## STATE OF NORTH DAKOTA COUNTY OF MORTON

# IN DISTRICT COURT 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,	) ) ) ) ) ) SPECIAL VERDICT FORM
-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.	)

This is the Special Verdict form on which the Court gave instructions. You are required to make a special written finding upon each issue of fact. You will note that the questions are to be answered with "Yes" or "No" or other brief answer. The answer to each question must be the unanimous answer of the Jury. The Jury Leader will write the unanimous answer of the Jury in the space provided opposite the question. You will refrain from answering any question that has become moot by your answer to a previous question.

#### TRESPASS TO LAND

1. Did Defendants trespass	on Energy Transfer's land?	
Greenpeace Inc.	YES	NO
Greenpeace Fund	YES	No
Greenpeace International	YES	No
If you answered YES as to any of Question 2 as to those Defendar	<del>-</del>	l, then answer
for trespass to land?	rd to Energy Transfer in con	ipensatory damages
Greenpeace Inc.	5000 3,761,	034
Greenpeace Fund		
Greenpeace International		

## AIDING AND ABETTING TRESPASS TO LAND

3. Did Defendants aid and Transfer's land?	abet a third party's trespass to	Energy
Greenpeace Inc.	YES	NO
Greenpeace Fund	YES	NO
Greenpeace International	YES	_ио
Question 4 as to those Defenda		
4. How much do you awa for aiding and abetting	rd to Energy Transfer in compe trespass to land?	ensatory damages
Greenpeace Inc.	3,761,034	
Greenpeace Fund		
Greenpeace International		

#### TRESPASS TO CHATTEL

5. Did Defendants commi	it trespass to chatt	tel against	Energy Tran	sfer?
Greenpeace Inc.	YI	ES		NO
Greenpeace Fund	YI	ES	$\overline{}$	NO
Greenpeace International	Y	ES _	X	NO
If you answered YES as to any Question 6 as to those Defend		on Questio	n 5, then ansv	ver
6. How much do you aw for trespass to chattel	?			damages
Greenpeace Inc.	15102,06B	3,761,0	YEC	
Greenpeace Fund				
Greenpeace International				

## AIDING AND ABETTING TRESPASS TO CHATTEL

7. Did Defendants aid Energy Transfer?	or abet a third party's trespass t	o chattel against
Greenpeace Inc	YES	NO
Greenpeace Fund _	YES	NO
Greenpeace International _	YES	NO
If you answered YES as to Question 8 as to those Def	any of the Defendants on Question fendant(s).	7, then answer
	award to Energy Transfer in co tting trespass to chattel?	mpensatory damages
Greenpeace Inc.	3,761,034	
Greenpeace Fund		
Greenneace International		

#### CONVERSION

9. Did Defendants commit co	onversion against Energ	y Transfer?
Greenpeace Inc.	YES _	NO
Greenpeace Fund	YES	NO
Greenpeace International	YES _	NO
If you answered YES as to any of Question 10 as to those Defendan	•	on 9, then answer
10. How much do you award for conversion?	to Energy Transfer in o	compensatory damages
Greenpeace Inc. 3,70	01,034	
Greenpeace Fund		
Greenneace International		

## AIDING AND ABETTING CONVERSION

11. Did Defendants ai	id and abet conve	ersion agains	st Energy Transfer	?
Greenpeace Inc.	X_	YES		NO
Greenpeace Fund		YES		NO
Greenpeace International	i	YES		NO
If you answered YES as a Question 12 as to those I.  12. How much do you for aiding and all	Defendant(s).	gy Transfei	estion 11, then ansv	
Greenpeace Inc.	3,761,0	34		
Greenpeace Fund	·	_ <del></del>		
Greenpeace Internation	al			

### Nuisance

13. Did Defendants commit no	uisance against Energy Tran	sfer?
Greenpeace Inc.	YES	NO
Greenpeace Fund	YES	NO
Greenpeace International	YES	NO
If you answered YES as to any of a Question 14 as to those Defendan		3, then answer
14. How much do you award for nuisance?	to Energy Transfer in com	pensatory damages
Greenpeace Inc. 3,70	01034	
Greenpeace Fund		
Greenneace International		

## AIDING AND ABETTING NUISANCE

15. Did Defendants aid an Transfer?	d abet a th	ird party's	nuisance against Energy
Greenpeace Inc.		YES	NO
Greenpeace Fund		YES	
Greenpeace International		YES	No
If you answered YES as to any Question 16 as to those Defend	of the Defen dant(s).	dants on Qu	estion 15, then answer
16. How much do you awa		gy Transfer	in compensatory damages
Greenpeace Inc. 3	,761,0	<u> 34</u>	
Greenpeace Fund		·	
Greenpeace International			

