

Worries of tainted jury pool

Greenpeace seeks new trial, claiming jury pool biased in case over Dakota Access Pipeline

By Mary Steurer

North Dakota Monitor

Greenpeace has asked for a second trial after a judge entered a \$345 million judgment against the organization in a landmark case brought by the developer of the Dakota Access Pipeline.

The case “threatens to result in one of the largest miscarriages of justice in North Dakota’s history,” attorneys for the environmental group wrote in a brief filed last week.

After a three-week trial roughly a year ago, a Morton County jury directed Greenpeace to pay Energy Transfer about \$667 million, finding the environmental group at fault for inciting illegal acts against the company during anti-pipeline protests in North Dakota in 2016 and 2017 and for pub-

lishing false statements that harmed Energy Transfer’s reputation.

Greenpeace denies Energy Transfer’s claims and maintains that it brought the lawsuit to hurt the environmental movement.

Southwest Judicial District Judge James Gion in October slashed the jury’s award to \$345 million, though he didn’t finalize the award until late February.

Greenpeace is now taking steps to fight the judgment, which includes its motion for a new trial.

The environmental group’s reasons for the request include claims that the jury instructions and verdict form contained errors, and that Energy Transfer was allowed to present unfair and irrelevant evidence to jurors. The group also alleges the jury pool was biased.

Greenpeace says



photo | Kyle Martin/For the North Dakota Monitor

Tribal flags hang on a fence in August 2016 near the construction site of the Dakota Access Pipeline north of Cannon Ball, N.D.

the jury’s award assumes that Greenpeace was entirely responsible for any injury Energy Transfer sus-

tained related to the protests. Jurors were not given the opportunity to consider whether Greenpeace was only at fault for a portion of the damages, the organization wrote in its brief.

Attorneys for Greenpeace also referenced the mailers and other media circulated to Mandan and Bismarck residents

Notice to Creditors

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IN THE DISTRICT COURT OF
BILLINGS COUNTY, STATE
OF NORTH DAKOTA

In the Matter of the Estate
of Douglas Anthony Karsky,
also known as Douglas A.
Karsky, Deceased.

NOTICE TO CREDITORS

NOTICE IS HEREBY GIVEN that the undersigned has been appointed personal representative of the above estate. All persons having claims against the said deceased are required to present their claims within three (3) months after the date of the first publication of this notice or mailing of this notice or said claims will be forever barred. Claims must either be presented to Teresa M. Karsky, personal representative of the estate, at 3998 Little Ida Beach Road NW, Alexandria, MN 56308, or filed with the Court.
Dated: March 18, 2026.

/s/ Teresa M. Karsky, Personal Representative
3998 Little Ida Beach Road NW
Alexandria, MN 56308
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before the trial that contained anti-Dakota Access Pipeline protest and pro-energy industry content.

The environmental group seeks a new trial in Cass County, arguing in part that the jury pool in the Fargo area would be more fair because its residents did not directly experience the Dakota Access Pipeline protests and because the local economy is less dependent on the energy industry.

If Greenpeace’s request for a new trial is denied, it plans to appeal the case to the North Dakota Supreme Court, the organization has said.

Greenpeace previously asked for the trial to be moved from Morton County to Cass County in early 2025, which Gion and the North Dakota Supreme Court denied.

The lawsuit is against three separate Greenpeace organizations — Greenpeace USA, Greenpeace International and Greenpeace Fund.

Energy Transfer as of Wednesday morning had not submitted a response to Greenpeace’s motion for a new trial. Previously, the company has defended the jury’s verdict and disputed Greenpeace’s claims that the court proceedings were not fair.

Energy Transfer has indicated it may appeal Gion’s decision to reduce the award to \$345 million.

Greenpeace will not have to pay any of the \$345 million judgment

for at least a couple of months, Gion ruled Tuesday.

Court documents indicate that the organization could have to pay a bond of up to \$25 million while appeals proceed, though the environmental group has asked the judge to waive or reduce this amount. Gion has not decided on this motion.

He noted that obtaining such a large bond will be challenging.

“The magnitude of this matter defies simple decisions,” Gion wrote.

Energy Transfer in court filings urged the judge to require Greenpeace to post the full \$25 million.

Any bond money Greenpeace provides would be held by a third party while the appeals proceed, according to Greenpeace USA.

