

STATE OF NORTH DAKOTA

IN 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,)

Case No. 30-2019-CV-00180

Plaintiffs,)

**STIPULATION TO DISMISS CHARLES
BROWN AS DEFENDANT AND
WITHDRAW CERTAIN ALLEGATIONS**

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; Krystal Two)
Bulls; and Charles Brown,)

Defendants.)

[¶ 1] Pursuant to Rules 15 and 21 of the North Dakota Rules of Civil Procedure, Plaintiffs Energy Transfer LP, Energy Transfer Operating, L.P., and Dakota Access, LLC (“Dakota Access” and together, “Energy Transfer” or “Plaintiffs”), and Defendants Greenpeace International, Greenpeace, Inc., and Greenpeace Fund, Inc. (collectively, the “Greenpeace Defendants”), by and through their respective undersigned counsel, hereby stipulate and agree (i) Charles Brown is dismissed as a defendant with prejudice as to claims involving the Dakota Access Pipeline; (ii) Plaintiffs withdraw all claims related to Paragraph 100 of the Amended Complaint (Dkt. No. 100); and (iii) Plaintiffs limit the false statements alleged in Appendix A to the Amended Complaint (Dkt. No. 103) to those set forth in the attached Amended Appendix A.

[¶ 2] Accordingly, the Parties respectfully request the Court (i) dismiss Charles Brown as a defendant with prejudice as to claims involving the Dakota Access Pipeline; (ii) strike Paragraph 100 from the Amended Complaint; and (iii) limit the false statements alleged in Appendix A to the Amended Complaint to those set forth in the attached Amended Appendix A.

DATED this 17th day of March, 2022.

FREDRIKSON & BYRON P.A.

By: /s/ Jennifer S. Recine
Lawrence Bender, ND Bar #03908
1133 College Drive, Suite 1000
Bismarck, ND 58501-1215
lbender@fredlaw.com
Telephone: 701.221.8700

Jennifer S. Recine (admitted *pro hac vice*)
Mark P. Ressler (admitted *pro hac vice*)
Thomas Kelly (admitted *pro hac vice*)
KASOWITZ BENSON TORRES LLP
1633 Broadway
New York, NY 10019
jrecine@kasowitz.com
mressler@kasowitz.com
tkelly@kasowitz.com
Telephone: 212.506.1700

*Attorneys for Plaintiffs Energy Transfer LP,
Energy Transfer Operating, L.P.,
and Dakota Access LLC*

DATED this 17th day of March, 2022.

TARLOW STONECIPHER WEAMER &
KELLY, PLLC

/s/ Matthew J. Kelly
Matthew J. Kelly, N.D. Bar # 08000
Amy C. McNulty, N.D. Bar # 08134
1705 West College Street
Bozeman, MT 59715
mkelly@lawmt.com
amcnulty@lawmt.com
Telephone: 406.586.9714

Attorneys for Greenpeace Fund, Inc.

DATED this 17th day of March, 2022.

DAVIS WRIGHT TREMAINE LLP

/s/ Everett Jack Jr.

Everett Jack Jr. (admitted *pro hac vice*)
1300 SW Fifth Avenue, Suite 2400
Portland, OR 97201
everettjack@dwt.com
Telephone: 503.778.5218

Adam S. Caldwell (admitted *pro hac vice*)
1301 K St NW Suite 500
Washington, DC 20005
adamcaldwell@dwt.com
Telephone: 202.973.4200

Derrick Braaten, ND Bar # 06394
BRAATEN LAW FIRM
109 North 4th Street, Suite 100
Bismarck, ND 58501
derrick@braatenlawfirm.com
Telephone: 701.221.2911

*Attorneys for Greenpeace Defendants
Greenpeace International (AKA
"Greenpeace Stichting Council"),
Greenpeace, Inc. and Charles Brown*

