaders towards the protests were also covered in the Fargo media market. For example, when it was announced that veterans from around the country were coming to North Dakota to support the protesters, KVLY on November 30, 2016 had a broadcast headlined*, "N. D. Veterans oppose veteran involvement in Standing Rock protests*" and a similar story ran on December 2, 2016 in

the Fargo Forum headlined, "*ND veterans leaders denounce national vets group plan to join pipeline protest"* with quotes from the leadership of veterans organizations such as:

"Slaughtering livestock, throwing Molotov cocktails and assaulting our law enforcement officers is not the military manner in which our veterans behave and not the kind of assembly and actions veterans should be part of," said Stabler, an Air Force veteran who served two tours of duty in Vietnam. "Participating in this kind of assembly, even as a peaceful bystander or participant, will only mar the image of veterans in our nation."

[¶113] There were also many stories about how the protesters had instilled fear in the community in the Fargo media market. Stories often included statements such as this one from a November 21, 2016 article in the Fargo Forum, "Between setting fires that have made a bridge impassable, throwing Molotov cocktails at law enforcement and killing local livestock, these protesters have been causing fear, terror and economic devastation".

[¶114] Other coverage focused on local Fargo area law enforcement who were helping to police the protests in Morton County. On December 5, 2016, KVLY ran a story featuring Cass County Sheriff Paul Laney, who stated that protesters were publishing the home addresses of local law enforcement and threatening their families:

"The fear that was put into our families, our spouses and children that are now home alone because mom or dad are away over here. And to find out your address has been published and they're encouraging people to go take care of business," said Laney. "They won't focus on that if they have to worry about their homes. That is terrorizing and a lot of that happened. It happened to me and to my people."

[¶115] A number of survey respondents cited that local law enforcement were threatened.

Television coverage on KVLY through January 2017 when we concluded our search, includes various officials talking about the protests and protesters. Typical of these is Cody Schulz, Chairman of the Morton County Commission who said the following on January 5, 2017 on Valley View News live, "GUEST POST: Media sensationalism may be gone, but criminal element remains":

"…the recent criminal protest activity has brought the number of protester arrests up to 556, with a mere 6.5% of those individuals coming from North Dakota. 25 of these protesters have a history of criminal violence, including domestic violence and child abuse; 32 have previously been cited or arrested for drug possession; 22 have a history of driving under the influence of drugs or alcohol; and 31 have a history of theft, robbery, or burglary. Many of these are the protesters who remain in Morton County, endangering our citizens, threatening our law enforcement, and disrupting our community."

[¶116] On the whole, while the 2016 coverage in the Fargo media market was negative, it was not as negative, emotional and as focused on damage to the community as that in the Bismarck market.

B. Continuing news coverage of issues related to the protests and the pipeline still affects respondents and the ability of Greenpeace to get a fair trial.

[¶117] Every case which receives extensive news coverage will result in some portion of the community forming a bias one way or the other. This particular case is unique in that the events that the case arises out of span a long period of time and involved so many community members. In addition, there continues to be news coverage of related issues to the present.[20] Continuing news coverage only reminds people of what happened in the past.

[¶118] The protests went on for eleven months – from March of 2016 to February of 2017.

Over 700 protesters were arrested on state and federal misdemeanor and felony charges. Some protesters pled guilty, other cases were tried, some cases were dismissed.

The trials of protesters continued after the protests ended with the last trial not ending until February 5, 2019[21]
There continue to be legal and administrative battles over the pipeline and what happened at the protests into 2022, with resulting coverage. The Standing Rock Tribe has continued to bring challenges to the pipeline and its operation. The tribe participated and then withdrew from the DAPL environmental review and opposed the pipeline expansion. These issues were covered in the press.

[¶119] There were civil suits filed, including at least three for excessive force by protesters and by the Standing Rock Tribe, because the highway to their casino was shut down for five months, with resulting news coverage, the latest on March 18, 2022.[22]

[¶120] Emotions ran high during and after the protests and for most, have not substantially subsided with the passage of time. It's not surprising for a number of reasons, including that news coverage continues to remind residents of the protests.

[¶121] We know from the survey that almost all respondents in Morton and Cass counties remembered the protests and a vast majority[23] remembered that there were arrests.

[¶122] Media consumers tend to form stronger opinions when an incident affects their lives or their community in some significant way. If the *Energy Transfer v. Greenpeace* trial is held in Cass County, a community with less emotional investment in the situation than Morton County, this will still be a high publicity case. However, there will be fewer potential jurors with bias and prejudice from dealing with the emotional layers of the case that potential jurors in Morton and Burleigh and surrounding counties experienced.

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[20] *Appendix 6* is a partial list of news articles in the Bismarck Tribune and other papers from the western part of North Dakota from January 2021 until the present.

[21] Judge convicts on one count in last scheduled DAPL trial | Courts & Crime | bismarcktribune.com

[22] DAPL protester lawsuit revived by appeals court; decisions on 3 other suits pending | Local news for Bismarck-Mandan, North Dakota | bismarcktribune.com

[23] 87% of Morton County and 79% of Cass County remembered that there were arrests.

VII. FACTORS AFFECTING VENUE

[¶123] Based on my experience, and the collective, shared experience of National Jury Project and other jury researchers in evaluating jurors in cases of this type, it is my opinion that this case presents more difficulties in selecting jurors in Morton County than the average case involving extensive pre-trial news coverage.

[¶124] There are five factors which explain the high level of recognition of this case, the extent of community discussion and speculation and the level of emotion and anger in Morton County[24]. These are:

1. The relatively homogenous and small-town character of Morton County.

2. The nature of the events and the length of time the events went on.

3. The high number of residents directly affected or who know others who have been directly affected by the protests, such as law enforcement, landowners, oil industry employees, protesters or other connections.

4. The scope, content and dissemination of the news coverage.

5. Community discussion about the protests and protesters, including highly inflammatory statements by local authorities.

B. Cass County has a more diverse population

[¶125] The population of Cass County is officially 186,562, Morton County is 22,611[25] based on 2021 census estimates. Cass County has a metropolitan area including Fargo and surrounding areas plus small cities and towns and rural communities. Morton County has one small city, Mandan, a number of small towns and rural areas. Both counties are fairly homogenous, but Cass County, by virtue of its larger population has more diversity and its jury pool will have a larger group of potential jurors who do not have strong feelings and biases against Greenpeace or Energy Transfer.

C. Direct experience with the protests creates stronger bias

[¶126] It's well accepted in the courts that direct experience with events involved in a court case can make it difficult or impossible for potential jurors to be unbiased and impartial. The survey bears this out. Morton County respondents have more personal experiences with the events that will be at the center of this case or know someone who was affected by the events than those in Cass County. They have more family members, neighbors and friends who are dependent on the oil and gas industry for their livelihoods, and they are

[24] Except for the size of Morton County, these factors also affect Burleigh County. Surrounding counties also have the same factors and are small like Morton County.

[25]

aware that county resources were stretched during the protests. They are also more likely to be biased against Greenpeace as a supporter of the protests.

[¶127] It also should be noted that a small number of respondents in in both Morton and Cass counties are biased against Energy Transfer. Most said they had a negative opinion of Energy Transfer or Dakota Access[26] and some of them expressed that they did not like how Energy Transfer treated the protesters.

[¶128] Attitudes in Cass County are less hostile than those in Morton County due to this lack of direct experience with the protests in Cass County, combined with the lack of personal and economic impact on Cass County respondents and others they know.

[¶129] The protests caused fear for many Morton County community members - fears for their personal and family members' safety and the safety of others in their communities. This is not true for Cass County and undoubtedly explains why although many of Cass County respondents were disgusted by much of what happened during the protests and had negative feelings about the protests, their feelings are not as strong.

[¶130] The concerns expressed by respondents in the survey are very consistent, as well as the level of personal involvement. And the differences between the counties is also consistent even given the length of time that has passed.

D. The impact of community discussion

[¶131] When a highly volatile event occurs which causes strong emotions, there is a dissemination of information which takes place through discussion, rumor and speculation. Discussion in a community often results in potential jurors being exposed to extra-evidentiary material which, when brought into the jury room, seriously compromises a party's right to a fair trial based only on the evidence presented in the courtroom. The rumors that the protesters were paid will be particularly damaging to the Greenpeace defendants.

[¶132] In such circumstances, there is a concern as to the ability of the court to find jurors who can be fair and impartial, and the ability of even a probing voir dire to identify and eliminate those who have been exposed to extra-evidentiary material due to discussion in the community.

VIII. VOIR DIRE IS NOT AN ADEQUATE REMEDY

[¶133] The purpose of voir dire is to root out those jurors who have biases or prejudices. This becomes difficult, if not impossible when there is so much news coverage, discussion, anger, fear, and emotion in a community.

[26] The survey question asked was: "Q5. Would you say you have positive, negative, neutral or mixed feelings about Dakota Access and their owner, Energy Transfer, as companies?"

[¶134] Given the tendency of some jurors to minimize their prejudices in court, Greenpeace will have considerable trouble during voir dire in identifying some of those jurors who have negative biases, who know about extra-evidentiary material and/or who have already prejudged the issues in the case. Greenpeace is entitled to jurors who are not prejudiced against them, have not already formed opinions about the case issues, who do not know about extra-evidentiary material, and are also entitled to know what information the jurors have knowledge of, and what impact this will have on them.

[¶135] The survey only gives a snapshot of what juror-eligible Morton County and Cass County residents think and know because the answers are relatively short. The survey demonstrates that the passage of time has not ameliorated the bad feelings many residents formed during the protests. This is true in both counties. However, the further the trial is held from Morton County where the protests took place, and where the community is dependent on the oil and gas industry, the more likely it is that the court will find jurors who were not contaminated by the experiences that they, family or friends had during the protests which impacted them.

[¶136] In cases such as this one, where emotions are high, some prospective jurors will try to minimize what they have heard, since it is only "gossip" or “rumors” or “you can’t believe everything you read in the press”. At the same time, it is precisely this news coverage, "gossip” and “rumors” which cause a person to form strong opinions and predispositions.

[¶137] Even if the case is moved to Cass County, potential jurors will still have to be carefully and thoroughly questioned in order to identify and remove those who feel negatively and have already formed opinions as to the guilt of the protesters. News coverage of the protests has been disseminated around the country and is easily available on-line for anyone who is interested in finding out more. However, potential jurors in Cass County will not have the personal experiences of those in Morton or surrounding counties or the interest in the oil industry that would prevent them from being fair; nor will as many feel the pressure of their perception that others in the community believe the protesters were guilty of crimes. There is a much greater likelihood of finding jurors who are unbiased and able to be fair and impartial to the Greenpeace defendants in Cass County.

IX. JURORS HAVE A HARD TIME ASSESSING THEIR OWN BIASES

[¶138] Jurors’ opinions of their own ability to be fair and impartial are often not reliable. It is not uncommon for jurors to think that they can be fair despite the fact that they already hold a negative opinion of a party, as is shown in the survey.

[¶139] It is unrealistic at best to think that someone who already has a negative opinion of a party can just put those thoughts out of his or her mind and start with a clean slate. A party to a lawsuit has the right to jurors who have not prejudged them. To think that a person who has felt negatively about a party or their actions for a long period of time (in this instance, for 6 years) can just empty his or her mind and be objective is not realistic. None of us would want to be judged by jurors who already feel negatively about us.

[¶140] When a case has touched the life of a community, many jurors are not able to accurately assess their own level of prejudice. Many want to believe that they could be fair, because that is what society expects of them, and they expect of themselves. However, it is clear from looking at many of the respondents' answers that while they say they could be fair, or that they don't know if they could be fair, they harbor serious bias and prejudice about one or more of the parties.

[¶141] While it's laudatory that citizens want to serve and be fair, as most jurors do, the issue is whether they will actually be able to be impartial under the circumstances. They don't necessarily know that they are responsible to treat the parties equally in a civil trial or what that means. They don't know that they are to decide any case based only on evidence that they hear in the courtroom. In any event, it is highly unlikely that most could put strong opinions like most of the residents of Morton County and many of the Cass County residents have out of their minds and actually be fair and impartial.

[¶142] Although an argument could be made that those who said they can be fair jurors should be taken at face value, a large percentage of the respondents in both counties gave other answers that show that they have already prejudged one or more of the parties.

X. KNOWLEDGE OF THE EVENTS RELATED TO THE CASE COME FROM BOTH THE MEDIA AND WORD OF MOUTH

[¶143] Survey respondents reported receiving information about the protests through a combination of media and word of mouth, with some indicating that they talked with other people about the protests. In the years since, whenever there has been a criminal trial of the protesters or other court cases or information about the pipeline in the news media, some people undoubtedly talked to others about the coverage. We also know from talking to jurors that they are reminded of news coverage and/or conversations with others when they hear evidence during high profile cases.

[¶144] As the *Energy Transfer v. Greenpeace* trial approaches, it is highly likely there will be news coverage and more discussion in the community which will only remind potential jurors of what happened during the protests and re-raise the frustration, anxiety and in some cases, fear that they felt during the protests. And that will stimulate further discussion, rumor and speculation. While there will probably be coverage and discussion in both Morton and Cass counties, Morton County residents had and continue to have more intense feelings about the protests, so we would expect more discussion in Morton County.

[¶145] This will increase the number of people who have heard extra-evidentiary material – such as that the protesters were being paid to protest -- and makes it impossible for jurors to decide the case only on the evidence they will hear in the courtroom.

[¶146] The issues in this case will revolve around Greenpeace's credibility to a large extent. Their association with the protesters in the form of fundraising, publicity and other support of the protests will be judged as to whether they should be "responsible" for the actions of the protesters in various ways. Unfortunately, a large majority of the

community in both Morton and Cass counties has already decided the protesters were "guilty" of destroying property and delaying construction and that they were “violent”. A large number of respondents feel very negatively about many of the protesters being from out of state and/or believe that they were being paid to protest, again, making the protesters, and Greenpeace by association, less credible.

[¶147] In addition, the voir dire process itself unfortunately can contaminate that small percentage of the community which does not hold strong prejudices or have much information before they come to the courthouse. The risk of contaminating the small percentage of the county without strong prejudices is stronger in Morton County where feelings are so much more intense and personal.

XI. THE FOUR CATEGORIES OF PREJUDICE WHICH ARE MOST LIKELY TO OPERATE IN MORTON COUNTY[27] ARE LESS PROMINENT IN CASS COUNTY.

[¶148] Our legal system recognizes four categories of prejudice which can operate in opposition to a defendant receiving a fair trial.[28] These categories are: interest prejudice, specific prejudice, generic prejudice and conformity prejudice. If the protesters are tried in Morton County we are highly likely to see one or more of these prejudices affecting most of the jurors in ways that are unlikely to occur in Cass County.

Interest prejudice involves any prejudice which comes from the juror having a direct or indirect interest in the outcome of the trial. This interest may be reflected in familial, social, or economic relationships.

As documented above, the vast majority of respondents from Morton County have interest prejudice as relates to their experiences and the experiences of others they know and/or their perception of the impact of the protests on their community. The protesters were trying to stop the construction of the Dakota Access pipeline, which most respondents thought was a good thing for the community. This compares to Cass County where only one respondent had a direct experience of being affected by the protests and only a small percentage knew someone who had been personally affected. In addition, Cass County’s economy is not as dependent on the oil and gas industry as it is in Morton County. Given the importance of oil to the economies of most counties in the western part of North Dakota, jurors from those communities would also be highly likely to have interest prejudice.

There are more residents of Morton County who have worked for DAPL and in the oil and gas industry than in Cass County. This economic interest is also important as the pipeline brings jobs to Morton County. And not surprisingly, 76% of Morton County respondents think that the pipeline should have been built, compared to 53% of Cass County respondents.

[28] For further discussion of potential prejudices which operate within the trial setting, see Case Studies of Pre- and Midtrial Prejudice in Criminal and Civil Litigation by Neil Vidmar in *Law and Human Behavior,* Vol. 26, No 1, February 2002.

In addition, there were statements made by respondents in both counties that the protests make North Dakota "look bad" or that there's a lot of misinformation about what happened which reflects badly on North Dakota. This reflects news stories which mentioned the same concern while the protests were going on.

Many of the respondents also mentioned the cost to the state for law enforcement and cleanup after the protests and were very upset about it.

[¶149] **Specific prejudice** occurs when a juror holds attitudes or beliefs about specific issues in the case at trial which prevent the juror from being impartial.

Survey respondents reported negative feelings towards the protests and protesters -- with a higher percentage of respondents expressing negative feelings in Morton County than in Cass County.

[¶150] **Generic prejudice** occurs when jurors have pre-existing prejudicial attitudes, beliefs or stereotypes about categories of persons. If a juror sees that the defendant, victim or other witnesses fit into a category of persons about whom they already have positive or negative feelings or stereotypes, this can affect their ability to impartially analyze the credibility of the testimony.

There was news coverage during the protests with statements by the Morton County sheriff and others that the protesters who were arrested were "paid" protesters and "violent". Those types of statements were made frequently in the survey; more so in Morton County as compared to Cass County.

News coverage during the protests included many stories about the protesters being from "out-of-state" and being "paid" or "professional". Respondents mentioned these complaints frequently, more so in Morton than in Cass County. Greenpeace is from "out-of-state" and is an organization which supports protests of various kinds. While Energy Transfer is also an out-of-state large business, the Dakota Access Pipeline is local and provides jobs and other influx of capital in Morton County. Jurors' willingness and ability to give Greenpeace a fair trial in Morton County is more compromised by these generic prejudices than in Cass County.

[¶151] **Conformity prejudice** exists when the juror perceives that there is a strong sentiment in the community that a trial should be resolved in a certain way, and the juror feels pressure to reach a verdict consistent with their perception of how other community members feel.

There were comments by respondents in both counties that other people in the community believe that the protesters are violent and/or guilty.

In the survey, respondents gave answers in Morton County that demonstrated they felt that others in the community agreed with them. Some used phrases such as, "everybody felt" to describe the impact on the community.

XII. THE ATMOSPHERE IN THE MORTON COUNTY COMMUNITY

[¶152] The media coverage and community discussion of a case of this type can also prejudice the defendant's right to a fair trial by creating an atmosphere in the county where there is pervasive hostility and anger towards a defendant which jurors could feel themselves or would be aware of in others and which could cause them to feel justified in their own negative feelings towards the defendant. The survey reflects the intensity of feeling in

Morton County communities and that most respondents still have very strong feelings about the protesters and the protests. There is less hostility in Cass County, although there was some hostility expressed by Cass County respondents as well. These feelings have not gone away.

[¶153] Feelings about the protesters will transfer to Greenpeace at trial based upon Energy Transfer's allegations and argument that Greenpeace's supported protesters.

A. This case reraises fears about the safety of the Morton County community as a whole.

[¶154] The answers to the survey demonstrate how highly charged the issues in this case still are. Greenpeace is entitled to a fair trial, which necessitates that jurors objectively analyze the evidence. However, there is a combination of anger and memories of past fear in Morton County in relation to the protests.

Morton County respondents described their fears that the protests jeopardized the safety of the community as a whole – children, law enforcement officers, first responders, landowners, business owners and others, as well threatening people's and businesses' property.

A small number of respondents were concerned about the protesters as well.

Many of the Morton County respondents talked about how their lives – and the life of the community – had been disrupted.

[¶155] While there was anger expressed by some Cass County respondents in the survey, there was no fear.

The anger in Cass County was primarily towards "out of state", "paid" and/or "professional" protesters, because of the destruction of property and the cost to the county, state and taxpayers of policing the protests and cleaning up during and after the protests.

Cass County respondents didn't experience disruption of their community life, except as to Cass County law enforcement being at the protests. And a smaller number cited interference with the building of the pipeline and the cost to taxpayers of policing and cleaning up.

[¶156] The following are some of the comments from Morton County respondents that reflect how they and their communities were affected. A number mentioned being afraid themselves or knowing others who were afraid.

M101	[Q6b]	The vast majority of them were well meaning but misguided and a small minority were terrorists.
	[Q8a]	I don't know if I want to go into that. I would say they interfered with our farming and ranching operations.
M103	[Q9]	The protesters are violent and broke the law many ways many times. I remember hearing about the vandalism and the landowners in the area being scared. Stopping school buses.
M108	[Q8a]	I had some relatives who had to use that highway to go back and forth and they were afraid to go by that area.
M111	[Q9]	Well the highway got blocked because they would not let anyone through and the destruction was terrible. It was extremely disturbing to me.
M119	[Q6a]	A lot of them were radicals and were from out of state and it was crazy. Some of them were paid to be here. There was an explosion and all the cars were blocking construction. One guy tried to setup a pipe bomb and got injured in the process. We need to be energy independent and not force green energy on anyone. There is a lot of windmills in the area.
M120	[Q8a]	Well we were all upset, they were causing trouble.
	[Q9]	They were cutting fences and cattle were getting out and blocking traffic.
M121	[Q6b]	Horrible messes they left behind and abusive treatment towards the people, garbage and rubbish they left behind. Abusive towards some of the Native Americans themselves and the police. They were trying to contain them; they threw bottles at the cops. Most of the protesters were paid and out of state.
M133	[Q8a]	They blocked roads and scared children on school buses.
M177	[Q6b]	It wasn't the local people that were protesting. It was the celebrities and paid protesters and a lot of spoiled brat rich kids that were causing the problems. They were destroying property and causing problems at our local hospitals and local stores. They came to our local cemetery and they had to lock the nursing home down for safety reasons. I went to go shopping at Walmart and they were causing a ruckus because they wanted to buy bottled gas to use as bombs. They were causing a dangerous situation. They left tons

		and tons of garbage in the site where they camped out. People were afraid on certain roads because they started fires in places and they wouldn't let people pass in certain places.
	[Q8a]	The protesters showed up on their property because the pipeline was going through their property. My pregnant daughter-in-law had an encounter with them at the bank where she worked because they stormed the bank in protest of the bank being a financer of the project. She feared for her life because she didn't know what they were going to do. We had to take an alternate route to visit my mother because they had the main street blocked off.
	[Q9]	[Worst problem] The fear of what they were capable of doing.
M192	[Q8a]	[Stepdad worked security for DAPL] That was my stepdad, he was in security and he was pretty negatively affected by the protests. So obviously it was pretty scary for my stepdad. Obviously something could have gone wrong and some would been shaken on both sides. It was a pretty very tense sort of time. Other than actively being scared that my stepdad wouldn't come home.
M201	[Q8a]	My wife had to leave her work because of the protest. They shut down her business for the days.
M233	[Q6b]	They were rude. They weren't protesting peacefully. They were destroying private property. It was a disaster. It made me scared. There were people on our roads. I couldn't go for runs with my dogs. I was followed.
M235	[Q6b]	Drove by everyday it was terrible, destroying property of local farmers and ranchers that were not even involved with the pipeline. Overall it was not a peaceful protest. They started fires and destroyed equipment. The property where they had their camp is still destroyed - they said they were protecting the land - did not the way they left the land.
	[Q8a]	Myself. Every time I drove down the highway there were people dressed in black in the back of the pickup with guns.
M249	[Q6a]	Lots of intimidations and violence towards the public. There were a lot of destruction of properties as well as littering.

[¶157] Cass County respondents also had criticisms of the protests and protesters, but few were actually affected personally. They did not have personal stories about feeling scared or intimidated or stories about others they know being similarly affected.[29]

[¶158] And while 77% of Morton County respondents had one or more connections to the DAPL pipeline and/or other gas and oil and/or knew or were a protester themselves and/or were directly affected or knew someone who was directly affected by the protests, that was true for only 36% of Cass County respondents.[30]

B. While feelings in Cass County are not as strong and the community is not as hostile, there is still a majority of people in the county who have strong feelings and are hostile towards the protesters. It is fair to assume that hostility will be transferred to Greenpeace.

[¶159] As noted above, there are a substantial number of juror-eligible persons in Cass County with biases and prejudices which would make it difficult or impossible for them to be fair and impartial in this trial. However, there is a larger pool of potential jurors in Cass County who could most likely be fair to Greenpeace and Energy Transfer. Jury selection procedures in Cass County will have to be extensive to make sure that no one with hostility towards the parties is selected to be a juror.

XIII. JURY SELECTION PROCEDURES NEEDED TO ENSURE THAT GREENPEACE RECEIVES A FAIR TRIAL REGARDLESS OF WHERE THE CASE IS TRIED

[¶160] Given the large percentage of people in both counties who expressed strongly negative feelings towards the protesters and/or Greenpeace and/or Energy Transfer, it will be necessary to utilize the following procedures to ensure that bias is identified wherever the case is tried:

- lawyers must be allowed to conduct a probing voir dire

- potential jurors must be administered a written Supplemental Case Specific Juror Questionnaire about their knowledge of, attitudes towards and connections to the protests, protesters, DAPL and Energy Transfer, the oil industry and Greenpeace;

- sequestered voir dire of prospective jurors who have personal knowledge of the protests or persons who have been affected by the protests, or know someone who has been affected, in relation to their experiences;

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[29] As set out above, 55% of Morton County respondents said they were personally affected or knew someone who was personally affected, while that was true for only 12% of Cass County. Most of the Cass County connections were to law enforcement sent to the protests.

[30] See Section IV. A. 3, page 16.

- sequestered voir dire of prospective jurors with connections to the protests, DAPL, the oil industry, law enforcement and the parties.

XIV. CONCLUSION

[¶161] In conclusion, a jury convened in Morton County will include a substantial majority of potential jurors who are affected by one or more of the following factors:

1. extensive past exposure to news coverage and to discussion, rumors and speculation about the protests and the arrests of protesters;
2. extensive past exposure to extra-evidentiary material which may or may not be admissible in court, through either the news media, discussion with others in the community, or both;

3. have or had personal connections to the Dakota Access Pipeline and/or the oil and gas industry, or know someone who does;

4. have or had personal connections to the protesters or know someone who does;

5. were either personally affected by the protests or know others who have been personally affected by the protests - including law enforcement, landowners, businesses, protesters or others who were affected;

6. have negative feelings towards Energy Transfer and/or Dakota Access and/or the pipeline;

7. have negative feelings or outright hostility towards the protesters and believe they all or most of them committed crimes, which will affect their feelings about Greenpeace because of Greenpeace's association with the protesters and the nature of Energy Transfer's claims;

8. have negative feelings about Greenpeace.

[¶162] Any one of these factors can make it very difficult, if not impossible, for a juror to impartially review the evidence as to the claims Energy Transfer is making against Greenpeace, depending on the intensity of the feelings or opinions, and/or strength of the experience or connection.

[¶163] This case will undoubtedly receive a significant amount of media coverage once the trail date is closer. Due to differences in the size of Morton and Cass counties, and the fact that the protests occurred in and around Morton County, the news coverage will again highly likely result in a larger amount of discussion in the Morton County community than in Cass County.

[¶164] In my opinion, it is highly likely that Greenpeace could not receive a fair trial from a petit jury convened in Morton or surrounding counties at this time or in the foreseeable future**.** The direct personal experiences with the oil industry, protests and protesters, knowledge

of others who had direct personal experiences and negative attitudes of so many community members in Morton County combined with the community atmosphere in Morton County which is hostile towards the protesters, creates a real problem for finding jurors who can be impartial.

[¶165] Even in Cass County, which is far removed from where the protests took place, some people have strong feelings of hostility towards the protests and the protesters and feel the protests have negatively affected their state's economy and reputation.

[¶166] What is different in Cass County is that it is a much larger community with more diversity of opinion which puts less pressure on jurors and allows for a greater likelihood that unbiased jurors can be found. The number of those who have negative feelings about the protesters is smaller than in Morton County and there are many whose feelings are

not that strong. For the most part, prospective jurors in Cass County will not have been personally affected by the protests and/or protesters and do not know others who have been affected; they do not feel that their community was under attack by the protesters; the economic prosperity of their community was not threatened; and the community atmosphere is not hostile in Cass County as it is in Morton County, and highly likely in the surrounding counties.

[¶167] Given that state cases cannot be moved out of state to a jurisdiction where the residents have not been exposed to so much news coverage about the effects of the protests, in 2016 I recommended in a previous affidavit that the protesters' state criminal trials be moved to Cass County. I also recommended in 2017 that a federal criminal case involving a protester[31] be moved from the Bismarck Division to the Fargo Division.

[¶168] I now strongly recommend that the *Energy Transfer v. Greenpeace* trial be moved to Cass County in order to find an unbiased jury.

[¶169] I would also recommend that wherever this trial is held, the jury selection procedures discussed earlier[32] be implemented in the voir dire. This includes probing attorney conducted voir dire, a written supplemental case specific juror questionnaire and sequestered voir dire where appropriate.

[¶170] A true and correct copy of Appendix 1 – "Wiley Resume – Morton – Cass – 2022" is attached hereto as Exhibit 4.

[¶171] A true and correct copy of Appendix 2 "Screener – Questionnaires – Completion Rates – Margin of Error – Morton – Cass – 2022" is attached hereto as Exhibit 5.

[¶172] A true and correct copy of Appendix 3 "Fixed Responses – Morton – Cass – 2022" is attached hereto as Exhibit 6.

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[31] *US v. Fallis.*

[32] See page 84 above.

[¶173] A true and correct copy of Appendix 4 “Verbatim Responses – Morton County - 2022” is attached hereto as Exhibit 7.

[¶174] A true and correct copy of Appendix 5 “Verbatim Responses – Cass County - 2022” is attached hereto as Exhibit 8.

[¶175] A true and correct copy of Appendix 6 “Newspaper Articles Chart – Morton County - 2022” is attached hereto as Exhibit 9.

I declare, under the penalty of perjury under the law of North Dakota, that to the best of my knowledge the foregoing is true and correct.

Signed on the 26th day of July 2022 at Crow Wing County, Minnesota.

_____/s *Diane Wiley*_____

Exhibit 4 to Declaration of Diane Wiley
Case No. 30-2019-CV-00180

APPENDIX 1

RESUME OF DIANE WILEY

NJP
LITIGATION
CONSULTING

Diane Wiley

President, National Jury Project® *Midwest*
d/b/a NJP Litigation Consulting, *Midwest*

Diane Wiley is the president of the National Jury Project® Midwest, (d/b/a NJP Litigation Consulting, Midwest) located at 126 Third Street North, Suite 415, Minneapolis, Minnesota 55401. The National Jury Project® is a not-for-profit corporation specializing in the study of the American jury system. The National Jury Project® is incorporated in the State of Minnesota and has regional offices in Madison, New Jersey; Oakland, California; and Minneapolis, Minnesota. Primary areas of research include voir dire procedures, the trial communication process, jury composition, venue evaluation, and other issues related to minimizing the effects of juror bias on the trial process.

National Jury Project® researchers have conducted and analyzed interviews with jurors and persons included in jury pools in both state and federal jurisdictions all over the United States.

Ms. Wiley is a founding member of the National Jury Project®, and has been employed as a trial consultant since 1973. Ms. Wiley's prior research experience was in the area of attitudes towards criminal justice, evaluation of programs for juvenile and adult offenders, and community attitudes towards housing developments for the Minnesota Center for Sociological Research, The Governor`s Task Force for Victims of Sexual Assault, and The Law Enforcement Assistance Agency (LEAA) Juvenile Justice Project, among others.

Ms. Wiley is a contributing author and co-editor of the manual, Jurywork: Systematic Techniques, published by the National Jury Project® in 1978, and also of the second edition of this manual, published by West Group and updated annually. She is a contributing editor and co-author of the book, Women's Self Defense Cases: Theory and Practice, published by the Michie Company. Ms. Wiley is a contributing author of the book, Handbook of Jury Research, published by ALI-ABA Philadelphia and Minnesota Criminal Jury Trial Handbook, published by Butterworths. She has written other materials and articles for legal publications and seminar materials.

Ms. Wiley regularly lectures at seminars and conferences on voir dire, case presentation issues and jury selection for organizations such as the American Bar Association, Local Bar Associations, State and Federal Public Defender Associations, Trial Lawyers Associations, Legal Services, the National Women and Law Conference, the National Association of Teacher Attorneys, and for Continuing Legal Education Programs sponsored by law schools and other organizations.

Ms. Wiley has consulted with attorneys in state and/or federal jurisdictions in Arizona, Arkansas, California, Colorado, District of Columbia, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia and Wisconsin, in regards to voir dire procedures designed to reduce the effects of prejudice in both criminal and civil cases.

Ms. Wiley has provided in-court jury selection consultation and/or has prepared voir dire questions in well over a thousand criminal and civil cases since 1973.

Ms. Wiley has prepared well over a hundred supplemental, case-specific juror questionnaires which have been approved and/or administered to state and federal jurors in jurisdictions across the country.

Ms. Wiley provides consultation to attorneys for civil, commercial and criminal cases on voir dire, openings, case presentation, case strategy, voir dire, witness preparation and closings. She regularly conducts focus groups and mock jury trials.

She has testified or submitted affidavits in 42 venue hearings for change of venue, including two appeal hearings. She testified in the hearing for a new trial based on incompetence of counsel relating to inadequate voir dire in *Michigan v. LeBlanc*.

Ms. Wiley has supervised research and/or submitted affidavits in many cases involving evaluation of and/or challenges to the composition of jury venires.

Ms. Wiley has supervised, designed, analyzed or administered the venue survey, consulted and/or given written or oral testimony for venue evaluation purposes in the following cases:

State of North Carolina v. Little	Beaufort County, 1975
State of Wisconsin v. Sturdevant	Dodge County, 1975
State of Pennsylvania v. Arms	Berks County, 1975
State of Minnesota v. Davis CR 763	Beltrami County, 1976

United States v. Butler and Robideau CR 75-5106-23	District of South Dakota, Western Division, 1976
State of Oklahoma v. McCoy No. F-74-254	Pittsburgh County, 1976
State of Nebraska v. Yellowbird No. C-1470-71	Sheridan County, 1976
State of South Dakota v. Martin No. 77-75	Pennington County, 1977
State of Michigan v. Smith No. 416	Kalkaska County, 1978
State of Minnesota v. Caldwell No. 49633	St. Louis County, 1979
State of South Dakota v. Bettelyoun No. 78-58	Jackson County, 1979
Schwans v. BASF-AG, et al No. 16843	Lyon County, Minnesota, 1979
State of Minnesota v. Johnson No. 2064	Faribault County, 1979
State of Illinois v. Perez, Santiago, et al No. 79-CF326	Livingston County, 1979
State of Ohio v. Kilroy CR9-33B	Putnam County, 1980
State of Minnesota v. Blanchard No. 2959	Becker County, 1980
State of Wisconsin v. Grancorwitz 80-CR-395	Vernon County, 1980
Kobes v. St. Joseph's Hospital, et al No. 39513	Crow Wing County, Minnesota, 1980
State of Minnesota v. Marhoun	Chisago County, 1980
State of Wisconsin v. Scherer No. 80-CR-3174	Burnett County, 1981

Gauthier v. Strouth, et al	St. Louis County, Minnesota, 1981
Wayne Bohlke v. Estate of John Ayers and City of Le Sueur	Blue Earth County, Minnesota, 1981
State of Minnesota v. Sprague No. 4458	Washington County, 1981
State of South Dakota v.Wellner & Wellner, No. 1353334	Hand County, 1981
State of Illinois v. Brisbane, et al No. 80-CF-45	Will County, 1981
State of Minnesota v. Koehler	St. Louis County, 1982
Martell Mutual Town Insurance Company v. John J. Hines, et al No. 80-CV-348	St. Croix County, Minnesota, 1982
State of Nebraska v. Buckman and Janis	Sheridan County, 1983
State of Minnesota v. Swanson	Sherburne County, 1983
State of South Dakota v. Collins Catch the Bear No. 82-207	Pennington County, 1983
State of Minnesota v. Tisland No. K1-83-813	Beltrami County, 1984
State of Minnesota v. Foss	Kandiyohi County, 1984
United States v. Elder B-84-276-SI	Southern District of Texas, Corpus Christi Division, 1984
United States v. Elder and Merkt No. B-84-746-SI	Southern District of Texas, Brownsville Division, 1985
State of Minnesota v. Thom No. 10128	Kanabec County, 1985

Nygaard v. Mayo Clinic No. 44587	Olmsted County, Minnesota, 1985
United States v. Merkt No. B-85-SI	Southern District of Texas Corpus Christi Division, 1986
State of Ohio v. Warner, et al No. B854622	Hamilton County, 1986
State of Minnesota v. Curt Gruhl No. 4656	Goodhue County, 1986
State of Minnesota v. Richards	Hennepin County, 1987
State of Minnesota v. Israelson No. K-88-1162	Rice County, 1988
State of Minnesota v. Manning No. K6-89-129	Itasca County, 1989
State of Minnesota v. Doty No. T4-91-508	Dodge County, 1991
Chladek v. Independent School District 205, et al	Dodge County, Minnesota, 1991
Adkins v. Tolfree Memorial Hospital, et al No. 90 1342 NH	Ogemaw County, Michigan, 1992
State of Nebraska v. Frances Thompson No. 11818	Knox County, 1992
State of Minnesota v. Calvin Jones No. K0-95-217	Chisago County, 1995
State of Minnesota v. Darrell Johnson No. K2-95-218	Chisago County, 1996
State of Minnesota v. Adrian Riley No. K8-95-827	Carver County, 1996
State of Minnesota v. Olumuyiwa Shakirudee Akinosi No. K6-96-1614	Dakota County, 1996

State of Tennessee v. Charles Edward Hartman No. 20101	Davidson County, 1997
State of Minnesota v. Joseph Ture No. K6- 96- 6329	Washington County, 1997
Martinez v. Lincoln County Medical al	Lincoln County, North Carolina *Center, et* 1998
State of Iowa v. Randy Zaabal No. FECR-311701	Brown County, 1999
State of South Carolina v. Robert Quattlebaum No. 95-GS-32-0669	Lexington County, 2001
Howard Beder, et al v. Cleveland Browns, Inc. No. 297862	Cuyahoga, Summit and Lorain Counties, Ohio, 2001
Michigan v. Brian Slade No. 00-313 FY	Benzie County, Michigan, 2001
Iowa v. Jonathan Memmer	Johnson County, Iowa, 2001
Minnesota v. Stacy Jo Matheson K6-02-246	Hubbard County, Minnesota, 2002
United States v. Martin Grass, et al CR-02-146-01	Middle District of Pennsylvania, 2002
Rose v. Kettler, et al 99-C-394	Ohio County, West Virginia, 2004
Minnesota v. Ted Brown K9-03-1442	Mille Lacs County, Minnesota, 2004
Minnesota v. Gordon K8-05-583	Winona County, Minnesota, 2005
Minnesota v. Rishavy K4-04-519	Kanabec County, Minnesota, 2006

Minnesota v. Forrester	Winona County, Minnesota, 2006
People of State of Illinois v. Gray 05 CF 554	Vermilion County, Illinois, 2006
State of Indiana v. John Lock 62C01-0510-MR-1010	Perry County, Indiana, 2006
State of Wisconsin v. *Michael J. Kozlowski* 006CF23	Eau Claire County, Wisconsin, 2006
Atherton v. Whole Foods Market *Group, et al* 05-CV-450	Chippewa Falls County, Wisconsin 2007
Scott D. Espinoza v. *John E. Gottlieb, et al* 08 CV 265	Summit County, Colorado, 2009
State of Minnesota v. *Jesaiah Lee Carlson* 69-VI-CR-07-2011	St. Louis County, Minnesota, 2010
State of Minnesota v. *David Richard Clifford* 02-CR-12-4361	Anoka County, Minnesota, 2013
State of Minnesota v. *Richard Thomas Jouppi* 69-DU-CR-12-3443	St. Louis County, Minnesota, 2013
Doe 1 v. Archdiocese of St. Paul, *Diocese of Winona and Thomas Adamson* 62-CV-13-4075	Ramsey County, Minnesota, 2014
State of Minnesota v. Fitch 19HA-CR-14-2677	Dakota County, Minnesota 2014
State of North Dakota v Peterson, *Haythorn and Wolfnecklace* 30-2016-CR-00937 30-2016-CR-00938 30-2016-CR-00941	ND District Court South Central District, 2016

US v. Redfawn Fallis, *a/k/a Redfawn Janis,* *a/k/a Redfawn X. Marti*n 1:17-CR-16	US District of North Dakota, Western Division, 2016
Minnesota v. Engelbrecht 83-CR-18-32	Watowan County, Minnesota 2019
Minnesota v. Travis 25-CR-18-3084	Goodhue County, Minnesota 2019
Minnesota v. Karjala 01-CR-19-1092	Aitkin County, Minnesota 2020
Minnesota v. Ulrich 86-CR-21-641	Wright County, Minnesota 2022

The National Jury Project® Midwest has been court appointed for the purposes of venue evaluation in *State of Minnesota v. Davis; State of South Dakota v. Martin; State of Illinois v. Brisbane; State of Minnesota v. Calvin Jones; State of Tennessee v. Charles Edward Hartman*; *State of Minnesota v. Jesaiah Lee Carlson; and State of Minnesota v. Fitch.*

The National Jury Project® Midwest has been court appointed for the purposes of trial preparation, including juror questionnaires, motions, assistance with voir dire and opening statements in *Iowa v. Jonathan Memmer* and *United States v. Gordon Lasley, Jr.,* Case Number: 14-CR-00045.

The National Jury Project® Midwest has been retained by the Ohio Legal Rights Service for the purposes of trial research, including a focus group and analysis.

The National Jury Project® Midwest has been retained to do composition challenges for death penalty cases in Erie, Hamilton, Lorain and Trumball Counties in Ohio.

Exhibit 5 to Declaration of Diane Wiley
Case No. 30-2019-CV-00180

APPENDIX 2

SCREENER, SURVEY QUESTIONNAIRES,

COMPLETION RATES AND MARGIN OF ERROR

SCREENER

S1. Are you speaking on a land line or cell phone?

1 Landline

2 Cellphone

3 Refused

(If S1=2 or 3)

S1A. Are you able to speak now or should we call back at another time?

1 Speak now

2 Call back, when would be a better time to reach you?

(If S1A=2)

S1B. We are interviewing both men and women in this survey, and for this interview, I need to speak with a man, if possible. May I speak to the youngest man in the household who is 18 years or older, and is at home now?

1 YES

2 NOT AVAILABLE

3 REFUSED **(TERMINATE)**

(If S1B=2)

S1C. May I speak to the oldest female who meets these qualifications and is at home now? In the household who is 18 years or older and a U.S. Citizen and able to speak, read and write in English and is at home now?

1 YES

2 NO Eligible female **(TERMINATE)**

3 Refused **(TERMINATE)**

Are you a U.S. Citizen?

1 YES

2 NO **(TERMINATE)**

S2. In what county is your home address?

1 Morton

2 Cass

7 Neither of the above **(TERMINATE)**

8 Refused **(TERMINATE)**

(If S2F=1)

S3MORTON. What is your home zip code?

1 58520

2 58535

3 58554

4 58563

5 58566

6 58631

7 58638

99 Don't know/Other zip code **(TERMINATE)**

(If S2F=2)

S3CASS. What is your home zip code?

1 58002

2 58004

3 58005

4 58006

5 58007

6 58011

7 58012

8 58021

9 58029

10 58036

11 58038

12 58042

13 58047

14 58048

15 58051

16 58052

17 58059

18 58064

19 58071

20 58078

21 58079

22 58102

23 58103

24 58104

25 58105

26 58106

27 58107

28 58108

29 58109

30 58121

31 58122

32 58124

33 58125

34 58126

99 Don't know/Other zip code **(TERMINATE)**

S4. Are you 18 to 79 years of age, and a citizen of the United States and able to speak, read and write in English?

1 Yes

2 No **(TERMINATE)**

3 Don't know/refused **(TERMINATE)**

S5. Which statement is true for you:

2 I have a North Dakota Drivers license or state issued ID

3 I DO NOT have a North Dakota Drivers license or state issued ID

4 Refused **(TERMINATE)**

(If S5=3)

S5REFER Is there someone else at home now who is 18 to 79 years of age, a citizen of the United States and able to speak, read and write in English?

1 Yes, coming to the phone now

2 No, not available now **(TERMINATE)**

3 No other person in household fits criteria **(TERMINATE)**

4 Refused referral **(TERMINATE)**

S6A. Are you eligible to vote in North Dakota?

1 Yes

2 No, don't know, refused

3 Refused **(TERMINATE)**

(If S6A=2)

S6REFER Is there someone else at home now who is 18 to 79 years of age, a citizen of the United States and able to speak, read and write in English?

1 Yes, coming to the phone now

2 No, not available now **(TERMINATE)**

3 No other person in household fits criteria **(TERMINATE)**

4 Refused referral **(TERMINATE)**

S9. What is your racial or ethnic background? Are you White, Black or African-American, Hispanic/Latino, Asian, American Indian or Alaskan Native, Native Hawaiian or Pacific Islander or some other race or ethnicity?

(RECORD ALL THAT APPLY)

1 White

2 Black/African American

3 Hispanic/Latino

4 Asian

5 American Indian/Native Alaskan

6 Other (SPECIFY)

7 Refused/NA

(If S9>1)

S9A. Which ONE of these groups would you say BEST represents your race or ethnicity?

1 White

2 Black/African American

3 Hispanic/Latino

4 Asian

5 American Indian/Native Alaskan

6 **[INSERT OTHER FROM S9]**

7 Refused/NA

GENDER. Recorded by observation

1 Male

2 Female

3 Non-Binary

Morton County Questionnaire

Hello, I'm ___ from Pacific Market Research and we are conducting a series of interviews with Morton County residents about an issue that has been in the news lately. The questions should take only a few minutes. Your phone number was randomly selected and your answers will be completely confidential.

1. What is the name of the town you live in or closest to?

DO NOT READ:

1. Almont → Go to Q. 2
2. Captain's Landing → Go to Q. 2
3. Flasher → Go to Q. 2
4. Glen Ullin → Go to Q. 2
5. Hebron → Go to Q. 2
6. Harmen → Go to Q. 2
7. Huff → Go to Q. 2
8. Mandan → Go to Q. 2
9. New Salem → Go to Q. 2
10. Saint Anthony → Go to Q. 2
11. Sims → Go to Q. 2
12. Other _____ → Go to Q. 2

88. refused → Go to Q. 2
99. don't know → Go to Q. 2

2. What is your opinion about whether the Dakota Access pipeline should have been built or not?

1. I think it should have been built → Go to Q. 3
2. I think it should not have been built → Go to Q. 3
3. I have mixed feelings about whether it should have been built → Go to Q. 3

DO NOT READ:

7. does not apply → Go to Q. 3
8. refused → Go to Q. 3
9. don't have an opinion → Go to Q. 3

3. Have you or anyone you know ever worked on the Dakota Access Pipeline in any way – such as on construction or being a vendor -- or do you know family members of Dakota Access employees or vendors?

1. yes → Go to Q. 3a
2. no → Go to Q. 4

DO NOT READ:

7. does not apply → Go to Q. 4
8. refused → Go to Q. 4
9. don't know → Go to Q. 4

3a. How do you know this person who works or has worked on the Dakota Access Pipeline or members of their family?

_____

_____

4. Have you or anyone you know ever worked on other pipelines or in the oil and gas industry or do you know family members of pipeline or oil and gas employees?

1. yes → Go to Q. 4a
2. no → Go to Q. 5

DO NOT READ:

7. does not apply → Go to Q. 5
8. refused → Go to Q. 5
9. don't know → Go to Q. 5

4a. How do you know this person who works or has worked on other pipelines or in the oil and gas industry?

_____

_____

5. Would you say you have positive, negative, neutral or mixed feelings about Dakota Access and their owner, Energy Transfer, as companies?

1. positive → Go to Q. 6
2. negative → Go to Q. 6.
3. neutral → Go to Q. 6.
4. mixed → Go to Q. 6.

DO NOT READ:

7. does not apply → Go to Q. 6
8. refused → Go to Q. 6
9. don't know → Go to Q. 6.

6. A number of years ago there were people protesting against the Dakota Access Oil Pipeline in the Mandan and Bismarck area. Did you read, hear about or see any of these protests?

1. yes → Go to Q. 6b
2. no → Go to Q. 6a

DO NOT READ:

7. does not apply → Go to Q. 7
8. refused → Go to Q. 7
9. don't know → Go to Q. 6a

6a. The protests were started by Native American people from the Standing Rock Reservation who were opposed to the pipeline and then were joined by thousands of people from around the country over a number of months. Do you remember these protests now?

1. yes → Go to Q. 6b
2. no → Go to Q. 7

DO NOT READ:

7. does not apply → Go to Q. 7
8. refused → Go to Q. 7
9. don't know → Go to Q. 7

6b. What do you remember about these protests and the protesters?

[PROBE: "Just what I read in the papers" is not enough.
Ask, "What do you remember reading or hearing?"
"What else do you remember?"]

7. **Do you know any of the people who were protesting or members of their families?**

1. yes	→	Go to Q. 7a
2. no	→	Go to Q. 8
DO NOT READ:		
7. does not apply	→	Go to Q. 8
8. refused	→	Go to Q. 8
9. don't know	→	Go to Q. 8

7a. How do you know the protester(s) or their family?

_____

_____

8. Were you or anyone you know affected by the protests in any way? That could include law enforcement, firefighters, landowners, businesses or others who were affected.

1. yes	→	Go to Q. 8a
2. no	→	Go to Q. 9
DO NOT READ:		
7. does not apply	→	Go to Q. 9
8. refused	→	Go to Q. 9
9. don't know	→	Go to Q. 9

8a. Please describe how you or the people you know were affected by the protests.
PROBE: "Anything else?"

_____

_____

_____

_____

_____

9. **What do you think were the worst problems that the protests caused for you, your community or others you know?**

_____

_____

_____

_____

_____

10. Have you ever heard of an organization called Greenpeace?

1. yes	→	Go to Q. 10a.
2. no	→	Go to Q. 11
DO NOT READ:		
7. does not apply	→	Go to Q. 11
8. refused	→	Go to Q. 11
9. don't know	→	Go to Q. 11

10a. Do you have positive, negative, neutral or mixed feelings about Greenpeace?

1. positive	→	Go to Q. 11
2. negative	→	Go to Q. 11.
3. neutral	→	Go to Q. 11.
4. mixed	→	Go to Q. 11.
DO NOT READ:		
7. does not apply	→	Go to Q. 11
8. refused	→	Go to Q. 11.
9. don't know	→	Go to Q. 11.

11. **Did you read, hear or see anything about some of the Dakota Access protesters being arrested and charged with crimes in relation to these protests?**

1. yes	→	Go to Q. 12
2. no	→	Go to Q. 12.
DO NOT READ:		
7. does not apply	→	Go to Q. 12
8. refused	→	Go to Q. 12
9. don't know	→	Go to Q. 12

12. What do you think about claims the protesters and others made that the Dakota Access Pipeline was causing or would cause damage in the future to water quality, the environment, and to the Standing Rock Tribe?

_____

_____

_____

_____

_____

13. Do you think that organizations which gave money or provided training or publicized the protesters' criticisms about the pipeline <u>are responsible</u> in some way for acts of trespassing, vandalism, violence, property destruction or other crimes that were committed by some of the protesters?

1. yes → Go to Q. 14
2. no → Go to Q. 14

DO NOT READ:

3. yes and no → Go to Q. 14
7. does not apply → Go to Q. 14
8. refused → Go to Q. 14
9. don't know → Go to Q. 14

14. Do you think that organizations which gave money, training or other support to the protesters should pay for at least some of the cost of vandalism to construction equipment and other property damage caused by the protesters?

1. yes → Go to Q. 15
2. no → Go to Q. 15

DO NOT READ:

3. yes and no → Go to Q. 15
7. does not apply → Go to Q. 15
8. refused → Go to Q. 15
9. don't know → Go to Q. 15

15. **Do you think that organizations which gave money, training or other support to the protesters should pay for at least some of the cost of construction delays caused by the protesters?**

1. yes	→	Go to Q. 16
2. no	→	Go to Q. 16
DO NOT READ:		
3. yes and no	→	Go to Q. 16
7. does not apply	→	Go to Q. 16
8. refused	→	Go to Q. 16
9. don't know	→	Go to Q. 16

16. Do you think that organizations which published material nationally criticizing the pipeline and encouraging people to protest should pay for at least some of the cost of the damage caused by the protests?

1. yes	→	Go to Q. 17
2. no	→	Go to Q. 17
DO NOT READ:		
3. yes and no	→	Go to Q. 17
7. does not apply	→	Go to Q. 17
8. refused	→	Go to Q. 17
9. don't know	→	Go to Q. 17

17. Do you think that organizations which published material nationally encouraging people to put pressure on pipeline investors to withdraw from the project should pay for at least some of the cost of Dakota Access losing investors?

1. yes	→	Go to Q. 18
2. no	→	Go to Q. 18
DO NOT READ:		
3. yes and no	→	Go to Q. 18
7. does not apply	→	Go to Q. 18
8. refused	→	Go to Q. 18
9. don't know	→	Go to Q. 18

18. Have you read or heard anything about a lawsuit where Dakota Access and its owner, Energy Transfer, have sued Greenpeace for Greenpeace's role in providing publicity, funding and training for the protests against the pipeline? Dakota Access is claiming that Greenpeace should pay for vandalism and other damage done by the protesters, for the cost of construction delays caused by the protests, for Dakota Access losing investors and for damage to their reputation. Have you read or heard about this lawsuit?

1. yes	→	Go to Q. 19
2. no	→	Go to Q. 19
DO NOT READ:		
7. does not apply	→	Go to Q. 19
8. refused	→	Go to Q. 19
9. don't know	→	Go to Q. 19

19. **Do you think you could be a fair and impartial juror in a case where Dakota Access is claiming that because Greenpeace provided money, training and other support to the protesters - and because Greenpeace had a campaign to pressure investors to withdraw from the pipeline project - Greenpeace should be held responsible to pay for damage done to the company's property, for construction delays, for the loss of their investors, a loss of their reputation and other damage to the company? Greenpeace claims that their actions are covered by the right to free speech.**

Given any feelings you have about the protests, about Dakota Access, or about Greenpeace, do you think you could be fair and impartial to both sides?

1. yes	→	Go to Q. 19a
2. no	→	Go to Q. 19a
DO NOT READ:		
7. does not apply	→	Go to Q. 20
8. refused	→	Go to Q. 20
9. don't know	→	Go to Q. 19a

19a. Why is it that you feel you (could be fair and impartial) (couldn't be fair and impartial) (don't know if you could be fair and impartial)?
PROBE: "Anything else?"

NOW I HAVE TWO FINAL QUESTIONS

20. What is your age?

1. 18-34 → Go to Q. 21
2. 35-54 → Go to Q. 21
3. 55-64 → Go to Q. 21
4. 65 or older → Go to Q. 21

DO NOT READ:

7. does not apply → Go to Q. 21
8. refused → Go to Q. 21
9. don't know → Go to Q. 21

21. Are you:

1. employed full time
2. employed part time
3. retired
4. a homemaker
5. a student
6. unemployed

DO NOT READ:

7. does not apply
8. refused
9. don't know

"THAT'S ALL THE QUESTIONS I HAVE -- THANK YOU VERY MUCH"

22. DO NOT READ:

1. female
2. male

THE ABOVE INTERVIEW IS A TRUE AND CORRECT REPRESENTATION OF WHAT WAS SAID TO ME BY THE RESPONDENT. I FOLLOWED THE INSTRUCTIONS CAREFULLY AND COMPLETELY.

Interviewer Signature: _____ Date Completed _____

Cass County Questionnaire

Hello, I'm ___ from Pacific Market Research and we are conducting a series of interviews with Cass County residents about an issue that has been in the news lately. The questions should take only a few minutes. Your phone number was randomly selected and your answers will be completely confidential.

1. What is the name of the town you live in or closest to?

DO NOT READ:

01. Addison	02. Alice	03. Amenia	04. Argusville
05. Arthur	06. Ayr	07. Barnes	08. Bell
09. Berlin	10. Briarwood	11. Buffalo	12. Casselton
13. Clifton	14. Cornell	15. Davenport	16. Dows
17. Durbin	18. Eldred	19. Empire	20. Enderlin
21. Erie	22. Everest	**23. Fargo**	24. Frontier
25. Gardner	26. Gill	27. Grandin	28. Gunkel
29 Harmony	30. Harwood	31. Highland	32. Hill
33. Horace	34. Howes	35. Hunter	36. Kindred
37. Kinyon	38. Lake	39. Leonard	40. Maple River
41. Mapleton	42. Noble	43. Normanna	44. North River
45. Oxbow	46. Page	47. Pleasant	48. Pontiac
49. Prairie Rose	50. Raymond	51. Reed	52. Reile's Acres
53. Rich	54. Rochester	55. Rush River	56. Stanley
57. Tower	58. Tower City	59. Walburg	60. Watson
61. West Fargo	62. Wheatland	63. Wiser	

64. Other _____

88. refused
99. don't know

→ Go to Q. 2 for all answers

2. What is your opinion about whether the Dakota Access pipeline should have been built or not?

1. I think it should have been built → Go to Q. 3
2. I think it should not have been built → Go to Q. 3
3. I have mixed feelings about whether it should have been built → Go to Q. 3

DO NOT READ:

7. does not apply → Go to Q. 3
8. refused → Go to Q. 3
9. don't have an opinion → Go to Q. 3

3. Have you or anyone you know ever worked on the Dakota Access Pipeline in any way – such as on construction or being a vendor -- or do you know family members of Dakota Access employees or vendors?

1. yes → Go to Q. 3a
2. no → Go to Q. 4

DO NOT READ:

7. does not apply → Go to Q. 4
8. refused → Go to Q. 4
9. don't know → Go to Q. 4

3a. How do you know this person who works or has worked on the Dakota Access Pipeline or members of their family?

_____

_____

4. Have you or anyone you know ever worked on other pipelines or in the oil and gas industry or do you know family members of pipeline or oil and gas employees?

1. yes → Go to Q. 4a
2. no → Go to Q. 5

DO NOT READ:

7. does not apply → Go to Q. 5
8. refused → Go to Q. 5
9. don't know → Go to Q. 5

4a. How do you know this person who works or has worked on other pipelines or in the oil and gas industry?

_____

_____

5. Would you say you have positive, negative, neutral or mixed feelings about Dakota Access and their owner, Energy Transfer, as companies?

1. positive → Go to Q. 6
2. negative → Go to Q. 6.
3. neutral → Go to Q. 6.
4. mixed → Go to Q. 6.

DO NOT READ:

7. does not apply → Go to Q. 6
8. refused → Go to Q. 6
9. don't know → Go to Q. 6.

6. A number of years ago there were people protesting against the Dakota Access Oil Pipeline in the Mandan and Bismarck area. Did you read, hear about or see any of these protests?

1. yes → Go to Q. 6b
2. no → Go to Q. 6a

DO NOT READ:

7. does not apply → Go to Q. 7
8. refused → Go to Q. 7
9. don't know → Go to Q. 6a

6a. The protests were started by Native American people from the Standing Rock Reservation who were opposed to the pipeline and then were joined by thousands of people from around the country over a number of months. Do you remember these protests now?

1. yes → Go to Q. 6b
2. no → Go to Q. 7

DO NOT READ:

7. does not apply → Go to Q. 7
8. refused → Go to Q. 7
9. don't know → Go to Q. 7

6b. What do you remember about these protests and the protesters?

[PROBE: "Just what I read in the papers" is not enough.
Ask, "What do you remember reading or hearing?"
"What else do you remember?"]

7. **Do you know any of the people who were protesting or members of their families?**

1. yes	→	Go to Q. 7a
2. no	→	Go to Q. 8
DO NOT READ:		
7. does not apply	→	Go to Q. 8
8. refused	→	Go to Q. 8
9. don't know	→	Go to Q. 8

7a. How do you know the protester(s) or their family?

_____

_____

8. Were you or anyone you know affected by the protests in any way? That could include law enforcement, firefighters, landowners, businesses or others who were affected.

1. yes	→	Go to Q. 8a
2. no	→	Go to Q. 9
DO NOT READ:		
7. does not apply	→	Go to Q. 9
8. refused	→	Go to Q. 9
9. don't know	→	Go to Q. 9

8a. Please describe how you or the people you know were affected by the protests.
PROBE: "Anything else?"

_____

_____

_____

_____

_____

9. **What do you think were the worst problems that the protests caused for you, your community or others you know?**

_____

_____

_____

_____

_____

10. Have you ever heard of an organization called Greenpeace?

1. yes	→	Go to Q. 10a.
2. no	→	Go to Q. 11
DO NOT READ:		
7. does not apply	→	Go to Q. 11
8. refused	→	Go to Q. 11
9. don't know	→	Go to Q. 11

10a. Do you have positive, negative, neutral or mixed feelings about Greenpeace?

1. positive	→	Go to Q. 11
2. negative	→	Go to Q. 11.
3. neutral	→	Go to Q. 11.
4. mixed	→	Go to Q. 11.
DO NOT READ:		
7. does not apply	→	Go to Q. 11
8. refused	→	Go to Q. 11.
9. don't know	→	Go to Q. 11.

11. **Did you read, hear or see anything about some of the Dakota Access protesters being arrested and charged with crimes in relation to these protests?**

1. yes	→	Go to Q. 12
2. no	→	Go to Q. 12.
DO NOT READ:		
7. does not apply	→	Go to Q. 12
8. refused	→	Go to Q. 12
9. don't know	→	Go to Q. 12

12. What do you think about claims the protesters and others made that the Dakota Access Pipeline was causing or would cause damage in the future to water quality, the environment, and to the Standing Rock Tribe?

_____

_____

_____

_____

_____

13. Do you think that organizations which gave money or provided training or publicized the protesters' criticisms about the pipeline <u>are responsible</u> in some way for acts of trespassing, vandalism, violence, property destruction or other crimes that were committed by some of the protesters?

1. yes → Go to Q. 14
2. no → Go to Q. 14

DO NOT READ:

3. yes and no → Go to Q. 14
7. does not apply → Go to Q. 14
8. refused → Go to Q. 14
9. don't know → Go to Q. 14

14. Do you think that organizations which gave money, training or other support to the protesters should pay for at least some of the cost of vandalism to construction equipment and other property damage caused by the protesters?

1. yes → Go to Q. 15
2. no → Go to Q. 15

DO NOT READ:

3. yes and no → Go to Q. 15
7. does not apply → Go to Q. 15
8. refused → Go to Q. 15
9. don't know → Go to Q. 15

15. **Do you think that organizations which gave money, training or other support to the protesters should pay for at least some of the cost of construction delays caused by the protesters?**

1. yes	→	Go to Q. 16
2. no	→	Go to Q. 16
DO NOT READ:		
3. yes and no	→	Go to Q. 16
7. does not apply	→	Go to Q. 16
8. refused	→	Go to Q. 16
9. don't know	→	Go to Q. 16

16. Do you think that organizations which published material nationally criticizing the pipeline and encouraging people to protest should pay for at least some of the cost of the damage caused by the protests?

1. yes	→	Go to Q. 17
2. no	→	Go to Q. 17
DO NOT READ:		
3. yes and no	→	Go to Q. 17
7. does not apply	→	Go to Q. 17
8. refused	→	Go to Q. 17
9. don't know	→	Go to Q. 17

17. Do you think that organizations which published material nationally encouraging people to put pressure on pipeline investors to withdraw from the project should pay for at least some of the cost of Dakota Access losing investors?

1. yes	→	Go to Q. 18
2. no	→	Go to Q. 18
DO NOT READ:		
3. yes and no	→	Go to Q. 18
7. does not apply	→	Go to Q. 18
8. refused	→	Go to Q. 18
9. don't know	→	Go to Q. 18

18. Have you read or heard anything about a lawsuit where Dakota Access and its owner, Energy Transfer, have sued Greenpeace for Greenpeace's role in providing publicity, funding and training for the protests against the pipeline? Dakota Access is claiming that Greenpeace should pay for vandalism and other damage done by the protesters, for the cost of construction delays caused by the protests, for Dakota Access losing investors and for damage to their reputation. Have you read or heard about this lawsuit?

1. yes	→	Go to Q. 19
2. no	→	Go to Q. 19
DO NOT READ:		
7. does not apply	→	Go to Q. 19
8. refused	→	Go to Q. 19
9. don't know	→	Go to Q. 19

19. **Do you think you could be a fair and impartial juror in a case where Dakota Access is claiming that because Greenpeace provided money, training and other support to the protesters - and because Greenpeace had a campaign to pressure investors to withdraw from the pipeline project - Greenpeace should be held responsible to pay for damage done to the company's property, for construction delays, for the loss of their investors, a loss of their reputation and other damage to the company? Greenpeace claims that their actions are covered by the right to free speech.**

Given any feelings you have about the protests, about Dakota Access, or about Greenpeace, do you think you could be fair and impartial to both sides?

1. yes	→	Go to Q. 19a
2. no	→	Go to Q. 19a
DO NOT READ:		
7. does not apply	→	Go to Q. 20
8. refused	→	Go to Q. 20
9. don't know	→	Go to Q. 19a

19a. Why is it that you feel you (could be fair and impartial) (couldn't be fair and impartial) (don't know if you could be fair and impartial)?
PROBE: "Anything else?"

NOW I HAVE TWO FINAL QUESTIONS

20. What is your age?

1. 18-34 → Go to Q. 21
2. 35-54 → Go to Q. 21
3. 55-64 → Go to Q. 21
4. 65 or older → Go to Q. 21

DO NOT READ:

7. does not apply → Go to Q. 21
8. refused → Go to Q. 21
9. don't know → Go to Q. 21

21. Are you:

1. employed full time
2. employed part time
3. retired
4. a homemaker
5. a student
6. unemployed

DO NOT READ:

7. does not apply
8. refused
9. don't know

"THAT'S ALL THE QUESTIONS I HAVE -- THANK YOU VERY MUCH"

22. DO NOT READ:

1. female
2. male

THE ABOVE INTERVIEW IS A TRUE AND CORRECT REPRESENTATION OF WHAT WAS SAID TO ME BY THE RESPONDENT. I FOLLOWED THE INSTRUCTIONS CAREFULLY AND COMPLETELY.

Interviewer Signature: _____ Date Completed _____

Completion Rate		
County	Morton County	Cass County
Completed	150	150
Refusals and breakoffs	325	234
Total	475	384
	150 out of 475 =	150 out of 384 =
COMPLETION RATE	31.5%	39%

MARGIN OF ERROR

It is standard to compute the margin of error for a survey to a 95% confidence level. A 95% confidence level means that, if the survey was repeated 100 times using the same methods and sampling procedures, the answers to a specific question would fall within a certain range of percentage points 95 times out of 100.

For example, 96% of the respondents in Cass County said that they remembered the Dakota Access Pipeline protests. If the survey had been conducted using the same methodology, during the same time period, in the Virginia Geographic Area, 95 times out of a 100, the number of respondents knowing about Ms. Anderson's murder would have ranged from 86% to 96%.

This survey is representative of the views of the Carver County jury eligible population prior to April 2010 to within the following ranges for each of the percentages given:

SAMPLE SIZE 150 each for Morton and Cass Counties

Percentage of Respondents Providing a Given Answer	Margin of Error	
	Morton County	Cass County
90%	+/- 4.79%	+/- 4.80%
75%	+/- 6.91%	+/- 6.93%
50%	+/- 7.98%	+/- 8.0%
25%	+/- 6.91%	+/- 6.93%
10%	+/- 4.79%	+/- 4.80%

CALCULATING THE CONFIDENCE LEVEL

To calculate a confidence interval of 95%, the following formula is used for each question:

Standard Error x 1.96 = 95% confidence level

CALCULATING STANDARD ERROR

The standard error of a proportion is calculated using the following formula:

$$\sqrt{\frac{P \times Q}{N}}$$

P = The proportion (percentage) of respondents answering the question a certain way

Q = 1 - P

N = The number of cases (respondents)

The sign for Standard Error is the Greek Sigma.

Exhibit 6 to Declaration of Diane Wiley
Case No. 30-2019-CV-00180

APPENDIX 3

TABULATED FIXED RESPONSES FOR MORTON AND

CASS COUNTY

2. What is your opinion about whether the Dakota Access pipeline should have been built?	Morton Resp. Count	Morton %	Cass Resp. Count	Cass %
1 Should have	114	76%	79	53%
2 Should not have	8	5%	22	15%
3 Mixed feelings	24	16%	43	29%
7 Does not apply	0	0%	0	0%
8 Refused	1	1%	1	1%
9 Don't have an opinion	3	2%	5	3%
	150	100%	150	100%

3. Have you or anyone you know ever worked on the Dakota Access Pipeline in any way - such as on construction or being a vendor - or do you know family members of Dakota Access employees or vendors?	Morton Resp. Count	Morton %	Cass Resp. Count	Cass %
1 Yes	26	17%	4	3%
2 No	124	83%	146	97%
7 Does not apply	0	0%	0	0%
8 Refused	0	0%	0	0%
9 Don't know	0	0%	0	0%
	150	100%	150	100%

4. Have you or anyone you know ever worked on other pipelines or in the oil and gas industry or do you know family member of pipeline or oil and gas employees?	Morton Resp. Count	Morton %	Cass Resp. Count	Cass %
1 Yes	70	47%	33	22%
2 No	80	53%	117	78%
7 Does not apply	0	0%	0	0%
8 Refused	0	0%	0	0%
9 Don't know	0	0%	0	0%
	150	100%	150	100%

5. Would you say you have positive, negative, neutral or mixed feelings about Dakota Access and their owner, Energy Transfer, as companies?	Morton Resp. Count	Morton %	Cass Resp. Count	Cass %
1 Positive	60	40%	35	23%
2 Negative	17	11%	22	15%
3 Neutral	43	29%	60	40%
4 Mixed	19	13%	23	15%
7 Does not apply	0	0%	0	0%
8 Refused	2	1%	1	1%
9 Don't know	9	6%	9	6%
	150	100%	150	100%

6. A number of years ago there were people protesting against the Dakota Access Oil Pipeline in the Mandan and Bismarck area. Did you read, hear about or see any of these protests?	Morton Resp. Count	Morton %	Cass Resp. Count	Cass %
1 Yes	145	97%	137	91%
2 No	5	3%	13	9%
7 Does not apply	0	0%	0	0%
8 Refused	0	0%	0	0%
9 Don't know	0	0%	0	0%
	150	100%	150	100%

6a. The protests were started by Native American people from the Standing Rock Reservation who were opposed to the pipeline, and they were joined by thousands of people from around the country over a number of months. Do you remember these protests now?	Morton Resp. Count	Morton %	Cass Resp. Count	Cass %
1 Yes	5	3%	7	5%
2 No	0	0%	6	4%
7 Does not apply	145	97%	137	91%
8 Refused	0	0%	0	0%
9 Don't know	0	0%	0	0%
	150	100%	150	100%

7. Do you know any of the people who were protesting or members of their families?	Morton Resp. Count	Morton %	Cass Resp. Count	Cass %
1 Yes	19	13%	13	9%
2 No	131	87%	137	91%
7 Does not apply	0	0%	0	0%
8 Refused	0	0%	0	0%
9 Don't know	0	0%	0	0%
	150	100%	150	100%

8. Were you or anyone you know affected by the protests in any way? That could include law enforcement, firefighters, landowners, businesses or others who were affected.	Morton Resp. Count	Morton %	Cass Resp. Count	Cass %
1 Yes	83	55%	18	12%
2 No	66	44%	131	87%
7 Does not apply	0	0%	0	0%
8 Refused	0	0%	0	0%
9 Don't know	1	1%	1	1%
	150	100%	150	100%

10. Have you ever heard of an organization called Greenpeace?	Morton Resp. Count	Morton %	Cass Resp. Count	Cass %
1 Yes	82	55%	96	64%
2 No	66	44%	49	33%
7 Does not apply	0	0%	0	0%
8 Refused	0	0%	0	0%
9 Don't know	2	1%	5	3%
	150	100%	150	100%

10a. Do you have positive, negative, neutral or mixed feelings about Greenpeace?	Morton Resp. Count	Morton %	Cass Resp. Count	Cass %
1 Positive	8	5%	20	13%
2 Negative	23	15%	18	12%
3 Neutral	29	19%	40	27%
4 Mixed	14	9%	17	11%
7 Does not apply	68	45%	54	36%
8 Refused	0	0%	0	0%
9 Don't know	8	5%	1	1%
	150	100%	150	100%

11. Did you read, hear or see anything about some of the Dakota Access protesters being arrested and charged with crimes in relation to these protests?	Morton Resp. Count	Morton %	Cass Resp. Count	Cass %
1 Yes	130	87%	118	79%
2 No	15	10%	25	17%
7 Does not apply	0	0%	0	0%
8 Refused	0	0%	0	0%
9 Don't know	5	3%	7	5%
	150	100%	150	100%

13. Do you think that organizations which gave money or provided training or publicized the protesters' criticisms about the pipeline are responsible in some way for acts of trespassing, vandalism violence, property destruction or other crimes that were committed by some of the protesters?	Morton Resp. Count	Morton %	Cass Resp. Count	Cass %
1 Yes	108	72%	71	47%
2 No	21	14%	48	32%
3 Yes and no	6	4%	5	3%
7 Does not apply	0	0%	1	1%
8 Refused	3	2%	5	3%
9 Don't know	12	8%	20	13%
	150	100%	150	100%

14. Do you think that organizations which gave money, training or other support to the protesters should pay for at least some of the cost of vandalism to construction equipment and other property damage caused by the protesters?	Morton Resp. Count	Morton %	Cass Resp. Count	Cass %
1 Yes	117	78%	88	59%
2 No	20	13%	42	28%
3 Yes and no	3	2%	5	3%
7 Does not apply	0	0%	0	0%
8 Refused	2	1%	1	1%
9 Don't know	8	5%	14	9%
	150	100%	150	100%

15. Do you think that organizations which gave money, training or other support to the protesters should pay for at least some of the cost of construction delays caused by the protesters?	Morton Resp. Count	Morton %	Cass Resp. Count	Cass %
1 Yes	113	75%	77	51%
2 No	22	15%	54	36%
3 Yes and no	9	6%	7	5%
7 Does not apply	0	0%	0	0%
8 Refused	1	1%	2	1%
9 Don't know	5	3%	10	7%
	150	100%	150	100%

16. Do you think that organizations which published material nationally criticizing the pipeline and encouraging protests should pay for at least some of the damage caused by the protesters?	Morton Resp. Count	Morton %	Cass Resp. Count	Cass %
1 Yes	99	66%	69	46%
2 No	36	24%	66	44%
3 Yes and no	3	2%	8	5%
7 Does not apply	0	0%	0	0%
8 Refused	2	1%	0	0%
9 Don't know	10	7%	7	5%
	150	100%	150	100%

17. Do you think that organizations which published material nationally encouraging people to put pressure on pipeline investors to withdraw from the project should pay for at least some of the cost of Dakota Access losing investors?	Morton Resp. Count	Morton %	Cass Resp. Count	Cass %
1 Yes	90	60%	52	35%
2 No	43	29%	79	53%
3 Yes and no	2	1%	4	3%
7 Does not apply	0	0%	0	0%
8 Refused	3	2%	1	1%
9 Don't know	12	8%	14	9%
	150	100%	150	100%

18. Have you read or heard anything about a lawsuit where Dakota Access and its owner, Energy Transfer, have sued Greenpeace for Greenpeace's role in providing publicity, funding, and training for the protests against the Pipeline? Dakota access is claiming that Greenpeace should pay for the vandalism and other damage done by the protesters, for the cost of construction delays caused by the protest, for Dakota Access losing investors and for damage to their reputation. Have you heard about this lawsuit?	Morton Resp. Count	Morton %	Cass Resp. Count	Cass %
1 Yes	19	13%	13	9%
2 No	129	86%	135	90%
7 Does not apply	0	0%	0	0%
8 Refused	0	0%	0	0%
9 Don't know	2	1%	2	1%
	150	100%	150	100%

19. Do you think you could be a fair and impartial juror in a case where Dakota Access is claiming that because Greenpeace provided money, training and other support to the protesters - and because Greenpeace had a campaign to pressure investors to withdraw from the pipeline project - Greenpeace should be held responsible to pay for damage done to the company's property, for construction delays, for loss of their investors, loss of their reputation and other damage to the company? Greenpeace claims their actions are covered by the right to free speech. Given any feelings you have about the protests, about Dakota Access, or about Greenpeace, do you think you could be fair and impartial to both sides?	Morton Resp. Count	Morton %	Cass Resp. Count	Cass %
1 Yes	64	43%	80	53%
2 No	71	47%	54	36%
7 Does not apply	2	1%	0	0%
8 Refused	1	1%	2	1%
9 Don't know	12	8%	14	9%
	150	100%	150	100%

Exhibit 7 to Declaration of Diane Wiley
Case No. 30-2019-CV-00180

APPENDIX 4

VERBATIM RESPONSES FOR MORTON COUNTY

Respondent's Assigned ID#	3a. How do you know this person who works or has worked on the DAP?	4a.How do you know this person who works or worked on other pipelines?	6b. What do you remember about these protests and the protesters?	7a.How do you know the protester(s) or their family?
101			The vast majority of them were well meaning but misguided and a small minority were terrorists.	
102			They set up camp and left a huge mess, started fights and paid protesters and was not a good experience. They left a huge mess in the area they were in for protecting the water but destroying the land.	
103			The protesters are violent and broke the law many ways many times. I remember hearing (about) the vandalism and the land owners in the area being scared. Stopping school busses.	
104		I just know them from way back.	All were from out of state not any truly born here.	
105			They had the highway blocked and caused a lot of trouble south of Mandan.	
106		Uncle	I guess I don't remember much. Don't really remember.	
107			Somebody lit up a bomb or used dynamite, and blew up a bridge and they started walking around town. I don't know if it was the same group or not. They even walked around (at) nighttime. There were two of them. It was a big group, and more then one day.	

Respondent's Assigned ID#	8a.Please describe how you or the people you know were affected by the protests.	9. What do you think were the worst problems that the protest caused for you, your community or others you know?
101	I don't know if I want to go into that. I would say they interfered with our farming and ranching operations.	I prefer that those that were more affected need to speak for themselves rather than me speak for them.
102	I would say it increased traffic in my area that affected me personally, commute times.	The worst problem was the division and unrest and constant disagreement about the protest and everyone on alert.
103		They forced the shutdown of the road and that impacted a lot of lives in that area.
104		The total lack of respect for law enforcement and our property.
105		It caused a lot of money to clean the mess they made.
106		I guess I am really not sure.
107		Everyone was scared to stick their heads outside, until things were clear. They broke into some places. Some elderly people had to go to the care facility. It's like an apartment.

Respondent's Assigned ID#	12. What do you think about claims the protesters and others made that the DAP was causing or would cause damage in the future to water quality, the environment and to the Standing Rock Tribe?	19. Given any feelings you have about the protests, about Dakota Access, or about Greenpeace, do you think you could be fair and impartial to both sides?	19a. Why is it that you feel you (could be fair and impartial) (Couldn't be fair and impartial) (don't know)
101	I think there is no proof of that.	2 No	I was already summoned to be a juror where some of the protesters were on trial and I was excused because I was too close to the situation to be impartial.
102	I don't believe that the pipeline would have caused long term damages.	2 No	It would be too hard to be impartial because I live close to where it happened and have perceived emotions and would be hard.
103	I think they were false claims.	2 No	Because I support the pipeline and I don't support the protesters and think that would affect my decision.
104	I think they were paid to protest at the time and I found it funny none were from Dakota.	1 Yes	Because I don't have a stake in it and I don't own anything from any of these organizations.
105	I don't really think it will cause any problems because they went so deep in the water.	2 No	I really don't know enough about it.
106	I guess if something leaks there would be a problem.	9 Don't know	I am not sure about it.
107	When they get what they want, they are happy and work to do stuff in their area, but don't want to get involved with anyone else. There is a big population, and these are smaller groups and are spread out. Everyone just freezes up.	9 Don't know	I don't like the protesting, and sometimes they have to protest. It always brings trouble. We've lost so many people in this area. Dynamite is something else too. It was a small bridge that gave access for people from the town. The interstate helps a lot.

Respondent's Assigned ID#	3a. How do you know this person who works or has worked on the DAP?	4a.How do you know this person who works or worked on other pipelines?	6b. What do you remember about these protests and the protesters?	7a.How do you know the protester(s) or their family?
108			I wasn't in favor of it. I think that they were kind of the bad side of law. I think, blocking highways and I didn't agree with that at all. I think there were paid agitators in a lot of the circumstances and illegals and go near any place like that and thought it was bad for Morton County.	
109		I worked in Oil and gas back in the 70s and some of my friends did as well.	Mostly peaceful, prayer and songs. I drove to the protest myself.	I know their families and where they live. They are acquaintances.
110		I have lots of friends that work in oil fields.	They blocked off main street in Mandan. They had a pig head walking down Mandan and it was blocked off and did damage to the environment and I had a negative view of them.	Work related
111		I have spent many years in the oil and gas industry.	They were all from outside of North Dakota and paid by Soros. It was absolutely bad. The protesters were smelling really horrible.	
112			I just saw it on the news that's what I remember.	
113			I think it was infiltrated. People were bought to demonstrate and were paid. There were many protesters on one side and officers on the opposite. The campgrounds had all these protesters and left a terrible mess to the state.	

Respondent's Assigned ID#	8a.Please describe how you or the people you know were affected by the protests.	9. What do you think were the worst problems that the protest caused for you, your community or others you know?
108	I had some relatives who had to use that highway to go back and forth and they were afraid to go by that area.	I guess the cost to our state and our county as far as law enforcement that had to deal with this. It was in the millions of dollars as far as labor and man power.
109	I was not affected. Police might have been affected because they worked long hours and that was their own fault. They should not have been there.	I did not see any problems for me or anyone I know. It might have inconvenienced people trying to get to a casino - Prairie Knights. The protests were near by so there were traffic problems and road blocks and the protests were 50 miles south.
110	They were on their properties chained to backhoes and cattle started disappearing is what I heard.	My tax money they had to spend on police and the clean up.
111	I have a nephew who had to clean up the mess they made after they left. The Native Americans were upset as well with the mess they made.	Well the highway got blocked because they would not let anyone through and the destruction was terrible. It was extremely disturbing to me.
112		Well its debatable its between people who wanted it and people who don't.
113	I had to detour to get kids home as a school bus driver. Some of the children I picked up had land that was accessed through the pipelines. The farms were invaded. They were damaged. The equipment was painted on.	I think it was orchestrated. They went to another state and did the same thing. It was a horrible expense to the officers for the cleanup. Police were brought in from different places and had to be paid.

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108	I don't think they have any merit at all. I think there is better ways to protest or promote your ideas and should go through more peaceful means.	2 No	I was just totally against the whole protest from the start.
109	That was not the original route for the access line. What they could have picked other routes and they had them picked out and one of them is directly across from Bismarck and Mandan. Also, Bismarck, Mandan thought it was close to the water source and we pushed it closer to the Indians and we don't give a [xxxx] about them.	1 Yes	I would go with the strongest evidence.
110	I think a very minimum that anything would happen, the tribe up North didn't seem to care.	9 Don't know	I know what I know about Greenpeace and don't know if I can be impartial about them.
111	They would absolutely be in no problems with the water quality. In New Mexico when the oil company had that land the tribe asked them to drill the water for them and they did it willingly.	2 No	I would not side with the protesters because they were paid. They also caused destruction to property.
112	It is up to the people that wanted to do it and that's it.	2 No	I don't know what to say about that. I have no opinion on at this time.
113	I watched them a bit when they did their trench and they were so careful to not damage the pipes. they went under the river way down. The technology they had to go under water they absolutely did their best. It's had no problems.	9 Don't know	I might biased. I saw what went on and I saw the problems it caused the school and the anxiety through the kids. so I don't know.

