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.	Memorandum Opinion on Motions For Judgment as a Matter of Law; Motions for Reduction in Damages; Motion for Order for Judgment; and Motion for Extension of Automatic Stay

¶1. The Greenpeace Defendants (Greenpeace) filed individual Motions for Judgment as a Matter of Law on March 10, 2025 (Greenpeace Fund – Doc. #5006, Greenpeace Inc. – Doc #5010, and Greenpeace Int'l – Doc. # 5015). The Court denied the Motions to allow the matter to proceed to jury deliberation. (When differentiation between the Greenpeace Defendants facilitates the explanation of the Court's opinion, the Court refers to Greenpeace Inc. as "GP"; Greenpeace Fund as "GPF"; and Greenpeace International as "GPI." Likewise, where necessary, the Plaintiffs will be designated as Energy Transfer, L.P., and Energy Transfer Operating being referred to as "ET," and Dakota Access, L.L.C., being designated as "DA.") ET and DA opposed all of the motions. Generally, a reference to ET incorporates DA except when discussing each party's individual actions.

¶2. Greenpeace filed a Motion to Reduce Damages Award on April 1, 2025 as Doc. # 5041 opposed by ET. ET filed a Motion for Order for Judgment on April 14, 2025 as Doc. #5063, to which Greenpeace responded. On April 16, 2025 GP (Doc. #5084), GPI (Doc. #5108), and GPF (Doc. #5128) renewed their respective Motions for Judgment as a Matter of Law. Greenpeace also moved for an Extension of the Automatic Stay. Then, on July 22, 2025, ET filed an Emergency Motion for Anti-Suit Injunction (Doc #5272). The Court heard oral argument on the Anti-Suit Injunction and denied ET's motion on September 9, 2025.

¶3. Greenpeace's three Motions for Judgment as a Matter of Law overlap on some issues, but not on all of the individual Greenpeace Defendants. Additionally, decisions on some of the issues raised by the individual Greenpeace Defendants affect the decisions made on the remaining parties' issues. The Court determined the following order to best address the entirety of the Motions for Judgment as a Matter of Law, the Motion to Reduce Damage Award, Motion for Order for Judgment, and Motion for Extension of Automatic Stay. The Court will address exemplary damages under a separate heading.

I. Judgment as a Matter of Law

¶4. The Court bases its decision on the Motion for a Judgment as a Matter of Law on the question of whether the evidence, viewed in the light most favorable to ET and DA, leads to but one conclusion as to the verdict about which there can be no reasonable difference of opinion. Forsman v. Glues, Brews, and Bar-B-Ques, Inc, 2012 ND 184, ¶ 8, 820 N.W.2d 748. The Court cannot weigh the credibility of the witnesses or the weight of the evidence in determining whether reasonable individuals could reach but one conclusion based on the evidence presented. Farmers Co-op. Elevator of Cavalier v. Lemier, 328 N.W. 2d 833 (N.D. 1982). The Court may consider and decide on legal questions raised in a renewed motion for judgment as a matter of

law after the trial, as well as consider any jury issues not decided by the verdict. The Court may a) allow the verdict to stand, b) order new trial, or c) order entry of judgment as a matter of law. N.D.R.Civ.P. 50(b)(1).

¶5. The trial required the jury to consider an overwhelming amount of evidence, both testimonial and as documents. With that amount of evidence, the Court faces limits in knowing exactly what evidence the jury considered in deliberations. Additionally, the Court lacked access to a completed court transcript.

II. Trespass to Land

¶6. The jury found GP trespassed on ET's land, and awarded $3,761,034 in compensatory damages. GP argues ET failed to provide any evidence of ownership or possessory interests in the real estate where the alleged trespass occurred. ET failed to provide evidence of a deed, or lease, or other type of interest in the property. Nor did ET provide any testimony that ET had any such lease or ownership interest. The Court received no evidence, and heard no testimony, that ET possessed any interest in real estate. In reviewing the evidence in the light most favorable to ET, the Court finds no evidence to review, and accordingly, grants GP's motion for judgment as a matter of law on ET's Trespass to Land claim.