Greenpeace International has filed a separate lawsuit in the Netherlands that accuses Energy Transfer of weaponizing the U.S. legal system against the environmental group. Energy Transfer asked Gion to order that the overseas suit be paused while the North Dakota case is still active, which Gion denied.

The company appealed his ruling to the North Dakota Supreme Court, which has yet to make a decision on the matter.

North Dakota Monitor reporter Mary Steurer can be reached at msteurer@northdakotamonitor.com.

NOTICE OF ZONING MEETING

The Billings County Planning & Zoning Commission will hold a regular meeting on Thursday, April 16, 2026 at 1:00 PM in the Commissioner’s Room at the county courthouse, to consider recommending to the Board of County Commissioners the approval or denial of the following items:

Applications:

2026-11 Syzygy LLC - Tina (Lindbo) & Mark Gagner: Application for conditional use permit for a 40’ x 60’ shop with living quarters on a 3.07 acre parcel in the SENE 9-139-100 (13547 Bryan Ave, Fryburg). Property is zoned commercial. Project will be built in phases and a 2-year CUP for construction is requested.

2026-13 Verizon Wireless: Application to construction cell phone antennas on a new light pole in the parking area owned by TRMF for the Medora Musical & near the TR Library site (3422 Chateau Rd). Property is within the Hillside/Ridgeline Overlay District. The antennas will be constructed on a new light pole that is consistent with the existing light poles. Antenna pole will extend 10.9’ above the light fixture and the light pole with antennas will have a total height of 33.9’. This exceeds the maximum height restriction of 33.0’ for the Hillside/Ridgeline Overlay District and a Variance has been requested. Property is within the ETZ of the City of Medora and zoned Recreational.

2026-14 Theodore Roosevelt Medora Foundation: Application to redevelopment projects at the existing Ranchorama site east of Medora (14532 I-94 Loop East). Structures will include: a 2-story mixed use building for the Medora Riding Stables - main floor with office & classroom with 3 apartments above; a 2-story mixed use building with a 3-stall garage on the main floor and an apartment above; and a 66’ x 120’ horse stall building. Site will also have a new riding arena and an open grass event area with a stage and spaces for outdoor seating, fire pit, petting zoo, and temporary vendors.

2026-16 Theodore Roosevelt Medora Foundation: Review site plan for the Western Heritage Arena area west of Medora in section 22-140-102 (between I-94 Loop W and the Medora Campground area). Application is for rough grading of the site. Additional applications for platting, structures and infrastructure improvements will be submitted at a later date.

The board will also review any zoning applications submitted to the zoning department for projects within the Medora Area Plan boundary prior to the final review and administrative approval by the zoning director at the meeting. Application received at the time of publication includes:

2026-15 Theodore Roosevelt Medora Foundation: Application to construct three 16’ x 30’ cabins within the Medora Campground in the SE1/4 22-140-102 (3370 Pool Drive). Property is within the ETZ of the City of Medora and zoned Historical Integrity.

Other business:

- Review regulations and zoning ordinances related to Mobile Food Units, Transient Merchants, and Temporary Use Permits for Commercial uses, Industrial uses, and Social Events and make a recommendation for amending Article VI: Special Provisions 6.17 for Temporarily Permitted Uses.
- Review regulations and zoning ordinances related to water depots that are used for supplying fresh water during the drilling stages of oil and gas wells and make a recommendation for amending the ordinance.

Standing agenda items:

- TRMF and TRPL Project Updates
- The board will also address potential & pending zoning violations and recommend any action needed by the Zoning Director, State’s Attorney, or Board of County Commissioners.

General meeting information:

- Applications and ordinances are available for review during regular office hours at the Billings County Courthouse. If special accommodations are needed, please notify the auditor so that appropriate aids may be made available.
- To attend the meeting remotely via TEAMS, please see the meeting notice posted in the calendar on the Billings County website at <https://www.billingscountynod.gov/> for instructions.

Additional Notice:

Prior to the Zoning Meeting on April 16, the Billings County Planning & Zoning Commission will hold a work session beginning at 10:00 am in the Commissioner’s Room. The purpose is to review and discuss regulations and amendment proposals related to temporary uses, mobile food units and transient merchants. No action will be taken or decisions made at this work session.

Dated at Medora this 27th day of March, 2026.

Stacey Swanson, Zoning Director

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