Respondent's Assigned ID#	3a. How do you know this person who works or has worked on the DAP?	4a.How do you know this person who works or worked on other pipelines?	6b. What do you remember about these protests and the protesters?	7a.How do you know the protester(s) or their family?
114			I remember the sheriffs shooting the protesters with freezing water when it was below zero. Energy transfer hired TigerSwan. It's a contracted military. It was all over the national news, how many tribes came here to protest it. The local white people hated the protest and wanted them out of here.	
115		My husband works at the oil refinery.	That they were very aggressive and they left a lot of garbage behind when they did leave. Some of the rich people came with their planes and SUVs and were against the pipeline. When I say they were aggressive I mean they were going on other people's lands and trespassing and leaving garbage.	
116			Off the top of my head I can't think of anything, maybe lots of traffic and traffic jams like roads being closed that type of thing.	
117			I remember the Native Americans were protesting about it and one of them used gasoline to get their transportation. But they say they don't want oil or gas but they are using it. They use it but they say they don't want it and the pipeline is the cheapest way to get it. The protestors were causing problems to the sheriff and county policemen, they were unpeaceful.	Celebrity Jane Fonda
118			All I remember is the law enforcement I thought did an acceptable job maintaining their composure when they dealt with the protesters. The wastefulness, the stuff that was wasted. They did more to the environment than the pipeline would have done.	

Respondent's Assigned ID#	8a.Please describe how you or the people you know were affected by the protests.	9. What do you think were the worst problems that the protest caused for you, your community or others you know?
114	Law enforcement. It was about 30 miles from my house and they were blocking the roads. Both protesters and police did it.	There was a lot of tension around town. Very few of them were in support of the protests. They wanted to pass law that if the protesters were blocking roads we could run them over.
115		I just saw pictures of what they left behind as far as garbage.
116		The didn't cause anything that really affected me personally.
117		Violent protest it caused problems to the community. The sheriff department had to get involved. There were farmers and people I know who couldn't pass through because of the protest.
118		It cost the tax payers a lot of money for a lot of foolishness.

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114	I agree 100%. I believe we should be working towards renewable and getting away from gas and oil.	1 Yes	As long as I see all of the facts. Energy Transfer also spent money on militia. It would be up to the judge to be able to see all of the facts.
115	I would disagree with that. I just think it's the safest way to get our gases from one place to the next. They check on it and I don't feel it would be unsafe. My husband has said they have equipment to keep an eye on it as far as safety.	2 No	I would be in favor of the pipeline.
116	I definitely think it can cause health problems, pipelines leak and that goes into your drinking water.	1 Yes	I don't know all the facts of the situation and would have to hear the testimony of both sides and take it from there.
117	That is not going to cause a problem, it is not going to leak, it is way deeper than the Missouri rivers. So no problems.	2 No	I can't be in a jury right now. I can't go out of home and be needed at home.
118	I think it was a bogus claim. There are way it could been rectified that's how they handled it.	2 No	I'm pretty opinionated. I pretty much have my mind made up about that. That these people and the people that helped pay for that I'd find them responsible.

Respondent's Assigned ID#	3a. How do you know this person who works or has worked on the DAP?	4a.How do you know this person who works or worked on other pipelines?	6b. What do you remember about these protests and the protesters?	7a.How do you know the protester(s) or their family?
119	Through friends.		A lot of them were radicals and were from out of state and it was crazy. Some of them were paid to be here. There was an explosion and all the cars were blocking construction. One guy tried to setup a pipe bomb, and got injured in the process. We need to be energy independent and not force green energy on anyone. There is a lot of windmills in the area.	
120			You don't want to know what I thought about them.	
121			Horrible messes they left behind and abusive treatment towards the people, garbage and rubbish they left behind. Abusive towards some of the Native Americans themselves and the police. They were trying to contain them, they threw bottle at the cops. Most of the protesters were paid and out of state.	
122			I remember that they blocked off the road south of Mandan. There was confrontations between law enforcement and protestors. Those are the things that I remember seeing on the news. Just they wanted to shut it down due to water issues I would say. That is the majority of what I heard or seen.	

Respondent's Assigned ID#	8a.Please describe how you or the people you know were affected by the protests.	9. What do you think were the worst problems that the protest caused for you, your community or others you know?
119		It affected our law enforcement. It costs the county a lot of money for Morton.
120	Well we were all upset, they were causing trouble.	They were cutting fences and cattle were getting out and blocking traffic.
121	They police were affected and anyone who tried to hold them down, they had to work to contain the riots.	The violence against people who were trying to contain the protesters.
122	Long hours of work. Treated disrespectfully.	I would say the mess left behind. The treatment and injuries caused to parties involved.

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119	I don't believe in any of that. The pipe was installed properly and it would be safe. They knew what they were doing.	2 No	They have no business here protesting.
120	I think everything had safety precautions, if it wasn't safe it wouldn't be approved. Well you don't go out and protest like that, you don't go on other people's property.	2 No	From what I told you I don't think I could be fair about it. They had the highway blocked up by my house.
121	I don't know only if there was a leak.	2 No	I just couldn't be fair and impartial I saw to much garbage. I feel they could have protested peaceful and have no problem with them protesting peacefully without leaving garbage behind and violence.
122	They had valid concerns but as far as the extent I am not sure.	1 Yes	I think that I can kind of see both sides. I think depending on what I heard I would be willing to listen to both sides of a case and take that into account.

Respondent's Assigned ID#	3a. How do you know this person who works or has worked on the DAP?	4a.How do you know this person who works or worked on other pipelines?	6b. What do you remember about these protests and the protesters?	7a.How do you know the protester(s) or their family?
123		Brother	I think they had a legitimate cause but that is my opinion. The way they were handled like the pipeline was rerouted from North of Bismarck to South of Bismarck. When it was all done there was a big mess and I was wondering if they were worried about the environment why did they leave a mess there.	
124	I knew a lot of police officers. I worked with them when they were having the Indians down there. They were protesting there and causing damage. We had to go down and keep them from damaging the equipment that was down there.		Arresting the protestors and driving them up to jail. We had police officers all over North Dakota coming down to help us like Grand Forks, Fargo, Jamestown and Minot. One gal from New York got her arm blown off. She was making a cocktail bomb and it blew her arm off. We had people from all over the US come and help the Indians protest. It was bad. It was the co-engineers fault in my opinion. We wouldn't kick them off and they weren't supposed to camp on that line in which they did. Plus they tried to set fires to bridges and try to burn them down and to weaken the structure. They burned up an old car on the bridge and blocked traffic.	
125			They left an environmental mess. I remember they had a lot of paid protesters, people who didn't know anything about the protest they just came to protests. They were a lot of Native Americans who came and it just grew. I saw quite a bit because I live near where the pipeline was being built.	

Respondent's Assigned ID#	8a.Please describe how you or the people you know were affected by the protests.	9. What do you think were the worst problems that the protest caused for you, your community or others you know?
123		A little bit of division, in the community itself, like you're for it or not. A lot of people decided not to support the business down there and the roads were blocked off.
124	We had to send officers down there to work. We were short handed and putting in double time. There was a lot of fear about what they were going to do. They came up here and we couldn't even go to a show because they had lice. The people that owned the show halls they had to sterilize their seating because people were getting lice. They were coming up here for entertainment and you couldn't go to the show because people were getting lice from them. They came into our stores and they were very dirty and they stink. They left a hell of a mess down there when they left. It cost the county a lot of money to clean up the mess. I think that they just about broke the county.	It cost the county a lot of money. There were alerts all the time. You had to be on your toes down there. You never knew what they were up to or what they were planning to do like throwing rocks. They chained themselves to the bulldozers. They did some damage to them and the people that lived down there in that area were very upset. They didn't know what they would do. The farmers down there were losing some cattle and they were butchering them and eating them. We couldn't prove it but that's what was happening. They were using tear gas and they would try to run you down. They liked to cause problems and we tried to keep them in one area. They were accusing us of doing things that we didn't.
125	The travel. They burnt out the bridge, it affected people in terms of people getting to work, because we lost use of an entire road/highway for quite some time.	They left such a big mess. There was a financial issue, there were National Guards in there. It was a huge economic burden. The cost of police departments, and the mess they made. If they were so worried about the environment why did they leave the protest grounds in such a mess.

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123	I guess a little later after the pipeline was put in there was a leak reported in South Dakota and yes they did have a cause to be concerned about it.	1 Yes	Because you do have to hear both sides to know exactly what all went on there. I give both sides the benefit of the doubt.
124	Well it would have went south of Fort Yates. The tribes wanted more money for crossing the land. If they would have let them do it that way it wouldn't have caused damage to the water because the river runs south. But they wanted more money to let them cross the land and the outrageous price that they wanted. That is why they wanted to cross the engineers land. The bureau of engineers owned the land and they were the ones that were supposed to kick them off because the law says that they cant camp out on that land.	1 Yes	If I was on a jury for something I would evaluate both sides and what both sides say. When you are a police officer you don't take sides in a dispute. You are trained that way to go in and look at the facts of both parties and you make a decision then and also you go by what the law says. I am a retired police officer.
125	I think they were fabricated. I don't think it was going to make that big of an issue. I think it was more a political move than concern for the environment.	1 Yes	I believe in free speech, but I also believe in the Dakota access pipeline. I think I could listen to both sides.

Respondent's Assigned ID#	3a. How do you know this person who works or has worked on the DAP?	4a.How do you know this person who works or worked on other pipelines?	6b. What do you remember about these protests and the protesters?	7a.How do you know the protester(s) or their family?
126			They were non-native. It wasn't the protestors that were aggressive, it was the agitators who were sent there to do it and it wasn't the Native American Indians but we took the hit for it.	
127		I myself work for an energy company. I have some in-laws that do.	I remember being out hunting and hearing their drums. That is as close as I got to them.	
128		My brother did for three months right out of high school.	I read how they were against the pipeline. The worst part was the terrible mess they left behind.	
129			I was not happy with the whole thing. It was a mess. They destroyed whatever they came across. They were not Native Americans and they were I believe paid.	
130			Cops being stupid and the Native Americans acting ridiculous and burning stuff and causing fights. Destroying property.	

Respondent's Assigned ID#	8a.Please describe how you or the people you know were affected by the protests.	9. What do you think were the worst problems that the protest caused for you, your community or others you know?
126		Racist, basically racist because the Natives took the hit because it was on a reservation but all the Indians whether you were from there or wasn't.
127		They tied up our law enforcement. They used all of our law enforcement and pulled them away from our city. They threw a bunch of garbage in our river that caused a bunch of problems. The land I was hunting on. It caused problems with the traffic. It backed up traffic and I know a lot of land owners that had trouble getting to their properties.
128		The terrible mess they left behind and a terrible taste in our mouths and sad that the state had to go in and haul truckloads of trash and feces. They even burned a car on the bridge. The local tribes south of Mandan were not even involved.
129		It was very political in the way it came down. The people in charge were not the oil and gas (people) and we don't need high profile people working on the pipeline.
130		Vandalizing our town and properties.

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126	If the pipeline leaked it's their source of water and it would be contaminated.	8 Refused	
127	I was not aware of their water quality concerns when they were putting garbage in our river.	2 No	I disagree with one of the parties so I would not be impartial.
128	With the runoff of trash to the river from the protesters like porta potties, propane and graffiti and just about a riot. The tribe members I know that I worked with said they didn't even know 90% of the protesters. They were from somewhere else and by the truckloads and I think the charges got dropped for them awful folks.	1 Yes	Simply, I look at both sides. They thought they were doing something good for the environment and both sides didn't know that the end result sort of backfired on both sides. The fact that I had no idea that Greenpeace was involved. I would be impartial.
129	Not that much. I'm not saying accidents do not happen. But all the economics of the whole thing would not have allowed anything terrible to (happen to) the land.	9 Don't know	I think my feelings are too strong for one side right now.
130	I do not know how to answer that.	1 Yes	I can see both points where they do not want them on their land. We have taken rights away from Indians and what we did give them we are taking away. I can listen to both sides with equal points to say.

Respondent's Assigned ID#	3a. How do you know this person who works or has worked on the DAP?	4a.How do you know this person who works or worked on other pipelines?	6b. What do you remember about these protests and the protesters?	7a.How do you know the protester(s) or their family?
131	I worked for a labor union at one time and there were a lot of people who worked on the pipeline. I know some people.	It was an option. It was the jobs that were available. Fellow workers. Personally through work.	I thought it was ridiculous. There was no reason for it, other than to cause a commotion. It was mentioned a lot in the media.	
132			It was not a good thing to happen. It was a disturbance and a lot of destruction. It cost $33 million to police it. It caused injuries and violence.	
133				
134			I think the protesters where violent and protected by civil rights. Law enforcement or whatever, they were doing their job correctly and were being kind and the protesters would spit in their face. They had no respect for anyone.	
135			They left a mess of garbage, bottles and cans where they were protesting. They blocked the roads, too.	
136		They are my sons	I know they protested on Main Street in Bismarck and left a mess wherever the protesters were because I know some one who had to clean it up.	

Respondent's Assigned ID#	8a.Please describe how you or the people you know were affected by the protests.	9. What do you think were the worst problems that the protest caused for you, your community or others you know?
131		People couldn't go on with what they were doing. It held up people's jobs unnecessarily. It seemed more like publicity.
132		Disruption of normal life activities.
133	They blocked roads and scared children on school buses.	It cost lots of money to handle protesters by police.
134		They did a lot of vandalism from reports I heard on the news and from other people. I didn't witness anything.
135		They held up traffic.
136		The mess they left and my opinion that the people who came in were professional protesters from what I heard on the news. One or two of them were actors I had seen them on the news.

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131	It was ridiculous. At first I didn't think it would harm anything.	9 Don't know	I don't want to be in that spot.
132	I do not think it was a real threat.	1 Yes	If you are going to make something like that it will be slanted toward Greenpeace. The Greenpeace should be responsible for all the damage and disruption they caused. The state had to pay $33 million in law enforcement.
133	They were lying. The pipelines caused no problems. The tribe just wanted money.	2 No	I know enough facts not to think the protesters are responsible for damage.
134	I think the company should be responsible if there is damage and try and repair the damage but protesters did a lot of damage to the property itself. Environmentally they cut down trees for heat and spoiled waterways for their sewage.	9 Don't know	I feel the protesters were wrong by doing the vandalism If they are going to protest they should be trained to do it peacefully.
135	I don't foresee any leakage and the Indians don't live in that area.	2 No	The destruction and traffic disruption caused my gas prices to go up. They don't live here. That's Greenpeace.
136	I don't believe that is true at all. I just don't think its true that it would cause problems way down there on the reservation and not anywhere else.	9 Don't know	I don't think I could be but I just don't know. I think I would be prejudiced towards the protesters because I don't think it was right.

Respondent's Assigned ID#	3a. How do you know this person who works or has worked on the DAP?	4a.How do you know this person who works or worked on other pipelines?	6b. What do you remember about these protests and the protesters?	7a.How do you know the protester(s) or their family?
137	Family member. Brother in law.		It was on TV all the time. Just the protest. Just there were some people against it.	
138			They were a bunch of assholes. If they were going to protest the pipeline they should have done it before they started. They caught it when it was on my land and it got delayed an extra year. The protesters delayed them and winter came.	
139		My brother	They were a bunch of paid actors and other people doing a whole bunch of illegal things. They surrounded the court house and a couple of people died, they were doing drugs and loitering and getting paid to be there and ruined everything.	
140		Acquaintances, friends	They were aggressive and threatening. They came into our town and local convenience store and they continue to wear masks and bandanas and the public didn't want that but they didn't want to remove that. There was some theft in the protest.	
141	Myself	Myself	They destroyed the land they were standing on. It was about 30 miles of where I live, trashed it and contaminated the water. They found a body in the trash too.	

Respondent's Assigned ID#	8a.Please describe how you or the people you know were affected by the protests.	9. What do you think were the worst problems that the protest caused for you, your community or others you know?
137		I really don't know, we see it on TV and see what was going on but I don't think it affected me in any ways.
138	They were a nuisance The hassle of everyday junk. I came home and they have the road blocked. Stuff like that.	The delay of the pipeline. I do not blame the pipeline nor the workers. They were told to stop.
139	Someone I know had to be put under surveillance because they were getting death threats from these people.	All the problems were pretty bad, disruption of everyday life, they blocked roads. I was late to places I had to be.
140	I was not but I don't want to speak on their behalf but I know they were affected by it.	Roads were blocked so places were shut down because of it and that was probably the worst part of it.
141	Affected by going back down there and cleaning the mess they left.	Many things, they were stealing and destroying private property or property. It was putting the cost to people who live here.

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137	I don't think it would bother anything, it has been there for a long time already. There's pipe lines all over the place.	2 No	I really don't think I would want to be involved into something like that. Nope.
138	I do not think there was any damage.	1 Yes	I think I could, but do not know why. I think I could.
139	I think it was overblown completely, the claims were not true.	2 No	I feel strongly about my community and would love to see them locked up the extent to the law
140	I see they have valid concerns but I don't think it is a life threatening issue.	2 No	I know what the protesting did to the locals and whoever may have provided the funding and or the learning to do that protesting, I think they should have seen what the protesting did to the locals as well as the land bound on the reservation when the protest was done how it was left. Basically whoever came to this area to protest and the area or land in the reservation when the protesters they physically just left. They left everything they had on that land. It was a dump.
141	They don't have a mind of their own and put a few dollars and they will say what you want.	1 Yes	Everybody deserves a fair shot in court no matter how much you hate the person, you have to leave your mind open on both sides.

Respondent's Assigned ID#	3a. How do you know this person who works or has worked on the DAP?	4a.How do you know this person who works or worked on other pipelines?	6b. What do you remember about these protests and the protesters?	7a.How do you know the protester(s) or their family?
142			That the protesters kept saying they were being respectful and the pictures and media you saw said otherwise.	
143			The national media was not correct reporting about that. They were not giving the full story about the amount of garbage, it was more politically driven than being a more objective argument against the pipeline.	
144			I just remember just driving out and there was a community thing and people were camping out there. They weren't happy about the pipelines on their land. I heard about a little bit of violence.	
145		I have a brother who was in gas industry, and I have friends who are in that right now. My husband worked at a power plant for thirty years.	Disgusting. I read in the newspaper and I was working at an establishment at that time and they were working with them one on one. It was a local business and they came in and were buying things and I was a cashier. Police officers came in, and they were very mature. They represented themselves well.	
146		I am the person.	They squatted on private property leaving a massive amount of trash.	

Respondent's Assigned ID#	8a.Please describe how you or the people you know were affected by the protests.	9. What do you think were the worst problems that the protest caused for you, your community or others you know?
142		They left a real mess behind, garbage, broken down cars, a whole lot of things that had to be cleaned after they left.
143	[How affected]The amount of money to clean the mess and police the protest ended up on the taxpayers of North Dakota.	Financial burden it caused to the state.
144	Well myself and I know other people didn't want to go to the casino because of the protests. I didn't go for about a year. Many of the workers were having a hard time with the protesters.	I don't know. Not that I know of.
145	I knew people who live in the suburbs and were escorted to their homes and the destruction they had to endure due to the protesters. Properties were destroyed and they didn't care. I thought protesting had a purpose in this world, but now people don't know how to protest. They didn't care about the water that the Indians were preserving.	One of the Indians that I was speaking to on a regular basis, he and I agreed that the protests had set back the relationship between whites and Indians one hundred years. So, instead of going forward, it went backward.
146		The school buses had trouble with traffic and protesters blocking getting to schools.

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142	I don't know.	2 No	Everything I said about the protest it was well beyond freedom of speech.
143	I think they were unbiased and unsubstantiated and untrue by different surveys. It's been found to be true that there wouldn't be any damages to the water.	1 Yes	As long as the laws are explained to me I don't have a dog in the race. I don't win anyways so I should be impartial.
144	Well I guess I kind of had mixed feelings about it. I could see both their point of views. No.	2 No	I didn't follow it. The pipeliners or the protests.
145	I don't feel the pipeline would have caused any problems. Since it's been used, it has not that I know of.	2 No	I felt that there is a reason for protesting, but after seeing how disgusting it was, I couldn't be impartial. I was disgusted with what we dealt with in our community. I would flush them down the toilet, and I have negativism. That's what happens when you get older.
146	I don't think there was danger. The pipeline is the the safest way to transfer oil.	2 No	I don't believe in the protests.

Respondent's Assigned ID#	3a. How do you know this person who works or has worked on the DAP?	4a.How do you know this person who works or worked on other pipelines?	6b. What do you remember about these protests and the protesters?	7a.How do you know the protester(s) or their family?
147		My uncle and cousin.	I guess it depends, the protesters were from out of town and the camps they set up were all dirty and just filthy. They talk about better water quality but they just ruined it.	I know one guy that served in the Marine Corps.
148		Co-workers.	They blocked off the highway going to the reservation. They were very trashy. The National Guard was down there and was antagonizing them. A contractor was taken out of his truck, and he got his hand on the rifle, and that was the end of that.	
149			It was a mess, I heard both sides of it and why it should and shouldn't be. They shouldn't for possible oil spill, the positives of having an oil pipeline would be the jobs and the process of delivering it instead of tanking it.	
150			They were out of line and they were paid and trashed the land and did worse than the pipeline. It took $4 million dollars to clean up there mess. They were doing drugs and sexually abused a woman. I work at the hospital and had to deal with stuff related to the protests. I heard about the other stuff.	Some were coworkers but not the paid ones.

Respondent's Assigned ID#	8a.Please describe how you or the people you know were affected by the protests.	9. What do you think were the worst problems that the protest caused for you, your community or others you know?
147		I think it's just in the community to be honest like people leaving trash and walking off bridges. If that protest happened in a different way I think no one would of had a problem.
148		Changed the general perspectives on Native Americans. They were the ones protesting, after that, they left all their trash there.
149	I was a police officer at the time.	Damage to property and investments. Released cattle, bad rep for that area and poor safety.
150	We had land owners, law enforcement, and the hospital. The whole community. Personal property was damaged and animals poached. The relationships in the community are no longer peaceful including in the Indian community and it was caused by out-of-staters.	The tension it put between both groups. The destruction. What they brought here was not respectful. They trashed things.

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147	Everyday there is so much oil being rolled through here which sometimes scares because it might cause a fire but running that pipeline as a whole has less of a carbon footprint than them worrying about water quality and I think the pipeline is safer. If the pipeline went through your backyard you should be paid for that. It's hard right now to find a middle ground.	1 Yes	I think so with proper knowledge I can stay neutral.
148	I don't see how they would. Look at the Alaska pipeline, that's way older then what this is. There is no issues.	1 Yes	It is free speech. They didn't make the people protest.
149	I think I agree with some, but I don't know if they just chose the right battle. I don't think they went about it the right way.	1 Yes	I can see why they would be protesting. I just don't agree with how everything went down.
150	There are a lot of pipelines everywhere. It could cause damage but the damage they caused could do damage to the environment.	2 No	I think there is so much destruction that was unnecessary. People were paid. It could have been done peacefully. They brought people from out of state and did nothing positive.

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151		I work in the oil field. I have family members who work in the oil field.	I have negative thoughts on them. The trash, that was left behind, that people that were being paid to protest, was ridiculous.	
152	Friend	Friends	The protesters were aggressive. Violent towards outsiders who did not share their opinion. They were disruptive to surrounding communities. They were not respectful in anyway. I have my family with me from home to Mandan and had to bypass the protesters on highway 6 and saw protesters with guns and knives. It was the day they smashed windows and slashed tires and handcuffed themselves to construction equipment. It was terrifying going through there. I was there.	
153			I just remember the protesters protesting against them and the community was not fond of them. I was okay. I support them.	
154		Friends	Honestly there were hired protesters, not even in our community or in the area or out state. Also people got arrested. Did not have local ties to the communities, why would they protest for. They were in it for a paycheck. protesters made a mess and didn't clean after themselves, camping sites. The other thing we have to pay extra cost, it increases our revenue we had for our police department, because of the extra resources because of the protests.	Friends

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151		It didn't affect my community. They were away from us. That's all I believe in this.
152	Property was damaged. It was very scary to be in close proximity to where it was going on. Very negative impact towards Native Americans. They damaged their local reputation and the number one impact, the violence, the protest was not peaceful. Had it been peaceful I would have had a different opinion.	We were scared. It was disruptive and our school had to go into lock down because of protesters traveling highways.
153		Traffic, we're always complaining about traffic. More division between the Native Americans.
154	There was increased overtime for our city to go down there to work. The fire fighters and police, more time away from their family.	The worst was the increased cost for the community resources and the mess that was left. The pipeline didn't go through because of it. It was part of the whole process.

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151	I don't think it would all be that effective. If it's a pipeline, they would be careful. Aren't they getting paid for the pipeline to come through?	2 No	I am for the pipeline. I'm just going for the pipeline, that's it.
152	It is bullshit. I am in the water industry and there is no danger.	1 Yes	I understand how the oil industry works and I understand freedom of speech so I am impartial towards both sides. It would have to be evidence based.
153	I think they made legit complaints. I think maybe whatever went on with the arrests was exaggerated by authorities.	1 Yes	I don't know enough about it. I think if I heard both sides with facts I can form a better opinion.
154	I think there was potential risks, but there are already other pipelines underneath. Standing Rock wanted more money for them to place it there. Everything was already approved but then the counsel from the reservation wanted more money because of it. They were testing sites and things they could do to make sure there were no leaks, there were procedures in place for potential catastrophic failures.	1 Yes	Because it's just the person I am. I look at both sides of the argument. I haven't necessarily heard about Greenpeace's argument more the other side.

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155			Walking around private property and vandalizing the equipment used for putting the pipeline in.	
156			They were demonstrating on private land. Half of the people weren't from here.	
157			I think they were wrong and made a mess. The State of North Dakota and everyone had to clean it up and don't think they had the right to do that but they let them go anyways so what good is it.	

Respondent's Assigned ID#	8a.Please describe how you or the people you know were affected by the protests.	9. What do you think were the worst problems that the protest caused for you, your community or others you know?
155		Traffic jam in Bismarck.
156	They were protesting where I lived and were in my back yard.	They cost our county money and there was a negative article about our community in Rolling Stone.
157	I know the ambulance and city of Bismarck were affected by being on call and had to go in the middle of the night and asked to be there if they knew there was going to be any trouble.	They didn't cause any problems to our community, they were just standing in the roads so they couldn't cross and sabotaging equipment, they were painting on it and disrupting it and making trouble for the contractor. They were chaining themselves to the equipment so they couldn't move.

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155	CO2 pipeline is worse then the Dakota access pipeline. It's poisonous gas.	2 No	Property tax owners shouldn't have to pay for the ordeal. It costs a lot for law enforcement and should have been spent for something else. Too much damage.
156	The tribe's water access is 100 miles away from the community.	1 Yes	I would listen to all information and consider it.
157	I believe it could eventually cause problems by leaks but the way they are set up they have automatic stops if there is pressure it automatically shut down.	1 Yes	I don't know anything about it and could be open minded to hearing both sides. I think I could be impartial.

Respondent's Assigned ID#	3a. How do you know this person who works or has worked on the DAP?	4a.How do you know this person who works or worked on other pipelines?	6b. What do you remember about these protests and the protesters?	7a.How do you know the protester(s) or their family?
158		He is a brother in law to my kids.	The protesters, most of them came from out of state. They were filthy and dirty and they had no idea what was going on, what the true cause of it was. They were paid by billionaire George Soros. They caused so much damage around the Mandan and the Bismarck area. They stole cattle from some area farmers and they cut off the head of pigs and put them on a stick.	Just from the friends in the Native American culture. The Standing Rock Indian reservation. So a lot of the parents are incarcerated so the kids on Standing Rock are taken in by other family members. And a lot of these members are single moms who live with gang members down in the Standing Rock area. They are just not around and there is little to no responsibility.

Respondent's Assigned ID#	8a.Please describe how you or the people you know were affected by the protests.	9. What do you think were the worst problems that the protest caused for you, your community or others you know?
158	Some of them were hurt by some of the pipe bombs and some of the things that were thrown at the law enforcement and military personnel and some of the law enforcement that knew a lot of the protesters from the Standing Rock area. So it dissolved a lot of friendships as well as trust and integrity. I just have no more words.	Well the out of state protesters had no business being there. They were paid to protest the pipeline and what they believed was that the pipeline was harmful to the environment. and the main thing that the Standing Rock Indian reservation wanted was money and the tribe. The Indian reservations don't spend the money.

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158	Well I think that the media twisted everything around saying that they lead people to believe that the Dakota Access Pipeline was harmful to the environment and there was no safety protocols in place. When in fact Dakota Access is safe. Well, the protesters were paid to give negative promotion to the Dakota Access Pipeline. I have said a lot already.	2 No	I cannot be fair and impartial because if Greenpeace and all the environmentalists were paid to create chaos and negative publicity against Dakota Access and encourage protesters to destroy the pipeline, to destroy equipment and surrounding property and to subsequently steal and create garbage and hurt people. They should pay.

Respondent's Assigned ID#	3a. How do you know this person who works or has worked on the DAP?	4a.How do you know this person who works or worked on other pipelines?	6b. What do you remember about these protests and the protesters?	7a.How do you know the protester(s) or their family?
159			It was horrible and disgusting because they just made a huge mess.	
160	It is my dad.	It's also my father. He was an oil & field worker.	Violence, like saying rude things and physical violence.	
161			They were wrong about protesting.	
162			They were, I think, good intentions but they went about it in the wrong way. I saw them in town when they were blocking traffic and saw them in the news every night. The issue with the bridge, they were trying to set it on fire and throwing bottles at the cops. When you're going through town they block traffic.	Acquaintances.
163			I remember them just trying to stop what was happening. I guess I tried to stay out of it the best that I could but I felt bad for them. The protesters, I felt bad for them.	
164		Family and friends.	A lot of violence in the shopping mall in Bismarck. I've seen violence in the news at the campsites. I saw large groups of people rioting and a lot of police officers, and someone was arrested.	

Respondent's Assigned ID#	8a.Please describe how you or the people you know were affected by the protests.	9. What do you think were the worst problems that the protest caused for you, your community or others you know?
159		They just blocked the roads so we were not able to use them and had to stay at our exact spot.
160		Conflict of opinions. Some may have agreed to actually get the pipeline, and some did not.
161		The damage they cost. I was upset about all the damages that they cost.
162	They were cutting through their property causing damage. One of the farmers got their equipment damaged.	Damage to the land which is ironic since they were worrying about it. They made a lot of damage and mess and also anxiety because of threats to law enforcement family members. That and a lot of the propaganda that if you don't support them you were hurting them in some way. The protesters.
163		No.
164	Family and friends getting called at their workplaces or being threatened. A variety of different threats, but no reason.	After the protesters from the campsites left, it was messy and first responders were at risk of harm from them. Overly aggressive to law enforcement and co-workers that have to go to the reservation areas for work. These co-workers have nothing to do with the pipeline - and are being threatened with hitting their vehicles, just for going into that local area for work purposes.

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159	It's horrible right now in that area because of the pipeline.	1 Yes	I just feel I can stay neutral as long as I get more information.
160	Nothing comes to mind, nothing.	2 No	I don't know a whole lot about what's going on in this, and do not care to know further about this story.
161	As far as I'm concerned they didn't cause damage.	2 No	Because they're both to blame.
162	I think it was not entirely accurate. Anything has the potential to cause damage but there are safe guards put in place and the pipeline did not even effect their direct source of drinking water.	2 No	Just because I was right there next to it, hearing everything. A few miles away from it.
163	I don't have a comment on that. No, I understand their concerns and the claims that they were making but I don't have a comment.	1 Yes	There is a lot that I don't know about the entire story and I am aware of that and I would be willing to listen in any case as a juror, and I have always, and that is a decision that I have made and I have thought about it a lot. I know that I would be open and listen to both sides.
164	I don't agree with it. It's my personal opinion. That's just what I think, that's it.	2 No	I don't agree with what the protesters were doing. The protests in general, the violence, all of that.

Respondent's Assigned ID#	3a. How do you know this person who works or has worked on the DAP?	4a.How do you know this person who works or worked on other pipelines?	6b. What do you remember about these protests and the protesters?	7a.How do you know the protester(s) or their family?
165			They should have sent them people home. They were a bunch of trouble makers, shouldn't have been there.	
166	I worked on it.	It was me.	It was a mess. They blocked the roads and mass confusion. The engineers should have gotten them out of there for what they did. They were down there for months.	
167			They brought a lot garbage and waste in our area.	
168			There was a lot. That people felt very strongly but it almost became a loving earth versus the man situation, because there was a lot of outside people involved. It put a lot of people on edge. For example there was a rise in racial tension, because there would be groups that were obviously there for the protests in public restaurants and stuff. It was frustrating to read either side because everyone interviewed was always very for their side.	
169		Family members.	They weren't here for the real cause, they were Hollywood actors and people came - it wasn't like the Native Americans protesting, they just used that and left the land in more disarray than the pipeline would have caused.	

Respondent's Assigned ID#	8a.Please describe how you or the people you know were affected by the protests.	9. What do you think were the worst problems that the protest caused for you, your community or others you know?
165		It is going to cost problems to the country because they closed the pipeline down. We paid tax money to clean up their mess.
166	They blocked the roads and had to go south, some of the farmers had trouble getting their goods out and had to go around to Highway 6.	It was just a mess, damage, it took I don't know how many truck loads to clean the mess. It wasn't just the Native Americans, it was other people.
167		Just the same thing destruction of property.
168	Just the general feeling of unease around town.	Again that feeling of unease, that just because of your skin tone you were put on a side. The uncomfortableness.
169	The firefighters, we had to go down and put out fires and help control the protest area. We had to put out fires after the protest too and some of the people were threatened by the protesters too.	Probably the increasing crime, it wasn't peaceful it was disruptive.

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165	I think they are false. The standing rock tribe was mad because they didn't go on the reservation and didn't get paid for it. Just follow money and you'll see why there were protesters there.	2 No	What they did was wrong. I think they should of just stayed out of it. I get green energy but it doesn't work.
166	At one time I heard the pipeline was going to the north of Bismarck. If it would have went north this wouldn't have happened.	2 No	Again, I'm blaming it on the Core Engineers. It should have never happened it they put it to a stop right away.
167	No comment.	7 Does not apply	
168	It's mixed because I know where the water intake was moved to further down the river. There was some ambiguity about where the risk was. There were several attempts at making sure there was nothing of significant value that was being injured. Points were brought up that it was never checked. If there are artifacts that were being damaged really I would understand.	1 Yes	I was here, so I have a sense of how things were relationship wise with the tribal situation was prior, and how things changed when the big guns came in and the media came in. I could weigh the claims from both sides better because I saw the before and after.
169	False claim, because I believe they just wanted money to go across the land and weren't getting any monetary funds for the pipeline.	1 Yes	I would listen to both sides and do believe in free speech.

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170		It's me and friends.	Some of the protesters got out of their vehicles and followed my vehicle.	
171			Those that came in from other places should have stayed out of it. It was our business.	
172		I'm a pastor. I meet a lot of people.	They were within three miles of my home. It was hijacked by extremists. My Native American friends were taken advantage of. They gave out condoms and other things and left the place in squalor.	I know the people on the reservation. We are friends.
173		I used to work at (a Bakken oil company). I worked with fracking. Its just an oil term to what my job was.	I live two miles away from that area. I saw hundreds of law enforcement and I mean hundreds. I live just a highway away from were the protests were. Yea I do (remember) but nothing nice. They left a disaster area behind when they left. They just about ruined most of country side. I have good friend who are in law enforcement that try to control these protests and protesters and they just about made it garbage.	
174			It was scary and they were out of line. I think they went beyond protesting and I think there were a lot of lives in danger at the time.	

Respondent's Assigned ID#	8a.Please describe how you or the people you know were affected by the protests.	9. What do you think were the worst problems that the protest caused for you, your community or others you know?
170		The state had to clean up their garbage and they were the greatest polluters.
171		It made me sad for our Native Americans because they did nothing wrong.
172	Landowners that had livestock killed. I have friends in the National Guard. Also people had to go a long way out of the way to get to work. There was a protestor with a pig head on a stake and yelling profanities against the government and the police.	It deteriorated the relationship between the tribe and the rest of North Dakota. The protestors made a lot of hard feelings. They allowed radicals to take it over.
173	Local business were. Just trying to leave our yard and or drive there was just law enforcement everywhere. When we went to go pump gas the protesters would harass us and when we went to the grocery stores too they would just harass us. Just glad that it's over.	Littering and harassing people. They were just very destructive.
174	My husband is with the fire department and was down there on scene.	The disturbances and lack of respect.

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170	They have no knowledge of what runs underground. If the tribe in the north that has oil wrote a check to the Standing Rock Tribe, there would have been no protests.	2 No	I saw the garbage that they left. They shot wildlife illegally.
171	I believe it could be a problem. Sometimes the companies need to focus on the people instead of the money.	9 Don't know	I am tired of big oil or big gas because I am just sick of people pointing blame at each other.
172	I don't believe it would cause harm. They had all the safety protocol in place and their permits. They had crossed other waterways and it hadn't been a problem.	1 Yes	They would have to have evidence of them breaking the law. They would have to bring proof that Greenpeace incited it.
173	I don't believe it because I know how these pipelines are constructed. I know any of these pipelines would not be a problem. The protesters in fact caused more damage to the pipelines than anyone else would.	2 No	I have seen the destruction. There is nothing they could say that would make me change my decision because I have seen how much destruction they did and how much it took to clean it all up after. It took three months to clean the feces no I could not be. I mean they're so worried about the pipelines bit what about when they use bathroom.
174	False claims and that's it.	2 No	Too many ill feelings.

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175	A friends close family member was supposed to work on it.		I believe they were trying to stop the overall construction and prolong it at much as possible.	
176		A relative and a close friend.	Energy. A lot of energy. People from all over the world were there. They didn't have to put it down in tribal land by the Missouri River. They knew they could get away with it there.	
177			It wasn't the local people that were protesting. It was the celebrities and paid protesters and a lot of spoiled brat rich kids that were causing the problems. They were destroying property and causing problems at our local hospitals and local stores. They came to our local cemetery and they had to lock the nursing home down for safety reasons. I went to go shopping at Walmart and they werecausing a ruckus because they wanted to buy bottled gas to use as bombs. They were causing a dangerous situation. They left tons and tons of garbage in the site where they camped out. People were afraid on certain roads because they started fires in places and they wouldn't let people pass in certain places.	
178			They piled up garbage where they were protesting.	

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175		It created a civil unrest in the natural gas and oil community.
176		They didn't cause any problem for me or the community. There were too many cops around.
177	The protesters showed up on their property because the pipeline was going through their property. My pregnant daughter-in-law had an encounter with them at the bank where she worked because they stormed the bank in protest of the bank being a financer of the project. She feared for her life because she didn't know what they were going to do. We had to take an alternate route to visit my mother because they had the main street blocked off.	The fear of what they were capable of doing.
178	I own land in the county. They closed off our roads and kept our kids from going to school and when there was a blizzard we had to open the school to house them.	A lot of white people from California flew in to protest, not state Indians. They even burned a bridge.

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175	I believe they are false claims. I think how pipelines are designed and manufactured these days are very safe and operational throughout many years. I have little to no worry on our water reservation.	1 Yes	I do see both sides of a argument where the nation and the state do need the pipeline and the organizers are organizing for a safe and healthy world. I do understand from both sides.
176	I agree completely. I agree with the protesters.	2 No	I think Greenpeace was right. I think the protest was good. Nobody wants to have pipeline in their backyard that can break.
177	They had thirteen opportunities to come forward and voice their opposition in a peaceful manner and they didn't show up.	2 No	I know how bad it was and how the media was trying to cover it up.
178	The pipeline is safe. It is no big deal. Other pipelines cross that river.	2 No	I know what they were being paid to protest.

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179			The number of of people who were on the side of the highway, all the garbage left behind. A lot of negative things.	
180		I worked construction in the oil fields of North Dakota.	They were protesting because it would ruin the water. There were Hollywood movie acters here who didn't even live here and knew nothing about living here.	
181			They were paid protesters and they left food and waste where they camped.	
182		My cousin works for the oil rig in Texas.	The natives did not want it to go through. I can't remember that much.	
183		Myself	It all started over money and how green everything was. The protesters left so much damage and trash all over. It was disgusting.	
184			I thought they were way out of line, all the garbage out there and the damage to property. I think it was all a bunch of BS.	
185			They should have all been shot. The way they blocked roads and made asses of themselves.	
186			I remember the protesters storming my vehicle and trashing the land and burning vehicles. They basically trashed everything around them.	

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179		The law enforcement. A lot of theft in Mandan and Bismarck. The people who work at state capital had to go on lockdown.
180	They blocked off certain recreational (areas).	They just blocked access to recreation.
181	We knew someone whose house was broken into and they blocked the roads so it was hard getting around.	They caused people to be divided because of disagreements.
182		It didn't affect me. It didn't affect my community or others.
183	The trash and garbage was all the way thru Mandan and the traffic was horrid.	The traffic. The money it costs us. It was a fortune and they were supposed to pay it back and never have. It all came out of our community's pocket.
184		The traffic and garbage. The theme of the whole thing was probably the worst.
185	I know law enforcement and I was in the fire department.	Just all the times they blocked roads and stuff.
186	My vehicle was damaged. They were throwing rocks and bottles at it while I drove by.	Well the destruction of the land and environment and they just left all the trash and burning vehicles by the river.

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179	I think it's a possibility but the protesting wasn't best way to handle because it got so far out of hand.	2 No	I have a negative outlook on the whole situation. I don't feel good about how it was handled. I don't know anything about Greenpeace so I would probably side with Dakota Access.
180	I have seen no evidence that it has caused problems.	2 No	I read about the protests and money that was paid to protesters.
181	I don't think water quality would be damaged because the pipes were going under the river.	2 No	I know they paid people to protest. They didn't even know why they were protesting.
182	I saw on TV police arrested Native people that were protesting. I have a hard time remembering things.	2 No	I don't like to be involved. I just read the news and watch the news on the TV and I like to keep to myself and don't like to get involved with anyone.
183	I do not think there was going to be any of that. As the pipeline is the cleanest way to move gas/oil.	2 No	I have seen too much of it all and have made my decision to have my opinion which would not be impartial to either side.
184	I didn't think it would cause anyone problems.	7 Does not apply	
185	They are totally false.	2 No	Because all of the things I seen when it was going on. The protest.
186	Their claims have been proven false most of the time.	1 Yes	I would like to look at the facts and make my own decisions by what's not on the media.

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187		Friends family and neighbors	That the destruction they did to the land and the violence definitely increased issues in the area that cost the tax payers a lot of money. The additional resources from the sheriff's office and the National Guard costing our county and state extra money.	
188	I believe I had a couple of relatives that worked on it, but I'm not 100% sure.		I was not impressed, they were very close to where I live. They caused major chaos where I live and I lost a lot of security and my house was locked whether or not I was home. I read and heard a lot and was stopped by cops down the road. People with the protests were not very friendly.	
189		I work in the oil and gas industry.	Ignorance. I refuse to elaborate, that is basically it.	
190		Family and friends.	Made themselves look dumb and blocked the road or highway every day for two months and wasted everyone's time. They said it was going to hurt the environment. Pipelines are way more cost effective.	

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187	The biggest one is the activation of the National Guard to help with that and that takes them away from their jobs and families. Also the extra hours for the local responders. All law enforcement. Also how it affected on the landowners daily lives.	The damage and the destruction to the land. All the garbage that accumulated and was not cleaned up or safe.
188	I know a few firefighters. Mentally I think it kind of got to them. It was kind of exhausting let's put it that way. Mentally, emotionally it got exhausting for the people that I know.	It was far from a friendly protest, they disrupted everyday lives, made it difficult to go from a destination to another at times due to law enforcement stopping people. It also caused a lot of fights amongst family members of mine.
189	Everyone was affected by it. It contributed to the pricing at where we are at right now.	Higher prices costing the entire nation. Producers didn't want to invest money, delays and court costs. Going back and forth of these protests withheld investments which added another $7-8 a barrel. Major contribution to the higher prices we are dealing with here right now.
190	They blocked the road and you had to go around. Haystacks may get burned, according to residential neighbors was their concern, because the protests were so close by.	Wasted time the whole summer. Law enforcement was there.

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187	I didn't and wasn't sure that it was all valid. I guess that I do not know that it was all false or exaggerated.	2 No	Because of all the cost, as a taxpayer I would have a hard time being partial to both sides.
188	By the way they left the facility here in Morton county, they left a disaster. They destroyed their so called land. They left the pieces for Morton county to cleanup.	1 Yes	I look at both sides. I understand why the protest and I don't understand why the damage. I understand why it was done and I understand the protest. I feel I can be fair and impartial.
189	It's a 100% bullshit. The pipeline is already going through that corridor that already exists. It's the safest and most technically run pipeline in the nation. Only a small segment released from that and no way will it have an effect on the drinking water. There's no way any amount of oil would get in the way of the fresh water.	2 No	There is no amount of evidence they can bring that can change my mind about that. Especially after what I explained before.
190	There are many pipelines across the world and not many of them cause that much damage. The design and engineering is so good that the chance of a rupture is small. I don't think it can cause that much damage to tribal lands even if it passes very close.	2 No	When you block the highway, that's not freedom of speech anymore, that's vandalism. The evidence is there and I've seen the damage done and I wouldn't side with Greenpeace. They smeared the pipeline, and I feel the pipeline is actually good for the economy. It would bring lots of jobs in.

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191		A lot of family members, friends and neighbors.	They weren't here for the right reasons, that's for sure. They were just here for a show - the people who really cared about it made a respectful approach to law enforcement. Some of the Native Americans ran from North Dakota to DC without leaving damage and mess. Most local protesters did it in a positive way but the riff-raff and celebrities came in and did it inappropriately. They caused damage to the environment and community and caused a mess that was worse than the pipeline.	
192	My dad did work on the Dakota Access pipeline. My stepfather worked on security stuff.	One of my friends and co workers worked on other pipelines and in the oil and gas industry.	Well it had a pretty heavy affect on my parents because my stepdad, it affected him pretty harshly. I will just cap it off there. That is about the extent of my remembering.	
193		My brother worked in oil.	They were getting paid 15 dollars an hour and being flown in to protest here. The big RR Guys. Trying to remember his name, Warren Buffett is the man.	
194			They were all paid by George Soros.	

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191	I had family members who were law enforcement and dealt with it. I saw a town where the riff-raffers were and saw damage to the property. The casino down there got trashed. I saw the mess weeks after the time but it was a mess.	The damage they did to the properties.
192	That was my stepdad, he was in security and he was pretty negatively affected by the protests. So obviously it was pretty scary for my stepdad. Obviously something could have gone wrong and some would been shaken on both sides. It was a pretty very tense sort of time. Other than actively being scared that my stepdad wouldn't come home.	Worst problem would just be the fear and anxiety that extended from the protests and stemmed out into the family.
193		The garbage they left behind. They were supposed to be all about Mother Earth and then they trashed the place.
194	When you got a bunch of people in your town protesting and writing things on property it's a problem.	Them holding up the school in Mandan and literally closed the school scaring us.

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191	I do remember hearing about the claim and I don't necessary think it was wrong but they didn't take into account the precaution put in place by the pipeline.	1 Yes	Because I don't believe in one thing, I believe in facts. Everyone is right and wrong in different ways.
192	I assume that that fear is very warranted. But it would have been kept up with. It's a lot like what happened in Missouri. The pipes starting rusting and it diluted the water quality. It would have increased water acidity and making it unusable for general purposes. I think that the acidity would affect the crops and anything that would try to grow there.	2 No	I do have feelings about that and how it affected my step dad so I don't think that I could have an impartial statement.
193	I'm neutral on this subject.	1 Yes	I do not care anymore about who says what. I'd need to hear each side and be impartial until facts were proven.
194	I think it is a bunch of bull puppy and the pipeline did not really affect anyone it was the money being put into the project.	2 No	I am kind of biased and I would be on the side of the pipeline.

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195		I have couple of distant cousins and an in-law of an in-law who work for energy companies.	I had to be rerouted on my way to work a couple of times. They left abandoned vehicles they used as toilets on a flood plane. They left garbage and feces and vandalized and stole from private property. It took months to clean up after them and there were 10 to 20 police cars and burned tires on a bridge so we had to close it down.	I was a teacher and some of my students had friends protesting.
196		Cousin	Some of them were violent. There were some famous people that came to protest.	
197		Myself	I live right across the street. They were pieces of crap we put up with. One day I was on the way to Mandan and a protester used road rage against me and the cops were called. The out of stater ran away from the scene.	A couple bought a little farm across from me but they didn't stay long and moved away two years ago.
198			They blocked the roads and killed the ranchers' cows. They ate them for food. Loaded the area with drugs. They all should have been thrown in jail.	
199	Myself	Friends and relatives.	I care to not say much. Garbage was extreme.	Just acquaintances that live close to the area.
200			The trash they left behind. That is all I can speak about.	

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195	They shut down roads, blocked traffic, burned tires on a bridge that served emergency traffic and shut down a way to get groceries. Vandalized and stole from property. The casino main employer in the area lost money and they spread garbage on the flood plain.	Spreading garbage on the flood plain and theft and vandalism. They stole cattle.
196	Landowners, their property was damaged.	Their properties being damaged.
197	Traffic problems and road rage used against us from protesters and the garbage. Destruction and mess all over.	The mess they made in the County. 90% were out of staters and were paid to do it. The county had to remove thousands and thousands of pounds of trash away. Protesters said they were for the land.
198	Landowners had to take big detours to get around blocked roads.	The state alone had to have millions and millions to charge us taxpayers for all that.
199	They were trespassing.	Traffic was the worst. I know there was a big mess of garbage over by Cannon Ball.
200	No I can't.	Increase in taxes.

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195	They should not have spread garbage on the flood plain if they believe in water quality. Sewage in water spreads typhoid.	2 No	I saw damage done by protesters. They had the right to protest but not to do damage.
196	I don't think they are inaccurate. I think they were correct in protesting but they did it in the wrong ways.	1 Yes	I would listen to both sides.
197	I do not agree with that at all.	2 No	Everything they did against humanity was horrible and ridiculous. So many of them think we treated them so bad. Now if you had seen the propane bombs near Standing Rock. Well, enough said.
198	That's all BS. It's all about the Indians having the control of the land but the work wasn't on their land.	1 Yes	I was raised with the knowledge of right and wrong.
199	No it wasn't going to hurt anything it was going to be monitored for safety.	2 No	I am for the pipeline and if there weren't trucks moving the oil now think of the gas prices then. It'd be awful. More trains and all around more expensive.
200	It seemed irrelevant to the situation. The situation was about the choice if the pipeline would go through. It wasn't about the damage it would cause.	1 Yes	I would be fair and impartial to any situation.

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201	I have worked on it.	I do.	They came from different parts of the country. They also had law enforcement coming from different parts of country.	
202	He's my best friend.	My dad.	They were cutting people's fences and trespassed on Core of Engineering land and didn't take their garbage with them and stole a lot of livestock. Bison and cows.	
203			They were disrespectful. They were not local. They did not care about the environment. They left garbage everywhere. The camp was left and left the garbage and the state had to spend $2 million dollars to clean it. They blocked roads and put pig heads on stakes with signs that said all pigs must die. The news did not portray it like it actually was if you lived here.	
204		Friend and family.	I thought it was crazy and stupid and just ingenuous. It felt like it was a paid protest. It didn't seem genuine and seemed political. Fake outrage. The protesters would come in the store and steal and I seen the camp and all the trash they left.	
205			They were in the way of the pipeline and it should have been built.	
206	I work at the same company.	They work at companies I work for.	That protesters blocked access to public roads and damaged equipment.	

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201	My wife had to leave her work because of the protest. They shut down her business for the days.	It didn't actually cause any problems for me. Not really no.
202		They left a lot of trash for us to pick up.
203	I was blocked access to places I normally go to by the protests.	Huge burden on law enforcement. They were stressed out and overworked. The other burden was blocking of local areas so they could protest.
204	Law enforcement had to spend all their resources with the protest instead of spending it on what they would normally use the money for.	The environmental impact of what the did. The trash and the raw sewage they dumped on the land. They turned animals lose and they became a problem.
205		Bad press and it cost us money, the state had to clean the mess.
206		There was the cost of thousands of dollars spent on National Guard response. Protesters damaged private private property and left garbage to clean up.

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201	Claims are true they will cause water quality in the future. But it would be hard to determine that the Dakota Access Pipeline was the cause for it since there are other pipelines there.	2 No	I have worked in the Dakota Access Pipeline. My wife was affected by protests.
202	They broke windows of bulldozers and excavators.	1 Yes	I would listen to both parties but don't want to be a juror.
203	They are forgetting the other pipelines right next to it and up and down the United States. It would not affect the water quality.	1 Yes	I would listen to the facts of the case and make a decision on that.
204	I didn't think the impact they claimed weren't serious enough to protest the pipeline.	2 No	I already have a strong opinion about it.
205	I guess it's a pretty complicated question to answer but bottom line is yes it might cause damage to the environment.	2 No	It would be hard because I'm already on the side of Greenpeace.
206	Drilling underneath the river has been done multiple times without causing damage.	2 No	The leader of the tribe was not offered enough to run the pipeline through the reservation. When they diverted around the reservation they protested.

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207		I am related to them. I am a cousin.	I remember it not being an organized. I remember people arguing and fighting. I don't think that there was ever a compromise. I wasn't too involved with that when it was happening.	
208	Acquaintances.		I remember that people were complaining about the protesters more than anything unfortunately.	
209	Acquaintances.	Acquaintances	That they were harmful to our community and environment. I believe they were disrespectful to our service members.	
210	Friends.		People were upset that it was in tribal land or crossing north of tribal lands. Just the violence.	Friends
211			It was pretty vague because of the state of Hawaii. We were going through our own issues in Hawaii.	
212		They're my uncles.	They're protesting against the pipeline. They were worried about the spills and they left a bigger mess. There was a lot of vandalism.	

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207		I would say. It's grumbling between members of the community. I just prefer things to be civil. I would just say having to listen to fighting and arguments on both sides. No, there wasn't anything that stood out that affected me personally.
208		I don't think they caused us any problems.
209	Through business. They were a nuisance to businesses.	They were a nuisance to my work and also I believe they said they were for the environment but they left a big mess.
210	I wasn't really affected by it but I have a brother in law that went to the protest to make sure everything was okay.	The mess the protesters left behind was pretty bad. Road closures and families having hard times going to their farms.
211		Honestly I don't have any input on that.
212	The casino took a big economic downturn.	They tried to use the media to say the police weren't doing their job. The police are great people. I knew one of the sheriffs.

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207	I have no idea on what's true from false. I don't know. I have no idea. I don't know if it's going to affect the water in the future. I don't have enough knowledge on the topic.	2 No	I don't know anything in relation to either side.
208	I think that is an absolute possibility.	1 Yes	I been in law enforcement for the last 15 years it is our job to be fair and impartial.
209	I don't think they had any right to protest it I think the Dakota Access Pipeline would be a benefit to the nation and North Dakota.	2 No	I would prefer not to say my relation to the Dakota Access Pipeline. I would be too one sided.
210	I think they were very unfounded claims since there are already other pipelines under the river in the reservation. That is what I didn't understand. Existing pipelines have been there for years but maybe they didn't know about them.	1 Yes	People are responsible for their own actions. Just because someone paid someone or told them something didn't mean they forced their hands to do that.
211	I'm going to go with no input. I'm not too knowledgeable about it because I just moved to North Dakota recently and haven't read about it myself.	1 Yes	I'm still fairly new here and not up to date to the pros and cons. My mind is open to hear whatever argument is going on.
212	I think that statistic is pretty low. There's always going to be risks to it.	1 Yes	I can see both sides and understand they want to protect the land but the way they protested was not right, like threatening people.

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213	I guess my boyfriend was XXXXX and he was in the front and handled it the most.	My dad was a driller.	My boyfriend was on the front cover of magazines and newspapers of the protests.	My boyfriend was the one who set up camps and built a bridge for the people to cross and it was said that so that all the generations could come together.
214	A friend.	Through my line of work. Friends and family.	They were very volatile. They were misinformed. They were not from the area. They were paid protestors and caused riots. They basically came and made a mess and left a huge disaster for people to clean up after them. They just had no respect for authority.	
215			They turned violent against the police force. They weren't protesting on public land. They were on private citizen's lands. They didn't have permission to do that. I was there. They, the police, arrested the protestors and then charges were dropped. I remember the false statements about water would be polluted.	
216		Husband.	The huge messes that they left and the obnoxious interruptions of work place sitting in the capitol and would not leave.	

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213	Well for example my boyfriend went to jail for it and he was injured and his brother was beaten to death almost and he was in there for like forever. The inmates would beat him up too.	I don't know how to answer that one.
214	They were just affecting peoples' businesses and they were just very destructive.	It just created a bad publicity for our area.
215	It affected my business because the highways were closed so people couldn't get to me. They left garbage all over. We defended that land for our business. The price of diesel has gone up.	Environmental impact on how the protestors left the land. How dirty it was. They protest that the pipeline destroys the land but they left it a mess. They destroyed it.
216	They disrupted our work. We couldn't hear the people on the phone and couldn't leave our building and couldn't leave to pick our kids up.	Just the noises of businesses and causes of lockdown.

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213	It's something that will affect not my people but something that will affect people across the globe. It's not just about us. You can't do things like that.	1 Yes	I think I could be fair because I understand it's out of everyone's hands. But when I look like at it from one side, I can look at the people's side. But from both sides I could also see that Greenpeace could've done something to prevent it from happening.
214	They came in with not 100 percent knowledge of the pipeline and just created havoc over a situation.	2 No	I just have a strong opinion about this whole situation that happened. The entitlement behind the whole action has affected my opinion. Ever since that situation happened it just feels there has been entitlement and it's been hard to look past that.
215	Absolutely false. Where the pipeline was crossing the Missouri is below where the intake for their water is.	1 Yes	I want to be able to hear both sides and then make my decision. I want to understand how it is free speech and how it turns into vandalism.
216	They caused more damage and pollution and everything they said the pipeline would do they did themselves in protest because they're dumb.	1 Yes	I would actually pay attention to the law and how it's written and I would honestly choose the correct side.

Respondent's Assigned ID#	3a. How do you know this person who works or has worked on the DAP?	4a.How do you know this person who works or worked on other pipelines?	6b. What do you remember about these protests and the protesters?	7a.How do you know the protester(s) or their family?
217		Pretty much everybody my age has worked in the oil and gas industry, friends and family members.	I worked in a restaurant in Bismarck and the protesters came in and left without paying. There was a protest in Mandan and they had a pigs head on a stick. It was pretty wild, they were protesting and partying.	
218	Friends	Husbands	They left a big mess on our county. They shouldn't have been protesting.	
219			I remember they blocked the highway and they had celebrities there.	
220			I remember them coming on to farmers land and people being paid to come out and protest. My hometown was playing basketball and we had to go around the protest.	
221			That it was happening.	
222			I remember there were numbers of Native Americans protesting the pipelines and I remember Native Americans in Mandan didn't have a good opinion of the protest.	
223			Very Little. Just that there was a protest.	
224			I remember they were standing on the bridge protesting and I drove past them. I don't recall reading anything.	
225		I work for an oil hauling company myself.	That they were rude, smelly and gross. They cause a lot of issues in our community. They would stop traffic in the middle of a busy street.	

Respondent's Assigned ID#	8a.Please describe how you or the people you know were affected by the protests.	9. What do you think were the worst problems that the protest caused for you, your community or others you know?
217	My work, like 30 people came in, they ate and just left without paying.	A lot of super small town older people with small set minds blew a lot out of proportion and they are pretty feisty about things like that. Community fighting, news articles and every one was talking about it.
218	Police officers, my friends, they were dressed in riot gear and take care of the protesters.	Division, just overall division. Division between people and jobs owned by the oil business.
219		I remember hearing they left a lot of garbage and a mess.
220	The protesters were trespassing on the farming property.	They left behind a lot of garbage and I think it was hard for the community.
221		The aftermath of them leaving. They just trashed the place.
222		I think the worst problem was the cutting off of traffic.
223		Unknown
224		I don't think I was affected or anybody I know.
225		They were just a nuisance in general.

Respondent's Assigned ID#	12. What do you think about claims the protesters and others made that the DAP was causing or would cause damage in the future to water quality, the environment and to the Standing Rock Tribe?	19. Given any feelings you have about the protests, about Dakota Access, or about Greenpeace, do you think you could be fair and impartial to both sides?	19a. Why is it that you feel you (could be fair and impartial) (Couldn't be fair and impartial) (don't know)
217	I'm all for respecting indigenous land and was surprised the pipeline was going through their land. I'm not sure if was leaking or not. I think probably was impacting the environment just like oil and gas do but don't really have an opinion either way.	2 No	I agree with Greenpeace. They have a right to free speech, they didn't hold a gun to anyone's head to protest.
218	Technically no. The pipeline is safer than any other transportation methods.	2 No	I am pro gas and oil.
219	I don't think it would've caused any issues to the water. The people building the pipeline know what they're doing.	1 Yes	I can understand where they're coming from. I can understand both sides, they're both mad.
220	I think they were being overly dramatic.	2 No	I do not agree with the protesters and I think it was more beneficial to have the pipeline.
221	I'm not sure about that.	1 Yes	If you're a US citizen you're innocent until proven guilty.
222	I think they are entirely valid.	1 Yes	I believe I can separate my feelings on the topic and see the facts presented in court.
223	Neutral and unknown.	1 Yes	Well because I am neutral and have no partialities to either side.
224	There is always a risk with pipelines. There could always be a leak but I don't know much about it so have no other opinion.	1 Yes	I don't really know much about either side, so I'd need more information in court to form any opinion.
225	I think they were full of [xxxx]. They had no business coming in North Dakota. They were paid outside of state to come here.	2 No	Because what the protesters did was wrong and they were paid from out of staters like California and they had no business being here in the first place.

Respondent's Assigned ID#	3a. How do you know this person who works or has worked on the DAP?	4a.How do you know this person who works or worked on other pipelines?	6b. What do you remember about these protests and the protesters?	7a.How do you know the protester(s) or their family?
226			There was a national uproar. There were strong feelings all across the board. I remember the protesters left a mess that took a long time to clean up, property destruction from the protestors.	
227		A lot of cousins and my dad and friends work in the oil and gas industry.	I remember hearing and reading about the protest sites having women being treated badly and the protesters being horrid to the police.	
228	Through my job.	Through my workplace.	They blocked our main street. They blocked off our highways. They published names of our officers and their spouses and their addresses.	Family members.
229		I have several family members who do.	They were very very vulgar. It was an absolute disgrace what they did to the land that they say they were protecting. They were very destructive, there was so much rape the amount of tents set up for condoms and pregnancy tests and so much illegal crime. The media only showed what the media wanted the public to see. There was so much cover up for all the things going on down there, down on the Reservation.	
230			We lived it! It was awful. We couldn't get to Bismarck to get to the doctor or groceries. They threw rocks and blocked traffic completely.	

Respondent's Assigned ID#	8a.Please describe how you or the people you know were affected by the protests.	9. What do you think were the worst problems that the protest caused for you, your community or others you know?
226		Traffic problems and crime.
227		When the roads were blocked by the protesters.
228	I know some of my family and friends officers wives had to move out of their homes. Change their names. I know young men who slept with knives under their pillows just in case. I know people who had to stop at checkpoints to and from their homes.	Traffic and I think they gave the Native Americans a very bad reputation.
229	They were spat on, the police, and parts of the land was violated and people were raped and violated.	It brought in so much trash and violated us and it was the leaders and the head rich in charge and the paid protesters.
230	Directly got involved and made us very fearful of doing our daily activities. For instance, the protesters showed up to my young children's basketball game and stopped it. Not only fearful if they were going to stop us or take our stuff and we would have to defend our stuff and our own beings. Anything we may have had.	Their lack of respect for any other human being. Our police and their families were ridiculed and targeted.

Respondent's Assigned ID#	12. What do you think about claims the protesters and others made that the DAP was causing or would cause damage in the future to water quality, the environment and to the Standing Rock Tribe?	19. Given any feelings you have about the protests, about Dakota Access, or about Greenpeace, do you think you could be fair and impartial to both sides?	19a. Why is it that you feel you (could be fair and impartial) (Couldn't be fair and impartial) (don't know)
226	It is possible.	1 Yes	Because it doesn't personally affect me or any of my close contacts.
227	The pipeline was supposed to be at a depth under and the water quality wouldn't be affected in any way.	1 Yes	Because I'm a very neutral person and have no partiality to either side. Hearing the case would give me the facts.
228	It's all [xxxx]. I lived through it.	1 Yes	I do not know all the facts of what Greenpeace said. Greenpeace weren't the ones that were here.
229	Absolutely they are not the truth.	1 Yes	I do, because I do not know the full story of both sides. I could be impartial because it affected my community.
230	I think there is some legitimate claims but the responsibilities should be taken care of by the ones building it and it should be fine.	9 Don't know	Well, because it was a difficult, ugly time to live through. I just kept thinking it would go away.

Respondent's Assigned ID#	3a. How do you know this person who works or has worked on the DAP?	4a.How do you know this person who works or worked on other pipelines?	6b. What do you remember about these protests and the protesters?	7a.How do you know the protester(s) or their family?
231		My dad was.	It was pretty crazy. It took a lot of time out of our everyday life. It was scary not knowing what was going to happen next.	
232			They caused a lot of mess and waste. They shouldn't have been allowed to stay down there so long and make a mess.	
233			They were rude. They weren't protesting peacefully. They were destroying private property. It was a disaster. It made me scared. There were people on our roads. I couldn't go for runs with my dogs. I was followed.	I met people at the hospital where I work.
234		Myself. I have friends that work in the oil and gas industry.	I will tell you that there were disruptive of my day to day life and disrespectful to the land where they were protesting. The other thing that I would add is that they shut down me and my friends from being able to access our home or the school buses. Just that they didn't really know what North Dakotans stand for.	
235		Family	Drove by everyday it was terrible, destroying property of local farmers and ranchers that were not even involved with the pipeline. Overall it was not a peaceful protest. The started fires and destroyed equipment. The property where they had their camp is still destroyed the said the were protecting the land did not the way they left the land.	

Respondent's Assigned ID#	8a.Please describe how you or the people you know were affected by the protests.	9. What do you think were the worst problems that the protest caused for you, your community or others you know?
231		Pricing of gas and seems like everything inflated in price.
232	I had a client who had some animals stolen.	The clean up and the traffic was blocked.
233	When the protestors stopped our school they were destroying equipment on the side of the road and blocking the middle of the road. Law enforcement had to get involved.	There were so many things. The looting was huge. The garbage left behind. The damage to property. Just scary people you don't want in your community.
234	Similar to above it affected people who there being able to access their own land and the school buses. The other thing is negative publicity for any companies that are involved in the pipeline industry in general not just the North Dakota pipeline. I don't know people lost jobs because of it.	My biggest thing is the lack of respect. The pollution that they left behind. The last thing I would probably say is the impact that it had on our children.
235	Myself. Every time I drove down the highway there were people dressed in black in the back of the pick up with guns.	I think it was a huge was of time and money and took away our law enforcement from the job because of the protesters causing trouble in out county.

Respondent's Assigned ID#	12. What do you think about claims the protesters and others made that the DAP was causing or would cause damage in the future to water quality, the environment and to the Standing Rock Tribe?	19. Given any feelings you have about the protests, about Dakota Access, or about Greenpeace, do you think you could be fair and impartial to both sides?	19a. Why is it that you feel you (could be fair and impartial) (Couldn't be fair and impartial) (don't know)
231	I think it was all very true as we should all not pollute the environment.	1 Yes	I try to stay away from anything that involves sides.
232	Pipelines are very safe. There are multiple pipelines running in the past 30 years with no issues.	1 Yes	I don't have anything invested in either side.
233	I am a trustworthy person. It seems like Dakota Access put a lot of safety in place.	1 Yes	I do that in my job. I give both sides a fair chance. I never judge until I know the facts.
234	I do not agree with them. With the way modern technology has allowed pipelines to build safer pipelines and it was so far below the water that it was next to impossible that it would affect their water should there be a leak.	2 No	I work for a pipeline company. I also strongly support the Dakota Access pipeline. I am against the liberal mindset.
235	I think we are at a point about what it would cause the water and think we have an idea about how to do it safely now days.	2 No	I do not agree with the Greenpeace. I guess I don't agree with their side.

Respondent's Assigned ID#	3a. How do you know this person who works or has worked on the DAP?	4a.How do you know this person who works or worked on other pipelines?	6b. What do you remember about these protests and the protesters?	7a.How do you know the protester(s) or their family?
236	Friend	Husband and brother in-law	The protesters were awful. The things they did, they were unruly and unreal and never experienced that before. They would start fires in the middle of the road and they were not good towards law enforcement and throw things at law enforcement like beer bottles. They blocked of the main street on Thanksgiving and pretty much did what they wanted to do and didn't care about what laws they were breaking.	
237		My husband.	I remember that they were complete idiots and out of control and uneducated. You know it was completely out of line and it was unfounded. It was one of worst examples of human nature I have ever seen.	I used to work in Fort Yates and on the Sioux Indian Reservation.
238			I remember seeing increased police force in our area and neighborhoods. I remember people from out of town being in our stores and businesses.	

Respondent's Assigned ID#	8a.Please describe how you or the people you know were affected by the protests.	9. What do you think were the worst problems that the protest caused for you, your community or others you know?
236	Security that was working by the pipeline, they had things thrown at them like homemade bombs and a law enforcement officers had to work so much and wasn't able to spend holidays because they had to protect people's land. Somebody I worked with knew someone who had their cattle killed and the protesters took it because they wanted the meat from the cattle.	Everything, they were a nuisance. They lied and what was portrayed wasn't really happing, the media that was with the protesters down by Dapple.
237		It was a burden on law enforcement and it cast a negative light on North Dakota throughout the country.
238		Just interruptions in traffic and with the police. The police, I remember them having to having staging in our parking lot.

Respondent's Assigned ID#	12. What do you think about claims the protesters and others made that the DAP was causing or would cause damage in the future to water quality, the environment and to the Standing Rock Tribe?	19. Given any feelings you have about the protests, about Dakota Access, or about Greenpeace, do you think you could be fair and impartial to both sides?	19a. Why is it that you feel you (could be fair and impartial) (Couldn't be fair and impartial) (don't know)
236	It's no different than what can happen with a semi going down the road and getting into an accident. You have to transport it somehow. You have to get oil to refineries its not going to get it out of the ground. I don't think all their claims are true.	2 No	The protesters uprooted the lives of the people who live in Mandan and Bismarck. They just caused havoc. I'd just make them pay for it. There was no need for what they did, maybe if they would have been peaceful but they weren't.
237	It's complete b.s. It does not cause problems.	9 Don't know	I am a shareholder of energy transfer.
238	I think that it was blown out of proportion and that there was misunderstanding of how pipelines work.	9 Don't know	I feel like maybe we were a little too close to it. I just think that I have heard too much about it in the press.

Respondent's Assigned ID#	3a. How do you know this person who works or has worked on the DAP?	4a.How do you know this person who works or worked on other pipelines?	6b. What do you remember about these protests and the protesters?	7a.How do you know the protester(s) or their family?
239	I have friends and family that work on The Dakota Access pipelines and others as well.	My family and my friends.	The protestors made it where it would take five times longer to get to my own home because the highway was closed due to the protestors. I had to drive around the entire city to get to the other end of my neighborhood. There was a protest on Thanksgiving day where they shut down the main street in Mandan, North Dakota. Most of the protestors were from outside of the state. There were less than 25% of the cars that had North Dakota license plates and there were stolen livestock that were beheaded and put on a stick and used as a prop for the protests. I was verbally attacked at a gas station for not giving a protestor my own money. The protestors also were staying at Prairie Knights and we...	
240	People I went to school with and people I have met on the way.		When they protesting they left a bunch of garbage and them trying to say that the oil was dangerous. They were throwing firecrackers and other stuff.	
241		My boyfriend, my cousins, and my friends.	I remember the white people being very upset about the protestors. I remember very extremely negative racial comments towards ingenuous people. I remember Native Americans wanting to protect their land and I remember law enforcement using inappropriate and over aggressive measures to remove the protestors. I remember having very heated conversations with college friends and community members. I remember it caused a lot of conflict in the Bismarck Mandan area.	Friends and my students and my student's families.

Respondent's Assigned ID#	8a.Please describe how you or the people you know were affected by the protests.	9. What do you think were the worst problems that the protest caused for you, your community or others you know?
239	The businesses in town were negatively impacted because of the large influx of other state protestors who were rude discourteous and trash other businesses. Their safety was impacted and there were farmers who lost livestock because they were murdered. The protestors murdered the livestock.	They littered our community with garbage for weeks. It decreased the safety in our city. It wasted a lot of time to take trips around the entire city to get home.
240		The worst part was the fact the protesting was for keeping clean water and the environment but they left a whole bunch of garbage while they tried to protest for clean everything.
241		There were huge racism issues. I am going to leave it at that. There is already a negative stereotype of our Native American community members. This situation only exasperated this issue. I had to counsel teenage students on how to handle it. It probably caused life long impact if we want to be honest.

Respondent's Assigned ID#	12. What do you think about claims the protesters and others made that the DAP was causing or would cause damage in the future to water quality, the environment and to the Standing Rock Tribe?	19. Given any feelings you have about the protests, about Dakota Access, or about Greenpeace, do you think you could be fair and impartial to both sides?	19a. Why is it that you feel you (could be fair and impartial) (Couldn't be fair and impartial) (don't know)
239	I think that it would not have affected the environment or the community because there is technology to help avoid those issues.	2 No	My community was directly and negatively affected by the decisions that Greenpeace and other companies made against Dakota Access Pipelines.
240	It's hard to really know. As far as I'm concerned, everything is safe and regulated. Just one of those deals were people were not sure if it would be safe on their land. I don't see why people are against it.	2 No	I feel I'm too prejudiced and they just came in and destroyed our environment and left garbage behind.
241	I think that they are obvious and accurate and that they are correct.	1 Yes	My first instinct is hell no. But my training, I have a bachelors degree in criminal justice and a masters in counseling and I believe in citizens being responsible for their civic duty which includes being impartial when you are jury member. I think you should be able to separate your personal feelings from the facts of the case.

Respondent's Assigned ID#	3a. How do you know this person who works or has worked on the DAP?	4a.How do you know this person who works or worked on other pipelines?	6b. What do you remember about these protests and the protesters?	7a.How do you know the protester(s) or their family?
242			I just didn't like how they were treated. I wished that the police officers had a little bit more respect for the protestors.	They were family friends.
243		Family member	They went a little overboard. They were overzealous, they blocked traffic and people in law enforcement were being threatened. I saw some of the protest while I was driving around.	
244			They were destructive. They destroyed construction equipment.	
245		I did know some who worked on other pipelines in my area.	They were peaceful but when you block the main road to the casino and the reservation it would be hard for people to get along.	
246			They did a lot of damage. They did a lot of bad things like littering all over the place and didn't clean up afterwards, and had no business being there. Some of them came out of the country and were paid. They also burned a bridge.	
247			It was a nightmare for the locals and the protesters left behind trash.	

Respondent's Assigned ID#	8a.Please describe how you or the people you know were affected by the protests.	9. What do you think were the worst problems that the protest caused for you, your community or others you know?
242	I know that a couple of the protestors were being treated really badly and some of the farmers and people that owned land. I guess that their feelings were put aside just with they would go onto the land without them knowing and destroy property.	It just caused a lot of problems for the Native Americans living in and around the Mandan and Bismarck area.
243		Just access to building, they were blocked.
244		They caused healthcare problems. There were rapes and drugs.
245	Police officer who was trying to hold the line on the interstate and my neighbor who also said that it was peaceful at first but later got out of hand. They first were good but then they started polluting.	The traffic that was down the road and businesses not being able work or go to work because of the protests.
246	They had to be out there and monitor everything that was going on so there was always one or two of them as well as tribal police. They didn't want it out there because of the wildlife and fish and the water. It was an inconvenience for the Indians.	A lot of road problems because it was during the winter. A lot of protesting. People who didn't even live in the state, came on an airplane.
247	Ranchers were affected by property damage and livestock were shot and people could not go to work.	Probably the disruption of daily life and property destruction.

Respondent's Assigned ID#	12. What do you think about claims the protesters and others made that the DAP was causing or would cause damage in the future to water quality, the environment and to the Standing Rock Tribe?	19. Given any feelings you have about the protests, about Dakota Access, or about Greenpeace, do you think you could be fair and impartial to both sides?	19a. Why is it that you feel you (could be fair and impartial) (Couldn't be fair and impartial) (don't know)
242	I think that their claims were pretty valuable and they have a right to be heard.	1 Yes	Everybody needs to be heard no matter what side that they are on. I guess I don't lean to either side. I could be fair.
243	There is some validity, that it could cause issues with the water quality.	1 Yes	I can see both side of the issues, I don't think one side is always right and don't have a pre judgement.
244	I think there should have been more discussion of damaging the water supply and The Standing Rock Tribe.	2 No	The negative was publicized too much. Nurses said they were having were having wild parties and carrying STDs.
245	They were offered money but wanted more so if they were really protesting it would be different. On the protesters it's a reoccurrence of people being arrested but I feel the charge should not be harsh.	1 Yes	I'm willing to look at both sides and put my personal opinion aside but I could be impartial if I had all information laid out in front of me.
246	It can still happen due to the pipeline. The fish and the wildlife that gets affected. The Indians had to be there and they were protesting and I agree with them. Then a lot of people from everywhere came over and told the Indians to go. They were from other organizations but I didn't know who they worked for.	1 Yes	If there is something out there, that I don't know about, that could change me. If Greenpeace pays for these guys that come from other counties or other states, that is wrong. It should have been kept within the state instead of bringing people from out of here.
247	I feel like they were greatly exaggerated.	1 Yes	Everyone should be able say what they want and I feel I can be if I had more information.

Respondent's Assigned ID#	3a. How do you know this person who works or has worked on the DAP?	4a.How do you know this person who works or worked on other pipelines?	6b. What do you remember about these protests and the protesters?	7a.How do you know the protester(s) or their family?
248			They were probably fighting for an honorable cause but I don't support the way in which they were doing it, with violence and vandalism. I don't support those type of actions and don't support the aggressive response by law enforcement.	
249	Relative.	Friends, family and relatives.	Lots of intimidations and violence towards the public. There were a lot of destruction of properties as well as littering.	
250		Friends	They left a bunch of trash behind. They left a mess.	

Respondent's Assigned ID#	8a.Please describe how you or the people you know were affected by the protests.	9. What do you think were the worst problems that the protest caused for you, your community or others you know?
248		That's hard to say, I can't give an objective answer at this time.
249	Our business ended up closing down because of the location of it and traffic was rerouted as well.	Property damage and conflict and division as well as lost of wages for closing down.
250		Increase strain on law enforcement. The EMT's and the police had to work long hours out there.

Respondent's Assigned ID#	12. What do you think about claims the protesters and others made that the DAP was causing or would cause damage in the future to water quality, the environment and to the Standing Rock Tribe?	19. Given any feelings you have about the protests, about Dakota Access, or about Greenpeace, do you think you could be fair and impartial to both sides?	19a. Why is it that you feel you (could be fair and impartial) (Couldn't be fair and impartial) (don't know)
248	I think they were blow out of proportion, the damages that they claimed about the pipeline would cause.	1 Yes	I don't fully support one side or the other.
249	I don't believe there were any concerns about financials.	2 No	Just because I was personally affected by it.
250	Those claims were not true, and it would not cause damage to the environment. That's it simply.	1 Yes	First amendment rights but it doesn't mean people have to listen to them or the company trying to persuade people.

Exhibit 8 to Declaration of Diane Wiley
Case No. 30-2019-CV-00180

APPENDIX 5

VERBATIM RESPONSES FOR CASS COUNTY

Respondent's Assigned ID#	3a. How do you know this person who works or has worked on the Dakota Access Pipeline or members of their family?	4a.How do you know this person who works or worked on other pipelines or in the oil and gas industry?	6b. What do you remember about these protests and the protesters?	7a.How do you know the protester(s) or their family?
301			Quite a bit. Mostly Native Americans were protesting about the pipeline affecting clean water in the state. There was quite a bit. North Dakota republicans state a lot of the media was negative while the state - they were highlighting the negative aspects of the protest but not the positive parts.	
302			The media portrayed them as outsiders and it was a negative portrayal by the media.	
303			They made one hell of a mess. They caused a lot of trouble with law enforcement. They trashed the place and destroyed things that were not theirs. The news said most of them were not from this state. They were protesting the pipeline being built. They were not being too environmentally friendly themselves.	

Respondent's Assigned ID#	8a.Please describe how you or the people you know were affected by the protests.	9. What do you think were the worst problems that the protest caused for you, your community or others you know?	12. What do you think about claims the protesters and others made that the DAP was causing or would cause damage in the future to water quality, the environment and to the Standing Rock Tribe?
301		I think there were many positive aspects about the protest but the media didn't talk about it. I remember some of the trials, the fires, they talked about how the road were closed. Some of the pollution was left by the protesters, confrontations and fires on the roads. The media kind of pointed it in their own ways.	I think it was a valid point. There are oil spills three to five times a year. Some are publicized, some are not. It is impossible to have those things without an accident sooner or later.
302		It did not affect me in the eastern part of the state and that happened in the western part of the state.	It is possible.
303		I do not know.	If it is monitored and maintained it should not. A pipeline went through a family member's land and it leaked and they caught it. It is still there.

Respondent's Assigned ID#	19. Given any feelings you have about the protests, about Dakota Access, or about Greenpeace, do you think you could be fair and impartial to both sides?	19a. Why is it that you feel you (could be fair and impartial) (Couldn't be fair and impartial) (don't know if you could be fair and impartial)?
301	2 No	I would not be impartial. I didn't say fair. More leaning towards the positives of the protests.
302	2 No	I feel that people who do protest are responsible for their actions. The people have the free will to protest or not. Not the company.
303	9 Don't know	If they want to protest themselves, fine. But to train and fund others to protest, I do not consider free speech. It is manipulation.

Respondent's Assigned ID#	3a. How do you know this person who works or has worked on the Dakota Access Pipeline or members of their family?	4a.How do you know this person who works or worked on other pipelines or in the oil and gas industry?	6b. What do you remember about these protests and the protesters?	7a.How do you know the protester(s) or their family?
304			Frustration. People couldn't make anyone understand, the courts let them down, the public let them down. Big money pushed them through. When you have a business spend a lot of money to sway public opinion and the other side has limited funds you are putting out one side of the story.	
305			Mainly out of state, hypocritical. They left a mess. And some unlawful behavior. I heard this from local news and some national. They used unlawful riot tactics and blocked roads. They left a mess and did not tidy up and it went into the water stream and they called themselves water savers and actively polluted the water. It was some of them but not all of them.	