¶7. The jury found GP trespassed on land belonging to DA. The evidence presented by DA consisted of testimony of the purchase of the Cannonball Ranch to protect the right-of-way across the Cannonball Ranch property. GP failed to counter that claim with evidence that would withstand the standard for judgment as a matter of law. Further, from the evidence presented, the Court finds it reasonable a jury could conclude GP's agents and employees were involved in the trespass to that property. Accordingly, GP's motion for judgment as a matter of law is denied as to the claim of trespass to land by DA.

III. Aiding and Abetting Trespass to Land

¶8. ET received a jury award of $3,761,034 on its claim of Aiding and Abetting Trespass to Land. GP combined all of its arguments against the Aiding and Abetting claims in their brief supporting their Motion. Essentially, as to the aiding and abetting trespass to land claim, GP argues ET failed to prove an unlawful act was committed against ET and GP 1) knew that any third party was planning to commit, and then actually committed any tortious act; 2) knowingly aided or encouraged a third party to commit a tortious act; and 3) ET suffered economic loss as a result. ET provided no evidence ET owned real estate and so GP could not have committed an unlawful act toward land owned or in which ET had a possessory interest. Again, the Court has no evidence to review, and therefore the Court grants GP's motion for judgment as a matter of law on ET's claim for aiding and abetting trespass to land.

¶9. The jury awarded $5,851,034 to DA for its claim against GP. As explained above, DA owned real estate, and testimony indicated some of the protest activity occurred on that property. DA presented evidence at trial of GP's involvement in supplying the protestors with food, shelter, electricity, scouting reports, and training for protests. The Court finds the evidence presented, taken in the light most favorable to DA, supports the jury's finding of liability. The Court denies GP's motion for Judgment as a Matter of Law on the aiding and abetting trespass to land.

IV. Trespass to Chattel and Aiding and Abetting Trespass to Chattel

¶10. The jury found GP committed trespass to chattel against DA, and awarded compensatory damages of $6,188,375 to DA. The jury also awarded ET $6,188,375 in compensatory damages for aiding and abetting trespass to chattel. GP argues ET and DA failed to prove either one of them owned or had a possessory interest in the chattels involved. DA provided evidence in the

form of a Master Construction Agreement between DA and its contractors, allowing DA to take possession of all materials, equipment, tools, and appliances of the contractors if the work was indefinitely delayed and DA gave one day's written notice.

¶11. Additionally, the jury awarded ET the sum of $3,761,034 in compensatory damages against GP for aiding and abetting trespass to chattels and $3,761,034 in compensatory damages against GP in favor of ET for trespass to chattel. GP raised the same argument as set forth in ¶8, claiming ET and DA failed to provide evidence sufficient to show an unlawful act was committed against ET and GP 1) knew that any third party was planning to commit, and then actually committed any tortious act; 2) knowingly aided or encouraged a third party to commit a tortious act; and 3) ET suffered economic loss as a result. Hours of testimony presented evidence from which a jury could reasonably find that ET paid for delays caused by the immobilization of equipment and machinery, and that GP knew plans were afoot to commit trespass to chattels as GP provided lock boxes and training to use those lock boxes. On the issues of trespass to chattels and aiding and abetting trespass to chattels, GP's motion for judgment as a matter of law is denied.

V. Conversion

¶12. The jury awarded ET the sum of $3,761,034 and awarded DA $6,188,375 from GP on its claim of conversion. GP posits that the claims of trespass to chattel and conversion overlap to the extent that conversion differs from trespass to chattel only in degree, and that conversion constitutes "complete or very substantial deprivation of possessory rights in the property," citing Wilkinson v. United States, 564 F.3d 927, 932 (8th Cir. 2009). As one of the elements of conversion, ET and DA needed to provide evidence that GP's interference, taking, destruction, detainment, or dominion over ET's or DA's property was to such degree to justify requiring GP

