

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF MORTON

SOUTH CENTRAL JUDICIAL DISTRICT

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| <p>Energy Transfer LP, et. al.,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>Greenpeace International, et. al.,</p> <p style="text-align: center;">Defendants.</p> | <p>Case No. 30-2019-CV-00180</p> <p style="text-align: center;">GREENPEACE DEFENDANT’S BRIEF IN SUPPORT OF MOTION FOR ORDER FOR FINAL JUDGMENT</p> |
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[¶1] Pursuant to Rule 58(a), Defendants Greenpeace, Inc., Greenpeace Fund, Inc. and Greenpeace International (together, the “Greenpeace Defendants”) submit a form of Order for Final Judgment and Final Judgment in compliance with Rule 54(b).

[¶2] In addition to Greenpeace Defendants, the defendants named in this action are “Red Warrior Society aka Red Warrior Camp,” a non-juridical entity; Cody Hall, a resident of South Dakota; and Krystal Two Bulls, a resident of Montana. Second Amended Complaint ¶¶ 20-22 Dkt. 2836. *See also id.* at 24-25 (identifying two “non-parties”). The docket does not reflect their dismissal.

[¶3] On February 27, 2026, the Court issued an Order Granting Plaintiffs’ Renewed Motion for Order for Judgment. Dkt. 5403, and the Clerk issued judgment the same day. Dkt. 5405. The Judgment is limited to the Greenpeace Defendants and does not address “Red Warrior Society aka Red Warrior Camp”; Cody Hall; or Krystal Two Bulls. The Judgment also does not “expressly determine[] there is not just reason for delay” as to adjudication as to these additional parties. See Rule 54(b) (Judgment Involving Multiple Parties).

[¶4] Under Rule 54(b), a Judgment that adjudicates “fewer than all the parties” and that does not “expressly determine[] there is not just reason for delay” does not end the action as to any of the claims or parties.” (Emphasis added.)

[¶5] “In the absence of a Rule 54(b), N.D.R.Civ.P., determination, a decision of the district court, however designated, which fails to adjudicate all claims of all the parties is an interlocutory and nonappealable decision.” *Striegel v. Dakota Hills, Inc.*, 343 N.W.2d 785, 786 (1984) (citation and internal quotations omitted). It is also improper to execute on a judgment that is not final and appealable and which does not contain a statement that no reason for delay existed for entry of judgment. *Id.* (“Because the judgment was not final, it was improper to execute on it”).

[¶6] Plaintiffs have not pursued claims against any of these Defendants, and it is clear that they do not intend to, and thus the claims should be dismissed.

[¶7] Without waiver of any and all objections and arguments that any Greenpeace Defendant may make in challenging the Judgment, to perfect the Judgment for appeal, Greenpeace Defendants respectfully request the Court enter a judgment in accordance with Plaintiffs’ prior proposed judgment, but modified to dispose of the claims against the other defendants (see new paragraph 18 of the *proposed Final Judgment*).

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Respectfully submitted March 26, 2026.

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