Respondent's Assigned ID#	8a.Please describe how you or the people you know were affected by the protests.	9. What do you think were the worst problems that the protest caused for you, your community or others you know?	12. What do you think about claims the protesters and others made that the DAP was causing or would cause damage in the future to water quality, the environment and to the Standing Rock Tribe?
304		Didn't affect me directly or my work area. There was no affect.	I think the public have to stand back to look back what we have done to the Native Americans and how we have treated them. We have taken over their lands, foods and kids. When you start looking at another one of those things that hold important to them, it is unfair to make you make a survey when you don't understand the Indians' backgrounds and cultures. I am not saying we shouldn't have a pipeline but the way they treated people in the past 2-300 years is wrong. Look at slavery - the tip of the iceberg and the Native Americans were wronged. I don't like to see conflict but at some point you have to get your voice heard.
305		It was just an image problem. It made the state look more violent than it should have.	I believe that it could cause damage. Any oil spills could cause damage and oil consumption.

Respondent's Assigned ID#	19. Given any feelings you have about the protests, about Dakota Access, or about Greenpeace, do you think you could be fair and impartial to both sides?	19a. Why is it that you feel you (could be fair and impartial) (Couldn't be fair and impartial) (don't know if you could be fair and impartial)?
304	1 Yes	Because I am a student of life and I learn every year. Maybe there are things I don't know that are out there. So yes I would listen to both sides.
305	1 Yes	I do not have any ill will toward the oil company and I have no ill will toward the protesters.

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306			The protesters are basically rioters. It was in the news and there were reports on it and the inconvenience that it caused to the area. It went on for a long time and the federal government ignored the rioters, and the state and local governments had to stop it.	
307		Myself	They didn't want the pipeline on their lands. The protesters didn't want that. They thought it would contaminate the aqueduct or water under it. It was some sacred land for the Indians.	
308			It was amazing what I saw on the tv, they drove in to protest and were using the fuel they said they did not want. It went on for awhile but do not know how it ended. All I remember is that they were driving big, fancy pickups and protesting about oil.	
309			There were a lot of Indians that didn't want it going through their land and water. It was a lost cause to begin with. The pipeline companies get their way eventually. The more they protested the more the powers that be became more invested in their decision .	

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306		It costs money. Staff was sent to control the rioters.	None of those were legitimate claims. Oil has to get to the refineries, and that's the only way that is best and safest.
307		I don't think it caused any problems. I can understand why they protested. They have the right to.	I agree with them. With all their claims.
308	From what I heard on the news, we sent some police to the area in Cass county to watch the protests. They might have affected us but I did not hear of any crime in my area nor was I a victim of crime.	It was a disruption to being normal. We were 200 miles away. I know they had road blocks and if trucks were going through, they were impacted. I heard this from other truckers that that was a problem. I was not affected because I am local.	If you do not have a pipeline, you have to transport the oil some way - rail or truck - and both are more dangerous. It is possible to contaminate the water with a pipeline, but truck or rail is dangerous. We had a train derailment and many cars turned over 30 miles from here and they had a big fireball. If it had been in town a lot of people could have died. I think pipelines are safer than other modes of transportation.
309		They didn't do much of anything that affected me. In terms of community I think there were law enforcement from all over the state there.	I didn't know if it would but I think one of the main problems are that the ones in control aren't the ones that are affected. By the time someone is persuaded to turn off the tap the damage is done. It would take a few days to even send a crew to look at the damage.

Respondent's Assigned ID#	19. Given any feelings you have about the protests, about Dakota Access, or about Greenpeace, do you think you could be fair and impartial to both sides?	19a. Why is it that you feel you (could be fair and impartial) (Couldn't be fair and impartial) (don't know if you could be fair and impartial)?
306	2 No	I'm not on the side of the rioters. They were on the wrong side, and nothing else could convince me otherwise.
307	1 Yes	It doesn't affect. I'd hear both sides of the story.
308	1 Yes	I have no axe to grind from either side. I do not know anybody.
309	1 Yes	I'm assuming that there would be actual reliable data in court. I don't even remember if Greenpeace was involved. So I'm a blank slate. There is a difference between reading generalities in the newspaper and getting the specifics in court.

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310			They should have been arrested before they did all the damage. Celebrities came. They should have been charged with trespassing also. Everyone protesting illegally and the celebrities should have be charged.	
311			Some say they were on Federal lands and trying to get their opinions across because they didn't approve of it and its all Indian land and they didn't approve.	
312			They were wrong they should have been chased out right away they should have learned their fact. The real facts not just what they have been told or heard.	
313			They made a mess. They trashed the place. Very unorganized and unruly. They were in breach of the law. The biggest impression I got was that they made a mess.	

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310		The slowing process of the pipeline and it caused more expense also. There was a slow down of the project and it became more expensive.	I believe it could but I believe the benefits outweigh what they said it would. The benefits outweigh what damages might have been done.
311		They didn't cause any problems for me or anyone I know. we are by the Red River, not in that area.	I know why they were concerned about putting oil in the waters or their waters and there is always a risk, it could be a big mess if it spills.
312		There was a lot of cost and disruption and environmental bad things. The waste and pollution they left behind that had to be taken care of.	I guess it goes back to learning the facts and most of their claims were invalid.
313		It cost the state a lot of money. Everything the law enforcement and national guard had to do to maintain order.	I think that is potential but unlikely. Anymore than any other pipelines that they put in.

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310	2 No	I saw what damage they did to thousands of dollars of equipment and delays.
311	9 Don't know	This is all Indian territory and we come and take it from them. I can see their point and they have a legit right to protest.
312	1 Yes	I'm not ignorant. I can listen to both sides.
313	1 Yes	I live in Fargo it happened in Bismarck and Mandan, so I wasn't directly affected. I hope I am a fair minded person, I don't have any opinions on either side or formed one yet. So I would be fair.

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314		Cousin that worked in an oil plant in California.	It made the national news. I know that people came all over the country as if they believed so strongly in it. They camped out on private land and left trash. They were concerned about their own gathering. I think it started because the Indians said they didn't want it crossing over into their waters because they were afraid they would contaminate their water. They also said it was going through some of their sacred sites. All the safety precautions were taken on that pipeline. I can understand the Indians concern. We do need fossil fuels.	
315			A lot of the protesters came from out of state to protest. Shaylene Woodley, the actress was there. She doesn't live there, and I thought that was ridiculous. I feel the news was trying to negatively portray the Native Americans who were protesting.	
316			Native Americans protesting about their land with others coming from out of state to help. Well I know its volatile.	
317			I met one as she had a gun and ended up injuring herself. Not really remembered anything else.	
318			They left all type of trash and garbage and campers and trailers. I am upset, cost us million of dollars to clean up the mess in North Dakota. Made me mad. They paid these protesters.	

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314		That was in the western part of North Dakota and I'm near Fargo. The only thing that I can see is when the oil was stopped people moved to this part of the state.	It kind of reminds me of any other part in this country. It reminds me of people that want reparations. This country has provided advancements for people and has done so much for the Indians and tried to make up for what they did.
315		Nothing, because people have the right to protest. Bill of Rights is the reason.	I believe that, because of the history of accidents caused by pipelines. That's all.
316		I'd say its increased animosity towards Native Americans and other residents.	I agree with that.
317		I don't know.	I don't think the pipeline would cause any problems.
318		It just cost the state so much money. It was awful. The cleanup.	I disagree with the claims that it would cause any problems with water and such.

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314	1 Yes	If I knew more about Greenpeace's real purpose, I think there is more to the answer than they didn't want it going through their lands, the pipeline. I would have to know more information to answer. All that I've heard is that they had sacred lands they didn't want it to go through and they had a lake or river they didn't want it to go through but I would have thought that could be resolved and remedied. I would have to know more about it. I'm only going by what is explained on tv and don't always get the full truth. Some of the stations don't give all the details or all the negatives or positives.
315	2 No	People have the right to protest and an organization that advertises and encourage people to protest, doesn't bear any responsibility for any damage that might be done. Giving someone a legal idea, doesn't make an organization guilty for any crimes that may be committed by an individual. Individuals make choices and it's an individual's responsibility if consequences ensue.
316	1 Yes	I feel it's the only way to be and I could make an impartial decision.
317	1 Yes	I don't know.
318	2 No	Because they just cause so much. They just cost so much damage and the cost. The protesters. I could not be impartial.

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319			I think that they were given a free pass by the media. Well I remember reading and hearing once they disbanded it took several semi truck loads of garbage that they just left. Which is ironic because they think that they are stewards of the earth. They left garbage which is ironic because they think of themselves as stewards of the earth. Some came from out of state which I didn't like.	
320			That they basically were trespassing. Trespassing on the property.	
321	They're mainly just acquaintances.		I just remember hearing that they were on the news. I couldn't tell you because I don't remember.	
322			The disorganization and not being able to come to common ground on what needed to be done.	
323			Bunch of idiots. My neighbor is a criminal investigator and he had to spend four months out there when he didn't have to. Just a mess they made when they left. The county there, bulldozers and it cost a lot of money to clean up. People from Utah or some place came to protest.	
324			I think they were upset they were going to go through the land, the Native American land and didn't want to disrupt the harmony between them and the land.	

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319		Just the disruption and the angst that it caused the citizens of the this state.	I think that it's a bunch of bull.
320		It was such a long time ago I would have to say I have no idea.	I am sorry it was a long time ago. It was there when it was there and now it is history.
321		I don't think we were affected too much because we are on the other side of the state.	I have no idea. I suppose because I live on the other side of the state so it doesn't affect me.
322		The disorganization on both sides and it's hard to understand. I feel it's necessary for people in North Dakota who need to benefit from the oil.	I suppose the leak would cause the damage but I think it's safe. I've seen the disrespect of the land from both sides and everybody has to come together to make that work.
323	The Cass County Sherriff was out there a bunch of cops had to go over there, all over the state. It cost a lot of money to pay for the mess they made.	Money. The law enforcement out there to clean up.	No because there were environmental impact done and most of it is in the ground. It would be underneath the river, if anything is spilled they would clean it up. The pipeline is safer than rail cars.
324		Again, I don't know anyone who was affected.	I think it's very plausible. If it's not properly maintained and inspected it could cause a spill.

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319	2 No	We have a right to dissent in this country but if they are paying for people to be professional protestors that is where we part the ways. My family owns a string of gas stations. Well it very much affects their ability to do business.
320	1 Yes	Just because that I don't know enough of the situation anymore so I am biased to one side or another.
321	9 Don't know	I don't know anything about that and I think I am too old to be a juror. I'm sure I could be fair but I'm just too old.
322	1 Yes	I looked at myself as somebody to hear both sides.
323	1 Yes	I would listen to both sides before I make the decision. Whichever has the best arguments.
324	1 Yes	I don't think or I don't have an extent of knowledge about it and I would like to think I'm impartial. I think I would have an open mind.

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325			I just remember about people getting arrested. I guess I heard that afterwards there was a lot of garbage left behind by the protesters. It seemed like it went on a long time.	
326			It was huge. They were very angry. They were on the right side of the issue because they were crossing tribal land without safeguards. Law enforcement made fools of themselves. That alone made me mad at law enforcement. Law enforcement was violent. I could write a book about it but I won't.	
327			I thought it was silly for the protesters. They were obstructing justice in my mind.	
328			I remember that they called these people from out of state and that it was long and my son was part of it. He was in the national guard. He was kind of patrolling the protestors. The protestors some of them could go and some couldn't go. He was working with the police force that was out there. He was right there with the police force. He was there trying to hold them back. I don't remember too much about the protestors. It was peaceful for the most part.	
329			I remember people were causing problems. Some of those people were not involved. I just think people came in to cause trouble.	

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325		Not really anything for me directly but maybe the use of law enforcement because they had to be present so just using those resources.	I guess I didn't know if there would be an issue with the water but I heard they were not wanting the ground dug up because there could have been a burial ground with their ancestors.
326		They cost a lot of taxpayer money.	I believe that's correct. It would cause water quality damage but even so we've got to have the oil.
327		I don't know if it affected me or my community at all.	I don't know if it would. It's up for debate it will be resolved in 10, 15, 20 years. Time will tell and that's with everything.
328	I don't know how anyone was affected. For the most part it was just peaceful and that is about all that I can say.	Nothing for me whatsoever or no one that I know of. There were no problems. It didn't affect me at all. No one that I know.	I guess that I thought that they were overexaggerated. I understand the whole thing and the protestors they were against having it built. I guess I do agree with the protestors on that. I agree with the protestors. I thought they were right by trying to protest it. I believe that the protestors were justified. I said I agree with them, the Standing Rock tribe. I wouldn't want a pipeline in my back yard.
329		It was damage that was unnecessary. The property and people, cost to the state to try to keep things in order.	I don't have an informed opinion on that.

Respondent's Assigned ID#	19. Given any feelings you have about the protests, about Dakota Access, or about Greenpeace, do you think you could be fair and impartial to both sides?	19a. Why is it that you feel you (could be fair and impartial) (Couldn't be fair and impartial) (don't know if you could be fair and impartial)?
325	1 Yes	I don't know enough about it and have to hear from both sides and I really don't know the law and have to learn more about it.
326	1 Yes	I am always fair and impartial.
327	9 Don't know	I'm 200 miles away from all the stuff that went on and just seen what's on the news and don't know if I have the facts. In my mind the protesters shouldn't have protested in the first place.
328	2 No	Well because I think I guess I would agree with Greenpeace on the freedom of speech thing. But I wouldn't agree with Greenpeace if they were giving them money to cause damage. I don't think that I could be no. Because I don't know the facts and don't know enough about it. Fair and impartial. Only I don't know all of the facts and I don't know.
329	9 Don't know	I don't know.

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330			The over armoring of the police force, the militarization of the military and using those against the indigenous people all came from everywhere and opposed it. We all wondered why the ugly black headed snake rose its head.	
331			They were out there camping by the construction site. There was a lot going on. There was a lot of violence and arrests eventually. That's most of it. It was quite a while ago. It's been a few years since it happened.	
332			Most of them were concerned it would do damage to the rivers because it would go underneath the rivers. And possible Native American issues with destroying their lands. Just I know that it was very violent and people got hurt.	

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330		I do not know how to answer that as I do not know that it did.	I think they were right on and very accurate and it's not a matter of if but when.
331		I just think that there was quite a mess to clean up and they certainly couldn't open another pipeline. It would be challenging to build a high profile pipeline in today's conditions. I saw a lot of it in the news, but I am not an expert.	Anything is possible in the future. The records for how many super sites that are contaminated by chemicals are not that great and there are too many of them, that they will contaminate something.
332		I don't know any problems it caused other than what I read in the papers. The streets were blocked, debris and trash. It wasn't good how the protesters left the area. They set up camp and a lot just picked up and left. It wasn't a housing place and a lot of stuff was left and people had to pick up from it. What they were doing was slowing down people who had to work and people had to reroute in that area.	I mean there is risk that anytime you do with the pipelines there would be failure you put in it. There will always will be a possibility but the percentage was small to how it could help with the county overall. Their claim was it was going to wreck things regardless and I don't know to say was true.

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330	1 Yes	I am able to listen to the arguments that are presented and follow the rules that exist.
331	1 Yes	I can listen to both sides. I have no preconceived notions one way or the other. I can be impartial and fair.
332	1 Yes	I would want to hear both sides before I make the decision. I can see both sides why they are going to court. I would need to hear out both sides to see the evidence and not just the papers that were written. As a voter I am independent and I choose who has my best interest at hand so it is never this party or that party I want to be open to which party is out there.

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333			Based on the news it appeared it was mostly out of staters paid to be there and to do as much destruction as possible.	
334			People going across things and sabotaging the equipment. I think they were chaining equipment, I thought so. Mainly I feel I am not against them, but I mainly remember it was mostly Indians protesting it was going against their lands.	
335			Most of them were from out of state. I saw it on the license plates on the cars. I was there.	
336			They were obnoxious, rude and inconsiderate, and their point was useless. All you had to do was watch the garbage on the ground. They did more damage then good in the area that they were in.	

Respondent's Assigned ID#	8a.Please describe how you or the people you know were affected by the protests.	9. What do you think were the worst problems that the protest caused for you, your community or others you know?	12. What do you think about claims the protesters and others made that the DAP was causing or would cause damage in the future to water quality, the environment and to the Standing Rock Tribe?
333	The sheriff that was affected. It was difficult. He played a number of voicemails he had where they threatened to kill him and his family. That sheriff definitely had an impact on him for life. He played a number of voicemails where he and his family were threatened and it is hard to not have that have an impact on you.	I do not know if it directly affected Fargo, but a number of our law enforcement had to go out there. It was costly to Fargo and our state. That was not reimbursed by our state. There was a lot of bad press when they went.	I disagree with that.
334		I don't really know I don't think it affected me. It depends on which news outlet you watch, with which they would persuade you. You can't get an unbiased news outlet anymore.	It might, but if they are going to talk about that but driving oil in a truck is the same as going through the pipelines.
335		Cost a lot of tax payer dollars. Law enforcement. The disruption of the local community out there. The roads were closed.	I disagree. The pipelines are very, very safe.
336		Negative attention. They drilled negative attention as opposed to what they were trying to protest. That sums it up.	They spoke without sufficient evidence to backup their claim. That's all I can say about this.

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333	1 Yes	It was the way I was raised. Whether you have an opinion or not , the evidence is the evidence.
334	2 No	I would agree with the Dakota Access guy. If someone obstructs you from your work I don't care about losing investors. You should have got a contract or something. But if the protesters were blocking the roads than I think that the people that hired the people should be held accountable. More in favor of the Dakota Access pipelines.
335	2 No	I do not think they are right in doing what they did. By they I mean the protesters.
336	2 No	I couldn't support either side or defend either side. I have a certain amount of contempt for them. It was wrong and there should be punishment and I don't want to be involved in a trial.

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337			They were protesting it and did not want it. It was on the news. I saw the protests and people being interviewed. I do not recall what they said. It was too long ago.	
338			I remember they were protesting because they were going through land that was not owned by them.	
339			They think it shouldn't have been built for reasons that were inappropriate I guess.	
340			They were protesting that it would hurt their land. When they left they left a big mess and that other people had to come and clean up their mess.	
341			Native Americans were living in tents as a protest.	
342			Protesters were peaceful. Dakota pipeline people hired private security and were violent towards peaceful people, like kids and grandma's. They went straight through gravesites.	They married into the family, then divorced again. My old stepmom who is not married anymore.

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337		I have no idea because it is a distance from us so it does not affect us. It is about 300 miles away. It is a different world in the western part of North Dakota. As far as people's attitudes. It is not urban. It is very republican.	That is a question where I am ambivalent.
338		No problem was caused by them. That's my answer.	I agree.
339		The garbage they left behind. Debris.	I think it was all false.
340	I think us tax payers have to deal with that mess the most. Just about the taxes. Just having to pay for the taxes of their mess. If they had picked up their mess before they left it would have been fine.	Well it's that the pipeline and higher taxes.	I think it's bullshit and there are already pipelines that go under the water and on the land that haven't caused any problems.
341		They left the area piled with garbage. If I throw garbage out of the window of my car I get fined $500.	It was a false accusation. They have no proof of damage to water quality.
342		It creates more division. Those who work on the pipeline, come from other states, not from Dakota. Brings in more drug addicts. The actions and building the pipeline caused problems.	That is true and correct and it does cause problems.

Respondent's Assigned ID#	19. Given any feelings you have about the protests, about Dakota Access, or about Greenpeace, do you think you could be fair and impartial to both sides?	19a. Why is it that you feel you (could be fair and impartial) (Couldn't be fair and impartial) (don't know if you could be fair and impartial)?
337	2 No	It impacts Native Americans and I have a concern about that. You have a large corporations that tend to have a lot more fault and are stronger than the people. The people I mean the individuals involved or the everyday person.
338	2 No	I don't think I can because I am already choosing a side which is not Dakota Access.
339	1 Yes	Once I look into it more and get more info I feel I could be fair. I have my opinions right now, but I think they're right.
340	9 Don't know	Just because I think Greenpeace does need to be responsible.
341	1 Yes	I understand protesting but not property damage. You have a right to protest peacefully.
342	1 Yes	I could listen and take consideration, both sides of the argument. I can be impartial. It's a waste of time and I understand why they are upset.

Respondent's Assigned ID#	3a. How do you know this person who works or has worked on the Dakota Access Pipeline or members of their family?	4a.How do you know this person who works or worked on other pipelines or in the oil and gas industry?	6b. What do you remember about these protests and the protesters?	7a.How do you know the protester(s) or their family?
343				
344			That they were unneeded. The pipeline is only going to help. The people on the reservation weren't happy about it and that who was mainly protesting, that people were riding on horses and protesting.	
345		Acquaintances.	They did a lot of damage and were very disrespectful to the land and to the community that they were in.	
346			Well it seems like they seem careless and they left the place in a mess and they seemed violent and it seemed like they were very antagonizing and had a lot of disregard for farmers and ranchers and landowners in the area. I really thought it was terrible how they were doing it when they release addresses and personal information about the officers and endangering them. I am very disgusted. It seemed like the majority of the actual troublemakers were not local.	

Respondent's Assigned ID#	8a.Please describe how you or the people you know were affected by the protests.	9. What do you think were the worst problems that the protest caused for you, your community or others you know?	12. What do you think about claims the protesters and others made that the DAP was causing or would cause damage in the future to water quality, the environment and to the Standing Rock Tribe?
343		Unsure. The reason is because it was far from where I lived and I was far too young to remember what happened.	Unsure. Other than what you told me I have not seen any scientific evidence about it so I can't say.
344		Just inconvenience of blocking the road and safety of other because some people were pretty ridiculous about it by protesting.	I could see it if there was a leak but I feel like even if the protesters didn't take care of the land like they said they were, everyone was worried about it but I think its because it was going across their land but they don't see the big picture.
345		They left the land trashed burnt a lot of unnecessary items and it was not a peaceful protest by any means.	In general things should be properly managed with proper management and regulations then it should be safely done.
346		The mess that they left behind. We paid for it to be cleaned up and also we are paying for the law enforcement to protect all those involved. protesters and citizens. That's a good summation.	I guess the whole premise. If they had a complaint they should have taken it to the courts - that's what law abiding citizens do. You know again that is what the test is for. We have quality things. We have rules and regulations that we have to follow. If those rules and regulations were. The premise is a bit sketchy. It's such a big framing of the questions. No there isn't any because we have rules and regulations to help prevent that.

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343	2 No	So honestly I know little about it and I haven't been following along. I have heard things from some pass byers but I feel like I would be very disconnected from the case because I know little to nothing about it.
344	2 No	I wouldn't be on the protester's side.
345	2 No	I feel very strongly of what they did and I already made a decision that any group of green would be guilty and liable of those damages.
346	1 Yes	Well I'm trusting the law. Well I sat on a jury before so I know that the lawyers would interview me and I know that I would probably get kicked off because of my knowledge and I know how the court system works and I trust it. Well we all have our biases. I grew up in a farm background I understand how it all works. I guess I would have to be summoned and the lawyers that interviews would have to make the call. It's my civic duty as a US citizen.

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347			Them protesting against the pipeline and causing a lot of issues and getting violent and people were getting nasty and people were coming from out of state.	
348			I just remember seeing how frustrated the Native Americans were, they were trying to fight not to have the pipeline go through their land.	
349			They were blocking an interstate. Blocking construction something like that.	
350			They were all from out of state and very unruly.	
351			I know they were not happy overall and the company that was building the pipeline was worried abut violence from protesters.	

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347		The individuals that I work with in the military being out there and when stuff like this happens they call them out and they're away from their families and it bothered me that the people outside of the border coming in to get involved.	Obviously we don't want anything negative to happen and if there is, they should be liable for the damages and we should shut it down but we should understand that everything isn't 100%.
348		Just the way it divided us more that we already are. There was some violence that was not right.	I guess if the Native Americans were making claims like that I agree with their stance.
349		I don't think there was any problems caused. People were concerned with the earth and fearing leaks and spills. The most would have been blocking a road. I don't know for a fact.	I agree but I don't think it's just to a tribe, but to an entire state and beyond.
350		The amount of taxpayers money that was used for law enforcement out there.	They have their opinion and they're allowed to have them. I have no opinions of my own from where I am, but their opinions seem to be very politically motivated.
351		As far as I'm aware there was an agreement for it to be built where it was and protests started because they weren't happy with the agreement. It was a lot of Native Americans that I know of but not sure of all the groups involved.	It's a risk but if the companies manage their equipment well enough it could be done as long as there is no external influence from people, like vandalism.

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347	2 No	I'm a business owner and I'm not siding to what evil that they do and they should be responsible for the cause that they do.
348	9 Don't know	I don't know much about it.
349	1 Yes	I can see both sides to the story.
350	2 No	I have strong opinions for and against. I am very stubborn on my opinions.
351	1 Yes	Part of it is I'm going to school for business and see why someone of the company is wanting to sue for financial reasons and also see why the other one, Greenpeace, feels they don't deserve, they don't have to pay for protesting.

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352			I don't remember, it was a long time ago. Nothing in particular I just remember there was a protest. It would have been on the news and social media.	
353			I just remember generally some disregard of property, disgruntled people. Some people seem to have felt threatened, entitled to leave some damage. I don't want to plant any ideology, somebody just did some damage for political reason and it was very transparent. Don't feel like I need to make a statement it kind of speaks for itself.	
354			There was a mess left behind when the protest was over with.	
355			Just that they were against it for some sort of water issue. They left a big mess of garbage behind them.	
356			I don't remember much about it because I wasn't in the area at the time.	
357			I just remember there were a lot of truck drivers and they were annoyed that they had been blocking the roads. I heard there were a lot of complaints about garbage being all over the place.	

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352		It didn't really cause me any problems.	They make sense. I don't know.
353		They didn't cause problems to me, I could just see the damage seen in the news. I don't have a beef with anyone. I always thought the Native Americans were used a little bit. I didn't like it - it seemed like Hollywood and the celebrities and political activists were put in place. They kind of exploited the Native Americans. I thought it was disgusting. Particularly the celebrities on camera, they put their hands around Native Americans.	I hate seeing any of that. I just like to see people doing well.
354		I don't think they were allowed to protest peacefully.	I think they have a legitimate claim. I just believe that it would contaminate the water supply.
355		I think that they were against the pipeline for an environmental reason but they caused an environmental issue with the garbage they left behind.	I don't think it was true.
356		Probably violence, things can get out of hand and people can lash out.	I'm not sure, I haven't read about what was said so I don't know much about it.
357		I mean nothing directly towards my community. I mean I would say the truckers were because they were just trying to do their job.	I mean if there were legitimate claims then it would have been a problem but there weren't so it should be ok.

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352	1 Yes	You have to look at the facts. And what the law states.
353	2 No	I am too cynical. I am a jerk you wouldn't want me to be on your jury. I don't care about each side.
354	1 Yes	I would hear both side of the arguments and make a decision afterwards.
355	2 No	I don't know if I may not be for green peace at all. I am not sure that I could look at them as an innocent party.
356	1 Yes	Everyone has a side and have to look at each side and perspective.
357	2 No	I don't know about it much. I don't know much about Greenpeace and the investors. I would need to know more in order to be fair and impartial.

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358			I remember when they left they made a nasty mess they didn't clean up themselves. So the farmers who owned the property had to clean up after them. They were wasting their time we need gas lines.	
359		I have a friend of the family who has worked on it.	I remember police showing up to take the protesters away using force. Protesters in the camps were talking about the pipeline going through sacred land because of oil leaks and the police who came out had used tear gas and rubber bullets to make them leave.	Some of them were neighbors and I met some when I also moved houses.
360			They have a very good reason for protesting. Pipeline should have been moved to somewhere else.	
361			I remember I understood the local natives that lived here. I respected their opinions. But the people that came from out of state I did not like them because they caused damage and ill well. But I do not despise the natives and their right to protest because it's their right.	I am friends with them.
362			The mess they made out there. I saw the trash and vehicles.	
363		A friend. He worked in the oil industry in western North Dakota.	They were protesting the expansion and building of it.	

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358		I felt sorry for the people whose lands they were trespassing on. It was more of the aftereffect of the damage they left that they were protesting on.	Everything they claim that it is dangerous. We can't be afraid of everything, we have to have gas lines we have to have a way to transport gas around the country. I know we had gas leaks and I read the people that read those things, when they do they get someone out there to fix it right away.
359	Friends and family were affected and still being affected because of not just this pipeline but also G3 pipeline.	The protest didn't cause any problems for me or anyone I know.	I believe those claims are correct that the pipeline would cause danger to water quality.
360		The negative of the whole situation in general towards the protesters.	I thought they were correct in their claims that it would cause damage.
361	The landowners and some of the LEOs that were just trying to do their jobs. No not really that was just a shitty time.	It was just tension and high tension and all it does is just create hate towards other people. Besides that everyone gets along. I think it takes the focus off the reason of protest. People are just going to end up shocked.	That's a valid point to bring up. But when you face the discourse when there's madness occurring like this it's how the country gets divided and drives the focus away. I'm talking about when they start threatening people - you don't do that.
362		It didn't affect me one way or the other. That's all I will say.	Unsubstantiated claims and propaganda. That's all I can say.
363		None, no.	It wouldn't happen. They make pipelines way better then they used too. Moving oil through pipeline is way more efficient, versus by truck or rail. It makes us more energy independent.

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358	1 Yes	It would have to why Greenpeace encouraging people have to do. To a point I don't really know what happened out there but just in the news. It depends on the situation so I can't really say yes or no. There are certain things where its indecisive.
359	1 Yes	I can think critically about the situation. In this case yes I can because all I need is more information on the topic.
360	1 Yes	I think I could be if I was able to listen to the information given from both sides.
361	1 Yes	I don't know everything and I would be the first to say that. If evidence was provided from both sides I would listen to both sides.
362	2 No	I already have an opinion. The protests was wrong. That covers it.
363	2 No	The protests was bogus, and I feel I could not be impartial in a jury. The pipeline should have been built.

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364		Friend.	That they made a mess.	Friend.
365			I remember they were just protesting against the pipelines.	
366		Friend of mine.	I remember hearing they started out by protecting the land and water but then got very big and drew attention and then there was a few wild protesters and going to protect their land.	Some of my coworkers protested.
367			They stopped people on the highway which was the main highway. They also put up road blocks and were aggressive.	
368		I have lots of friends in the oil and gas industry. It is a big industry in North Dakota.	I do not remember a lot other than some arrests that happened. There were some pictures that the news showed and I knew there were arrests.	
369		A friends son worked on pipelines but I didn't really know him.	They were on the reservation and the pipeline was to go through the reservation and they were opposed to it. Not much other than that.	
370			They were destroying public and private property. Protesters left garbage everywhere and resisted and fought the police. Large corporations were donating money and supplies to the protesters.	
371			I felt like they were being asked to come protest. It was a fake protest. Most of them were Native American. The pipeline was going to destroy our reserve, forestry, wetlands and such.	

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364		Impacted travel.	Neutral, its not proven that it would cause problems its speculated but not confirmed.
365		Probably how they left the land after evacuating.	I think they have a right to be concerned about that but the tribe definitely have say in this.
366		I don't think that it caused any harm to anyone I know.	I think that it is a possibility it would cause damage and the company that wanted it placed on native land bypassed it.
367		From what I know they did not really cause a major problem.	I think it is a valid complaint because the pipeline could leak. They picked a poor place under the river.
368		I live too far away so it did not affect my community at all.	I agreed. I agreed that it would cause harm to the water.
369		Didn't really cause any problems except maybe fuel prices going up.	The potential is always there for disasters.
370		Gas prices. It costs taxpayers money, and the protesters who broke the law were in court.	I don't think the pipeline would cause damage because there are pipelines that already exist around the world that are not causing damage. This pipeline is really no different.
371		It cost people to lose their jobs. The pipeline could have made us more independent for oil.	I don't believe it would happen. I believe safety measures would be taken. The people who are in charge of the railroad didn't want it because it would cost them money. It would affect their business.

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364	2 No	It's just so much going on, on both sides it would be hard to fight for either side.
365	1 Yes	I look at both sides and how I feel which right is right and what's wrong is wrong. I feel neutral about it.
366	9 Don't know	I agree with Greenpeace, they have free speech.
367	1 Yes	Well I don't have a strong interest in this case so I feel I can be fair to both sides.
368	1 Yes	I do not know enough about the case. If they could prove their case, then they are responsible. But I do not know enough to have an opinion.
369	1 Yes	I believe in justice. It's the right thing to do. I would do my best.
370	2 No	Greenpeace defense is free speech. Free speech is fine for protests, but not to wreck stuff.
371	2 No	I already have ideas that people were paid to protest. I don't think I could be impartial. I would be against Greenpeace.

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372			The mess they left behind after they protested and the violence against the police officers who were trying to provide security.	
373			They're just participating in a protest for environmental reasons.	
374			I remember hearing about some of the violence on both sides. The debate about what they were doing was it good or not for the pipeline to be built.	
375			They were protesting. Nothing. Just saw them protesting.	
376			I remember that the protests had a lot of Indian people at the protests as their land was going to be gone through and there were a lot of police. Lots of people came from out of state and a lot of national news. Then it seemed to just stop and go away suddenly.	
377			7. Does not apply	
378		I just know other people.	That it was largely Native American routes going across a major water route and not considering them before making the route through there.	
379			I heard about it but I do not really know much. Just that violence was going on.	

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372		It cost the state a lot of money.	I think the pipeline is the safest way to transfer oil.
373		No issues currently I think.	Neutral.
374		I do not know that it caused me any problems in particular.	I do think that there could be future damage caused by the pipeline. The idea of the pipeline leaking into ground water and the future causes for damage to property and our health.
375		I hated the protestors. They're bad people. We didn't like them. They were creating havoc and I thought they were crazy.	I think that's a lie. We need carbon.
376		I don't think there were any problems created in my community or neighborhood.	I believe that it would have caused issues like environmental problems. I believe that the Standing Rock Tribal Lands would have been affected and I do not think with technology we have now would have any problems with the water quality.
377		Probably just the safety.	Not sure.
378		I guess probably just politicizing the issue.	I think it's certainly possible. I think it's interesting that you can't find the chemicals in the water and we have to explain when we dump rain water in the gutters.
379	Gas prices went up for all of us. Nothing good was heard or seen by me.	The cost of the clean up and I'm not sure if the protesters were for the good or bad.	There would be a concern of all of that if it were true.

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372	2 No	I guess I think the protesters were crossing the line.
373	2 No	My college education was in geology and I have a background with it.
374	1 Yes	I think as an individual I have the ability to be impartial to both sides. I do not have strong enough opinions on both sides so I would be impartial to both sides.
375	1 Yes	When I look at myself, I'm one of the most fair people in the world. I know how to be fair because of the sources.
376	1 Yes	I think that when you are presented with both sides of an issue, I wouldn't find any negative reasons. Both sides would have their arguments to the issue and I would hear all pieces of the argument or discussion. Our judicial systems to make it so that both sides are represented and hearing the arguments with no gray area to be left undiscussed.
377	1 Yes	I really don't know much about either one.
378	1 Yes	I would be willing to listen to the claims in both sides. I wouldn't come in with a preconceived notions.
379	1 Yes	Because I do not have all the information I would need to form an opinion. I would be fair about it through listening to both sides.

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380				
381			They made a camp and complained about how the pipeline was going to mess up the environment and they made a mess at the campground and the county or state had to clean it up. It cost a substantial amount of money for the county to clean up.	
382			They left a lot of trash on the land where they protested.	
383			It was definitely believing in their cause. Unfortunately there were violent incidents and it got a little long and strung out and I'm not sure either side was very happy at the end.	
384		Some friends and a cousin.	There was a lot of media around it and the unrest and destruction and fear going on. I heard about it on internet articles and the local radio stations were talking about it. Professional protesters were coming, and the making of propane bombs is what I remember.	

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380		All I remember is that a bunch of garbage was collected and they left it for others to clean up. Things like stoves, huts, mattresses, and tents.	I honestly don't know anything about their claims. My feeling is if we have a pipeline in North Dakota why not use it.
381		I'm not sure on that. Besides possible tax money used to clean up the camp ground they abandoned.	I think that is a possibility there could be a problem with the pipeline but it is also one of the safest ways to move oil.
382		Protesters were violent and burned things.	I think the oil pipeline is the cleanest and safest way to transport energy.
383		I am not aware of any impacts except some of our sheriffs deputies who assisted.	I think they believe very strongly in their stance and I just respect that they believe that much in their opinion.
384		My community wasn't affected that much. Fargo where I live is not that oil dependent compared to the rest of the state. Fargo has a different commerce. There is more technology here and not so oil dependent.	Potential for loss of water quality, but I think the chance is low, and can be managed and identified quickly. They stop the leak and mother nature equalizes itself and has its own ability for equilibrium.

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380	2 No	No. I haven't followed the story and I don't think I'm well educated in the topic enough to be fair.
381	2 No	I just feel like I don't agree with Greenpeace because of what you've said in the survey.
382	1 Yes	It is the duty of a citizen to be impartial if called to jury duty.
383	1 Yes	I try to be in the middle of the road with a lot of things.
384	1 Yes	I believe in the level of free speech in this country. But both sides need to be heard. Your free speech doesn't allow you to do what you want. There are certain rules in society that need to be followed. Some of the consequences can cause malicious intent that could start out as free speech first.

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385			They were fighting an uphill battle and there were already pipelines under the river, that's my only thought.	
386		Truckers that worked in the oil fields, through my husband who is a trucker of other businesses.	Leaving all the garbage around. Basically just that, they want to save the earth yet they left their garbage.	
387			It seemed violent and unpeaceful at times. The road was blocked and they were burning cars and wheels. Highways were blocked, it should be a peaceful protest. It was eventually dispersed. This was years ago. Some celebrities got involved. The project was approved and it's a non issue for me.	
388			There was some concerns about the oil pipeline going on tribal lands and causing a negative environmental impact.	A college friend was covering the protest as an independent reporter.
389			I just remember how it affected the environment negatively. I know a lot of it was on native land and that it was very controversial about it.	

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385	We had to pay for the police, pay to keep protesters under control, pay for delays in building the pipeline, pay for the cleanups. Protests are not cheap. Having celebrities show up for it was ridiculous.	Where I am from the money costs to have to deal with it.	Once again, pipelines were already running under the rivers so it's ridiculous. This one just got attention.
386		With the pipeline being done it took some truckers out of jobs.	Not sure, I have never heard the claims before this.
387		I ended up watching the news every day. Just showing the protests, that's it that I saw.	Pipelines easements exists everywhere or water or gas or anything. The new pipeline that was installed was to upgrade the current one. I work in construction and there is one in my jobsite and they are everywhere for the most part.
388		Blocking traffic and commerce.	The pipeline had received all the necessary permits and gone through the state's legal process. The state is charged with making those assessments.
389		I don't think anything really. I just don't think it impacted my life too much but what was presented on the news it looked like it affected them but not me personally.	Well I pretty much agree with the protest because I think it does cause environmental damage.

Respondent's Assigned ID#	19. Given any feelings you have about the protests, about Dakota Access, or about Greenpeace, do you think you could be fair and impartial to both sides?	19a. Why is it that you feel you (could be fair and impartial) (Couldn't be fair and impartial) (don't know if you could be fair and impartial)?
385	1 Yes	I am a teacher and professor and I taught ethics and government. My rule you have to look at both sides, you don't have to agree with both sides but should know both sides.
386	1 Yes	Because you look at it and there were a couple that were peaceful but some weren't. I would have to hear more about this topic in front of me.
387	1 Yes	I don't know that a lot of it is being pushed by Greenpeace and I was not aware. I thought it was pushed by tribal reservation and protecting native waters. Greenpeace is a controversial group. They like to aggravate a little bit on land and push buttons. Not that corporate America doesn't.
388	1 Yes	I don't have terribly strong feelings one way or another. I followed because it was national news but I feel I can see both sides of it.
389	1 Yes	I just feel like I don't have a very biased opinion. I do have biased opinion more so the environment but not for the common people.

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390		Years ago I had family that worked on oil rigs in North Dakota.	I remember the Cass County Sheriff was there and other counties were helping out. Obama should have set martial law there. They had made a mess of that camp. I had read that a lady had lost her arm due to an explosion caused by the deputy sheriff.	
391		Coworkers now. They are out of it now.	They left garbage and I really think I was disagreeing with it. I heard a lot of rumors but no first hand facts.	
392			I remember only a little bit. I remember they left a lot of garbage.	
393			I remember how they left such a mess and cost the state millions and millions of dollars. They were protecting the environment and destroyed it, treated the environment so poorly and did more bad than good. They interviewed some farmers and they couldn't get to their farmland by blocking roads and not letting them do their jobs.	

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390		Took law enforcement out of this area to go over there.	There was a possibility but there are pipelines all over the US. I was out boating that summer and we saw some. There were signs up around it showing there were pipeline going under Sakakawea. It was odd that they would run it through the reservation when I read an article about it and it said they could have gone around. It feels like were expendable to them.
391	The rising price of gas. Cleaning up destruction.	Gas prices. No other first hand accounts of them.	They were blowing it out of proportion. I think it was or had risks but nothing like they were claiming.
392		Leaving behind the trash. They were supposed to be environmentalist and left horrible garbage and debris.	That is not how pipelines work. In terms of building it there may be landscaping after the fact is so minimal. Their pipeline and the level of destruction is not there as the water table during construction would not have been touched.
393	I have some relatives in law enforcement, and someone associated with the protesters was giving addresses out of law enforcement and we were concerned because their address had been made public.	Unnecessary stress like the family member, like law enforcers and just kind of on edge not knowing if they were going to show up to their houses.	I would like to see their evidence instead of the claim explaining how it was going to damage the water.

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390	2 No	I'm retired law enforcement. They always turn me away from jury because they don't want police. People are guilty.
391	1 Yes	A lot of my core beliefs are to hold up the rights of the constitution and because of my core values I think that I would be fair and impartial and it's my feeling things are changing but can follow the intentions of the constitution.
392	2 No	My point is that you can protest all you want but you cannot cause destruction and havoc in lives of peoples livelihood. I would side with the pipeline.
393	2 No	Just based on what was reported and I did follow the story so I would probably be leaning toward the pipeline. I get the whole free speech thing but if there is evidence that Greenpeace paid for training that crossed the free speech thing.

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394		My current coworker used to work in the oil and gas industry.	The garbage was high at the protest site.	
395			I read and saw it on TV. The concern of polluting the water and the land as well. I don't like protesters that defy the law. There is a lot of danger in transport in a truck or trains more than a pipeline. A pipeline is much more efficient in transport. There are pros and cons to it. Most of it was propaganda on both sides. That is why I have mixed feelings.	
396			I heard about it on the news. Honestly nothing, it was so long ago.	
397			Honestly, I think they did more damage than good. They were trying protect the land but they left the place a mess with garbage and debris. I don't think they helped the cause at all.	
398			They got violent.	
399			They came from all over the nation and left a lot of garbage.	
400			I remember there were people laying on the floor and blocking the work. There were different against the access or for it. It was a social fight.	
401			They left behind a ton of garbage and tents.	

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394		Damage to land from garbage left behind.	The claims are false. The industry has mandates they have to follow to protect the environment.
395		People who were promoting their fine rate theories. They have to vote for people that have a fine rate theories.	Protests are wonderful if they obey law. There is a good chance the pipeline breaks. That was a good argument and it could possibly happen.
396		I don't know. I wasn't really paying attention.	I don't know.
397		I just think they put a lot of law enforcement in danger because some of them were not peaceful and they had to pull law enforcement from other areas of the state.	I think it is as safe as it can be. The pipeline is okay if it is done in a safe manner.
398		Disruption in oil distribution.	Potential accidents. I don't agree with those claims.
399		They left a lot of garbage and trash in the protest area. Coats, blankets and cars.	I understand their concern and hope it is wrong.
400		False information on what the purpose of the pipeline was or the issues it caused.	I think they were embellished.
401	Friends.	They left garbage behind.	They caused more damage to the environment than the pipeline by leaving garbage and refuse behind. Tents and empty plastic bottles and cans.

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394	2 No	Gas is important to the crane industry where I work as a mechanic.
395	1 Yes	I have been on juries and could look at both optimistically. I could listen from square one. They drew my name quite a lot for juries that I was picked.
396	9 Don't know	I was sixteen. I wasn't paying attention. I wasn't forming my own opinions.
397	9 Don't know	Individuals are responsible for their own actions and not corporations.
398	1 Yes	Well I believe that I lean to far to the Oil and Gas Pipeline side.
399	2 No	I think I am against the vandalism but don't think I could be against what they were protesting for.
400	1 Yes	General logic. I'm a citizen and it directly affects our energy bill.
401	2 No	I feel strongly the people who funded the protests should pay for their protesters' damage.

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402		Myself and former coworkers.	It was environmental bull crap. They think oil should be left in the ground and they don't understand what energy is in the US. I know that people were trespassing on the property and vandalizing the equipment and being absolute idiots.	
403			Mainly a lot of violence. I heard this through the media. It was a lot of tear gassing, restriction of supplies to protesters.	
404		I worked for a civil engineering firm that dealt with gas.	Just they left a big mess.	
405			The garbage and damages behind didn't protect the environment. There was a lot of conflict. National Guard had to be called in.	
406		I went to church with a gentleman that worked at TransCanada oil and gas industry. I have one cousin and several friends that worked for drilling rigs and oil companies.	I remember that there was some violent accounts on behalf of the protestors. There were no meaningful discussion that they were wanting to engage in. There was a lot of uncertainty and I lived in Bismarck during that time and there was a lot of uncertainty with a lot of the out of state protestors that was brought in.	
407			It was cold.	

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402		They weren't inconvenient for me but I thought they were stupid.	I know that the claims. They are a lot of BS. The right of way already had a pipeline in it and the new one was better and had better safer features.
403		None were affecting my area other than gas prices. Gas prices were high and they were shut down for safety concerns and it was affecting prices at the pump.	There is the potential for that in all aspects even without the pipeline.
404		Just bad PR for the state.	Heavily accurate.
405		Damage to the environment.	I heard a few of them got arrested. This is hard for me because of how they left the earth. They need to pay attention to the environment more.
406		The out of state residents who came in and really made the community feel unsafe at times.	I think that the concerns were unfounded and I also think that there was a willingness in relation the pipeline company to make reasonable accommodations for concerns. But it didn't seem like that they were interested in any talks just interested in shutting down the pipeline.
407		They didn't cause any problems.	I don't know whether it would affect them or not.

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402	1 Yes	I pride myself on being able to look at problems logically.
403	1 Yes	I look at both aspects as an organization and a civil persons. They provide but they are not the actual person that took action. It depends on the details.
404	2 No	I have affiliation with oil and gas companies.
405	2 No	The little that I have seen, the way the protestors acted they had to have help.
406	1 Yes	I guess I am always open to hearing people out.
407	1 Yes	Because every action is different.

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408			It was a bad situation. There was minor violence between the protestors and the law.	
409		He was my old neighbor.	The protestors in my opinion were violent unruly and littered our land.	
410			The protesters started a fire under a bridge and damaged property and my opinion of their cause as a result.	
411		Acquaintance.	Not a lot honestly. I remember something with the Indian reservations but don't know the details.	
412	Family member		People were trying to protest the oil pipeline being on the native reservations and I remember at one point the pipeline got broken by the protesters.	

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408		I don't think anything really. It cost taxpayer money for law enforcement and stuff. There was a lot of littering.	There are no guarantees with anything that there won't be problems. Things happen.
409	The roads were blocked by the protestors not allowing some family members to travel.	The protestors used our local and state resources and caused our state financial damage.	The pipeline could cause environmental damage if there was a breach in the pipeline. However the stats were low. So the likelihood of environmental damage I believe is low.
410		They used a lot of police time that could have been used for emergency response.	I think it's no different than when a power line damages the land. Energy use causes damage.
411		I don't know of any that affected me directly.	I don't think it would cause anything but don't really know anything about the subject to have an opinion.
412		The damage to the pipeline.	It depends on how far you look into the pipelines and you may find good and bad in it. You might see water pollution and then you might see benefits from the pipeline. If we didn't have this pipeline to research off of than there's no way we could've researched or found any additional improvement that we can make to the pipeline.

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408	9 Don't know	It would depend on how the evidence was brought forth. I do not understand the damage and who is guilty of the damages.
409	1 Yes	I would have to look at the evidence presented and not just listen to the news media. I have worked in the legal field for 23 years.
410	1 Yes	I can see both sides and where they come from. Energy producers are not necessarily evil nor protesters criminals.
411	2 No	I very much agree with putting the pipeline in and couldn't be fair and impartial towards Greenpeace. I think my view will be skewed toward the pipeline company.
412	1 Yes	I feel like I understand that the pipeline can cause pollution to the land but I also don't think that companies should be able go after investors specifically and if it is against the federal law that they should be held responsible for the laws that they broke. I also agree that if the pipeline causes any damages - before tampering - they should be held responsible for paying for that.

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413			I remember that they were protesting the pipeline being on native land. The pipeline and its effects on nature and wildlife. Those were the two major issues that I remember. I believe that there was some push back and violence but it was the protestors that started the violence. I know that some of the protesting was done during cold and flood season which made it very unsafe to be out there in those conditions and our first responders, police, EMTs were having to divert resources to the protestors to make sure that they were going to be ok out there in that environment.	
414		First cousin. It was overseas though. Most recently in Russia I do believe. Not anymore after what has been going on in Ukraine. It was an offshore rig in the ocean. I had a friend in college in western North Dakota.	They were just trying to preserve the land. I remember roads being blocked and a lot of law enforcement present.	
415			That they were protesting south of Bismarck. It was a native issue.	

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413		I don't think that it caused any problem for me per se. I believe it was an issue for our area community. But we're all pretty accepting of everybody else's opinions. That is one of the reasons why I moved here.	I think that it can be done safely but I think that they need to prove that it can be done safely because of all of the water quality issues we have had coming up recently. The town in Michigan that can't even drink water from their taps. These are because of technology going too fast so prove that this pipeline isn't going to cause problems before we put it in place. We shouldn't be putting something in place, watch it do damage and then be able to reverse the damage. It's because of the water quality causing problems for the wildlife that the tribe lives off of. They hunt deer. They actually live off of the land. If the water quality is bad then you can't live off of the land.
414		With any protests the potential for violence between law enforcement and the protestors. They blocked the roads in and left a lot of garbage which is counterproductive to preserving the land.	I think that that was a real claim. When I see oil spills in the news I think about the devastation to the environment and to the wildlife.
415		They did a lot of property damage. Private property, cutting fences for cattle.	I disagree with that. An oil pipeline is safer than a derailed oil car.

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413	1 Yes	I know how to put my personal feelings aside. Look at all the evidence and make a fair decision. I also know how to admit when I am wrong.
414	1 Yes	I guess with my day to day life I like to see both sides of the story rather than forming my own opinion without supporting evidence. I like to do my research with issues like current events. I am not a person that is quick to judge a book by its cover.
415	1 Yes	I like to listen and hear both sides. I am sure both sides have reasons for what they did.

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416			People were upset. Just hearing about the protest. It was on a native land reservation.	
417		Work acquaintance.	I remember I didn't have first hand observation of it and spoke with people and remember it was very messy and the people were protesting came from out of state and camped and didn't know how to camp. They trashed the place. It was people that were out of state not a bunch of locals. I remember there seemed to be a lot of people there were frustrated by the impeding of the progress of the pipeline. A lot of people live in the area and they were being harassed and the work conditions were less that ideal. It was a second hand say and the protesters showed up to their work everyday.	
418		Brother.	I remember a friend of mine's brother was there. He kind of got abused by the police very hard. My friend was respectful, the police officers were not being respectful or anything. Seeing a lot of videos.	One of my best friend's brothers.

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416		It had no impact. I just don't live in that area.	It is valid, but unlikely. Building construction on their land that they don't want done. I am referring to the protesters and people on the reservation.
417		It was a misguided protest funded by out of state actors and it disrupted a lot of people's lives and left a big mess for the people that live here to clean up, both business and financially.	I think there were legitimate concerns that were blown out of proportion but were legitimate.
418		None	I definitely heard that, all those claims. I think if that many people were to go out of their way for that pipeline there should be a good reason. So I think there is some truth to it but you know the media might exaggerate it. Whoever is trying to get something done to exaggerate some way but I doubt those protests were not warranted.

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416	1 Yes	I don't have much bias in the matter. I'm not very informed on it, so I don't have a side.
417	1 Yes	I think Greenpeace had some legitimate concerns. I'm not completely biased to their concerns and I believe in free speech but when you fund and train it's beyond free speech. There is a big difference between free speech and actions.
418	1 Yes	I mean I'd try to. The political climate right now it is polarizing and I would like to say I would listen to both sides but everyone has bias right?

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419			I remember the protesters being on the road protesting as the workers were trying to get to their jobsite. It was during the winter time.	A relative of my fiancé.
420			The trash they left while protesting. It was pretty negative in my books.	
421			Not much. Just something about the Native Americans and the reservations. That it was going to affect the land and they weren't very happy about it.	
422			They blocked construction and left a lot of trash. Goods were donated and they just sat in warehouse didn't get dispersed.	
423	Family member.	A friend that had before.	I did not like it.	
424		Family member.	They were primarily protesting going through the native land and it was causing damages to the land and wildlife around it.	

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419		It created a bad image for everybody all the way around. It put a bad light on the pipeline project and it made the native people look like they were fighting for something they believed in, but others didn't believe in it because it was just them protesting it.	Causing damage to the environment and water quality because there is no guarantee that it would break or leak. If people are not watching it, millions of gallons of oil would go into the ground and contaminate the soil and water supply.
420	The landowners, I mean they occupied the land and the roads in the area.	Cost us possibly millions of dollars on the trash and pollution they left behind.	They were unsubstantiated.
421		I was far away so there was no harm done to me.	I don't remember. I understood their claims but I wasn't positive that they were true.
422		I don't know really. Change of opinions on pipelines. A lot of people looked at it negative because of what was reported on their side about the dangers. Dangers of like the pipeline leaking.	It's a valid concern, but it could be done safely. Based on the claims, mixed feeling what are the odds of that happening. Pipelines aren't going to pollute like trucks.
423		Bad publicity.	I think it is BS because it's not true.
424		I don't think they caused any problems for me and my community.	I think they'd be accurate meaning it's reasonable and I believe them.

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419	2 No	I don't agree with organizations that group people together to protest against things, like Greenpeace. It's really biased to gather people together and pay people money to protest things. There are no feelings either way, because they are being paid. It's not a clear reason of how people actually feel.
420	1 Yes	It just comes down to the facts. Analyze the facts.
421	8 Refused	
422	1 Yes	It's the law to have free speech and I think it's the individuals that should be held responsible.
423	2 No	I would be in favor for the pipeline 100%.
424	1 Yes	I don't really know anyone who was directly involved in that conflict.

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425			I remember that they were upset mostly because it was going through indigenous land and that oil spills are very common with pipelines.	
426		My friend.	Not a lot because it happened in the other side of the state. It started out peacefully and then not so peaceful.	
427			I know that they were out there.	
428		Classmate	It was likely over played by the media that the protesters were violent. It was over played. Based on first hand experience all protest I participated in were peaceful and calm with open communication.	Personal like me, first hand.
429			Well they only showcased the negative aspects of the protests. The news showed the debris left behind and burned up cars and people blocking roads.	
430			That there was a lot of violence and conflict and it just seemed bizarre for this part of the country.	

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425	They were called out to respond as an ambulance service to the protest.	I don't have any idea = wasn't living here at the time the protest was on.	I think they were correct that it would damage the environment.
426		The environmental damage.	I understand where their thoughts are going but I don't know if there's that much of a risk unless there's a problem with the pipeline so it's not that much of a potential problem.
427		Nothing.	It's pretty obvious they were at risk.
428	I know a police family who had a high stressed time with all of the additional traffic in rural areas a lot more to deal with.	Poor representation nationally. It made the area look more violent that it was in all reality.	They were fair, their is always a possibility that the pipeline would affect water quality. I think there was a lot of exaggerated claims on both sides.
429		I guess it didn't impact any because I was three hours away from the incident. Just from what I saw was the mess that was left.	I agree with that. Just damage to the water supply and to the land.
430		Probably just my biggest thing for the community was taking away law enforcement in our area to deal with the protest that was not in our area or direct community.	I think they definitely needed to be looked into more so everybody was comfortable moving forward with a plan.

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425	1 Yes	Because my personal feelings don't matter in the court of law.
426	1 Yes	I could see both sides and understand where people are coming from and why they do what they do. My personal feelings don't dictate what decisions are made.
427	2 No	I don't think I could be fair and impartial.
428	1 Yes	I have no stake in either side. Being a fair and impartial juror is part of our civil duty.
429	1 Yes	I haven't read enough about either side to have an opinion.
430	1 Yes	Well because I don't read or listen to the news very much so I don't know what each side is claiming.

Respondent's Assigned ID#	3a. How do you know this person who works or has worked on the Dakota Access Pipeline or members of their family?	4a.How do you know this person who works or worked on other pipelines or in the oil and gas industry?	6b. What do you remember about these protests and the protesters?	7a.How do you know the protester(s) or their family?
431	He is one of my good friend's dad.			
432			I don't remember specifics, just that it had happened.	
433			I thought they were annoying because they left trash behind. They were from all over the country to come protest. I mostly heard about it from other people. They were forced to leave and left trash behind. National Guard or police forced them out.	
434		My friend's dad works in this industry.	I remember that Donald Trump hated it.	I was in the Mandan area protesting myself.
435			There was celebrity involved and I don't remember anything else, honestly. It was a protest. I don't even remember who the celebrity was.	

Respondent's Assigned ID#	8a.Please describe how you or the people you know were affected by the protests.	9. What do you think were the worst problems that the protest caused for you, your community or others you know?	12. What do you think about claims the protesters and others made that the DAP was causing or would cause damage in the future to water quality, the environment and to the Standing Rock Tribe?
431		You know, I really didn't hear anything about it and I really don't watch tv or the news. I have heard of bad things that happened but none of them really stuck with me and wouldn't be able relay them back to anyone.	I have mixed feelings. I haven't heard.
432		Nothing.	I agree with everything that and why they protested about the negative affects now or in the future. Like the pipeline could cause spillages.
433		I was young at the time. I just heard others complaining, having to clean up after they left.	I think they were exaggerating. A pipeline has to go through a lot of regulations to be built, and it must be done correctly. If a pipeline screws up the water, it would affect all the states downriver, so regulations must be followed.
434	It was my first protest, it helped me prepare for the subsequent protests I participated in.	There was a lot of violence, damage to Mother Earth and litter.	I agree with them, it would cause a lot of damage.
435		It didn't cause any problems for us or anyone else on the east side of North Dakota. We were not affected. The protests happened on the west side. I was working a lot and it didn't affect me at all. It was simply, a different location.	I don't have enough information from either side to formulate an opinion.

Respondent's Assigned ID#	19. Given any feelings you have about the protests, about Dakota Access, or about Greenpeace, do you think you could be fair and impartial to both sides?	19a. Why is it that you feel you (could be fair and impartial) (Couldn't be fair and impartial) (don't know if you could be fair and impartial)?
431	9 Don't know	I am very oblivious to everything that is going on.
432	2 No	I agree they do have the freedom of speech and don't think I could see the other side of that.
433	2 No	Because I would side with Dakota Access. If Greenpeace spent all that money to train protesters I would side with Dakota Pipeline.
434	2 No	I lean pretty heavily against the pipeline being built. I don't think you could be impartial.
435	1 Yes	I don't have enough background knowledge. If I was in trial, any information offered would be new to me. I would be hearing it for the first time and I would be impartial.

Respondent's Assigned ID#	3a. How do you know this person who works or has worked on the Dakota Access Pipeline or members of their family?	4a.How do you know this person who works or worked on other pipelines or in the oil and gas industry?	6b. What do you remember about these protests and the protesters?	7a.How do you know the protester(s) or their family?
436		My cousin.	They were from out of town. The protesters were against it. They consisted mainly of actors and actresses, and people from out of town.	
437			Courage, I saw courage.	
438			They were upset about the pipeline being built. Not sure whatever it was about native land or just people upset about the lake and safe pipeline.	
439		They are family members.	They left a huge mess when they left. They were asked to leave and did not at first. I know why they were protesting.	
440			People were against it and people were standing their ground on having it built. There were pictures and my friends saw it and they were against the pipeline. People talked about the way they left the grounds and were unruly by leaving their tents and other stuff all over the place. They wanted the land the same, instead of being left like a junkyard. A celebrity named Shailene Woodley was opposing against it and was present there.	It's my friend.

Respondent's Assigned ID#	8a.Please describe how you or the people you know were affected by the protests.	9. What do you think were the worst problems that the protest caused for you, your community or others you know?	12. What do you think about claims the protesters and others made that the DAP was causing or would cause damage in the future to water quality, the environment and to the Standing Rock Tribe?
436		Destruction of property and land caused by the protesters. The protesters claimed the pipeline was doing the damage, but it was really more of them who did.	I feel that it was false. I don't feel the destruction was significant enough for failure to complete the pipeline. I am against their protesting. I am for the pipeline.
437		I didn't see any problems arising from the protests.	They were correct 110%.
438		If I recall the state ended up paying for the mess and the overtime for EMS.	I wouldn't just count what the protesters say. I don't know that the environment was in harm.
439		It didn't affect us in Fargo.	I don't have a comment on that.
440		In general, over time we rely on the railroad system and not utilizing the pipeline. We could make better choices and have more jobs available. There was a lot of loss at that time. We are feeling the aftermath of it. I'm not super political and the effects of this. There was no more discussion on utilizing oil under President Biden presidency.	It was the reason for the protesting and the worrying the pipeline's damage might possibly do. It was what could happen with no projected timeline. Polluting the water and such and such and the worry it may possibly happen. Environmentalists are worried about land damage.

Respondent's Assigned ID#	19. Given any feelings you have about the protests, about Dakota Access, or about Greenpeace, do you think you could be fair and impartial to both sides?	19a. Why is it that you feel you (could be fair and impartial) (Couldn't be fair and impartial) (don't know if you could be fair and impartial)?
436	2 No	I have made my decision, and I think Greenpeace is wrong.
437	1 Yes	I could hear both sides. I have no personal or political affiliation to either side.
438	2 No	I feel that the protesters were most all adults and even though they may have been pressured they were responsible for their own actions.
439	2 No	I've had family members that worked at other pipelines.
440	2 No	I was for the pipeline and I already have it in my head. Certain groups are bullying their way toward their own agenda and use their own tactics. The propaganda is on social media or the junk and both sides should be viewed. I want our oil to be sustained in our country as a whole. It's a snowball effect with money involved and you lose friends.

Respondent's Assigned ID#	3a. How do you know this person who works or has worked on the Dakota Access Pipeline or members of their family?	4a.How do you know this person who works or worked on other pipelines or in the oil and gas industry?	6b. What do you remember about these protests and the protesters?	7a.How do you know the protester(s) or their family?
441		It was my husband. He delivered oil and gas but didn't go to the pipelines. He was a truck driver and still is, not in the oil or gas industry.		
442			The people were destroying the worker's equipment and trying to stop them from doing their job illegally. It was close to reservations and they had no right to destroy equipment and try to use their self to block it.	
443		I had old friends that worked oil rigs.	I heard about some of them. They were trying not to get it made. I understand them but I think it would help the economy a lot. It took place on American Indian reservations.	
444			They were a bunch of crazy people wrecking things while they were protesting. Someone got murdered also. Very bad people.	
445		I have family who works in the oil and gas industry.	It was violent from what I could recall and I remember social media talking about them protesting.	

Respondent's Assigned ID#	8a.Please describe how you or the people you know were affected by the protests.	9. What do you think were the worst problems that the protest caused for you, your community or others you know?	12. What do you think about claims the protesters and others made that the DAP was causing or would cause damage in the future to water quality, the environment and to the Standing Rock Tribe?
441		I don't know.	I don't know.
442		They caused for us to transfer more oil and it stopped production of the pipeline. We lost money.	I understand their fracking point but that's beyond the fracking point, the leaking is very rare. I don't see any issue. They monitor it.
443		The oil prices, they are higher than they could be if we had a pipeline.	I feel for them but it would help everyone out a lot.
444		For us we had to send law enforcement and incur a lot of bills.	I do not believe it would do any of that. They engineer the heck out of those pipelines so it should be just fine.
445		Nothing, I don't think their was a major problem.	I believe the long term effects would happen.

Respondent's Assigned ID#	19. Given any feelings you have about the protests, about Dakota Access, or about Greenpeace, do you think you could be fair and impartial to both sides?	19a. Why is it that you feel you (could be fair and impartial) (Couldn't be fair and impartial) (don't know if you could be fair and impartial)?
441	9 Don't know	I don't understand the questions. I don't want to answer questions I don't understand. My understanding of English, I can speak, but I can't write or understand much. This makes it tough to understand the questions.
442	2 No	I would be one sided because I don't like people paying the protests.
443	1 Yes	They both have good reason for what they are doing. There could be damage, but the overall outlook , everyone would benefit from a pipeline.
444	8 Refused	
445	2 No	Knowing how everything happened I feel I can not look at both sides while Native Americans are going through this. I feel I would take a stand on their side.

Respondent's Assigned ID#	3a. How do you know this person who works or has worked on the Dakota Access Pipeline or members of their family?	4a.How do you know this person who works or worked on other pipelines or in the oil and gas industry?	6b. What do you remember about these protests and the protesters?	7a.How do you know the protester(s) or their family?
446			The fakeness of many of the protesters being actors and coming in and protested and don't have a clue what they were fight for. I think they just came in for TV time or exposure. The way they left the land when they were done was trashed and they closed the a major highway by Canon Ball, they put up barriers and a vehicle and I believe they chained themselves across it.	
447			It was all a big bluff. They got the cops out there and the protestors were trying to protect their land.	Some of them are my mom's friends.
448		Family friends	I read and heard about them. They went with good intentions but ultimately left with more damage and harm than what was beneficial to their cause. The amount of garbage and trash left at the sites. It seemed at times violent on both sides.	
449				
450			That they were peaceful. I actually was at the North Dakota state capital when we were evacuated so I have a fair memory of that. I don't think the protesters did anything wrong.	One of them was my husband's cousin. Just a relative.

Respondent's Assigned ID#	8a.Please describe how you or the people you know were affected by the protests.	9. What do you think were the worst problems that the protest caused for you, your community or others you know?	12. What do you think about claims the protesters and others made that the DAP was causing or would cause damage in the future to water quality, the environment and to the Standing Rock Tribe?
446		Again, they just totally disrupted everything and they destroyed part of the pipeline and were part of the problem.	It's bull. They didn't build the pipeline with any intentions of damaging anything.
447	It took an emotional toll on the protestors who watched it happen.	It stopped the Dakota Access pipeline. People got hurt because of the law enforcement people. Protestors got hurt.	It would damage the water if it were to break. It was destroying the ground when they were digging on sacred ground.
448		I do not know. I did not have any harm caused to me.	I would not put a lot of base into their claims. What I read, they accepted the money and decided to protest after the fact. Accept the money from the pipeline companies.
449		I'm not familiar with the situation.	I'm not familiar with the situation.
450		I don't think it caused problems within my community. The protests happened on the western side of North Dakota and I'm on the east side.	I believe them. I believe that the pipeline would cause damage and its not in the best interest to the water quality, the environment, and to the Standing Rock Tribe.

Respondent's Assigned ID#	19. Given any feelings you have about the protests, about Dakota Access, or about Greenpeace, do you think you could be fair and impartial to both sides?	19a. Why is it that you feel you (could be fair and impartial) (Couldn't be fair and impartial) (don't know if you could be fair and impartial)?
446	9 Don't know	I am some what biased. On one side, I was against the protest to begin with and am deep seated about my feeling. I know what side I would vote for.
447	2 No	The police officers were harming the protestors with unnecessary force.
448	1 Yes	At the time it was happening, I was removed from the state and I got information from the media and my distrust of the media would allow me to listen to both sides.
449	2 No	I prefer not to answer.
450	2 No	I don't think Greenpeace did anything wrong and I have a hard time fighting for the pipeline because I don't support the pipeline.

Exhibit 9 to Declaration of Diane Wiley
Case No. 30-2019-CV-00180

APPENDIX 6

LIST OF NEWSPAPER ARTICLES -

MORTON COUNTY JANUARY 7, 2021 -

JULY 3, 2022

Date	Source	Headline
01/07/21	The Bismarck Tribune	Judge: Disputed DAPL documents are public records
01/14/21	Williston Daily Herald (North Dakota)	Dakota Access loses key permit in Illinois
02/25/21	The Bismarck Tribune	US Supreme Court refuses to hear DAPL appeal
03/03/21	The Daily News (Wahpeton, North Dakota)	Voting, COVID-19 relief, Biden ’s cabinet: all on their agenda
03/04/21	The Bismarck Tribune	Protester refusing to testify jailed
03/05/21	The Bismarck Tribune	Bakken rides out a bad year
03/10/21	The Daily News (Wahpeton, North Dakota)	Tribal chairman hopes for more cooperation in second half of ND legislative session
03/12/21	Williston Daily Herald (North Dakota)	Bridger seeks permit for transmission line, providing alternate route for oil out of North Dakota
03/12/21	Mountrail County Record (North Dakota)	Fox hopes for consistant cooperation from legislators
03/12/21	The Bismarck Tribune	Weather woes cause oil production to fall
03/15/21	The Bismarck Tribune	Company proposes oil line in McKenzie County
03/16/21	Williston Daily Herald (North Dakota)	North Dakota gears up to help fight for multibillion dollar oil and gas industry
03/16/21	The Bismarck Tribune	ND weighs in on Haaland confirmation
03/24/21	The Bismarck Tribune	Hearing touches on oil tax sharing, DAPL
03/25/21	Velva Area Voice (North	Shawn Vedaa
03/27/21	US News	Veteran Who Fundraised for DAPL Protest Sues Bismarck, Hertz
03/27/21	The Bismarck Tribune	Rental, blizzard, border arrest highlight lawsuit
03/27/21	The Bismarck Tribune	Rented vehicle, blizzard, Mexican border arrest highlight DAPL lawsuit
03/31/21	Williston Daily Herald (North Dakota)	MHA Nation seeks consultation with U.S. Army Corps of Engineers on fate of Dakota Access Pipeline
04/02/21	Williston Daily Herald (North Dakota)	Hoeven believes key priorities for oil and gas can still be won despite Biden administration
04/10/21	The Bismarck Tribune	
04/13/21	Williston Daily Herald (North Dakota)	Energy quick takes: Things to know this week for energy
04/14/21	The Bismarck Tribune	Corps fails to come through on DAPL issue
04/15/21	Williston Daily Herald (North Dakota)	DAPL shut-in would suspend 400,000 barrels of oil per day at least temporarily
04/15/21	The Bismarck Tribune	Dakota Access asks for full appeals court review
04/16/21	The Bismarck Tribune	Corps stalls in DAPL case
04/16/21	Mandan News (ND)	DAPL protest camp founder and Standing Rock historian LaDonna Allard dies
04/16/21	The Bismarck Tribune	DAPL protest camp founder dies

Date	Source	Headline
04/16/21	The Bismarck Tribune	‘There are four more fifths of the park left to enjoy'
04/19/21	The Bismarck Tribune	Tribal consult on DAPL ‘tightrope' for president
04/19/21	The Bismarck Tribune	North Dakota seeks to intervene in DAPL lawsuit to defend pipeline
04/20/21	Williston Daily Herald (North Dakota)	North Dakota seeks to intervene in DAPL court case, saying Corps has abandoned its leadership role in the case
04/20/21	Williston Daily Herald (North Dakota)	DAPL is becoming an increasing delicate political situation for the Biden Administration
04/20/21	The Bismarck Tribune	State seeks to intervene in DAPL lawsuit
04/21/21	Williston Daily Herald (North Dakota)	North Dakota proposed budget includes money for U.S. 85, Oasis has a new CEO, and other energy moves this week
04/21/21	Williston Daily Herald (North Dakota)	Drought prompting innovations to hydraulic well fracturing; production outlook good for state
04/21/21	The Bismarck Tribune	Pipeline operator gets new support
04/22/21	Williston Daily Herald (North Dakota)	Filing in DAPL case highlights MHA Nation in new estimate of the economic damage a shutdown would cause
04/23/21	The Bismarck Tribune	‘The time to bond is now'
04/23/21	Williston Daily Herald (North Dakota)	Dakota Access loses appeals bid, setting the stage for a second shutdown showdown in Boasberg's court
04/23/21	The Bismarck Tribune	Oil tax sharing bill approved
04/24/21	The Bismarck Tribune	Court denies DAPL request
04/26/21	Williston Daily Herald (North Dakota)	Standing Rock Sioux: DAPL shutdown impacts modest, manageable
04/27/21	Williston Daily Herald (North Dakota)	Judge wants U.S. Army Corps of Engineers to weigh in on DAPL
04/30/21	The Bismarck Tribune	DAPL operator plans Supreme Court appeal
05/03/21	The Bismarck Tribune	Munitions to be detonated as part of protest lawsuit
05/03/21	The Bismarck Tribune	Standing Rock unhappy with DAPL moves by North Dakota, Corps
05/04/21	The Bismarck Tribune	Pipeline raises tensions between US and Canada
05/04/21	Williston Daily Herald (North Dakota)	Corps stands by previous opposition to shutdown, EIS will take until March 2022
05/05/21	The Bismarck Tribune	Groups sue over pipelines on wetlands
05/05/21	Williston Daily Herald (North Dakota)	With oil markets balancing, Continental is shifting back to the its oil-heavy assets in the Bakken
05/05/21	The Bismarck Tribune	Standing Rock unhappy with DAPL moves
05/08/21	The Bismarck Tribune	Deal needs to end fight over pipeline
05/10/21	Williston Daily Herald (North Dakota)	Environmental groups launch new lawsuits on nationwide system used to permit pipelines
05/11/21	The Bismarck Tribune	DAPL should build above-river crossing
05/12/21	The Bismarck Tribune	More legal wrangling in DAPL dispute

Date	Source	Headline
05/12/21	The Bismarck Tribune	Dakota Access executive says pipeline has faced cyberattacks
05/13/21	The Bismarck Tribune	DAPL has seen cyberattacks
05/14/21	Williston Daily Herald (North Dakota)	Pompeo: American energy has a role to play in easing geopolitical tensions
05/14/21	The Bismarck Tribune	Court denies DAPL's procedural request
05/14/21	Williston Daily Herald (North Dakota)	Security on North Dakota energy's mind in wake of Colonial Pipeline attacks
05/14/21	The Bismarck Tribune	‘This may seem like a moonshot, but it's actually not'
05/17/21	Williston Daily Herald (North Dakota)	Cold water from Energy Transfer's CEO isn't deterring North Dakota's petrochemical dreams
05/20/21	Williston Daily Herald (North Dakota)	PSC approves Bridger pipeline, an alternate route for up to 50,000 barrels of Bakken crude
05/20/21	Williston Daily Herald (North Dakota)	PSC approves Bridge pipeline, an alternate route for up to 50,000 barrels of Bakken crude
05/20/21	The Bismarck Tribune	PSC approves McKenzie County pipeline
05/21/21	Williston Daily Herald (North Dakota)	North Dakota reacts to pipeline ruling
05/21/21	Williston Daily Herald (North Dakota)	DAPL may continue to operate while its EIS is completed, judge rules
05/22/21	The Bismarck Tribune	Judge: DAPL can still operate
05/24/21	The Bismarck Tribune	Judge will not let North Dakota intervene in Dakota Access dispute
05/24/21	The Bismarck Tribune	Judge will not let North Dakota intervene in Dakota Access dispute
05/25/21	The Bismarck Tribune	Judge not letting state intervene in DAPL case
05/28/21	The Bismarck Tribune	‘It felt like there was some wind in our sails again'
05/28/21	New Town News (North	Dakota Access Pipeline to continue to operate
06/02/21	The Bismarck Tribune	Enbridge's Line 3 enters critical month
06/03/21	Williston Daily Herald (North Dakota)	FERC approves WBI line without new greenhouse gas emissions analysis from Biden administration
06/07/21	Williston Daily Herald (North Dakota)	Shale's role in the world market is changing, Hess CEO John Hess says
06/08/21	The Bismarck Tribune	Protesters call for halt to Line 3 construction
06/09/21	Williston Daily Herald (North Dakota)	EPA administrator visits, 45Q attention, and more things to know this week in energy
06/11/21	The Bismarck Tribune	Fight over Canadian oil persists after pipeline's demise
06/15/21	The Bismarck Tribune	Court affirms approval of Line 3 Court affirms approval of Line 3
06/18/21	The Bismarck Tribune	Parties at odds over DAPL fight's future
06/22/21	The Bismarck Tribune	Racism runs deep through North Dakota
06/23/21	Williston Daily Herald (North Dakota)	Judge dismisses Dakota Access case

Date	Source	Headline
06/23/21	The Bismarck Tribune	Judge closes out DAPL suit
06/24/21	The Bismarck Tribune	Standing Rock eyes DAPL fight possibilities
06/25/21	The Bismarck Tribune	'This might be a good year to put that off'
07/03/21	The Bismarck Tribune	Woman sentenced to 8 years for Iowa DAPL vandalism
07/03/21	The Bismarck Tribune	Tribal oil boom complicates climate push
07/05/21	The Bismarck Tribune	Racism accusation requires more proof
07/06/21	The Bismarck Tribune	Activists: Climate must be tackled
07/07/21	Williston Daily Herald (North Dakota)	Bakken Rocks Cookfest returns to Arnegard, and other things to know this week in energy
07/08/21	The Bismarck Tribune	Patriotism is listening, not shouting down
07/10/21	The Bismarck Tribune	Removing the partisan pipeline lens
07/13/21	Williston Daily Herald (North Dakota)	Armstrong joins Conservative Climate caucus, PHMSA doubles down on methane deadline and more things to know this week in energy
07/21/21	Williston Daily Herald (North Dakota)	Bakken only shale play to improve efficiency during pandemic
07/21/21	Williston Daily Herald (North Dakota)	Dakota Access not the only pipeline in legal jeopardy
07/23/21	The Bismarck Tribune	DAPL faces fine for violations
07/24/21	The Bismarck Tribune	Operator responds to DAPL violations
07/26/21	Williston Daily Herald (North Dakota)	Dakota Access faces fines, compliance orders for safety violations from 2017 to 2019
07/28/21	Williston Daily Herald (North Dakota)	Hamm: ASG not yet reality, but is already boosting America's light sweet crude in world markets
07/30/21	The Bismarck Tribune	'We would ask them to find another job'
08/06/21	The Bismarck Tribune	DAPL expands capacity
08/09/21	Williston Daily Herald (North Dakota)	Bakken helped Continental deliver a record amount of free cash flow this quarter
08/10/21	Williston Daily Herald (North Dakota)	ND Department of Trust Lands asks court to rule state's new royalty law unconstitutional, and other things to know this weak in energy
08/11/21	The Bismarck Tribune	Body cameras are good idea for law officers
08/11/21	Williston Daily Herald (North Dakota)	DAPL takes on more oil even as court-ordered EIS that will decide its fate continues
08/13/21	The Bismarck Tribune	'We want to stop it before it progresses'
08/20/21	Williston Daily Herald (North Dakota)	Enerplus posts record Q2 production, plans to continue ramping up in third quarter
08/27/21	The Bismarck Tribune	Timeline extended for Dakota Access Pipeline environmental impact study
08/30/21	Williston Daily Herald (North Dakota)	Corps extends timeline for Dakota Access pipeline's court-ordered environmental study by 6 months
09/03/21	Mandan News (ND)	Timeline extended for Dakota Access Pipeline environmental impact study

Date	Source	Headline
09/06/21	Williston Daily Herald (North Dakota)	Global market forces, ESG pressures likely to keep Bakken production flat for foreseeable future
09/06/21	Williston Daily Herald (North Dakota)	North Dakota native tapped for Department of Energy position and more things to know this week in energy
09/10/21	The Bismarck Tribune	Feds, ND to debate DAPL costs
09/15/21	Williston Daily Herald (North Dakota)	Clean Sustainable Energy Authority drafts rules, WDEA registration open and more things to know this week in energy
09/15/21	The Bismarck Tribune	Settlement on DAPL policing costs needed
09/17/21	The Bismarck Tribune	AG: More time needed for DAPL negotiation
09/22/21	The Bismarck Tribune	Dakota Access appeals to high court
09/23/21	Devils Lake Journal (North Dakota)	Schulz to lead state Department of Parks and Recreation
09/23/21	The Bismarck Tribune	DAPL review ‘gravely off track,' tribes argue
09/24/21	The Bismarck Tribune	Former Morton County commissioner Schulz to lead state parks
09/27/21	The Bismarck Tribune	Mandan park, library upgrades progressing
09/29/21	Williston Daily Herald (North Dakota)	Supreme Court filing seeks to reverse DAPL ruling requiring more environmental study
09/30/21	The Bismarck Tribune	Indigenous filmmaker Dewey dies
10/01/21	The Bismarck Tribune	Boarding schools legacy remembered
10/01/21	Mandan News (ND)	Mandan park, library improvements progressing
10/06/21	The Bismarck Tribune	Energy Transfer charged over contamination
10/06/21	Williston Daily Herald (North Dakota)	CSEA has a leader and a process, MDU hearing for Heskett line and more things to know in energy this week
10/07/21	The Bismarck Tribune	Pipeline would connect to DAPL
10/09/21	The Bismarck Tribune	Tribes, state benefit from improved ties
10/18/21	Williston Daily Herald (North Dakota)	Bismarck, police officers dismissed from DAPL civil rights lawsuit
10/20/21	The Bismarck Tribune	Capitol security found lacking
10/20/21	Williston Daily Herald (North Dakota)	North Dakota carbon capture to play critical role for nation & more things to know this week in energy
10/21/21	Williston Daily Herald (North Dakota)	North Dakota damage suit survives federal government's bid to gut $38 million
10/21/21	The Bismarck Tribune	ND allowed to claim DAPL policing costs as damages
10/26/21	Devils Lake Journal (North Dakota)	DAPL protests - State cleared to claim damages; Judge rejects federal government efforts to dismiss recovery costs
11/05/21	The Bismarck Tribune	Library closing for next phase of upgrade
11/15/21	Williston Daily Herald (North Dakota)	Pipeline would store carbon dioxide emissions from ethanol
11/17/21	The Bismarck Tribune	DAKOTA BRIEFS

Date	Source	Headline
11/24/21	The Bismarck Tribune	Petroleum releases unpopular in industry
12/01/21	Williston Daily Herald (North Dakota)	Enerplus is taking steps to insulate its Bakken stronghold from inflation invasion
12/04/21	The Bismarck Tribune	Pipeline docs case headed to high court
12/08/21	Williston Daily Herald (North Dakota)	“Clean” energy has fans on both sides of the aisle, new CDL requirements and more things to know in energy this week
12/18/21	The Bismarck Tribune	Tribe, Corps urge Supreme Court to reject DAPL appeal
12/23/21	Williston Daily Herald (North Dakota)	Briefs accumulate for Dakota Access Pipeline appeal before the U.S. Supreme Court
12/24/21	The Bismarck Tribune	AG Stenehjem to retire
12/27/21	Williston Daily Herald (North Dakota)	From Keystone XL's cancellation to the bipartisan infrastructure bill, Bakken oil and gas had its ups and downs
12/30/21	The Bismarck Tribune	Wind farm dismantling prompts debate
12/31/21	The Bismarck Tribune	Carbon capture dominates energy news
01/01/22	Williston Daily Herald (North Dakota)	Judge sides with law enforcement in DAPL protest suit alleging excessive use of force
01/05/22	Williston Daily Herald (North Dakota)	WDEA's Top 10 Energy Stories of 2021
01/06/22	Devils Lake Journal (North Dakota)	Carbon storage plans prompt concerns in tribal areas
01/07/22	Mandan News (ND)	Judge sides with law enforcement in DAPL protest suit alleging excessive use of force
01/07/22	The Bismarck Tribune	‘We anticipated a quicker recovery than what we saw'
01/08/22	The Bismarck Tribune	Decision adds transparency to government
01/12/22	The Bismarck Tribune	Clyde Bellecourt dies at 85
01/13/22	The Bismarck Tribune	Illinois court revokes DAPL expansion decision; line can keep operating at higher capacity while under
01/14/22	The Bismarck Tribune	Court revokes DAPL expansion
01/21/22	Williston Daily Herald (North Dakota)	Last hurdle for Coal Creek sale cleared and more things to know in energy this week
01/22/22	The Bismarck Tribune	Judge refuses to delay DAPL docs release
01/24/22	The Bismarck Tribune	Mandan library selling items due to upgrade
01/27/22	Williston Daily Herald (North Dakota)	Standing Rock withdraws from court-ordered environmental study process citing lack of transparency, safety concerns
01/27/22	The Bismarck Tribune	Standing Rock pulls out of Dakota Access study, citing oil spill response concerns
01/31/22	The Bismarck Tribune	Signs positive for future of ND economy
02/02/22	Williston Daily Herald (North Dakota)	Oil and gas activity north of Lake Sakakawea is stronger, following completion of WBI's North Bakken Expansion
02/03/22	The Bismarck Tribune	Energy Transfer faces criminal charges over pipeline explosion
02/04/22	The Bismarck Tribune	Tribe pulls out of DAPL study
02/04/22	The Bismarck Tribune	‘It's just been a wonderful ride' ‘It's just been a wonderful ride'

Date	Source	Headline
02/12/22	The Bismarck Tribune	2 projects could provide boost to ND
02/18/22	The Bismarck Tribune	Disputed DAPL docs before ND Supreme Court
02/21/22	The Bismarck Tribune	Bills push schools to post class info online
02/23/22	Williston Daily Herald (North Dakota)	Supreme Court declines to review court decision that required further environmental study of DAPL
02/25/22	The Bismarck Tribune	'It has a lot of positive energy'
03/09/22	Williston Daily Herald (North Dakota)	Federal oil leasing is on hold once again
03/18/22	The Bismarck Tribune	DAPL protester lawsuit revived by appeals court; decisions on 3 other suits pending
06/02/22	The Bismarck Tribune	North Dakota Supreme Court rejects DAPL developer's rehearing request in documents case
06/03/22	790 KFGO	DAPL developers last ditch effort to stop TigerSwan documents from public release fails
07/03/22	The Bismarck Tribune	First oil sales on public land under Biden bring $22 million

EXHIBIT 4

Greenpeace Defendants' Petition for Supervisory Writ

STATE OF NORTH DAKOTA	**DISTRICT COURT**
COUNTY OF MORTON	**SOUTH CENTRAL JUDICIAL DISTRICT**
ENERGY TRANSFER LP, *et al.*, Plaintiffs, v. GREENPEACE INTERNATIONAL, *et al.*, Defendants.	Case No. 30-2019-CV-00180 **UNSWORN DECLARATION OF EVERETT JACK, JR. IN SUPPORT OF GREENPEACE INTERNATIONAL, GREENPEACE, INC., AND GREENPEACE FUND, INC.'S MOTION TO CHANGE VENUE**

[¶1] I, Everett W. Jack, Jr., declare as follows:

[¶2] I am with the law firm Davis Wright Tremaine LLP, counsel for Defendants Greenpeace International ("GPI") and Greenpeace, Inc. ("GP Inc."), collectively Greenpeace herein, and I submit this Declaration in Support of Greenpeace's Motion to Change Venue.