75225421.1

**AMENDED APPENDIX A
GREENPEACE FALSE STATEMENTS**

	Date	Author	Description	Statements
1.	6/18/2018	Greenpeace USA	Website Publication: Greenpeace USA Report Urges Banks to End Relationship with Energy Transfer Partners	Stating that Energy Transfer “damag[ed] at least 380 sacred and cultural sites along the DAPL pipeline route.”
2.	6/18/2018	Greenpeace USA (Annie Leonard)	Website Publication: Why I Believe Energy Transfer Partners’ Corporate Behavior on Human Rights, Free Speech, and the Environment Has Gone Too Far—and Continues to Do So	Accusing Energy Transfer and Dakota Access of “bulldoz[ing] an area of the pipeline corridor filled with Tribal sacred sites and burials.”
3.	3/2/2018	Greenpeace USA (Molly Dorozenki)	Website Publication: The Truth About Energy Transfer Partners	Accusing Energy Transfer of “us[ing] pepper spray and attack dogs on peaceful Water Protectors and pipeline opponents.”
8.	2/7/2017	Greenpeace USA (Jason Schwartz)	Website Publication: NoDAPL: Greenpeace Responds to Granting of Easement	[quoting Mary Sweeters:] DAPL is a “project[] that threaten[s] . . . our climate.”
9.	2/7/2017	Greenpeace USA (Jason Schwartz)	Website Publication: NoDAPL: Greenpeace Responds to Granting of Easement	[quoting Mary Sweeters:] “The Dakota Access Pipeline poses a significant threat to the water supply of Standing Rock and to millions of other people downstream.”
10.	2/7/2017	Greenpeace USA (Jason Schwartz)	Website Publication: NoDAPL: Greenpeace Responds to Granting of Easement	[quoting Mary Sweeters:] “[DAPL's] construction has already desecrated sacred burial grounds and other historical sites nearby.”
11.	2/7/2017	Greenpeace USA (Mary Sweeters)	Website Publication: It's Time for DAPL Funders to Decide Which Side of History They Want to Be On	DAPL is “a project that . . . threatens our climate”

**AMENDED APPENDIX A
GREENPEACE FALSE STATEMENTS**

14.	2/7/2017	Greenpeace USA (Mary Sweeters)	Website Publication: It's Time for DAPL Funders to Decide Which Side of History They Want to Be On	Banks funding DAPL are “on notice for their role in supporting a project that . . . threatens our climate. . . . [F]inancial institutions funding the project have a role to play, a moral obligation, and their own policies to abide in breaking ties from this project. Unless, of course, they want to be remembered as the company that . . . sped up catastrophic climate change.”
17.	1/27/2017	Greenpeace USA (Jesse Coleman)	Website Publication: Pipe Dreams: Why Trump's Dakota Access and Keystone XL Plans Don't Add Up	DAPL is “endangering the lives and drinking sources of hundreds of thousands of people”
19.	12/19/2016	Greenpeace USA (Perry Wheeler)	Website Publication: After Visiting Standing Rock, Swedish Bank Nordea Puts Companies Behind DAPL on Watch	[quoting Greenpeace Nordic Climate and Energy Campaigner Rolf Lindahl:] “It’s an important step that Nordea put its foot down and now has specific requirements that the oil pipeline not go through the Standing Rock Sioux Tribe's land. It sends a clear signal to the world that the rights of indigenous peoples must be respected.”
22.	12/2/2016	Greenpeace USA (Perry Wheeler)	Website Publication: President-Elect Trump's Support for Dakota Access Pipeline Is Crony Capitalism at Its Worst	[quoting Mary Sweeters:] “Millions of people will lose access to a clean water supply, including the Standing Rock Sioux Tribe, and the rest of America will face the impacts of catastrophic climate change from burning fossil fuels.”
24.	12/1/2016	Greenpeace USA (Perry Wheeler)	Website Publication: Activists Worldwide Close Accounts, Demand Citibank Halt and Rescind Dakota Access Pipeline Loans	[quoting Mary Sweeters:] DAPL is a “disastrous project on behalf of a fossil fuel company willing to destroy Standing Rock's sacred land and water supply”

