

# [***Energy Transfer lawsuit (re Dakota Access Pipeline, USA)***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5SWH-P7M1-J9XT-P43F-00000-00&context=1516831)

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**Body**

London : Business and Human Rights Resource Centre has issued the following press release: Energy Transfer filed a lawsuit against NGOs and others, including Greenpeace, BankTrack, and Earth First!, in the US District Court of North Dakota over their campaigning around the construction of the Dakota Access Pipeline. Energy Transfer accuses the NGOs of allegedly violating the Racketeer Influenced and Corrupt Organizations Act (RICO Act) through criminal activity and misinformation about the pipeline’s impacts on tribal lands and the ***environment***, and of inflicting financial damage to the company.

The NGOs deny the allegations. The plaintiffs, Energy Transfer Partner and Energy Transfer Equity (both part of Energy Transfer), allege racketeering, conspiracy, defamation, and interference with existing and prospective business relationship. They argue that the pipeline project is mainly located on private lands which was rerouted to avoid sacred and cultural sites, with extensively prior consultation of Rock Sioux Tribe. The companies maintain that this project provides an efficient, safer and better environmental option to transport oil and avoid oil spills in comparison with other means of transportation. According to Energy Transfer the NGOs misrepresented peaceful protestors in North Dakota and were involved in criminal activities such as civil trespass, rioting, assault, menacing, attacks, and destruction of property. The company is seeking compensatory damages. The NGOs reject the accusations. They consider that this lawsuit is without merit and that it is an attempt by Energy transfer to silence civil society organizations. Greenpeace said the lawsuit was a “Strategic Lawsuit Against Public Participation (SLAPP), which is intended to censor or intimidate critics by burdening them with expensive, time-consuming litigation”. In November 2017, BankTrack and Greenpeace filed motions with the District Court of North Dakota to have Energy Transfer's claims against them dismissed for lack of merit. In December 2017, the Center for Constitutional Rights (CCR) filed a memorandum asking for the suit against EarthFirst! to be dismissed as it is a "philosophy" or "movement", and in January 2018 served the companies' attorneys with advanced warning of a motion for sanctions for abuse of legal process. On 6 February 2018, the motion was filed in the US District Court of North Dakota. The case is on-going. Swiss NGO ‘Society for Threatened Peoples’ have also filed a complaint in relation to the Dakota Access Pipeline (DAPL) with the Swiss National Contact Point (NCP) on 24 April 2017. The complaint concerns the ongoing business and financial involvement of Credit Suisse with other companies (including Energy Transfer) linked to the DAPL. On 19 October 2017 the Swiss NCP accepted the request for mediation, and the complaint is on-going.

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