[¶3] A true and correct copy of the Mountrail County Record article by Alexandra Kautzman dated March 12, 2021 is attached hereto as Exhibit 1.

[¶4] A true and correct copy of the Duluth News Tribune opinion piece by James "Spider" Marks dated July 10, 2021 is attached hereto as Exhibit 2.

[¶5] A true and correct copy of the Grand Forks Herald opinion piece by Rob Port dated February 25, 2022 is attached hereto as Exhibit 3.

[¶6] Plaintiffs' lead counsel – Jennifer Recine and Thomas Kelly of Kasowitz Benson Torres – are both located in New York.

[¶7] The Greenpeace defendants and their counsel are also not located in Morton County, and neither are many of the potential witnesses.

[¶8] There are local law enforcement who will likely be witnesses for trial, but those officers extend to all parts of North Dakota.

I declare, under the penalty of perjury under the law of North Dakota, that the foregoing is true and correct.

Signed on the 4th day of August, 2022, at Portland, Oregon.

/s/ Everett W. Jack, Jr.

News
Fox hopes for consistant cooperation from legislators

ALEXANDRA KAUTZMAN; NDNAEF
855 words
12 March 2021
Mountrail County Record
MOCORE
A11
English
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BISMARCK - In his Tribal-State Relationship Message at the start of the 2021 North Dakota Legislative Assembly, Three Affiliated Tribes Chairman Mark Fox called for more communication between the state and tribes. With more than half of the 80-day session complete, Fox said last week there appears to be more cooperation, but there is still a long way to go.

"It looks like we're making some progress, but in other matters we are struggling," Fox said.

On the positive side, the state and four tribes have been working on ways to improve response time for law enforcement on and near reservations by clarifying jurisdictional issues. A bill with that aim passed the House 82-10 Jan. 20.

"You're happy to see backup no matter what color a uniform is," Trooper Jenna Clawson Huibregtse, the state Highway Patrol's cultural liaison officer, told the Bismarck Tribune in January. "There shouldn't be that issue of whether somebody can come help me or not because they have authority or they don't."

One of HB 1126's sponsors is Rep. Terry Jones, R-New Town. "Absolutely yes, we had a real good lobby here from the tribe that's been working on this and a lot of cooperation from the state to try and figure out how to get help both ways," she said Friday. "So this is a definite step forward in my opinion. It will serve the citizens of North Dakota well."

One area of concern is proposed expansion of the gaming industry. Since the pandemic, tribal casinos have seen a major loss of jobs and revenue. Fox said expanding gaming throughout the state would crush those tribal gaming operations even more.

"When one entity is extremely benefiting by an expansion of gaming, there's nothing wrong with improving for their purposes and benefits, that in general is a good thing," Fox said. "We're not saying that it has to be only the tribe, we're just saying find a balance."

Rep. Jason Dockter, R-Bismarck, is a member of the House Finance and Taxation Committee and sponsor of several bills relating to the expansion of the gaming industry. House Bill 1234 would authorize sports betting as a game of chance.

Dockter said he doesn't feel that there is tension between the state and tribes over gaming bills. "We've had great communication up until then, we just haven't agreed on anything yet," Dockter said. "We understand where we're coming from and we understand where they're coming from, but we still have to continue to work at it to see if we can come up with a compromise."

While there have been several productive meetings and conversations, Dockter said, a number of issues remain. But with half of the session left, there is still plenty of time to work on those.

Scott Davis, executive director of the North Dakota Indian Affairs Commission, said one barrier to better legislative and tribal relations could relate to pipeline issues.

Now that the Biden Administration canceled construction of the Keystone XL Pipeline, Washington also has been urged to shut down the **Dakota Access Pipeline**, against which many Indians protested in 2016-17. Because of this, Davis said some lawmakers might be supporting these gaming bills in part as retribution.

"It's a game of tug-of-war," Davis said. "If we're going to do something to prevent the state from advancing economically, then the state is going to do something back to the tribe."

Morton County Sheriff Kyle **Kirchmeier**, who led the police response to the protests in 2016, said he feels the relationship between the sheriff's office and Standing Rock Sioux Tribe is one of mutual respect.

Kirchmeier said while there is still tension around the pipeline, it does not involve the sheriff's office as it is a neutral party. He said during the protest, its conflict was with the **out-of-state** protesters who instigated illegal activity, not with Standing Rock.

"We understood the passion behind the tribe's feelings about the pipeline, and we were willing to work with them to conduct peaceful protests," **Kirchmeier** said. "But when mostly **out-of-state agitators** arrived and refused to cooperate and protest in a legal manner, that's when there were issues. My office is here to serve Morton County, and neighboring counties are just that, our neighbors. And we value those relationships."

Fox said he would like to see more cooperating and understanding between leaders in the second half of the session. With the potential loss of livelihoods on the line through gaming expansion beyond the reservations, he hopes that a compromise comes sooner rather than later.

"I hope to see some progress because we have to get these things done now," Fox said. "Since they meet every other year, we don't want to find ourselves in a position with the same old problems and contending with them for another two years until they come back again. This time, we simply can't wait."

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Duluth News Tribune
Found on DuluthSuperior.com

Opinion
LOCAL VIEW; Violent pipeline protests becoming all too common

JAMES; "SPIDER"; MARKS
683 words
10 July 2021
Duluth News-Tribune
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C12
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Nearly 200 protesters were arrested last month after trespassing, blocking roads, trapping workers, and destroying equipment at a Line 3 pipeline construction site in Hubbard County, Minnesota. News reports highlighted the extensive vandalism of contractor equipment, unlawful entry into multiple construction trailers, and destruction of environmental safeguards intended to control erosion and protect water quality. Property damage included slashed tires, cut hoses, rocks and dirt in machine engines, forced entry into offices, and destroyed electrical wiring in equipment.

Hundreds of thousands of dollars in damage was incurred by one indigenous-owned contractor alone, Gordon Construction -- especially unfortunate considering protesters claim to be fighting for Native American treaty rights; yet they ignore the negative impacts of their actions on these very communities.

Matt Gordon, a member of the White Earth Nation and vice president of his family's construction company, suggested that "opponents are shielding themselves with Native Americans." He joined with several other Native business leaders to denounce the protests, writing, "Protests that disrupt work, damage property, and **threaten** our employees while claiming to be on behalf of our Native people is creating additional tension and consequences within our tribal communities."

However, **violent** and destructive protest tactics like these have become all too familiar in the world of anti-pipeline activism. From the fields of Montana to the bayous of Louisiana to the Appalachian Mountains, protesters have taken the fight to pipeline construction sites across the country, living in trees, chaining themselves to equipment and inside pipes, and even committing arson.

Last week, an activist was sentenced to eight years in prison after taking responsibility for millions of dollars in sabotage to the **Dakota Access Pipeline** back in 2016 during its construction, as the Des Moines Register reported June 30. In the name of climate activism, she and another protester burned five pieces of heavy equipment and used a blowtorch to cut into pipe and burn valves at sites across Iowa.

In North Dakota, thousands of protesters illegally camped near the Standing Rock Sioux reservation, vandalizing private property, setting fires, and attacking law enforcement with pepper spray, rocks, and Molotov cocktails. When protesters finally moved on, the state of North Dakota was left to clean up 48 million pounds of trash littered at the camps.

Despite these efforts and legal challenges, the pipeline has been safely operating for more than four years, playing an important role in our nation's economy and energy security.

Unfortunately, protesters have already vowed to make Line 3 "the next Standing Rock," which should come as no surprise, considering many of the same activists who protested the **Dakota Access Pipeline** are now fighting Line 3 in Minnesota with eerily similar tactics. While it may not come as a surprise, it should be cause for concern.

There is an appropriate time and place to express concern regarding infrastructure development. The rigorous regulatory process welcomes input from the public through hearings and open-comment periods. According to Enbridge, Line 3's developer, the project underwent 70 public comment meetings, appellate review and the reaffirmation of a 13,500-page environmental impact statement (EIS), four separate reviews by administrative law judges, 320 route modifications in response to stakeholder input, and multiple reviews and approvals on the state, federal, and tribal level, as the Associated Press reported.

Protesters have shown they are willing to do whatever it takes to block permitted energy infrastructure development. Opponents choose to ignore the science and facts around the need for infrastructure, the extensive permitting and approval process, and the impressive safety record of modern pipelines in favor of ideology and rhetoric, with no apparent regard for the law.

While there may be disagreements regarding pipeline development and American energy policy, destroying property, breaking the law, and **threatening** the safety of hardworking tradesmen and tradeswomen is not an acceptable form of dissent.

James "Spider" Marks is a retired U.S. Army major general and strategic adviser to the GAIN (Grow America's Infrastructure Now) Coalition (gainnow.org). He wrote this for the News Tribune.

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Grand Forks Herald
Found on GrandForks.com

Opinions
What scares me is the escalation

Rob Port; Say Anything
549 words
25 February 2022
Grand Forks Herald
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When former President Donald Trump took office in 2017, the often **violent** demonstrations against the **Dakota Access Pipeline** here in North Dakota were ongoing.

Trump helped bring those protests to an end, issuing a key permit for the pipeline to cross the Missouri River.

Soon after the pipeline was completed and the protest camps were cleared.

But what if Trump had gone further?

What if, instead of merely taking regulatory action in favor of the pipeline, he'd deputized America's financial institutions, tasking them with identifying participants in the protests and freezing their accounts? What if he issued an executive order defining those to be targeted by this initiative as participation in a "public assembly that may reasonably be expected to lead to a breach of the peace."

What if Trump's attorney general went on national television and declared that it wouldn't just be the demonstrators themselves who would be targeted, but anyone donating money to their cause?

We might call that sort of thing fascism.

These things I've described are the tactics Canadian Prime Minister Justin Trudeau has deployed against the trucker blockade which caused headaches north and south of the border for weeks.

I have little sympathy for those activists. I agree with them in some ways - many of Canada's pandemic-era policies have gone too far - but I can't condone a political movement that has antivaccine ignorance at its core. Nor do I endorse the tactics. They were wrong when the anti-pipeline people did them, and they were wrong in Canada too, though it's been amusing to watch left-wing observers rail against the very tactics they cheered when they were used against pipelines and law enforcement (and vice versa for the right).

Still, when it comes to protecting speech, the content of the speech is irrelevant.

The tactics deployed by the truckers, much like their counterparts in the anti-pipeline movement, were often illegal. Your right to speak, your right to gather and protest, does not justify harming other people, be it physically or economically.

Your cause does not give you license to obstruct the free movement and commerce of others.

Yet these illegal tactics are not justification for the government to appropriate vast new powers to exact financial reprisals against those who choose to engage in provocative political speech and those who support them.

What's terrifying in all this is the escalation.

The left used **violent** demonstrations to shut down travel and commerce, and now the right is doing it.

When the left was doing it, it was the right calling for severe government crackdowns. Now that it's the right blocking highways and making mischief, it's the left calling for the government to stamp it out.

We ought to ask ourselves, where does this road lead? Increasingly violent and disruptive political activities, provoking an ever more draconian response from the government that makes engaging, or even just supporting, the sprawling, brawling discourse that is the hallmark of any free society more fraught?

That's our future if we keep this up.

Rob Port is a columnist, news reporter and podcast host for Forum News Service. Reach him at rport@forumcomm.com.

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EXHIBIT 5

Greenpeace Defendants' Petition for Supervisory Writ

STATE OF NORTH DAKOTA IN DISTRICT COURT

COUNTY OF MORTON SOUTH CENTRAL JUDICIAL DISTRICT

Energy Transfer, L.P. (formerly known as Energy Transfer Equity, L.P.); Energy Transfer Operating, L.P. (formerly known as Energy Transfer Partners, L.P.); and Dakota Access LLC, Plaintiffs, vs. Greenpeace International (also known as "Stichting Greenpeace Council"); Greenpeace, Inc.; Greenpeace Fund, Inc.; Red Warrior Society (also known as "Red Warrior Camp"); Cody Hall; and Krystal Two Bulls; Defendants.	Case No. 30-2019-CV00180 **PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO CHANGE VENUE**

[¶1] Plaintiffs Energy Transfer LP, Energy Transfer Operating, L.P. (with Energy Transfer LP, the "Energy Transfer Plaintiffs"), and Dakota Access LLC ("Dakota Access," and with the "Energy Transfer Plaintiffs," "Plaintiffs" or "Energy Transfer") respectfully submit this opposition to the motion to change venue (the "Motion") of Greenpeace International ("GPI"), Greenpeace Inc. ("GP-Inc."), and Greenpeace Fund, Inc. ("GP-Fund," together with GPI and GP-Inc., "Defendants" or "Greenpeace").

[¶2] A change in venue is an extraordinary remedy that requires Greenpeace to demonstrate that a fair and impartial jury trial is not possible in Morton County. Greenpeace cannot make this showing. In fact, several juries already have been empaneled in Morton County for cases concerning the DAPL protests, which demonstrates that a fair and impartial jury trial can be held in Morton County. Tellingly, Greenpeace fails to mention this fact in its Motion. Furthermore, Greenpeace fails to disclose to the Court that North Dakota state and federal courts

have *three times* rejected claims by Diane Wiley—the jury consultant hired by Greenpeace to support the Motion—that it is "next to impossible" to empanel a fair and impartial jury in cases against DAPL protestors. These claims were made by Ms. Wiley in support of the protestors' motions to change venue, all three of which were denied.

[¶3] Further, Greenpeace's purported evidence that it is "next to impossible" for it to obtain a fair jury in Morton County does not support this extreme claim. Rather, Greenpeace's evidence consists of a survey of a small sliver of the potential jury pool and is based upon years-old news coverage of the protests. In fact, 43% of Morton County citizens who responded to Greenpeace's survey indicated they could be fair and impartial jurors. This is simply not evidence of the type of bias within the community which makes it impossible to select a fair and impartial jury. As set forth herein, Plaintiffs conducted their own survey of juror-eligible residents and found that the DAPL protests are not nearly as memorable and the opinions of residents are not nearly as polarized (or as fixed) as Greenpeace would have the Court believe.

[¶4] Finally, Greenpeace's motion is premature. The caselaw is clear that a change of venue is inappropriate before *voir dire*, which is the correct setting for the Court to determine whether any prejudice exists at the time of trial, based on questioning of potential jurors. Greenpeace offers no compelling argument to set aside normal practice in connection with this Motion, and there is none.

[¶5] Accordingly, the Motion should be denied.

BACKGROUND

[¶6] This action arises from Greenpeace's coordinated misinformation campaign against the Dakota Access Pipeline ("DAPL"). (*See generally* Dkt. No. 100.) This campaign led to thousands of protestors joining what had been small, local protests against DAPL in the summer

of 2016. (*Id.* ¶ 52.) Greenpeace joined and supported the protests, including by instructing protestors on tactics like attaching themselves to construction equipment—tactics used at DAPL construction sites on an almost daily basis from August to November 2016, causing a total shutdown of pipeline construction—and by providing financial support to the most extreme anti-DAPL protestors. (*Id.* ¶¶ 52-53, 77-78.) Greenpeace also disseminated misinformation regarding DAPL to Plaintiffs' investors, financiers, and other business constituents, interfering with Plaintiffs' existing and prospective business relationships. (*Id.* ¶¶ 84-95.)

I. Both State and Federal Courts Have Rejected Diane Wiley's Survey Findings Submitted in Support of Motions to Change Venue

[¶7] Several hundred people were arrested during the protests, resulting in many criminal trials taking place in state court in Morton County (where the protests primarily took place) and in federal court in Burleigh County (next to Morton County), including jury trials in early 2017. (*See infra* Argument § I.) In three criminal cases (among others)—*State of N.D. v. Peterson*, No. 30-2016-CR-00937 (N.D. Dist. Ct.) ("*Peterson*"), *State of N.D. v. Hebert*, No. 30-2016-CR-1797 (N.D. Dist. Ct.) ("*Hebert*"), and *United States v. Giron*, No. 1:17-cr-00031 (D.N.D.) ("*Giron*")—defendants moved for a change of venue.

[¶8] In late 2016, before the protests had even fully abated, the National Jury Project conducted a telephonic survey of 129 residents of Morton County and 126 residents of Burleigh County (the "2016 Survey"). Diane Wiley of the National Jury Project submitted the same affidavit describing the 2016 Survey in support of the motions to change venue in *Peterson* and *Giron*.[1] In *Hebert* and *Giron*, Diane Wiley also submitted the same affidavit discussing the 2016

[1] This affidavit is attached as Exhibit 1 (the "2016 Wiley Aff." or "2016 Wiley Affidavit") to Declaration of Jennifer S. Recine in Support of Plaintiffs' Opposition to the Motion to Change Venue (the "Recine Decl.").

Survey and describing a survey of 128 residents of Cass County conducted by the National Jury Project in January 2017 (the "2017 Survey") in support of the motions to change venue.[2]

[¶9] In these three cases, Wiley opined that it was "next to impossible" to empanel a fair and impartial jury in cases against DAPL protestors for charges arising from the DAPL protests in Morton County. In particular, Wiley was concerned that potential jurors had personal experiences with the protests or knew someone affected by the protests, were exposed to extensive news coverage concerning the protests, were aware the community thought the protestors were guilty, and had prejudged the protestors as guilty. (2016 Wiley Aff. pp. 2-3.)

[¶10] Both the state court and the federal court denied the motions to change venue, with the state court noting that it was "nonsensical" to say a fair and impartial jury could not be empaneled when jury trials had already occurred in DAPL protest related cases, and the federal court noting that measures could be implemented to ensure an unbiased jury. (Recine Decl. Exs. 3-5.)

II. Greenpeace Relies on Another Diane Wiley Survey to Support Its Motion to Change Venue

[¶11] Energy Transfer filed this lawsuit against Greenpeace on February 21, 2019 in Morton County, North Dakota, and filed the Amended Complaint on August 23, 2019. (Dkt. Nos. 2, 100.) The Amended Complaint alleges claims for trespass, aiding and abetting trespass, conversion, aiding and abetting conversion, defamation, tortious interference, and civil conspiracy, arising from Greenpeace's campaign against DAPL.

[¶12] On August 4, 2022, nearly a year before trial is set to begin in this case and in the midst of fact discovery, Greenpeace filed the Motion requesting a change in venue. In support,

[2] Recine. Decl. Ex. 2 (the "2017 Wiley Aff." or "2017 Wiley Affidavit").

Greenpeace submitted the declaration of Diane Wiley (Dkt. No. 829 (the "2022 Wiley Decl." or "2022 Wiley Declaration")), opining that it is "highly likely" that a fair and impartial jury could not be empaneled in Morton County based on a second telephonic survey (the "2022 Wiley Survey") of 150 Morton County residents and 150 Cass County residents conducted from April 21 to June 8, 2022. (2022 Wiley Decl. ¶¶ 33, 35, 164.) In this survey, 43% of Morton County respondents and 53% of Cass County respondents reported that they could be fair jurors. (*Id.* ¶ 58.)

III. Bloom Strategic Consulting's Survey Produces Dramatically Different Results than Diane Wiley's Survey

[¶13] In connection with this opposition, Plaintiffs engaged Bloom Strategic Consulting ("Bloom") to conduct an online survey of juror-eligible persons in Cass, Stark, and Morton Counties, North Dakota using the same or similar survey items as used in the 2022 Wiley Survey. (Declaration of Emily McDonald ("McDonald Decl." or "McDonald Declaration") ¶¶ 2, 5.) The Bloom survey found that many individuals did not immediately remember the DAPL protests—suggesting that memories as well as strong attitudes and opinions associated with the protests and protestors have begun to fade. (*Id*. ¶¶ 9-10.) The Bloom survey also found that 70% of Morton County respondents were not personally affected by the protests and only 23% perceived that they were personally affected "a lot." (*Id*. ¶ 14.)

[¶14] Bloom further found that almost half of the Morton County respondents either did not believe that Greenpeace is to blame for the unlawful actions of protesters (35%) or wanted more information before deciding whether Greenpeace is to blame (14%) before ever hearing any evidence or testimony in this case—suggesting that a large portion of Morton County residents are willing to listen to both sides of the case as fair and impartial jurors. (*Id.* ¶¶ 34-35.) Finally, 60% of Morton County respondents said they could be fair and impartial to both sides of this dispute, as compared to only 51% reporting the same in Cass County. (*Id.* ¶¶ 36-37.)

ARGUMENT

[¶15] "A change in venue is an extraordinary remedy" that will be denied where, as here, defendants "fail[] to meet their burden of showing that fair and impartial trials cannot be held in the counties from which the transfers are sought." *Basin Elec. Power Co-op. v. Boschker*, 289 N.W.2d 553, 559 (N.D. 1980). Greenpeace falsely contends that this extraordinary remedy is warranted, ignoring the fact that several fair and impartial trials were held in DAPL protest related cases in Morton County, which demonstrates that a fair and impartial trial can be held here. It is also standard practice in North Dakota to defer ruling on a motion to change venue until after voir dire and, thus, the Motion is premature. Finally, Greenpeace fails to demonstrate that dated pretrial publicity concerning the DAPL protests—and not Greenpeace—justifies a change in venue. Accordingly, the Motion should be denied.

I. DEFENDANTS CANNOT SHOW A CHANGE IN VENUE IS REQUIRED WHEN NUMEROUS FAIR AND IMPARTIAL JURY TRIALS RELATED TO THE DAPL PROTESTS HAVE ALREADY BEEN HELD IN MORTON COUNTY

[¶16] The "fact that a number of persons in any particular county have a bias or prejudice against the defendant will not justify a change of venue . . . if, notwithstanding the bias or prejudice of such persons, a fair and impartial trial can be had in that county." *Haugo v. Haaland*, 349 N.W.2d 25, 27 (N.D. 1984). Here, Defendants' contention that "it would be exceedingly difficult—if not impossible—to empanel a jury that could be fair and impartial" (Motion ¶ 18) cannot be squared with the fact that several fair and impartial juries were empaneled in Morton County for criminal trials against DAPL protestors right after the DAPL protests occurred. As Judge Feland of the North Dakota District Court recognized, it is "nonsensical for the Court to say" a fair and impartial jury cannot be seated "[w]hen a fair and impartial jury has already been seated for similar cases" related to the DAPL protests. (Recine Decl. Ex. 3 ¶ 6.) For this reason alone, the Motion should be denied.

[¶17] In *State of N.D. v. Peterson*, No. 30-2016-CR-00937 (N.D. Dist. Ct. Jan. 23, 2017) (Recine Decl. Ex. 3) defendant Kelli Peterson was charged on August 16, 2016 with disorderly conduct while protesting DAPL and her case was joined for trial with nine additional defendants facing criminal charges relating to the DAPL protests. On January 19, 2017, Peterson moved to change venue, contending that a fair and impartial jury was not possible in Morton County due to pretrial publicity. (*See id.* ¶ 1.) In support, Peterson submitted an affidavit from Diane Wiley—who Greenpeace relies on here—who opined that it was "next to impossible" for Peterson and other protestors to receive fair trials from jurors in Morton or Burleigh County based on a survey conducted of residents. (2016 Wiley Aff. p.3.) The State did not respond to the motion.

[¶18] The court denied the motion, flagging in its decision that a trial had already been held on two cases stemming from the DAPL protests after defendants used only three of four total preemptory challenges available to them. (Recine Decl. Ex. 3 at ¶ 4.)[3] That a fair and impartial jury had already been empaneled for DAPL protest related cases was "far more persuasive" than the 2016 Survey, which "was done on a relatively small sample of the population" of 129 residents of Morton County and 126 residents of Burleigh County. (*Id.* at ¶ 5; 2016 Wiley Aff. p.4.) When Peterson renewed her motion to change venue, the court again denied it and, ultimately, a jury was seated and a trial was held in Morton County for nine of the defendants in the consolidated trial.[4]

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[3] The defendant in one of these cases moved for a change of venue, which the court denied. *See State of N.D. v. Shapiro*, No. 30-2016-CR-1190 (N.D. Dist. Ct.), Dkt. No. 22.

[4] Order on Defendant Peterson's Renewed Motion, *State of N.D. v. Peterson*, No. 30-2016-CR-00937 (N.D. Dist. Ct. Jan. 30, 2017), Dkt. No. 110; *State of N.D.v. Decker* (No. 30-2016-CR-0943); *State of N.D.v. Haythorn* (No. 30-2016-CR-0938); *State of N.D. v. Hulleman* (No. 30-2016-CR-0935); *State of N.D.v. Jumpingeagle* (No. 30-2016-CR-0977); *State of N.D.v. Neyer* (No. 30-2016-CR-0954); *State of N.D.v. Strickland* (No. 30-2016-CR-0932); *State of N.D.v. Walker* (No. 30-2016-CR-0934); *State of N.D.v. Wolfnecklace* (No. 30-2016-CR-0941); *State of N.D.v. Weston* (No. 30-2016-CR-0933). No trial was held for Peterson because she failed to appear and a bench warrant remains outstanding. *State of N.D. v. Peterson*, No. 30-2016-CR-00937 (N.D. Dist. Ct. Jan. 30, 2017), Dkt. No. 117.

In numerous other DAPL protestor related state court criminal cases, juries have been seated in Morton County.[5]

[¶19] Likewise, in *State of N.D. v. Hebert*, No. 30-2016-CR-01797 (N.D. Dist. Ct.) (Recine Decl. Ex. 4), Judge Nelson denied a criminal defendant's motion to change venue from Morton County to Cass County—a motion supported by the 2017 Wiley Affidavit. The court held that while "Defendant presents many hypothetical scenarios that might cause us to be unable to pick a jury[,] . . . the hypotheticals fly in the face of the reality that fair juries HAVE been seated in these type of cases, and a few have even reached verdicts of Not Guilty."[6]

[¶20] Further, in *U.S. v. Giron*, No. 1:17-cr-00031 (D.N.D.) (Recine Decl. Ex. 5), Judge Hovland denied a criminal defendant's motion to change venue from Bismarck in Burleigh County (which is next to Morton County) to Fargo in Cass County. The defendant's motion in *Giron* was supported by the 2016 Wiley Affidavit submitted in *Peterson*, and the 2017 Wiley Affidavit submitted in *Hebert*.[7] Despite defendant's claims of "massive, pervasive and prejudicial publicity surround[ing] the anti-DAPL protesters and [the] strong feelings about the pipeline and its protesters in a majority of the residents in the counties from which Mr. Giron's prospective venire is to be drawn," *id.* at 1, the court held that measures could be implemented to ensure an unbiased jury, such as "assembling a larger-than-average jury pool and increasing the number of peremptory strikes for each side," *id.* at 3.

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[5] *See, e.g.*, *State of N.D.v. Wilson* (No. 30-2016-CR-1337); *State of N.D.v. Weisberg* (No. 30-2016-CR-1090); *State of N.D.v. Johnson* (No. 30-2016-CR-1093); *State of N.D.v. Damm* (No. 30-2016-CR-1125); *State of N.D.v. Archambault, II* (No. 30-2016-CR-00951); *State of N.D.v. Yellowfat* (No. 30-2016-CR-00949).

[6] *See* Recine Decl. Ex. 4 ¶ 2. Hebert later waived a jury trial and was found guilty of tampering with a public service.

[7] *See* Recine Decl. Ex. 5. Ultimately, Giron pled out and a trial was not held. *United States v. Giron*, No. 1:17-cr-00031 (D.N.D. Feb. 8, 2018), Dkt. No. 102.

[¶21] The contention of prejudice here is even flimsier than in the criminal cases discussed above. *Peterson*, *Hebert*, and *Giron* commenced during the DAPL protests in 2016 and both *Peterson* and *Giron* progressed to jury selection in 2017, immediately after the DAPL protests. Trial in this case is currently scheduled for June 2023—well over six years after the DAPL protests ended. Yet, Greenpeace continues to rely on DAPL protest publicity, described *infra* Section III.A, from 2016 and 2017.[8] If the 2016 Survey was insufficient to demonstrate prejudice in criminal cases against protestors taking place immediately after the protests, the similar 2022 survey is certainly insufficient in this civil case against Greenpeace.

[¶22] Rather than change venue, the Court should rely on voir dire examination to identify any biased jurors. Greenpeace's consultant, Diane Wiley, agrees that "extensive voir dire" could correct for prejudice in Cass County, but claims that voir dire would be insufficient in Morton County based on the unsupported assertion that "feelings are so much more intense and personal" in Morton County and "potential jurors in Cass County will not have the personal experiences of those in Morton." (2022 Wiley Decl. ¶¶ 16, 20, 137, 147.) Ms. Wiley's subjective belief regarding the jury pool is not supported by the facts. As the Bloom survey found, the DAPL protests are not nearly as memorable as Wiley claims, suggesting that feelings about the protests have begun to fade. (McDonald Decl. ¶ 10.) In addition, 70% of Morton County respondents were not personally affected by the protests and only 23% perceived that they were affected "a lot." (*Id.* ¶ 17.) Thus, there is no basis to contend that voir dire would be insufficient in Morton County.

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[8] Moreover, this case concerns not only Greenpeace's conduct at the DAPL protests, but also its support of protestors and its defamatory statements published in order to interfere with Plaintiffs' existing and prospective business relations. Yet, Greenpeace bases its claim of prejudice solely on residents' experience with, and attitudes towards, DAPL protestors, ignoring the allegations about Greenpeace's specific, broader role.

[¶23] A fair and impartial jury can be selected in Morton County for this case because numerous fair and impartial juries have been selected in Morton County (and nearby Burleigh County) for criminal trials directly related to the DAPL protests immediately after the protests occurred. Accordingly, the Motion should be denied.

II. THE MOTION TO CHANGE VENUE SHOULD BE DENIED AS PREMATURE

[¶24] The Motion should also be denied because it is premature. As held by the North Dakota Supreme Court in the very cases relied upon by Greenpeace (Motion ¶¶ 16-17), the "existence of prejudice, if it exists at all, can generally be determined through voir dire examination of potential jurors" and, thus, "the appropriate time" to request a change of venue is during voir dire examination. *Basin Elec. Power Co-op.*, 289 N.W.2d at 559 (affirming district court's decision denying motion to change venue); *see Slaubaugh v. Slaubaugh*, 499 N.W.2d 99, 105 (N.D. 1993) ("[T]he usual practice of a district court is to defer ruling on a motion to change venue until or upon the completion of voir dire.").

[¶25] Fair and impartial jury trials can be held "even where . . . virtually all of the veniremen admit to some knowledge of the defendant due to pretrial publicity." *United States v. Bliss*, 735 F.2d 294, 297-98 (8th Cir. 1984). The test is not whether a potential juror has been exposed to publicity or formed tentative impressions of a case, but rather "whether he or she can set aside any impression or opinion resulting from that exposure and render a verdict based solely on the evidence presented at trial." *Id.* at 298. Voir dire is necessary to make this determination.

[¶26] Where, as here, fair and impartial jury trials have been held in similar cases[9] in the same county, it is clear that a fair and impartial jury is capable of being seated and, at most, the court should wait until voir dire to consider a change of venue. (Recine Decl. Ex. 3 ¶ 7 ("The

[9] *See supra* ns. 3-5.

Court will wait until voir dire to determine whether it is possible to select a fair and impartial jury.").)

III. PRETRIAL PUBLICITY DOES NOT SUPPORT A CHANGE OF VENUE

[¶27] Although the Court should deny the Motion for the reasons set forth above and need not consider Greenpeace's contention that pretrial publicity and residents' experiences of the DAPL protests warrants a change of venue at this time, this contention is meritless. As Greenpeace notes (Motion ¶ 17), where defendants contend that prejudice generated by pretrial publicity justifies a change in venue, North Dakota state courts in civil and criminal cases consider the following factors:

> (1) whether or not the publicity was recent, widespread, and highly damaging to the defendant; (2) whether or not the prosecution was responsible for the objectionable material, or if it emanated from independent sources; (3) whether or not inconvenience to the prosecution and the administration of justice will result from a change of venue or continuance; and (4) whether or not a substantially better panel can be sworn at another time or place.

Olson v. North Dakota Dist. Court, Etc., 271 N.W.2d 574, 580 (N.D. 1978); *see Basin Elec. Power Co-op.*, 289 N.W.2d at 559 (applying the *Olson* factors in a civil action). Contrary to Greenpeace's assertion, these factors do not support a change of venue here.

A. Publicity Was Neither Recent Nor Highly Damaging To Defendants

[¶28] "In considering whether pretrial publicity warrants a change in venue, it is the prejudicial nature of the publicity, not its quantity, which is paramount," meaning Greenpeace must show that "media coverage disseminated inadmissible, illegally obtained, or other prejudicial information, or that the coverage was sensationalized, inflammatory, or biased." *State v. Erickstad*, 620 N.W.2d 136, 140 (N.D. 2000).

[¶29] Greenpeace contends that "the barrage of largely negative local and regional media coverage of protests over the last five years" has "solidified, reinforced, and likely strengthened"

"negative feelings and opinions about both the protests and protestors." (Motion ¶ 18.)[10] However, Greenpeace fails to provide reliable or persuasive evidentiary support for this broad statement and fails to meet its burden of identifying any recent publicity prejudicial to Greenpeace.

[¶30] The 2022 Wiley Declaration relies on purportedly "extensive, continuous and pervasive" news coverage in Morton County and Cass County from March 2016 to January 2017, explaining that both "communities were saturated with information about the protests and their aftermath." (2022 Wiley Decl. ¶¶ 80-82.) These articles—which are more than six-years old—are not "recent" publicity and, as the Bloom survey finds, it appears that memories of the DAPL protests have begun to fade. (McDonald Decl. ¶ 10.) Moreover, there is not a single reference to Greenpeace in Wiley's description of this publicity. (2022 Wiley Decl. ¶¶ 86-116.) Further, there is no evidence that potential jurors were exposed to this publicity.

[¶31] This publicity includes newspaper articles, reader responses to newspaper articles, tv broadcasts, radio broadcasts and call-ins, internet forums, as well as Youtube and Facebook posts. (*Id.*) Wiley claims this publicity is mostly negative towards the protests, but does not provide any publications, provides almost no quotes of publications, and provides almost no

[10] Greenpeace also contends that Plaintiffs "gratitious[ly]" referenced "events that caused anger, fear and anxiety in Morton County residents" in the Amended Complaint to elicit bias. (Motion ¶¶ 3, 22.) There is nothing gratuitous about Plaintiffs' allegations about the protests, and Greenpeace's false and fabricated accusation that these allegations were made to elicit bias provides no support for a change of venue. We note that the Amended Complaint quotes the words of Judge Hovland that "With respect to the assertion the movement has been a peaceful protest, one need only turn on a television set or read any newspaper in North Dakota. There the viewer will find countless videos and photographs of the 'peaceful' protestors attaching themselves to construction equipment operated by Dakota Access; vandalizing and defacing construction equipment; trespassing on privately-owned property; obstructing work on the pipeline; and verbally taunting, harassing, and showing disrespect to members of the law enforcement community …." *Dakota Access, LLC v. Archambault,* No. 1-16-cv-296 (D.N.D. September 16, 2016). Greenpeace's encouragement of, support for, and participation in this very conduct is a central issue in this matter; there is nothing gratuitous about Plaintiffs' Amended Complaint.

official citations that Plaintiffs or the Court can use to verify her claims. (*Id.*) More importantly, Wiley does not demonstrate that any of this publicity contained erroneous facts or inflammatory statements prejudicial to Greenpeace. (*Id.*) In any event, if, as Wiley contends, this publicity was widespread in both Morton and Cass County, it is unclear what benefit is gained from changing venue to Cass County.

[¶32] Greenpeace cites to three more recent articles from 2021 to 2022; however, none of these articles so much as mention Greenpeace. (Dkt. Nos. 832-34.) None of these articles are from Morton County newspapers and only one is from a North Dakota newspaper. For example, one is an op-ed published in Minnesota about a different pipeline. (Dkt. No. 834.) Greenpeace also references "extensive coverage of the criminal trials of many protestors," without identifying any such coverage—coverage that likewise would not be about Greenpeace. (Motion ¶ 18.)[11] It is common sense that articles that do not mention Greenpeace are not "highly damaging" to Greenpeace and Greenpeace fails to demonstrate that these articles are sensationalized, inflammatory, or otherwise prejudicial. Accordingly, Greenpeace fails to demonstrate that this *Olson* factor supports a change of venue.

B. Plaintiffs Are Not Responsible for Objectionable Material

[¶33] Greenpeace does not contend that Plaintiffs are responsible for objectionable material and, thus, this *Olson* factor does not support a change of venue.

[11] Wiley includes a list of titles of additional news articles as evidence that "there continues to be news coverage of related issues to the present." (Wiley Decl. ¶ 117 & n.20, Appendix 9.) These articles were not submitted to the Court or Plaintiffs, and are not described anywhere in the Wiley Declaration or Motion. Plaintiffs have no reason to believe that any of these articles concern Greenpeace and Greenpeace does not contend that this news coverage is biased or inflammatory.

C. Inconvenience to The Prosecution And Administration Of Justice Will Result From A Change Of Venue

[¶34] Greenpeace contends that changing the venue from Morton County to Cass County would not inconvenience or impact the administration of justice because the parties, their counsel, the judge, and many witnesses are not located in Morton County. (Motion ¶ 23.) To the contrary, as Judge Gion has informed the parties, Cass County "maintains a large case load, . . . obtaining facilities to conduct the trial could be challenging," and it is "unlikely the proposed trial dates will work." (Dkt. No. 883.) As a result, changing venue to Cass County will result in unnecessary delay to the case. Moreover, some witnesses will be from Morton County, including law enforcement officials, who will be inconvenienced by having to travel to Cass County.

D. Greenpeace Has Not Shown That A Substantially Better Panel Can Be Empaneled in Cass County

[¶35] Greenpeace contends that "[a] higher likelihood exists of empaneling a fair and impartial jury in Cass County, rather than Morton County" based on the 2022 survey described in the 2022 Wiley Declaration—namely, Wiley's opinion that more residents of Morton County purportedly were affected or knew someone affected by the DAPL protests—and the larger population size of Cass County. (Motion ¶¶ 24-26; 2022 Wiley Decl. ¶¶ 18-23, 30.) This cannot be reconciled with the fact that fair and impartial jury trials have been held in Morton County concerning the DAPL protests. (*See supra* Argument § I.) In any event, the 2022 Wiley Declaration falls far short of demonstrating that a substantially better panel can be empaneled in Cass County.

[¶36] Wiley only interviewed 150 people in Morton County out of a population of roughly 33,611, including roughly 25,645 residents over the age of 18,[12] a sample size of less than

[12] U.S. Census, "QuickFacts Morton County, North Dakota Population Estimates, July 1, 2021," https://www.census.gov/quickfacts/mortoncountynorthdakota (last accessed Sept. 30, 2022).

0.6% of the total population over the age of 18. This is the same "relatively small sample of the population" that the *Peterson* court found was not persuasive evidence of prejudice. (Recine Decl. Ex. 3 ¶ 5.) Moreover, by conducting the survey over the phone, individuals asking the questions could skew survey results by using suggestive tones or other cues. Bloom specifically administered its survey via an online method to uniformly present the same survey stimuli to each participant. (McDonald Decl. ¶ 5.)

[¶37] Further, Wiley found that 43% of respondents in Morton County reported they could be fair jurors. (2022 Wiley Decl. ¶¶ 58-59.)[13] And as Diane Wiley herself admits, "[f]ew of the survey respondents in either county were aware of the lawsuit brought by Energy Transfer against Greenpeace" and "[m]any respondents in both counties were not familiar with Greenpeace." (*Id.* ¶ 14.) This lack of familiarity runs directly counter to Greenpeace's contention that a fair and impartial jury cannot be seated in Morton County.

[¶38] Moreover, the Wiley survey does not appropriately account for Greenpeace's defenses in this action. For example, Greenpeace contends that it is not responsible for "alleged actions and events involving thousands of unidentified individual protestors" and its actions are protected speech. (Motion ¶ 3.) However, Wiley assumes that "[n]egative feelings about the protesters in most instances will be transferred to the Greenpeace defendants" and fails to ask any direct questions about free speech. (2022 Wiley Decl. ¶ 26.) The Bloom survey, on the other hand, found that almost half of the respondents in Morton County either believed that an organization that speaks out and supports a peaceful protest is not to blame when

[13] Wiley then combed through the long form responses of potential jurors who self-reported that they could be impartial for any possible sentence that could justify increasing the percentage of those she believed could not be impartial. For example, Wiley contends that survey respondent M168 had such "strong feelings" that he or she could not be an impartial juror because M168 gave such answers as "[i]t was frustrating to read either side because everyone interviewed was always very for their side." (2022 Wiley Decl. ¶ 73.)

individual protestors act unlawfully or wanted more information before deciding. (McDonald Decl. ¶¶ 34-35.)

[¶39] In addition, Bloom's survey directly contradicts Wiley's claims of prejudice against Greenpeace (and against protestors) amongst potential jurors in Morton County. For instance, 65% of Morton County respondents who had heard of Greenpeace indicated they felt positively about the organization and 31% knew people who had participated in the protests. (McDonald Decl. ¶¶ 8, 13.) Bloom also found that 68% of Morton County respondents did not remember the protests and 70% of Morton County respondents were not personally affected by the protests. (McDonald Decl. ¶¶ 9, 14.)

[¶40] Finally, Greenpeace argues that the recusal of the South Central Judicial District judges in this case is the "most significant example of the bias that has permeated the Morton County community." (Motion ¶ 15; Dkt. No. 635). The judges' recusals are not indicative of personal bias or any prejudice from having experienced the protests—let alone evidence of a pervasive bias infecting every resident of Morton County from being able to fairly and impartially consider the evidence in this trial. Rather, the judges recused themselves to avoid any suggestion of conflict based on having previously presided over DAPL protest related criminal cases.

[¶41] In sum, Greenpeace fails to meet its burden of demonstrating that a fair and impartial jury cannot be empaneled in Morton County and the Motion should be denied.

IV. ALTERNATIVELY, THE CASE SHOULD BE TRANSFERRED TO STARK COUNTY

[¶42] A change of venue is unwarranted at this time for the reasons set forth above. However, if the venue of the case is changed, the Court should transfer this case to Stark County, not Cass County. The judge assigned to preside over this trial, Judge Gion, is located in Stark County and, thus, it will be a more efficient use of judicial resources for the trial to take place in Stark County as opposed to Cass County. Therefore, if the venue is changed (which it should not be), then the case should be transferred to Stark County.

CONCLUSION

[¶43] For the foregoing reasons, Plaintiffs respectfully request that this Court deny the Motion or, alternatively, move the venue of trial to Stark County.

DATED this 30th day of September, 2022.

FREDRIKSON & BYRON P.A.

By: */s/ Lawrence Bender*

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EXHIBIT 6

Greenpeace Defendants' Petition for Supervisory Writ

STATE OF NORTH DAKOTA | IN DISTRICT COURT

COUNTY OF MORTON | SOUTH CENTRAL JUDICIAL DISTRICT

Case No. 30-2019-CV-00180

Energy Transfer, L.P.; Energy Transfer Operating, L.P.; and Dakota Access, LLC, Plaintiffs,	
-vs-	DENIAL OF MOTION FOR CHANGE OF VENUE
Greenpeace Fund, Inc; Red Warrior Society; Cody Hall; Krystal Two Bulls; and Charles Brown, Defendants.	

¶1. The Defendants Greenpeace International, Greenpeace, Inc., and Greenpeace Fund, Inc., (collectively referred to herein as Greenpeace) filed a Motion for Change of Venue on August 4, 2022 (Document #827). Without notifying the Court, Greenpeace and the Plaintiffs (hereinafter ET) stipulated to allow ET until the end of September 2022 to reply. ET filed their response on September 30, 2022 (Document #917).

¶2. Greenpeace alleges the bias of the potential jurors in Morton County as the basis for a change of venue. Greenpeace employed Diane Wiley of the National Jury Project Midwest to conduct telephonic surveys of a sampling of the population in Morton County and Cass County. Ms. Wiley conducted similar polls of potential jurors for some of the criminal jury trials conducted in Morton and Burleigh Counties in 2016 and 2017 that arose from the Dakota Access Pipeline protests. Greenpeace maintains the protests, and the allegations of ET that Greenpeace fostered the protests, created a bias against Greenpeace with the majority of the Morton County residents. Ms. Wiley offered the same opinion on the criminal trials. Based upon the National Jury Project findings, Greenpeace claims Cass County, admittedly the largest county by

Jury Project findings, Greenpeace claims Cass County, admittedly the largest county by population in North Dakota, is the only county where Greenpeace can obtain a fair and impartial trial.

¶3. In response to the National Jury Project poll and conclusions, ET employed Bloom Strategic Consulting to conduct similar research. Emily McDonald reached a different conclusion than that reached by Ms. Wiley. Bloom Strategic Consulting indicated a fair and impartial jury could be selected.

¶4. ET also relies upon the fact the criminal trial courts denied motions for change of venue in the matters involving National Jury Project research. ET argues Greenpeace's motion for change of venue is premature.

¶5. Change of venue is provided by statute in N.D.C.C. § 28-04-07:

> The court may change the place of trial in the following cases:
> 1. When the county designated for that purpose in the complaint is not the proper county.
> 2. When there is reason to believe that an impartial trial cannot be had therein.
> 3. When the convenience of witnesses and the ends of justice would be promoted by the change.
> * * *.

¶6. Essentially, the issue comes to whether the pretrial publicity creates such a prejudicial effect on the trial that a change of venue is justified. Four criteria exist for consideration to determine the effect of the pretrial publicity.

> Those factors for consideration are: (1) whether or not the publicity was recent, widespread, and highly damaging to the defendant; (2) whether or not the prosecution was responsible for the objectionable material or if it emanated from independent sources; (3) whether or not inconvenience to the prosecution and the administration of justice will result from a change of venue or continuance; and (4) whether or not a substantially better panel can be sworn at another time or place. (Citation omitted)

Basin Elec. Power Co-op v. Boschker, 289 N.W. 2d 553, 558 (N.D. 1980). The Court, in that matter, admitted the criteria considered the potential change of venue in a criminal case. "However, we believe that these criteria are also relevant for consideration by a trial court in a civil action when the defendant contends that pretrial publicity has had such a prejudicial effect on potential jurors as to justify a change of venue." *Id.*, at 558. In addition, the Court, in Olson v. North Dakota Dist. Court, Etc., 271 N.W. 2d 574, 580 (N.D. 1978), listed four additional factors to consider on a motion for change of venue: (1) the nature and gravity of the offense; (2) the size of the community; (3) the status of the defendant in the community; (4) the popularity and prominence of the victim(s). While, again, these criteria dealt with the same criminal case referred to by the Basin Electric Court, it seems these criteria, with adjustment to consider this is a civil case, would be applicable to the current motion for change of venue.

¶7. "A party moving for a change of venue has the burden of stating facts, not conclusions, to support the change." Linstrom v. Normile, 2017 ND 194, ¶ 19, 899 N.W.2d 287, 293. Both parties provided affidavits and accompanying documents that provide a mix of facts and conclusions. From polls conducted, facts were ascertained, and those facts led to conclusions. So, the Court finds facts were stated, and those facts can be considered by the Court. As to the question of conclusions, the conclusions reached by the parties' individual experts, unsurprisingly, led to opposite conclusions.

¶8. An analysis of the factors cited in Basin, adjusted for the difference between criminal and civil matters, follows. First, the Court considered the recency of the DAPL protests which garnered the bulk of the publicity occurred in 2016. The actual protests ended toward the end of that year. During the actual protests and the aftermath, the publicity was widespread, but nothing

was provided to the Court to show the publicity was highly damaging to Greenpeace, especially when one considers there are three Greenpeace entities. This factor weighs against granting a change of venue. Secondly, the publicity emanated from independent sources. By their very nature, protests need publicity to be effective. The news media was not controlled by the parties to this matter. This factor also weighs against a change of venue.

¶9. Will a change of venue result in an inconvenience to ET or the administration of justice? As pointed out in the Greenpeace documents, other than legal counsel, ET really has no connection to Morton or Burleigh County. If there is an inconvenience to the administration of justice, it would arise in two ways: 1) by requiring the judge to relocate across North Dakota for the duration of the trial; and 2) trying to find a courtroom and associated facilities to conduct a trial that the parties expect to last between 16-40 days . This factor really does not impact a change of venue either way.

¶10. Can a substantially better jury panel be sworn at another place or time? The experts' analysis make this inconclusive. Further, the Court anticipates needing nine jurors with two alternates for a total of eleven. If Greenpeace's expert is correct that only 40-45% of the Morton County jurors would not have an existing bias, a panel of 50 potential jurors could provide the necessary jury.

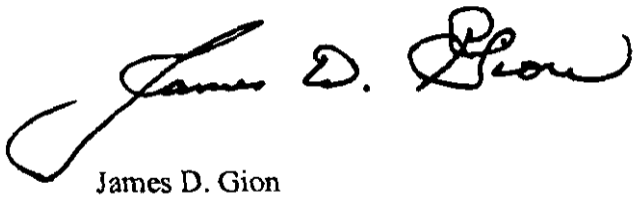
¶11. The Court's condensed analysis of the Olson factors shows the nature and gravity of the 'offense' fails to impact the need for a change of venue. The alleged offense involves a tort which has not been publicized. The size of the community could have some impact, but measures can be employed to minimize any negative impact. Greenpeace's status in the community and ET's popularity both are of minimal import to the change of venue.

¶12. From a review of the various documents filed in support and in opposition of the motion to change venue, the Court concludes the motion for change of venue is denied at this time.

¶13. The Court requests ET's counsel prepare a short Order Denying Motion for Change of Venue.

Dated this 25th day of January, 2023.

BY THE COURT:



James D. Gion
District Court Judge

EXHIBIT 7

Greenpeace Defendants' Petition for Supervisory Writ

STATE OF NORTH DAKOTA	**DISTRICT COURT**
COUNTY OF MORTON	**SOUTH CENTRAL JUDICIAL DISTRICT**
ENERGY TRANSFER LP, *et al.*, Plaintiffs, v. GREENPEACE INTERNATIONAL, *et al.*, Defendants.	Case No.: 30-2019-CV-00180 **NOTICE OF GREENPEACE DEFENDANTS' MOTIONS IN LIMINE**

[¶1] PLEASE TAKE NOTICE that Defendants Greenpeace International, Greenpeace, Inc., and Greenpeace Fund, Inc. (together, "Greenpeace Defendants") have filed Motions in Limine along with a Brief, Declaration, and Exhibits in Support thereof in the above-captioned matter. These motions are submitted pursuant to Rule 3.2 of the North Dakota Rules of Court and will be decided by the briefs unless a hearing is timely requested.

Dated: June 3, 2024

Respectfully submitted,

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STATE OF NORTH DAKOTA	**DISTRICT COURT**
COUNTY OF MORTON	**SOUTH CENTRAL JUDICIAL DISTRICT**

ENERGY TRANSFER LP, *et al.*, Plaintiffs, v. GREENPEACE INTERNATIONAL, *et al.*, Defendants.	Case No.: 30-2019-CV-00180 **GREENPEACE DEFENDANTS' MOTIONS IN LIMINE**

[¶1] Defendants Greenpeace International, Greenpeace, Inc., and Greenpeace Fund, Inc. (together, "Greenpeace Defendants"), pursuant to Rule 3.2 of the North Dakota Rules of Court and the North Dakota Rules of Evidence, hereby respectfully request the Court grant their following motions in limine on certain evidentiary matters:

[¶2] Motion in Limine 1: To exclude evidence or argument relating to, referring to, or concerning the impacts of the Standing Rock protests on the North Dakota community.

[¶3] Motion in Limine 2: To exclude evidence or argument regarding any fear, stress, or other reaction experienced by any individual due to the Standing Rock protests.

[¶4] Motion in Limine 3: To exclude evidence or argument regarding alleged benefit(s) Plaintiffs purport to have conferred on the State of North Dakota.

[¶5] Motion in Limine 4: To exclude evidence or argument of actions or communications which Plaintiffs allege came from individuals acting on behalf of Greenpeace Defendants without an admissible foundational basis to establish the individual involved was acting on behalf of one of the Greenpeace Defendants.

[¶6] Motion in Limine 5: To exclude evidence, argument, or reference to an alleged "misinformation campaign," "disinformation campaign," or "false narrative" by the Greenpeace Defendants based on alleged false statements prior to November 7, 2016.

[¶7] Motion in Limine 6: To exclude evidence or argument that Greenpeace Defendants' alleged "misinformation campaign," "disinformation campaign," or "false narrative" caused the actions of third parties.

[¶8] Motion in Limine 7:To exclude evidence or argument, including testimony or photographs, about any protest event or action without providing a foundational basis sufficient to establish a causal connection with Greenpeace Defendants.

[¶9] Motion in Limine 8: To exclude evidence or argument that a bank or financial institution made a decision not to participate in the DAPL loan or refinancing as a result of statements or actions by Greenpeace Defendants, without admissible evidence that the bank or financial institution actually made such a decision based on the Greenpeace Defendants statements.

[¶10] Motion in Limine 9: To exclude evidence or argument of potential actions considered by Greenpeace in opposition to DAPL that were not implemented.

[¶11] Motion in Limine 10: To exclude evidence or argument regarding the claim that Greenpeace Defendants gave $500,000 in seed money to "Red Warrior Camp."

[¶12] Motion in Limine 11: To exclude argument that Greenpeace Fund, Inc. and/or Greenpeace International provided any financial support in opposition to the construction of DAPL.

[¶13] Motion in Limine 12: To exclude evidence or argument any Greenpeace non-violent direct action manual, handbook, or document to train protestors.

[¶14] Motion in Limine 13: To exclude evidence or argument of the "Standing Truth" project, which was a Greenpeace campaign about this SLAPP lawsuit and not DAPL.

[¶15] Motion in Limine 14: To exclude evidence or argument of the identity of any Greenpeace donors.

[¶16] Motion in Limine 15: To exclude evidence or argument of other lawsuits or claims initiated against any of the Greenpeace Defendants.

[¶17] Motion in Limine 16: To exclude evidence or argument of rulings in the first lawsuit Plaintiffs initiated against Greenpeace Defendants in United States District Court.

[¶18] Motion in Limine 17: To exclude evidence or argument of rulings in other lawsuits regarding the DAPL protests—except the SRST's lawsuit against the USACE, which is relevant to this case.

[¶19] Motion in Limine 18: To exclude evidence or argument of actions in opposition to DAPL by Greenpeace entities that are not defendants in this case.

[¶20] Motion in Limine 19: To exclude evidence or argument concerning any individual Greenpeace employee's personal opinion on whether arson, property damage, or violence are allowable as part of non-violent direct action.

[¶21] Motion in Limine 20: To exclude evidence or argument concerning any witness's prior arrests unless it resulted in a conviction for a crime for which it could be admitted under N.D. Rule 609(a) .

[¶22] Motion in Limine 21: To exclude evidence or argument of any witness's non-DAPL protest activities which Plaintiffs believe a Morton County jury will disapprove of.

[¶23] Motion in Limine 22: To exclude reference to the parties as "Defendants" or "Plaintiffs" in reference to actions and damages for which Plaintiffs seek to impose liability.

[¶24] Motion in Limine 23: To exclude evidence or argument that Greenpeace Defendants conspired with or aided and abetted a group of individuals self-identifying as "Red Warrior Society."

[¶25] Motion in Limine 24: To exclude evidence or argument of damage to equipment and personal property that was not owned by Plaintiffs.

[¶26] Motion in Limine 25: To exclude evidence or argument of "trespass" on Plaintiffs' easements or other land Plaintiffs did not own or have an absolute right to possess.

[¶27] Motion in Limine 26: To exclude evidence or argument that Plaintiffs are not responsible for the actions of any applicable contractors.

[¶28] These motions are supported by the attached Brief in Support of Greenpeace Defendants' Motions in Limine filed herewith, the accompanying Declaration and Exhibits, and all documents on file with this Court.

Dated: June 3, 2024

Respectfully submitted,

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STATE OF NORTH DAKOTA	**DISTRICT COURT**
COUNTY OF MORTON	**SOUTH CENTRAL JUDICIAL DISTRICT**

ENERGY TRANSFER LP, *et al.*, Plaintiffs, v. GREENPEACE INTERNATIONAL, *et al.*, Defendants.	Case No.: 30-2019-CV-00180 **BRIEF IN SUPPORT OF GREENPEACE DEFENDANTS' MOTIONS IN LIMINE**

[¶1] Defendants Greenpeace International, Greenpeace, Inc., and Greenpeace Fund, Inc. ("Greenpeace Defendants") submit this brief in support of their Motions in Limine to exclude at trial evidence or argument on the following matters.

I. FACTUAL BACKGROUND

[¶2] The Court is familiar with the general facts of this case. Facts specific to each of the Motions in Limine are addressed below.

II. MOTIONS IN LIMINE

[¶3] Greenpeace Defendants individually and collectively submit the Motions in Limine requesting that the Court exclude at trial the following evidence and arguments for the reasons set forth below.

Motion in Limine 1: To exclude evidence or argument relating to, referring to, or concerning the impacts of the Standing Rock protests on the North Dakota community.

[¶4] Beginning with the allegations in their Second Amended Complaint, Plaintiffs sought to create community prejudice against the Greenpeace Defendants by alleging impacts upon the citizens of the state of North Dakota. Although these allegations are irrelevant to any of Plaintiffs' claims, the Greenpeace Defendants expect Plaintiffs may seek to introduce this evidence at trial. Controversial facts alleged in the complaint or raised in discovery include the following which should be excluded:

a. blocked traffic, altered school bus routes, and drivers allegedly being pushed off the road;
b. killing, butchering, or maiming of livestock;
c. cutting of fences;
d. vandalized graves;
e. vandalized private property of residents;
f. trespassing on property of others;
g. protest events in Mandan, Bismarck, and North Dakota government buildings;
h. threats to law enforcement and their families; and
i. use of "improvised explosive devices" and "hacked information" against law enforcement and their families.

[¶5] ***First***, none of these events represent any claimed harm to Plaintiffs and therefore are irrelevant to the claims in this case. Rule 401.

[¶6] ***Second***, there is no evidence from discovery that any of these alleged actions are in any way causally connected to any act or conduct of Greenpeace Defendants. Plaintiffs have not identified a single person, firm, or entity who purported to take an action based on statements by Greenpeace Defendants, nor is there any evidence that Greenpeace Defendants organized, directed, or instructed others to take these actions. Mere participation in the protests is an insufficient to allow this evidence, and it should be excluded as irrelevant and/or as being unfairly prejudicial to the Greenpeace Defendants as it may confuse jurors with regard to Greenpeace Inc.'s actual actions in North Dakota. Rule 401 and Rule 403.

[¶7] ***Third,*** as ***discussed*** in Greenpeace Defendants' Motion to Change Venue, 100% of Morton County residents surveyed were aware of the protests and the majority had either been personally affected or know someone who was affected by the protests. Dkt. 831 ¶ 6. This significant and, for some, traumatizing experience has created strong feelings and opinions in Morton County. Allowing this evidence presents a serious risk that the jury's deliberations will be based on their personal experience with the protests rather than limiting their consideration to admissible evidence presented in open court. Rule 403.

[¶8] ***Finally,*** this ***evidence*** is entirely unrelated to Plaintiffs' damage claims—Plaintiffs claim *they* were injured, and neither the State nor its residents are plaintiffs. Rule 401. The prejudicial effect of this evidence, particularly in this small venue, is self-evident and far outweighs any probative value. Rule 403.

Motion in Limine 2: To exclude evidence or argument regarding any fear, stress, or other reaction experienced by any individual due to the Standing Rock protests.

[¶9] ***Greenpeace*** Defendants expect Plaintiffs to introduce evidence about fear, stress, or other reaction experienced by Energy Transfer employees or contractors, law enforcement personnel, and/or people in the North Dakota community as a result of the Standing Rock protests. For example, one law enforcement officer testified that he quit due to PTSD as a result of the Standing Rock protests.

[¶10] This ***evidence*** should be excluded. ***First***, evidence of *individuals'* reactions is irrelevant because it does not concern injuries sustained by *Energy Transfer*. Rule 401. ***Second***, the Court should exclude any evidence of such reactions without a foundational basis sufficient to establish a causal connection with Greenpeace Defendants. Individuals' reactions that were not caused by Greenpeace Defendants' actions are not relevant to Plaintiffs' claims against Greenpeace Defendants. Rule 401.

[¶11] Given the lack of any relevance, the probative value of this evidence would be outweighed by unfair prejudice to Greenpeace Defendants. Rule 403.

Motion in Limine 3: To exclude evidence or argument regarding alleged benefit(s) Plaintiffs purport to have conferred on the State of North Dakota.

[¶12] Greenpeace Defendants expect Plaintiffs may seek to introduce evidence of benefits Plaintiffs purportedly provided to North Dakota, such as:

a. increased in royalties to mineral owners;

b. job creation;

c. contributions to local authorities, schools or charities; and

d. amounts paid in taxes.

This evidence should be excluded because it is irrelevant to Plaintiffs' claims that they were damaged by the Standing Rock protests, and any probative value is outweighed by unfair prejudice to Greenpeace Defendants. Rule 401; Rule 403.

Motion in Limine 4: **To exclude evidence or argument of actions or communications which Plaintiffs allege came from individuals acting on behalf of Greenpeace Defendants without an admissible foundational basis to establish the individual involved was acting on behalf of one of the Greenpeace Defendants.**

[¶13] Greenpeace Defendants expect Plaintiffs may offer evidence that people contacted Plaintiffs, their employees, and individuals in the North Dakota community objecting to DAPL, which Plaintiff will attribute to Greenpeace Defendants. This includes:

a. calls to Plaintiffs' office objecting to DAPL;

b. calls to Plaintiffs' executive officers objecting to DAPL;

c. appearing at Plaintiffs' offices in Texas objecting to DAPL; and

d. calls to individuals in the North Dakota community objecting to DAPL.

During depositions, certain employees of Plaintiffs claimed that they received phone calls from people who referenced "Greenpeace", with these same employees claiming that the caller followed a "script" provided by "Greenpeace". *See* Ex. 1, Hanse Dep. 9:13-14, 20:14-22:22. However, during discovery recordings of these calls were produced by Plaintiffs and there was not a single reference to Greenpeace in any of these recordings.

[¶14] Aside from the fact that these purported statements constitute hearsay and are excluded under N.D. R. Ev. 801 ("Rule 801"), this evidence must be excluded because there is no evidence to link any of these alleged events to the Greenpeace Defendants. No caller in the recordings identified themselves as being affiliated with or acting on behalf of one of the Greenpeace Defendants. Witnesses provided no facts supporting that any caller was actually affiliated with any of the Greenpeace Defendants, or that the statements they made originated with the Greenpeace Defendants. If Plaintiffs cannot first establish that the callers actually *were*

affiliated with or acting on behalf of Greenpeace Defendants, the evidence should be excluded: it is irrelevant and it would unfairly prejudice Greenpeace Defendants by potentially attributing to them actions by entirely unrelated individuals. Rule 401; Rule 403.

Motion in Limine 5: **To exclude evidence, argument, or reference to an alleged "misinformation campaign," "disinformation campaign," or "false narrative" by the Greenpeace Defendants based on alleged false statements prior to November 7, 2016.**

[¶15] This Court should enter an order precluding Plaintiffs' counsel and witnesses from characterizing Greenpeace Defendants' publications and advocacy about the Dakota Access Pipeline ("DAPL") prior to November 7, 2016 as false statements constituting a "misinformation" or "disinformation" campaign or a "false narrative" (collectively, "misinformation campaign").

[¶16] The only allegedly false statement issue in this case are the nine that Plaintiffs claim are defamatory. Evidence that Greenpeace Defendants published any other false statement or engaged in a misinformation or disinformation "campaign" or "false narrative" prior to the first accused statement (November 7, 2016), is irrelevant to Plaintiffs' claims and would create confusion for jurors over the scope of the actionable statements.

[¶17] Based on their pleadings and responses to discovery, Greenpeace Defendants anticipate Plaintiffs will heavily rely on these or similar argumentative phrases as a substitute for the lack of evidence linking the Greenpeace Defendants acts or conduct to Plaintiffs' alleged damages. Plaintiffs have already used these terms in this manner in their Second Amended Complaint ("SAC"), in testimony by their corporate designees, and in dispositive motions. For example, Plaintiffs' corporate representative testified repeatedly that protestors came to Standing Rock based on a "false narrative being sponsored and subsequently published by hundreds of other people on social media that were also being trained, supported and fed by Greenpeace." Ex. 2,

Futch Dep. (Oct. 25, 2023) 187:24-188:6; *id*. 194:24-195:6.[1] In opposition to summary judgment, Plaintiffs offered similar conclusory assertions that "misinformation [about DAPL]—stoked by Greenpeace—led thousands of uninformed protesters to descend upon North Dakota with one singular goal: stop the pipeline by any means necessary." Dkt. 3465, Pls.' Mem. Of Law in Opp'n to Defs.' Mots. For Partial Summ. J. on All Counts ¶ 8. Plaintiffs' corporate designee Ashton Hayes testified that the term "misinformation campaign" referred to Greenpeace statements listed on Appendix A of Plaintiffs' SAC. Ex. 3, Hayse Dep. 22:25-23:19. However, Hayse testified that he had no information as to who had received any of these statements. *Id*. 25:6-16.

[¶18] For the following reasons, Plaintiffs cannot present evidence of an alleged misinformation campaign to the jury, apart from the nine statements they claim are defamatory.

[¶19] ***First***, to the extent Plaintiffs seek to recover damages based on the alleged falsity of statements published by Greenpeace Defendants, they were required to identify the statement specifically, and must plead and prove the elements of defamation. Plaintiffs' defamation claim is based on nine challenged statements. Evidence that *those* statements were materially false and published with the requisite degree of fault would be relevant to the defamation claim. But permitting Plaintiffs to testify or argue that Greenpeace Defendants engaged in a "misinformation campaign" is prejudicial, as it invites the jury to find Defendants liable not for a specific defamatory statement but for its speech more generally, or for expressing an opinion. That would not be a proper basis for liability: a defamation claim must be based on specific statements, not a general claim of falsehood. *Freeman v. Bechtel Constr. Co.*, 87 F.3d 1029,

[1] All exhibits are to the Declaration of Everett Jack.

1031 (8th Cir. 1996) (affirming dismissal of defamation claim because "no specific defamatory statement is alleged"); *Carlson v. Roetzel & Andress*, Civ. No. 3:07-CV-33, 2008 WL 873647, at *14 (D.N.D. Mar. 27, 2008) (withdrawal of defamation claim "was appropriate, as [plaintiff] has never pointed to any particular statements by any of the Defendants which would give rise to a claim for defamation"), *aff'd*, 552 F.3d 648 (8th Cir. 2008).

[¶20] ***Second,*** Plaintiffs cannot establish any other claim based on evidence or argument of an alleged misinformation campaign that does not satisfy the elements of defamation. "[T]he limitations that define the First Amendment's zone of protection … apply to all claims whose gravamen is the alleged injurious falsehood of a statement." *Blatty v. New York Times Co.*, 728 P.2d 1177, 1182-83 (Cal. 1986). For example, on their tortious interference claim Plaintiffs must prove "an independently tortious or otherwise unlawful act of interference by the interferer"—in this instance, defamation, which again requires identification of specific actionable statements. *Trade 'N Post, L.L.C. v. World Duty Free Americas, Inc.*, 2001 ND 116, ¶ 36, 628 N.W.2d 707, 717. Here, the only actionable statements Plaintiffs have identified in this case are the nine at issue in the defamation claim. Plaintiffs cannot argue or suggest to the jury that some other, generalized "misinformation" influenced their lenders and investors.

[¶21] ***Finally,*** claiming a "misinformation campaign" prior to November 7, 2016 would be an improper basis to establish Plaintiffs' non-defamation claims. For example, the third element of Plaintiffs' tortious interference claim requires Plaintiffs to establish by the greater weight of the evidence that a Greenpeace Defendant interfered with the relationship or expectancy by committing an independently tortious act. *Mr. G's Turtle Mountain Lodge, Inc. v. Roland Twp.*, 2002 ND 140 ¶ 25, 651 N.W.2d 625 (citing *Trade 'N Post, L.L.C. v. World Duty Free*, 2001 ND

116, 628 N.W.2d 707; North Dakota Pattern Jury Instruction C-24.10. Non-actionable statements are not "an independent tortious act." Nor are statements made by others that were not published by Greenpeace Defendant. Plaintiffs cannot use argument or rhetoric as a substitute for evidence establishing an independent tortious act.

[¶22] To avoid confusion and misleading the jury, the Court should preclude Plaintiffs from presenting misleading testimony and arguing that any misinformation campaign began earlier than November 7, 2016—the date the first alleged defamatory statement was published by defendant Greenpeace, Inc.

Motion in Limine 6: To exclude evidence or argument that Greenpeace Defendants' alleged "misinformation campaign," "disinformation campaign," or "false narrative" caused the actions of third parties.

[¶23] This Court should enter an order precluding Plaintiffs' counsel and witnesses from offering evidence or argument that any alleged advocacy or petitioning activity, or alleged "misinformation campaign" (as defined in the previous motion) by Greenpeace Defendants, caused any third party's actions or publications.

[¶24] Plaintiffs' corporate designees have claimed Greenpeace Defendants' "misinformation campaign" includes "all information" in the public record that "either very closely mirrored or matched exactly to the information that was being published by Greenpeace." Ex. 2, Futch Dep. (Oct. 25, 2023) 181:3-9. Plaintiffs do not identify any of these additional statements or explain why Greenpeace Defendants are responsible for them. Plaintiffs nevertheless seek to argue that the Greenpeace Defendants are liable for unidentified statements—regardless of truth or falsity, or who originated them—and that Greenpeace Defendants are somehow responsible for actions third parties took relative to DAPL or the Standing Rock protests based on those unidentified statements.

[¶25] Plaintiffs seek to use this theory to hold Greenpeace Defendants liable for allegedly encouraging others to protest DAPL. But even if Plaintiffs had an evidentiary basis for such an argument,[2] organizations cannot be held liable for encouraging protest activity, even if some participants engage in violence. *See NAACP v. Claiborne Hardware Co.*, 458 U.S. 886, 926-34 (1982) (organizer of civil rights boycott and its officer, who supported boycott with "charged

[2] Notwithstanding Plaintiffs' argument, the evidence shows that opposition to the pipeline was led by the Standing Rock Sioux Tribe and other Indigenous groups. Dkt. 2994, Br. ISO Greenpeace, Inc.'s Mot. for Summ. J. ¶ 6. In fact, the protests were underway long before the first alleged defamatory statement was published on November 7, 2016.

rhetoric," not liable for violent acts of other participants); *Brandenburg v. Ohio*, 395 U.S. 444, 447 (1969) (advocating for protest not actionable except in limited instances of incitement to imminent lawless action); *see also Ashcroft v. Free Speech Coal.*, 535 U.S. 234, 236 (2002) ("the mere tendency of speech to encourage unlawful acts is not a sufficient reason for banning it absent some showing of a direct connection between the speech and imminent illegal conduct.") (internal citation omitted). Allowing Plaintiffs to characterize Greenpeace Defendants' conduct as a damaging "misinformation campaign" is prejudicial, because it ignores that such a "campaign" is constitutionally protected.

[¶26] Plaintiffs also have used the term "false narrative" to denigrate activity that is fully protected by the First Amendment right to petition, such as lobbying the Obama administration and the Army Corps of Engineers. *See* Dkt. 3354, Pls.' Mem. of Law in Opp'n to Defs.' Mot. for Partial Summ. J. on Service Delay Damages ¶ 47. Allowing this inflammatory term at trial would be prejudicial and irrelevant, because under the *Noerr-Pennington* doctrine, Plaintiffs are not permitted to base *any* claim on petitioning activity that aims to influence government actors. That doctrine establishes "a defense to liability premised on the defendant's actions of exercising his own private rights to free speech and to petition the government," *Hinshaw v. Smith*, 436 F.3d 997, 1003 (8th Cir. 2006), and prohibits courts from "award[ing] compensation for the consequences of protected [petitioning] activity," *In re IBP Confidential Bus. Documents Litig.*, 755 F.2d 1300, 1313 (8th Cir. 1985), *on reh'g*, 797 F.2d 632 (8th Cir. 1986).

[¶27] The constitutional right to petition immunizes from civil liability statements intended to influence public officials and to induce passage of legislation. This protection applies "regardless of intent or purpose," *United Mine Workers of Am. v. Pennington*, 381 U.S. 657, 670

(1965) and "regardless of the underlying cause of action," *Azzar v. Primebank, FSB*, 499 N.W.2d 793, 796 (Mich. App. 1993). This protection is absolute, and applies even to petitioning based on allegedly "false" statements. *E.g., Allied Tube & Conduit Corp. v. Indian Head, Inc.*, 486 U.S. 492, 499-500 (1988); *California Motor Transport Co. v. Trucking Unlimited*, 404 U.S. 508, 513 (1972) (distinguishing misrepresentations "condoned in the political arena" from those made in adjudicatory process); *Eastern R.R. Presidents Conference v. Noerr Motor Freight, Inc.*, 365 U.S. 127, 133, 140-44 (1961) (immunity applies even where lobbying is "malicious," "fraudulent," and deceptive).

[¶28] Any argument that third parties acted based on statements by Greenpeace Defendants is unsupported by admissible evidence and cannot sustain any of Plaintiffs' claims as a matter of law, for the reasons set forth above. The argument and evidence are not relevant under N.D. R. Ev. 401 ("Rule 401"); and further creates undue prejudice that is outweighed by the risk of unfair prejudice to Greenpeace Defendants and is precluded under N.D. R. Ev. 403 ("Rule 403").

Motion in Limine 7: **To exclude evidence or argument, including testimony or photographs, about any protest event or action without providing a foundational basis sufficient to establish a causal connection with Greenpeace Defendants.**

[¶29] Greenpeace Defendants expect Plaintiffs may seek to introduce evidence of protest events and actions of protestors, with the aim of arguing or implying that Greenpeace Defendants organized, coordinated, directed, or otherwise contributed to these events and actions. *See, e.g.*, Ex. 2, Futch Dep. (Oct. 25, 2023) 262:23-263:2, 280:7-15, 290:24-292:10 (Plaintiffs' corporate representative repeatedly testifying that Greenpeace Defendants trained and supported individuals engaging in violent protest actions). However, absent specific evidence that the action or event occurred as a result of a Greenpeace statement, was caused by someone who participated in a training event of a Greenpeace employee, or was organized, planned or directed by one of the Greenpeace Defendants, this evidence is not relevant an in fact unfairly prejudices Greenpeace Defendants by misleading jurors with regard to Greenpeace Defendants potential liabilities. Rule 401 and Rule 403. These events and actions include:

a. protest events that Plaintiffs contend were a "trespass" on land in which Plaintiffs had a possessory interest;
b. destruction of construction equipment;
c. locking down on construction equipment;
d. any of the eleven instances of property interference alleged in the Second Amended Complaint;
e. confrontations at Backwater Bridge;
f. confrontations at Turtle Hill;

g. running people off the road;

h. fires set on equipment or personal property of any kind;

i. killing and/or eating livestock of third parties;

j. Indigenous riders herding buffalo toward law enforcement;

k. shooting arrows at helicopters;

l. flying drones at law enforcement;

m. throwing objects or otherwise assaulting police officers or construction workers;

n. doxxing of police officers;

o. garbage left at the camp(s);

p. protest events in Mandan, Bismarck, and North Dakota government buildings;

q. security expenses for protest events outside of North Dakota; and

r. training of protestors.

[¶30] ***First***, Plaintiffs admit they have no information with respect to the actions of any individual protestor, including whether they took any trainings with Greenpeace, Inc. employees or saw any Greenpeace posting supposedly advocating violence. *E.g.*, Futch Dep. (Oct. 25, 2023) 290:24-291:2 ("We don't have any documents detailing who attended training and who did not attend training. We don't have any documents detailing who was there."). Plaintiffs are bound by their corporate representatives' testimony that they have no evidence establishing a causal link between Greenpeace Defendants and any person who engaged in trespass, property interference, or other illegal action. *See Sobolik, Tr. for Sobolik v. Briggs & Stratton Corp.*, Civ. No. 09-1785 (JRT/RLE), 2010 WL 11640194, at *7 (D. Minn. June 2, 2010) ("a 30(b)(6) witness testifies as a representative of an entity and his answers bind the entity and he is

responsible for providing all the relevant information known or reasonably available to the entity").

[¶31] ***Second***, Plaintiffs have no evidence of any specific event that Greenpeace Defendants organized, coordinated, or directed which caused any of the harm claimed by Plaintiffs. In the absence of such evidence of organization, coordination, or direction, any evidence of the incidents enumerated above would be unfairly prejudicial, inflammatory, and likely to confuse the jury. Rule 403.

[¶32] ***Finally***, Plaintiffs have no admissible evidence of any individual (or individuals) who took any action based upon a statement, action, or direction of Greenpeace Defendants. The Court should exclude specific reference to any event or action at the Standing Rock protests, or any claim of damages, until plaintiff first establishes by admissible evidence that the event or action, or the damage claimed was proximately caused by one of the Greenpeace Defendants. Absent a causal link with Greenpeace Defendants, these events and actions are irrelevant, do not support Plaintiffs' claims that *Greenpeace Defendants* caused them damage, and the evidence is unfairly prejudicial by serving to mislead the jury as to actions which can provide the basis of any liability of the Greenpeace Defendants. Rule 401; Rule 403.

Motion in Limine 8: **To exclude evidence or argument that a bank or financial institution made a decision not to participate in the DAPL loan or refinancing as a result of statements or actions by Greenpeace Defendants, without admissible evidence that the bank or financial institution actually made such a decision based on the Greenpeace Defendants statements.**

[¶33] Greenpeace Defendants expect Plaintiffs will introduce evidence that certain banks and financial institutions—their lenders in the DAPL construction loan and potential investors in the bond refinancing of the loan—withdrew from the loan or declined to participate in the refinancing because of allegedly false statements by one or more of the Greenpeace Defendants.

[¶34] However, there is no evidence that any bank or financial institution saw, read, or took any action based on any of the alleged defamatory statements at issue in this case. Given the lack of any relevance, admissible evidence that their actions were caused by the alleged defamatory statements in this case, the probative value of allowing this evidence and argument is substantially outweighed by unfair prejudice to Greenpeace Defendants because it would risk confusing the jury and misleading the jury into thinking that Greenpeace Defendants influenced these banks and financial institutions to make decisions that damaged Plaintiffs. Rule 403.