to pay full value for the property. ET and DA failed to provide evidence of the value of any machinery, the length of time any of the machinery or equipment was out of commission, or the costs of restoring any disabled machinery to working order. Evidence showed individuals attached themselves to equipment with lock boxes and spray-painted graffiti on equipment. Absent a showing that equipment was disabled for a significant period of time because of the trespass to chattel-type activity, the Court finds ET and DA provided no evidence supporting the claim of conversion. Accordingly, the Court grants GP's Motion for Judgment as a Matter of Law on the claim for conversion. Likewise, the Aiding and Abetting Conversion claim fails because ET and DA provided no evidence that conversion was committed, and the Court grants GP's Motion for Judgment as a Matter of Law on the aiding and abetting conversion claim.

VI. Nuisance and Aiding and Abetting Nuisance

¶13. The jury awarded ET $3,761,034 and DA $8,278,375 from GP on the claim of Nuisance. The jury granted another $3,761,034 for ET and $8,278,375 for DA on the claim of Aiding and Abetting Nuisance. As to the nuisance claim, GP argues ET and DA failed to present evidence of GP's unreasonable interference with ET or DA's use and enjoyment of their right-of-way easement, or that ET's and DA's damages were caused by GP. As stated in their responsive brief, ET and DA provided evidence from which a jury could reasonably find GP employees entered onto the right-of-way easement in a concerted effort to halt the construction, and did, in fact, halt the construction. Further testimony indicated individuals sponsored by GP assisted in organizing activities that occurred on the right-of-way easement for the purpose of interfering with the pipeline construction. The Court denies GP's Motion for Judgment as a Matter of Law on the nuisance and aiding and abetting nuisance claims.

VII. Conspiracy

¶14. The jury found that both GP and GPI engaged in a conspiracy against both ET and DA and awarded $439,895 to ET and the same amount to DA from GP and GPI respectively for a total award of $879,790 to each of ET and DA. GP and GPI argue the civil conspiracy verdict cannot stand because ET and DA failed to prove the following: 1) GP and GPI made an agreement with another to commit a wrong; 2) a tortious or unlawful act was committed against ET and DA in furtherance of the agreement; and 3) ET and DA suffered economic loss as a result. ET and DA maintain sufficient evidence was presented to show that GP and GPI worked together to oppose the construction of the Dakota Access Pipeline, and to defame and interfere with the business relationships between ET, Dakota Access, and the financial institutions involved, or requested to be involved, in the project.

¶15. ET and DA provided evidence, in the form of the BankTrack letter and communications between GP and GPI that could reasonably lead a jury to conclude a conspiracy existed. Accordingly, the Court denies the motions of GP and GPI for judgment as a matter of law on the issue of conspiracy.

¶16. The Court must proceed cautiously because of the possibility of duplicate recovery. North Dakota law does provide damages can be awarded for civil conspiracy, but also requires the damages so awarded not be included with any damages awarded as the result of any tortious activity of the conspiracy. The jury found damages for a conspiracy between GP and GPI to commit tortious activity. However, the Court finds the evidence of damages from conspiracy relates to the public relations allegations, but not to the remaining claims of ET. The jury specifically identified in the tort claims which Greenpeace defendant was liable, and the amount of their liability. The damages for conspiracy are assessed against GP and GPI, not against GPF.

Additionally, the jury assessed exemplary damages for the conspiracy only against GP. Further, the Court finds it significant that the damages assessed against GP and GPI were in the sum of $439,895 from each conspirator for each plaintiff.

¶17. The Court also takes note of the significance of the jury failing to find GPF conspired with the remaining Greenpeace defendants. The significance will be explained below.

VIII. Defamation and Defamation per se.

¶18. The jury found GP, GPI, and GPF defamed ET and DA and awarded damages of $8,326,425 to ET from each of the three defendants and to DA in the sum of $8,326,425 to DA from each of the three defendants. The jury considered nine defamatory allegations covering 1) destruction of 380 sacred and cultural sites along the DAPL pipeline route; 2) use of pepper spray and attack dogs on peaceful Water Protectors and pipeline opponents; 3) the pipeline went through Standing Rock Sioux Tribe's land; 4) gross violations of Native land titles . . . and the desecration of burial grounds; 5) deliberate desecration of documented burial grounds and other culturally important sites; 6) peaceful nonviolent encampment on Standing Rock Sioux Tribal land in the path of the pipeline [and] Water Protectors . . . have been met with extreme violence from . . . Energy Transfer Partners and their private security; 7) 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; 8) 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; and 9) DAPL personnel deliberately desecrated documents, burial grounds, and other culturally important sites.

