

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  
 MOTION TO EXTEND AUTOMATIC  
 STAY OF EXECUTION

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. The Greenpeace Defendants collectively filed an Expedited Motion to Extend Automatic Stay Under Rule 62(a) on March 5, 2026, along with a Motion to Shorten Time for Plaintiffs to Respond. Energy Transfer responded on March 11, 2026, and Greenpeace then replied on March 16, 2026. Greenpeace requests the Court extend the automatic stay beyond the 30 days set forth in Rule 62(a) to allow Greenpeace to maintain the status quo while Greenpeace works to obtain appropriate security and exhausts post-trial motions on the way to a potential appeal. Energy Transfer states that Greenpeace knew months ago that there would be a 30-day window and Greenpeace could have worked to obtain a supersedeas bond. Energy Transfer decries Greenpeace's motion as part of a delaying game.

¶ 2. The Court needs to determine whether authority exists to extend the stay of execution, and if so, whether limitations exist on the amount of time. Final Judgment in this matter was filed on

February 27, 2026, (Doc. #5404) and Notice of Entry of Judgment was filed as Doc. #5406 on March 4, 2026. Pursuant to Rule 62(a) N.D.R.Civ.P., execution on a judgment and proceedings to enforce the same are stayed for 30 days after the filing of the notice of entry of judgment unless otherwise ordered by the Court. Without an order from the court, the stay of execution would expire on April 4, 2026. However, it appears the Court has authority to extend the stay as indicated by the language “unless the court orders otherwise” in Rule 62(a). Rule 62(n) prohibits the Court from extending the stay of proceedings for more than 21 days if the requesting party has provided “previous notice to the opposing party.” For the Court to consider extending beyond 21 days, was previous notice provided to Energy Transfer?

¶ 3. The Court concludes that Energy Transfer did receive notice from Greenpeace of an intention to stay proceedings beyond more than 21 days. One could argue the Court needs to give previous notice to Energy Transfer of its intent to extend the stay more than 21 days, as Rule 62(n) does not make it clear who bears the obligation of notice; when notice is to be given, other than previous; nor does the rule explain what event must define ‘previous.’

¶ 4. The Court understands the challenges faced by Greenpeace in obtaining a bond. Greenpeace attempted to have an extension of the automatic stay in May of 2025, but the Court denied the motion at that time because no judgment existed. The Court issued a Memorandum Opinion on October 29, 2025, which essentially set the judgment parameters. Greenpeace then moved the Court for clarification and reconsideration. The Court finally issued the Order for Judgment on February 27, 2026.

¶ 5. The magnitude of this matter defies simple decisions. By the book, the Court can simply state the automatic stay is limited to 30 days, with a bond requirement of the maximum of \$25,000,000.00 to be posted. However, obtaining a supersedeas bond for that amount of money

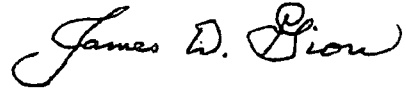
creates challenges. As indicated by Greenpeace, a motion for new trial looms on the horizon, and the Court anticipates appeals by both parties. Conversely, experience taught the Court that any open-ended extensions require a determination of when such open-ended extensions become a delaying tactic.

¶ 6. Rule 59(c), N.D.R.Civ.P., addresses the time for requesting a new trial “A motion for a new trial must be served and filed no later than the following time after notice of entry of judgment: (1) On the ground of newly discovered evidence, within six months; and (2) On any ground, within 60 days, unless the court, for good cause shown, extends the time.” In previous iterations of Rule 62, the filing of a motion for new trial would have tolled the automatic stay time, but that provision was removed in 2021 as being unnecessary because of the extension of the automatic stay from 14 days to 30 days. (*See Explanatory Note to N.D.R.Civ.P. 62*).

¶ 7. The Court reads Rule 62(n) to authorize the Court to extend a stay of proceedings for more than 21 days when previous notice has been given to Energy Transfer. The Court orders the automatic stay be extended to 5:00 p.m. CDT on June 3, 2026, 91 days from the filing of the Notice of Entry of Judgment. The Court considered the 60-day period in which to file the motion for a new trial and the time for response and reply briefs under N.D.R.Ct. 3.2. The Court notes almost 30 days of the 91 days have elapsed, and considered that fact in stating “from the filing of the Notice of Entry of Judgment.” The Court anticipates oral argument will be requested after any motion for new trial is filed, and specifically refrains from tying the expiration of the automatic stay to the conclusion of the oral arguments or the ultimate decision on any motion for new trial by the Court. Should Greenpeace decide it wants a new trial, the motion can be filed prior to the end of the 60-day period.

Dated this 30<sup>th</sup> day of March, 2026.

BY THE COURT:

A handwritten signature in cursive script that reads "James D. Gion". The signature is written in black ink and is centered below the text "BY THE COURT:".

James D. Gion, Judge