Motion in Limine 9: To exclude evidence or argument of potential actions considered by Greenpeace in opposition to DAPL that were not implemented.

[¶35] Greenpeace Defendants expect Plaintiffs may seek to introduce evidence about potential actions Greenpeace Defendants considered in opposing DAPL, but which were never carried out. This specifically includes an idea to apply stickers to bank ATMs or an idea to hang a banner from a crane. These events are not alleged in the Second Amended Complaint and did not take place, as a result they could not have caused damaged Plaintiffs. This evidence should be excluded because it risks misleading the jury into considering potential liability based on events that did not occur and thus would unfairly prejudice Greenpeace Defendants. Rule 401; Rule 403.

Motion in Limine 10: To exclude evidence or argument regarding the claim that Greenpeace Defendants gave $500,000 in seed money to "Red Warrior Camp."

[¶36] Plaintiffs allege in the SAC that Greenpeace Defendants gave $500,000 in seed money to "Red Warrior Camp." Their only support for this allegation is information Plaintiffs purportedly received from an individual named Regis Ferland who had been at Standing Rock. Ex. 4, ET-00437092 (notes from interview with Ferland note "500,000 from CA political group"). Without any non-hearsay support for this "fact," any suggestion that Greenpeace Defendants gave seed money to Red Warrior Camp should be excluded as unreliable, irrelevant, and prejudicial. Rule 801; Rule 401; Rule 403.

Motion in Limine 11: To exclude argument that Greenpeace Fund, Inc. and/or Greenpeace International provided any financial support in opposition to the construction of DAPL.

[¶37] Plaintiffs' witnesses have repeatedly stated that Greenpeace Defendants funded the protests; however, there is no evidence that either Greenpeace Fund, Inc. or Greenpeace International provided one penny of financial support to Greenpeace, Inc.'s or anyone else participating in the Standing Rock protests. Greenpeace Defendants request that the Court exclude any argument, inference, or reference to Greenpeace Fund's or Greenpeace International's financial support of the DAPL opposition. Plaintiffs should be precluded from arguing that Greenpeace Fund, Inc. and Greenpeace International financially supported the DAPL opposition when there is no evidence supporting that proposition.

Motion in Limine 12: To exclude evidence or argument any Greenpeace non-violent direct action manual, handbook, or document to train protestors.

[¶38] Greenpeace Defendants expect Plaintiffs to seek to introduce evidence of and from a Greenpeace manual that provides general guidelines for non-violent direct action training. However, every witness who testified has stated that no such manual was used at Standing Rock. Ex. 5, Wagoner Dep. 163:4-7; Ex. 6, Khoury Dep. 97:19-21; Ex. 7, N. Tilsen Dep. 170:1-10. Plaintiffs' have no evidence the manual was used at Standing Rock. Ex. 2, Futch Dep. (Oct. 25, 2023) 279:21-280:3. Because no Greenpeace document was used in the events Plaintiffs complain of evidence related to the manual is irrelevant to Plaintiffs' claims. Rule 401. Moreover, the jury could be misled into thinking, without supporting evidence, that Greenpeace Defendants used or taught tactics described in the document at the Standing Rock protests, thus unfairly prejudicing Greenpeace Defendants. Rule 403. The Court should exclude this evidence.

Motion in Limine 13: To exclude evidence or argument of the "Standing Truth" project, which was a Greenpeace campaign about this SLAPP lawsuit and not DAPL.

[¶39] Greenpeace Defendants expect Plaintiffs may seek to introduce evidence regarding the Standing Truth campaign. In 2018, the "Standing Truth" project was initiated after the Greenpeace Defendants were sued by Plaintiffs, and was "a project for responding to the Energy Transfer lawsuit." Ex. 8, Fidei-Bagwell Dep. 98:2-10. Greenpeace Defendants' actions in response to *this lawsuit* are entirely unrelated to any of the events that allegedly caused Plaintiffs damage as a result of the Standing Rock protests. Rule 401. Any argument by Plaintiffs that the evidence is relevant to the Green peace Defendants' purported ill will toward Plaintiffs should be rejected—by the time the Standing Truth campaign was initiated, Greenpeace Defendants were facing a $300 million lawsuit. Allowing evidence of Greenpeace Defendants campaign, specifically in response to being named as a defendant, risks confusing and misleading the jury into thinking Greenpeace Defendants' Standing Truth efforts contributed to the damage claimed by Plaintiffs in this case and for that reason should be excluded. Rule 403.

Motion in Limine 14: To exclude evidence or argument of the identity of any Greenpeace donors.

[¶40] The identity of any donor to any Greenpeace entity is irrelevant to whether Greenpeace Defendants caused Plaintiffs' alleged financial and reputational damage, and would risk prejudice against Greenpeace Defendants depending on the identity of the particular donor. Rule 401; Rule 403. The Court should exclude this evidence.

Motion in Limine 15: To exclude evidence or argument of other lawsuits or claims initiated against any of the Greenpeace Defendants.

[¶41] Other lawsuits initiated against any of the Greenpeace Defendants or their former or current employees are unrelated to Plaintiffs' claims in this case that they were damaged by the Standing Rock protests. Evidence related to these lawsuits should be excluded as irrelevant and unfairly prejudicial to Greenpeace Defendants. Rule 401; Rule 403.

Motion in Limine 16: To exclude evidence or argument of rulings in the first lawsuit Plaintiffs initiated against Greenpeace Defendants in United States District Court.

[¶42] As the Court knows, this lawsuit was preceded by a substantially similar lawsuit initiated by Plaintiffs in the U.S. District Court for the District of North Dakota, which resulted in dismissal on February 14, 2019. *Energy Transfer Equity, L.P. et al. v. Greenpeace International et al.*, No. 17-cv-00173 (D.N.D.) ("Federal Case"). There was no discovery and no factual findings in Federal Case. Any evidence of or reference to rulings in the Federal Case are not relevant to this case and should be excluded. Rule 401.

Motion in Limine 17: To exclude evidence or argument of rulings in other lawsuits regarding the DAPL protests—except the SRST's lawsuit against the USACE, which is relevant to this case.

[¶43] There have been numerous actions initiated by one or more of the Plaintiffs arising from DAPL, and many more by private individuals and the State of North Dakota. None of the Greenpeace Defendant were a party to any of these other proceedings. This includes: (a) lawsuits that one or more of the Plaintiffs filed against: (i) Standing Rock Tribe Chairman David Archambault; (ii) publishing company Unicorn Riot; and (iii) security contractor TigerSwan; and (b) State of North Dakota v. United States Army Corps of Engineers, and numerous criminal and personal injury proceedings.

[¶44] For example, in Dakota Access, LLC's lawsuit against SRST Chairman Dave Archambault II and others, the court—with no citation to the record—described violent conduct by some of the Standing Rock protestors. *Dakota Access, LLC v. Archambault*, No. 1:16-cv-296, 2016 WL 5107005, at *2 (D.N.D. Sept. 16, 2016). This statement and similar statements are not admissible in Plaintiffs' claims of damage *against Greenpeace Defendants*, and more significantly any probative value of such rulings is outweighed by unfair prejudice to Greenpeace Defendants due to the risk that the jury would attribute wrongs committed by other persons to Greenpeace Defendants. Rule 401; Rule 403.

[¶45] One third-party lawsuit, however, is relevant to these proceedings—*Standing Rock Sioux Tribe v. U.S. Army Corps of Engineers*, 1:16-cv-1534 (D.D.C.) ("SRST Litigation"), which is the SRST's lawsuit against the USACE regarding the adequacy of the USACE's environmental review of DAPL's route under Lake Oahe. The SRST Litigation and certain rulings from the case are relevant to the claims and defenses in this case, including but not limited to the role the

lawsuit played in Plaintiffs' decision-making about the refinancing of their DAPL construction loan. Plaintiffs' corporate representative and treasurer Ashton Hayse advised at two separate board meetings that management decided to "delay the refinancing effort until there was more certainty regarding the lawsuit with the Native American Tribes"—directly contradicting Plaintiffs' claim that Greenpeace Defendants caused the refinancing delay. Dkt. 2993, Br. in Supp. of Greenpeace, Inc.'s Mot. for Summ. J. on All Counts, ¶ 73. The Court should permit evidence from the SRST Litigation, but exclude evidence of court rulings from any other DAPL-related litigation.

Motion in Limine 18: To exclude evidence or argument of actions in opposition to DAPL by Greenpeace entities that are not defendants in this case.

[¶46] "Greenpeace" is a network of 25 independent organizations around the world, of which Greenpeace International is the coordinating body. Each of these "National Regional Organizations" or NROs is distinct from the others. There are Greenpeace NROs in other countries, just as Greenpeace, Inc. and Greenpeace Fund, Inc. are the two NROs in the United States. Ex. 9, Christensen Dep. 18:1-19:6.

[¶47] Plaintiffs claim damages based on the actions of the Greenpeace Defendants, but do not limit allegations in their Second Amended Complaint to the three Greenpeace Defendants. For example, Plaintiffs alleged that Greenpeace Netherlands presented alleged misrepresentations to Plaintiffs' lenders. *E.g.*, SAC ¶¶ 84-86. Any evidence regarding the actions taken by Greenpeace Netherlands or any other non-party Greenpeace entity is irrelevant to Plaintiffs' claims against the defendants in this case—Greenpeace, Inc.; Greenpeace Fund, Inc.; and Greenpeace International—because Plaintiffs only allege conspiracy among the three defendants and not with any other Greenpeace entity. *See* Ex. 10, Futch Dep. (Feb. 15, 2024) 283:4-12 (conspiracy claim limited to alleged conspiracy among Greenpeace Defendants). Rule 401. Further, any probative value of this evidence is outweighed by the risk of confusing the jury and prejudicing the three Greenpeace Defendants. Rule 403.

Motion in Limine 19: To exclude evidence or argument concerning any individual Greenpeace employee's personal opinion on whether arson, property damage, or violence are allowable as part of non-violent direct action.

[¶48] Greenpeace Defendants expect Plaintiffs may seek to introduce evidence of witnesses' personal opinions of whether violence and property destruction are permissible forms of non-violent direct action. Each of these witnesses stated affirmatively that violence and property destruction are not permitted by Greenpeace principles.[3] Plaintiffs should be precluded from introducing any evidence related to individuals' personal opinions because they are irrelevant to this case—Plaintiffs claim damages based on Greenpeace Defendants' actions, not their employees' or anyone else's personal opinions. This is particularly true when Plaintiffs have no evidence that any arson, property damage or violence was undertaken by Greenpeace Defendants, people who acted on a Greenpeace statement, or people who received any training from Greenpeace. Rule 401; Rule 403.

[3] And in any event, even rhetoric advocating violence cannot be the basis for liability unless it meets *Brandenburg*'s heightened incitement standard. *Claiborne Hardware Co.*, 458 U.S. at 927-28.

Motion in Limine 20: To exclude evidence or argument concerning any witness's prior arrests unless it resulted in a conviction for a crime for which it could be admitted under N.D. Rule 609(a) .

[¶49] Greenpeace Defendants expect Plaintiffs to attempt to introduce evidence of Greenpeace Inc. employees' and other individuals' arrests.

[¶50] ***First***, the arrests identified in this case are not relevant to any claim of harm by Plaintiffs, and should be excluded under Rule 401. A single former Greenpeace employee, Christina-Alexa Liakos, was arrested for participating in a protest march with hundreds of others that blocked a public road. This was not on Plaintiffs' property and is not connected to any of Plaintiffs' alleged damages. As such, even if relevant to the Standing Rock protests, the probative value of this evidence is substantially outweighed by the danger of unfair prejudice to the Greenpeace Defendants, and therefore should be excluded. Rule 403. Arrests of other individuals are even more removed and are completely unrelated to DAPL.

[¶51] ***Second***, there has been no arrest disclosed in discovery that is admissible for impeachment because (i) none resulted in a criminal conviction for a crime that "was punishable by death or imprisonment for more than one year" or a crime that "required proving, or the witness's admitting, a dishonest act or false statement," N.D. R. Ev. 609(a); and (ii) none is "probative of the [witness's] character for truthfulness or untruthfulness" under Rule 608(b). *State v. Russell*, 2016 ND 208, ¶¶ 11, 12, 886 N.W.2d 677, 680 (affirming district court's decision to exclude evidence of reckless endangerment charge that was not probative of character for truthfulness or untruthfulness).

[¶52] Finally, this evidence is also precluded under Rule 404, which precludes "[e]vidence of a person's character or character trait . . . to prove that on a particular occasion the person acted in accordance with the character or trait."

Motion in Limine 21: To exclude evidence or argument of any witness's non-DAPL protest activities which Plaintiffs believe a Morton County jury will disapprove of.

[¶53] Greenpeace Defendants expect Plaintiffs to introduce evidence of Greenpeace employees' and other individuals' involvement in protest activities unrelated to the Standing Rock protests, in which the individuals engaged in actions which Plaintiffs believe the Morton County jury will disapprove of. By way of example (and without limitation), Plaintiffs asked Greenpeace deponent Harmony Lambert about a protest activity in which she hung from a bridge in Portland to block a Shell ship used for Arctic drilling, and they asked deponent Cy Wagoner about climbing Mount Rushmore as part of a protest. This evidence lacks any relevance to the events at Standing Rock and should be excluded under Rule 401 and N.D. R. Ev. 404 ("Rule 404"). Finally, any relevance it might potentially have is substantially outweighed by the danger of unfair prejudice to the Defendants. Rule 403.

Motion in Limine 22: To exclude reference to the parties as "Defendants" or "Plaintiffs" in reference to actions and damages for which Plaintiffs seek to impose liability.

[¶54] Plaintiffs should be prevented from collectively referring to Greenpeace, Inc., Greenpeace Fund, Inc. and Greenpeace International collectively as "Defendants" or "Greenpeace" at trial. Plaintiffs should also be prevented from collectively referring to Energy Transfer LP, Energy Transfer Operating, L.P., and Dakota Access, LLC collectively as "Plaintiffs" or "Energy Transfer" or other collective reference. *See* Ex. 11, Oct. 1, 2022 Order in *In re Opioid Litigation,* Civ. Action No. 21-C-9000-PHARM (W. Va. Cir. Ct.), at 18 (granting motion in limine requiring State to refer to each Pharmaceutical Defendant individually).

[¶55] ***First*****,** each Plaintiff bears the burden of proving their individual claims against each individually-named Defendant. Permitting Plaintiffs to refer to the individual Greenpeace entities collectively as "Defendants" or "Greenpeace" will confuse the jury, Rule 403. Allowing Plaintiffs to collective refer to their entities as "Plaintiffs" or "Energy Transfer" relieves each entity from its burden to prove its claims, and in fact creates confusion for jurors as to whom can assert the claim and/or seek the damage sought. Counsel for Plaintiffs must identify which Plaintiff and which Defendant they are referring to when presenting evidence to comply with their burden of proving their claims against each named Defendant.

[¶56] ***Second***, requiring this individual distinction aligns with North Dakota Pattern Jury Instruction C-1.11 in multiple-defendant cases. NDPJI C-1.11 provides in relevant part: "Although there are [multiple] Defendants in this action, it does not necessarily follow that if one is liable [all] are liable. Each Defendant's defense is entitled to fair consideration, and is not to be prejudiced by any fact that you find against the other[s]." Consistent with this instruction,

Plaintiffs must refer to the respective Greenpeace entity that they are submitting evidence against by referring to them individually to permit the jury to consider each entity's distinct defenses. This ensures that each Greenpeace entity is afforded fair consideration of their individual defenses and to avoid prejudice that would result from asserting that certain evidence applies generically to "Defendants" or "Greenpeace."

[¶57] ***Third***, preventing the Plaintiffs from referring generically to "Defendants" and "Greenpeace" will also prevent Plaintiffs from making an end-run around the Court's Opinion denying Plaintiffs' attempt to amend its complaint to argue that Greenpeace, Inc. and Greenpeace Fund, Inc. are the alter-egos of one another. This Court denied Plaintiffs request to amend its complaint to add a claim that "Greenpeace, Inc. and Greenpeace Fund, Inc. are alter egos of one another. Dkt. 2821, Mem. Op. on Mot. to Amend Compl. ¶¶ 10-14. Allowing the Plaintiffs to lump them together as "Defendants" and "Greenpeace" subverts the Court's Opinion recognizing the distinction between the entities and rejecting the alter-ego theory.

[¶58] For the foregoing reasons, Greenpeace Defendants request that the Court prohibit Plaintiffs from using the generic term "Defendants," "Greenpeace," "Plaintiffs," or "Energy Transfer," or other such collective reference when submitting evidence or questioning witnesses, and affirmatively require that Plaintiffs specify which defendant the testimony or evidence pertains to.

Motion in Limine 23: To exclude evidence or argument that Greenpeace Defendants conspired with or aided and abetted a group of individuals self-identifying as "Red Warrior Society."

[¶59] As explained in Greenpeace Defendants' Motion for Partial Summary Judgment on Claims Based upon Non-Juridical Red Warrior Society (Dkt. 1839), Red Warrior Society cannot act in concert with another party because it is a non-juridical entity. In *Doe v. Mckesson*, 945 F.3d 818, 834 (5th Cir. 2019), the Fifth Circuit affirmed the dismissal of Black Lives Matter as a defendant after finding that it was a social movement and the plaintiffs' allegations were insufficient to raise a plausible inference that it was an entity capable of being sued under state law. Similarly, here, Plaintiffs are barred as a matter of law from arguing that Greenpeace Defendants conspired with or aided and abetted Red Warrior Society, and any evidence or argument about that issue should therefore be excluded as irrelevant. Rule 401. Any probative value of such evidence is also outweighed by the risk of confusing and misleading the jury and prejudicing Greenpeace Defendants. Rule 403.

Motion in Limine 24: To exclude evidence or argument of damage to equipment and personal property that was not owned by Plaintiffs.

[¶60] Plaintiffs assert claims for trespass to chattel and conversion, both of which involve claims for interference with Plaintiffs' personal property. However, Plaintiffs' corporate representative testified that pipeline contractors—not Plaintiffs—owned the construction equipment that was allegedly damaged. Ex. 10, Futch Dep. (Feb. 15, 2024) 51:9-21. Under North Dakota law, Plaintiffs can only maintain a conversion or trespass to chattel claim if they owned or possessed the property allegedly interfered with. *See Ritter, Laber & Assocs. v. Koch Oil, Inc.*, 2004 ND 117, ¶ 11, 680 N.W.2d 634, 638 (conversion "consists of a tortious detention or destruction of personal property, or a wrongful exercise of dominion or control over the property inconsistent with or in defiance of *the rights of the owner*" (emphasis added)).

[¶61] The Court should exclude any evidence of interference with personal property not owned or possessed by Plaintiffs at the time, because such interference is not a "fact . . . of consequence in determining the action," Rule 401, and in any event would risk unfairly prejudicing Greenpeace Defendants and confuse the jury with regard to property interference that is not actionable by the Plaintiffs. Rule 403.

Motion in Limine 25: To exclude evidence or argument of "trespass" on Plaintiffs' easements or other land Plaintiffs did not own or have an absolute right to possess.

[¶62] Plaintiffs have repeatedly claimed in this case that protestors "trespassed" upon the pipeline easement; this argument and evidence should be precluded. A civil trespass claim requires that the plaintiff be in possession of the land on which the unlawful entry allegedly occurred. Under North Dakota law, a party who holds an easement is not in possession of the land, and cannot assert a claim for civil trespass to land. *Sagebrush Res., LLC v. Peterson*, 841 N.W.2d 705, 709, 713 (N.D. 2014) (holding that implied easement for the limited purpose of using surface for mining was not "an ownership or possessory interest necessary to support a trespass claim"); *Riverwood Com. Park, LLC v. Standard Oil Co.*, 2005 ND 118, ¶ 11, 698 N.W.2d 478, 482 ("The major distinction between a lease and an easement or license is that a lease confers exclusive use and possession of the property against the world, including the landowner, whereas an easement or license merely grants a right or permission to nonexclusive use of the land for a specific, limited purpose."). Improper use of an improper legal term risks prejudicing Greenpeace Defendants and misleading the jury into thinking there were more actionable instances of "trespass" than there actually were. Rule 403.

[¶63] Except for the Cannonball Ranch, which Plaintiff Dakota Access LLC acquired on September 20, 2016, Plaintiffs did not own any land in connection with the construction of DAPL. Ex. 10, Futch Dep. (Feb. 15, 2024) 32:3-6. Indeed, Plaintiffs purportedly purchased Cannonball Ranch because they were advised that their status as an easement holder was insufficient to assert a trespass claims. Thus, only potential trespass plaintiff Dakota Access LLC can claim is only after September 20, 2016. The Court should exclude argument or

evidence that there was any "trespass" on property other than the Cannonball Ranch after September 20, 2016. Rule 401.

Motion in Limine 26: To exclude evidence or argument that Plaintiffs are not responsible for the actions of any applicable contractors.

[¶64] "Judicial estoppel prohibits a party from assuming inconsistent or contradictory positions during the course of litigation." *Ingebretson v. Ingebretson*, 2005 ND 41, ¶ 17, 693 N.W.2d 1, 6. Plaintiffs acknowledged in a prior motion that TigerSwan "was the functional equivalent of an Energy Transfer employee during the relevant time." Dkt. 2755, Pls.' Suppl. Mem. of Law in Opp'n to Defs. Greenpeace International and Greenpeace, Inc.'s Mot. to Compel at 3. Plaintiffs are therefore judicially estopped from taking an inconsistent position at trial, including that they are not responsible for the actions of TigerSwan or any other contractor.

[¶65] Additionally, "unless corrected by an appellate tribunal, a legal decision made at one stage of a civil or criminal case constitutes the law of the case throughout the pendency of the litigation." *Peoples State Bank of Truman, Inc. v. Molstad Excavating, Inc.*, 2006 ND 183, ¶ 12, 721 N.W.2d 43, 47 (quoting *Ellis v. U.S.*, 313 F.3d 636, 646 (1st Cir. 2002)). The Special Master found that "TigerSwan served as the functional equivalent of an Energy Transfer security department for DAPL," Dkt. 2818, Special Master's Suppl. Order on Defs.' Mot. to Compel Pls. to Prod. TigerSwan Docs. at 3, and the Court should not permit Plaintiffs to depart from that ruling at this stage.

III. CONCLUSION

[¶66] For the foregoing reasons, Greenpeace Defendants respectfully request that this Court exclude any evidence or testimony related to the above matters.

Dated: June 3, 2024.

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EXHIBIT 8

Greenpeace Defendants' Petition for Supervisory Writ

STATE OF NORTH DAKOTA | IN DISTRICT COURT

COUNTY OF MORTON | SOUTH CENTRAL JUDICIAL DISTRICT

Case No. 30-2019-CV-00180

Energy Transfer LP, (formerly known as Energy Transfer Equity, L.P.), Energy Transfer Operating, L.P. (formerly known As Energy Transfer Partners, L.P., and Dakota Access, L.L.C., Plaintiffs,	
-vs-	**OPINION AND ORDER ON MOTIONS IN LIMINE**
Greenpeace International (also known as "Stichting Greenpeace Council"; Greenpeace Inc.; Greenpeace Fund, Inc. Red Warrior Society (also known as "Red Warrior Camp; Cody Hall and Krystal Two Bulls; Defendants.	

¶1. For purposes of this Opinion, the Court refers to the Plaintiffs, collectively, as ET and the Greenpeace Defendants, collectively, as Greenpeace unless the Court finds it necessary to differentiate between the various Plaintiff entities or the various Greenpeace Defendants. ET and Greenpeace filed Motions in Limine in anticipation of the civil jury trial scheduled for February 24, 2025 to March 17, 2025. ET filed 29 Motions in Limine and Greenpeace filed 27 Motions in Limine. The parties presented oral argument on November 6, 2024. Prior to the presentations on the motions in limine, the parties agreed that ET's Motions #2, #3, #5, #16 and #19 and Greenpeace's Motions #5, #10, #16 and #17 with some reservations. Additionally during the presentations, the parties conditionally agreed there was potentially some agreement on facets of some of the other proposed motions.

¶2. The Court notes orders in limine are interlocutory in nature. "An order by a trial court is interlocutory when it is not dispositive of the action, or some part thereof, in the trial court." Northwest Airlines, Inc. v. State through Bd. of Equalization, 244 N.W.2d 708, 710 (N.D. 1976). The nature of an order granting a motion in limine allows the Court to reconsider the matter at trial.

> "[This Court] review[s] a district court's decision on a motion in limine for an abuse of discretion." State v. Lutz, 2012 ND 156, ¶ 3, 820 N.W.2d 111 (quotation omitted). "A trial court abuses its discretion if it acts in an arbitrary, unreasonable, or unconscionable manner or if it misinterprets or misapplies the law." *Id.* "However, the exclusion of evidence by a motion in limine does not dispense with the need for the proponent of evidence to make an offer of proof so the trial court can consider the proffered evidence in the context of other evidence presented during trial." Williston Farm Equip., Inc. v. Steiger Tractor, Inc., 504 N.W.2d 545, 550 (N.D.1993). The party challenging the exclusion of evidence must offer proof demonstrating prejudice from the restriction. Perius v. Nodak Mut. Ins. Co., 2012 ND 54, ¶ 6, 813 N.W.2d 580. ***449** These showings create the required record for appellate review. *Gorsuch v. Gorsuch,* 392 N.W.2d 392, 394 (N.D.1986).

In re Rubey, 2013 ND 190, ¶ 7, 838 N.W.2d 446, 448–49.

¶3. The Court intends to address all pending motions in limine from both ET and Greenpeace in this Opinion, beginning with ET's motions and then going to Greenpeace's motions.

ENERGY TRANSFER MOTIONS IN LIMINE

No. 1: References to any investigation into and administrative proceeding against TigerSwan by the North Dakota Investigation and Security Board.

ET argues any evidence or reference to investigation of TigerSwan by the North Dakota Investigation and Security Board is irrelevant to the claims of ET against Greenpeace. Greenpeace argues that Special Master Klein's conclusion that TigerSwan employees were the "functional equivalent" of ET's employees became the law of the case, and thereby opened up any and all involvement of TigerSwan to the jury. The Court notes Special Master Klein's

involvement was limited to discovery matters, and did not deal with the trial of this matter. Further, Greenpeace argues TigerSwan's reputation as a highly militarized, mercenary organization that treated the protestors at Standing Rock like terrorists is at issue, and the failure of TigerSwan to obtain proper licensure in North Dakota seems to be indicative of its heavy-handed approach.

COURT DECISION: Granted.

No. 2: References to Energy Transfer being previously represented by "Donald Trump's Go-To Law Firm" or that Kasowitz Benson Torres has also represented Donald Trump.

Parties stipulated to this motion.

COURT DECISION: Granted.

No. 3: References to Donald Trump's investments in Energy Transfer (as well as its successors, assigns, subsidiaries, or affiliated entities), along with Donald Trump's investments in Phillips 66.

Parties stipulated to this motion.

COURT DECISION: Granted.

No. 4: References to Kelcy Warren's political donations, including, but not limited to, those to Donald Trump's presidential campaign and the Republican National Committee.

During the hearing, Greenpeace indicated no objection to this motion as it pertained to donations.

COURT DECISION: Granted.

No. 5. References to Kelcy Warren's net worth, home value, or private transportation vehicles.

The damages in this matter are sought by the ET, collectively. Apparently, Warren holds a high rank in ET's echelon of officers. However, the Court sees no obvious connection between the net worth and life style of officers or principals of an organization and the claims of defamation and damages.

COURT DECISION: Granted.

No. 6: References to Energy Transfer's net profits, annual income, market share, value or size.

Energy Transfer claims damages that include monetary loss. The Court cannot comprehend a situation where those damages can be accurately addressed without some reference to the financial status of Energy Transfer. As long as the references are substantiated by appropriate evidence and relevance, the Court will allow those references.

COURT DECISION: Denied.

No. 7: References to Energy Transfer or the oil and gas industry more generally as "Big Oil".

Presently the Court can find no reason to grant this motion. ET fears the use of "Big Oil" creates a negative connotation to the jury, but the oil and gas industry is a major component of the economy of North Dakota and could also present a positive connotation.

COURT DECISION: Denied.

No. 8: Any lawsuit or proceeding related to DAPL, Energy Transfer, the DAPL protests, DAPL protestors, or Greenpeace other than *Standing Rock Sioux Tribe v. United States Army Corp of Engineers*, Case No. 1:16cv-1534-JEB, filed in the United States District Court for the District of Columbia, including, but not limited to, (1) *North Dakota v. United States*, Case No. 1:19-cv-00150, filed in the United States District Court for the District of North Dakota, (2) *Dundon v. Kirchmeier*, Case No. 1:16-cv-406, filed in the United States District Court for the District of North Dakota, (3) *Thunderhawk v. County of Morton*, Case No. 1:18-cv-00212, filed in the United States District Court for the District of North Dakota, (4) *Resolute Forest Products, Inc. v. Greenpeace International*, Case No. 3:17-cv-02824-JST, filed in the United States District Court for the Northern District of California, and (5) *Energy Transfer Equity, LP vs. Greenpeace International*, Case No. 1:17-cv-00173-BRW, filed in the United States District Court for the District of North Dakota. Energy Transfer does not object categorically to the use of evidence produced in any of those lawsuits or evidence of arrests or incidents underlying those lawsuits, but reserves the right to lodge any objection based in law or fact to such evidence.

It appeared to the Court both ET and Greenpeace agreed in principal about this request, with some reservation on the part of Greenpeace, as they requested the prohibition be extended to Dakota Access, LLC. V. Archambault, No. 1:16-cv-296, 2016 WL 5107005 (D.N.D. Sept. 16,

2016. Greenpeace believes *Archambault*'s relevance lies in the fact ET sought damages from the *Archambault* Defendants similar to the damages ET seeks from Greenpeace as to the protest activities. ET expressed concern about confusion to the jury, as the *Archambault* case was dismissed from the United States District Court for lack of subject matter jurisdiction. *Archambault* did not reach a decision on the merits, and in fact, reference was made that no claim for damages against certain of the Defendants was alleged, and the damages alleged against the Defendants failed to meet the threshold required for federal jurisdiction. The Court finds general reference to, evidence, or argument about the *Archambault* lawsuit has limited relevance and the probative value is outweighed by the risk of confusion and prejudice.

COURT DECISION: Granted.

No. 9: References to TigerSwan's or its contractors' alleged use of the name "Netizens" or their alleged creation of a Facebook page entitled "Netizens for Progress and Justice".

No. 10: References to TigerSwan employees or contractors befriending protestors or acting undercover as protestors or activists opposed to DAPL, online or in person.

No. 11: References to Energy Transfer's security efforts for other pipelines, including, but not limited to, the Rover, bayou Bridge, and Mariner East 2 pipelines and including, but not limited to, its alleged retention of TigerSwan.

ET did not argue Motion in Limine #9. In its written objection, Greenpeace cited an internet article to bolster their argument against this Motion in Limine as well as the next motion in limine. However, the Court did not access that internet article because of the requirement to provide an e-mail address in order to access the article. The Court grants these motions with the understanding that should events at trial proceed in a manner where any of the subject matter of Motions in Limine become relevant, the Court will reconsider the granting of the motions.

COURT DECISION: Granted.

No. 12: Reference to other parties or entities Energy Transfer could have sued – but did not sue – in connection with this litigation.

During oral presentation on this motion, ET maintained the intent of this restriction was to "exclude argument that ET could have or should have brought suit against the other entities", and not to exclude any evidence of other entities involved. Additionally, ET seeks to restrict evidence or argument about the 'legal mechanism' involved. Greenpeace responded that maintaining the restriction would remove evidence and argument dealing with comparative fault, causation, and actual malice. Granting this motion could prevent Greenpeace from showing other sources of defamation.

COURT DECISION: Denied.

No. 13: References to the purported safety of Energy Transfer's pipelines and documents produced in compliance with the pipeline-safety order, including references to Dakota Access Pipeline leaking or spilling.

ET bears the burden of proving the allegations in their complaint. Reference to safety of the pipelines seems to have little bearing on the current defamation claims, as those deal with the issues of crossing tribal lands, deliberate desecration of cultural sites and unprovoked violence. However, ET also seeks damages from Greenpeace upon other allegations, including trespass, conversion, and nuisance. As Greenpeace argues, other entities may have caused the other alleged damages because of those other entities' independent interpretation of statements not made by Greenpeace.

COURT DECISION: Denied.

No. 14: References to investigations or proceedings relating to other Energy Transfer pipelines, including, but not limited to, the Mariner East 2, Rover, and Revolution pipelines.

ET bears the burden of persuasion on the fact that refinancing was denied or delayed because of the defamatory actions of Greenpeace as to the crossing tribal lands, desecration of cultural sites, and unprovoked violence. Investigations or proceedings relating to other ET matters has limited relevance, if any.

COURT DECISION: Granted.

No. 15: References to the instant lawsuit or *Energy Transfer Equity, LP v. Greenpeace International*, Case No. 1:17-CV-00173-BRW, filed in the Untied States District Court for the District of North Dakota as a Strategic Lawsuit Against Public Participation or "SLAPP" suit or as impacting or chilling free speech or First Amendment rights.

North Dakota state law does not directly recognize SLAPP or anti-SLAPP suits.

COURT DECISION: Granted.

No. 16: References to Energy Transfer's allegations in the instant lawsuit or in the *Energy Transfer Equity, LP v. Greenpeace International*, Case No. 1:17-CV-00173-BRW filed in the United States District Court for the District of North Dakota as "racist".

Parties stipulated to this motion.

COURT DECISION: Granted.

No. 17: References to any other entities saying statements equivalent or similar to the defamatory statements at issue, other than those cited as a basis for the defamatory statements.

The parties disagree about the impact of statements "equivalent or similar to the defamatory statements at issue". The parties have also expressed concerns about the amount of time this matter will consume in trying, and having a jury deliberate. Simply because multiple entities repeat the same allegations again and again does not prove the matter – (*see The Emperor's New Clothes*).

COURT DECISION: Granted.

No. 18: References to Energy Transfer's alleged support of so-called anti-protest legislation.

The Court fails to discern any relevance concerning ET's support of so-called anti-protest legislation, or any legislation in particular.

COURT DECISION: Granted.

No. 19: References to Energy Transfer's alleged use of condemnation or eminent domain.

Parties stipulated to this motion.

COURT DECISION: Granted.

No. 20: References to DAPL's current Environmental Impact Statement process after June 2017.

ET claims damages for delay caused by Greenpeace, but it appears some of the delay resulted from the Army Corps of Engineers and the Environmental Impact Statement. Additionally, this motion does appear to be vague and overbroad.

COURT DECISION: Denied.

No. 21: References to Plaintiffs' motivations for suing Greenpeace or others.

This motion is overbroad. "The Court cannot conclude at this stage that any comment on the Plaintiff's motivation for filing the case would be improper." Lundborg v. Weiss, No 13 V 955, 2015 WL 5722585.

COURT DECISION: Denied.

No. 22: References to the potential financial consequences of the instant lawsuit on any Greenpeace entity.

The Court denies this motion because it appears to be a matter better addressed at trial.

COURT DECISION: Denied.

No. 23: Reference to the reason for the departure of any former Energy Transfer employee who testified in depositions or will testify at trial as a witness in the case.

COURT DECISION: Denied.

No. 24: References to any Greenpeace entity lacking in financial resources because of its status as a non-profit organization.

The Court denies this motion because it appears to be a matter better addressed at trial.

COURT DECISION: Denied.

No. 25: References to pipeline incidents, leaks, or spill for pipelines that were not owned and/or operated by Energy Transfer or its affiliates at the time of the incident, leak, or spill.

Subject to the reservation stated by Greenpeace in ¶2 of the Response in Opposition to Plaintiffs' Supplemental Motions in Limine, the Court finds the parties agree.

COURT DECISION: Granted.

No. 26: References to the Revolution pipeline accident that occurred on September 10, 2018 in Beaver County, Pennsylvania, including, but not limited to, legal proceedings (civil or criminal) related thereto.

No. 27: References to inadvertent returns or "non-returns" that allegedly occurred during the construction of the Rover pipeline in 2017 in Ohio, including, but not limited to, references to any proceedings by the Federal Energy Regulatory Commission (FERC) concerning those events.

No. 28: References to inadvertent returns that allegedly occurred during the construction of the Mariner East 2 or 2x pipeline, including, but not limited to, legal proceedings (civil or criminal) related thereto.

No. 29: References to the Notice of Proposed Debarment issued by the Environmental Protection Agency (EPA) to Energy Transfer and its affiliates in October 2022 arising from Energy Transfer's *nolo contendere* plea agreement in Pennsylvania.

The Court grants these motions provisionally. Because of the magnitude of this matter, the Court intends to keep the focus on the matters at hand, with sensitivity toward developments as the trial progresses.

COURT DECISION: Granted.

¶4.

GREENPEACE MOTIONS IN LIMINE

Motion in Limine 1: To exclude evidence or argument relating to, referring to, or concerning the impacts of Standing Rock protests on the North Dakota community.

The Standing Rock protests involved, among other issues, the allegations of trespass, nuisance, and conversion. Allegations exist that implicate Greenpeace's involvement in the protests. Any exclusion of the evidence, or argument, relating to, referring or concerning the impacts of the protests is better handled during trial.

COURT DECISION: Denied.

Motion in Limine 2: To exclude evidence or argument regarding any fear, stress, or other reaction experienced by any individual due to the Standing Rock protests.

Evidence and argument regarding fear, stress, or other reaction experienced by any individual goes to the very basis of ET's claims of tortious interference as well as trespass, nuisance, and conversion. Again these matters are best addressed at trial.

COURT DECISION: Denied.

Motion in Limine 3: To exclude evidence or argument regarding alleged benefit(s) Plaintiffs purport to have conferred on the State of North Dakota.

Greenpeace argues that ET's negative reputation is relevant. Conversely, ET must be allowed to address that argument, and part of the argument may well be the benefits ET provided. Any concerns Greenpeace may have about particular relevance or evidence are best addressed at trial.

COURT DECISION: Denied.

Motion in Limine 4: To exclude evidence or argument of actions or communications which Plaintiffs allege came from individuals acting on behalf of Greenpeace Defendants without an admissible foundational basis to establish the individual involved was acting on behalf of one of the Greenpeace Defendants.

No evidence or argument will be admissible without a valid foundational basis. No motion in limine is required to address admissibility.

COURT DECISION: Denied.

Motion In Limine 5: To exclude evidence, argument, or reference to an alleged "misinformation campaign," "disinformation campaign," or "false narrative" by the Greenpeace Defendants based on alleged false statements prior to November 7, 2016.

The Court reserves ruling on this Motion. There is a motion limiting testimony of certain identified experts on issues that relate to this issue.

COURT DECISION: Reserved.

Motion in Limine 6: To exclude evidence or argument that Greenpeace Defendants' alleged "misinformation campaign," "disinformation campaign," or "false narrative" caused the actions of third parties.

The Court finds this request is extremely overbroad – if granted, the motion would preclude any evidence that any of the allegations on defamation that could constitute "misinformation," "disinformation," or "false narrative" would be admissible.

COURT DECISION: Denied.

Motion in Limine 7: To exclude evidence or argument, including testimony or photographs, about any protest event or action without providing a foundational basis sufficient to establish a causal connection with Greenpeace Defendants.

No evidence or argument will be admissible without a valid foundational basis. No motion in limine is required to address admissibility.

COURT DECISION: Denied.

Motion in Limine 8: To exclude evidence or argument that a bank or financial institution made a decision not to participate in the DAPL loan or refinancing as a result of statements or actions by Greenpeace Defendants, without admissible evidence that the bank or financial institution actually made a decision based on the Greenpeace Defendants statements.

No evidence or argument will be admissible without a valid foundational basis. No motion in limine is required to address admissibility.

COURT DECISION: Denied.

Motion in Limine 9: To exclude evidence or argument of potential actions considered by Greenpeace in opposition to DAPL that were not implemented.

This motion is overly broad. The relevance of any potential actions considered by Greenpeace would best be considered at trial.

COURT DECISION: Denied.

Motion in Limine 10: To exclude evidence or argument regarding the claim that Greenpeace Defendants gave $500,000 in seed money to "Red Warrior Camp".

Parties stipulated to this motion.

COURT DECISION: Granted.

Motion in Limine 11: To exclude argument that Greenpeace Fund, Inc. and/or Greenpeace International provided any financial support in opposition to the construction of DAPL.

If ET provides relevant evidence that Greenpeace Fund, Inc. and/or Greenpeace International did provide financial support in opposition to the construction of DAPL, the Court cannot exclude argument. And the question of relevance is best addressed at trial.

COURT DECISION: Denied.

Motion in Limine 12: To exclude evidence or argument any Greenpeace non-violent direct-action manual, handbook, or document to train protestors.

Motion in Limine 13: To exclude evidence or argument of the "Standing Truth" project, which was a Greenpeace campaign about this SLAPP lawsuit and not DAPL.

Motion in Limine 14: To exclude evidence or argument of the identity of any Greenpeace donors.

The Court grants this motion to the extent Greenpeace intends to exclude the identity of any individual donors. Specifically, the Court does not expand this ruling to include any transfers between the Greenpeace Defendants.

COURT DECISION: Granted.

Motion in Limine 15: To exclude evidence or argument of other lawsuits or claims initiated against any of the Greenpeace Defendants.

Motion in Limine 16: To exclude evidence or argument of rulings in the first lawsuit Plaintiffs initiated against Greenpeace Defendants in United States District Court.

Parties stipulated to this motion.

COURT DECISION: Granted.

Motion in Limine 17: To exclude evidence or argument of rulings in other lawsuits regarding the DAPL protests – except the SRST's lawsuit against the USACE, which is relevant in this case.

Parties stipulated to this motion.

COURT DECISION: Granted.

Motion in Limine 18: To exclude evidence or argument of actions in opposition to DAPL by Greenpeace entities which are not Defendants in this case.

Greenpeace seeks to preclude ET from presenting or arguing that anti-DAPL actions taken by Greenpeace NROs that are not-named Defendants. The Court finds the presentation or argument would be best addressed at trial as the issues, if any, arise.

COURT DECISION: Denied.

Motion in Limine 19: To exclude evidence or argument concerning any individual Greenpeace employee's personal opinion on whether arson, property damage, or violence are allowable as part of non-violent direct action.

Greenpeace requests the preclusion of ET exploring the personal opinion of Greenpeace employees as to whether arson, property damage, or violence are components of non-violent direct action. Greenpeace questions the relevance of the individual employee's opinion when Greenpeace is the named Defendant, not the individual employees. The relevance of the employee's opinion may well rest on the involvement of the employee, plus other employees of Greenpeace at the protest sites. That question is best determined at trial.

COURT DECISION: Denied.

Motion in Limine 20: To exclude evidence or argument concerning any witness's prior arrests unless it resulted in a conviction for a crime for which it could be admitted under N.D. Rule 609(a).

The Court agrees, as a general rule, that a witness's prior ***arrests*** would not be properly admitted or argued. However, if those arrests can be used in impeachment or to show those exceptions in N.D.R.E. 404(b)(2), the arrests may be admissible.

COURT DECISION: Granted.

Motion in Limine 21: To exclude evidence or argument of any witness's non-DAPL protest activities which Plaintiffs believe a Morton County jury will disapprove of.

This motion is overly broad, and requires the Court to read the minds of the ET Plaintiffs.

COURT DECISION: Denied.

Motion in Limine 22: To exclude reference to the parties as "Defendants" or "Plaintiffs" in reference to actions and damages for which Plaintiffs seek to impose liability.

The Court appreciates the attempt to minimize confusion in a case where there are multiple, related Plaintiffs and multiple, related Defendants. Further, the Court realizes some claims may be from less than all of the Plaintiffs against less than all the Defendants. However, the Court does not intend to 'police' the use of the words 'Plaintiff,' 'Defendant,' 'Energy Transfer,' 'ET,'

'DAPL,' 'Greenpeace USA,' 'Greenpeace Inc.,' 'Greenpeace Fund,' 'Greenpeace International,' and 'Greenpeace' during the trial. ET bears the burden of proving its claims against each and every one of the individual Defendants.

COURT DECISION: Denied.

Motion in Limine 23: To exclude evidence or argument that Greenpeace Defendants conspired with or aided and abetted a group of individuals self-identifying as "Red Warrior Society".

This underlying question in this matter is subject to a pending motion for summary judgment, but at the present time, it appears an organization or association of individuals can be part of a conspiracy. Obviously, the ruling on the motion for summary judgment will affect this motion in limine, and the Court may change its decision.

COURT DECISION: Denied.

Motion in Limine 24: To exclude evidence or argument of damage to equipment and personal property that was not owned by Plaintiffs.

Greenpeace seeks to require ET owned any personal property that was damaged in order to present evidence or argument of their claim for those damages. That requirement is too restrictive – if ET entered into lease agreements, or other property damage attributable to Greenpeace led to damages to ET, that evidence may be relevant.

COURT DECISION: Denied.

Motion In Limine 25: To exclude evidence or argument of "trespass" on Plaintiffs' easements or other land Plaintiffs did not own or have an absolute right to possess.

Excluding evidence or argument of trespass on ET's easements or other lands would be overly broad. In North Dakota, a trespass can occur on easements. G & D Enterprises v. Leibelt, 2020 ND 213, ¶17, 949 N.W. 2d 853.

COURT DECISION: Denied.

Motion in Limine 26: To exclude evidence or argument that Plaintiffs are not responsible for the actions of any applicable contractors.

The question of responsibility for actions of ET's contractors depends upon the contracts between ET and those contractors. If, for example and as alleged by Greenpeace, TigerSwan engaged in 'over-the-top' responses to the DAPL protests, is Greenpeace attempting to hold ET strictly liable? If so, on what basis? If not, the terms of the agreements between ET and TigerSwan would be relevant.

COURT DECISION: Denied.

Motion in Limine 27: To exclude evidence, argument, or testimony relating to, referring to, or concerning the safety of Plaintiffs' pipelines or comparing relative safety to methods of transportation.

The Court believes the defamation claims deal with reputation, and if Greenpeace can challenge the reputation of ET concerning the safety of pipeline operation and construction, ET can rebut those claims about the danger of pipeline operation and construction by comparing the pipeline to other modes of transportation.

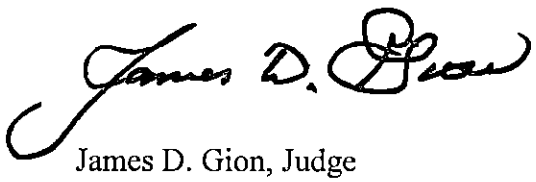
COURT DECISION: Denied.

¶5. As indicated before, the Court realizes Motions in Limine are interlocutory, and so the motions may be revisited upon proper showing such review is warranted. In addition, as the Court mentioned, decisions on other pending motions may impact the Court's rulings on these Motions in Limine.

¶6. **IT IS HEREBY ORDERED** as set forth herein.

Dated this 21st day of November, 2024.

BY THE COURT:



James D. Gion, Judge

EXHIBIT 9

Greenpeace Defendants' Petition for Supervisory Writ

Davis Wright Tremaine LLP

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Portland, Oregon 97205

Everett Jack
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everettjack@dwt.com

November 14, 2024

VIA ELECTRONIC FILING

Honorable James D. Gion
Stark County Courthouse
51 3rd St. E., Suite 202
Dickinson, ND 58601

Re: *Energy Transfer LP, et al. v. Greenpeace International, et al.*, Case No. 30-2019-CV-0180

Dear Judge Gion:

As I mentioned to the Court during the November 6, 2024, hearing on the parties' motions in limine, the Greenpeace Defendants recently received information about a publication which appears to be a targeted mailing to residents of Morton County, with information relevant to the above-captioned litigation. Although our investigation into the matter is ongoing, we thought appropriate to provide the Court with the information that we have at this time, given the potential impact on this case.

What we have learned is that a document styled as a local newspaper entitled "Central ND News" was mailed to prospective juror residents of Morton County. Specifically, that:

- On November 1, 2024, the North Dakota News Cooperative ("NDNC") published an article reporting that a "weird" newspaper entitled "Central ND News" had been mailed to residents of Morton County. A copy of the NDNC article is attached as Exhibit A.[1]

- The NDNC article reports that the seemingly local "Central ND News" that was mailed to Morton County residents had a postmark from Dallas, Texas, as seen in the picture in the article attached at Exhibit A.

- The NDNC article shows photographs of the "Central ND News" publication mailed to residents, with one picture highlighting a story of a University of Mary program funded

[1] The article can be found at https://www.newscoopnd.org/weird-newspaper-calls-out-dapl-pipeline-protests/?ref=reliable-relevant-real-newsletter.

by a 2016 financial donation by Energy Transfer – juxtaposed with a story about the 2016 Standing Rock protests and community impacts.

- Independent of this article, we have confirmed that other residents of Morton County also received the mailing. We are obtaining paper copies of the publication.

We will update the Court on any further information we receive regarding any targeting of Morton County residents, along with any request of the Court to aid with investigation of what is behind this publication.

Respectfully submitted,

Davis Wright Tremaine LLP

s/ Everett Jack

Everett Jack

cc: All counsel of record through electronic filing

EXHIBIT A

Case No.: 30-2019-CV-00180

Donate to help us match Institute for Non-profit News grant program.
Your support allows us to produce deep dive news stories about North Dakota for North Dakotans.
Reliable, Relevant, Real. That's Us. For You.

ENERGY

'Weird' newspaper calls out pipeline protests eight years later



Michael Standaert

Nov 1, 2024 11 min

Publication appears in Morton County as Greenpeace trial looms

Subscribe



These are pages from the Central ND News, a newspaper that showed up at North Dakotans' homes purporting to provide local news. Instead, the paper is aimed at maligning protests of the Dakota Access Pipeline from eight years ago and boosting key Republican campaign talking points. (Lee Pedinoff / Floodlight)

By Miranda Green / Floodlight and Michael Standaert / North Dakota News Cooperative

The newspaper's motto reads "Real data. Real value. Real news." But there is nothing real about it.

The Central ND News has many of the hallmarks of a legitimate news source — headlines, infographics and 12 pages of newsprint. But the newspaper mailed to residents of one North Dakota county this October were uniformly right leaning, largely

lacked bylines identifying the stories' authors and in some instances had a clear target — the Dakota Access Pipeline protests.

"When I got it, I thought, 'Well, this is weird. Number one, it's coming from out of state. Number two, it looks like a newspaper.' That was the big thing that was weird to me, and how much it looks like a newspaper," said Tavi Leier, a Mandan resident who works for the North Dakota Association of Rural Electric Cooperatives.


Central ND News

Real data. Real value. Real news.

Oct. 15, 2024 centralndnews.com

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Sen. Hoeven urges DOJ to enforce laws against illegal voting

CENTRAL ND NEWS U.S. Sen. John

Front page of Central ND News, an unsolicited newspaper mailed predominantly to residents in Morton County in mid-October. Contributed.

The newspaper was postmarked from Chicago, Illinois and distributed to residents predominantly residing in Morton County, the community where the majority of anti-Dakota Access pipeline activity had occurred eight years before.

One headline read: "Canadian national faces 20 years in federal prison for acts of sabotage against pipelines." The paper had a special section labeled "This Month in History October 2016" that highlighted articles including: "Area schools locked down as authorities respond to pipeline protests."

Four other articles quote or feature U.S. Sen. Kevin Cramer (R-ND), highlighting his thoughts on President Donald Trump, inflation and gas prices — two key GOP talking points in the presidential election. Cramer is facing re-election Tuesday.

The Dakota Access Pipeline protests brought national attention to Morton County, which is known for its prime cattle grazing. Celebrities including Susan Sarandon and Shailene Woodley rallied with the Standing Rock Sioux tribal members who opposed the construction.

The pipeline was set to cross the Missouri River at the Lake Oahe reservoir, and the tribe feared it would contaminate their water supply and disrupt sacred sites. Others objected to the pipeline because it would further the United States' reliance on fossil fuels, the major cause of climate change. Hundreds of people were arrested.

But the protests over the pipeline are old news. It's been nearly a decade since President Barack Obama blocked the completion of the Dakota Access Pipeline and Trump quickly reversed course. It has been operating through North Dakota since May 2017.

Some residents who live adjacent to the river where the pipeline protesters camped eight years ago say the protests were disruptive. But many locals in other parts of Morton County say by and large they did not impact their daily lives. Today, they said, the controversy is a non-issue.

In February, the county is expected to be back in the limelight. This time it will be the site of a trial labeled the most consequential in North Dakota history — a $300 million lawsuit brought by the Texas-based company that owns the pipeline, Energy Transfer, filed against the environmental group Greenpeace.

Energy Transfer's lawsuit accuses the group of an "unlawful and violent scheme to cause financial harm to Energy Transfer, physical harm to its employees and infrastructure, and to disrupt and prevent Energy Transfer's construction of the Dakota Access Pipeline."

Greenpeace USA disputes the claims and has characterized the lawsuit as a vehicle to silence criticism of the fossil fuel industry.

"While a judgment in that amount would have a profound impact on the Greenpeace entities in the U.S., and could include bankruptcy, Greenpeace is confident in its legal defense," said Deepa Padmanabha, senior legal advisor at Greenpeace.

The Central ND News showed up as other partisan messaging attacking Greenpeace also appeared online, including a website and Facebook and Instagram advertisements that targeted the protests. Those efforts were funded by a dark money group supported by fossil-fuel interests. Locals see it as a coordinated effort to influence the community before the trial.

"To me, this is a freedom of speech case and freedom of association case," said Sarah Vogel, a lawyer who has served as North Dakota Commissioner of Agriculture and an assistant attorney general. "As residents of a small state without a whole lot of power, we'd better be able to speak up. Who knows? I mean, this time, it's Greenpeace, but who will it be next time? Who will it affect next time?"



People gather around the Pioneer Family monument on the North Dakota state Capitol grounds on Sep. 9, 2016 to hear speakers in the protest against the Dakota Access Pipeline. The long-ago protests are featured in a “pink slime” newspaper that showed up in October in Morton County, the site of an upcoming trial that could bankrupt Greenpeace, one of the groups that protested the pipeline. (Tom Stromme / Bismarck Tribune)

A publication with a past

The Central ND News traces back to a partisan news network with a history of taking funding from fossil fuel interests to publish “news” to push their agenda.

Tax documents and business filings reviewed by Floodlight and The North Dakota News Cooperative show that the paper and its companion website are owned and operated by Metric Media, an Illinois-based company led by former TV reporter Brian Timpone.

Metric is part of an eight-company network operating more than 1,100 online local news sites. Its nonprofit arm has received $1.4 million from DonorsTrust, a dark-money group that received significant funding from Charles and David Koch, who made their fortune through investments in the fossil fuel industry. Tim Dunn, the CEO of a leading Texas oil and gas company has held a managerial role in the network.

Metric was responsible for several print newspapers distributed to residents' doors in other states in the days and weeks before key elections. The company was also tied to issue-focused publications including the Ohio Energy Reporter, a newspaper sent to Knox County, Ohio, residents warning about a proposed solar farm this past spring. It’s been reported that Metric also engages in pay-to-play journalism.

“The pink slime Metric Media network has been tied to oil interests in Texas from the beginning,” said Anne Nelson, author of “Shadow Network: Media, Money and the Secret Hub of the Radical Right.”

“Their formula is to use talking points from the right wing of the Republican Party and business interests, especially fossil fuels, and then mix those in with hyperlocal news,” Nelson said. “It looks like the hometown newspapers that have been dying off, but it's actually a propaganda arm of a political and economic operation.”

Cecile Wehrman, executive director of the North Dakota Newspaper Association, said the publication does not meet the definition of an official newspaper in North Dakota.

“What’s concerning is that it pulls some local statistics from various sources. It would appear this is an attempt to create the impression it is being produced locally,” Wehrman said.

Curious call leads to story

The stories inside the Central ND News cover a variety of topics from border security to school choice — but a closer look reveals some consistent themes. There’s a focus on inflation, high gas prices, the disruption of the years-ago protests and positive news about Energy Transfer, the company that owns the Dakota Access Pipeline.

Nearly all of the articles in the Central ND News have generic bylines listed as written by “staff.” The only story with a named author is about Energy Transfer.

The article, written by “C.D. Marsden,” focuses on a $5 million grant Energy Transfer gave University of Mary in Bismarck more than six years ago. While many Metric articles across the network use this byline, a Google search for C.D. Marsden returned no relevant results indicating it’s a real person.



PAGE 6 OCTOBER 2024

University of Mary engineering, workforce development projects are 'thriving' following $5M donation from Energy Transfer Partners

C.D. MARSDEN

Six years after Energy Transfer Partners donated $5 million to the University of Mary, the university's engineering school and workforce development projects are "thriving," said a university spokesman.

"Yes, both programs are thriving," Tom Ackerman, the university's media specialist, told Central ND News, saying the 2018 donation "kick-started the engineering fundraising portion as part of Phase 1 of the University of Mary Vision 2030 Capital Campaign that eventually led to the current Hamm School of Engineering."

The university's Hamm School of Engineering, with contains 15,650 square feet of space, officially opened on September 20, 2022. The school offers courses in electrical, civil, and mechanical engineering education.

The school was granted full accreditation from the Accreditation Board for Engineering and Technology (ABET) on September 6, 2023, for the school's Bachelor of Science degrees in Civil Engineering, Mechanical Engineering, and Electrical Engineering.

ABET is an international, non-governmental organization that accredits post-secondary education programs in applied and natural sciences, computing, engineering, and engineering technology.

The university had 13 full-time engineering faculty teaching, in addition to other expert adjuncts on staff, and 223 engineering students enrolled, as of September 2023, according to a university press release.

Ackerman said that Energy Transfer's contribution also supported the university's workforce development program.

"The Workforce Development program helps educate and train businesses and their employees throughout North Dakota, allowing employers to better retain workers — thus helping economic development in their respective communities," said Ackerman.

The University of Mary is a private, Catholic university located in Bismarck, North Dakota. It was founded in 1959 by the Benedictine Sisters of the Annunciation. The university offers undergraduate, graduate, and doctoral programs in various fields of study, including business, health sciences, and education. It is accredited by the Higher Learning Commission. The university operates on a traditional semester system and also provides online and accelerated learning options. The University of Mary has a student body of around 3,800 students and competes in NCAA Division II athletics as part of the Northern Sun Intercollegiate Conference.

Energy Transfer Partners is a U.S.-based company that owns and operates energy assets, primarily in natural gas, crude oil, and refined products. It was founded in 1996 and is headquartered in Dallas, Texas. The company operates approximately 130,000 miles of pipeline infrastructure across North America, transporting natural gas, crude oil, natural gas liquids (NGLs), and refined products. Energy Transfer also owns and manages storage facilities and processing plants. The company has been involved in several significant pipeline projects, including the Dakota Access Pipeline (DAPL) and the Mariner East projects.

James Compton makes edits to the firmware of his team's vehicle. Photo provided by University of Mary Media Relations Department

John Callan and Molly Weber inspect sensors on the front of their team's vehicle.

Mark Zapada and Morgan Schimmel adjust their team's dynamic obstacle.

The University of Mary's workforce development program.

CENTRAL ND NEWS PAGE 7

THIS MONTH IN HISTORY

OCTOBER 2016

Area schools locked down as authorities respond to pipeline protests

CENTRAL ND NEWS

On October 5, 2016, Morton County officials blocked off roads going through St. Anthony area to prevent Dakota Access Pipeline protesters from disturbing active work sites and blocking access to the community.

Law enforcement officials in Morton County coordinated efforts to prevent mobile protests from targeting construction efforts along the Dakota Access Pipeline (DAPL). A convoy of 100-150 demonstrators was observed heading towards various worksites, prompting officials to take precautionary measures.

To manage the situation, law enforcement blocked Morton County Road 136 off Highway 6 near St. Anthony. Officers informed protesters that they could not drive through St. Anthony, as the increased traffic could hinder emergency responses for both the community and local schools.

Residents in the St. Anthony area were notified of the protests and road closures, and the local school was put on lockdown as a safety measure.

Protesters subsequently redirected their efforts to other locations in the vicinity, where construction activities along the DAPL, west of Highway 6 and outside of the designated 20-mile exclusion zone, were momentarily halted at several sites.

Morton County authorities received additional unverified reports later in the evening that protesters intended to caravan to construction sites and potentially set equipment on fire.

According to North Dakota Century Code 11-15-03, the Morton County Sheriff is responsible for maintaining public peace and preventing potential riots.

Also on October 5, 2016, authorities announced that Mason Redwing, a then nineteen year old protestor who had felony charges filed against him two days previously on October 3, turned himself in to the Morton County Law Enforcement Center, and was seen by a judge before posting bail and being released.

The protests during this time were against the Dakota Access Pipeline and resulted in 761 arrests, according to MPR News. Charges ranged from trespassing to more severe offenses. A significant number of those arrested were from out of state.

Certain days of the protests resulted in dozens of arrests, such as February 1, 2017, when 76 people were arrested after Morton County Sheriff's Department spokesperson Bob Keller said in "rogue group of protestors" had trespassed on private property.

The State of North Dakota is currently suing the federal government to "recoup $38 million it claims it spent policing the protest camps," Source NM reported.

Judge Bruce Romanick

Morton County issues felony arrest warrant for pipeline protestor who charged police officer on horseback

CENTRAL ND NEWS

On Oct. 3, 2016, Morton County officials filed felony charges of terrorizing and reckless endangerment against Mason Redwing for charging at police officers while on horseback.

Redwing, then a nineteen year old from Fort Thompson, South Dakota, charged at a police line on September 29, 2016 which had been formed to monitor a protest group that had gathered on private property near Highway 6 in Morton County.

As protesters on horseback has previously charged at members of law enforcement, officers were monitoring those on horseback during the protest. When Redwing charged towards the police line and came within twenty feet, an officer drew his shotgun, loaded with bean bag rounds, and ordered Redwing to stop. The officer did not fire his gun, and at the warning Redwing veered away.

An affidavit indicates that Redwing's actions instilled fear for the safety of law enforcement present. Officers said Redwing had no regard for the potential terror and disruption, or potential bodily injury, when he charged on his horse towards officers.

A warrant was issued for Redwing on charges of Terrorizing and Reckless Endangerment, as well as a prior warrant for criminal trespass related to a protest on September 3.

Redwing was tried by Judge Bruce Romanick in November of 2016, who dropped all charges against him. Judge Romanick also dropped all charges of a similar nature that were made against another South Dakota native, Waniktyewin Loud Hawk.The protests, which occurred in 2016 and 2017, "drew thousands of people to camp out" in Morton County, the Associated Press reported.

The protests during this time were against the Dakota Access Pipeline and resulted in 761 arrests, according to MPR News. Charges ranged from trespassing to more severe offenses. A significant number of those arrested were from out of state.

California resident and actress Shailene Woodley was arrested in October 2016. Other figures, including actors Mark Ruffalo and Leonardo DiCaprio, participated in the protests but were not arrested.

Certain days of the protests resulted in dozens of arrests, such as February 1, 2017, when 76 people were arrested after Morton County Sheriff's Department spokesperson Bob Keller said a "rogue group of protesters" had trespassed on private property.

The State of North Dakota is currently suing the federal government to "recoup $38 million it claims it spent policing the protest camps," Source NM reported.

Morton County Sheriff Kyle Kirchmeier

Midsection of the Central ND News, which included a story updating what has happened with a $5 million donation as well as two "flashback" stories about DAPL protests in October 2016. Photo contributed.

Emails to Central ND News bounced back, and calls to Metric's office in Chicago were not answered.

Tom Ackerman, the press contact for the University of Mary in Bismarck, said he was initially confused when a reporter reached out for comment because of how many years had passed since the company made the donation to the university's engineering department.

"He made his request by sending a link to a KFYR-TV story done several years ago with questions referencing that event when we had our press conference," Ackerman said. "So, all I did was e-mail him a few press releases that already had the answers to what he was looking for."

Ackerman said the reporter who contacted him did not have the same name as the person whose byline was on the piece. The man who called him was Andy Nghiem. Online searches show he is a prolific writer for Metric Media outlets across the country. The email Nghiem used was from a company called Advantage Informatics, also owned by Timpone. Nghiem and Timpone did not respond to requests for comment.



Fossil fuel, GOP interests dominate Central ND News

North Dakota isn't a swing state. In fact, it's expected to uniformly vote Republican in all major races. Polls show Cramer has a 22% lead on his closest challenger. But Cramer is a main fixture of this pink slime publication, both in print and online.

In the print edition sent to residents, he's quoted in a section alongside other Republicans raising questions about the national average for the price of gas today compared to when Trump was president — which dipped to $1.84 a gallon during lockdowns at the start of the COVID-19 pandemic.

Cramer said he doesn't know who is behind the paper. But he doesn't mind the coverage.

"I've never heard of it until you sent it," he told The North Dakota News Cooperative. "It's a very attractive paper, yeah, for a guy like me."

Cramer has been a staunch supporter of the Dakota Access Pipeline and the now-abandoned and equally controversial Keystone XL pipeline. Last summer he was featured in a press conference in front of remnants of the canceled pipeline that the campaign called a "boneyard."

The event was put on by Americans for Prosperity, which is part of a network of dark money groups linked to Charles and David Koch. The support for Americans for

Prosperity was a big 180-degree turn for the candidate, who in 2018 lost the political backing from the political action group for being "inconsistent" on Koch network issues.



U.S. Sen. Kevin Cramer, R-N.D., speaks at an event hosted by Americans for Prosperity in front of pipelines meant for the defunct Keystone XL Pipeline. Cramer, who is running for re-election Tuesday, is prominently featured in a "pink slime" newspaper delivered to Morton County, N.D., residents. (Photo courtesy of the Office of U.S. Sen. Kevin Cramer)

This campaign, Cramer received $7,500 in donations from the Koch Industries PAC. He's also taken $60,000 in donations from Texas-based Energy Transfer — roughly $40,000 in direct donations and $10,000 each to two PACs affiliated with his campaign.

Koch Inc., Energy Transfer and Crownquest Operating — the company founded by Metric Media-linked billionaire Tim Dunn — are the top three oil and gas companies donating to the 2024 election cycle. Together they spent $89 million to benefit mostly conservative candidates for president, Senate and the House of Representatives.

Cramer said he has no interactions with the PACs that raise money for his Senate campaign. He said he doesn't know who is responsible for the articles that feature him.

Yet Cramer can see how the paper can be effective.

“I don't mind this sort of thing. I do wish, though, that there was some sort of a disclosure or transparency. We've all used newspapers for (campaign advertising),” he said. “I'd rather send out a newspaper-looking piece of literature or propaganda than a glossy postcard, for example. It's just all peculiar to me, but I kind of applaud it, if it's all legal.”

During the height of the Dakota Access pipeline protests in 2016 and 2017, the action centered on the sparsely populated part of the county bordering the Standing Rock Reservation. The contentious protests were highlighted by the heavy use of police activity. The governor called in the National Guard and the federal government sent in dozens of officers from the National Park Service and Fish and Wildlife departments to assist.

Estimates by state officials said the protests cost the state $38 million. In 2019, North Dakota sued the U.S. government to recoup the costs. That trial concluded in March, but the judge has yet to announce a verdict.



Law enforcement officers stand in the distance as fire and thick smoke from burning tires billows in the air after a Dakota Access Pipeline protester started the fire at a protest roadblock in Morton County on Oct. 27, 2016. The protests are the subject of a lawsuit filed by pipeline owner Energy Transfer against Greenpeace and Earth First! (Mike McCleary / Bismarck Tribune)

Company files 'SLAPP' suit

Since the protests, Energy Transfer and its subsidiary Dakota Access LLC have donated millions to nearby towns for library improvements and first-responder training. In 2017, the company donated $15 million to the North Dakota Department of Emergency Services to pay down the costs of responding to pipeline protests.

That same year, Energy Transfer filed its lawsuit against Greenpeace for its role in the protests.

Some consider it a SLAPP suit — a strategic lawsuit against public participation — which protesters say is used to silence and intimidate them through costly legal proceedings. North Dakota has no laws banning such suits. News organizations and individual journalists can use anti-SLAPP statutes to protect themselves from groundless defamation cases brought by subjects of stories.

This October, The Standing Rock Sioux Tribe filed a new lawsuit against the U.S. Army Corps of Engineers, arguing that the pipeline is illegally operating and should be shut down.

The next day, the Central ND News landed in residents' mailboxes.

New websites and advertisements also have popped up maligning the Dakota Access Pipeline protests and attacking Greenpeace.

A website for the "Pipeline Protection Project" says it's "committed to exposing the truth about green activist groups such as Greenpeace USA, who excuse violence and vandalism under the guise of 'free speech.' "

The website is backed by a group called the American Energy Alliance, whose parent company has taken funding from Koch-backed nonprofits Donors Trust and the Charles

Koch Institute. Both groups are run by a former lobbyist for Koch Industries.

In October, American Energy Alliance spent $2,000 on Facebook and Instagram ads that promoted an article from a right-leaning publication, The Daily Caller News Foundation, with a headline that labeled Greenpeace activists "Spoiled Brats."

Leier said she's concerned about the use of a newspaper that looks legitimate but is "kind of swindling the rural people a little bit" and "putting something out there that's not real."

She added, "It had been awhile since I'd thought about (the protests.) So many other things have happened in our world since then, like the pandemic. You forget about it until something prompts you to remember."

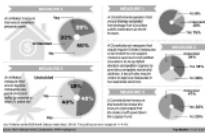
This story has been updated to provide the correct link to the ongoing lawsuit and the defendants in this latest action.



Floodlight is a nonprofit newsroom that investigates the powerful interests stalling climate action.

The North Dakota News Cooperative is a nonprofit news organization providing reliable and independent reporting on issues and events that impact the lives of North Dakotans. The organization increases the public's access to quality journalism and advances news literacy across the state. For more information about NDNC or to make a charitable contribution, please visit newscoopnd.org. Send comments, suggestions or tips to michael@newscoopnd.org. Follow us on Twitter: https://twitter.com/NDNewsCoop.

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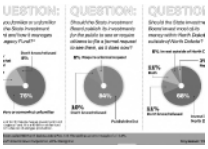
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STATE OF NORTH DAKOTA **DISTRICT COURT**

COUNTY OF MORTON **SOUTH CENTRAL JUDICIAL DISTRICT**

ENERGY TRANSFER LP, *et al.*,	)	Case No.: 30-2019-CV-00180
Plaintiffs,	)	**CERTIFICATE OF ELECTRONIC SERVICE**
v.	)	
GREENPEACE INTERNATIONAL, *et al.*,	)	
Defendants.	)	

[¶1] I hereby certify that on November 14, 2024, a true and correct copy of the following documents:

- Greenpeace Defendants' Letter to Judge Gion re Metric Media Mailers, and exhibit thereto

were electronically filed and served through the Odyssey® system upon the contacts listed below unless otherwise noted.

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[¶2] I further certify that the foregoing documents were NOT served on the following because their addresses are unknown:

Cody Hall
Address unknown

Krystal Two Bulls
Address unknown

Red Warrior Society (a/k/a "Red Warrior Camp")
Address unknown

Dated: November 14, 2024

s/ Derrick Braaten

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EXHIBIT 10

Greenpeace Defendants' Petition for Supervisory Writ

STATE OF NORTH DAKOTA	**DISTRICT COURT**
COUNTY OF MORTON	**SOUTH CENTRAL JUDICIAL DISTRICT**

ENERGY TRANSFER LP, *et al.*, Plaintiffs, v. GREENPEACE INTERNATIONAL, *et al.*, Defendants.	Case No.: 30-2019-CV-00180 **NOTICE OF GREENPEACE DEFENDANTS' EMERGENCY MOTION TO ALLOW LIMITED DISCOVERY ON DIRECT MAILING TO POTENTIAL MORTON COUNTY JURORS**

PLEASE TAKE NOTICE that Defendants Greenpeace International, Greenpeace, Inc., and Greenpeace Fund, Inc. (together, "Greenpeace Defendants"), have filed an Emergency Motion to Allow Limited Discovery on Direct Mailing to Potential Morton County Jurors (the "Motion") in the above-captioned matter, along with a Brief, Declarations, and exhibits in support thereof. This Motion is submitted pursuant to Rule 3.2 of the North Dakota Rules of Court, and oral argument is requested. A hearing has been scheduled for 1:30 p.m. MT on December 9, 2024 via Zoom (Meeting ID 652 213 4250).

Dated: November 22, 2024

Respectfully submitted,

s/ Derrick Braaten

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STATE OF NORTH DAKOTA	**DISTRICT COURT**
COUNTY OF MORTON	**SOUTH CENTRAL JUDICIAL DISTRICT**
ENERGY TRANSFER LP, *et al*., Plaintiffs, v. GREENPEACE INTERNATIONAL, *et al*., Defendants.	Case No.: 30-2019-CV-00180 **GREENPEACE DEFENDANTS' EMERGENCY MOTION TO ALLOW LIMITED DISCOVERY ON DIRECT MAILING TO POTENTIAL MORTON COUNTY JURORS**

[¶1] Defendants Greenpeace International, Greenpeace, Inc., and Greenpeace Fund, Inc. (together, the "Greenpeace Defendants"), by and through their counsel, hereby move the Court under the Court's inherent authority and Rule 6 of the North Dakota Rules of Civil Procedure for an order granting leave to conduct discovery from third party Finishing & Mailing Center, LLC, which goes by FMC Printing. FMC Printing was responsible for sending to Morton County residents a direct mailer styled as a local newspaper containing negative reports about the Standing Rock protests.

[¶2] Greenpeace Defendants seek an order from the Court to allow them to conduct discovery of FMC Printing concerning the direct mailer. Specifically, Greenpeace Defendants seek to serve a subpoena for documents and conduct a deposition of an FMC Printing representative, focused on at least the following: (i) Was the direct mailer targeted to residents of Morton County?; (ii) Who directed FMC Printing to deliver the direct mailer?; and (iii) What information does FMC Printing possess about why a direct mailer containing negative stories about DAPL protests was sent out at this time?

[¶3] This Motion is based on the accompanying Brief in Support and other supporting documents.

[¶4] Greenpeace Defendants respectfully request an expedited decision on this important matter because serving a subpoena on this third party will require registration of the discovery in a foreign jurisdiction before it can be served.

Dated: November 22, 2024

Respectfully submitted,

s/ Derrick Braaten

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STATE OF NORTH DAKOTA	**DISTRICT COURT**
COUNTY OF MORTON	**SOUTH CENTRAL JUDICIAL DISTRICT**

ENERGY TRANSFER LP, *et al.*, Plaintiffs, v. GREENPEACE INTERNATIONAL, *et al.*, Defendants.	Case No.: 30-2019-CV-00180 **BRIEF IN SUPPORT OF GREENPEACE DEFENDANTS' EMERGENCY MOTION TO ALLOW LIMITED DISCOVERY ON DIRECT MAILING TO POTENTIAL MORTON COUNTY JURORS**

[¶1] Greenpeace, Inc., Greenpeace International, and Greenpeace Fund, Inc. (collectively, "Greenpeace Defendants") respectfully submit this memorandum in support of their Emergency Motion to Allow Limited Discovery on Communications to Potential Morton County Jurors ("Motion"), for the purpose of conducting discovery from the out-of-state third party responsible for sending to Morton County residents a direct mailer styled as a local newspaper on or about October 15, 2024. Greenpeace Defendants respectfully request an expedited decision on this important matter because serving a subpoena on this third party will require registration of the discovery in a foreign jurisdiction before it can be served. A draft of the topics for the proposed discovery is attached as Exhibit 11 to the Declaration of Everett W. Jack, Jr. ("Jack Decl.").

[¶2] As reported to the Court by letter of November 14 (Dkt. 4207), the direct mailer was entitled "Central ND News." The direct mailer contained negative reports about the Standing Rock protests over eight years earlier—events that Central ND News does not appear to have reported on before this year. An investigation has shown that Central ND News is published by Metric Media, which reports a Chicago, Illinois operating address. *See* Ex. A to November 14,

2024 letter (Dkt. 4208); Ex. 1 to Declaration of Derrick Braaten ("Braaten Decl."). As set forth below in detail, it appears Metric Media and Central ND News sent the direct mailer only to residents of Morton County, using a Dallas, Texas-based printing and mailing business, Finishing & Mailing Center, LLC, which goes by FMC Printing ("FMC Printing"). *See* Ex. 1 to Braaten Decl.; Jack Decl. ¶ 14.

[¶3] Greenpeace Defendants seek an order from the Court to allow discovery from FMC Printing concerning the direct mailer. Specifically, Greenpeace Defendants seek to serve a subpoena for documents and conduct a deposition of an FMC Printing representative, focused on at least the following: (i) Was the Central ND News direct mailer targeted to residents of Morton County?; (ii) Who directed FMC Printing to deliver the direct mailer?; and (iii) What information does FMC Printing possess about why a direct mailer containing negative stories about DAPL protests and positive reports about Energy Transfer was sent out at this time? The discovery sought implicates Greenpeace Defendants' right to trial by a fair and impartial jury. As discussed below, there is good cause for the Court to permit this limited discovery after the discovery cut-off.

[¶4] The Greenpeace Defendants have consulted with Plaintiffs about the substance of the investigation to date and the discovery to be requested, and sought their agreement and/or consent to conduct this discovery. As of the filing, we have received no response from Plaintiffs on whether they consent or object to this discovery.

I. RELEVANT BACKGROUND

[¶5] As detailed in the November 14, 2024 letter to the Court (Dkt. 4207), Greenpeace Defendants recently became aware that a direct mailer styled as a local publication entitled "Central ND News" was sent to prospective juror residents of Morton County. A November 1, 2024, article published by the North Dakota News Cooperative ("ND News Cooperative"), and

also published by The Walsh County Record[1] and The Foster County Independent,[2] reports that a "weird" publication called "Central ND News" had been mailed to residents of Morton County, and included a picture of the Central ND News mailer displaying a postmark from Dallas, Texas, and a United States Postal Service ("USPS") mailing permit number 1851. *See* Ex. A to November 14, 2024 letter (Dkt. 4208). Another picture win the article highlights a story of Energy Transfer's 2016 financial donation to University of Mary in Bismarck, North Dakota—juxtaposed with stories about the 2016 Standing Rock protests and the impact those protests had on the community. *See id.* The article reports that the publication was "distributed to residents predominantly residing in Morton County, the community where the majority of anti-Dakota Access pipeline activity had occurred eight years before." *Id.* The Greenpeace Defendants reported this information to the Court and undertook an investigation, which is set forth below.

[¶6] Based on information reported to the Greenpeace Defendants, concern over the Central ND News mailer was raised by Mandan residents and directed to the North Dakota Newspaper Association ("NDNA"). Jack Decl. ¶ 5. The NDNA asked North Dakota newspapers if any of them had received the Central ND News mailer. *Id.* Only two newspapers reported receiving the direct mailer—the Hebron Herald and the Glen Ullin Times, both serving Morton County. *Id.*

[¶7] The Central ND News direct mailer purports to be published by Metric Media, a Chicago, Illinois based network founded and operated by an individual named Brian Timpone. Jack Decl. ¶¶ 6-7. Metric Media appears to operate over 1,100 websites and without any apparent

[1] *See* https://www.wcrecord.com/articles/weird-newspaper-calls-out-dapl-pipeline-protests-eight-years-later/.
[2] *See* https://www.fosterconews.com/story/2024/11/04/news/weird-newspaper-calls-out-dapl-pipeline-protests-eight-years-later/5486.html.

pattern distributes direct mail paper publications styled as local newspapers. Jack Decl. ¶ 6. Central CD News does not appear to have any physical presence in North Dakota. The Central ND News mailer at issue contains no advertisements and on page 1 the publication refers readers to the web address https://centralndnews.com. *See* Ex. 1 to Braaten Decl.

[¶8] The copy of Central ND News direct mailer sent to residents of Morton County was sent under USPS mailing permit number 1851, which is registered to FMC Printing in Dallas. *See* Ex. 1 to Braaten Decl.; Jack Decl. ¶ 14; Ex. 8 to Jack Decl. The Greenpeace Defendants sent a litigation preservation demand letter to FMC Printing on November 13, 2024. Jack Decl. ¶ 15; Ex. 9 to Jack Decl.

[¶9] Additional investigation has revealed the following:

- On or about September 5, 2024, Energy Transfer's founder and Board Chair Kelcy Warren donated five million dollars ($5,000,000) to a Super PAC named Turnout for America.[3] Jack Decl. ¶ 8; Ex. 1 to Jack Decl. Based on required reporting for a Super PAC, this is the only contribution Mr. Warren has ever made to Turnout for America. Jack Decl. ¶ 8.
- On or about September 19, 2024, Turnout for America paid $250,000 to Northern CB Corp. (an Illinois corporation providing printing and publishing services that was dissolved in 2022) for "media services." Jack Decl. ¶¶ 9-10; Ex. 2 to Jack

[3] Super PACs "are committees that may receive unlimited contributions from individuals, corporations, labor unions and other PACs for the purpose of financing independent expenditures and other independent political activity." *See* https://www.fec.gov/press/resources-journalists/political-action-committees-pacs/. Committees must report both receipts and disbursements. *See* https://www.fec.gov/help-candidates-and-committees/keeping-records/recording-receipts/; https://www.fec.gov/help-candidates-and-committees/keeping-records/records-disbursements/. The FEC Form 3X filed by Turnout for America—both Schedule A, "Itemized Receipts," and Schedule B, "Itemized Disbursements,"—are attached as Exhibits 1 and 2, respectively, to the Jack Declaration, and reflect Turnout for America's incoming and outgoing contributions for 2024.

Decl.; Ex. 3 to Jack Decl. Northern CB Corp.'s president is Brian Timpone, the operator of Central ND News's publisher Metric Media. Jack Decl. ¶¶ 6-7, 9-10; Ex. 3 to Jack Decl. There are no other prior or subsequent payments purported to have been made to Northern CB Corp. Jack Decl. ¶ 9.

- On or about October 15, 2024, the Central ND News direct mailer appears to have been sent primarily, perhaps exclusively, to Morton County, North Dakota, through FMC Printing in Dallas, Texas. *See* Ex. 1 to Braaten Decl.; *see also* Ex. A to November 14, 2024 letter (Dkt. 4208).
- The Greenpeace Defendants have confirmed that there are Morton County residents who received the Central ND News direct mailer, including local counsel for Greenpeace International and Greenpeace Inc., who resides in Mandan, North Dakota. *See* Braaten Decl. ¶¶ 3-5; Ex. 1 to Braaten Decl.
- The Central ND News website (https://centralndnews.com) identified on page 1 of the direct mailer has included a recurring feature called "On This Day in 2016," which the website began running in August of 2024. Jack Decl. ¶ 11; *see, e.g.*, Ex. 4 to Jack Decl.; Ex. 5 to Jack Decl. Each edition of "On This Day in 2016" recounts a different day in 2016 on which significant DAPL protest activities occurred, including arrests, before ending with an identical, rote description of Plaintiffs' efforts to hold Greenpeace Defendants responsible for the protests through this litigation as well as recent events in the litigation, including the recent resignation of Greenpeace, Inc. and Greenpeace Fund, Inc.'s Executive Director. *See* Ex. 4 to Jack Decl.; Ex. 5 to Jack Decl. A search of the Central ND News website history

reflects that it had never included a story about the DAPL protests prior to August of 2024. Jack Decl. ¶ 11.