### CONSPIRACY

17. Did Defendants commit a cons	spiracy against Ener	gy Transfer?
Greenpeace Inc.	YES	NO
Greenpeace Fund	YES	NO
Greenpeace International	YES	NO
If you answered YES as to any of the I Question 18 as to those Defendant(s).	Defendants on Questic	on 17, then answer
18. How much do you award to I for conspiracy?	Energy Transfer in c	ompensatory damages
Greenpeace Inc. 439	895	
Greenpeace Fund		
Greenpeace International 439	8 95	

#### **DEFAMATION**

## 19. Did Defendants defame Energy Transfer with any of the following statements?

Statement 1: Energy Transfer "damag[ed] at least 380 sacred and cultural sites along the DAPL pipeline route."

Statement 2: Energy Transfer "us[ed] pepper spray and attack dogs on peaceful Water Protectors and pipeline opponents."

Statement 3: "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."

Statement 4: "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 . . . and the desecration of burial grounds have not been identified early on as reasons for [BBVA] to not provide funding for this project."

Statement 5: "DAPL personnel deliberately desecrated documented burial grounds and other culturally important sites."

Statement 6: "[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."

Statement 7: "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."

Statement 8: "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."

Statement 9: "DAPL personnel deliberately desecrated documented burial grounds and other culturally important sites."

Greenpeace Inc.		YES		NO
➤ If yes, please list	t the respective numb	er(s) of the s	tatement(s): _	1-9
Greenpeace Fund	$\overline{}$	YES		NO
> If yes, please lis	t the respective numb	per(s) of the s	statement(s): _	1-9
Greenpeace Internation	nalX	YES	<del> </del>	NO
> If yes, please lis	t the respective numb	per(s) of the	statement(s): _	1-9
If you answered YES Question 20 as to thos		efendants on	Question 19,	then answer
	you award to Energ m Defendants' defa	,-	in compensat	ory damages
Greenpeace Inc.	Myselyntsides	gy Py	3,32646	15
Greenpeace Fund	Marks Est	8	326.	425
Greenpeace Internation	onal thoughts of	<del>849</del> 8	326.4	25

If you Quesi	answered YES as tion 21 as to those	to any of the Defend Defendant(s).	dants on Que	stion 19, then answer
21.	Did Defendants	commit defamation	n per se agai	nst Energy Transfer?
Green	npeace Inc.		YES	NO
>	If yes, please lis	t the respective num	ber(s) of the s	tatement(s): 1-2, 4-6, '8-9
Gree	npeace Fund		YES	NO
Þ	If yes, please lis	t the respective num	ber(s) of the	statement(s): 1-2, 4-6, 8-9
Gree	enpeace Internatio	nal	YES	NO
>	If yes, please lis	st the respective num	nber(s) of the	statement(s): ) - 2, 4-6, 8.9
If yo Que	estion 22 as to thos	se Defendant(s).		estion 21, then answer
22.	How much, in harm to Energ	your discretion, d gy Transfer's reput	o you award ation?	in presumed damages for
Gre	enpeace Inc.	8.326.	192	
Gre	eenpeace Fund	8 324,	425	

Greenpeace International 8, 306, 405

### TORTIOUS INTERFERENCE

23.	Did Defendants Energy Transfe		tortious	interference	with	business	against
Gree	enpeace Inc.	>		YES			NO
Gree	enpeace Fund		人	YES			NO
Gree	enpeace Internation	nal	$\times$	YES			NO
	ou answered YES a estion 24 as to thos			dants on Ques	tion 23	3, then ans	wer
24.	How much do g			gy Transfer ir	comp	ensatory	damages
Gre	enpeace Inc.	13,3	352,1	<u>22</u>			
Gre	eenpeace Fund	13,	352,	192			
Gre	eenpeace Internatio	nal <u>13</u>	352.	125			

#### **EXEMPLARY DAMAGES**

If you awarded compensatory damages to Energy Transfer in any of the following questions, then answer Question 25 as to each Defendant for each claim:

Question Numbers 2 (Trespass to Land), 4 (Aiding and Abetting Trespass to Land), 6 (Trespass to Chattel), 8 (Aiding and Abetting Trespass to Chattel), 10 (Conversion), 12 (Aiding and Abetting Conversion), 14 (Nuisance), 16 (Aiding and Abetting Nuisance), 18 (Civil Conspiracy), 20 (Defamation), 22 (Defamation Per Se), and/or 24 (Tortious Interference).