¶19. GP and GPI challenge the jury's findings on four points – 1) the statements made were not actionably false because the statements expressed public views on matters subject to public

debate; 2) No evidence was presented the statements were made with actual malice as required under the First Amendment; 3) ET provided no evidence any third party believed any of the statements were defamatory; and 4) ET failed to provide evidence the alleged defamatory statements proximately caused any damages. In addressing the actual malice component, GP and GPI claimed to be entitled to rely on statements made by the United Nations, the Standing Rock Sioux Tribe, other indigenous people, and other credible sources. GP and GPI further claimed they were not required to conduct research into, or present ET's position of the substance of the statements; and that any GP or GPI employees' communications reflecting a personal animus toward ET or DA between themselves are insufficient to support actual malice. ¶20. ET responds with reference to the documents and testimony presented to the jury indicating the statements were defamatory, and that ET and DA suffered damages from the statements. GP and GPI contested the evidence presented, but the Court cannot find the jury could not reach the conclusion it did. GP and GPI's motions for judgment as a matter of law on the issue of defamation are denied.

¶21. The analysis of GPF differs because the jury failed to find GPF participated in the conspiracy. While joining in the argument of GP and GPI put forth above, GPF maintains that, other than a signature on the BankTrack letter by Annie Leonard, who served as the executive director of both GP and GPF, along with the reference that she was signing for Greenpeace USA, ET failed to present any evidence of any GPF employee or director being involved in any of the publication of defamatory statements or any other facets of the campaign of GP and GPI against the Dakota Access Pipeline. GPF provided testimony, and evidence, that GPF served as a financing operation for various organizations who operate as non-profits, including GP. Testimony showed that GPF would receive a financing request which required an explanation of

the purpose of the request and reports filed with GPF as to how the funds were used once the grant was made. GPF argued the jury awarded double recovery as the damages awarded to GPF duplicated the damages awarded from GP.

¶22. ET responds citing testimony from Greenpeace witnesses that "Greenpeace USA" referred to GP and GPF collectively, and Annie Leonard, the executive director of both GP and GPF, signed the BankTrack letter with a reference to Greenpeace USA. ET countered GPF's argument regarding the impermissible double recovery by stating the Court instructed the jury to "not award damages for a particular element of harm more than once." Further, ET cites the presumption that a jury follows the jury instructions.

¶23. The Court struggled to reconcile the divergent findings that GPF did not participate in the conspiracy to defame, especially because the jury found GPI did conspire based on its signature on the BankTrack letter, and little more. If the jury found GPF's liable based on their signature as 'one-half' of Greenpeace USA, and nothing more (since the protest activities of GP were not imputed to GPF or GPI), the Court sees little difference in culpability between GPI and GPF.

¶24. However, the Court simply looks to determine if sufficient evidence was presented to support the finding of a reasonable jury. The issue of Annie Leonard's role as the executive director of GP and GPF, plus the testimony that Greenpeace USA existed as a reference to both GP and GPF would allow a jury to reasonably conclude that when Annie Leonard signed for Greenpeace USA, she signed for GPF as well as GP. The Court denies GPF's Motion for Judgment as a Matter of Law on the issue of defamation.