- On August 10, 2024, Central ND News posted a story on its website about the DAPL protests in 2016. Ex. 4 to Jack Decl. That same day, a group called Grow America's Infrastructure Now (GAIN) re-posted that story on the X (formerly Twitter) social media platform. Jack Decl. ¶ 12; Ex. 6 to Jack Decl. GAIN was the only one of the 600 million monthly users on X to have re-posted the article. Jack Decl. ¶ 12. Information about GAIN's involvement in DAPL is detailed in the Declaration of Eric Stahl and its attachment.
- In September 2024, the Central ND News website published the online version of the article in the direct mailer about an Energy Transfer donation to the University of Mary in 2018. Jack Decl. ¶ 13; Ex. 7 to Jack Decl.; *see also* Ex. 1 to Braaten Decl. A search of the Central ND News website history reflects no prior articles on Energy Transfer contributions to the North Dakota community. Jack Decl. ¶ 13.
- As of this week, on November 19, 2024, the Central ND News website posted another story about the DAPL protests in 2016. Jack Decl. ¶ 16; Ex. 10 to Jack Decl.

II. LEGAL STANDARD

[¶10] A district court has discretion to extend deadlines in a scheduling order before trial. *Brock v. Price*, 2019 ND 240, ¶ 12, 934 N.W.2d 5, 11; *see also Life Plus Int'l v. Brown*, 317 F.3d 799, 806 (8th Cir. 2003), *as amended on reh'g in part* (Feb. 19, 2003) ("[The appellate court] review[s] the decisions of the district court regarding its management of the discovery process for an abuse of discretion."); *Smith v. United States*, 834 F.2d 166, 169 (10th Cir. 1987) ("Whether to

extend or reopen discovery is committed to the sound discretion of the trial court … .”). Rule 6 of the North Dakota Rules of Civil Procedure “specifies the court may, for good cause, extend timing deadlines.” *Vogt v. State*, 2022 ND 163, ¶ 11, 978 N.W.2d 727, 731–32.

III. ARGUMENT

[¶11] There is good cause for permitting the requested discovery from FMC Printing. It is important to understand whether there was an effort by someone to target Morton County residents about the parties to this case or issues concerning this case. The Court should allow this discovery because it implicates Greenpeace Defendants’ right to an impartial jury. *See Skaggs v. Otis Elevator Co.*, 164 F.3d 511, 514–15 (10th Cir. 1998) (“[T]he right to a jury trial in a civil case would be illusory unless it encompassed the right to an impartial jury.”). There may have been improper influence over potential Morton County jurors through direct mailers containing negative reporting about Standing Rock protests that took place eight years ago, and benefits which Energy Transfer conferred on the local community six years ago. Given the importance of securing a fair and impartial jury, and particularly where prior research of the venue demonstrated a significant bias, *see* Greenpeace Defs.’ Mot. to Change Venue (Dkt. 827), knowing who was directing these actions, to whom they directed the information, and why they did so are important issues to the fair administration of justice.

[¶12] Obtaining this discovery does not prejudice Plaintiffs or jeopardize the trial schedule. The discovery sought is limited in nature, and is designed to discover information about whether there have been improper efforts to influence the Morton County jury pool—an issue

important to both parties.[4] And the discovery requested—seeking documents from and deposing a third party—can be completed within the time left before trial and therefore would not affect the February 24, 2025 trial start date. It was not until well after the close of discovery that the Greenpeace Defendants became aware that copies of Central ND News were being sent to Morton County residents, and Central ND News had not even start reporting on the Standing Rock protests while discovery was ongoing. *See* Jack Decl. ¶¶ 3, 11, 13. As a result, no discovery would have been expected or anticipated on these issues. Since finding out about this Central ND News direct mailer, Greenpeace Defendants have been diligent in informing the Court and opposing counsel about this issue, in seeking more information regarding these suspicious mailers, and in seeking relief to conduct this limited discovery of FMC Printing.

IV. CONCLUSION

[¶13] For the above reasons, the Greenpeace Defendants respectfully request that the Court grant the Motion and issue an order reopening discovery for the limited purpose of serving a subpoena for documents on FMC Printing and deposing a representative of the company. Greenpeace Defendants respectfully request an expedited decision on this important matter.

Dated: November 22, 2024.

[4] The Greenpeace Defendants appreciate the significance of these issues and have been open and direct with opposing counsel about the investigation, its results, and our intent to seek this relief, and have not seen any information suggesting they have knowledge of the matters set forth in this Motion.

s/ Derrick Braaten

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EXHIBIT 11

Greenpeace Defendants' Petition for Supervisory Writ

STATE OF NORTH DAKOTA **DISTRICT COURT**

COUNTY OF MORTON **SOUTH CENTRAL JUDICIAL DISTRICT**

ENERGY TRANSFER LP, *et al.*, Plaintiffs, v. GREENPEACE INTERNATIONAL, *et al.*, Defendants.	Case No.: 30-2019-CV-00180 **UNSWORN DECLARATION OF EVERETT W. JACK, JR. IN SUPPORT OF GREENPEACE DEFENDANTS' EMERGENCY MOTION TO ALLOW LIMITED DISCOVERY ON DIRECT MAILING TO POTENTIAL MORTON COUNTY JURORS**

[¶1] I, Everett W. Jack, Jr., declare as follows:

[¶2] I am with the law firm Davis Wright Tremaine LLP, counsel for Defendants Greenpeace International and Greenpeace, Inc. (together with co-defendant Greenpeace Fund, Inc., "Greenpeace Defendants"). I submit this Declaration in support of Greenpeace Defendants' Emergency Motion to Allow Limited Discovery on Direct Mailing to Potential Morton County Jurors.

[¶3] In late October 2024, I became aware that a direct mailing, styled as a local news-paper called "Central ND News" ("Direct Mailer"), had been sent to residents of Morton County, North Dakota.

[¶4] In the course of investigating this Direct Mailer, I became aware of the following information:

[¶5] Concern over the Direct Mailer was raised by a few Mandan residents and directed to the North Dakota Newspaper Association ("NDNA"). The NDNA asked the North Dakota

newspapers if anyone had received the Direct Mailer. Only two newspapers reported having received the Direct Mailer—the Hebron Herald and the Glen Ullin Times—both serving Morton County.

[¶6] Central ND News is published by Metric Media, a network based in Chicago, Illinois, that appears to operate over 1,100 websites and without any apparent pattern distributes direct mail paper publications styled as local newspapers. *See* Ex. A to November 14, 2024 letter (Dkt. 4208).

[¶7] Brian Timpone is the founder and operator of Central ND News's publisher Metric Media. *See* Ex. A to November 14, 2024 letter (Dkt. 4208).

[¶8] On or about September 5, 2024, Energy Transfer's founder and Board Chair Kelcy Warren donated five million dollars ($5,000,000) to "Turnout for America," a Super PAC. Attached hereto as **Exhibit 1** is a true and correct copy of a Federal Election Committee Schedule A (Form 3X) Itemized Receipts form filed by Turnout for America. Based on required reporting for a Super PAC, this appears to be the only contribution Mr. Warren ever made to Turnout for America.

[¶9] On or about September 19, 2024, the "Turnout for America" Super PAC paid two hundred and fifty thousand dollars ($250,000) to Northern CB Corp. for "MEDIA SERVICES." Attached hereto as **Exhibit 2** is a true and correct copy of a Federal Election Committee Schedule B (Form 3X) Itemized Disbursements form filed by Turnout for America. There are no other prior or subsequent payments purported to have been made to Northern CB Corp.

[¶10] Northern CB Corp. is an Illinois corporation providing printing and publishing services that was dissolved in late 2022, whose president and registered agent is Brian Timpone.

Attached hereto as **Exhibit 3** is a true and correct copy of an Office of the Illinois Secretary of State webpage.

[¶11] Beginning in approximately August 2024, Central ND News began publishing a feature called "On This Day in 2016," and has regularly published this feature since that time. Each edition of "On This Day in 2016" recounts a different day in 2016 on which significant DAPL protest activities occurred, including arrests, before ending with an identical, rote description of Plaintiffs' efforts to hold Greenpeace Defendants responsible for the protests through this litigation as well as recent events in the litigation, including the recent resignation of Greenpeace, Inc. and Greenpeace Fund, Inc.'s Executive Director. A true and correct copy of the earliest such article is attached hereto as **Exhibit 4**,[1] and a true and correct copy of the latest such article is attached hereto as **Exhibit 5**.[2] A search of the Central ND News website history reflects that it had never included a story about the DAPL protests prior to August of 2024.

[¶12] On August 10, 2024, Central ND News posted on its website about the DAPL protests in 2016. On the same day, a group called Grow America's Infrastructure Not (GAIN) re-posted that article on the X (formerly Twitter) social media platform. GAIN appears to be the only one of the reported 600 million monthly users on X to have re-posted the article. A true and correct screenshot of GAIN's re-post is attached as **Exhibit 6**.[3]

[¶13] In September 2024, the Central ND News published an online article about a donation that Energy Transfer made to the University of Mary in 2018. A true and correct copy of the

[1] *See* https://centralndnews.com/stories/662463941-on-this-date-in-2016-dakota-access-pipeline-protesters-gather-in-morton-county.
[2] *See* https://centralndnews.com/stories/665531292-on-this-day-in-october-2016-woman-protesting-dakota-access-pipeline-arrested-charged-with-attempted-murder-of-police-officer.
[3] *See* https://x.com/GAINNowAmerica/status/1822275162214990074.

article is attached as **Exhibit 7**.[4] A search of the Central ND News website history reflects no prior articles on Energy Transfer contributions to the North Dakota community.

[¶14] The Direct Mailer reflects that it was sent using USPS mailing permit #1851. Permit #1851 is registered to a Dallas, Texas company named Finishing & Mailing Center, LLC known as FMC Printing. *See* https://fmcprinting.com/about/. Attached hereto as **Exhibit 8** is a true and correct copy of a USPSPostalOne.com webpage for USPS mailing permit #1851.

[¶15] On November 13, 2024, on behalf of the Greenpeace Defendants, I sent a litigation preservation demand letter to FMC Printing and its registered agent J. Duncan Webb. Attached hereto as **Exhibit 9** is a true and correct copy of a November 13, 2024 letter titled "Litigation Preservation Demand regarding mailings to North Dakota."

[¶16] As of this week, on November 19, 2024, the Central ND News website posted another story about the DAPL protests in 2016. Attached hereto as **Exhibit 10** is a true and correct copy of this article.[5]

[¶17] A draft of the topics for the proposed discovery on FMC Printing is attached hereto as **Exhibit 11**.

I declare, under the penalty of perjury under the law of North Dakota, that the foregoing is true and correct.

Signed on the 22nd day of November, 2024, at Portland, Oregon.

/s/ Everett W. Jack, Jr.

[4] *See* https://centralndnews.com/stories/664423054-university-of-mary-engineering-workforce-development-projects-are-thriving-following-5-million-donation-from-energy-transfer-partners.
[5] *See* https://centralndnews.com/stories/665961755-sheriff-kirchmeier-on-dapl-protesters-police-doxing-incident-these-acts-constitute-serious-intimidation-and-harassment-of-officers-and-their-families.

EXHIBIT 1

Case No. 30-2019-CV-00180

Image# 202410299719839254

SCHEDULE A (FEC Form 3X)
ITEMIZED RECEIPTS

Use separate schedule(s) for each category of the Detailed Summary Page

FOR LINE NUMBER: (check only one) — PAGE 10 OF 37

[X] 11a [ ] 11b [ ] 11c [ ] 12 [ ] 13 [ ] 14 [ ] 15 [ ] 16 [ ] 17

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NAME OF COMMITTEE (In Full)
TURNOUT FOR AMERICA

A. Full Name of Individual (Last, First, Middle Initial) or Full Organization Name
RINALDI, ELIZABETH, D., ,

Mailing Address 601 LIDO PARK DRIVE, 2C

City: NEWPORT BEACH | State: CA | Zip Code: 92663-4401

FEC ID number of contributing federal political committee: C

Name of Employer (for Individual): INFORMATION REQUESTED PER BEST EFFORT
Occupation (for Individual): INFORMATION REQUESTED PER BE

Receipt For: [ ] Primary [ ] General [ ] Other (specify) ▼

Aggregate Year-to-Date ▼: 5000.00

Date of Receipt: 09 / 18 / 2024
Transaction ID : SA11A.267694

Amount of Each Receipt this Period: 5000.00

[ ] Memo Item

CONTRIBUTION

B. Full Name of Individual (Last, First, Middle Initial) or Full Organization Name
SEIDENSTICKER, KURT, , ,

Mailing Address 16901 COLLINS AVE
APT 805

City: SUNNY ISLES BEACH | State: FL | Zip Code: 33160-5348

FEC ID number of contributing federal political committee: C

Name of Employer (for Individual): VITAL PROTEIN
Occupation (for Individual): FOUNDER

Receipt For: [ ] Primary [ ] General [ ] Other (specify) ▼

Aggregate Year-to-Date ▼: 250000.00

Date of Receipt: 09 / 27 / 2024
Transaction ID : SA11A.268056

Amount of Each Receipt this Period: 250000.00

[ ] Memo Item

CONTRIBUTION

C. Full Name of Individual (Last, First, Middle Initial) or Full Organization Name
WARREN, KELCY, L., MR.,

Mailing Address 8111 WESTCHESTER DR

City: DALLAS | State: TX | Zip Code: 75225-6140

FEC ID number of contributing federal political committee: C

Name of Employer (for Individual): ENERGY TRANSFER PARTNERS
Occupation (for Individual): CHAIRMAN AND CEO

Receipt For: [ ] Primary [ ] General [ ] Other (specify)

Aggregate Year-to-Date ▼: 5000000.00

Date of Receipt: 09 / 05 / 2024
Transaction ID : SA11A.264068

Amount of Each Receipt this Period: 5000000.00

[ ] Memo Item

CONTRIBUTION

SUBTOTAL of Receipts This Page (optional) ▶ 5255000.00

TOTAL This Period (last page this line number only) ▶

EXHIBIT 2

Case No. 30-2019-CV-00180

Image# 202410299719839264

SCHEDULE B (FEC Form 3X) ITEMIZED DISBURSEMENTS

Use separate schedule(s) for each category of the Detailed Summary Page

FOR LINE NUMBER: (check only one)
☒ 21b ☐ 22 ☐ 23 ☐ 26 ☐ 27
☐ 28a ☐ 28b ☐ 28c ☐ 29 ☐ 30b

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NAME OF COMMITTEE (In Full)
TURNOUT FOR AMERICA

A. Full Name (Last, First, Middle Initial)
NORTHERN CB CORP
Mailing Address 4036 GRAND AVENUE
City: WESTERN SPRINGS | State: IL | Zip Code: 60058
Purpose of Disbursement: MEDIA SERVICES
Candidate Name:
Category/ Type:
Office Sought: ☐ House ☐ Senate ☐ President
State: District:
Disbursement For: ☐ Primary ☐ General ☐ Other (specify)
Date of Disbursement: 09 / 19 / 2024
FEC Identification Number: C
Transaction ID : SB21B.I1949
Amount of Each Disbursement this Period: 250000.00
☐ Memo Item

B. Full Name (Last, First, Middle Initial)
PATRIOT GRASSROOTS
Mailing Address 102 EAST LINCOLNWASY #503
City: CHEYENNE | State: WY | Zip Code: 82001
Purpose of Disbursement: CANVASSING
Candidate Name:
Category/ Type:
Office Sought: ☐ House ☐ Senate ☐ President
State: District:
Disbursement For: ☐ Primary ☐ General ☐ Other (specify)
Date of Disbursement: 08 / 20 / 2024
FEC Identification Number: C
Transaction ID : SB21B.I19492
Amount of Each Disbursement this Period: 855000.00
☐ Memo Item

C. Full Name (Last, First, Middle Initial)
PATRIOT GRASSROOTS
Mailing Address 102 EAST LINCOLNWASY #503
City: CHEYENNE | State: WY | Zip Code: 82001
Purpose of Disbursement: CANVASSING
Candidate Name:
Category/ Type:
Office Sought: ☐ House ☐ Senate ☐ President
State: District:
Disbursement For: ☐ Primary ☐ General ☐ Other (specify)
Date of Disbursement: 08 / 27 / 2024
FEC Identification Number: C
Transaction ID : SB21B.I1949
Amount of Each Disbursement this Period: 1187500.00
☐ Memo Item

SUBTOTAL of Disbursements This Page (optional) ▶ 2292500.00

TOTAL This Period (last page this line number only) ▶

EXHIBIT 3

Case No. 30-2019-CV-00180

Business Entity Search

Entity Information

Entity Name	NORTHERN CB CORPORATION		
File Number	62911336	**Status**	DISSOLVED on 11-11-2022
Entity Type	CORPORATION	**Type of Corp**	DOMESTIC BCA
Incorporation Date (Domestic)	06-05-2003	**State**	ILLINOIS
Duration Date	PERPETUAL		
Annual Report Filing Date	00-00-0000	**Annual Report Year**	2022
Agent Information	BRIAN T TIMPONE 2118 PLUM GROVE RD STE 190 ROLLING MEADOWS ,IL 60008	**Agent Change Date**	04-08-2016

Services and More Information

Choose a tab below to view services available to this business and more information about this business.

Available Services | Officers | Assumed Name | Old Corp Name | File History

Officer	Name and Address
President	BRIAN TIMPONE 922 LATHROP AVE,RIVER FOREST, IL 60305

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Amber Alert National Center for Missing & Exploited Children

EXHIBIT 4

Case No. 30-2019-CV-00180

On This Date in 2016: Dakota Access Pipeline protesters gather in Morton County

REGULATION



Cody Schultz, director, ND Parks and Recreation Dept, left, and actress/CA resident Shailene Woodley, arrested for her role in Dakota Access Pipeline protests | Governor.ND.gov / Morton County Sheriff

By **Central ND News Service**
Aug 10, 2024

On this date in 2016, protesters began gathering in Morton County to oppose construction of the Dakota Access Pipeline.

That's according to an analysis of **archived daily activity reports** posted by the State of North dakota.

The protesters gathered "just north of the Standing Rock Sioux Indian Reservation," the state reported.

The Dakota Access Pipeline (DAPL) protests of 2016 and 2017 aimed to halt the construction of the reported $3.8 billion pipeline and "drew thousands of people to camp out" in Morton County, the **Associated Press** reported.

The protests resulted in 761 arrests, according to **MPR News**. Charges ranged from trespassing to more severe offenses. A significant number of those arrested were from out of state.

California resident and actress Shailene Woodley was arrested in October 2016. Other figures, including actors Mark Ruffalo and Leonardo DiCaprio, participated in the protests but were not arrested.

Certain days of the protests resulted in dozens of arrests, such as February 1, 2017, when 76 people were arrested after Morton County Sheriff's Department spokesperson Rob Keller said a **"rogue group of protesters"** had trespassed on private property.

The State of North Dakota is currently suing the federal government to "recoup $38 million it claims it spent policing the protest camps," **Source NM** reported.

Attorneys for North Dakota reportedly argued in court records that the protests "resulted from an illegal occupation on federal lands and led to 'frequent outbreaks of illegal, dangerous, unsanitary, and life-threatening activity on federal, state and private property.'"

North Dakota Special Assistant Attorney General Paul Seby said in court that the aftermath of the protests "required a four-day cleanup of the camp and 600 bins to remove 9.8 million pounds of trash," according to **MPR News**.

Former Morton County Commissioner Cody Schulz, who is now the director of the North Dakota Parks and Recreation Department, said in court that, "beyond the drain on law enforcement, the protests caused a range of impacts on Morton County — everything from minor inconveniences like sluggish traffic to damage to private property," Source NM reported.

Energy Transfer Partners, the owner of the pipeline, has filed a $300 million lawsuit in state court against the environmental activist organization Greenpeace for its role in the protests. The suit says Greenpeace "should be held responsible for trying to disrupt pipeline construction and damage the company's reputation and finances," the **Associated Press** reported.

That lawsuit, and an attempted settlement, led to the recent ouster of Greenpeace's Executive Director Ebony Twilley Martin, said the former Chief Operating Officer (COO) for Greenpeace.

Willem van Rijn, the group's COO until April 2024, **told E&E News** that "Twilley Martin 'advocated a way in which the organization would settle for a minor amount of money so that we could fight another day,'" and that the "board vehemently disagreed."

Greenpeace last week **launched a fundraising campaign** to "raise awareness" of the lawsuit.

The lawsuit filed by Energy Transfer Partners in Morton County District Court is currently pending.

ORGANIZATIONS IN THIS STORY

Energy Transfer Partners· Greenpeace Inc.· State Of North Dakota

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TRENDING

1

Which former Central ND News area high school standouts will be in action in the week starting Mon Nov. 4?

2  On This Day In October 2016: Woman protesting Dakota Access Pipeline arrested, charged with attempted murder of police officer

3  Morton County has received over $40 million in property tax relief from ND oil and gas tax revenue, report shows

4  Memorial Highway reconstruction in Mandan slated for start in 2025

5  Which former Central ND News area high school standouts will be in action in the week starting Mon Nov. 4?

MORE NEWS

REGULATION

On this Date in October 2016: Authorities investigated threats against journalists at Dakota Access Pipeline protest camp

REGULATION

On this Day in October 2016: 14 individuals arrested for unlawful Dakota Access Pipeline protest acts

REGULATION

On this Day in October 2016: 27 individuals arrested for unlawful Dakota Access Pipeline protest acts

REGULATION

On this Date in August 2016: 8 individuals, 6 from out-of-state, arrested for unlawful Dakota Access Pipeline protest acts

REGULATION

On This Date in 2016: Dakota Access Pipeline protesters gather in Morton County

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EXHIBIT 5

Case No. 30-2019-CV-00180

On This Day In October 2016: Woman protesting Dakota Access Pipeline arrested, charged with attempted murder of police officer



Morton County Sheriff Kyle Kirchmeier | Youtube - Morton County

By **Central ND News Reports**
Oct 31, 2024

On this day in October 2016, protests aimed at halting construction of the $3.8 billion Dakota Access Pipeline (DAPL) resulted in dozens of arrests including a Colorado woman who was charged with attempted murder for shooting a gun at a law enforcement officer.

The Morton County Attorney's Office charged Red Fawn Fallis with attempted murder, preventing arrest, carrying a concealed weapon, possession of marijuana, conspiracy to commit endangering by fire and engaging in a riot.

Fallis was accused of firing three shots from a revolver as officers were attempting to arrest her while moving her and other protestors from private property and removing an illegal roadblock on highway 1806, according to **ND Response**.

Fallis pleaded guilty to civil disorder and possession of a firearm and ammunition by a convicted felon and was sentenced to serve 4 years and 9 months in a federal prison, followed by 3 years of supervised release and was also ordered to pay a $200 special assessment, according to the **U.S. Justice Department**.

Fallis was released from a federal prison in Dublin, California, in September of 2020, **according to Native News Online**.

Fallis' arrest was one of more than 700 arrests during the DAPL protests that drew thousands of people to camp out in Morton County, North Dakota, **according to the Associated Press**.

MPR News reported that, over a period of several weeks, protesters were charged with offenses ranging from trespassing to disorderly conduct, felony reckless endangerment and inciting a riot, with a large number of those arrested being from out of state.

Public figures like Hollywood celebrities Mark Ruffalo and Leonardo DiCaprio also participated in the protests but were not among those arrested.

On certain days, the protests resulted in dozens of arrests, like on Feb. 1, 2017, when Morton County Sheriff's Department spokesman Rob Keller says, "A rogue group of protestors" trespassed onto private property, resulting in 76 arrests, **according to the Guardian**.

The criminal charges aren't the only problems that local authorities were left to deal with in the wake of the pipeline protests.

Source NM reports that the state of North Dakota is suing the federal government for $38 million in costs associated with policing and cleaning up following the demonstrations.

Attorneys for North Dakota have argued in court that the protests that occurred over 233 days "led to 'frequent outbreaks of illegal, dangerous, unsanitary, and life-threatening activity on federal, state and private property.'"

According to MPR News, North Dakota Special Assistant Attorney General Seby, stated in court that the clean up of the camp following the protests "required a four-day cleanup of the camp and 600 bins to remove 9.8 million pounds of trash."

Former Morton County Commissioner Cody Schulz, who is now the director of the North Dakota Parks and Recreation Department, testified in court that "beyond the drain on law enforcement, the protests caused a range of impacts on Morton County — everything from minor inconveniences like sluggish traffic to damage to private property," Source NM reported.

The protests also resulted in a $300 million lawsuit being filed against Greenpeace by Energy Transfer Partners, the owner of the pipeline.

According to the Associated Press, the suit states that Greenpeace, "should be held responsible for trying to disrupt pipeline construction and damage the company's reputation and finances."

Disagreement over how to settle that lawsuit eventually led to the recent ouster of Greenpeace's Executive Director Ebony Twilley Martin.

Former Greenpeace Chief Operating Officer Willem van Rijn **told E&E News** that "Twilley Martin 'advocated a way in which the organization would settle for a minor amount of money so that we could fight another day,'" and that the "board vehemently disagreed."

The lawsuit filed by Energy Transfer Partners in Morton County District Court is still pending and Greenpeace has launched a fundraising campaign to "raise awareness of the lawsuit."

The $3.8 billion pipeline has been operating since June 2017.

ORGANIZATIONS IN THIS STORY

North Dakota

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TRENDING

1

Which former Central ND News area high school standouts will be in action in the week starting Mon Nov. 4?

2 

Morton County has received over $40 million in property tax relief from ND oil and gas tax revenue, report shows

3 
On This Day In October 2016: Woman protesting Dakota Access Pipeline arrested, charged with attempted murder of police officer

4 
Which former Central ND News area high school standouts will be in action in the week starting Mon Nov. 4?

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EXHIBIT 6

Case No. 30-2019-CV-00180

GAIN Coalition
@GAINNowAmerica

Now delivering precious crude oil to power our economy and support our allies, but....

On This Date in 2016: Dakota Access Pipeline protesters gather in Morton County centralndnews.com/stories/662463...

#DAPL



From centralndnews.com

7:13 AM · Aug 10, 2024 · **95** Views

EXHIBIT 7

Case No. 30-2019-CV-00180

University of Mary engineering, workforce development projects are 'thriving' following $5 million donation from Energy Transfer Partners

SCHOOLS



Hamm School of Engineering students working on school projects | Provided by University of Mary Media Relations Department

By **C.D. Marsden**
Sep 19, 2024

Six years after Energy Transfer Partners donated $5 million to the University of Mary, the university's engineering school and workforce development projects are "thriving," said a university spokesman.

"Yes, both programs are thriving," Tom Ackerman, the university's media specialist, told *Central ND News*, saying the 2018 donation "kick-started the engineering fundraising portion as part of Phase 1 of the University of Mary Vision 2030 Capital Campaign that eventually led to the current Hamm School of Engineering."

The university's Hamm School of Engineering, with contains 15,650 square feet of space, officially opened on September 20, 2022. The school offers courses in electrical, civil, and mechanical engineering education.

The school was granted full accreditation from the Accreditation Board for Engineering and Technology (ABET) on September 6, 2023, for the school's Bachelor of Science degrees in Civil Engineering, Mechanical Engineering, and Electrical Engineering.

ABET is an international, non-governmental organization that accredits post-secondary education programs in applied and natural sciences, computing, engineering, and engineering technology.

The university had 13 full-time engineering faculty teaching, in addition to other expert adjuncts on staff, and 223 engineering students enrolled, as of September 2023, according to a university press release.

EXHIBIT 7

Case No. 30-2019-CV-00180

Ackerman said that Energy Transfer's contribution also supported the university's **workforce development program**.

"The Workforce Development program helps educate and train businesses and their employees throughout North Dakota, allowing employers to better retain workers — thus helping economic development in their respective communities," said Ackerman.

The University of Mary is a private, Catholic university located in Bismarck, North Dakota. It was founded in 1959 by the Benedictine Sisters of the Annunciation. The university offers undergraduate, graduate, and doctoral programs in various fields of study, including business, health sciences, and education. It is accredited by the Higher Learning Commission. The university operates on a traditional semester system and also provides online and accelerated learning options. The University of Mary has a student body of around 3,800 students and competes in NCAA Division II athletics as part of the Northern Sun Intercollegiate Conference.

Energy Transfer Partners is a U.S.-based company that owns and operates energy assets, primarily in natural gas, crude oil, and refined products. It was founded in 1995 and is headquartered in Dallas, Texas. The company operates approximately 120,000 miles of pipeline infrastructure across North America, transporting natural gas, crude oil, natural gas liquids (NGLs), and refined products. Energy Transfer also owns and manages storage facilities and processing plants. The company has been involved in several significant pipeline projects, including the Dakota Access Pipeline (DAPL) and the Mariner East projects.

The DAPL, completed in 2017, is a 1,172-mile underground oil pipeline that transports crude oil from the Bakken formation in North Dakota to a terminal in Patoka, Illinois. The pipeline has a capacity to transport up to 570,000 barrels of oil per day. It crosses four U.S. states: North Dakota, South Dakota, Iowa, and Illinois.

ORGANIZATIONS IN THIS STORY

Energy Transfer• University Of Mary

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TRENDING

1

Where were the cheapest places to fill up on regular gas in cities in Foster County in week ending Nov. 9?

2  ND News Co-op says it has 'no position opposing or promoting oil and gas development' after partnering on pipeline story with group funded by anti-oil and gas activists

MORE NEWS

SCHOOLS

University partners with local facility for innovative nursing education program

SCHOOLS

University of Mary aims for 275 donors in upcoming Giving Day event

SCHOOLS

University of Mary student elected national chairman of APTA Student Council

SCHOOLS

University of Mary's Prayer Day features Siobhan Fallon Hogan as keynote speaker

SCHOOLS

University of Mary announces free fall band concert featuring 'Rhapsody in Blue

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EXHIBIT 8

Case No. 30-2019-CV-00180

USPS PostalOne!

UNITED STATES POSTAL SERVICE.

Restricted Information

Today's Date: 11/08/2024

Account Search > Customer Assistance

Company Information

Company: FINISHING MAILING CENTER
Address: 2151 W COMMERCE ST
DALLAS, TX 75212-5015

Contact: ROSA ZUNIGA
Phone: (214) 747-6244
Finance Number: 48-2270

CRID: 5032334
Other Authorizations: N/A

Transaction Search

Account Information

Click here to manage additional addresses, mailing agents and contacts Check Capture not available for EPS accounts

Permit: MT 33543 Account Number: 1000042937

Balance: EPS $49,706.88 Issue Date: 05/11/1990
Cancel Date: 07/31/2024
Status: CANCEL Cancel Code: 02
Last Mailing Date:
Comments: FORMER ADD: 611 FABRICATION ST; DALLAS 75212. 10/26/15 AL

Fee	Expiration Date	Full Service %	Full Service Eligible %	Status of Fee	Transaction Number	Location
^* First-Class Presort		0	0	Current	202120016490955F	0287A
^* USPS Marketing Mail		0	0	Current	202104013150636F	0287A

* Indicates a shared fee
~ FS% and FS Eligible% will be used to determine the fee waiver
^Fees are not required while a permit is involved in Seamless Acceptance mailings

Click here to manage additional addresses, mailing agents and contacts Check Capture not available for EPS accounts

Permit: PC 18049 Account Number: 1000042937

Balance: EPS $49,706.88 Issue Date: 12/21/1993
Cancel Date:
Status: ACTIVE Cancel Code:
Last Mailing Date: 10/31/2024
Comments: FORMER ADD: 611 FABRICATION ST; DALLAS 75212. 10/26/15. AL

Fee	Expiration Date	Full Service %	Full Service Eligible %	Status of Fee	Transaction Number	Location
^* First-Class Presort		100	99.82	Current	202120016490954F	0285
^* USPS Marketing Mail		99.79	100	Current	202104013150635F	0285

* Indicates a shared fee
~ FS% and FS Eligible% will be used to determine the fee waiver
^Fees are not required while a permit is involved in Seamless Acceptance mailings

Click here to manage additional addresses, mailing agents and contacts Check Capture not available for EPS accounts

Permit: PI 1851 **Account Number:** 1000042937

Balance: EPS $49,706.88 **Issue Date:** 09/17/1980
Cancel Date:
Status: ACTIVE **Cancel Code:**
Last Mailing Date: 11/08/2024
Comments: FORMER ADD: 611 FABRICATION ST; DALLAS 75212. 10/26/2015 AL

Fee	Expiration Date	Full Service %	Full Service Eligible %	Status of Fee	Transaction Number	Location
^ + BPM Destination Entry Flats		95.04	100	Current	201706214401725F	0287A
^ + First-Class Presort		99.53	92.11	Current	202120016490953F	0287A
+ Imprint Application		N/A	N/A	Current	200409703045300F	0287A
^ USPS Marketing Mail		95.8	98.59	Current	202104013150634F	0287A

* Indicates a shared fee
~ FS% and FS Eligible% will be used to determine the fee waiver
^Fees are not required while a permit is involved in Seamless Acceptance mailings
+ Permit, Annual Mailing and Presort Fees do not apply for permits defined as a Shipping Products Permit
When a permit falls below a Full-Service threshold at any point after the anniversary date has passed, a fee is due regardless of if it goes over the threshold in the future. Once the fee is paid the percentages reset to zero.

Search For Another Account

| Logout |

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EXHIBIT 9

Case No. 30-2019-CV-00180

Davis Wright Tremaine LLP

Suite 700
560 SW 10th Avenue
Portland, OR 97205

Everett W. Jack, Jr.
503-778.5218 tel
503.778.5299 fax

jacke@dwt.com

November 13, 2024

Via Email and USPS First Class Mail

Phillip Squiric, CEO
Rosa Zuninga
2151 W. Commerce Street
Dallas, TX 75212
sales@mailingcenter.net

William J. Squiric, Director and Manager
FMC Printing
1500 Burning Tree Lane
Plano, TX 75093

Elena Littleton, Member
FMC Printing
5535 Richard Avenue
Dallas, TX 75206

J. Duncan Webb IV, Registered Agent
Webb & Webb PC
6301 Preston Rd Ste. 700
Plano, TX 75024
dwebb@webbwebb.com

Re: **Litigation Preservation Demand regarding mailings to North Dakota**
Energy Transfer et al. v. Greenpeace Int'l et al.,
Case No.: 30-2019-CV-00180 (N.D. Dist. Ct., South Central Judicial District)

Ladies and Gentlemen:

This firm represents Greenpeace, Inc. and Greenpeace International ("Greenpeace Parties"), two of the defendants in the above-referenced civil litigation (the "Litigation"), which is set to go to trial in February 2025 in North Dakota. This letter serves as notice that FMC Printing (formerly Finishing & Mailing Center) and anyone acting on its behalf, must take reasonable steps to

preserve and retain all "documents" (as further defined in this letter) related to the following topics:

1. Any mailing, from January 2024 to date, of the publication titled "Central ND News" or any other publication containing information related to the Dakota Access Pipeline and/or protests about it, including the address of each recipient of all such mailings and all zip codes to which the publication has been sent.

2. The identity of all parties requesting and/or funding such mailings.

3. All communications related to such mailings, their content, and/or the Litigation, including communications both internal to FMC Printing and with any third party (including without limitation Energy Transfer LP, Dakota Access LP, Northern CB Corp., Turnout for America, Metric Media, Brian Timpone, DCI Group, LLC, the group Grow America's Infrastructure Now).

The basis for this notice is that the Greenpeace Parties are investigating whether the mailings referenced above were sent in a targeted attempt to influence potential jurors in the above-referenced lawsuit, which is scheduled for a jury trial in early 2025. Greenpeace Parties anticipate making a formal request that FMC Printing produce the documents described above, either voluntarily or pursuant to a subpoena compelling their production.

The term "documents," as used in this notice, is defined to include all hard copy documents and electronically stored information ("ESI") set out in Fed. R. Civ. P. 34.and N.D. R. Civ. P. 34. You are hereby instructed to take all reasonable steps to preserve and retain any responsive documents in FMC Printing's possession, custody or control. You also must instruct any custodians of responsive documents to hold, retain and preserve all documents, including but not limited to paper documents, communications, emails, text messages, communications on WhatsApp and other messaging programs, photographs, voicemails, recordings, notes, memoranda, data, ESI, or evidence in whatever form, maintained by any or all of the parties, relevant to the topics listed above.

To fulfill the obligations of this litigation hold, FMC Printing and its agents must take reasonable steps to preserve responsive documents, including, without limitation, by:

1. suspending any data destruction or backup tape recycling policies for any of the parties;

2. retaining and preserving necessary information to access, review, and reconstruct (if necessary) relevant ESI, including identification codes and passwords, decryption applications, decompression software, reconstruction software, network access codes,

manuals, and user instructions;

3. retaining and preserving all relevant software, hardware, backup tapes or other storage media; and

4. any other reasonable steps necessary to prevent the destruction, loss, override, or modification of relevant data, either intentionally or inadvertently.

All ESI must be preserved intact and without modification. Potentially relevant ESI may include: (a) active, archived, and deleted copies of ESl, such as emails, voicemails, text messages, instant messages, calendars, word processing files, spreadsheets, PDFs, JPEGs, database files, temporary internet files, cookies, and .ZIP files, among others; and (b) the ESI's metadata, including the date it was created, the date it was last modified, and the name of the individual who created it whether stored online, offline, in a cloud-based server or in other electronic storage, or on any computers, handheld devices, tablets, or other devices over which the parties' staff have possession, custody, or control.

You must take affirmative steps to preserve any relevant information to this litigation hold. Failure to preserve relevant data in good faith may constitute spoliation of evidence, which may result in sanctions.

We are happy to discuss any questions you may have about this notice. Thank you in advance for your cooperation.

Very truly yours,

DAVIS WRIGHT TREMAINE LLP

Everett W. Jack, Jr.

EXHIBIT 10

Case No.: 30-2019-CV-00180

Sheriff Kirchmeier on DAPL protesters police doxing incident: 'These acts constitute serious intimidation and harassment of officers and their families'

LOCAL GOVERNMENT



Morton County Sheriff Kyle Kirchmeier | Youtube - Morton County

By **Central ND News Reports**
Nov 19, 2024

Eight years after the 2016 Dakota Access Pipeline protests, local law enforcement continues to address safety concerns stemming from when protesters doxed officers by publicly releasing their personal information, including names, birth dates, and home addresses.

This move by the "#NoDAPL" protesters exposed officers from both the Morton County Sheriff's Office and Bismarck Police to harassment and retaliation, with some even having their credit card information hacked.

Morton County Sheriff Kyle Kirchmeier, who oversaw law enforcement efforts during the protests, said the harassment that followed remains a serious concern as officers were subjected to phone calls, uninvited visits to their homes, and other forms of intimidation after their personal information was leaked to the public.

“Officers can be affected by different levels of nuisance,” Kirchmeier told *Central ND News*. “These acts constitute serious intimidation and harassment of officers and their families, and can cause concern for safety and mental distress.”

Kirchmeier said that while he has not experienced long-term emotional effects from the doxing, it sets a dangerous precedent for future protests.

“It is a tactic used by individuals who think they can make a difference in whatever their cause is,” Kirchmeier said. “Individuals identified who participate in doxing tactics can be charged criminally under various NDCC statutes, including terrorizing, harassment, and stalking.”

The North Dakota Century Code (NDCC) refers to a set of laws used to govern the state.

In response to the 2016 incident, law enforcement has implemented training to help officers potentially limit exposure of their personal information.

“Training has occurred with officers on ways to limit personal information, but it is up to each officer to decide what steps they feel are necessary to take,” Kirchmeier said.

While there have been no major updates on the 2016 incident, Kirchmeier said law enforcement remains focused on “maintaining situational awareness” of environmental issues in the region that could potentially affect officers’ safety in the future.

In the November 2016 **press release** about the doxing, law enforcement condemned the release of officers' private information.

“There is simply no possible reason for protesters to release personal information of our officers other than to facilitate harassment and intimidation,” Bismarck Police Chief Dan Donlin said at the time. “This type of activity is not ‘peaceful’ by any means. By releasing officers’ personal information, especially home addresses, these protestors are targeting, not just law enforcement, but their families as well.”

In the release, Kirchmeier called the incident "unconscionable."

Bismark Police did not respond to an interview request from *Central ND News* about the fallout from the incident. The police union also did not respond to the request.

According to reporting by the North Dakota political blog ***Say Anything***, in the wake of the doxing incident, officers from Highway Patrol to sheriffs and police officers were advised by their bosses to remove their name badges when responding to protest activity. Additionally, law enforcement personnel were told to review their social media presence to prevent further retaliation by protestors.

North Dakota Response (ndresponse.gov) published a myth vs. fact factsheet regarding protest activities and subsequent law enforcement responses that addressed the threats made against officers.

"Myth: Law enforcement has used excessive or militarized force to combat protesters," the post reads.

The "facts" provided by law enforcement, read, in part, that "violent" protestors used "improvised explosive devices to attack police, use hacked information to threaten officers and their families, and use weapons to kill livestock, harming farmers and ranchers."

The ripple effects from the pipeline protests continue with a number of lawsuits still pending.

Last month, the Standing Rock Sioux Tribe **filed a lawsuit** in D.C. federal court against the U.S. Army Corps of Engineers, asking the court for an order to shut down pipeline until it fully complies with the Clean Water Act, National Historic Preservation Act and the 1868 Treaty of Fort Laramie.

North Dakota Attorney General Drew Wrigley's office filed its motion to intervene on Nov. 7, arguing that closure of the 1,174-mile-long pipeline would cause “immediate” fiscal harm to the state in the form of lost taxes and fees.

The State argues that it has significant environmental and economic interests in the litigation.

“(A)lmost 60% of the total of all tax and fee revenue received by the state comes from oil and gas extraction and production,” the motion states. “These revenues support programs from which all state residents benefit including education, health care, water resource management, law enforcement, roadways, libraries, veterans’ services, public housing, parks and recreation, and other public services.”

The North Dakota legal action is the latest in ongoing state and federal litigation over issues related to Energy Transfer's pipeline and the destructive protests against its construction in 2016-2017.

In a **federal lawsuit**, the state argues that North Dakota should be compensated by the federal government to the tune of $38 million in damages resulting from law enforcement costs and property damage during the protests.

In addition, Greenpeace, a defendant in a lawsuit filed by Energy Transfer over the damage the company sustained during the demonstrations, is now trying to use a new **European Union directive** to dismiss the company's litigation, which was filed in Morton County, N.D.

ORGANIZATIONS IN THIS STORY

Morton County Sheriff's Office

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TRENDING

1

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2  University of Mary aims for 275 donors in upcoming Giving Day event

3  Where were the cheapest places to fill up on regular gas in cities in Foster County in week ending Nov. 9?

MORE NEWS

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LOCAL GOVERNMENT

Grass collection sites in Mandan closing for winter season

LOCAL GOVERNMENT

Sheriff Kirchmeier on DAPL protesters police doxing incident: 'These acts constitute serious intimidation and harassment of officers and their families'

LOCAL GOVERNMENT

Mandan continues efforts in nationwide initiative to remove lead from water pipes

LOCAL GOVERNMENT

City Hall announces closure for Veterans Day; waste collection rescheduled

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EXHIBIT 12

Greenpeace Defendants' Petition for Supervisory Writ

Placeholder for Confidential Exhibit

EXHIBIT 12

Greenpeace Defendants' Petition for Supervisory Writ

CONFIDENTIAL

STATE OF NORTH DAKOTA **DISTRICT COURT**

COUNTY OF MORTON **SOUTH CENTRAL JUDICIAL DISTRICT**

ENERGY TRANSFER LP, *et al.*, Plaintiffs, v. GREENPEACE INTERNATIONAL, *et al.*, Defendants.	Case No.: 30-2019-CV-00180 **UNSWORN DECLARATION OF ERIC M. STAHL IN SUPPORT OF GREENPEACE DEFENDANTS' EMERGENCY MOTION TO ALLOW LIMITED DISCOVERY ON DIRECT MAILING TO POTENTIAL MORTON COUNTY JURORS**

[¶1] I, Eric M. Stahl, declare as follows:

[¶2] I am a partner with the law firm Davis Wright Tremaine LLP, counsel for Defendants Greenpeace International and Greenpeace, Inc. (together with co-defendant Greenpeace Fund, Inc., "Greenpeace Defendants"). I submit this Declaration in support of Greenpeace Defendants' Emergency Motion to Allow Limited Discovery on Direct Mailing to Potential Morton County Jurors.

[¶3] Vicki Granado, Vice President of Public Relations for Energy Transfer, testified at her deposition that Grow America's Infrastructure Now (GAIN), formerly known as Midwest Alliance for Infrastructure Now (MAIN), is an advocacy coalition funded by Energy Transfer and set up at Energy Transfer's behest by DCI, Energy Transfer's longtime public relations firm. A true and correct excerpt of the Granado Deposition is attached as **Exhibit 1**, filed under seal.

I declare, under the penalty of perjury under the law of North Dakota, that the foregoing is true and correct.

Signed on the 22nd day of November, 2024, at Seattle, Washington.

/s/ Eric M. Stahl

EXHIBIT 1

Case No. 30-2019-CV-00180

STATE OF NORTH DAKOTA DISTRICT COURT
COUNTY OF MORTON
SOUTH CENTRAL JUDICIAL DISTRICT

ENERGY TRANSFER LP (FORMERLY KNOWN AS ENERGY TRANSFER EQUITY, L.P.), ENERGY TRANSFER OPERATING, L.P. (FORMERLY KNOWN AS ENERGY TRANSFER PARTNERS, L.P.), AND DAKOTA ACCESS, LLC	*	
VS.	*	NO. 30-2019-CV-00180
GREENPEACE INTERNATIONAL AKA "STICHTING GREENPEACE COUNCIL"); GREENPEACE, INC.; GREENPEACE FUND, INC.; RED WARRIOR SOCIETY (ALSO KNOWN AS "RED WARRIOR CAMP"); CODY HALL; KRYSTAL TWO BULLS; AND CHARLES BROWN	*	

ORAL AND VIDEOTAPED DEPOSITION OF
VICKI GRANADO
AS CORPORATE REPRESENTATIVE OF
ENERGY TRANSFER, LP, ENERGY TRANSFER OPERATING, L.P. AND DAKOTA ACCESS, LLC
SEPTEMBER 27, 2023

Job No. CS6114378

ANSWERS AND DEPOSITION OF VICKI GRANADO, a witness produced at the instance of the Defendants, taken in the above styled and numbered cause, on the 27th day of September, 2023 from 9:14 a.m. to 6:06 p.m., before Gail Spurgeon, a Certified Court Reporter in and for the State of Texas, at the offices of Energy Transfer, 8111 Westchester Drive, City of Dallas, County of Dallas, and State of Texas.

like to reserve all objections except to form.

MR. STAHL: Noted.

VICKI GRANADO,

having been first duly sworn, testified as follows:

EXAMINATION

BY MR. STAHL:

Q. Ms. Granado, good morning.

A. Good morning.

Q. We met a couple of minutes ago. I'm Eric Stahl. This is Matt Kelly. He represents the Defendant Greenpeace Fund. I represent Greenpeace International and Greenpeace, Inc. We are going to be asking you some questions today.

Just to start, though, could you state your full name for the record?

A. Vicki Anderson Granado.

Q. And have you ever been known by any other name?

A. No. Oh, sorry. Vicki Lynn Anderson.

Q. Okay.

A. Sorry.

Q. Was that a --

work with people outside of Energy Transfer in terms of, like, opinion pieces that talked about the opposition to the project and the protests to the project, but I'm not aware of anything specific, of a specific person or entity, that they were targeting.

Q. What's the MAIN Coalition? You mentioned that?

A. MAIN stands for the Midwest Alliance for Infrastructure Now.

Q. What was that?

A. That was a coalition of businesses, local leaders, it was a range of entities that joined -- that joined the coalition in support of infrastructure projects. Not pipeline specific, but pipelines are infrastructure, so pipelines were part of the coalition of support.

Q. So it wasn't specific to DAPL but it supported DAPL?

A. Correct.

Q. Okay. And that's a coalition that DCI set up?

A. Yes.

Q. How many members did it have?

A. I don't -- I don't know.

Q. More than single digit digits or multiple? Do you have a general sense?

A. I don't know.

Q. Was Energy Transfer a member?

A. No.

Q. Was it created at the behest of Energy Transfer?

A. It was created to help support infrastructure projects, and we were included in that, yes.

Q. Did Energy Transfer ask DCI or approve DCI setting it up?

A. We did.

Q. And was the main coalition -- how did it communicate with the public? Did it have a website?

A. It had a website. It had -- I believe it had social media at the time. I'm not sure if that came later. But it did at one time have social media sites that it communicated through. As the project -- as the opposition strengthened and the protests started, they did start issuing media statements.

Q. Did it have a primary individual

I don't know -- I don't know the content of this article. So I wouldn't -- that's your word, not mine. It was -- we're just careful about inviting more opposition than we already have responding to information that we put out.

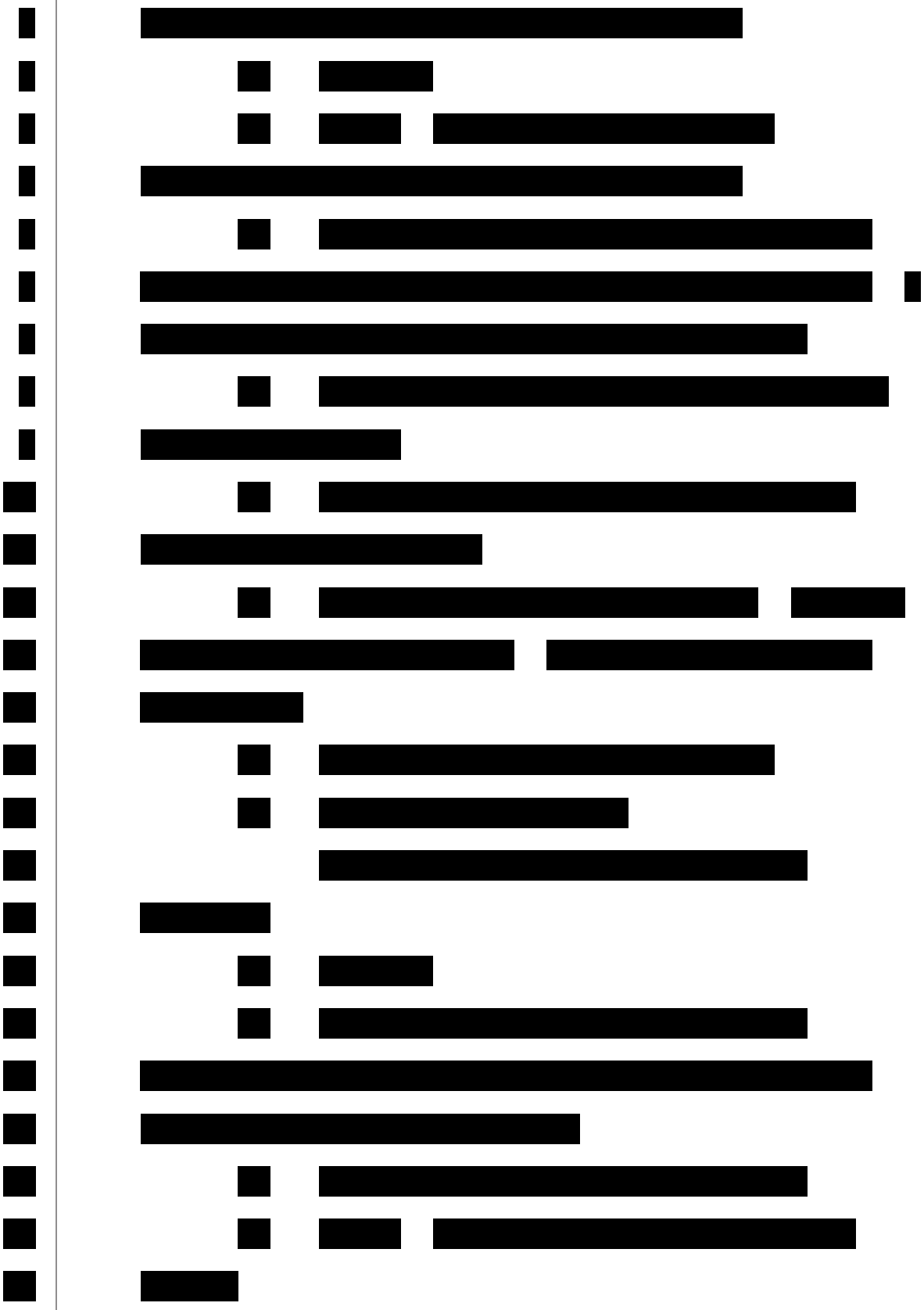
Q. Who -- who funds GAIN?

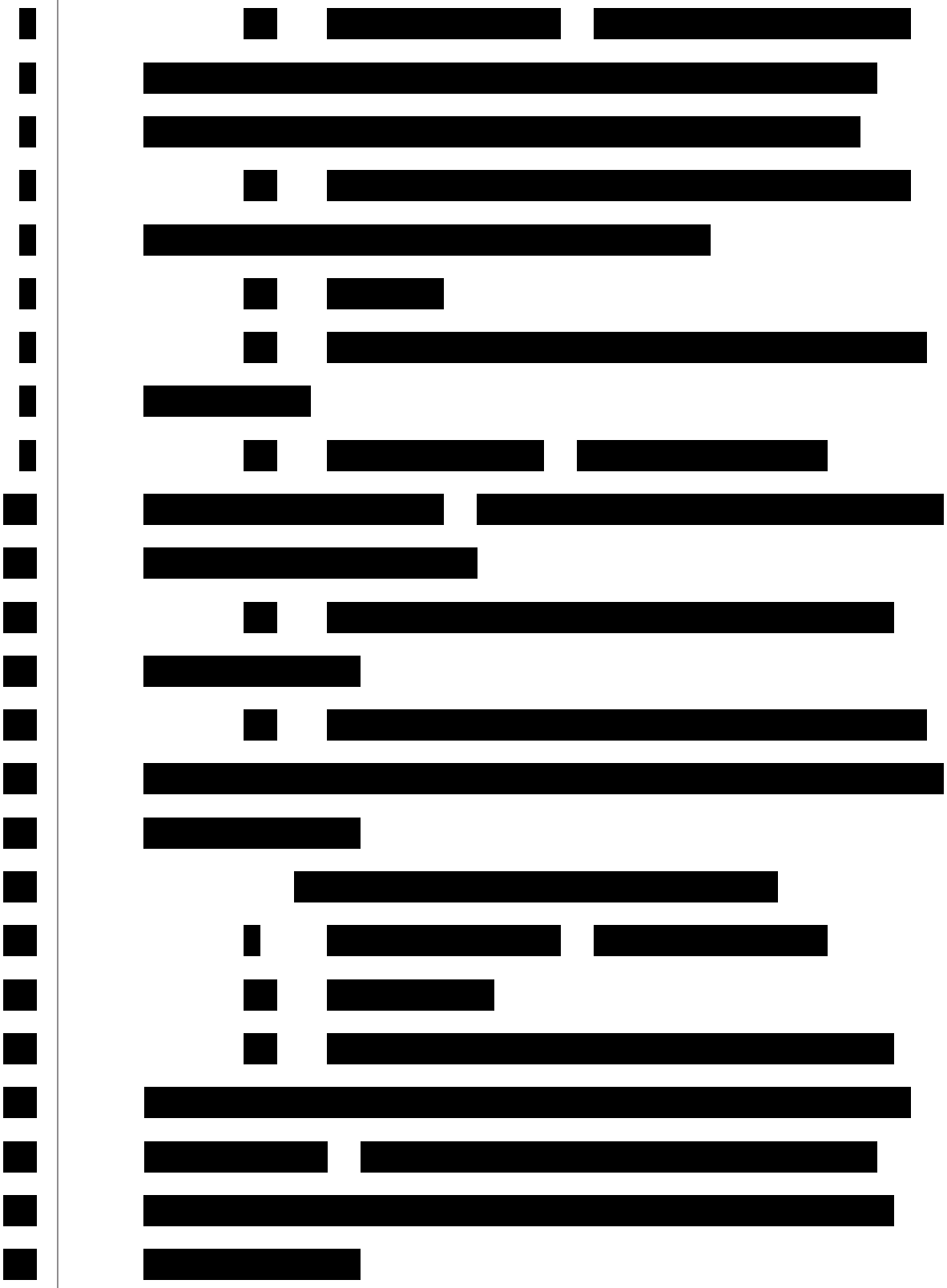
A. We do.

Q. All of it?

A. I don't know if it's all of it or not, but we do fund it. But it is run independently from us. We don't review what they post, what they don't post, what they put out. They do respond to media. I don't know if you -- they do put out media statements. We don't see any of those. They run it independently of us.

[redacted]





25 Do you see that on the bottom of the

STATE OF NORTH DAKOTA DISTRICT COURT
COUNTY OF MORTON
SOUTH CENTRAL JUDICIAL DISTRICT

ENERGY TRANSFER LP (FORMERLY KNOWN AS ENERGY TRANSFER EQUITY, L.P.), ENERGY TRANSFER OPERATING, L.P. (FORMERLY KNOWN AS ENERGY TRANSFER PARTNERS, L.P.), AND DAKOTA ACCESS, LLC	*	
VS.	*	NO. 30-2019-CV-00180
GREENPEACE INTERNATIONAL AKA "STICHTING GREENPEACE COUNCIL"); GREENPEACE, INC.; GREENPEACE FUND, INC.; RED WARRIOR SOCIETY (ALSO KNOWN AS "RED WARRIOR CAMP"); CODY HALL; KRYSTAL TWO BULLS; AND CHARLES BROWN	*	

REPORTER'S CERTIFICATION
DEPOSITION OF VICKI GRANADO
AS CORPORATE REPRESENTATIVE OF
ENERGY TRANSFER, LP, ENERGY TRANSFER OPERATING, L.P. AND DAKOTA ACCESS, LLC
SEPTEMBER 27, 2023

I, GAIL SPURGEON, Certified Shorthand Reporter in and for the State of Texas, hereby certify to the following:

That the foregoing deposition of VICKI GRANADO was reported by me stenographically at the time and place indicated, said witness having been placed under oath by me, and that the transcript is a true record of the testimony given by the witness;

I further certify that the signature of the deponent:

X was requested by the deponent or a party before the completion of the deposition and is to be returned within 30 days from date of receipt of the transcript. If returned, the attached Changes and Signature Page contains any changes and the reasons therefor;

_____ was not requested by the deponent or a party before the completion of the deposition;

I further certify that the amount of time used on the record:

ERIC STAHL - 6:06
MATT KELLY - 0:28
RACHEL ROBERTSON -0:05

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.

Given under my hand this the 12th day of October, 2023.



GAIL SPURGEON
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EXHIBIT 13

Greenpeace Defendants' Petition for Supervisory Writ

STATE OF NORTH DAKOTA **DISTRICT COURT**

COUNTY OF MORTON **SOUTH CENTRAL JUDICIAL DISTRICT**

ENERGY TRANSFER LP, *et al.*, Plaintiffs, v. GREENPEACE INTERNATIONAL, *et al.*, Defendants.	)	Case No.: 30-2019-CV-00180 **UNSWORN DECLARATION OF DERRICK BRAATEN IN SUPPORT OF GREENPEACE DEFENDANTS' EMERGENCY MOTION TO ALLOW LIMITED DISCOVERY ON DIRECT MAILING TO POTENTIAL MORTON COUNTY JURORS**

[¶1] I, Derrick Braaten, declare as follows:

[¶2] I am with the Braaten Law Firm, counsel for Defendants Greenpeace International and Greenpeace, Inc. (together with co-defendant Greenpeace Fund, Inc., "Greenpeace Defendants"). I submit this Declaration in support of Greenpeace Defendants' Emergency Motion to Allow Limited Discovery on Direct Mailing to Potential Morton County Jurors.

[¶3] I am a resident of Mandan in Morton County, North Dakota.

[¶4] On or about October 15, 2024, I received an issue of what appeared to be a newspaper entitled "Central ND News" to my home address.

[¶5] An identical copy of the publication I received is attached as **Exhibit 1**. This copy was obtained from another Morton County resident who also received the publication.

I declare, under the penalty of perjury under the law of North Dakota, that the foregoing is true and correct.

Signed on the 22nd day of November, 2024, at Bismarck, North Dakota.

/s/ Derrick Braaten

EXHIBIT 1

Part 1 of 3

Case No. 30-2019-CV-00180

Central ND News

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Oct. 13, 2024 centralndnews.com



FULL STORY PAGE 4

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Sen. Hoeven urges DOJ to enforce laws against illegal voting

CENTRAL ND NEWS REPORTS

U.S. Sen. John Hoeven (R-N.D.) has collaborated with Sen. Bill Hagerty (R-Tenn.) to address concerns about non-citizens registering to vote and voting in U.S. elections. They sent a letter to Attorney General Merrick Garland and the Department of Justice regarding a lack of preventive efforts to stop illegal aliens from participating in American elections or pressuring those who do.


Sen. John Hoeven

"We are deeply concerned by reports of non-citizens registering to vote and voting in federal elections," the letter read. "Given that the 2024 Presidential Election is in less than 24 days, your Department's inaction and refusal to provide any information regarding its efforts to promote public trust and confidence in our elections is especially alarming."

The letter also highlighted the lack of response from the DOJ regarding a previous inquiry made on July 12, and reiterated the request for information from the department.

The letter was also signed by several other senators, Tommy Tuberville, Marsha Blackburn, Roger Marshall, Thom Tillis, Rick Scott, James Lankford, Jim Risch, Ron Johnson, Kevin Cramer, Mike Crapo, Cindy Hyde-Smith, Josh Hawley, Steve Daines, Cynthia Lummis, Tim Scott, Marco Rubio, John Thune, Shelley Moore Capito, Ted Cruz, Eric Schmitt, John Barrasso, Pete Ricketts, Katie Britt, Deb Fischer, Mike Rounds, Mike Braun, Ted Budd, Joni Ernst and more.

Canadian national faces 20 years in federal prison for acts of sabotage against pipelines

CENTRAL ND NEWS REPORTS

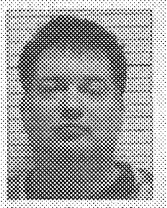
Cameron Monte Smith, a 49-year-old Canadian national, has pled guilty to shooting an electricity substation in North Dakota and the Keystone Pipeline in South Dakota, both linked to protests against the Dakota Access Pipeline (DAPL).

As a part of a plea deal, Smith admitted to shooting the Wheelock Substation in North Dakota on May 13, 2023, causing damages of up to $4 million and disrupting power for approximately 245 people.

At the scene, Smith spray-painted "DAPL" and other symbols, reflecting the ongoing tensions surrounding energy infrastructure.

The Dakota Access Pipeline is a nearly 1,200-mile pipeline transporting oil from North Dakota to Illinois. It was a focal point of widespread protests by activists and Native American tribes in North Dakota in 2016.

Smith, who was in the U.S. illegally at the time of the incident, faces a potential sentence of up to 20 years in federal prison.



Cameron Monte Smith

He is scheduled to be sentenced on December 16.

"This defendant deliberately and very violently attacked our nation's energy infrastructure," District of North Dakota United States Attorney Mac Schneider said in a statement announcing the plea bargain. "Our law enforcement partners put an end to those attacks, and this guilty plea provides a measure of accountability for the defendant's actions and extensive damage he caused."

Smith was initially indicted for shooting multiple rounds into the Wheelock substation in North Dakota and was later charged for another act of sabotage dating back to mid-July 2022, near Carpenter, approximately 120 miles northwest of Sioux Falls, S.D. where he is accused of inflicting over $495,000 in damage to the Keystone Pipeline.

Those cases were consolidated in North Dakota.

Following the 2023 Wheelock substation attack, Smith was arrested at a Williston hotel where police found a .450 Bushmaster rifle, a pistol, magazine and ammunition.

Smith's crimes have raised concerns over attacks on critical energy infrastructure amid ongoing debates surrounding pipelines.

Although Smith was initially charged with illegal possession of firearms and ammunition as an illegal alien, the charges related to firearm possession will be dismissed as part of his plea agreement.

The case was investigated by the FBI and the Williams County Sheriff's Office, with prosecution led by U.S. Attorneys from North Dakota and South Dakota and trial attorneys from the National Security Division.

"Cameron Smith orchestrated and executed attacks on critical energy infrastructure in North and South Dakota using a high-powered rifle," South Dakota United States Attorney Alison Ramsdell said in a statement.

"Thanks to our partners in the District of North Dakota, the FBI, ATF, and the National Security Division, this defendant has been held to account for his criminal activity, and he will now be subject to serious time in federal prison."

Analysis: Illegal aliens 'commit murder at a rate 50% higher than the rest of the U.S. population'

PEACE GARDEN NEWS REPORTS

As U.S. Customs and Border Protection (CBP) reports 5,086 illegal alien encounters across the state of North Dakota during fiscal year 2024, a new report shows illegal aliens may commit murder at rates 50% higher than the U.S. population.

An article by John R. Lott, Jr. posted on RealClearPolitics highlights data on criminal activity among illegal aliens released into the U.S. According to ICE data, more than 435,000 convicted criminals and nearly 227,000 individuals with pending charges were allowed entry as of July 2024. These include thousands of individuals convicted of serious crimes such as homicide, sex offenses, and assault.

"About 7.4 million noncitizens are in the "national docket data," so 662,776 is 9% of the total, and if one extrapolates the numbers to the homicide rate in this country, it strongly indicates that the government is letting migrants into this country who commit murder at a rate 50% higher than the rest of the U.S. population," Lott wrote.



John R. Lott, Jr.

"And these numbers clearly underestimate the crime rate of these noncitizens. The noncitizens in the "national docket data" turned themselves in to border agents for processing or were caught," he continued. "Those who don't turn themselves in are obviously far more likely to have something to hide from those doing the processing, so-called "gotaways," who are observed illegally entering the U.S. but not caught or turned back."

Lott suggests that the root of this problem lies in a broken and overwhelmed immigration system, where the lack of proper background checks has led to the release of individuals with dangerous criminal histories. ICE agents, facing overwhelming caseloads and limited resources, have admitted to struggling to process the sheer number of migrants. The contrast with the Trump administration's "Remain-in-Mexico" policy, which enforced stricter vetting procedures, has led to accusations that the Biden administration's lax policies have resulted in more violent criminals being released into the public.

Furthermore, the administration's transparency has come into question. According to Fox News, despite requests for accountability from lawmakers like Rep. Tony Gonzales (R-TX), the administration delayed responses for months regarding how many of these criminals entered the U.S. during Biden's tenure. Critics accuse the administration of attempting to downplay the severity of the border crisis, particularly following reports that some officials were instructed not to publicize arrests of migrants with ties to terrorism.

From the publisher

We've been publishing Central ND News online for four years.

Our goal is two-fold: (1) to provide news about state and local policy matters and politics to help you assess whether the policy decisions made by your elected officials are aligned with your values and to explain how those decisions impact your quality of life, and (2) to offer quality local content to help you stay abreast of what's happening in the community you call home.

We will present the policy arguments being made and frame the choices being offered in order to foster a dialogue that produces the most productive outcomes available.

We will provide contextual and consequential information to give you the whole story. This is a community forum where we speak with you rather than talking at you.

Consistent with that notion, we want to hear from you. We welcome your story ideas, your editorial submissions, and your constructive critiques. Tell us which stories you find helpful, which stories you enjoy and, conversely, which stories missed the mark.

You can email your ideas or requests to receive future print copies to news@centralndtimes.com.

Thank you,
CENTRAL ND NEWS Publishers

ND ranks No. 51 in 2024 Parent Power Index

PEACE GARDEN NEWS

In the Center for Education Reform's 2024 Parent Power Index, North Dakota secured the fifty-first position, with an Overall Parent Power Index Score of 58.8%.

The index, designed to assess the degree of parental power in each state, highlights key indicators such as Choice Programs, Charter Schools and Innovation.

North Dakota scored a 50% in Choice Programs, which represents families' ability to access and choose programs that best fit their needs.

The state's Charter Schools system, which is based on the availability of alternative educational options for students and families, scored a 50%.

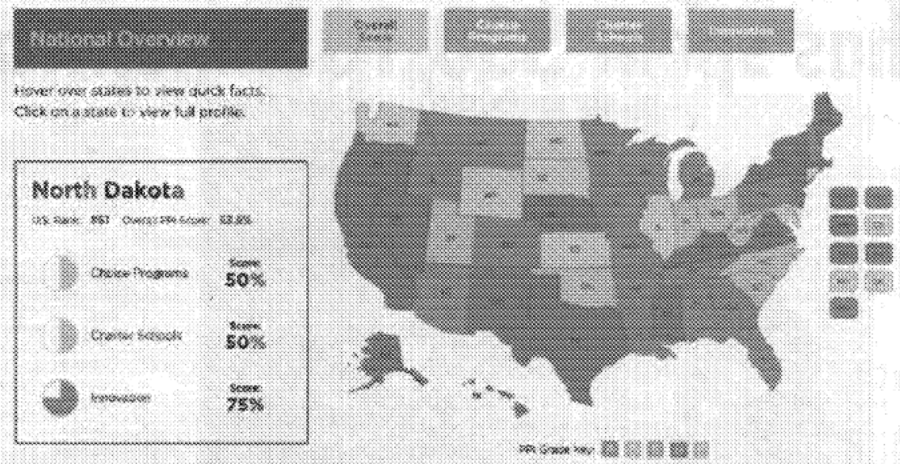
In the final category of Innovation, scored on the state's dedication to fostering creative and personalized learning environments, North Dakota earned a 75%.

While Florida claims the top spot with a 93% overall score, states like Arizona, Indiana, Ohio, and North Carolina follow closely behind in the top rankings, emphasizing a national trend towards prioritizing parental involvement in education.

Kansas, South Dakota, and North Dakota round out the bottom of the list along with six other states that received a grade of 'F'.

The Parent Power Index serves as a valuable resource for families across the country, offering insights into state-level educational policies and opportunities.

Through the index's interactive map, parents can explore the status of parental empowerment in their state and discover avenues to advocate for greater involvement and choice in education.



Scotsoft / Center for Education Reform

"An innovation friendly environment in the state without the presence of any choice programs makes ND unique among its peers, but also a little tone deaf to the importance of parent power. Districts like Northern Cass are carving new and personalized learning pathways for students and ensuring that they have the tools they need to not just pass tests but master their education. But even great districts like that '22 Yass finalist have parents and families for whom one educational venue may not work. If parents decide to stay where they are, what's the trouble with giving them power just in case they need it? Sorry to say a cool state like this one with some great educational leadership in dead last," the Parent Power Index notes.

"Still no movement from Governor Doug Burgum, who has no plans to expand educational opportunities. The state is relatively dormant when it comes to educational change that matters for parent power and that's why it is dead last in the rankings," Parent Power Index said in its assessment of the state's "Policy Environment."

Northern border security bill proceeds to Senate floor

CENTRAL ND NEWS

The Senate Homeland Security and Governmental Affairs Committee held a markup session late September for two pieces of legislation introduced by U.S. Sen. Kevin Cramer (R-ND). The bills are the Northern Border Security Enhancement and Review Act and legislation to rename the post office in Casselton as the "Commander Delbert Austin Olson Post Office." Both pieces of legislation were unanimously advanced by the committee and will now proceed to the Senate floor for consideration.

Cramer, co-chair of the American-Canadian Economy and Security (ACES) Caucus, collaborated with U.S. Senators Maggie Hassan (D-NH) and Kirsten Gillibrand (D-NY) to introduce the Northern Border Security Enhancement and Review Act last week. This bill is seen as a significant step in securing the U.S.-Canada border.

"Our steadfast alliance with Canada has long been a cornerstone of both economic and national security," said Cramer. "The U.S.-Canada relationship is defined by more than just geography; it is built on an enduring trust, mutual respect, and a shared responsibility to address global and domestic challenges. With this being the world's longest border, it's crucial we remain vigilant in addressing emerging threats and challenges. The advancement of this legislation brings us one step closer to ensuring the dependability and safety of our shared border for the families and communities who live on both sides."

The Northern Border Security Enhancement and Review Act mandates an updated northern border threat analysis every three years starting on September 2, 2025. This analysis will include an assessment of apprehension changes at the northern border, focusing on recent trends in both volume and demographics at the sector level. Additionally, by September 2, 2028, and every five years thereafter, the Department of Homeland Security must update its Northern Border Strategy.

The legislation also implements a 2019 recommendation from the U.S. Government Accountability Office for U.S. Customs and Border Protection to develop performance measures assessing program effectiveness. This aims to ensure that resources and strategies are rigorously measured and continuously improved to meet dynamic security needs.

National Park Service awards $1.2 million for Sully Creek State Park project

PEACE GARDEN NEWS

The National Park Service (NPS) announced the North Dakota Department of Parks and Recreation received an award of $1,262,300 through the Land and Water Conservation Fund supporting the construction of additional campsites at Sully Creek State Park.

The announcement came in a press release on September 30. The funding will allow the NDDPR to renovate and reconfigure the road network at Sully Creek State Park, located near Medora, to increase the number of campsites, including the installation of 50-amp utilities and water.

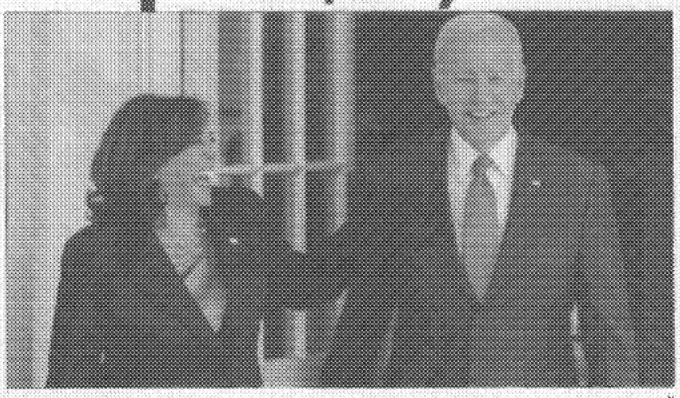
The NPS has provided over 40,000 LWCF grants since 1965 in an effort to support local public parks and campgrounds and increase accessibility to outdoor recreation. The funding for these grants comes primarily from federal offshore oil and gas lease revenue.


Sen. Kevin Cramer

Sully Creek State Park is located amidst the North Dakota Badlands and offers several types of recreation for visitors. Campers can go canoeing the Little Missouri River, go horseback riding, biking, or hiking along 120 miles of the Maah Daah Hey Trail, or enjoy campground amenities.

In 2019, U.S. Senator Kevin Cramer (R-ND) helped to pass legislation called the John D. Dingell, Jr. Conservation, Management, and Recreation Act.

Average North Dakota household has spent $30,103 in extra inflation



Vice President Kamala Harris, left, and President Joe Biden

PEACE GARDEN NEWS

The average North Dakota household spent $30,103 in extra costs due to inflation since January 2021, when President Joe Biden (D) and Vice President Kamala Harris (D) took office.

That's according to an analysis of data released by the U.S. Congress Joint Economic Committee.

As of August 2024, North Dakota experienced a 20.0% increase in prices of goods and services since January 2021, surpassing the national average of 20.3%.

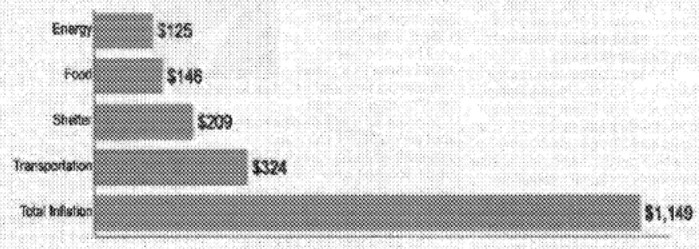
These prices resulted in an additional monthly cost of $1,150 per household.

The persistent increase in inflation has been driven by various factors, including supply chain disruptions, increased demand, and higher production costs. This overall rise in prices has placed additional financial strain on households across the state, making everyday expenses more challenging to manage.

In 2022, the high rates of inflation significantly reduced the real value of American wages, leading to widespread financial concerns, according to Statista. Many Americans expressed anxiety over the economy and reported worsening financial conditions. The inflation crisis in the United States, mirrored globally, was largely driven by COVID-19-related supply chain disruptions and the impact of the Russian invasion of Ukraine.

In June 2022, the U.S. monthly inflation rate soared to a 40-year high of 9.1%, with annual inflation for the year reaching 8%. Without corresponding wage increases, Americans will continue to experience a decline in purchasing power. Since then, inflation has been cooling at a slow pace, but it still hovers above pre-pandemic levels. In June 2024, it reached 3%, with American families facing a CPI more than 20% higher than in January 2020.

Comparison of North Dakota Inflation Costs by Sector for August 2024: Increase Since January 2021



Cost of Living: State-by-State Inflation Comparison From January 2021 to July 2024

Rank	State	Total Inflation Rate (January 2021 to July 2024)	Extra Spending per Household (January 2021 to July 2024)
1	Arizona	21.8%	$32,625
1	Colorado	21.8%	$36,703
1	Idaho	21.8%	$29,881
1	Montana	21.8%	$30,915
1	Nevada	21.8%	$32,544
1	New Mexico	21.8%	$28,181
1	Utah	21.8%	$35,618
1	Wyoming	21.8%	$33,787
9	Delaware	21.7%	$30,295
9	District of Columbia	21.7%	$41,313
9	Florida	21.7%	$33,243
9	Georgia	21.7%	$27,427
9	Maryland	21.7%	$30,855
9	North Carolina	21.7%	$25,953
9	South Carolina	21.7%	$25,219
9	Virginia	21.7%	$29,531
9	West Virginia	21.7%	$22,674
18	Alabama	21.2%	$24,147
18	Kentucky	21.2%	$23,947
18	Mississippi	21.2%	$22,495
18	Tennessee	21.2%	$25,318
22	Arkansas	20.6%	$21,291
22	Louisiana	20.6%	$23,954
22	Oklahoma	20.6%	$22,143
22	Texas	20.6%	$27,389
26	Iowa	20.5%	$25,662
26	Kansas	20.5%	$27,809
26	Minnesota	20.5%	$31,660
26	Missouri	20.5%	$28,081
26	Nebraska	20.5%	$28,710
26	North Dakota	20.5%	$28,953
26	South Dakota	20.5%	$28,907
33	Illinois	20.5%	$29,540
33	Indiana	20.5%	$25,771
33	Michigan	20.5%	$26,650
33	Ohio	20.5%	$25,409
33	Wisconsin	20.5%	$25,875
38	Alaska	19.6%	$31,844
38	California	19.6%	$31,963
38	Hawaii	19.6%	$30,923
38	Oregon	19.6%	$24,328
38	Washington	19.6%	$27,268
43	New Jersey	18.6%	$27,877
43	New York	18.6%	$27,387
43	Pennsylvania	18.6%	$23,460
46	Connecticut	17%	$27,536
46	Maine	17%	$22,206
46	Massachusetts	17%	$28,992
46	New Hampshire	17%	$27,409
46	Rhode Island	17%	$23,870
46	Vermont	17%	$23,434

EXHIBIT 1

Part 2 of 3

Case No. 30-2019-CV-00180

SBA Pro-Life America endorses Armstrong for ND governor

CENTRAL ND NEWS REPORTS

SBA Pro-Life America has endorsed U.S. Rep. Kelly Armstrong (R-ND) in his race for North Dakota governor.

"We're proud to endorse Kelly Armstrong, who has an A+ rating on our national scorecard," SBA Pro-Life posted on X. " While his Democrat opponent's #1 priority is rolling back North Dakota's protections for life, Kelly consistently stands up to the abortion lobby and puts serving moms and their babies first."

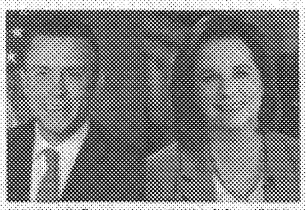
SBA Pro-Life America, formerly known as the Susan B. Anthony List, is a political advocacy organization focused on promoting pro-life candidates and policies, as well as alternatives to abortion. The organization also engages in lobbying efforts at the federal and state levels to advocate for the defunding of abortion providers and the passage of pro-life legislation.

SBA Pro-Life America was founded in 1992 and is named after the 19th-century women's rights activist Susan B. Anthony.

"Our full family of organizations is united in the singular mission of saving innocent and vulnerable human life. We work cooperatively to meet the pro-life movement's need to maximize election outcomes, and to enhance policy research and education for policymakers and the public," its website states.

A native of Dickinson, N.D., Armstrong was first elected to represent the state's at-large congressional district in 2018. Prior to serving in Congress, Armstrong was a member of the ND State Senate from 2013 to 2018.

Before entering politics, Armstrong practiced law in Dickinson and was involved in his family's oil and gas business. Armstrong graduated from the University of North Dakota and received his law degree from the University of North Dakota School of Law. He is married and has two children.



U.S. Rep. Kelly Armstrong (R-ND), left, and SBA Pro-Life America President Marjorie Dannenfelser

"(Armstrong) currently has the honor and privilege to serve as North Dakota's lone member of the U.S. House of Representatives where he is a member of the House Energy and Commerce Committee, the House Oversight and Accountability Committee, and the Select Committee on the Weaponization of Government," his website states. "Now, (Armstrong) wants to bring his experience back to North Dakota to serve as the state's next governor."

His website states that his priorities include continuing to fight for lower taxes, property tax relief and reform; defending life at all stages; the opiod crisis; securing the borders; Second Amendment rights for law-abiding gun owners; addiction and sentencing; protecting the Rule of Law and giving farmers and ranchers the opportunity to succeed.

"Finally, Kelly is running for governor because he truly loves North Dakota. North Dakota is the Armstrongs' home and Kelly has worked hard to make it a better place. He will go to work every day to defend our jobs, our values, and our way of life. Kelly Armstrong has always been a fighter. He's not afraid to confront challenges head on," his website states.

Trump has secured the border 'and has the will to do it again,' Cramer says

PEACE GARDEN NEWS

U.S. Sen. Kevin Cramer (R-N.D.) said former President Donald Trump (R) has a track record of securing the U.S.-Mexico border.



Sen. Kevin Cramer

"The question about how Donald Trump will secure the border ignores the fact he has done it before and has the will to do it again," Cramer posted on X. "Enforce existing laws."

U.S. Customs and Border Protection reported there were more than 2.7 million illegal alien encounters during Fiscal Year 2024.

In fiscal year 2020, the year President Joe Biden (D) and Vice President Kamala Harris (D) took office, there were only 646,822 illegal alien encounters.

In fiscal year 2017, the year former President Donald Trump took office, there were only 526,901 illegal alien encounters.

U.S. Customs and Border Protection is the nation's largest federal law enforcement agency charged with securing the nation's borders and facilitating international travel and trade. The agency's top priority is to keep terrorists and their weapons from entering the United States.

On January 20, 2021, the same day Biden and Harris were inaugurated, Biden signed a proclamation, titled, "Proclamation on the Termination Of Emergency With Respect To The Southern Border Of The United States And Redirection Of Funds Diverted To Border Wall Construction."