## 25. How much do you award to Energy Transfer in exemplary damages?

CLAIM	EXEMPLARY DAMAGES
TRESPASS TO LAND	GREENPEACE INC: \$ 6 0 5 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
AIDING & ABETTING TRESPASS TO LAND	GREENPEACE INC: \$\frac{5}{4} \Q_1 \leq 0  \text{CO}
TRESPASS TO CHATTEL	GREENPEACE INC: \$\frac{c^\beta}{10}, \frac{c}{c}\times \cdots}  GREENPEACE FUND: \$\frac{c}{c}\times \cdots
AIDING & ABETTING TRESPASS TO CHATTEL	GREENPEACE INC: \$\(\frac{1}{2}\) \(\simeq\)
CONVERSION	GREENPEACE INC: \$\frac{\beta}{2}\0\500\000 GREENPEACE FUND: \$  GREENPEACE INTERNATIONAL: \$

CLAIM	EXEMPLARY DAMAGES
AIDING & ABETTING CONVERSION	GREENPEACE INC: \$ 10,50000  GREENPEACE FUND: \$
	GREENPEACE INTERNATIONAL: \$
NUISANCE	GREENPEACE INC: \$ 1() 500, 000  GREENPEACE FUND: \$
	GREENPEACE INTERNATIONAL: \$
AIDING &	GREENPEACE INC: \$ 10, 500, 000
ABETTING NUISANCE	GREENPEACE FUND: \$  GREENPEACE INTERNATIONAL: \$
CIVIL CONSPIRACY	GREENPEACE FUND: \$
	GREENPEACE INTERNATIONAL: \$
DEFAMATION	GREENPEACE INC: \$ 12 500,000
	GREENPEACE INTERNATIONAL: \$ 1 2 500; 000
DEFAMATION PER SE	GREENPEACE INC: \$ 12,500 (RO)
I ER SE	GREENPEACE INTERNATIONAL: \$ 13,500,000
TORTIOUS INTERFERENCE	GREENPEACE INC: \$ 10,500,000  GREENPEACE FUND: \$ 10,500,000
	GREENPEACE INTERNATIONAL: \$ 10,500,600

#### INTEREST ON DAMAGES

26.	Should Energy Transfer receive interest on the cumulative damages you have awarded?
	YES NO
27.	What rate of interest should be used?
	%

## TRESPASS TO LAND

28. Did Defendants trespass on	Dakota Access's land?	
Greenpeace Inc.	YES	NO
Greenpeace Fund	YES	NO
Greenpeace International	YES	NO
If you answered YES as to any of the Question 29 as to those Defendant(	- <del>-</del>	then answer
29. How much do you award to trespass to land?	Dakota Access in compensa	_
Greenpeace Inc.	1000 5,851,	534
Greenpeace Fund		
Greenneace International		

## AIDING AND ABETTING TRESPASS TO LAND

30. Did Defendants aid land?	l and abet a	third part	ty's tresp	oass to Dako	ta Access's
Greenpeace Inc.	X	YE	ES _		NO
Greenpeace Fund		YJ	E <b>S</b>	<del>\</del>	NO
Greenpeace International		Y	E <b>S</b>		NO
If you answered YES as to Question 31 as to those D	o any of the L Defendant(s).	Defendants	on Ques	tion 30, then	answer
31. How much do you aiding and abettir			ess in co	mpensatory	damages for
Greenpeace Inc.	Collinsia	<u>5,851</u>	,034		
Greenpeace Fund					
Greenpeace International	1				

#### TRESPASS TO CHATTEL

32. Did Defendants commit tresp	pass to chattel agains	t Dakota Access?
Greenpeace Inc.	YES	NO
Greenpeace Fund	YES	
Greenpeace International	YES	NO
If you answered YES as to any of the Question 33 as to those Defendant(s		ion 32, then answer
33. How much do you award to trespass to chattel?	Dakota Access in co	npensatory damages for
Greenpeace Inc.	5,188,375	
Greenpeace Fund	·	
Greenpeace International	·	

## AIDING AND ABETTING TRESPASS TO CHATTEL

34. Did Defendants aid Dakota Access?	or abet a third party's tre	espass to chattel against
Greenpeace Inc.	YES	NO
Greenpeace Fund _	YES	NO
Greenpeace International	YES	NO
If you answered YES as to Question 35 as to those De	any of the Defendants on Q efendant(s).	uestion 34, then answer
	award to Dakota Access in g trespass to chattel?	n compensatory damages for
Greenpeace Inc.	6,188.375	
Greenpeace Fund		
Greenpeace International		