¶25. The analysis of the defamation issues continue, as the jury found liability for all nine statements under the claim of defamation, and for Statements 1-2, 4-6, and 8-9 on the claim of defamation per se. The difference between defamation and defamation per se exists in the lack

of the requirement to prove damages – essentially the defamatory statement is so egregious that damages are presumed. North Dakota adopted the Uniform Single Publication Act:

> No person may have more than one claim for relief for damages for libel or slander or invasion of privacy or any other tort founded upon any single publication or exhibition or utterance, such as any one edition of a newspaper or book or magazine or any one presentation to an audience or any one broadcast over radio or television or any one exhibition of a motion picture. Recovery in any action must include all damages for any such tort suffered by the plaintiff in all jurisdictions.
>
> A judgment in any jurisdiction for or against the plaintiff upon the substantive merits of any action for damages founded upon a single publication or exhibition or utterance as described in this section bars any other action for damages by the same plaintiff against the same defendant founded upon the same publication or exhibition or utterance.
>
> This section may be cited as the Uniform Single Publication Act.

N.D.C. C. § 14-02-10.

The evidence revealed only one set of defamatory statements, and the jury awarded damages for all nine statements under the claim of defamation. The Court finds as a matter of law, the awards for defamation per se duplicate the awards for defamation, and hence are duplicative. The Court grants Greenpeace's Motion for Judgment as a Matter of Law on the claim of defamation per se.

IX. Tortious Interference.

¶26. Greenpeace challenges the jury's verdict that Greenpeace committed tortious interference with business, awarding ET the sum of $13,352,125 from each Greenpeace Defendant and awarding DA the same amount from each Greenpeace Defendant. Greenpeace argued ET and DA failed to demonstrate the five elements of tortious interference:

> (1) the existence of a valid business relationship or expectancy; (2) knowledge by the interferer of the relationship or expectancy; (3) an independently tortious or otherwise unlawful act of interference by the interferer; (4) proof that the interference caused the harm sustained; and (5) actual damages to the party whose relationship or expectancy was disrupted.

Trade'N Post L.L.C. v. World Duty Free Ams., Inc. 2001 ND 116, ¶ 36, 628 N.W.2d 707. Greenpeace maintains ET failed to prove the existence of a valid business relationship or expectancy that was damaged because the TSA contracts were between DA and the shippers. Greenpeace also claims the claimed damages were caused solely by the U.S. Army Corps of Engineers (USACE) delaying the issuance of an easement necessary for completion of the pipeline under Lake Oahe. Further delays were caused by a United States Court of Appeals ruling that USACE had to conduct an Environmental Impact Statement prior to issuing the required easement.

¶27. ET and DA respond by stating ET's damages were caused by interference with the ETCO pipeline, which was connected to the DAPL, and ET would receive income from TSA on that pipeline. Further, ET and DA point to the Greenpeace employees taking credit for delaying the USACE issuance of the permit required to construct the pipeline under Lake Oahe.

¶28. Once again, the Court must resolve the question by determining if the evidence presented is sufficient for a reasonable jury to reach the conclusion that Greenpeace tortuously interfered with the business relationships. The Court finds evidence was presented that would allow a jury to reach the conclusion this jury reached, and so denies Greenpeace's Motion for Judgment as a Matter of Law on the issue of tortious interference.

X. Exemplary Damages.

¶28. A number of adjustments need to be made to the awards of exemplary damages because of the Court decisions' impact on the jury awards for damages. Obviously, as to any of the claims where the Court granted the Motion for Judgment as a Matter of Law to Greenpeace, or the individual defendant, the exemplary damages must be denied. N.D.C.C. § 32-03.2-11(4). However, the defamation claim raises another issue.

¶29. Greenpeace claims the provisions of N.D.C.C. Chapter 32-43 (UCCDA) prevent Energy Transfer from recovering on any claim for defamation or defamation *per se*, except for the provable economic losses incurred. While Greenpeace styled N.D.C.C. § 32-43-03 as requiring a demand for 'retraction,' the statute refers to a demand for clarification or correction. While there may be a technical difference between 'retraction' and 'clarification or correction,' the Court notes nothing in the file indicating Energy Transfer made a timely, adequate request for clarification or correction. The Court notes N.D.C.C. § 32-43-03(4) provides "In the absence of a previous adequate request, service of a summons and complaint stating a claim for relief for defamation and containing the information required in subsection 3 constitutes an adequate request for correction or clarification." However, the Court reads § 32-43-03 to limit a plaintiff's claim to provable economic damages unless, within ***ninety*** days of the knowledge of the publication, the plaintiff requests clarification or correction; that summons and complaint are filed within ninety days of knowledge of publication, and the summons and complaint satisfy the requirements of N.D.C.C. § 32-43-03(3), the summons and complaint would serve as the plaintiff's demand or request.