"I have determined that the declaration of a national emergency at our southern border in Proclamation 9844 of February 15, 2019 (Declaring a National Emergency Concerning the Southern Border of the United States), was unwarranted," said Biden's proclamation. "It shall be the policy of my Administration that no more American taxpayer dollars be diverted to construct a border wall."

The proclamation also stated that the United States has a "right and a duty" to secure its borders and "protect its people against threats."

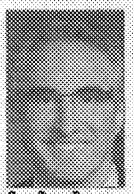
"But building a massive wall that spans the entire southern border is not a serious policy solution," it said. "It is a waste of money that diverts attention from genuine threats to our homeland security. My Administration is committed to ensuring that the United States has a comprehensive and humane immigration system that operates consistently with our Nation's values."

A native of Rolette, N.D., Cramer was first elected to the U.S. Senate in 2018 after defeating incumbent Senator Heidi Heitkamp. Prior to his Senate career, Cramer was the state's at-large Representative in the U.S. House from 2013 to 2019.

Gov. Burgum: Trump wins on issues like 'interest rates, inflation, the cost of a home'

PEACE GARDEN NEWS

Gov. Doug Burgum (R-N.D.) said former President Donald Trump (R) has an electoral advantage on economic and national security issues.



Gov. Doug Burgum

"Interest rates, inflation, the cost of a home, price of food, price of gasoline — President Trump wins on those," Burgum posted on X, with a video of his recent appearance on Fox News. "On national security, literally he's a deterrent."

"If you want to see the hostages come home, vote for Donald Trump because we will see exactly like we did when Jimmy Carter left office," posted Burgum. "On the first day — Ronald Reagan — the hostages came home. That will happen again."

The average North Dakota household spent $30,103 in extra costs due to inflation since January 2021, when President Joe Biden (D) and Vice President Kamala Harris (D) took office, reported Peace Garden News earlier this week.

That's according to an analysis of data released by the U.S. Congress Joint Economic Committee.

As of August 2024, North Dakota experienced a 20.0% increase in prices of goods and services since January 2021, surpassing the national average of 20.3%.

These prices resulted in an additional monthly cost of $1,150 per household.

The persistent increase in inflation has been driven by various factors, including supply chain disruptions, increased demand, and higher production costs. This overall rise in prices has placed additional financial strain on households across the state.

University of Mary engineering, workforce development projects are 'thriving' following $5M donation from Energy Transfer Partners

C.D. MARSDEN

Six years after Energy Transfer Partners donated $5 million to the University of Mary, the university's engineering school and workforce development projects are "thriving," said a university spokesman.

"Yes, both programs are thriving," Tom Ackerman, the university's media specialist, told Central ND News, saying the 2018 donation "kick-started the engineering fundraising portion as part of Phase 1 of the University of Mary Vision 2030 Capital Campaign that eventually led to the current Hamm School of Engineering."

The university's Hamm School of Engineering, with contains 15,650 square feet of space, officially opened on September 20, 2022. The school offers courses in electrical, civil, and mechanical engineering education.

The school was granted full accreditation from the Accreditation Board for Engineering and Technology (ABET) on September 6, 2023, for the school's Bachelor of Science degrees in Civil Engineering, Mechanical Engineering, and Electrical Engineering.

ABET is an international, non-governmental organization that accredits post-secondary education programs in applied and natural sciences, computing, engineering, and engineering technology.

The university had 13 full-time engineering faculty teaching, in addition to other expert adjuncts on staff, and 223 engineering students enrolled, as of September 2023, according to a university press release.

Ackerman said that Energy Transfer's contribution also supported the university's workforce development program.

"The Workforce Development program helps educate and train businesses and their employees throughout North Dakota, allowing employers to better retain workers — thus helping economic development in their respective communities," said Ackerman.

The University of Mary is a private, Catholic university located in Bismarck, North Dakota. It was founded in 1959 by the Benedictine Sisters of the Annunciation. The university offers undergraduate, graduate, and doctoral programs in various fields of study, including business, health sciences, and education. It is accredited by the Higher Learning Commission. The university operates on a traditional semester system and also provides online and accelerated learning options. The University of Mary has a student body of around 3,000 students and competes in NCAA Division II athletics as part of the Northern Sun Intercollegiate Conference.

Energy Transfer Partners is a U.S.-based company that owns and operates energy assets, primarily in natural gas, crude oil, and refined products. It was founded in 1995 and is headquartered in Dallas, Texas. The company operates approximately 120,000 miles of pipeline infrastructure across North America, transporting natural gas, crude oil, natural gas liquids (NGLs), and refined products. Energy Transfer also owns and manages storage facilities and processing plants. The company has been involved in several significant pipeline projects, including the Dakota Access Pipeline (DAPL) and the Mariner East projects.



Photos provided by University of Mary Media Relations Department

James Campion makes edits to the firmware of his team's vehicle.



John Colton and Molly Weber inspect sensors on the front of their team's vehicle.



Mark Zapada and Maygan Schimmel adjust their team's dynamic obstacle.



The University of Mary's workforce development program.

THIS MONTH IN HISTORY
OCTOBER 2016

Area schools locked down as authorities respond to pipeline protests

CENTRAL ND NEWS

On October 5, 2016, Morton County officials blocked off roads going through St. Anthony area to prevent Dakota Access Pipeline protestors from disturbing active work sites and blocking access to the community.

Law enforcement officials in Morton County coordinated efforts to prevent mobile protests from targeting construction efforts along the Dakota Access Pipeline (DAPL). A convoy of 100-150 demonstrators was observed heading towards various worksites, prompting officials to take precautionary measures.

To manage the situation, law enforcement blocked Morton County Road 136 off Highway 6 near St. Anthony. Officers informed protesters that they could not drive through St. Anthony, as the increased traffic could hinder emergency responses for both the community and local schools.

Residents in the St. Anthony area were notified of the protests and road closures, and the local school was put on lockdown as a safety measure.

Protesters subsequently redirected their efforts to other locations in the vicinity, where construction activities along the DAPL, west of Highway 6 and outside of the designated 20-mile exclusion zone, were momentarily halted at several sites.

Morton County authorities received additional unverified reports later in the evening that protesters intended to caravan to construction sites and potentially set equipment on fire.

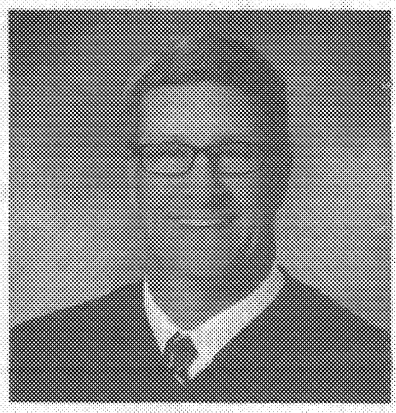
According to North Dakota Century Code 11-15-03, the Morton County Sheriff is responsible for maintaining public peace and preventing potential riots.

Also on October 5, 2016, authorities announced that Mason Redwing, a then nineteen year old protestor who had felony charges filed against him two days previously on October 3, turned himself in to the Morton County Law Enforcement Center, and was seen by a judge before posting bail and being released.

The protests during this time were against the Dakota Access Pipeline and resulted in 761 arrests, according to MPR News. Charges ranged from trespassing to more severe offenses. A significant number of those arrested were from out of state.

Certain days of the protests resulted in dozens of arrests, such as February 1, 2017, when 76 people were arrested after Morton County Sheriff's Department spokesperson Rob Keller said a "rogue group of protesters" had trespassed on private property.

The State of North Dakota is currently suing the federal government to "recoup $38 million it claims it spent policing the protest camps," Source NM reported.



Judge Bruce Romanick

Morton County issues felony arrest warrant for pipeline protestor who charged police officer on horseback

CENTRAL ND NEWS

On Oct. 3, 2016, Morton County officials filed felony charges of terrorizing and reckless endangerment against Mason Redwing for charging at police officers while on horseback.

Redwing, then a nineteen year old from Fort Thompson, South Dakota, charged at a police line on September 28, 2016 which had been formed to monitor a protest group that had gathered on private property near Highway 6 in Morton County.

As protestors on horseback has previously charged at members of law enforcement, officers were monitoring those on horseback during the protest. When Redwing charged towards the police line and came within twenty feet, an officer drew his shotgun, loaded with bean bag rounds, and ordered Redwing to stop. The officer did not fire his gun, and at the warning Redwing veered away.

An affidavit indicates that Redwing's actions instilled fear for the safety of law enforcement present. Officers said Redwing had no regard for the potential terror and disruption, or potential bodily injury, when he charged on his horse towards officers.

A warrant was issued for Redwing on charges of Terrorizing and Reckless Endangerment, as well as a prior warrant for criminal trespass related to a protest on September 3.

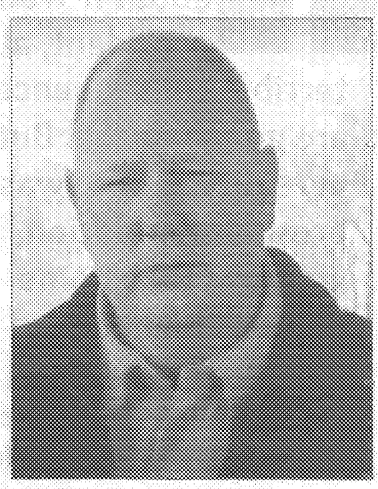
Redwing was tried by Judge Bruce Romanick in November of 2016, who dropped all charges against him. Judge Romanick also dropped all charges of a similar nature that were made against another South Dakota native, Wanikiyewin Loud Hawk.The protests, which occurred in 2016 and 2017, "drew thousands of people to camp out" in Morton County, the Associated Press reported.

The protests during this time were against the Dakota Access Pipeline and resulted in 761 arrests, according to MPR News. Charges ranged from trespassing to more severe offenses. A significant number of those arrested were from out of state.

California resident and actress Shailene Woodley was arrested in October 2016. Other figures, including actors Mark Ruffalo and Leonardo DiCaprio, participated in the protests but were not arrested.

Certain days of the protests resulted in dozens of arrests, such as February 1, 2017, when 76 people were arrested after Morton County Sheriff's Department spokesperson Rob Keller said a "rogue group of protesters" had trespassed on private property.

The State of North Dakota is currently suing the federal government to "recoup $38 million it claims it spent policing the protest camps," Source NM reported.



Morton County Sheriff Kyle Kirchmeier

WHAT THEY ARE SAYING

about the high cost of living in ND

"Kamala has been the driving force behind the Biden-Harris agenda for the last 3.5 years. Now she wants every voter to forget she was the tie-breaking vote for the spending policies that caused inflation."



– Gov. Doug Burgum (R-ND)

"They make a lot of claims about if Trump becomes president, all of these terrible consequences are gonna ensue. But in reality, Trump was president, inflation was low, take home pay was higher."



– Vice Presidential Candidate J.D. Vance (R) in the Oct. 1 vice presidential debate

"The sticky inflation problem Democrats have is because of the obvious inflation of energy, which goes into everything. It becomes pretty simple when you ask the question, 'What was the price of gasoline when Donald Trump was president?'."



- U.S. Sen. Kevin Cramer (R-ND)

"We had no inflation when Donald Trump was president. When he left office, the inflation rate was 1.5%, then it went up to over 9% under Kamala. The average family has lost over $2,000 in purchasing power."



- Stephen Moore, former member, Wall Street Journal editorial board

EXHIBIT 1

Part 3 of 3

Case No. 30-2019-CV-00180

Gas prices from around the state

The table below lists gas stations and their prices for regular gas in the state, as reported by consumers on GasBuddy.com.

Highest Reported Price	Station Name	Address	City
$3.09	Conoco	935 Central Ave S	Killdeer
$3.69	Conoco	209 1st Ave	Keene
$3.69	Conoco	3721 HWY-8 S	Watford City
$3.29	Conoco	60 Main St	Grenora
$3.29	Holiday	107 8th Ave SE	Watford City
$3.27	Holiday	104 58th St E	Williston
$3.27	Holiday	118 Chandler Blvd	Williston
$3.26	Kum & Go	126 S Main St	Watford City
$3.25	Kum & Go	910 11th St E	Williston
$3.25	Kum & Go	1301 Main Dr	Williston
$3.25	Stoneman	1409 2nd Ave W	Williston
$3.24	Conoco	201 HWY-67 SE	Scranton
$3.24	Conoco	203 S Main St	Rhame
$3.24	Eagles Landing	402 HWY-23	New Town
$3.24	Kwick	705 US-12 W	Bowman
Lowest Reported Price	**Station Name**	**Address**	**City**
$2.92	Tesoro	502 Sheyenne Ave	Lisbon
$2.93	Holiday	2755 Kennedy Dr S	Fargo
$2.92	Casey's	2401 45th St S	Fargo
$2.92	Casey's	4405 45th St S	Fargo
$2.91	Northdale Oil	422 2nd St	Minot
$2.91	Conoco	603 Eagle Ave	Reynolds
$2.86	Pump 3	3158 39th St S	Fargo
$2.89	Holiday	3199 36th St S	Fargo
$2.89	Holiday	4377 45th St S	Fargo
$2.89	Casey's	2003 43rd St S	Fargo
$2.89	Stinson	3340 12th Ave N	Fargo
$2.89	Love's Travel Stop	3328 39th St S	Fargo
$2.89	Conoco	220 Broadway	Thompson
$2.88	Sam's Club	2501 32nd Ave S	Grand Forks
$2.86	Northdale Oil	1347 7th Ave NE	Thompson
$2.87	Costco	750 32nd Ave E	West Fargo
$2.86	ABCO	5202 33rd St S	Fargo
$2.85	Sam's Club	4031 13th Ave S	Fargo
$2.85	Sam's Club	2021 Rock Island Place	Bismarck
$2.85	Costco	1325 57th Ave Nw	Bismarck

WEDNESDAY, OCT. 16
Festival of Wines- Bismarck Mandan
WHEN: 6-8 p.m.
WHERE: North Dakota Heritage Center & State Museum , 612 E. Blvd. Ave., Bismarck
PRICE: $40-45

THURSDAY, OCT. 17
7th Annual CCHC Hunger & Health Summit
WHEN: 8 a.m.-4 p.m.
WHERE: Fargodome, 1800 N. University Drive, Fargo
PRICE: $25-30

Packatahnas Fall Dance Clinic
WHEN: 9 a.m.-Noon
WHERE: West Fargo High School, 801 9th St. E., West Fargo
PRICE: $40

Self-Care City Scavenger Hunt – Based on Hot Habits Series: Bismarck Area
WHEN: 1 p.m.
WHERE: 3101 N. 11th St., Bismarck

STEM Connection
WHEN: 3:45-4:15 p.m.
WHERE: 609 W. Main St., Mandan

ZOOBOOKAFOO: Story Time & Critter Visitor from Dakota Zoo
WHEN: 4-4:30 p.m.
WHERE: 609 W. Main St., Mandan

Advanced Dog Training
WHEN: 6-7 p.m.
WHERE: 1511 Lockheed Drive, Ste 5, Bismarck
PRICE: $125

2024 Fargo Festival of Wines
WHEN: 6-8 p.m.
WHERE: Delta Hotels Fargo, 1635 42nd St., Southwest Fargo
PRICE: $40-45

The Election, the Truth, and You!
WHEN: 7-10 p.m.
WHERE: Avalon Events Center, 2525 9th Ave., South Fargo
PRICE: $15-69



Mandan Market Nights

Join us on Tuesday, Oct. 15, from 4:30-7 p.m. at 511 Main St ., W, Mandan for Mandan Market Nights, a vibrant event featuring local farmers, artisans, and creators. Explore fresh produce, handmade crafts, and unique goods while supporting local businesses and connecting with the community. Whether you're shopping for fresh ingredients, searching for one-of-a-kind gifts, or just enjoying a pleasant evening out, Mandan Market Nights offers something for everyone. Mark your calendars, bring friends and family, and experience the lively atmosphere that makes this market a community favorite!

FRIDAY, OCT. 18
2024 NDPA Fall Conference
WHEN: 8:30 a.m.
WHERE: Clubhouse Hotel & Suites, 4400 15th Ave., South Fargo
PRICE: $0-350

Public Skating @ Starion Sports Complex
WHEN: 11 a.m.-2 p.m.
WHERE: Starion Sports Complex, 111 Old Red Trail, Mandan

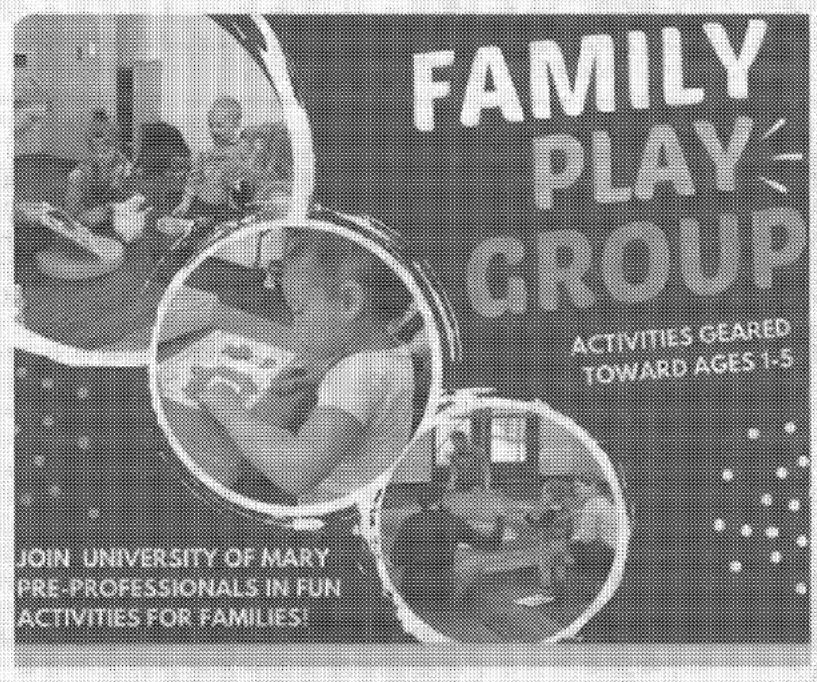
SEND-IT! 24/7 October ACL REGIONAL
WHEN: 5:30 p.m.
WHERE: 1700 E. Main St., Mandan

SATURDAY, OCT. 19
Mommy and Movement
WHEN: 9:30-10:30 a.m.
WHERE: Pure Barre, 1400 43rd Ave., Northeast, #Suite 1404, Bismarck
PRICE: $25

Spooky Paint Party with EJ Rose
WHEN: 1-4 p.m.
WHERE: Taube Museum of Art, 2 Main St., N., Minot
PRICE: $40-42

2024 Annual Lutefisk and Meatball Dinner
WHEN: 2-6 p.m.
WHERE: Mandan Eagles Club, 1400 Collins Ave., Mandan
PRICE: $0-25

What Goes Around...
WHEN: 4 p.m.
WHERE: Trinity Lutheran Church, 210 7th St., S. Moorhead
PRICE: $5-20



Family Play Group- October

Join us for the Family Play Group on Saturday, Oct. 26, from 10:15-11:15 a.m. at Roosevelt Elementary School, 1101 3rd St., NW, Mandan. Children ages 1-5 can rotate through various engaging activity stations designed to enhance early learning skills through fun, interactive experiences. Older siblings are welcome to join as helpers. Pre-register by Oct. 24 to ensure enough supplies for all participants. Don't miss this chance to participate in educational activities that promote family bonding and early childhood development in a supportive, engaging environment.

Poltergeist VII: Endgame
WHEN: 6-9 p.m.
WHERE: The Windbreak, 3150 39th St., S. Fargo
PRICE: $20-35

SUNDAY, OCT. 20
Bridal Fantasy Wedding Show
WHEN: 11:30 a.m.-3 p.m.
WHERE: Hilton Garden Inn, 4351 17th Ave., S. Fargo
PRICE: $10-35

MONDAY, OCT. 21
Hope Reins Book Club
WHEN: 5:30-6:15 p.m.
WHERE: 15405 26th St., Northeast Baldwin

WEDNESDAY, OCT. 23
Sharefouse Rise and Shine Recovery Breakfast
WHEN: 8-9 a.m.
WHERE: Avalon Events Center, 2525 9th Ave., South Fargo
PRICE: $50

THURSDAY, OCT. 24
Space Ag 2024
WHEN: Noon-5 p.m.
WHERE: Memorial Union, University of North Dakota, 2901 University Ave., Grand Forks
PRICE: $0-275

NDCTE 2024 Fall Conference: Create Connections
WHEN: 6 p.m.
WHERE: Morton Mandan Public Library, 609 W. Main St., Mandan
PRICE: $80-200

Haunted Downtown Fargo Tour
WHEN: 7-9 p.m.
WHERE: LunaTique Boutique, 612 1st Ave., N. Fargo
PRICE: $35

Spooky Dirty Bingo
WHEN: 7-9 p.m.
WHERE: Fox Hills Golf Course, Fox Hills Golf Course, Watford City
PRICE: $10

SATURDAY, OCT. 26
Adult Halloween Party
WHEN: 5 p.m.
WHERE: 111 11th Ave., NE, Mandan

Wayne Sudny Collaboration
WHEN: 7-10:30 p.m.
WHERE: The Jousting Lemur, 514 E. Main Ave., Bismarck
PRICE: $10

SUNDAY, OCT. 27
Trunk-or-Treat
WHEN: 1:30-3:30 p.m.
WHERE: Mandan United Methodist Church, 610 12th St., NW, Mandan

MONDAY, OCT. 28
RITZ
WHEN: 6-10:30 p.m.
WHERE: The Original Bar and Nightclub, 720 N. Broadway, Minot
PRICE: $17-22

TUESDAY, OCT. 29
Kid's Halloween Party
WHEN: 5-8 p.m.
WHERE: 111 11th Ave., NE, Mandan

ATHLETES IN ACTION

These North Dakota athletes will be playing on college teams this weekend.



Camden Backman

Minot State Beavers
Running back
Freshman
5'10" 190
Minot High School
Hometown: Minot
Next Game: vs. Bemidji State Beavers, Sat Oct. 19, 2 p.m.



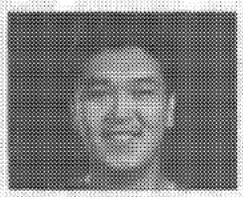
Coy Okeson

North Dakota State Bison
Offensive lineman
Freshman
6'5" 284
Bishop Ryan High School
Hometown: Minot
Next Game: vs. South Dakota State Jackrabbits, Sat Oct. 19, 12 a.m.



DJ Schneibel

Minot State Beavers
Offensive lineman
Senior
6'2" 315
Rugby High School
Hometown: Rugby
Next Game: vs. Bemidji State Beavers, Sat Oct. 19, 2 p.m.



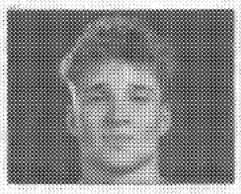
Daeton LaFountain

Minot State Beavers
Offensive lineman
Freshman
6'4" 265
Hometown: Belcourt
Next Game: vs. Bemidji State Beavers, Sat Oct. 19, 2 p.m.



Grant Knodle

North Dakota State Bison
Long snapper
Freshman
6'1" 227
Sheyenne High School
Hometown: West Fargo
Next Game: vs. South Dakota State Jackrabbits, Sat Oct. 19, 12 a.m.



Hayden Hong

Minot State Beavers
Wide receiver
Freshman
6'0" 180
Red River High School
Hometown: Grand Forks
Next Game: vs. Bemidji State Beavers, Sat Oct. 19, 2 p.m.



Isiah St. Romain

North Dakota State Bison
Wide receiver
Freshman
6'1" 186
Williston High School
Hometown: Williston
Next Game: vs. South Dakota State Jackrabbits, Sat Oct. 19, 12 a.m.



Joey Desir

Northwestern Red Raiders
Quarterback
Freshman
6'0" 180
Shiloh Christian High School
Hometown: Bismarck
Next Game: vs. Waldorf Warriors, Sat Oct. 19, 1 p.m.



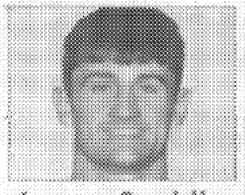
Josh Will

Minot State Beavers
Defensive lineman
Sophomore
6'1" 230
Bishop Ryan High School
Hometown: Minot
Next Game: vs. Bemidji State Beavers, Sat Oct. 19, 2 p.m.



Lawson Lotysz

North Dakota Fighting Hawks
Offensive lineman
Freshman
6'2" 290
Red River High School
Hometown: Grand Forks
Next Game: vs. Northern Iowa Panthers, Sat Oct. 19, 2 p.m.



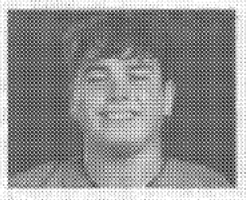
Logan Conklin

North Dakota State Bison
Wide receiver
Freshman
6'3" 195
Minot High School
Hometown: Minot
Next Game: vs. South Dakota State Jackrabbits, Sat Oct. 19, 12 a.m.



Peder Haugo

North Dakota State Bison
Linebacker
Freshman
6'1" 213
Fargo North High School
Hometown: Fargo
Next Game: vs. South Dakota State Jackrabbits, Sat Oct. 19, 12 a.m.



Teagen Nicholes

Minot State Beavers
Offensive lineman
Freshman
6'0" 260
Minot High School
Hometown: Minot
Next Game: vs. Bemidji State Beavers, Sat Oct. 19, 2 p.m.



Tyler Johnson

Minot State Beavers
Tight end
Freshman
6'2" 230
Minot High School
Hometown: Minot
Next Game: vs. Bemidji State Beavers, Sat Oct. 19, 2 p.m.



Tyson Ruzicka

Minot State Beavers
Running back
Freshman
5'9" 180
Minot High School
Hometown: Minot
Next Game: vs. Bemidji State Beavers, Sat Oct. 19, 2 p.m.

EXHIBIT 14

Greenpeace Defendants' Petition for Supervisory Writ

STATE OF NORTH DAKOTA | IN DISTRICT COURT

COUNTY OF MORTON | SOUTH CENTRAL JUDICIAL DISTRICT

Case No. 30-2019-CV-00180

Energy Transfer LP, (formerly known as Energy Transfer Equity, L.P.), Energy Transfer Operating, L.P. (formerly known As Energy Transfer Partners, L.P., and Dakota Access, L.L.C., Plaintiffs, -vs- Greenpeace International (also known as "Stichting Greenpeace Council"; Greenpeace Inc.; Greenpeace Fund, Inc. Red Warrior Society (also known as "Red Warrior Camp; Cody Hall and Krystal Two Bulls; Defendants.	OPINION AND ORDER DENYING MOTION TO ALLOW LIMITED DISCOVERY ON DIRECT MAILING TO POTENTIAL MORTON COUNTY JURORS

¶1. The Greenpeace Defendants moved the Court to allow limited discovery on the issue of direct mailings sent to Morton County residents that mentioned a donation made by the Plaintiff Energy Transfer, and also referred to events occurring 8 years ago – mainly the protests of the Dakota Access Pipeline by protestors from various organizations. The direct mailing, in the general format of a newspaper, also mentioned the existence of the instant legal action in general terms and commented on the replacement of an executive in the Greenpeace hierarchy. Greenpeace alleges the potential existence of evidence that indicates Energy Transfer orchestrated the direct mailing to curry favor of the Morton County residents from whom the jury in this matter will be chosen. Greenpeace requests the Court allow the limited discovery despite the fact the scheduling order closed discovery some time ago.

¶2. Energy Transfer opposes any limited discovery beyond the date in the scheduling order. Energy Transfer also maintains Greenpeace's request goes beyond the appropriate way to address the concerns Greenpeace identified. Energy Transfer believes the appropriate remedy is the use of jury questionnaires and *voir dire* to identify any problem with the pre-trial publicity that concerns Greenpeace.

¶3. The Court specifically notes a technical issue with the court filing system. Greenpeace notified the Court, through the court reporter, that Greenpeace attempted to file their motion and supporting documents on November 22, 2024. The Court notes that Energy Transfer filed its Opposition and supporting documents on December 6, 2024, within the 14-day time period. However, as of December 12, 2024, the Odyssey filing system still does not show any filings by Greenpeace as to this matter. The Court notified Greenpeace of this issue on the morning of December 3, 2024, and Greenpeace e-mailed, in a PDF format, the documents it had attempted to file to the court reporter. Additionally, at the hearing, Energy Transfer agreed to submit, via e-mail, a copy of the newsletter they received in the filings from Greenpeace.

¶4. The Court takes an extremely dim view of attempts to influence a jury panel before the trial. The parties have already questioned the likelihood of seating a jury in Morton County because of pre-trial publicity in the request for change of venue. Greenpeace alleges an attempt by someone to influence the jury pool. There is only one way to determine if such an attempt is successful, and unfortunately the Court agrees with Energy Transfer that way is through the jury questionnaires and jury selection. Should jury questionnaires and *voir dire* reveal improper influence on the jury panel, the Court would find the motion more timely and appropriate. If the Court cannot empanel a jury in Morton County, there will obviously be a delay in the trial and

the Court can revisit this issue at that time. Accordingly, the Court denies Greenpeace's motion to allow limited discovery at this time.

Dated this 17th day of December, 2024.

BY THE COURT:

James D. Gion

James D. Gion, Judge

EXHIBIT 15

Greenpeace Defendants' Petition for Supervisory Writ

STATE OF NORTH DAKOTA	**DISTRICT COURT**
COUNTY OF MORTON	**SOUTH CENTRAL JUDICIAL DISTRICT**

ENERGY TRANSFER LP, *et al.*, Plaintiffs, v. GREENPEACE INTERNATIONAL, *et al.*, Defendants.	Case No.: 30-2019-CV-00180 **SUPPLEMENTAL DECLARATION OF DERRICK BRAATEN IN SUPPORT OF GREENPEACE DEFENDANTS' MOTION TO CHANGE VENUE**

[¶1] I, Derrick Braaten, declare as follows:

[¶2] I am the owner of Braaten Law Firm in Bismark North Dakota, counsel of record for Defendants Greenpeace International and Greenpeace, Inc. I submit this Supplemental Declaration in support of Defendants Greenpeace Inc., Greenpeace International, and Greenpeace Fund, Inc.'s (together, the "Greenpeace Defendants") Motion to Change Venue ("Motion")

[¶3] **January 2025 Central ND News**. Attached as **Exhibit 1** is a true and correct copy of Central ND News, dated January 2025, which lists an address of 2045 W. Grand Ave., Ste. B, Chicago, IL 60612. Exhibit 1 was sent to my home address in Mandan, ND. Page 6 has an article, with the byline "Central ND News Service" entitled "Former Dakota Access Pipeline protestor: 'We ended up creating a local ecological disaster." Page 9 has an article, with the byline Central ND News Reports, with extensive discussion of the arrest and imprisonment of Ruby Montoya for acts of damage to the DAPL pipeline in Iowa and South Dakota.

[¶4] Attached as **Exhibit 2** is a true and correct copy of an unsolicited text message sent to a resident of Burleigh County with a link the Central ND News article that appears on page 9 of Exhibit 1. **Exhibit 3** is a true and correct copy of the webpage generated by the link in Exhibit 2.

[¶5] **January 2025 Central ND News and Legal Newsline**. Attached as **Exhibit 4** is a true and correct copy of the February issue of the Central ND News. Exhibit 1 was sent to my home address in Mandan, ND Page 6 has an article, with the byline "Central ND News Service" entitled "ND Businesses United Director: 'Residual impact' of 2016, 2017 DAPL protests 'is division.'" The article is accompanied by a pull quote from an area businessperson discussing the impact of the protests "50 miles from the protest site."



Jan Wangler

"Though my business in East Bismarck was over 50 miles from the protest site, we at times were required to 'shelter in place,' meaning we had to lock the doors during business hours when a large group of protesters would arrive by bus (as the depot was only a couple blocks from our business) and authorities were unclear on their motives and intentions."

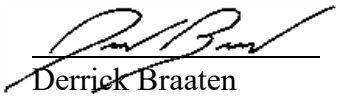
– Jan Wangler, co-owner, with her husband, of Superior Glass

On information and belief, following the Court's hearing on the distribution of the Central ND News to residents of Morton County, distribution was expanded to Burleigh County.

[¶6] Attached as **Exhibit 5** is a true and correct copy of an unsolicited text message sent to a resident of Burleigh County with a link to Legal Newsline, which lists an address of 2045 W. Grand Ave., Chicago, IL 60612. The webpage has the headline "North Dakota says shutdown of Dakota Access Pipeline would cause 'immediate' fiscal harm." **Exhibit 6** is a true and correct copy of webpage generated by the link

I declare, under the penalty of perjury under the law of North Dakota, that the foregoing is true and correct.

Signed on the 18th day of February, 2025, at Bismarck, ND.



Derrick Braaten

Exhibit 1

To Supplemental Declaration of Derrick Braaten in Support of Motion to Change Venue

(Case No.: 30-2019-CV-00180)

Central ND News

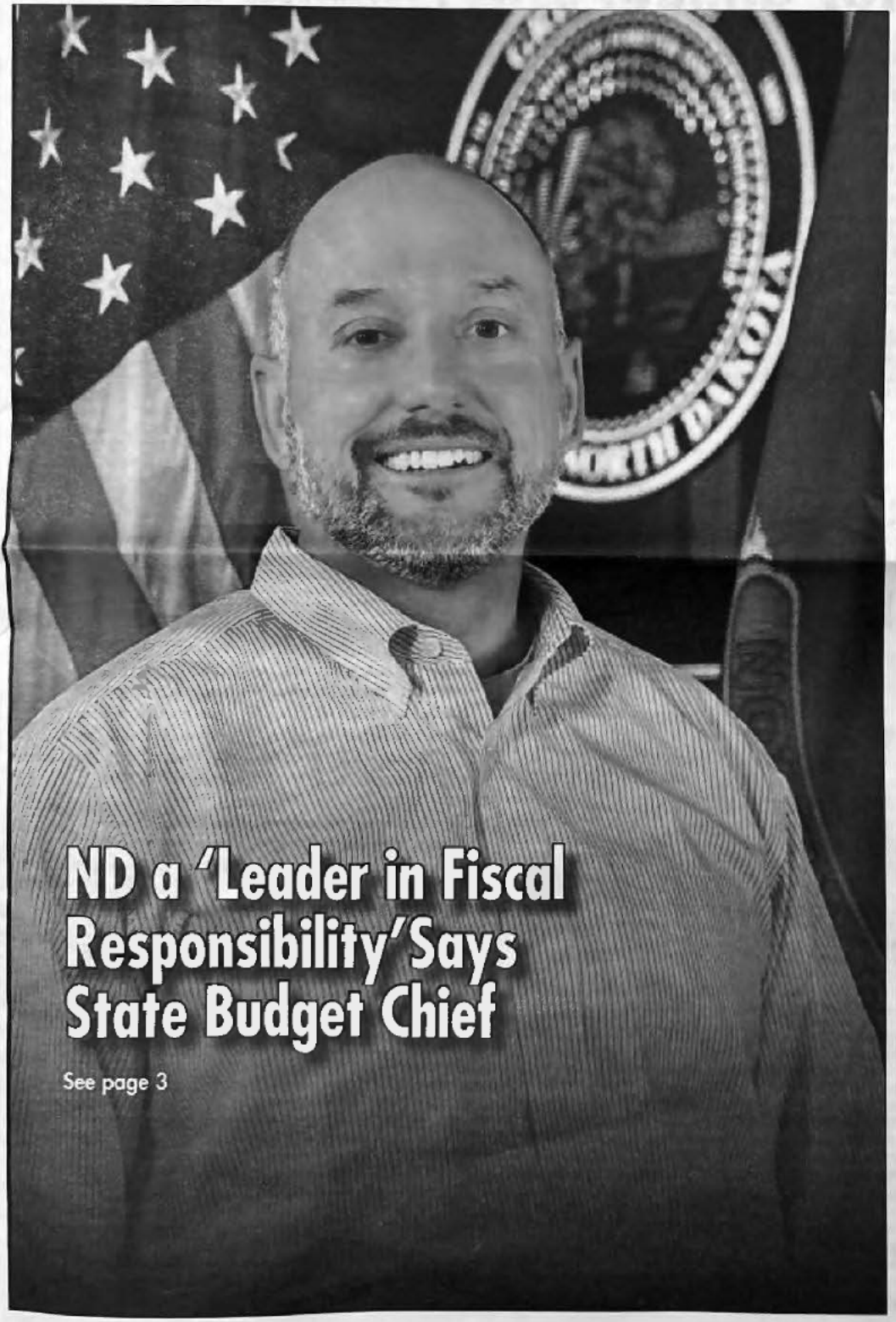
Real data. Real value. Real news.

January 2025 centralndnews.com

2045 W. Grand Ave. Ste. B
Chicago, IL 60612-1577 US

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5220**********ECRLOT**C008 P-1 P87
Derrick Braaten
2004 Lincoln Pl
Mandan ND 58554-2367



ND a 'Leader in Fiscal Responsibility' Says State Budget Chief

See page 3

Bismarck-Mandan MPO calls for public input on transportation amendments

CENTRAL ND TIMES REPORTS

The Bismarck-Mandan Metropolitan Planning Organization conducted a public hearing on proposed amendments to the 2025-2028 Transportation Improvement Program (TIP), alongside the regular meeting of the MPO Technical Advisory Committee, on January 16.

The hearing facilitated public participation in reviewing changes to the TIP, which outlines federally funded transportation projects for the metropolitan area over four years. This month, three new chip seal projects were up for consideration.



Gary Stockert

The next Technical Advisory Committee meeting will take place on Feb. 20 at 10 a.m.

Citizens are urged to submit their comments on hearing items by emailing mpo@bismarcknd.gov, no later than 5 p.m., one business day prior.

Community members can attend the meetings or submit their comments. Comments should be directed to Stephen Larson of the MPO. For more details, contact Stephen Larson at (701) 355-1848.

Government Access Channels 2 & 602HD broadcast meetings, also streamed live via Dakota Media Access dakotamediaaccess.org.

Individuals requiring disability accommodations or language assistance should reach out to the Title VI/ADA Coordinator at (701) 355-1332 or via email. TTY users can connect through Relay North Dakota at 711 or 1-800-366-6888 with a minimum five-day notice before the meeting.

Bismarck seeks community photo submissions for annual storytelling project

CENTRAL ND NEWS REPORTS

The City of Bismarck has extended its call for community photos for the year 2024. This initiative invites residents to capture and submit images that reflect the beauty and character of Bismarck.

Photos must be taken within the city limits during 2024 and submitted through an online form. Communications Strategist Kalen Ost stated, "This initiative allows residents to contribute to the City's visual storytelling. We encourage everyone to share their favorite moments and images of Bismarck from the past year."

Selected photographs may feature in both print and online publications by the City of Bismarck, as well as in marketing materials, with a winning photo being highlighted among submissions.

The guidelines for submission specify that photos must have been taken in 2024 within Bismarck. By submitting, participants agree that their photos may be used without payment or other consideration indefinitely. Submitters must also certify they have obtained necessary permissions from individuals depicted in their photos, with parental consent required for minors.

Participants need to be of legal age, and by submitting, they agree to indemnify the City against any claims related to their photos. Submissions will be accepted until 11:59 PM on Friday, February 28. For more information or inquiries, Kalen Ost can be contacted at 701-355-1300 or via email.



Communications Strategist Kalen Ost

Burleigh County Sheriff's *Department announces K9 Pallo receives body armor*

CENTRAL ND NEWS REPORTS

The Burleigh County Sheriff's Department announced last month that K9 Pallo has received a bullet and stab protective vest, thanks to a donation from the non-profit organization Vested Interest in K9s, Inc.

According to the Facebook announcement, K9 Pallo's vest was sponsored by Sonja Yagel from Rougemont, NC, and features an embroidery reading "In memory of Ben."

Vested Interest in K9s, Inc., a 501(c)(3) non-profit organization, provides essential resources such as bullet and stab protective vests and opioid reversal kits to law enforcement dogs across the United States. Since its inception in 2009, the organization has donated over 5,878 K9 ballistic vests and 3,300 NARCAN kits. Additionally, it has contributed more than $469,840 in medical insurance premiums through its Healthcare for K9 Heroes program. The organization has also provided over $186,621 in medical first aid kits and funded decoy training seminars. It supports law enforcement further by donating custom-fitted patrol vehicles and advanced training equipment.



Burleigh County Sheriff's Office K9, Burleigh County Sheriff Kelly Leben

The custom-built ballistic vests from VIK9s are designed for maximum comfort and protection for working K9s. These vests feature a heavy-duty zipper, velcro, and snap system for ease of use. They include a Dri-lex mesh liner for comfort and an adjustable girth with a paracord lacing system. Dual D-rings are included for leads and ID tags on both sides. Made in the USA with NIJ-certified ballistic panels, these vests offer vital organ protection during service.

The Burleigh County Sheriff's Department is led by Sheriff Kelly Leben and oversees various divisions including warrants, transports, civil duties, court security, administrative tasks, and training sections. The department manages civil process duties such as alcohol monitoring and transports while handling over 3,000 active warrants and 1,000 annual transports.

FROM THE PUBLISHER

We've been publishing Central ND News online for four years.

Our goal is two-fold: (1) to provide news about state and local policy matters and politics to help you assess whether the policy decisions made by your elected officials are aligned with your values and to explain how those decisions impact your quality of life; and (2) to offer quality local content to help you stay abreast of what's happening in the community you call home.

We will present the policy arguments being made and frame the choices being offered in order to foster a dialogue that produces the most productive outcomes available.

We will provide contextual and consequential information to give you the whole story. This is a community forum where we speak with you rather than talking at you.

Consistent with that notion, we want to hear from you. We welcome your story ideas, your editorial submissions, and your constructive critiques. Tell us which stories you find helpful, which stories you enjoy and, conversely, which stories missed the mark.

You can email your ideas or requests to receive future print copies to news@centralndtimes.com.

Thank you,
Central ND Times Publishers

ND Budget Director: 'North Dakota remains a leader in fiscal responsibility and transparency'

CENTRAL ND NEWS REPORTS

North Dakota's Office of Management and Budget (OMB) Director said the state is a "leader in fiscal responsibility" following the publication of the 2024 Annual Comprehensive Financial Report (ACFR), which details the state's financial activities for the fiscal year spanning July 1, 2023, to June 30, 2024.

"North Dakota remains a leader in fiscal responsibility and transparency," OMB Director Joe Morrissette said. "Our ACFR, along with innovative tools like real-time financial dashboards, demonstrates our dedication to providing accessible and reliable financial information for all North Dakotans."

> "Our ACFR, along with innovative tools like real-time financial dashboards, demonstrates our dedication to providing accessible and reliable financial information for all North Dakotans."
> **- OMB Director Joe Morrissette**



North Dakota Office of Management and Budget Director Joe Morrissette

According to a press release, the report highlights North Dakota's strong fiscal performance for 2024, with an 11.2% increase in net position and a 12.4% growth in the general fund balance over the previous year.

In regards to transparency, the state has earned an "A" grade and the top national ranking in the Truth in Accounting report and received the GFOA's Certificate of Achievement for Excellence in Financial Reporting for the 33rd consecutive year.

"The ACFR is an essential resource for understanding the state's financial performance over the past fiscal year," Morrissette said. "I want to recognize the incredible efforts of our OMB ACFR team and fiscal professionals from across state government who collaborated to ensure this report is both accurate and timely. Their dedication highlights our commitment to financial transparency and accountability."

The ACFR offers a thorough overview of the state's financial status, including government-wide financial statements, fund financial statements, and statistical data. It serves as a vital resource for stakeholders seeking insight into North Dakota's fiscal health and economic performance over the specified period.

North Dakota offers financial aid for kinship caregiver guardianship

PEACE GARDEN NEWS

North Dakota Health and Human Services (HHS) has announced the availability of funding assistance for kinship caregivers seeking legal guardianship. Through the HHS Kinship-ND program, eligible caregivers can apply for up to $2,500 to assist with the initial guardianship process. To qualify, caregivers must already be receiving services from Kinship-ND.

Kinship caregivers are individuals who provide full-time care and support for children unable to remain safely in their parents' homes. These caregivers may include grandparents, aunts, uncles, godparents, older siblings, extended family members, or close family friends known as fictive kin.



Cory Pedersen, Director of HHS Children and Family Services

Currently, over 765 caregivers in North Dakota are providing care to more than 1,325 children under kinship arrangements. "We are happy that funds are now available to help kinship caregivers provide safe and stable homes in familiar environments," stated Cory Pedersen, Director of HHS Children and Family Services. "Kinship care is one of the best ways to keep families connected and at the same time ensure the safety and well-being of children."

State Game and Fish honors employees with performance-based awards

PEACE GARDEN NEWS

North Dakota Game and Fish Department Director Jeb Williams recently honored several employees with performance-based awards. The awards were presented during the department's staff meeting in December.

Paul Bailey, the south central district fisheries supervisor based in Bismarck, received recognition for his research and management of Lake Oahe along with 90 fishing waters in south central North Dakota.

Dale Repnow, a procurement officer also from Bismarck, was acknowledged for his knowledge, work ethic, dedication, and willingness to assist others.



Jeb Williams Director

Greg Freeman, who serves as the communications supervisor in Bismarck, was commended for his leadership, innovative ideas, and commitment to expanding outreach and marketing efforts.

Justin Mattson, an administrative staff officer located in Bismarck, was recognized for his contributions across various divisions and for overseeing several major building projects.

Hoeven: 'Border security is national security'

CENTRAL ND NEWS REPORTS

North Dakota Sen. John Hoeven said a recent court decision blocking the Biden administration from selling border wall materials is a crucial step in preventing further delays to construction and emphasized the importance of completing the border wall to combat drug and human trafficking.

"This decision helps ensure the Biden admin can't slow border wall construction any further before Pres. Trump takes office," Hoeven wrote in a Dec. 31 social media post on X. "We will continue working to secure funding to complete the border wall to help stop drug and human trafficking. Border security is national security."

Attached to Hoeven's social media post was an article from National Review, reporting that a federal judge has ordered the Biden administration to cease the sale of border wall materials, following a lawsuit initiated by Texas Attorney General Ken Paxton.

The court's decision mandates a 30-day suspension on further sales of these materials and requires the administration to provide documentation ensuring compliance with a prior ruling that obligates the use of allocated funds for border wall construction. This action comes after reports surfaced alleging that the administration had been discreetly removing and auctioning off components intended for the southern border wall, with some items reportedly sold at significantly reduced prices.

According to the New York Post, the court's ruling not only halts the sale of these materials but also emphasizes the necessity for transparency and adherence to legislative directives concerning border infrastructure projects.

The Biden administration must halt any further disposal of border wall materials for the next 30 days and furnish the court with documentation verifying compliance with existing legal obligations regarding the use of funds designated for border security. Failure to adhere to this order could result in sanctions or charges of contempt.

Sen. John Hoeven, a Republican, has served in the U.S. Senate since 2011. He previously served as North Dakota's governor from 2000 to 2010, making him one of the longest-serving governors in the state's history. He is a strong advocate for rural communities and American energy independence, leveraging his leadership roles on key Senate committees to advance these priorities.



North Dakota Sen. John Hoeven

Lower Heart Levee *Project set to begin* bidding process by fall

CENTRAL ND NEWS REPORTS

Mandan City Commissioners have approved a Federal Emergency Management Agency (FEMA) grant for the first phase of the Lower Heart Flood Risk Reduction project. This phase includes funding for final engineering and design plans, benefit cost analysis, and environmental compliance. The construction phase will follow once this is completed and receives FEMA approval.

A 2012 FEMA study indicated that the Heart River levee system could not withstand a 100-year runoff event. A subsequent study in 2018 by the Lower Heart Water Resource District (LHWRD) reduced but did not eliminate necessary improvements. The levee system extends from the second railroad bridge west of Mandan to where the Heart River meets the Missouri River.

The project involves replacing a concrete floodwall, raising parts of the levee, extending a stability berm, addressing seepage issues, and improving interior drainage. The area benefiting from these improvements includes critical infrastructure such as police and fire stations, city administration buildings, and more.



Jim Neubauer

The total project cost is estimated at $24.5 million, with $13.8 million expected from federal funds. North Dakota will contribute $5.1 million, while local sources will provide $5.5 million.

In 2022, Mandan approved a special assessment district for this project affecting both commercial and residential properties in two tiers based on potential flood impact. Initial estimates have decreased due to additional grants obtained by the city and LHWRD.

The bid package is anticipated to be released in fall 2025 or spring 2026, with construction planned for 2026-2027 and completion in 2028. Property owners may see assessments on tax statements by late 2028.

The LHWRD manages over 12,000 acres with funding through Morton County allocations.

For more information on this project, visit mortonnd.org/lowerheartwaterdistrict.

North Dakota awards over $1 million to tech, manufacturing firms

CENTRAL ND NEWS REPORTS

The North Dakota Department of Commerce has announced the allocation of $1,044,000 through the Legacy Investment for Technology (LIFT) program's One-Time Funding Round to four companies. The awards were distributed in December to businesses engaged in technology and manufacturing sectors.

CorVent Medical, based in Fargo, North Dakota, received $296,500. The company is noted as the only U.S.-owned designer and manufacturer of mechanical ventilators. Dynon Avionics, also located in Fargo but headquartered in Woodinville, Washington, was awarded $296,500. This company specializes in designing and manufacturing avionics systems for small aircraft.

Project Phoenix, another Fargo-based company, was granted $100,000. It provides a software platform that automates the creation of secure Application Programming Interfaces (APIs), aiding data management across various industries. Valor Victoria from West Fargo received $351,000. This woman-owned business operates within the intermodal rail services industry and is developing a platform for real-time container tracking.



Shayden Akason

Shayden Akason, Commerce Head of Investments said: "The LIFT program is a vital resource for fostering innovation and supporting North Dakota's growing tech and manufacturing sectors." He added that this funding round emphasizes their commitment to empowering businesses that contribute to economic diversification within the state.

The LIFT program offers innovation loans aimed at advancing technology by financing intellectual property commercialization within North Dakota. Managed with assistance from the Bank of North Dakota, LIFT loans feature 0% interest for the first three years and 2% for the following two years before aligning with standard bank rates thereafter.

For more information on application guidelines and program details, visit belegendary.link/LIFT.

Bismarck Public Schools announces board appreciation month

CENTRAL ND NEWS REPORTS

Bismarck Public Schools has designated January as school board appreciation month to acknowledge the efforts of its board members. The announcement was made via a Jan. 2 Facebook post.

According to Bismarck Public Schools, the Bismarck School Board is comprised of five members who serve four-year terms. They govern the district through a coherent governance model, with the superintendent acting as the CEO. Each board member, except for the president, manages a portfolio linked to strategic priorities such as operational, personal, learning, or environmental excellence.

The board is accountable for student outcomes and promotes collaborative dialogue with stakeholders to align with the district's mission, vision, and core values of excellence, inclusion, innovation, and leadership.

The Bismarck School Board is led by President Dan Eastgate. Vice President Josh Hager oversees operational excellence. Other members include Jon Lee focusing on personal excellence; Donnell Preskey responsible for environmental excellence; and Amanda Peterson leading learning excellence. Dr. Jeff Fastnacht serves as the superintendent and CEO.



Dan Eastgate, Josh Hager, Jon Lee, Amanda Peterson, Donnell Preskey, Bismarck Public Schools board members

Bismarck Public Schools (BPS), located in Bismarck, North Dakota, is the largest school district in the state. It serves 13,678 students with 2,169 employees and was established in 1874. The district includes multiple educational institutions and programs such as a Career Academy and Technical Center. BPS emphasizes its mission of empowering every learner to thrive with a vision centered on building inclusive and innovative environments.

Mandan High School construction students building tiny home for sale

CENTRAL ND NEWS REPORTS

Mandan Public School District has announced that students from Mandan High School are engaged in designing and constructing a Tiny Home this semester, which will be available for purchase. This announcement was made via Facebook on January 3.

According to the school district, the Tiny Home is being built by students and is intended for use as a private guest space at a home or vacation property. Buyers have the option to choose finishings if they pre-purchase the home. The project aims to provide students with practical experience in design and construction. Further details about the project can be found on the Mandan Public School District's Facebook page.

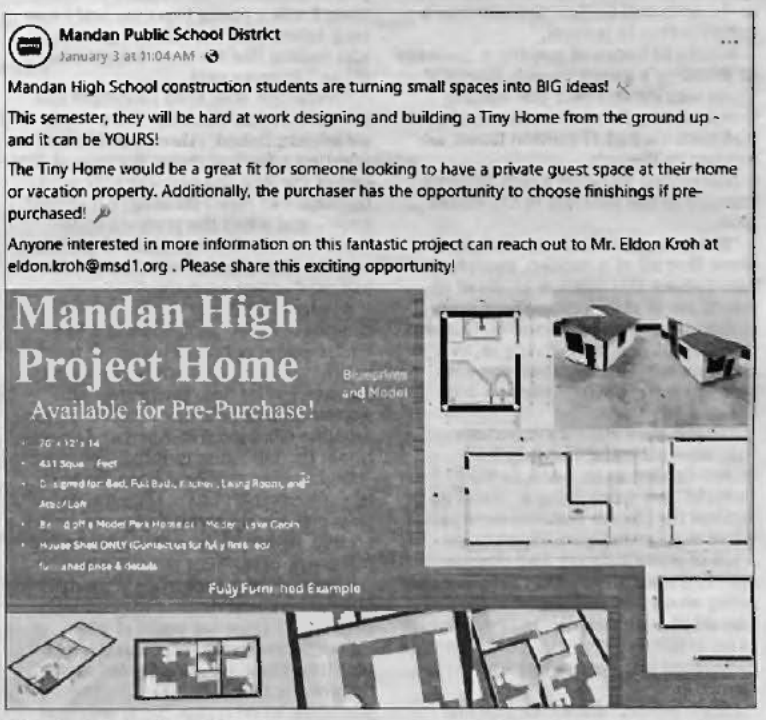
Mandan High School, located at 2335 4th Ave NW, Mandan, ND, is under the leadership of Principal Mark Andresen. The administrative team includes Assistant Principals Aaron Koenig and Alyssa Caya, along with Activities Director Mark Weist. The school admits students who have completed 8th grade with recommendations from their previous school. Transfer students must submit a satisfactory transcript and a North Dakota Department of Health Certificate of Immunization.



Dr. Mike Bitz, Mandan Public School District superintendent

New students are required to present proof of identification through student records or a certified birth certificate. According to Mandan High School, the building operates from 7:30 a.m. to 4:00 p.m. on school days.

The Mandan Public School District states that its School Board consists of nine members serving as the policy-making body for the district, with authority only during formally called meetings. The Board sets policies, approves budgets, establishes goals, manages property, and acts as a link between the district and the public. Members also participate in various district and non-district committees. The Board includes President Sheldon Wolf and members Rick Horn, Amy Schanandore, Marnie Piehl, Kama Hoovestol, Darren Haugen, Lori Furaus, Tom Peters, and Jake Schmidt. It operates with standing committees focused on facilities, finance, policy, personnel, and student achievement under Superintendent Dr. Mike Bitz.



Mandan Public School District post

Former Dakota Access Pipeline protestor: 'We ended up creating a local ecological disaster'

CENTRAL ND NEWS

A former social media content producer is reflecting on what she and thousands of other like-minded activists actually accomplished at the Dakota Access Pipeline protests in 2016, describing in hindsight their efforts as "a misplaced movement of idealistic people" that resulted in a "local ecological disaster"—over a pipeline that now provides reliable energy to a large region of the U.S.

Lucy Biggers worked at Now This News in New York City in her mid-20s, creating online content for the progressive-leaning organization's social media channels and their sizable following.



Lucy Biggers

> "I am suspicious of anything that goes super-viral now and becomes a trendy movement, I am going to be suspicious of that. I think if it seems too simple and too black-and-white, then you don't have all the information."
> **- Lucy Biggers**

In October 2016, Biggers saw a video featuring actress Shailene Woodley, who had received an award from the Environmental Media Association. The award was presented to Woodley based on her activism in opposition to the construction of the Dakota Access Pipeline, a 1,172-mile-long pipeline running from western North Dakota to southern Illinois.

The evening of the awards ceremony, Woodley was accompanied by members of the Standing Rock Sioux Tribe – whose reservation and water source, Lake Oahe, is located near the construction site – and in her acceptance speech, encouraged the audience to go to the area and protest the pipeline's construction in person.

Within 24 hours of posting a montage of Woodley's award speech, Biggers' video was viewed over one million times, and by December, the viral post had been viewed 17 million times, according to Biggers.

Answering Woodley's call, Biggers traveled to the protests in December 2016.

"It was such a viral moment, in the sense that all of a sudden, everybody cared about this topic. It kinds of reminds me of the George Floyd protests in 2020, where all of a sudden, this was the issue. When I was flying in, every single person on my plane was also going to the protests," Biggers told Central ND News.

"There were military members that were all going and they had crowd-funded to go, because they thought they were going to stand up against the [North Dakota] state police when they were there. There were a ton of sustainability and climate activists and influencers that were also going who I was connected with, and it was all of a sudden this big momentum to go. It felt like everyone in the climate movement was descending on it at the same time."

Biggers described a collegial and almost music festival-like atmosphere when she arrived at the Standing Rock protest camp.

"I never saw anything that was nefarious or necessarily illegal when I was there, everyone was already established in this site. There was this huge campsite of hundreds of tents and trailers and everything. It was very jovial, flags and cook tents, and everyone was so welcoming, and feeling like you're connected by a cause. At the time, I was a young reporter and I was very taken with the vibes, I guess, and just feeling like we were doing something," Biggers said.

"Although now, with hindsight and maturity, I don't exactly know what we accomplished, other than kind of creating a festival there. Because at the end of the day, the pipeline still went through – as now I do believe it should have – and when the protests ended, there was a million pounds of garbage left. We ended up creating a local ecological disaster by going."

At other times during the protests, clashes between protestors and law enforcement personnel ensued, resulting in numerous arrests and property damage by the time the protest site was cleared in February 2017, with the pipeline completed in April and operational the following month.

Eight years removed from the posting of her viral videos, Biggers, now 34, feels differently about her protest advocacy. Although, she said, she began to have doubts about the effectiveness of the protests as soon as six months after she visited them, and gradually began to change her point of view.

"Is that really the best thing to protest? Pipelines are actually better for the environment than putting these [fossil fuels] on trains. So, it was sort of a misplaced cause. I kind of felt that way, but I didn't necessarily ever admit that to myself. Hindsight is 20/20," Biggers said to Central ND News.

"Then, I think, now with so many years behind me, it's easier to put my thoughts into focus and come up with why my opinions changed. I don't think there was one specific moment where that was the light bulb moment, it was almost like the doubts were always there, and it just grew and grew and grew over time."

Biggers spoke further about where her perspective on the subject stands now.

"My perspective today is what I would call much more realistic, and just grounded in the facts and reality of an energy system and climate change. I say this in my [article in The Free Press]: Yes, the climate is warming, but if we were to cut off access to affordable fossil fuels tomorrow, that would be thousands of times worse than what we're seeing from climate change," she said.

"I think we're seeing this gradual warming of the planet that's causing issues like sea level rise and more extreme heat, but we're able to adapt to those things because we have fossil fuels, right? I live in Connecticut and I can heat my home in the winter and I can cool my home in the summer, because I have access to affordable energy. If I was no longer to have that affordable energy in the form of fossil fuels, we have two crises now: We have climate change, which is already happening, and then we don't have affordable energy."

In retrospect, Biggers felt the protests were "a misplaced movement of idealistic people who saw the world in very black-and-white thinking," herself included.

She said she now realizes that having affordable energy produced domestically and transported safely within the U.S. provides many benefits and "outweighs the risk of the climate change that we're seeing," and added it was her hope that zero-carbon alternatives become more affordable and scalable for future use.

Biggers also provided advice for those, especially younger people, who may feel compelled to participate in another "viral movement" in the future.

"I am suspicious of anything that goes super-viral now and becomes a trendy movement, I am going to be suspicious of that. I think if it seems too simple and too black-and-white, then you don't have all the information. And also understanding that social media and our algorithms, they are responding to what you like and you're going to get fed things that have opinions you agree with, and that's going to get you more likely to have black-and-white thinking," Biggers said.

"For younger people who have less lived experience, they're going to be more vulnerable. At this point in my life, I'm older, so I'm inoculated to it from life experience, where I'm going to be less passionate about any given topic and be more measured, and take my time to come up with a given opinion."

Biggers advised younger people to take the time to do research and see multiple sides of an issue before taking a position on it.

"Even if your view doesn't change, you may realize it's more nuanced and more complicated, and maybe you realize it's not necessarily worth protesting, but there are other ways you can make a change," Biggers said.

Gas prices from around the state

The table below lists gas stations and their prices for regular gas in the state, as reported by consumers on GasBuddy.com.

Highest Reported Price	Station Name	Address	City
$2.84	Mobil	1323 Border Ln	Washburn
$2.84	Conex	113 1st Ave N	Ellendale
$2.84	Conex	2006 E Broadway Ave	Bismarck
$2.84	Shell	153 Case St	Washburn
$2.84	ARCO	1833 E Main Ave	Bismarck
$2.84	Little Dukes	1144 Bismarck Expy	Bismarck
$2.84	Conex	2520 Centennial Rd	Bismarck
$2.84	Casey's	323 1st Ave S	Ellendale
$2.83	Mobil	1120 Tacoma Ave	Bismarck
$2.79	Exxon	3921 Trenton Dr	Bismarck
$2.79	Holiday	3815 Trenton Dr	Bismarck
$2.79	Holiday	3600 State St	Bismarck
$2.79	Casey's	218 1st St N	New Rockford
$2.79	Casey's	909 S 7th St	Oakes
$2.79	Conex	3801 Rosser Ave	Bismarck
Highest Reported Price	Station Name	Address	City
$2.79	Holiday	905 E Bismarck Expy	Bismarck
$2.79	ARCO	709 3rd Ave NW	Hazen
$2.79	Conex	109 Industrial Park	Edgeley
$2.78	Conex	700 4th Ave NE	Hazen
$2.77	Casey's	309 N Us Hwy 281	Carrington
$2.74	Shell	629 Mitchell Ave N	Steele
$2.72	Conex	2825 US-83 N	Max
$2.69	Sinclair	1412A US-83 N	Coleharbor
$2.59	ARCO	2015 8th Ave SW	Jamestown
$2.59	Exxon	808 20th St SW	Jamestown
$2.58	ARCO	420 10th St SE	Jamestown
$2.58	Shell	2315 US-281 S	Jamestown
$2.58	Jetstream Car Wash	1001 6th Ave SE	Jamestown
$2.58	Conex	920 4th Ave SE	Jamestown
$2.56	Casey's	1003 13th St No	Jamestown
$2.56	Casey's	1219 Business Loop E	Jamestown
$2.56	Cash Wise Foods Grocery Store	410 10th St SE	Jamestown
$2.55	Costco	1325 57th Ave No	Bismarck
$2.49	M & H	325 1st Ave S	Jamestown
$2.49	Conex	811 13th St NE	Jamestown

WHAT THEY ARE SAYING about the U.S. Border Crisis

"We will send elite squads of ICE, border patrol, and federal law enforcement officers to hunt down, arrest, and deport every last illegal alien gang member - If they come back into our country, it's an automatic 10 years in jail with no possibility of parole."



– President Donald Trump

"Over the last four years, our nation has experienced an unprecedented surge in illegal crossings at the U.S.-Canada border. The escalating crisis at the northern border must be addressed, and we must take action to combat the growing threat our communities face."



– U.S. Sen. Kevin Cramer (R-ND)

"Homeland Security Secretary Mayorkas must be held responsible for failing to uphold the law and secure the border. The record increase of illegal crossings at the southern border poses a threat to U.S. national security and is directly linked to his willful and systemic refusal to comply with the law."



- U.S. Sen. John Hoeven (R-ND)

"Records of illegal crossings at the southern border are getting broke left and right. This is insanity. Secure. The. Border."



- Gov. Kelly Armstrong (R-ND)

ND News Co-op says it has 'no position opposing or promoting oil and gas development' after partnering on pipeline story with group funded by anti-oil, gas activists

CENTRAL ND NEWS REPORTS



Michael Standaert, correspondent, ND News Cooperative, left, Miranda Green, Floodlight News, center, and imprisoned DAPL saboteur Ruby Montoya | Newscoopnd.org / X / YouTube - Democracy Now

A North Dakota News Cooperative correspondent said his organization has "no position opposing or promoting oil and gas development" in the state after partnering with a group funded by organizations opposing oil and gas development.

The cooperative co-published a story Nov. 1 with an organization called "Floodlight News." That article was, in part, about the Dakota Access Pipeline (DAPL).

Co-op correspondent Michael Standaert shared a byline on the story with Floodlight's Miranda Green.

Among Floodlight's funders is the Tides Foundation, "a major center-left grantmaking organization and a major pass-through funder to numerous left-leaning nonprofits," reported Influence Watch.

The group had $581 million in revenue and $979 million in total assets, according to the foundation's 2022 IRS 990 forms.

Floodlight received $45,000 from the Tides Foundation in 2021 and 2022.

The Tides Foundation in 2014 funded a group that promoted the work of a now-imprisoned woman charged with "domestic terrorism" over her attempted sabotage of the DAPL.

That group, Media Island International/Rising Tide North America, received at least $40,771 from Tides, according to IRS reports.

Rising Tide North America in October 2016 listed Ruby Montoya as a press contact on its website.

Montoya was sentenced in 2022 by a federal court to serve six years in prison for Conspiracy to Damage an Energy Facility for numerous acts to damage the DAPL in Iowa and South Dakota.

"Specifically, Montoya admitted to damaging and attempting to damage the pipeline by: (1) using an oxy-acetylene cutting torch to burn holes in the pipeline, and (2) setting fire to pipeline instrumentation and equipment in Mahaska, Boone, and Wapello Counties within the Southern District of Iowa," said a press release from the U.S. Attorney's office for the Southern District of Iowa.

Montoya "and 42-year-old activist Jessica Reznicek snuck through security fences, set fire to equipment and used chemicals to burn holes in the pipeline itself from 2016 to 2017, according to their plea agreements," reported WBDO Radio. "In 2021, after pleading guilty to one count of conspiracy to damage an energy facility, Reznicek was sentenced to eight years in prison."

"Notably, both women faced sentencing enhancements under a criminal statute designed to penalize acts of domestic terrorism," said the news report.

Kathryn Snyder, a senior advisor at the Tides Foundation, who describes herself as "a queer, gender nonconforming black woman," wrote in January 2017 of her participation in the anti-DAPL protests and wrote that "Tides stands with" the anti-DAPL movement.

The protests, which occurred in 2016 and 2017, aimed to halt the construction of the reported $3.8 billion pipeline and "drew thousands of people to camp out" in Morton County, the Associated Press reported.

The protests resulted in 761 arrests, according to MPR News. Charges ranged from trespassing to more severe offenses. A significant number of those arrested were from out of state.

Certain days of the protests resulted in dozens of arrests, such as February 1, 2017, when 76 people were arrested after Morton County Sheriff's Department spokesperson Rob Keller said a "rogue group of protesters" had trespassed on private property.

The State of North Dakota is currently suing the federal government to "recoup $38 million it claims it spent policing the protest camps," Source NM reported.

Attorneys for North Dakota reportedly argued in court records that the protests "resulted from an illegal occupation on federal lands and led to 'frequent outbreaks of illegal, dangerous, unsanitary, and life-threatening activity on federal, state and private property.'"

North Dakota Special Assistant Attorney General Paul Seby said in court that the aftermath of the protests "required a four-day cleanup of the camp and 600 bins to remove 9.8 million pounds of trash," according to MPR News.

Floodlight, which says it "investigates the corporations and political interests stalling climate action," is also funded by Rockefeller Family Fund's Funder Collaborative on Oil and Gas, which said in a 2022 press release that it "makes grants to organizations fighting oil and gas infrastructure."

This organization also gave the Tides Foundation $125,000 in 2022 and the affiliated Tides Center $190,000 that same year, according to IRS reports.

"We have no position opposing or promoting oil and gas development in North Dakota," Standaert told Central ND News. "People quoted in our stories may have a position either way, but we do not have a position.

When asked about the funders of Floodlight, the group with which he shared a byline, Standaert said Central ND News would have to "talk to them (Floodlight) about their funding."He said he would've done the story "with or without Floodlight."

Standaert joined the co-op in 2023 after living and working in China for sixteen years, according to his bio on the organization's web site.

Standaert's co-author, Miranda Green, is based in Los Angeles and reports on "climate focused projects," according to her personal website.

Standaert's and Green's story was, in part, about Central ND News reporting on the DAPL protests, with the duo writing, "the protests over the pipeline are old news."

The featured photo for their story, however, highlights a Sept. 18 Central ND News story, "Canadian national faces 20 years in federal prison for acts of sabotage against Dakota Access Pipeline, Keystone Pipeline," regarding a new development over a man charged with violent acts as part of a DAPL protest.

That story, which was also covered by numerous North Dakota and national news outlets, including CBS News, was regarding Cameron Monte Smith, a 49-year-old Canadian national who pled guilty in September to shooting an electricity substation in North Dakota and the Keystone Pipeline in South Dakota, both linked to protests against the Dakota Access Pipeline (DAPL).

The state of ND's ongoing litigation against the federal government over the DAPL protests also makes stories about the pipeline protests new and relevant.

Founded in 2021, the ND News Cooperative is a 501(C)3 nonprofit that says it was started "to bring reliable, dependable journalism about North Dakota to North Dakotans."

While both the cooperative and Floodlight list their donors on their site, their news story about the pipeline does not mention Floodlight's funders' anti-oil and gas advocacy, specifically the group's opposition to the DAPL and support for DAPL protestors.

WEDNESDAY, JAN. 22
2025 ND Pro-Life Conference
WHEN: 9 a.m.-3 p.m.
WHERE: North Dakota Heritage Center & State Museum, 612 E. Blvd. Ave., Bismarck
PRICE: $25

The TummyTime!™ Method Baby PLAY Class
WHEN: 11 a.m.
WHERE: 1138 N. 3rd St., Bismarck
PRICE: $15-60

Free Senior Activities: Cards
WHEN: 1 p.m.
WHERE: 2600 46th Ave. SE, Mandan

Winter Daze Free Water Aerobics
WHEN: 4:15 p.m.
WHERE: Mandan Aquatic Center, 901 Division St., NW, Mandan

Intermediate Dog Training
WHEN: 6-7 p.m.
WHERE: 1511 Lockheed Drive, Ste 5, Bismarck
PRICE: $125

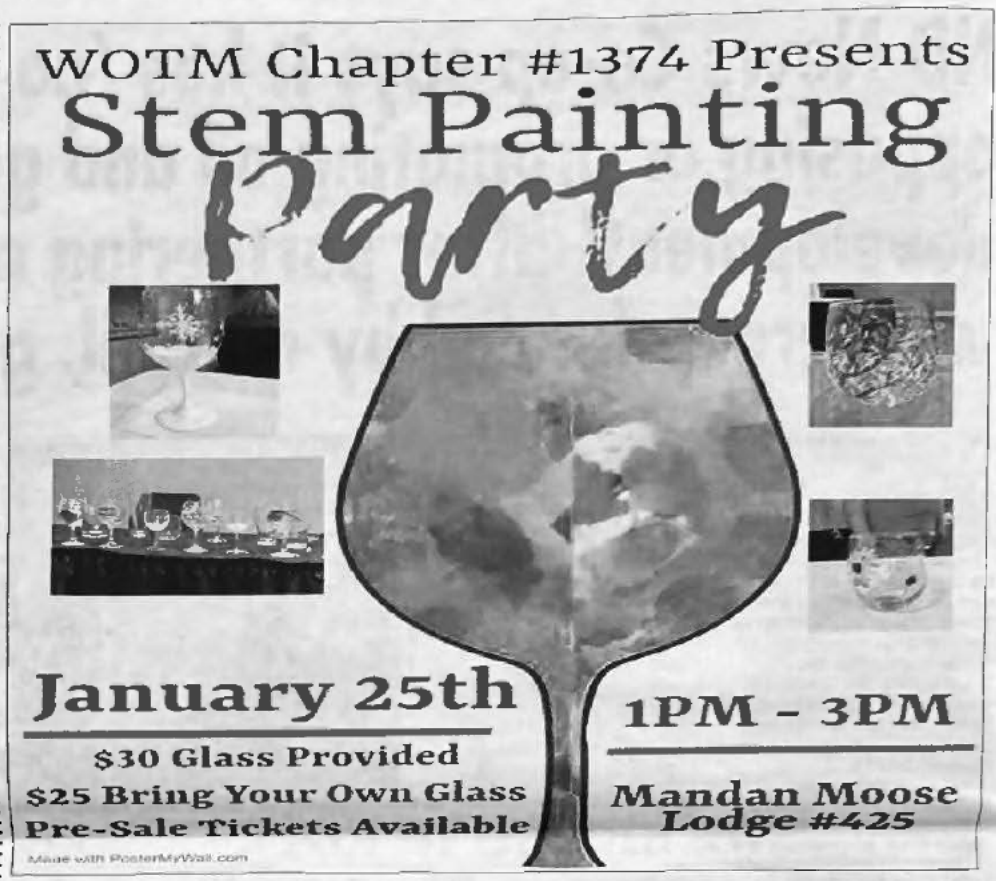
THURSDAY, JAN. 23
Free Senior Activities: Bingo
WHEN: 1 p.m.
WHERE: 2600 46th Ave. SE, Mandan

2025 Winter White Party
WHEN: 6-8:30 p.m.
WHERE: North Dakota Heritage Center & State Museum, 612 E. Boulevard Ave., Bismarck
PRICE: $50-100

Phat Fish Comedy Night
WHEN: 7-8:30 p.m.
WHERE: Phat Fish Brewing LLC, 1031 Villard St., West Dickinson
PRICE: $10-150

Bring In the New Year Speed Dating
WHEN: 7-10 p.m.
WHERE: The Jousting Lemur, 514 E. Main Ave., Bismarck
PRICE: $35

FRIDAY, JAN. 24
Bismarck Blitz Amazing Race & Tour
WHEN: 11 a.m.
WHERE: The Gifted Bean Coffee House, 515 N. 5th St., Bismarck



WOTM Stem Painting Party ~ Open To The Public

Join the WOTM STEM Painting Party on Saturday, Jan. 25, 2025, from 1-3 p.m. at Mandan Moose Lodge #425 located at 111 11th Ave. NE, Mandan. Open to the public, this creative event invites you to enjoy painting with a STEM twist. Choose between bringing your own glass for $25 or having one provided for $30. All necessary paints and materials will be supplied—just bring your creativity and a sense of fun! Tickets are available in the Social Quarters. Don't miss this opportunity to connect, create, and enjoy a unique artistic experience open to all.

Love & Hiking Date For Couples
WHEN: 1 p.m.
WHERE: Missouri River Natural Area and Trailhead, 1472 River Drive, Northeast, Mandan

Winter Daze – Free Play @ Mandan Tennis Center
WHEN: 5-8 p.m.
WHERE: Mandan Tennis Center, 520 16th St., NE, Mandan

SATURDAY, JAN. 25
2025 WAA Wreath Cleanup
WHEN: 10 a.m.
WHERE: North Dakota Veterans Cemetery, 4606 Highway 1806, Mandan

Bismarck Blitz Scavenger Hunt
WHEN: 11 a.m.
WHERE: The Gifted Bean Coffee House, 515 N. 5th St., Bismarck
PRICE: $24



ulevents

Young Athletes Learn to Play: Basketball

Join the Young Athletes Learn to Play: Basketball event on Saturday, Feb. 1, 2025, from 9:30-11 a.m. at Fort Lincoln Elementary, 2401 40th Ave. SE, Mandan. This FREE inclusive program welcomes children of all abilities aged 2-7 to develop basic sports skills like running, kicking, and throwing in a fun and supportive environment. Registration begins at 9:30 AM, with the session running from 10:00 to 11:00 AM, focusing on basketball fundamentals. Stay tuned for additional sessions planned for Summer and Fall 2025. Don't miss this opportunity for skill-building, fitness, and fun!

Basic Dog Training
WHEN: 11 a.m.-Noon
WHERE: 1511 Lockheed Drive, Ste 5, Bismarck
PRICE: $125

SUNDAY, JAN. 26
Moose Legion All You Can Eat Breakfast Buffet
WHEN: 8:30 a.m.-Noon
WHERE: Mandan Moose Lodge #425, 111 11th Ave. NE, Mandan
PRICE: $10-13

Winter Daze – Ice Skating & Hot Chocolate
WHEN: 1-3 p.m.
WHERE: Legion Ice Skating Rink, 1111 10th Ave. SW, Mandan

Public Skating: Open Skate
WHEN: 3:30 p.m.
WHERE: Starion Sports Complex, 111 Old Red Trail, Mandan

Public Skating: Open Hockey
WHEN: 4 p.m.
WHERE: Starion Sports Complex, 111 Old Red Trail, Mandan

TUESDAY, JAN. 28
Bismarck CBMC Business Series Luncheon - Integrating Faith + Work
WHEN: 11:30 a.m.
WHERE: Dream Center Bismarck, 1805 Park Ave., Bismarck
PRICE: $25-1000

Morton County Park Board Meeting
WHEN: 4-5 p.m.
WHERE: Morton County Courthouse, 210 2nd Ave. NW, Mandan
Morton County Commission Meeting
WHEN: 5:30-6:30 p.m.
WHERE: Morton County Courthouse, 210 2nd Ave. NW, Mandan

WEDNESDAY, JAN. 29
Morton County Water Resource District Board Meeting
WHEN: 10-11 a.m.
WHERE: Missouri West Water office, 2816 37th St., NW, Mandan

WOTM Fry Bread Taco Night
WHEN: 5 p.m.
WHERE: Mandan Moose Lodge #425, 111 11th Ave. NE, Mandan

THURSDAY, JAN. 30
Know My Culture: South Korea
WHEN: 5:30-7 p.m.
WHERE: Morton Mandan Public Library, 609 W. Main St., Mandan

FRIDAY, JAN. 31
Bismarck Bash Amazing Race & Tour
WHEN: 11 a.m.
WHERE: The Gifted Bean Coffee House, 515 N. 5th St., Bismarck
PRICE: $24

SATURDAY, FEB. 1
Straw Ornament Making
WHEN: 10 a.m.
WHERE: North Dakota Heritage Center & State Museum, 612 E. Blvd. Ave., Bismarck
PRICE: $10

SUNDAY, FEB. 2
Event 7B Old Town Tavern-$100 Buy In w/ Optional $100 Add-ons-20,000 Starting Stack!
WHEN: 11:30 a.m.-11:59 p.m.
WHERE: Old Town Tavern, 109 1st Ave. NW, Mandan
PRICE: $20

TUESDAY, FEB. 4
Bismarck Bash Scavenger Hunt
WHEN: 11 a.m.
WHERE: The Gifted Bean Coffee House, 515 N. 5th St., Bismarck
PRICE: $24

WEDNESDAY, FEB. 5
SPARK at the Library
WHEN: 4:15-5 p.m.
WHERE: Morton Mandan Public Library, 609 W. Main St., Mandan

ATHLETES IN ACTION

These North Dakota athletes will be playing on college teams this week



Adison Sagaser

North Dakota State Bison
Jumps
Freshman
Legacy High School
Hometown: Bismarck
Next Game: vs. Minnesota Golden Gophers, Fri Jan. 24, 10 a.m.



Alyson Krug

North Dakota State Bison
Pole vault
Freshman
Bismarck High School
Hometown: Bismarck
Next Game: vs. Minnesota Golden Gophers, Fri Jan. 24, 10 a.m.



Anthony Doppler

North Dakota Fighting Hawks
Guard
Freshman
Century High School
Hometown: Bismarck
Next Game: vs. South Dakota Coyotes, Thu Jan. 23, 7 p.m.



Braden Brown

North Dakota State Bison
Jumps
Senior
Century High School
Hometown: Bismarck
Next Game: vs. Minnesota Golden Gophers, Fri Jan. 24, 9 a.m.



Brock Johnsen

North Dakota State Bison
Hurdles
Senior
Century High School
Next Game: vs. Minnesota Golden Gophers, Fri Jan. 24, 9 a.m.



Brooks Turner

North Dakota State Bison
Jumps and hurdles
Freshman
Century High School
Hometown: Bismarck
Next Game: vs. Minnesota Golden Gophers, Fri Jan. 24, 9 a.m.



Dylan McGlothlin

North Dakota State Bison
Sprints
Sophomore
Legacy High School
Hometown: Bismarck
Next Game: vs. Minnesota Golden Gophers, Fri Jan. 24, 9 a.m.



Gunner Swanson

UMary Marauders
Guard
Junior
Bismarck High School
Hometown: Bismarck
Next Game: vs. Minnesota Duluth Bulldogs, Fri Jan. 24, 5:30 p.m.



Hope Stein

North Dakota State Bison
Multis
Junior
Century High School
Hometown: Bismarck
Next Game: vs. Minnesota Golden Gophers, Fri Jan. 24, 10 a.m.



Lauren Ware

Texas A&M Aggies
Forward
Senior
Century High School
Hometown: Bismarck
Next Game: vs. Kentucky Wildcats, Thu Jan. 23, 6 p.m.



Logan Nissley

Nebraska Cornhuskers
Guard
Sophomore
Bismarck High School
Hometown: Bismarck
Next Game: vs. Wisconsin Badgers, Mon Jan. 20, 7 p.m.



Makayla Anderson

Concordia Moorhead Cobbers
Forward
Senior
Century High School
Hometown: Bismarck
Next Game: vs. Macalester Scots, Wed Jan. 22, 7:30 p.m.



Sydney Gustavsson

Minot State Beavers
Guard
Senior
Mandan High School
Next Game: vs. Concordia Golden Bears, Fri Jan. 24, 7:30 p.m.



Taylor Leingang

North Dakota State Bison
Junior
Mandan High School
Next Game: vs. Minnesota Golden Gophers, Fri Jan. 24, 10 a.m.



Treysen Eaglestaff

North Dakota Fighting Hawks
Guard
Junior
Bismarck High School
Hometown: Bismarck
Next Game: vs. South Dakota Coyotes, Thu Jan. 23, 7 p.m.

Exhibit 2

To Supplemental Declaration of Derrick Braaten in Support of Motion to Change Venue

(Case No.: 30-2019-CV-00180)

11:26

4

MM

Molly >

ND News Co-Op partners with group funded by anti-oil and gas activists

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Exhibit 3

To Supplemental Declaration of Derrick Braaten in Support of Motion to Change Venue

(Case No.: 30-2019-CV-00180)

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American Airlines: Bismarck flights to Chicago begin in June

See page 2

Hoeven supports bill on care for abortion survivors

PEACE GARDEN NEWS

Senator John Hoeven (R-ND) co-sponsored and voted to pass the Born-Alive Abortion Survivors Protection Act. This legislation aims to ensure that newborns who survive abortions receive appropriate medical care from healthcare practitioners.