**AMENDED APPENDIX A
GREENPEACE FALSE STATEMENTS**

29.	11/30/2016	Joint letter, signed by Banktrack; Greenpeace France; Greenpeace International; Greenpeace Netherlands; Greenpeace USA	Open Letter: Halt your support to the Dakota Access Pipeline	DAPL “threatens . . . water resources in the region and further downstream.”
30.	11/30/2016	Joint letter, signed by Banktrack; Greenpeace France; Greenpeace International; Greenpeace Netherlands; Greenpeace USA	Open Letter: Halt your support to the Dakota Access Pipeline	“Given that Indigenous rights are presumed to be respected by the [Equator Principles Financial Institutions], . . . it is for us inexplicable that . . . gross violations of Native land titles, threats to water sources and the desecration of burial grounds have not been identified early on as reasons for [BBVA] to not provide funding for this project.”
31.	11/30/2016	Joint letter, signed by Banktrack; Greenpeace France; Greenpeace International; Greenpeace Netherlands; Greenpeace USA	Open Letter: Halt your support to the Dakota Access Pipeline	“DAPL personnel deliberately desecrated documented burial grounds and other culturally important sites.”

**AMENDED APPENDIX A
GREENPEACE FALSE STATEMENTS**

33.	11/30/2016	Joint letter, signed by Banktrack; Greenpeace France; Greenpeace International; Greenpeace Netherlands; Greenpeace USA	Open Letter: Halt your support to the Dakota Access Pipeline	Stating that DAPL’s “pipeline trajectory is cutting through Native American sacred territories and unceded Treaty lands”
39.	11/21/2016	Greenpeace USA (Perry Wheeler)	Website Publication: Young Women Shut Down TD Bank, Call for Divestment of the Dakota Access Pipeline	“[P]eaceful, nonviolent encampment on Standing Rock Sioux Tribal land in the path of the pipeline [and] Water Protectors . . . have been met with extreme violence, such as the use of water cannons, pepper spray, concussion grenades, tasers, LRADs (Long Range Acoustic Devices), and dogs, from local and national law enforcement, and Energy Transfer Partners and their private security.”
40.	11/21/2016	Greenpeace USA (Perry Wheeler)	Website Publication: Young Women Shut Down TD Bank, Call for Divestment of the Dakota Access Pipeline	DAPL “poses a significant threat to the water supply of the Standing Rock Sioux and millions of other people downstream, and would desecrate sacred burial grounds, religious, and other historical sites.”
41.	11/21/2016	Greenpeace USA (Perry Wheeler)	Website Publication: Young Women Shut Down TD Bank, Call for Divestment of the Dakota Access Pipeline	“The pipeline violates . . . the Treaty of Fort Laramie of 1851.”
44.	11/18/2016	Greenpeace USA (Brian Johnson)	Website Publication: Exxon Just Reminded Us Why Fossil Fuels are On The Way Out	“For months, the Standing Rock Sioux have been resisting the construction of a pipeline through their tribal land and waters that would carry oil from North Dakota's fracking fields to Illinois.”

**AMENDED APPENDIX A
GREENPEACE FALSE STATEMENTS**

45.	11/16/2016	Greenpeace USA (Ryan Schleeter)	Website Publication: #NoDAPL Day of Action Draws Tens of Thousands, Lights Up Social Media	“Dakota Access Pipeline . . . directly threaten[s] the sacred lands and water source of the Standing Rock Sioux Tribe”
46.	11/16/2016	Greenpeace USA (Ryan Schleeter)	Website Publication: #NoDAPL Day of Action Draws Tens of Thousands, Lights Up Social Media	“For months, the Standing Rock Sioux and allies have been peacefully protesting the crude oil pipeline, but have been met with aggression and violence from Dakota Access private security and construction crews.”
52.	11/7/2016	Joint letter, signed by Greenpeace USA and Banktrack	Letter to consortium of banks financing DAPL	DAPL is a “climate destroying project.”
53.	11/7/2016	Joint letter, signed by Greenpeace USA and Banktrack	Letter to consortium of banks financing DAPL	“[T]he pipeline trajectory is cutting through Native American sacred territories and unceded Treaty lands”
54.	11/7/2016	Joint letter, signed by Greenpeace USA and Banktrack	Letter to consortium of banks financing DAPL	“DAPL personnel deliberately desecrated documented burial grounds and other culturally important sites.”
65.	10/4/2016	Greenpeace USA	Website Publication: In Case You Were Wondering, Donald Trump Has Multiple Ties to the Dakota Access Pipeline	DAPL is “a project that . . . pushes us closer to climate disaster”
67.	9/16/2016	Greenpeace USA	Website Publication: Supply Drives for the Red Warrior and Sacred Stone Camps	“Dakota Access Pipeline . . . will carry more than 400,000 barrels of crude oil a day across [SRST's] ancestral lands”