¶30. The latest date of any of the defamatory statements at trial was June 18, 2018. The summons and complaint were served on the Greenpeace defendants on February 26, 2019, some 253 days after the publication of the most recent defamatory statement.

¶31. Energy Transfer argues Greenpeace cannot rely upon the provisions of N.D.C.C. Chapter 32-43 (UCCDA) because Greenpeace waived the right to challenge as Greenpeace "failed to 'set forth the challenge in a motion to declare the request inadequate or untimely served within sixty days after service of the summons and complaint.'" N.D.C.C. § 32-43-07(2). However, Greenpeace could not move the Court to declare a request inadequate or untimely if the request

was never made within the 90 days. Energy Transfer also argues Greenpeace waived any relief under the statute because Greenpeace failed to raise the argument under Chapter 32-43 in its pre-verdict Rule 50(1) motion. The Court cites from the Brief in Support of Greenpeace, Inc.'s, Motion for Judgment as a Matter of Law, filed on March 10, 2024 as Document #5011:

> As a matter of law, Plaintiffs may not recover any damages other than provable economic loss pursuant to the North Dakota Uniform Correction or Clarification of Defamation Act because they failed to timely ask for a retraction. N.D.C.C. § 32-43-03.

By statute, Energy Transfer's recovery on the defamation and defamation *per se* claims is limited to provable economic damages only, and the award of exemplary damages on those claims cannot be enforced.

¶32. Another issue exists in the provision that, pursuant to N.D.C.C. § 32-03.2-11, "the amount of exemplary damages may not exceed two times the amount of compensatory damages or two hundred fifty thousand dollars, whichever is greater * * *." Greenpeace argues the exemplary damages must be computed on each claim for which compensatory damages were awarded individually. ET and DA maintain that the compensatory damages should be aggregated and then the limit of twice the amount of compensatory damages be computed. Research failed to provide any case law directly on point. However, from a general understanding of the purpose of exemplary damages, those damages, also called 'punitive' damages, serve to punish the defendant for wrongdoing. If, as in this case, there are claims where no exemplary damages are, or could be, awarded, using the aggregation of compensatory damages and doubling that aggregation to determine the limit would allow the plaintiff to recover more for the wrongdoing than is allowed by statute. Specifically, the jury awarded $8,325,425 to ET from GP in compensatory damages for defamation. As described above, by law, no exemplary damages can be assessed because of N.D.C.C. § 32-43-03. However, if the $8,325,425 can be aggregated into

the total compensatory claim, and then doubled, it would increase the total amount of exemplary damages by $16,652,850. In applying that result, the exemplary damages on the defamation, even though statutorily disallowed, could be assessed and would essentially eviscerate § 32-43-03. The Court therefore limits the computation of exemplary damages to each individual claim where exemplary damages are appropriate under the statute.

XI. Recalculation of Damages.

¶18. The Court's opinion results in the following adjustments to the jury verdict:

a. The verdict granting recovery to ET on the claim of Trespass to Land and Aiding and Abetting Trespass to Land is disallowed.

b. ET's claim on Trespass to Chattels and Aiding and Abetting Trespass to Chattels is allowed, but the exemplary damages are limited to $7,522,068 on each count.

c. ET's claim for Conversion and Aiding and Abetting Conversion is disallowed.

d. ET's claim for Nuisance and Aiding and Abetting Nuisance is allowed, but the exemplary damages are limited to $7,522,068 on each count.

e. ET's claim of conspiracy is allowed, but no damages are assessed as damages for the underlying torts committed by the conspiracy have been assessed.

f. ET's claim of Defamation is allowed, but as explained above, no exemplary damages are allowed by statute.

g. ET's claim of Defamation *per se* is disallowed as being duplicative of the damages awarded under Defamation.