"This legislation would require health care practitioners to provide the same care for a child born alive following an abortion attempt, as they would to any infant born. We have a responsibility to protect those who are most vulnerable and ensure they are cared for with dignity and respect," said Hoeven. "Each life is a blessing, and I will continue fighting to protect the sanctity of life."



Senator John Hoeven, U.S. Senator of North Dakota

Congress passed the Born-Alive Infants Protection Act in 2002.

This act established that any newborn showing signs of life is legally recognized as a person at birth, regardless of how they were born. However, it did not include enforcement measures for protecting these infants.

The new proposal seeks to address this gap by setting clear expectations for care, hospital transfer requirements, mandatory reporting protocols, private rights of action for mothers, and criminal penalties for healthcare professionals who fail to comply.

American Airlines to offer nonstop flights from Bismarck to Chicago

CENTRAL ND NEWS

Bismarck Airport has announced that American Airlines will commence daily nonstop flights between Bismarck and Chicago O'Hare International Airport starting June 5, 2025. This new service will provide travelers with access to over 100 connection opportunities, including destinations on the East Coast, Florida, and international locations.

Airport Director Greg Haug expressed enthusiasm about the new service.

"We were thrilled to learn about American's announcement to start service to Chicago O'Hare," said Haug. He added that American Airlines continues to be a strong partner for the airport and the region.

The flights will use an Embraer 175 aircraft, which seats 76 passengers, including a premium cabin with 12 seats.



Bismarck Airport

The schedule is set with departures from Chicago at 10:20 a.m., arriving in Bismarck at 12:40 p.m., and returning from Bismarck at 1:20 p.m., reaching Chicago by 3:27 p.m.

Jordan Pack, American's Director of Domestic Network Planning, commented on the new route.

"American is thrilled to bring new nonstop service from Bismarck to our Chicago O'Hare hub."

Pack noted that this addition complements existing services to Dallas/Fort Worth and offers convenient connections to more than 100 cities.

For further details or booking information, customers are advised to visit www.aa.com.

Bismarck Airport serves as a public airport operated by the City of Bismarck, offering routes through four commercial airlines. More information can be found at www.bismarckairport.com.

Settlement reached over ADA compliance at Starion Sports Complex

CENTRAL ND NEWS

The U.S. Attorney's Office for the District of North Dakota has reached a settlement with Mandan Parks and Recreation concerning the Starion Sports Complex. The agreement addresses allegations that certain features of the complex violate the Americans with Disabilities Act (ADA) of 1990.

The Starion Sports Complex, which opened in 2017, is an 84,000 square foot facility featuring two ice rinks, a gymnastics center, and other sports facilities. Tenants include the University of Mary, Mandan School District, Mandan Hockey Club, and Dakota Star Gymnastics.

An ADA complaint alleged that the complex was not fully accessible to individuals with disabilities. The investigation found issues such as a lack of accessible paths to visitor seating at the football field and inadequate integrated seating in the competition ice rink. Other areas like bathrooms and concourses also did not meet ADA standards.



Mac Schneider, U.S. Attorney

Under federal law, public entities must ensure their services are accessible to individuals with disabilities. Newly constructed buildings must comply with ADA requirements.

"Protecting access for individuals with disabilities is a priority for the United States Attorney's Office," said U.S. Attorney Mac Schneider. He praised Mandan Parks and Recreation for its cooperation during the investigation and commitment to addressing violations swiftly.

Assistant United States Attorneys Melissa H. Burkland and Tara Vavrosky Iversen handled this matter along with Paralegal Specialist Michelle Erdmann.

FROM THE PUBLISHER

We've been publishing Central ND News online for four years.

Our goal is two-fold: (1) to provide news about state and local policy matters and politics to help you assess whether the policy decisions made by your elected officials are aligned with your values and to explain how those decisions impact your quality of life; and (2) to offer quality local content to help you stay abreast of what's happening in the community you call home.

We will present the policy arguments being made and frame the choices being offered in order to foster a dialogue that produces the most productive outcomes available.

We will provide contextual and consequential information to give you the whole story. This is a community forum where we speak with you rather than talking at you.

Consistent with that notion, we want to hear from you. We welcome your story ideas, your editorial submissions, and your constructive critiques. Tell us which stories you find helpful, which stories you enjoy and, conversely, which stories missed the mark.

You can email your ideas or requests to receive future print copies to news@centralndtimes.com.

Thank you,
Central ND Times Publishers

North Dakota announces dates for Pride of Dakota Showcases in five cities

PEACE GARDEN NEWS

The North Dakota Department of Agriculture has announced the schedule for the 2025 Pride of Dakota Showcases. These events will take place across various locations in the state, providing opportunities for local businesses to display their products.

Agriculture Commissioner Doug Goehring expressed satisfaction with the continuation of these events.

"We are pleased to offer events around the state again this year," Goehring.

Goehring highlighted last year's success, noting that nearly 44,000 people attended and supported hundreds of local businesses.

The scheduled showcases are as follows:

- Dickinson Showcase at West River Ice Center on September 12-13: Friday from 3 p.m. to 8 p.m., Saturday from 9 a.m. to 5 p.m.- Minot Showcase at State Fair Center, Magic Place on October 24-25: Friday from 3 p.m. to 8 p.m., Saturday from 9 a.m. to 5 p.m.- Grand Forks Holiday Showcase at Alerus Center on November 14-15: Friday from noon to 8 p.m., Saturday from 9 a.m. to 5 p.m.- Fargo Holiday Showcase at Scheels Arena on November 21-22: Friday from noon to 8 p.m., Saturday from 9 a.m. to 5 p.m.- Bismarck Holiday Showcase at Event Center on December 5-6: Friday from noon to 8 p.m., Saturday from 9 a.m. to 5 p.m.

"North Dakotans are very supportive of products made, manufactured, processed or produced in the state," Goehring said about the importance of supporting local products, and encouraged continued support for local businesses throughout the year.

Pride of Dakota products can be found in many retailers across North Dakota. A full list is available on their website under the Retailers section.

The Pride of Dakota program is managed by the Business, Marketing and Information Division of the North Dakota Department of Agriculture. It offers member companies marketing and promotional opportunities such as in-store demonstrations



Doug Goehring Agriculture Commissioner

North Dakota DOT releases final improvement plan 2025-2028

PEACE GARDEN NEWS

The North Dakota Department of Transportation (NDDOT) has released the 2025-2028 Final Statewide Transportation Improvement Program (STIP). This program outlines transportation improvements to be funded with federal highway and transit funds over the next four years. The improvements cover state and county highways, urban streets, roadway safety features, bikeways, and busing programs.

An electronic version of the STIP can be accessed on the NDDOT website under "Construction & Planning" and "Transportation Plans & Programs." Physical copies are available for viewing at district offices or can be requested from the NDDOT Programming Division.

As preparations begin for the 2026-2029 STIP, public comments are being solicited until February 18, 2025. The Bismarck-Mandan, Grand Forks-East Grand Forks, and Central Dakota urban area projects are being developed by local Metropolitan Planning Organizations (MPO), while the Fargo-Moorhead area projects are handled by the local Transportation Management Area (TMA).



Mike Gerhart, Jr. Deputy Director for Administration

For comments or project suggestions, individuals should contact their district engineer, county engineer, MPO, Bureau of Indian Affairs (BIA), or other relevant agencies.

Contact information for NDDOT District Offices includes:- Bismarck District: 701-328-6950- Valley City District: 701-845-8800- Devils Lake District: 701-665-5100- Minot District: 701-857-6925- Dickinson District: 701-227-6500- Grand Forks District: 701-787-6500- Williston District: 701-774-2700- Fargo District: 701-239-8900

Local MPO contacts include:-Bismarck/Mandan MPO: 701-355-1840-Fargo/Moorhead MPO: 701-232-3242-Grand Forks/East Grand Forks MPO: 701–746–2660-Central Dakota MPO: 701–420–4524

The NDDOT assures that requests for reasonable accommodations will be considered to ensure accessibility for people with disabilities. Language interpretation and translation services will also be provided upon request.

Gov. Armstrong presents $19.89 billion state budget for 2025-2027

CENTRAL ND NEWS

Gov. Kelly Armstrong's (R-ND) executive budget recommendations for the 2025-27 biennium, presented to the Joint House-Senate Appropriations Committee in January, total $19.89 billion.

$6.6 billion is allocated to the general fund, and the plan includes funding for property tax relief, infrastructure projects, housing, and education.

The budget proposes $483.4 million for property tax relief and reform. This includes an annual property tax credit of $1,550 per primary residence over the biennium. It also introduces a cap on annual increases in local property tax budgets at 3%. The property tax relief is expected to be partially funded by earnings from the Legacy Fund, with the goal of eventually covering the entire cost through the fund's revenues.

The proposal allocates $464 million for various construction projects. This includes $300 million for a new State Hospital in Jamestown, $120 million for airport projects in Fargo, Grand Forks, and Dickinson, and $44.2 million for a Military Gallery at the North Dakota Heritage Center.



North Dakota Gov. Kelly Armstrong

Armstrong's budget designates $44.3 million for Education Savings Accounts and $50 million for higher education Challenge Grants.

Additionally, $16.1 million is allocated to staff and operate the expansion of the Grand Forks County Correctional Center as a temporary measure to address prison overcrowding.

To accommodate these proposals, the budget includes $600 million in spending reductions. These reductions involve decreasing staffing levels and postponing spending on new programs and construction projects not scheduled to begin until later in the biennium.

The budget projects oil tax revenues of $4.9 billion for the 2025-27 period, reflecting a reduction of $828 million compared to the revised estimates for the current biennium. Oil price projections are set at $62 per barrel in 2026 and $60 per barrel in 2027, with production estimates of 1.15 million barrels per day in 2026 and 1.1 million barrels per day in 2027.

Sen. Hoeven supports collaboration with Trump administration

PEACE GARDEN NEWS

Senator John Hoeven said that he will support collaborative efforts between Congress and the Trump Administration to address key issues affecting both North Dakota and the nation.

"President Trump's inauguration is the start of getting our country back on track, and we look forward to working with the Trump administration to advance the policies and priorities important to the people of North Dakota and our nation," said Hoeven.

He highlighted several areas of focus including economic growth, tackling inflation, achieving energy dominance, and supporting small businesses such as farms and ranches.

"Together with the Trump administration, we'll grow our economy, tackle inflation, make America energy dominant and support our small business, including our farmers and ranchers," he said.

Hoeven also pointed out plans for securing borders and strengthening military capabilities under Republican leadership in Congress.

"With President Trump in the White House and a Republican majority in the Congress, we'll also work to secure the border and rebuild our military to ensure our nation is safe and secure," he said.



Senator John Hoeven, U.S. Senator of North Dakota

Hoeven believes these initiatives reflect the priorities of American citizens.

"These are the priorities that the American people want to see and the ones that we'll work to advance."

Bipartisan bill aims to modernize Medicare coverage for chiropractic services

PEACE GARDEN NEWS

U.S. Senators Kevin Cramer and Richard Blumenthal have reintroduced the Chiropractic Medicare Coverage Modernization Act, aiming to expand Medicare coverage for chiropractic services. This legislation seeks to provide patients with access to non-drug alternatives for pain management by including x-rays and other diagnostic services necessary for chiropractic treatments.

Since 1972, Medicare has covered some chiropractic services, but current provisions require beneficiaries to seek diagnostic tests outside of chiropractic care before returning for covered treatment. The proposed act intends to address these limitations.

Senator Cramer emphasized the importance of reducing barriers to care, stating, "Medicare restrictions prevent chiropractors from offering patients a full scope of treatments or ordering diagnostic services for those who need them the most." He described the legislation as a means to support access to non-drug treatment options for seniors.

Senator Blumenthal echoed these sentiments, highlighting that expanding Medicare coverage would enable patients to receive quality care. "Outdated regulations make it difficult for individuals to receive affordable treatments and often block them from receiving helpful, pain-relieving services," he said.



Senator Kevin Cramer, US Senator for North Dakota

Dr. Allen Hager, President of the North Dakota Chiropractic Association (NDCA), expressed gratitude towards Senator Cramer's efforts. He noted the challenges faced by seniors in rural areas like North Dakota and stressed that health insurance should not be a barrier to accessing necessary healthcare.

The bill has garnered additional support from U.S. Senators Tammy Baldwin, Chris Coons, Steve Daines, Martin Heinrich, John Hoeven, Amy Klobuchar, Jerry Moran, Mike Rounds, and Jeanne Shaheen.

Sen. Cramer's Laken Riley Act passed by U.S. Senate

PEACE GARDEN NEWS

The United States Senate has passed the Laken Riley Act with a bipartisan vote of 64 to 35. This legislation, initially introduced earlier this month by U.S. Senator Kevin Cramer (R-ND) along with Senators Katie Britt (R-AL), Ted Budd (R-NC), John Fetterman (D-PA), and Majority Leader John Thune (R-SD), aims to enhance the enforcement of immigration laws.

The Laken Riley Act mandates the detention of illegal immigrants charged with property-related crimes and provides states with mechanisms to hold federal officials accountable for lapses in enforcing immigration laws. An amendment proposed by U.S. Senator Joni Ernst (R-IA) was adopted, requiring ICE to detain illegal immigrants charged with crimes causing death or serious bodily harm. Additionally, a provision by U.S. Senator John Cornyn (R-TX) was included, mandating the detention of those who assault law enforcement officers.

Having previously passed the House of Representatives with a vote of 264 to 159, the amended bill will return to the House for further consideration.

Senator Cramer stated, "Every crime committed by illegal immigrants is preventable because they should not be here in the first place," adding that he commends the Senate for passing this legislation to equip immigration authorities with necessary tools for detention and deportation.



Senator Kevin Cramer, US Senator for North Dakota

The act is named after Laken Riley, a nursing student killed by an illegal immigrant while jogging in Athens, Georgia. Her assailant had been released into the United States despite violating federal immigration requirements and had prior convictions for theft but was neither detained nor deported due to enforcement gaps. The legislation seeks to address these issues by ensuring individuals like her killer are detained and deported before committing further crimes.

ICE data as of July 21, 2024, indicates nearly 650,000 criminal illegal immigrants are on ICE's Non-Detained Docket within the United States.

Bismarck Public Schools kindergarten registration starts in Feb. for 2025-26

CENTRAL ND NEWS

Bismarck Public Schools (BPS) has announced that kindergarten registration for the 2025-2026 school year will commence on February 1, 2025. Details regarding the announcement and registration process are available on the BPS Kindergarten Registration page.

According to the BPS Kindergarten Registration page, children eligible for registration must be five years old by July 31, 2025, with birth dates between August 1, 2019, and July 31, 2020. Parents can utilize the Guide K12 tool in the "Find Your School" section to identify their designated school by entering their address. Required documents include the child's birth certificate, immunization record, parent identification, and proof of residence.

The online registration process is expected to take approximately 20-30 minutes per student and is restricted to schools within the family's designated boundary area. Parents are advised to register early to secure placement in their neighborhood school. Capacity limitations may result in temporary placement at an alternate school, with students returning to their boundary school the following year.

Required documents can be submitted online during registration or delivered in person at the BPS Central Administration Building. For late registrations, additional time may be necessary to complete scheduling and ensure readiness for attendance. Provisions are available for students in transition or temporary housing under the McKinney-Vento Act to ensure equitable access to education.

Bismarck Public Schools (BPS), located in Bismarck, North Dakota, is recognized as the largest school district in the state. It serves a student population of 13,678 with a workforce of 2,169 employees. Established in 1874, BPS comprises 18 grade schools, three middle schools, three senior high schools, an alternative high school, and additional programs such as a Career Academy and Technical Center. The district boasts a strong graduation rate and high academic standards and is accredited with commendation by the North Dakota Department of Public Instruction.



Dr. Jeff Fastnacht, BPS Superintendent

Bismarck Public Schools announces two-tier bus system for 2025-26 school year

CENTRAL ND NEWS

Bismarck Public Schools (BPS) has announced that the Bismarck School Board has approved a two-tier bus system, which is set to be implemented in the 2025-2026 school year. The announcement was made via a Facebook post on January 14, 2025.

According to BPS, the change aims to address ongoing transportation issues such as bus driver shortages and budget constraints. The new system will result in staggered school start times to improve efficiency. Under this plan, elementary students will be picked up and dropped off first, followed by secondary students. This approach is expected to reduce the number of buses and drivers required and potentially shorten bus ride times.

To ensure a smooth transition, BPS conducted extensive community outreach, including forums and feedback sessions with over 160 participants. In response to concerns raised during these sessions, the district is collaborating with local partners to support childcare providers and after-school programs in adjusting to the new schedule. As the routing process progresses, BPS will continue updating the community on finalized start and end times and further details about implementing the new system.



Dr. Jeff Fastnacht, BPS Superintendent

The Bismarck School Board consists of five members who govern the district with the superintendent acting as CEO. Each member oversees a portfolio focused on strategic priorities such as operational, personal, learning, or environmental excellence. President Dan Eastgate, Vice President Josh Hager, and members Jon Lee, Donnell Preskey, and Amanda Peterson lead areas of excellence in various fields. Dr. Jeff Fastnacht serves as superintendent, implementing the board's policies and goals.

BPS is located in Bismarck, North Dakota, and is the largest school district in the state. It serves 13,678 students with 2,169 employees. Established in 1874, the district includes 18 grade schools, three middle schools, three senior high schools, an alternative high school, and additional programs such as a Career Academy and Technical Center. The district boasts a strong graduation rate and high academic standards and is accredited with commendation by the North Dakota Department of Public Instruction.

'If I Were Mayor' essay contest open for Mandan students

CENTRAL ND NEWS

The city of Mandan announced the North Dakota League of Cities "If I Were Mayor" essay contest is open for submissions. The contest aims to encourage reflection on public service and is open to 3rd and 7th graders with a March 14 submission deadline.

Essays should focus on what makes Mandan special and how they would improve it as mayor.

Submissions must be original and no longer than one page. Originality and creativity will be considered in the judging process.

Winners will be announced during City Government Week in April, according to the Jan. 15 Facebook announcement by the City of Mandan.

The winner from each grade will receive a $150 prize and have their essays published in the League's CITYScan magazine.

Additionally, winners will be selected to participate in a City Commission meeting this spring, where their achievements will be recognized. Winners' classes will also be invited to meet Mayor James Froelich and eat donuts with him.

NDLC's annual contest is open to 3rd and 7th grade students across the state, including those in private or homeschool settings.



Mayor James Froelich

Students can submit their essays to their teachers or on their own by mailing North Dakota League of Cities, 410 E Front Ave, Bismarck, ND 58504.

Contact Jennifer at the NDLC 701-223-3518 or jennifer@ndlc.org for more information.

The North Dakota League of Cities, founded in the early 1900s, provides resources for cities and park districts. Initially created to give city officials a unified voice, the League focuses on sharing solutions to municipal problems. It offers educational services to city leaders and represents local governments in state and federal policy discussions, according to its website.

The Mandan City Commission, consisting of Mayor James Froelich and Commissioners Mike Braun, Ryan Heinsohn, Dennis Rohr, and Craig Sjoberg, meets twice a month to address local government matters, according to the city of Mandan.

ND Businesses United Director: 'Residual impact' of 2016, 2017 DAPL protests 'is division'

CENTRAL ND NEWS SERVICE

The executive director of North Dakota Businesses United (NDBU) said the "residual impact" of the Dakota Access Pipeline protests of 2016 and 2017 "is division."

The state of North Dakota is currently suing the federal government in an attempt to recoup $38 million in damages resulting from law enforcement costs and property damage during the protests.

"Though my business in East Bismarck was over 50 miles from the protest site, we at times were required to 'shelter in place,' meaning we had to lock the doors during business hours when a large group of protesters would arrive by bus (as the depot was only a couple blocks from our business) and authorities were unclear on their motives and intentions," Jan Wangler, co-owner, with her husband, of Superior Glass, Inc., told Central ND News. "Out of state family members were completely gaslit by the legacy media, causing very heated discussions around the subject."



Jan Wangler

> "Though my business in East Bismarck was over 50 miles from the protest site, we at times were required to 'shelter in place,' meaning we had to lock the doors during business hours when a large group of protesters would arrive by bus (as the depot was only a couple blocks from our business) and authorities were unclear on their motives and intentions."
> **– Jan Wangler, co-owner, with her husband, of Superior Glass**

"The residual impact on our community is division," said Wangler. "Those who bought the narrative through their televisions, were 'inconvenienced' by having a longer route in order to gamble on the reservation, just south of the site and then those who saw it for what it was - an exploitation of a few by a well-oiled propaganda machine that sought to wreak havoc and incite chaos where it never would have thrived or even existed without it."

NDBU is a coalition of business owners advocating on legislation impacting the business community. The organization provides members with updates on legislation, hosts bi-annual meetings, and coordinates networking and educational opportunities.

Wangler and her husband, Tom, started Superior Glass, a full-service commercial and residential glass company, in 2001. The company offers services including glass installation, repair, and replacement for both commercial and residential clients.

The Dakota Access Pipeline (DAPL) protests of 2016 and 2017 aimed to halt the construction of the reported $3.8 billion pipeline and "drew thousands of people to camp out" in Morton County, the Associated Press reported.

The protests resulted in 761 arrests, according to MPR News. Charges ranged from trespassing to more severe offenses. A significant number of those arrested were from out of state.

California resident and actress Shailene Woodley was arrested in October 2016. Other figures, including actors Mark Ruffalo and Leonardo DiCaprio, participated in the protests but were not arrested.

Certain days of the protests resulted in dozens of arrests, such as February 1, 2017, when 76 people were arrested after Morton County Sheriff's Department spokesperson Rob Keller said a "rogue group of protesters" had trespassed on private property.

In the State of ND's suit against the federal government, attorneys for the state reportedly argued in court records that the protests "resulted from an illegal occupation on federal lands and led to 'frequent outbreaks of illegal, dangerous, unsanitary, and life-threatening activity on federal, state and private property.'"

North Dakota Special Assistant Attorney General Paul Seby said in court that the aftermath of the protests "required a four-day cleanup of the camp and 600 bins to remove 9.8 million pounds of trash," according to MPR News.

Former Morton County Commissioner Cody Schulz, who is now the director of the North Dakota Parks and Recreation Department, said in court that, "beyond the drain on law enforcement, the protests caused a range of impacts on Morton County — everything from minor inconveniences like sluggish traffic to damage to private property," Source NM reported.

Area Catholic Mass times

The following parishes in the Lake County Gazette coverage area hold weekly mass at these designated times.

St. Mary Queen of Peace
302 Margaret St, Almont
Saturday: 6:00 PM

St. David's Church
601 2nd Ave NE, Ashley
Saturday: 5:00 PM (January, February, July, August)
Sunday: 8:30 AM (March, April, September, October), 10:30 AM (May, June, November, December)

St. Joseph Catholic Church
115 3rd St NE, Beulah
Sunday: 8:00 AM (First, Third and Fifth Weekends of the Month), 10:00 AM (Second and Fourth Weekends of the Month)
Wednesday: 7:30 AM
Friday: 8:30 AM
Saturday: 5:00 PM (First, Third and Fifth Weekends of the Month)

Ascension Catholic Church
1825 S.3rd Street, Bismarck
Sunday: 8:00 AM, 9:30 AM, 11:00 AM
Monday: 7:00 PM
Tuesday: 8:00 AM
Wednesday: 8:00 AM
Thursday: 8:00 AM
Friday: 8:00 AM
Saturday: 5:00 PM

Cathedral of the Holy Spirit
519 Raymond Street, Bismarck
Sunday: 6:45 AM, 8:00 AM, 10:00 AM, 11:30 AM
Monday: 6:45 AM, 8:00 AM
Tuesday: 6:45 AM, 8:00 AM
Wednesday: 6:45 AM, 8:00 AM
Thursday: 6:45 AM, 8:00 AM
Friday: 6:45 AM, 8:00 AM, 9:00 AM
Saturday: 8:00 AM, 5:00 PM

Church of Corpus Christi
1919 N. 2nd St., Bismarck
Sunday: 8:30 AM, 10:45 AM, 5:30 PM
Monday: 12:10 PM
Tuesday: 12:10 PM
Wednesday: 12:10 PM
Thursday: 12:10 PM
Friday: 12:10 PM
Saturday: 4:00 PM

Church of Saint Anne
1321 Braman Ave, Bismarck
Sunday: 8:00 AM, 9:30 AM, 11:15 AM
Monday: 5:15 PM
Tuesday: 7:15 AM, 5:15 PM
Wednesday: 7:15 AM, 5:15 PM
Thursday: 7:15 AM, 5:15 PM
Friday: 7:15 AM, 5:15 PM
Saturday: 8:00 AM, 4:30 PM

Pro-Cathedral of St. Mary
825 E. Broadway, Bismarck
Sunday: 8:00 AM, 10:00 AM, 6:30 PM, 1:00 PM (Spanish Mass)
Monday: 7:00 AM
Tuesday: 7:00 AM
Wednesday: 7:00 AM
Thursday: 7:00 AM
Friday: 7:00 AM
Saturday: 4:30 PM

St. Katherine Catholic Church
200 1st Ave N, Braddock
Saturday: 6:00 PM

St. Margaret Mary Alacoque Church
410 Main St, Buchanan
Sunday: 10:30 AM

Sacred Heart Catholic Church
663 1st Street So., Carrington
Sunday: 8:30 AM
Wednesday: 7:15 AM
Thursday: 7:15 AM
Friday: 7:15 AM
1st Saturday: 8:30 AM

St. Theresa of the Child Jesus
204 2nd Ave NE, Carson
Sunday: 10:30 AM
Wednesday: 5:30 PM

St. Martin Catholic Church
322 2nd St E, Center
Sunday: 10:30 AM (July 2024 – June 2025)
Tuesday: 5:00 PM
Wednesday: 8:30 AM

Assumption Church
106 Main St, Dickey
Sunday: 11:00 AM
Wednesday: 10:00 AM

Transfiguration Church
205 Main Street, Edgeley
Sunday: 9:00 AM (February, April, June, August, October, December), 11:00 AM (January, March, May, July, September, November).
Tuesday: 11:00 AM at The Manor St. Joseph
Wednesday: 7:15 AM
Thursday: 7:15 AM
Friday: 7:15 AM
Saturday: 5:00 PM

St. Helena Catholic Church
421 2nd St. N, Ellendale
Sunday: 8:30 AM (1st, 3rd, 5th Sundays), 10:30 AM (2nd, 4th Sundays)
Tuesday: 7:00 PM
Wednesday: 8:00 AM
Thursday: 8:00 AM
Friday: 8:00 AM
Saturday: 5:00 PM, 9:00 AM (1st Saturday)

St. Augustine's Church
105 7th Ave S, Fessenden
Sunday: 8:30 AM

St. Lawrence Catholic Church
421 Court St., Flashe
rSunday: 9:00 AM
Tuesday: 5:30 PM
Wednesday: 7:00 AM
Thursday: 7:00 AM
Friday: 7:00 AM

St. Patrick Catholic Church
207 Monroe St N, Fullerton
Sunday: 8:30 AM (2nd, 4th Sundays), 10:30 AM (1st, 3rd, 5th Sundays)
Tuesday: 7:00 PM
Wednesday: 8:00 AM
Thursday: 9:00 AM
1st Friday: 5:15 PM

St Nicholas Catholic Church
235 2nd St NE, Garrison
Sunday: 8:30 AM (Months of February, April, June, August, October and December), 11:00 AM (Months of January, March, May, July, September and November)
Tuesday: 6:00 PM
Wednesday: 6:00 PM
Thursday: 10:15 AM (BLC), 12:00 PM
Friday: 10:00 AM (Hospital), 12:00 PM
Saturday: 6:30 PM

Sacred Heart Catholic Church
203 Ash Ave E, Glen Ullin
Sunday: 10:30 AM
Wednesday: 9:00 AM
Thursday: 9:00 AM
Saturday: 4:00 PM

St. Cecilia Catholic Church
413 East Brewster St, Harvey
Sunday: 10:03 AM
Monday: 7:30 AM
Tuesday: 12:00 PM
Wednesday: 7:30 AM
Thursday: 12:00 PM
Friday: 7:30 AM
Saturday: 4:30 PM

St. Paul Catholic Church
372 Harold St, Hazelton
Sunday: 8:30 AM

St. Martin Catholic Church
101 3rd Ave. NW, Hazen
Sunday: 8:00 AM (Second and Fourth Weekends of the Month), 10:00 AM (First, Third and Fifth Weekends of the Month)
Tuesday: 5:00 PM
Thursday: 12:00 PM
Saturday: 5:00 PM (Second and Fourth Weekends of the Month)

St. Ann's Catholic Church
204 S Park St, Hebron
Sunday: 8:30 AM
Tuesday: 9:00 AM
Wednesday: 6:00 PM (1st, 3rd, 5th Wednesdays)
Friday: 9:00 AM
Saturday: 6:30 PM

St. Martin's Parish
5463 Huff St, Huff
Sunday: 9:00 AM (Even Months), 11:00 AM (Odd Months)

St. James Basilica
622 1st Avenue S, Jamestown
Sunday: 8:30 AM, 10:30 AM
Monday: 12:10 PM
Tuesday: 12:10 PM
Wednesday: 12:10 PM
Thursday: 12:10 PM
Friday: 12:10 PM
Saturday: 8:00 AM, 5:00 PM (vigil)

St. John's Church
407 Pleasant Ave., Kensal
Sunday: 8:30 AM (May - August), 11:00 AM (January - April)
Saturday: 5:00 PM (November and December), 7:00 PM (September and October)

Holy Rosary Church
209 1st SE, LaMoure
Sunday: 9:00 AM
Tuesday: 5:15 PM
Saturday: 5:00 PM
Wednesday: 10:00 AM
Thursday: 5:15 PM
Friday: 7:00 AM

St Anthony Catholic Church
613 N Broadway St, Linton
Sunday: 10:30 AM
Wednesday: 12:00 PM
Thursday: 8:30 AM
Friday: 8:30 AM
Saturday: 4:00 PM

St Michael's Church
2317 79th St SE, Linton
Sunday: 11:00 AM

Christ the King Church
505 10th Ave NW, Mandan
Sunday: 8:00 AM, 10:00 AM
Tuesday: 5:30 PM
Wednesday: 8:00 AM
Thursday: 8:00 AM
Friday: 9:00 AM
Saturday: 4:30 PM, 8:00 AM (1st Saturday)

Church of St. Joseph
108 3rd St NE, Mandan
Sunday: 8:30 AM, 10:30 AM
Tuesday: 8:00 AM
Wednesday: 8:00 AM
Thursday: 8:00 AM, 2:30 PM (September- May (School Mass))
Friday: 8:00 AM
Saturday: 4:00 PM

Spirit of Life Catholic Church
801 1st St SE, Mandan
Sunday: 9:00 AM, 11:00 AM, 6:00 PM
Tuesday: 7:00 AM, 9:00 AM
Wednesday: 7:00 AM, 9:00 AM
Thursday: 7:00 AM, 9:00 AM
Friday: 7:00 AM, 9:00 AM
Saturday: 5:00 PM

Immaculate Conception Catholic Church
410 Jacobson Ave., Max
Sunday: 8:30 AM (Odd months: Jan, Mar, May, July, Sept, Nov), 11:00 AM (Even months: Feb., Apr., June, Aug., Oct., Dec)

Holy Family Church
409 Ave B East, McClusky
Sunday: 8:00 AM (2nd & 4th Sundays of the Month), 10:30 AM (1st and 3rd Sundays of the Month)
Saturday: 5:00pm (Winter).

Sts. Peter and Paul's Catholic Church
391 Conn St, McHenry
Sunday: 8:30 AM (2nd and 4th Sunday), 10:30 AM (1st, 3rd, 5th Sundays)

St. Mary's Church
105 3rd Ave SE, Medina
Sunday: 9:00 AM (4th Sunday of the Month), 11:00 AM (1st and 5th Sunday of the month)
Thursday: 9:00 AM
Saturday: 4:00 PM (2nd and 3rd Saturday)

Church of St. Hildegard
17200 Highway 10, Menoken
Sunday: 10:30 AM
Tuesday: 8:00 AM
Wednesday: 8:00 AM
Thursday: 8:00 AM
Friday: 8:00 AM
Saturday: 5:00 PM

St. Philip Neri Catholic Church
401 Broadway, Napoleon
Sunday: 8:00 AM, 10:30 AM
Tuesday: 7:00 PM
Wednesday: 8:00 AM
Thursday: 8:00 AM
Friday: 8:00 AM, 5:15PM During Lent
Saturday: 7:00 PM, 1st Saturday: 9:00 AM

St. John the Baptist Catholic Church
2nd Ave E, N, New Leipzig
Sunday: 8:00 AM (May, July, September), 10:00 AM (January, March, November)
Saturday: 7:00 PM (February, April, June, August, October, December)

St. John the Evangelist Catholic Church
116 1st Ave N, New Rockford
Sunday: 8:30 AM (1st, 3rd, 5th Sunday of the month), 10:30 AM (2nd and 4th Sunday of the month)Saturday: 5:00 PM

St. Pius V Catholic Church
202 N 3rd St, New Salem
Sunday: 8:30 AM (Starting July 6, 2025 Sunday start time will change to 10:30 am CT)
Thursday: 9:00 AM (During Lent at 5:30pm ct)
Friday: 9:00 AM, 9:30-10:00 AM Eucharistic Adoration

Holy Spirit Church
201 5th Ave, Nortonville
Sunday: 9:00 AM (Odd months), 11:00 AM (Even months)

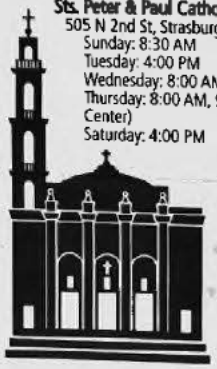
Church of Saint Charles Borromeo
410 7th Street North, Oakes
Sunday: 8:30 AM
Tuesday: 5:30 PM
Wednesday: 8:30 AM (Oakes Hospital)
Thursday: 8:30 AM
Saturday: 5:30 PM

St. Gertrude Catholic Church
7785 St Gertrude Ave, Raleigh
Thursday: 5:30 PM
Saturday: 7:30 PM (during Central Daylight Time), 5:30 PM (during Central Standard Time)

St. Anthony Catholic Church
2362 County Rd 136, St. Anthony
Sunday: 9:00 AM (Odd Months), 11:00 AM (Even Months)

St. Francis de Sales Church
318 2nd St SW, Steele
Sunday: 9:00 AM
Tuesday: 6:00 PM
Wednesday: 12:00 PM

Sts. Peter & Paul Catholic Church
505 N 2nd St, Strasburg
Sunday: 8:30 AM
Tuesday: 4:00 PM
Wednesday: 8:00 AM
Thursday: 8:00 AM, 9:15 AM (Strasburg Care Center)
Saturday: 4:00 PM



WHAT THEY ARE SAYING about Pres. Trump's inauguration

"Many people thought it was impossible for me to stage such a historic political comeback — but as you see today, here I am. The American people have spoken."



- President Donald J. Trump (R)

"We celebrate the start of a presidency and the promise of a new era of freedom and prosperity for America and North Dakota."



— Gov. Kelly Armstrong (R-ND)

"President Trump's inauguration is the start of getting our country back on track, and we look forward to working with the Trump administration to advance the policies and priorities important to the people of North Dakota and our nation."



- U.S. Sen. John Hoeven (R-ND)

"After four years of weakness, we have strong leadership at the helm again."

— U.S. Sen. Kevin Cramer (R-ND)



Gas prices from around the state

The table below lists gas stations and their prices for regular gas in the state, as reported by consumers on GasBuddy.com.

Highest Reported Price	Station Name	Address	City
$2.84	Mobil	1323 Border Ln	Washburn
$2.84	Cenex	113 1st Ave N	Ellendale
$2.84	Cenex	2006 E Broadway Ave	Bismarck
$2.84	Shell	153 Case St	Washburn
$2.84	ARCO	1833 E Main Ave	Bismarck
$2.84	Little Dukes	1144 Bismarck Expy	Bismarck
$2.84	Cenex	2520 Centennial Rd	Bismarck
$2.84	Casey's	323 1st Ave S	Ellendale
$2.83	Mobil	1120 Tacoma Ave	Bismarck
$2.79	Exxon	3921 Trenton Dr	Bismarck
$2.79	Holiday	3815 Trenton Dr	Bismarck
$2.79	Holiday	3600 State St	Bismarck
$2.79	Casey's	218 1st St N	New Rockford
$2.79	Casey's	909 S 7th St	Oakes
$2.79	Cenex	3801 Rosser Ave	Bismarck
Highest Reported Price	**Station Name**	**Address**	**City**
$2.79	Holiday	905 E Bismarck Expy	Bismarck
$2.79	ARCO	709 3rd Ave NW	Hazen
$2.79	Cenex	109 Industrial Park	Edgeley
$2.78	Cenex	700 4th Ave NE	Hazen
$2.77	Casey's	309 N Us Hwy 281	Carrington
$2.74	Shell	620 Mitchell Ave N	Steele
$2.72	Cenex	2825 US-83 N	Max
$2.69	Sinclair	1412A US-83 N	Coleharbor
$2.59	ARCO	2015 8th Ave SW	Jamestown
$2.59	Exxon	808 20th St SW	Jamestown
$2.58	ARCO	420 10th St SE	Jamestown
$2.58	Shell	2315 US-281 S	Jamestown
$2.58	Jetstream Car Wash	1001 6th Ave SE	Jamestown
$2.58	Cenex	920 4th Ave SE	Jamestown
$2.56	Casey's	1003 13th St No	Jamestown
$2.56	Casey's	1219 Business Loop E	Jamestown
$2.56	Cash Wise Foods Grocery Store	410 10th St SE	Jamestown
$2.55	Costco	1325 57th Ave No	Bismarck
$2.49	M & H	325 1st Ave S	Jamestown
$2.49	Cenex	811 13th St NE	Jamestown

THURSDAY, FEB. 6

An Epic, Fun-Filled Scavenger Hunt!
WHEN: 8 a.m.
WHERE: 1131 N. 4th St., Bismarck
PRICE: $12.99

Love & Hiking Date For Couples
WHEN: 1 p.m.
WHERE: Missouri River Natural Area and Trailhead, 1472 River Drive, Northeast Mandan

2025 ND Governor's Awards for the Arts
WHEN: 5 p.m.
WHERE: North Dakota Heritage Center & State Museum, 612 E. Boulevard Ave., Bismarck

FRIDAY, FEB. 7

Send-it! 24/7 February Acl Regional
WHEN: 5:30 p.m.
WHERE: Send It 24/7 Cornhole, 1700 E. Main St., Mandan

SATURDAY, FEB. 8

Bismarck Bash Amazing Race & Tour
WHEN: 11 a.m.
WHERE: The Gifted Bean Coffee House, 515 N. 5th St., Bismarck
PRICE: $24

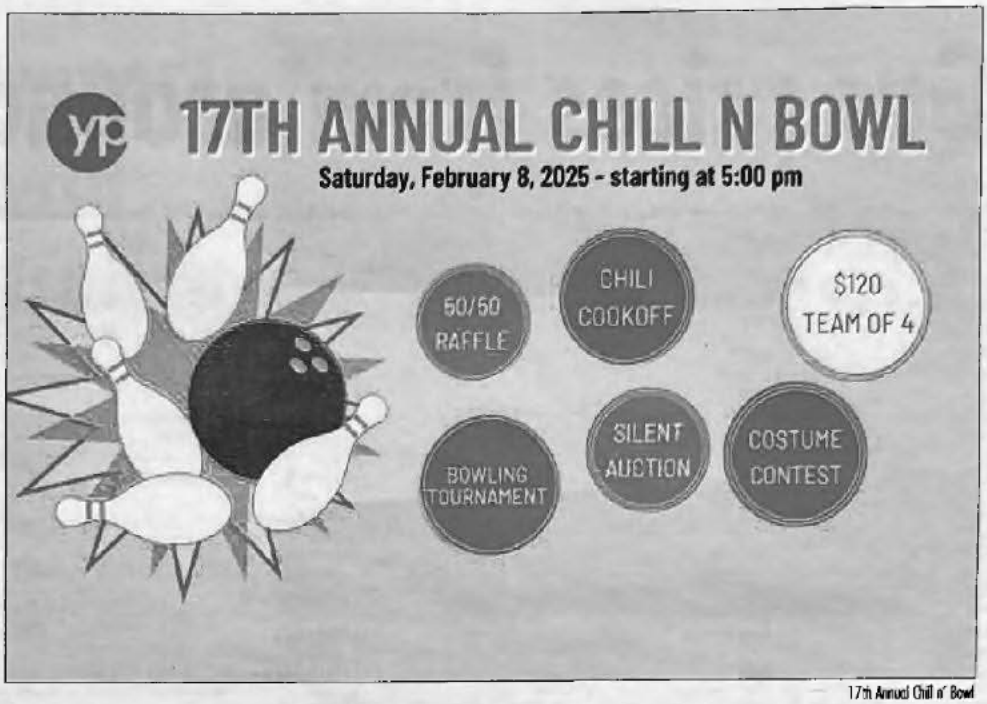
Preserving Your Family Stories
WHEN: 2:30 p.m.
WHERE: North Dakota Heritage Center & State Museum, 612 E. Boulevard Ave., Bismarck

Mandan Fire Department Fundraiser
WHEN: 5 p.m.
WHERE: 111 11th Ave. NE, Mandan

SUNDAY, FEB. 9

Galentine's Day Brunch
WHEN: 11 a.m.-2 p.m.
WHERE: Radisson Hotel Bismarck, 605 E. Broadway Ave., Bismarck
PRICE: $50-2500

Open Gym
WHEN: 12:30-3 p.m.
WHERE: Pepsi All Seasons Arena, 905 9th St. NW, Mandan



17th Annual Chill n' Bowl

17th Annual Chill n' Bowl

On Saturday, Feb. 8 at 5 p.m., join the 17th Annual Chill n' Bowl at 3327 Memorial Hwy, Mandan, for an exciting evening of a chili cook-off and bowling tournament! Teams of four will compete for the overall champion trophy by combining bowling scores and chili ratings. Additional prizes will be awarded for best chili, team spirit, and name. Proceeds support a nonprofit partner, with a silent auction and 50/50 raffle adding to the fun. Registration is $120 per team, limited to 20 teams, with at least one member affiliated with the Young Professionals Network or Brave the Shave.

MONDAY, FEB. 10

Mandan Park Board Meeting
WHEN: 5:30-6:30 p.m.
WHERE: Mandan City Hall, 205 2nd Ave. NW, Mandan

Hebron City Council Meeting
WHEN: 7-8 p.m.
WHERE: Hebron Community Center, 600 Washington Ave., Hebron

Pop Art Paint & Sip
WHEN: 7-10 p.m.
WHERE: Laughing Sun Brewing Co., 1023 E. Front Ave., Bismarck
PRICE: $45

TUESDAY, FEB. 11

North Dakota Rural Planning Symposium
WHEN: 5 p.m.
WHERE: North Dakota Heritage Center & State Museum, 612 E. Boulevard Ave., Bismarck

WEDNESDAY, FEB. 12

Nutrient Summit 2025
WHEN: 8:30 a.m.-3:30 p.m.
WHERE: Ramada Bismarck Hotel, 1400 E. Interchange Ave., Bismarck

The TummyTime Method Baby PLAY Class
WHEN: 11 a.m.
WHERE: 1138 N. 3rd St., Bismarck
PRICE: $15-60

Country Dance Fitness Free Class - Morton Mandan Public Library

On Wednesday, Feb. 12 at 5:30 p.m., join the Country Dance Fitness Free Class at the Morton Mandan Public Library, 609 W Main St, Mandan! This exciting session features high-energy, low-impact moves inspired by country line dancing, all set to hot country music. It's a fun way to get moving, tone your body, and enjoy a workout without it feeling like exercise. Perfect for all ages and fitness levels, this class promises a great time for everyone. Don't miss this opportunity to dance, groove, and stay fit—register now at the Morton Mandan Public Library to secure your spot!



Country Dance Fitness Free Class - Morton Mandan Public Library

Family History Center
WHEN: 6-8 p.m.
WHERE: The Church of Jesus Christ of Latter-day Saints, 510 Museum Drive, Dickinson

Young Women's Activity
WHEN: 7-8 p.m.
WHERE: The Church of Jesus Christ of Latter-day Saints, 1820 Cottontail Drive, Beulah

THURSDAY, FEB. 13
Morton County Lower Heart River Water Resource District Meeting
WHEN: 2-3 p.m.
WHERE: Veterans Conference Room - City Hall, 205 2nd Ave. NW, Mandan

Cupid's Contour: Love Your Body Event and Live Demo
WHEN: 3-7 p.m.
WHERE: 1140 W. Capitol Ave., Bismarck
PRICE: $25

Morton County Commission Meeting
WHEN: 5:30-6:30 p.m.
WHERE: Morton County Courthouse, 210 2nd Ave. NW, Mandan

FRIDAY, FEB. 14
Prime Rib Dinner at Dialectic Brewing & Ciderhouse
WHEN: 5 p.m.
WHERE: 416 W. Main St., Mandan
PRICE: $60

9 Powerhouse Bar & Grill event
WHEN: 5 p.m.
WHERE: Powerhouse Bar & Grill/ 501 Bar & Grill, 501 Burlington St. SE, Mandan

Valentine Serenade 2025
WHEN: 7:30-10 p.m.
WHERE: Sixteen03 Main Events, 1603 E. Main Ave., Bismarck
PRICE: $35-250

SATURDAY, FEB. 15
Pints and Pilates
WHEN: 9:30-11:30 a.m.
WHERE: Laughing Sun Brewing Co., 1023 E. Front Ave., Bismarck
PRICE: $15

Sweetheart Hike
WHEN: 10 a.m.-Noon
WHERE: Fort Abraham Lincoln State Park, 4480 Ft. Lincoln Road, Mandan

Galentine's Party with Luna Nox Boutique
WHEN: 4:30-6:30 p.m.
WHERE: Cappuccino On Collins, 105 Collins Ave., Mandan
PRICE: $10

SUNDAY, FEB. 16
Moose Legion All You Can Eat Breakfast
WHEN: 8:30 a.m.-Noon
WHERE: Mandan Moose Lodge, 111 11th Ave. NE, Mandan

WEDNESDAY, FEB. 19
Morton County Road Commission Meeting
WHEN: 9-10 a.m.
WHERE: Morton County Highway Department, 2916 37th St. NW, Mandan

SPARK at the Library (Morning Time)
WHEN: 10:15-11 a.m.
WHERE: Morton Mandan Public Library, 609 W. Main St., Mandan

SPARK at the Library (Afternoon Time)
WHEN: 4:15-5 p.m.
WHERE: Morton Mandan Public Library, 609 W. Main St., Mandan

ATHLETES IN ACTION

These North Dakota athletes will be playing on college teams this weekend.



Acey Elkins
North Dakota State Bison
Distance
Sophomore
H.S.: Mandan High School
Hometown: Mandan
Next Game: vs. Minot State Beavers, Fri Feb. 7, 10 a.m.



Anthony Doppler
North Dakota Fighting Hawks
Guard
Freshman
6'4" 185
H.S.: Century High School
Hometown: Bismarck
Next Game: vs. Omaha Mavericks, Thu Feb. 6, 7 p.m.



Brock Johnsen
North Dakota State Bison
Hurdles
Senior
H.S.: Century High School
Next Game: vs. Minot State Beavers, Fri Feb. 7, 9 a.m.



Brooks Turner
North Dakota State Bison
Jumps and hurdles
Freshman
H.S.: Century High School
Hometown: Bismarck
Next Game: vs. Minot State Beavers, Fri Feb. 7, 9 a.m.



Clay Radenz
North Dakota State Bison
Junior
5'10" 157
H.S.: Century High School
Next Game: vs. Northern Iowa Panthers, Sat Feb. 8, 7 p.m.



Cullen Curl
North Dakota State Bison
Hurdles and sprints
Junior
H.S.: St. Mary's Central High School
Hometown: Bismarck
Next Game: vs. Minot State Beavers, Fri Feb. 7, 9 a.m.



Gunner Swanson
UMary Marauders
Guard
Junior
6'5" 175
H.S.: Bismarck High School
Hometown: Bismarck
Next Game: vs. St. Cloud State Huskies, Wed Feb. 5, 5:30 p.m.



Hope Stein
North Dakota State Bison
Multis
Junior
H.S.: Century High School
Hometown: Bismarck
Next Game: vs. Minot State Beavers, Fri Feb. 7, 10 a.m.



Jeran McNichols
North Dakota State Bison
Hurdles and sprints
Freshman
H.S.: Bismarck High School
Hometown: Bismarck
Next Game: vs. Minot State Beavers, Fri Feb. 7, 9 a.m.



Lexi Duchsherer
Arizona Wildcats
Freestyle
Senior
5'9"
H.S.: Century High School
Hometown: Bismarck
Next Game: vs. Arizona State Sun Devils, Sat Feb. 8, 12 p.m.



Logan Nissley
Nebraska Cornhuskers
Guard
Sophomore
6'0"
H.S.: Bismarck High School
Hometown: Bismarck
Next Game: vs. Michigan Wolverines, Thu Feb. 6, 7 p.m.



Makayla Anderson
Concordia Moorhead Cobbers
Forward
Senior
6'0"
H.S.: Century High School
Hometown: Bismarck
Next Game: vs. St. Olaf Oles, Wed Feb. 5, 5:30 p.m.



Ryan Erikson
North Dakota Fighting Hawks
Center and forward
Freshman
6'10" 250
H.S.: Century High School
Hometown: Bismarck
Next Game: vs. Omaha Mavericks, Thu Feb. 6, 7 p.m.



Sydney Gustavsson
Minot State Beavers
Guard
Senior
5'7"
H.S.: Mandan High School
Next Game: vs. Minnesota State–Moorhead Dragons, Wed Feb. 5, 7:30 p.m.



Taylor Leingang
North Dakota State Bison
Junior
H.S.: Mandan High School
Next Game: vs. Minot State Beavers, Fri Feb. 7, 10 a.m.

Exhibit 4

To Supplemental Declaration of Derrick Braaten in Support of Motion to Change Venue

(Case No.: 30-2019-CV-00180)

PageVault

Document title:	ND News Co-op says it has ‘no position opposing or promoting oil and gas development’ after partnering on pipeline story with group funded by anti-oil and gas activists | Central Nd News
Capture URL:	https://centralndnews.com/stories/665916242-nd-news-co-op-says-it-has-no-position-opposing-or-promoting-oil-and-gas-development-after-partnering-on-pipeline-story-with-group-funded-by-anti-oil-and-gas-activists?pk_campaign=665916242&pk_keyword=
Page loaded at (UTC):	Sun, 16 Feb 2025 23:02:57 GMT
Capture timestamp (UTC):	Sun, 16 Feb 2025 23:03:59 GMT
Capture tool:	10.55.0
Collection server IP:	54.145.42.72
Browser engine:	Mozilla/5.0 (X11; Linux x86_64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/126.0.6478.234 Safari/537.36
Operating system:	Linux (Node 20.17.0)
PDF length:	5
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Display Name:	TonyGuzman

PDF REFERENCE #: i9eoNPr7BEKxS2EuZGpvGv

ND News Co-op says it has 'no position opposing or promoting oil and gas development' after partnering on pipeline story with group funded by anti-oil and gas activists

BUSINESS



Michael Standaert, correspondent, ND News Cooperative, left, Miranda Green, Floodlight News, center, and imprisoned DAPL saboteur Ruby Montoya | Newscoopnd.org / X / YouTube - Democracy Now

By **Central ND News Service**
Nov 17, 2024

A North Dakota News Cooperative correspondent said his organization has "no position opposing or promoting oil and gas development" in the state after partnering with a group funded by organizations opposing oil and gas development.

The cooperative co-published a story Nov. 1 with an organization called "Floodlight News." That article was, in part, about the Dakota Access Pipeline (DAPL).

Co-op correspondent Michael Standaert shared a byline on the story with Floodlight's Miranda Green.

Among Floodlight's funders is the Tides Foundation, "a major center-left grantmaking organization and a major pass-through funder to numerous left-leaning nonprofits,"

ORGANIZATIONS IN THIS STORY

Tides Foundation

RECEIVE ALERTS

The next time we write about any of these orgs, we'll email you a link to the story. You may edit your settings or unsubscribe at any time.

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Co-op correspondent Michael Standaert shared a byline on the story with Floodlight's Miranda Green.

Among Floodlight's funders is the Tides Foundation, "a major center-left grantmaking organization and a major pass-through funder to numerous left-leaning nonprofits," reported ***Influence Watch***.

The group had $581 million in revenue and $979 million in total assets, according to the foundation's **2022 IRS 990 forms**.

Floodlight received $45,000 from the Tides Foundation in 2021 and 2022.

The Tides Foundation in 2014 funded a group that promoted the work of a now-imprisoned woman charged with "domestic terrorism" over her attempted sabotage of the DAPL.

That group, Media Island International/Rising Tide North America, received at least $40,771 from Tides, according to **IRS reports**.

Rising Tide North America in October 2016 **listed Ruby Montoya as a press contact** on its website.

Montoya was sentenced in 2022 by a federal court to serve six years in prison for Conspiracy to Damage an Energy Facility for numerous acts to damage the DAPL in Iowa and South Dakota.

"Specifically, Montoya admitted to damaging and attempting to damage the pipeline by: (1) using an oxyacetylene cutting torch to burn holes in the pipeline, and (2) setting fire to pipeline instrumentation and equipment in Mahaska, Boone, and Wapello Counties within the Southern District of Iowa," said a **press release** from the U.S. Attorney's office for the Southern District of Iowa.

Montoya "and 42-year-old activist Jessica Reznicek snuck through security fences, set fire to equipment and used chemicals to burn holes in the pipeline itself from 2016 to 2017, according to their plea agreements," reported **WBDO Radio**. "In 2021, after pleading guilty to one count of conspiracy to damage an energy facility, Reznicek was sentenced to eight years in prison."

"Notably, both women faced sentencing enhancements under a criminal statute designed to penalize acts of domestic terrorism," said the news report.

Kathryn Snyder, a senior advisor at the Tides Foundation, who describes herself as "a queer, gender nonconforming black woman," **wrote in January 2017** of her participation in the anti-DAPL protests and wrote that "Tides stands with" the anti-DAPL movement.

The protests, which occurred in 2016 and 2017, aimed to halt the construction of the reported $3.8 billion pipeline and "drew thousands of people to camp out" in Morton County, the ***Associated Press*** reported.

The protests resulted in 761 arrests, according to **MPR News**. Charges ranged from trespassing to more severe offenses. A significant number of those arrested were from out of state.

Certain days of the protests resulted in dozens of arrests, such as February 1, 2017, when 76 people were arrested after Morton County Sheriff's Department spokesperson Rob Keller said a **"rogue group of protesters"** had trespassed on private property.

The State of North Dakota is currently suing the federal government to "recoup $38 million it claims it spent policing the protest camps," **Source NM** reported.

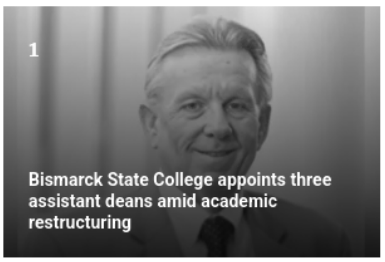
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TRENDING

1



Bismarck State College appoints three assistant deans amid academic restructuring

2  Michael Mart named new director for Bismarck public works utility operations

3  Gopi and Lequin advance to North Dakota State Spelling Bee

4  This Month in History: President Cleveland signed Enabling Act, paving way for ND's admission into U.S.

5  Which former Central ND News area high school standouts will be in action on Monday, Feb. 10?

spokesperson Rob Keller said a **“rogue group of protesters”** had trespassed on private property.

The State of North Dakota is currently suing the federal government to “recoup $38 million it claims it spent policing the protest camps,” **Source NM** reported.

Attorneys for North Dakota reportedly argued in court records that the protests “resulted from an illegal occupation on federal lands and led to ‘frequent outbreaks of illegal, dangerous, unsanitary, and life-threatening activity on federal, state and private property.’”

North Dakota Special Assistant Attorney General Paul Seby said in court that the aftermath of the protests “required a four-day cleanup of the camp and 600 bins to remove 9.8 million pounds of trash,” according to **MPR News**.

Floodlight, which says it “investigates the corporations and political interests stalling climate action,” is also funded by Rockefeller Family Fund’s Funder Collaborative on Oil and Gas, which said in a **2022 press release** that it “makes grants to organizations fighting oil and gas infrastructure.”

This organization also gave the Tides Foundation $125,000 in 2022 and the affiliated Tides Center $190,000 that same year, according to IRS reports.

“We have no position opposing or promoting oil and gas development in North Dakota,” Standaert told *Central ND News*. “People quoted in our stories may have a position either way, but we do not have a position.

When asked about the funders of Floodlight, the group with which he shared a byline, Standaert said *Central ND News* would have to “talk to them (Floodlight) about their funding.”He said he would’ve done the story “with or without Floodlight.”

Standaert joined the co-op in 2023 after living and working in China for sixteen years, **according to his bio** on the organization’s web site.

Standaert’s co-author, Miranda Green, is based in Los Angeles and reports on “climate focused projects,” according to her **personal website**.

Standaert’s and Green’s story was, in part, about *Central ND News* reporting on the DAPL protests, with the duo writing, “the protests over the pipeline are old news.”

The featured photo for their story, however, highlights a Sept. 18 *Central ND News* story, **“Canadian national faces 20 years in federal prison for acts of sabotage against Dakota Access Pipeline, Keystone Pipeline,”** regarding a new development over a man charged with violent acts as part of a DAPL protest.

That story, which was also covered by numerous North Dakota and national news outlets, including **CBS News**, was regarding Cameron Monte Smith, a 49-year-old Canadian national who pled guilty in September to shooting an electricity substation in North Dakota and the Keystone Pipeline in South Dakota, both linked to protests against the Dakota Access Pipeline (DAPL).

The state of ND’s ongoing litigation against the federal government over the DAPL protests also makes stories about the pipeline protests new and relevant.

Founded in 2021, the ND News Cooperative is a 501(C)3 nonprofit that says it was started “to bring reliable, dependable journalism about North Dakota to North Dakotans.”

While both the cooperative and Floodlight list their donors on their site, their news story about the pipeline does not mention Floodlight’s funders’ anti-oil and gas advocacy, specifically the group’s opposition to the DAPL and support for DAPL

organizations fighting oil and gas infrastructure."

This organization also gave the Tides Foundation $125,000 in 2022 and the affiliated Tides Center $190,000 that same year, according to IRS reports.

"We have no position opposing or promoting oil and gas development in North Dakota," Standaert told *Central ND News*. "People quoted in our stories may have a position either way, but we do not have a position.

When asked about the funders of Floodlight, the group with which he shared a byline, Standaert said *Central ND News* would have to "talk to them (Floodlight) about their funding."He said he would've done the story "with or without Floodlight."

Standaert joined the co-op in 2023 after living and working in China for sixteen years, **according to his bio** on the organization's web site.

Standaert's co-author, Miranda Green, is based in Los Angeles and reports on "climate focused projects," according to her **personal website**.

Standaert's and Green's story was, in part, about *Central ND News* reporting on the DAPL protests, with the duo writing, "the protests over the pipeline are old news."

The featured photo for their story, however, highlights a Sept. 18 *Central ND News* story, **"Canadian national faces 20 years in federal prison for acts of sabotage against Dakota Access Pipeline, Keystone Pipeline,"** regarding a new development over a man charged with violent acts as part of a DAPL protest.

That story, which was also covered by numerous North Dakota and national news outlets, including **CBS News**, was regarding Cameron Monte Smith, a 49-year-old Canadian national who pled guilty in September to shooting an electricity substation in North Dakota and the Keystone Pipeline in South Dakota, both linked to protests against the Dakota Access Pipeline (DAPL).

The state of ND's ongoing litigation against the federal government over the DAPL protests also makes stories about the pipeline protests new and relevant.

Founded in 2021, the ND News Cooperative is a 501(C)3 nonprofit that says it was started "to bring reliable, dependable journalism about North Dakota to North Dakotans."

While both the cooperative and Floodlight list their donors on their site, their news story about the pipeline does not mention Floodlight's funders' anti-oil and gas advocacy, specifically the group's opposition to the DAPL and support for DAPL protestors.

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Exhibit 5

To Supplemental Declaration of Derrick Braaten in Support of Motion to Change Venue

(Case No.: 30-2019-CV-00180)

11:26

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Molly >

ND says Dakota Access Pipeline shutdown would cause ‘immediate’ fiscal harm

Read the whole story here: https://texttoweb.co/lkjox.dYu9e20P1~5o
-Legal Newsline Text STOP to opt out

Wed, Dec 11 at 1:04 PM

Exhibit 6

To Supplemental Declaration of Derrick Braaten in Support of Motion to Change Venue

(Case No.: 30-2019-CV-00180)

PageVault

Document title:	North Dakota says shutdown of Dakota Access Pipeline would cause ‘immediate’ fiscal harm | Legal Newsline
Capture URL:	https://legalnewsline.com/stories/665878818-north-dakota-says-shutdown-of-dakota-access-pipeline-would-cause-immediate-fiscal-harm?pk_campaign=665878818%20-%20Upper%20Midwest%20Energy%20News%20-%20Bismarck%20and%20Morton&pk_keyword=310215af-dc05-4c40-ba0d-31d2186ac508
Page loaded at (UTC):	Sun, 16 Feb 2025 23:04:24 GMT
Capture timestamp (UTC):	Sun, 16 Feb 2025 23:05:09 GMT
Capture tool:	10.55.0
Collection server IP:	54.145.42.72
Browser engine:	Mozilla/5.0 (X11; Linux x86_64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/126.0.6478.234 Safari/537.36
Operating system:	Linux (Node 20.17.0)
PDF length:	4
Capture ID:	7hwg5QCXPd1y3dRNUkYPfn
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North Dakota says shutdown of Dakota Access Pipeline would cause 'immediate' fiscal harm

FEDERAL COURT



North Dakota Attorney General Drew Wrigley's office filed the intervenor motion in the District of Washington, D.C. | North Dakota Attorney General's Office

By **Michael Carroll**
Nov 15, 2024

WASHINGTON (Legal Newsline) - North Dakota has filed a motion to intervene as a defendant in a federal lawsuit brought by the Standing Rock Sioux Tribe to shut down a major oil pipeline, arguing that the State has significant environmental and economic interests in the litigation.

Last month, the tribe filed the lawsuit in D.C. federal court against the U.S. Army Corps of Engineers, asking the court for an order to shut down the Dakota Access Pipeline (DAPL) until it fully complied with U.S. regulations. The lawsuit filed on Oct. 14 alleges that the pipeline violates the Clean Water Act, National Historic Preservation Act and the 1868 Treaty of Fort Laramie and poses a threat to the tribe's water and its public health in general.

North Dakota Attorney General Drew Wrigley's office filed its motion to intervene on

ORGANIZATIONS IN THIS STORY

NORTH DAKOTA ATTORNEY GENERAL

MOST POPULAR



1 New-look CFPB doesn't want any money this year

2 Consumer group launches campaign against predatory legal practices

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Capture timestamp (UTC): Sun, 16 Feb 2025 23:05:09 GMT

the 1868 Treaty of Fort Laramie and poses a threat to the tribe's water and its public health in general.

North Dakota Attorney General Drew Wrigley's office filed its motion to intervene on Nov. 7, arguing that closure of the 1,174-mile-long pipeline would cause "immediate" fiscal harm to the state in the form of lost taxes and fees.

"(A)lmost 60% of the total of all tax and fee revenue received by the state comes from oil and gas extraction and production," the motion states. "These revenues support programs from which all state residents benefit including education, health care, water resource management, law enforcement, roadways, libraries, veterans' services, public housing, parks and recreation, and other public services."

Currently, about half of the state's crude oil production flows to market using the DAPL, according to the motion, and the state lacks adequate rail capacity to transport the oil if the pipeline were be to shut down.

"Closing DAPL will therefore result in the loss of substantial tax revenue for the state of North Dakota and its citizens," the motion states. "(T)he state estimates that an order closing DAPL would reduce state revenues for the first 12 months by approximately $900 million, assuming a 50% decrease in oil production for three months before producers are gradually able to transition more production from DAPL to rail. ..."

A DAPL shutdown would likely result in a forced drop in oil production in North Dakota and interfere with existing energy contracts, according to the motion.

"(I)f DAPL is shut down, 550,000 to 600,000 barrels of oil per day will likely remain shut-in until economically viable alternate transportation can be secured and contracts revised," Wrigley and co-counsel argue. "This would result in an estimated temporary loss of 8,450 to 9,300 full-time jobs and a permanent loss of 1,700 to 2,200 full-time jobs."

A concern for state officials if the tribe's lawsuit is successful is that shutting down the pipeline would require a shift in oil transport to rail cars and trucks. This would cause a doubling of air pollution and increased risks of oil spills, the state's motion argues.

A collateral effect from a shutdown would be the destabilization of the state's agricultural supply chains, the motion states. A DAPL shutdown would lead to the repurposing of rail cars currently used to ship agricultural products for crude oil, leading to increased costs for farmers as they scramble for ways to transport their goods to markets, according to state officials.

The focus of the tribe's lawsuit is where the pipeline crosses the Missouri River, which is just upstream from the Standing Rock reservation. If the lawsuit led to the closing of that section of the pipeline, the State would be forced to seek an alternative route that would affect other cultural and environmental resources around North Dakota, the motion says.

The North Dakota legal action is the latest in ongoing state and federal litigation over issues related to Energy Transfer's pipeline and the destructive protests against its construction in 2016-2017.

In a federal lawsuit, the state argues that North Dakota should be compensated by the federal government to the tune of $38 million in damages resulting from law enforcement costs and property damage during the protests.

In addition, Greenpeace, a defendant in a lawsuit filed by Energy Transfer over the

1 [illegible] money this year

2 Consumer group launches campaign against predatory legal practices

3 Virginia contractor settles fraud allegations with $8 million payment

4 Canadian companies plead with Carolina high court to stop asbestos judge

5 George John Hanson transferred to Oklahoma for execution following AG approval

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In a federal lawsuit, the state argues that North Dakota should be compensated by the federal government to the tune of $38 million in damages resulting from law enforcement costs and property damage during the protests.

In addition, Greenpeace, a defendant in a lawsuit filed by Energy Transfer over the damage the company sustained during the demonstrations, is now trying to use a new European Union directive to dismiss the company's litigation, which was filed in Morton County, N.D.

MORE NEWS



FEDERAL COURT

Changes from 2023 didn't take Roundup plaintiffs' 'shaky' causation experts



FEDERAL COURT

Facebook not to blame for mass shooting by white supremacist in South Carolina



FEDERAL COURT

Federal judge dismisses suit by woman arrested for 2020 protest BBQ



FEDERAL COURT

AG's office accuses Starbucks of race, sex discrimination

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Capture timestamp (UTC): Sun, 16 Feb 2025 23:05:09 GMT

EXHIBIT 16

Greenpeace Defendants' Petition for Supervisory Writ

STATE OF NORTH DAKOTA		**DISTRICT COURT**
COUNTY OF MORTON		**SOUTH CENTRAL JUDICIAL DISTRICT**
ENERGY TRANSFER LP, *et al.*, Plaintiffs, v. GREENPEACE INTERNATIONAL, *et al.*, Defendants.	)	Case No.: 30-2019-CV-00180 **SUPPLEMENTAL DECLARATION OF JENNIFER DAVIS IN SUPPORT OF GREENPEACE DEFENDANTS' MOTION TO CHANGE VENUE**

[¶1] I, Jennifer Davis, declare as follows:

[¶2] I am a paralegal at the law firm Davis Wright Tremaine LLP, counsel of record for Defendants Greenpeace International and Greenpeace, Inc. I submit this Supplemental Declaration in support of Defendants Greenpeace Inc., Greenpeace International, and Greenpeace Fund, Inc.'s (together, the "Greenpeace Defendants") Motion to Change Venue ("Motion").

[¶3] While watching local television in Morton County, North Dakota, I have twice seen an advertisement by Energy Transfer. I searched on the web, and located a 30 second Energy Transfer video posted on YouTube titled "Energy Transfer Proudly Operates in North Dakota with the Dakota Access Pipeline. https://www.youtube.com/watch?v=amKTBbUAMHo. To the best of my knowledge this YouTube video is the same or similar to the advertisement I saw on television. The YouTube video website indicates that the video was posted three weeks ago.

I declare, under the penalty of perjury under the law of North Dakota, that the foregoing is true and correct.

Signed on the 18th day of February, 2025, at Bismarck, ND.

/s/ Jennifer Davis
Jennifer Davis

EXHIBIT 17

Greenpeace Defendants' Petition for Supervisory Writ

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF MORTON

SOUTH CENTRAL JUDICIAL DISTRICT

Energy Transfer Equity, L.P., et al. Plaintiff, vs. Greenpeace International, et al. Defendant.	)	DISQUALIFICATION CASE NO. 30-2019-CV-00180

As Presiding Judge of the South Central Judicial District and after having conferred with the Honorable Judges Douglas A. Bahr, Daniel Borgen, David E. Reich, Cynthia M. Feland, Thomas J. Schneider, James S. Hill, Bruce A. Romanick, and John Grinsteiner, it is hereby respectfully requested that the Supreme Court assign a judge outside the district to hear the above entitled case. The reason for this request is that the judges of this district are acquainted with the plaintiff/defendant, and feel that in the best interest of justice should disqualify themselves.

Dated this 6th day of March, 2019.

BY THE COURT: Signed: 3/6/2019 1:40:47 PM

Gail Hagerty

Gail Hagerty
Presiding Judge
South Central Judicial District

EXHIBIT 18

Greenpeace Defendants' Petition for Supervisory Writ

STATE OF NORTH DAKOTA

COUNTY OF MORTON

IN DISTRICT COURT

SOUTH CENTRAL JUDICIAL DISTRICT

Energy Transfer Equity, L.P. Plaintiff, vs. Greenpeace International Defendant.	)	DISQUALIFICATION CASE NO. 30-2019-CV-00180

As Presiding Judge of the South Central Judicial District and after having conferred with the Honorable Bonnie Storbakken, Lindsey Nieuwsma, Pamela A. Nesvig, and Bobbi Weiler, it is hereby respectfully requested that the Supreme Court assign a judge outside the district to hear the above entitled case. The reason for this request is that the judges of this district are acquainted with the plaintiff/defendant, and feel that in the best interest of justice should disqualify themselves.

Dated this 3rd day of May, 2022.

BY THE COURT:

Bruce Romanick
Presiding Judge
South Central Judicial District

EXHIBIT 19

Greenpeace Defendants' Petition for Supervisory Writ

IN THE SUPREME COURT
FOR THE STATE OF NORTH DAKOTA

Greenpeace International (also known as "Stichting Greenpeace Council"); Greenpeace, Inc.; Greenpeace Fund, Inc.,

Petitioners,

vs.

The Honorable Judge James D. Gion, Judge of the District Court, South Central Judicial District, Morton County; Energy Transfer LP (formerly known as Energy Transfer Equity, L.P.); Energy Transfer Operating, L.P. (formerly known as Energy Transfer Partners, L.P.); and Dakota Access LLC,

Respondents.

Supreme Court Case No. _____

Energy Transfer LP, et al. v. Greenpeace International, et al.
District Court Case No. 30-2019-CV-00180

UNSWORN DECLARATION OF STEVEN CAPLOW IN SUPPORT OF GREENPEACE DEFENDANTS' PETITION FOR SUPERVISORY WRIT

[¶1] I, Steven Caplow, declare as follows:

[¶2] I am a Partner with the law firm Davis Wright Tremaine LLP, counsel of record for Defendants Greenpeace International and Greenpeace, Inc. in the above-captioned matter, in which Greenpeace Fund, Inc. is a co-defendant. I submit this Declaration in support of Greenpeace International, Greenpeace, Inc., and Greenpeace Fund, Inc.'s (collectively, "Greenpeace Defendants") Petition for Supervisory Writ (the "Petition").

[¶3] On February 19, 2025, Greenpeace Defendants renewed their motion to change venue in open court based on supplemental declarations of Jennifer Davis and Derrick Braaten describing additional local pretrial publicity, including paid direct

mailers with fake news articles, television commercials, and unsolicited text messages. The district court denied the motion.

[¶4] Attached as **Exhibit 20** to the Petition is a true and correct copy of the 96 prospective juror questionnaires Greenpeace Defendants received from the Morton County Clerk on January 28, 2025 and January 30, 2025.

[¶5] Attached as **Exhibit 21** to the Petition is a true and correct copy of a rough draft transcript of the first day of trial on February 24, 2025.

[¶6] Attached as **Exhibit 22** to the Petition is a true and correct copy of a rough draft transcript of the second day of trial on February 25, 2025.

[¶7] Attached as **Exhibit 25** to the Petition is a true and correct copy of an excerpt of Central ND News dated February 28, 2025, that I read on February 26, 2025. Page 7 has an article with the headline, "Eight years ago: President Trump signs order to expedite Dakota Access Pipeline."

[¶8] Attached as **Exhibit 26** to the Petition is a chart listing jurors' numbers in court with their corresponding questionnaire identification numbers.

I declare, under the penalty of perjury under the law of North Dakota, that the foregoing is true and correct.

Signed on the 27th day of February 2025, at Bismarck, North Dakota,

/s/ Steven Caplow
Steven Caplow

EXHIBIT 20

Greenpeace Defendants' Petition for Supervisory Writ

Placeholder for Confidential Exhibit

EXHIBIT 21

Greenpeace Defendants' Petition for Supervisory Writ

Placeholder for Confidential Exhibit

EXHIBIT 22

Greenpeace Defendants' Petition
for Supervisory Writ

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EXHIBIT 23

Greenpeace Defendants' Petition for Supervisory Writ

IN THE SUPREME COURT
FOR THE STATE OF NORTH DAKOTA

Greenpeace International (also known as "Stichting Greenpeace Council"); Greenpeace, Inc.; Greenpeace Fund, Inc.,

Petitioners,

vs.

The Honorable Judge James D. Gion, Judge of the District Court, South Central Judicial District, Morton County; Energy Transfer LP (formerly known as Energy Transfer Equity, L.P.); Energy Transfer Operating, L.P. (formerly known as Energy Transfer Partners, L.P.); and Dakota Access LLC,

Respondents.

Supreme Court Case No. _____

Energy Transfer LP, et al. v. Greenpeace International, et al.
District Court Case No. 30-2019-CV-00180

UNSWORN DECLARATION OF SUSHMA RAMAN

[¶1] I, Sushma Raman, declare as follows:

[¶2] I am Interim Executive Director of Greenpeace, Inc. In my capacity as Interim Executive Director, I am familiar with the financial condition of Greenpeace, Inc. I make this declaration based on personal knowledge and my familiarity with the corporate records. I am over 21 years old and otherwise competent to testify.

[¶3] I understand the Plaintiffs in the above-captioned action seek compensatory and exemplary damages of approximately Nine Hundred Million Dollars ($900,000,000).

[¶4] Even if the jury award was a small percentage of this amount, posting a supersedeas bond pending appeal would effectively destroy Greenpeace, Inc.

[¶5] Even if an appellate court ultimately determined that this case should have been tried in a different venue, Greenpeace, Inc. will have been stripped of its assets and effectively destroyed.

[¶6] It is important to appreciate that unless otherwise addressed, the verdict in this matter will decide the fate of Greenpeace, Inc. before the North Dakota Supreme Court has the opportunity to even consider the issue of venue.

I declare under penalty of perjury under the law of North Dakota that the foregoing is true and correct.

Signed on the 26th day of February 2025, at Bismarck, North Dakota.

/s/ Sushma Raman
Sushma Raman

EXHIBIT 24

Greenpeace Defendants' Petition for Supervisory Writ

IN THE SUPREME COURT
FOR THE STATE OF NORTH DAKOTA

Greenpeace International (also known as "Stichting Greenpeace Council"); Greenpeace, Inc.; Greenpeace Fund, Inc.,

Petitioners,

vs.

The Honorable Judge James D. Gion, Judge of the District Court, South Central Judicial District, Morton County; Energy Transfer LP (formerly known as Energy Transfer Equity, L.P.); Energy Transfer Operating, L.P. (formerly known as Energy Transfer Partners, L.P.); and Dakota Access LLC,

Respondents.

Supreme Court Case No. _____

Energy Transfer LP, et al. v. Greenpeace International, et al.
District Court Case No. 30-2019-CV-00180

UNSWORN DECLARATION OF JERILYN EMERSON

[¶1] I, Jerilyn Emerson, declare as follows:

[¶2] I am Chief of Staff of Greenpeace Fund, Inc. In my capacity as Chief of Staff, I am familiar with the financial condition of Greenpeace Fund, Inc. I make this declaration based on personal knowledge and my familiarity with the corporate records. I am over 21 years old and otherwise competent to testify.

[¶3] I understand the Plaintiffs in the above-captioned action seek compensatory and exemplary damages of approximately Nine Hundred Million Dollars ($900,000,000).

[¶4] Even if the jury award was a small percentage of this amount, posting a supersedeas bond pending appeal would effectively destroy Greenpeace Fund, Inc.

[¶5] Even if an appellate court ultimately determined that this case should have been tried in a different venue, Greenpeace Fund, Inc. will have been stripped of its assets and effectively destroyed.

[¶6] It is important to appreciate that unless otherwise addressed, the verdict in this matter will decide the fate of Greenpeace Fund, Inc. before the North Dakota Supreme Court has the opportunity to even consider the issue of venue.

I declare under the penalty of perjury under the law of North Dakota that the foregoing is true and correct.

Signed on the 26th day of February 2025, at Washington, DC.

/s/ Jerilyn Emerson
Jerilyn Emerson

EXHIBIT 25

Greenpeace Defendants' Petition for Supervisory Writ

Central ND News

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Trump energy orders could impact ND

SEE PAGE 6

Kelly Parker to lead NDSU 4-H Ambassadors

CENTRAL ND NEWS REPORTS

Kelly Parker has joined North Dakota State University Extension as the state 4-H Youth Development specialist. In this role, she will lead the North Dakota 4-H Ambassadors program and collaborate with co-advisors to inspire and empower youth across the state.



Kelly Parker

Parker is eager to contribute to program design and evaluation, ensuring a strong foundation for positive youth development.

"I am thrilled to join North Dakota 4-H and the Ambassadors program," she said. "I look forward to working with our youth and communities to equip students with the skills they need to achieve their dreams and succeed in the workforce and beyond."

She earned her bachelor's degree in veterinary sciences from the University of Tennessee at Martin. After teaching a variety of K-12 subjects, Parker pursued her master's and Ph.D. in health, nutrition, and exercise sciences at NDSU. She is currently a post-doctoral research fellow in NDSU's psychology department.

Parker brings hands-on teaching experience, having led programs such as Eat Smart to Live Strong. She also served as a SNAP-Ed program assistant in Ohio, where she worked on nutrition education initiatives. With her diverse background and passion for youth development, Parker is poised to make a meaningful impact in her new role at North Dakota 4-H.

Eight years ago: President Trump signs order to expedite Dakota Access Pipeline

CENTRAL ND NEWS REPORTS

Eight years ago, President Donald Trump signed an executive order to expedite the construction of the Dakota Access Pipeline (DAPL). The order reversed a decision by the Obama administration to halt the project, which had faced delays due to environmental and tribal concerns.

The memorandum, issued by Trump in January 2017, instructed the Army Corps of Engineers to "review and approve in an expedited manner" any necessary easements or permits for the project. It also emphasized that construction projects like the DAPL should use "materials and equipment produced in the United States, to the maximum extent possible."

During the signing, Trump stated, "We will build our own pipelines. We will build our own pipes," adding, "Like we used to in the old days."

The DAPL is a 1,172-mile underground pipeline that transports crude oil from the Bakken oil fields in North Dakota to a terminal in Patoka, Illinois.

In 2016, the U.S. Army Corps of Engineers approved most of the DAPL project, but in December 2016, the Corps refused to grant an easement for construction under Lake Oahe, citing the need for further environmental review. Trump's order directed the Corps to grant the easement, allowing construction to proceed.



President Donald Trump signs executive order to expedite construction of Dakota Access Pipeline

Trump's memorandum stated, "I believe that construction and operation of lawfully permitted pipeline infrastructure serve the national interest."

It directed federal agencies to prioritize and accelerate the review process for the pipeline and similar infrastructure projects.

The signing was one of several early actions by the Trump administration to promote domestic energy production and streamline infrastructure projects.

Trump also emphasized reducing regulatory barriers, saying, "We are going to renegotiate some of the terms, and if they'd like, we'll see if we can get that pipeline built."

The DAPL was completed and began operations in June 2017.

The protests of 2016 and 2017 aimed to halt the construction of the reported $3.8 billion pipeline and "drew thousands of people to camp out" in Morton County, the Associated Press reported.

The protests resulted in 761 arrests, according to MPR News. Charges ranged from trespassing to more severe offenses. A significant number of those arrested were from out of state.

California resident and actress Shailene Woodley was arrested in October 2016. Other figures, including actors Mark Ruffalo and Leonardo DiCaprio, participated in the protests but were not arrested.

Certain days of the protests resulted in dozens of arrests, such as February 1, 2017, when 76 people were arrested after Morton County Sheriff's Department spokesperson Rob Keller said a "rogue group of protesters" had trespassed on private property.

The State of North Dakota is currently suing the federal government to "recoup $38 million it claims it spent policing the protest camps," Source NM reported.

U.S. House passes bill protecting state control over fracking regs

CENTRAL ND NEWS REPORTS

The House of Representatives has passed H.R. 26, known as the Protecting American Energy Production Act. This legislation aims to secure affordable and reliable energy production in the United States while maintaining environmental sustainability. Congresswoman Julie Fedorchak (R-ND), a co-sponsor of the bill, described its passage as a significant step toward American energy independence.

"By passing this bill, we've taken a stand to protect the energy production that powers our economy, lowers costs for families, and helps North Dakota remain a leader in energy innovation," Fedorchak stated. She emphasized the role of fracking in transforming North Dakota into an energy powerhouse and highlighted that H.R. 26 would safeguard progress from federal interference that could disrupt energy production and threaten jobs.



Julie Fedorchak

The bill seeks to prevent any federal moratorium on hydraulic fracturing (fracking) and confirms that states will continue to regulate fracking on state and private lands. Fracking is essential for America's energy future, contributing significantly to natural gas and oil production in the country. The timing of the bill's passage is notable as families are experiencing increased energy costs due to federal restrictions on domestic production under the Biden administration.

Fedorchak further noted, "North Dakota's leadership in energy innovation took off after we used fracking, marking the beginning of an era of affordable, sustainable energy production through horizontal drilling and hydraulic fracturing." She added that North Dakota enforces high environmental standards for energy production, ensuring groundwater protection and public disclosure of fracking chemicals.

The House approved the Protecting American Energy Production Act with a bipartisan vote of 226-188. The bill now moves to the Senate for further consideration.

EXHIBIT 26

Greenpeace Defendants' Petition
for Supervisory Writ

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