**AMENDED APPENDIX A
GREENPEACE FALSE STATEMENTS**

68.	9/9/2016	Greenpeace USA (Rachel Prokop)	Website Publication: How You Can Help Standing Rock Activists Stop the Dakota Access Pipeline	Protesters are resisting “construction of a crude oil pipeline [DAPL] on ancestral lands”
72.	9/9/2016	Greenpeace USA (Rachel Prokop)	Website Publication: How You Can Help Standing Rock Activists Stop the Dakota Access Pipeline	DAPL “would carry more than 400,000 barrels of crude oil a day across [SRST's] ancestral lands”
76.	Undated	Greenpeace USA (Perry Wheeler)	Website Publication: Indigenous Youth Travel From Standing Rock to Clinton Headquarters to Demand Answers on Dakota Access Pipeline	“[T]he 1,100-mile pipeline [] threatens sacred Indigenous land and water supply.”
77.	Undated	Greenpeace USA (Perry Wheeler)	Website Publication: Indigenous Youth Travel From Standing Rock to Clinton Headquarters to Demand Answers on Dakota Access Pipeline	DAPL “plac[es] serious risk to the nation's water supply”
79.	Undated	Greenpeace USA (Perry Wheeler)	Website Publication: Indigenous Youth Travel From Standing Rock to Clinton Headquarters to Demand Answers on Dakota Access Pipeline	DAPL is “desecrating burial and other historical sites.”

STATE OF NORTH DAKOTA

IN 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,)

Case No. 30-2019-CV-00180

Plaintiffs,)

CERTIFICATE OF SERVICE

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; Krystal Two)
Bulls; and Charles Brown,)

Defendants.)

[¶ 1] I, the undersigned, hereby certify that on March 17th, 2022, a true and correct copy

the following documents:

1. Stipulation to Dismiss Charles Brown as Defendant and Withdraw Certain Allegations; and
2. Amended Appendix A – Greenpeace False Statements;

were filed electronically with the Clerk of Court through Odyssey, and that Odyssey will send a

copy of the same to the following:

Everett Jack Jr.
everettjack@dwt.com

Adam S. Caldwell
adamcaldwell@dwt.com

Eric M. Stahl
ericstahl@dwt.com

Steven Caplow
stevencaplow@dwt.com

Derrick L. Braaten
derrick@braatenlawfirm.com

Matthew J. Kelly
mkelly@lawmt.com

Amy C. McNulty
amcnulty@lawmt.com

[¶ 2] I further certify that the foregoing document was served by placing the same in the U.S. Mail, postage paid, and properly addressed to the following:

Cody Hall
419 2nd Ave W
Mobridge, SD 57601


Krystal Two Bulls
PO Box 1531
Lame Deer, MT 59043

Red Warrior Society (also known
as "Red Warrior Camp")
c/o Krystal Two Bulls
PO Box 1138
Lame Deer, MT 59043

Dated this 17th day of March, 2022.

FREDRIKSON & BYRON P.A.

By: _____


Lawrence Bender, ND Bar #03908
1133 College Drive, Suite 1000
Bismarck, ND 58501-1215
lbender@fredlaw.com
Telephone: 701.221.8700

Jennifer S. Recine (admitted *pro hac vice*)
Mark P. Ressler (admitted *pro hac vice*)
Thomas Kelly (admitted *pro hac vice*)
KASOWITZ BENSON TORRES LLP
1633 Broadway
New York, NY 10019
jrecine@kasowitz.com
mressler@kasowitz.com
tkelly@kasowitz.com
Telephone: 212.506.1700

*Attorneys for Plaintiffs Energy Transfer LP,
Energy Transfer Operating, L.P.,
and Dakota Access LLC*