¶19. Adjustments made for the jury verdict as to DA are as follows:

a. DA's claim for Conversion and Aiding and Abetting Conversion is disallowed.

b. DA's claim for Conspiracy is allowed, but no damages are assessed as damages for the underlying torts committed by the conspiracy have been assessed.

c. DA's claim of Defamation is allowed, but as explained above, no exemplary damages are allowed by statute.

d. DA's claim of Defamation *per se* is disallowed as being duplicative of the damages awarded under Defamation.

¶20. ET is awarded damages as follows:

Claim	Compensatory	Exemplary
Trespass – Chattels	3,761,034	7,522,068
Aiding and Abetting T-C	3,761,034	7,522,068
Nuisance	3,761,034	7,522,068
Aiding and Abetting Nuisance	3,761,034	7,522,068
Conspiracy	879,790	879,790
Defamation	24,979,275	0
Tortious Interference	40,056,375	31,500,000
Totals:	$80,959,576	$62,468,062

¶21. DA is awarded damages as follows:

Claim	Compensatory	Exemplary
Trespass – Land	5,851,034	10,500,000
Aiding and Abetting T-L	5,851,034	10,500,000
Trespass – Chattels	6,188,375	10,500,000
Aiding and Abetting T -C	6,188,375	10,500,000
Nuisance	8,278,375	10,500,000
Aiding and Abetting Nuisance	8,278,375	10,500,000
Conspiracy	879,790	879,790
Defamation	24,979,275	0
Tortious Interference	40,056,375	31,500,000
Totals:	$106,551,008	$95,379,790

XII. Motion to Reduce Damages.

¶22. As stated above, the Court faced the Greenpeace Defendants' Motion to Reduce Damages and the Court intended the above analysis to address that Motion. The Court adopts the revision to the jury verdict as its response to the Greenpeace Motion to Reduce Damages as well.

XIII. Motion for Order for Judgment.

¶23. ET filed a Motion for Order for Judgment on April 14, 2025. Greenpeace responded on April 28, 2025, and ET replied on May 9, 2025. ET's Motion sought a determination from the Court that the jury verdict properly set forth the amount of compensatory and exemplary damages, and further requested the Court to enter judgment acknowledging ET is entitled to their share of the Special Master's fees; compensation for former employees' preparation for and attendance at depositions and trial; deposition and evidentiary expenses for document production and photocopying; fees for stenographers and videographers; court reporter expenses; expert witness fees; deposition expenses for Greenpeace experts; and interest accruing from the date of verdict until the date of entry of judgment. Greenpeace objects.

¶24. The Court finds the Motion for Order for Judgment to be either premature (as to costs) or generally redundant to the Court's analysis on the Motions for Judgment as a Matter of Law. The one area that can be addressed is the issue of joint and several liability between GP and GPI because of the finding of conspiracy between them. The jury assessed damages against GP for what has been referred to as the "ground" torts or "property" torts. The jury found damages against GP and GPI each on the issues of conspiracy, defamation, and tortious interference. Such findings indicate to the Court the only joint and several liability would be on the compensatory damages for conspiracy.

¶25. The Court reserves ruling on the other matters raised in the Motion for Order for Judgment until such time as those issues can be addressed. The Court would expect documentation in support of those claimed costs, and further argument on the propriety of the costs being assessed at that later date.

XIV. Motion for Extension of Automatic Stay.

¶26. The Court notes Greenpeace also filed a Motion for Extension of the Automatic Stay of Execution. Rule 62(a), N.D.R.Civ.P., sets forth a 30 day stay of any execution on a judgment, beginning "***after the filing of the notice of entry of judgment***." At the current time, there is no judgment, or Order for Judgment, in place. Therefore, Greenpeace's judgment would seem to be premature, and the Court, for the time being, denies that Motion.

¶27. The Court directs counsel for ET to prepare proposed documents to effectuate this opinion.

Dated this 28th day of October, 2025.

BY THE COURT:

James D. Gion

James D. Gion