#### CONVERSION

36. Did Defendants commit	conversion against Dakota	Access?
Greenpeace Inc.	YES _	NO
Greenpeace Fund	YES	
Greenpeace International	YES	NO
If you answered YES as to any o Question 37 as to those Defende		on 36, then answer
37. How much do you aware conversion?	d to Dakota Access in com	pensatory damages for
Greenpeace Inc.	188375	
Greenpeace Fund	<u> </u>	
Greenpeace International		

### AIDING AND ABETTING CONVERSION

38. Did Defendants aid and ab	et conversion against Da	kota Access?
Greenpeace Inc.	YES	NO
Greenpeace Fund	YES	NO
Greenpeace International	YES	NO
If you answered YES as to any of t Question 39 as to those Defendan		n 38, then answer
39. How much do you award a aiding and abetting conve		ensatory damages for
Greenpeace Inc.	88.375	
Greenpeace Fund		
Greenneace International		

#### NUISANCE

40. Did Defendants co	mmit nuisance against Dakota A	ccess?
Greenpeace Inc.		NO
Greenpeace Fund	YES	No
Greenpeace International	YES	NO
If you answered YES as to Question 41 as to those L	o any of the Defendants on Questic Defendant(s).	on 40, then answer
41. How much do you nuisance?	award to Dakota Access in com	pensatory damages for
Greenpeace Inc.	8,278,375	
Greenpeace Fund		
Greenpeace International	1	

## AIDING AND ABETTING NUISANCE

42. Did Defendants aid and abo Access?	et a third party's nuisa	ince against Dakota
Greenpeace Inc.	Xyes	NO
Greenpeace Fund	YES	NO
Greenpeace International	YES	ио
If you answered YES as to any of the Question 43 as to those Defendant(s	e Defendants on Question ).	42, then answer
43. How much do you award to aiding and abetting nuisance		ensatory damages for
Greenpeace Inc. 8,27	8375	
Greenpeace Fund	~ 	
Greenpeace International		

#### **CONSPIRACY**

44. Did Defendants commit a co	onspiracy against Dak	ota Access?
Greenpeace Inc.	YES	NO
Greenpeace Fund	YES _	NO
Greenpeace International	YES _	NO
If you answered YES as to any of the Question 45 as to those Defendant (45. How much do you award to	(s).	
conspiracy?	Jakou Hooss III oo.	apendary
Greenpeace Inc. <u>439</u>	3, 895	
Greenpeace Fund		
Greenpeace International 439	7 895	

#### DEFAMATION

## 46. Did Defendants defame Dakota Access with any of the following statements?

Statement 1: Dakota Access "damag[ed] at least 380 sacred and cultural sites along the DAPL pipeline route."

Statement 2: Dakota Access "us[ed] pepper spray and attack dogs on peaceful Water Protectors and pipeline opponents."

**Statement 3:** "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."

Statement 4: "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 . . . and the desecration of burial grounds have not been identified early on as reasons for [BBVA] to not provide funding for this project."

Statement 5: "DAPL personnel deliberately desecrated documented burial grounds and other culturally important sites."

Statement 6: "[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 Dakota Access Partners and their private security."

Statement 7: "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."

Statement 8: "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."

Statement 9: "DAPL personnel deliberately desecrated documented burial grounds and other culturally important sites."

Greenpeace Inc.		YES		NO			
➤ If yes, please list the	ne respective num	nber(s) of the	e statement(s):	. 9			
Greenpeace Fund	$\overline{\chi}$	YES		NO			
➤ If yes, please list the	he respective nur	nber(s) of the	e statement(s):	. 9			
Greenpeace International	ı_X	YES		NO			
> If yes, please list the respective number(s) of the statement(s):							
If you answered YES as Question 47 as to those I		Defendants o	on Question 46, the	en answer			
47. How much do yo injuries from De			compensatory dar	nages for			
Greenpeace Inc.	MANGEOR	<del>-848</del> 8	3,326,425	5			
Greenpeace Fund	Woils State		3,326,42				
Greenpeace International	al textession	क्रिस्म १	3,326,425				

### TORTIOUS INTERFERENCE

50. Did Defendants Dakota Access?	commit tortious	interference	with	business	against
Greenpeace Inc.		YES			NO
Greenpeace Fund		YES			NO
Greenpeace Internationa	1	YES			NO
If you answered YES as Question 51 as to those		dants on Quesi	tion 50	, then ansv	ver
51. How much do yo tortious interfere	u award to Dakota ence?	Access in co	npens	atory dam	ages for
Greenpeace Inc.	13,350,12	<u>)2</u>			
Greenpeace Fund	13,352,1	<u> 32</u>			
Greenpeace Internations	al 13 350	192			

