

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA

ENERGY TRANSFER EQUITY, LP, *ET AL.*

PLAINTIFFS

VS.

1:17-CV-00173-BRW

GREENPEACE INTERNATIONAL, *ET AL.*

DEFENDANTS

ORDER

Plaintiff's Motion for Declaration of Effective Service on Defendant Earth First! (Doc. No. 33) is DENIED without prejudice. Earth First! Journal's Motion for Sanctions (Doc. No. 64) is DENIED, and Plaintiff's Motion to Strike (Doc. No. 66) is MOOT.

I am inclined to believe that service on Earth First! Journal is not adequate, but I am not making a final ruling on that point at this time.

By 5 p.m., Monday, April 2, 2018, Ms. Spees is directed to advise me and other counsel as to the details of Earth First! previously filing law suits as a plaintiff.¹ This would seem to be contrary to the position that Earth First! is a philosophy rather than an organization or other entity.

In other words, if Earth First! can sue, it seems to me that it is subject to being sued.

It appears to me, also, that Earth First! and/or the journal is dancing around and that counsel for the journal should disclose such information that other counsel would need to effect service.

I prefer not to waste time with this sort of issue.

IT IS SO ORDERED this 22nd day of March, 2018.

/s/ Billy Roy Wilson
UNITED STATES DISTRICT JUDGE

¹Earth First! was a named plaintiff in the following cases: *Pueblo of Sandia, et al. v. United States*, 50 F.3d. 856 (10th Cir. 1995); *Earth First, et al. v. Block*, 569 F. Supp. 415 (D. Ore. 1983); *Animal Defense Council, et al. v. Hodel*, 840 F.2d 1432 (9th Cir. 1988).