If you	u answered YES as stion 48 as to those	s to any of the Defend e Defendant(s).	lants on Qu	iestion 46, th	en answer
48.	Did Defendants	commit defamation	n per se ag	ainst Dakota	Access?
Gree	enpeace Inc.		YES	星	NO
7	> If yes, please lis	t the respective numb	per(s) of the	e statement(s)	): <u>1-2, 4-6;</u> 8-9
Gre	enpeace Fund		YES		NO
)	➤ If yes, please lis	st the respective num	ber(s) of th	e statement(s	1-2,4-6,8-9
Gre	enpeace Internation	onal	YES		NO
	➤ If yes, please li	st the respective num	aber(s) of th	ne statement(	s): <u>1-2, 4-6,</u> 8-9
If y Ou	estion 49 as to the	as to any of the Defe se Defendant(s).			
49	. How much, in	n your discretion, d ota Access's reputat	o you awa: ion?	rd in presun	ned damages for
Gı	reenpeace Inc.	8,326,	4 <u>25</u>		
G	reenpeace Fund	8,326,4	92		
G	reenpeace Internat	ional <u>8,336.</u>	425		

#### **EXEMPLARY DAMAGES**

If you awarded compensatory damages to Dakota Access in any of the following questions, then answer Question 52 as to each Defendant for each claim:

Question Numbers 29 (Trespass to Land), 31 (Aiding and Abetting Trespass to Land), 33 (Trespass to Chattel), 35 (Aiding and Abetting Trespass to Chattel), 37 (Conversion), 39 (Aiding and Abetting Conversion), 41 (Nuisance), 43 (Aiding and Abetting Nuisance), 45 (Civil Conspiracy), 47 (Defamation), 49 (Defamation Per Se), and/or 51 (Tortious Interference).

## 52. How much do you award to Dakota Access in exemplary damages?

CLAIM	EXEMPLARY DAMAGES
TRESPASS TO LAND	GREENPEACE INC: \$ 10, 500,000  GREENPEACE FUND: \$  GREENPEACE INTERNATIONAL: \$
AIDING & ABETTING TRESPASS TO LAND	GREENPEACE INC: \$ 10,500,000  GREENPEACE FUND: \$  GREENPEACE INTERNATIONAL: \$
TRESPASS TO CHATTEL	GREENPEACE INC: \$ 10 500 000  GREENPEACE FUND: \$  GREENPEACE INTERNATIONAL: \$
AIDING & ABETTING TRESPASS TO CHATTEL	GREENPEACE INC: \$ 10,500 (300)  GREENPEACE FUND: \$  GREENPEACE INTERNATIONAL: \$
CONVERSION	GREENPEACE INC: \$ 10,500,000  GREENPEACE FUND: \$  GREENPEACE INTERNATIONAL: \$

CLAIM	EXEMPLARY DAMAGES
AIDING & ABETTING CONVERSION	GREENPEACE FUND: \$
	GREENPEACE INTERNATIONAL: \$
NUISANCE	GREENPEACE INC: \$ 10,500 (100
	GREENPEACE FUND: \$
	GREENPEACE INTERNATIONAL: \$
AIDING &	GREENPEACE INC: \$ 10 500, 600
ABETTING	GREENPEACE FUND: \$
NUISANCE	GREENPEACE INTERNATIONAL: \$
CIVIL CONSPIRACY	GREENPEACE INC: \$ 10 500. GO
	GREENPEACE FUND: \$
	GREENPEACE INTERNATIONAL: \$
DEFAMATION	GREENPEACE INC: \$ 12.500,000
	GREENPEACE FUND: \$ 12 500 (20)
	GREENPEACE INTERNATIONAL: \$ 12,500,000
DEFAMATION	GREENPEACE INC: \$ 12,500,000
PER SE	GREENPEACE FUND: \$ 12,500,000
	GREENPEACE INTERNATIONAL: \$ 12, 500 500
TORTIOUS INTERFERENCE	GREENPEACE INC: \$ 10 500 000
	GREENPEACE FUND: \$ 10,500,000
	GREENPEACE INTERNATIONAL: \$ 10,500,000

#### INTEREST ON DAMAGES

53.	Should Dako have awarde		e interest on the cumulative damages you		
		_YES	X	NO	
54.	What rate of	interest should t	e used?		
		_%			
Plea	ase have your ju	ry leader sign and	date this form and	turn it in because you	
		ur deliberations.			
<u>3</u>	-19-25	<u> </u>	<b></b>	<del></del>	
Dat	te		Jury	Leader	