

UNITED STATES DISTRICT COURT  
DISTRICT OF NORTH DAKOTA  
WESTERN DIVISION

<p>ENERGY TRANSFER EQUITY, L.P., and ENERGY TRANSFER PARTNERS, L.P.,</p> <p>Plaintiffs,</p> <p>vs.</p> <p>GREENPEACE INTERNATIONAL (aka “STICHTING GREENPEACE COUNCIL”); GREENPEACE, INC.; GREENPEACE FUND, INC.; BANKTRACK (aka “STICHTING BANKTRACK”); EARTH FIRST!; and JOHN AND JANE DOES 1-20,</p> <p>Defendants.</p>	<p>Case No.: 17-CV-00173-DLH-CSM</p>
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**Declaration of Grayson Flory**

I, Grayson Flory, declare under penalty of perjury that:

1. I publish the Earth First! Journal along with Ryan Hartman and Ella Hackett. We have two interns, making it a total of five people who currently work at the Lake Worth address, which is the Earth First! Journal's only office. One former employee, Peter Tsoikas, is still listed as being on the business; however, he has not been a paid employee, worked on the magazine, or worked in the office since 2013, and his role is limited to giving advice when needed, as he worked on the business for a few years before any of the current employees arrived.
2. I have been working at the Earth First! Journal since 2013. My work on the Journal began with an internship that started in April of that year. At the time I arrived there were two other interns and three full-time employees, all of whom have since left the project. This is the nature of the Earth First! Journal project—we have a small staff usually made up of some full-time employees and some short-term interns. Ryan first joined me in 2014 and Ella has been working with us on and off since 2016, becoming a full-time employee this year. We were all interns before we became full-time employees.
3. From my understanding, the Journal has been published out of Lake Worth, Florida, since around 2009. Before that it was published by a collective in Tucson, Arizona. It has moved a few times over the years, and, as far as I know, has also been located at various times in Eugene, Oregon, and Missoula, Montana, and probably other locations, since it began in late 1980. I believe that its structure has changed a lot over the years, too. I read somewhere that at one point, in the 1990s, I believe, the staff of the Journal ended the project entirely, only to have another group of people start it up again in a new state with no permission from anyone.
4. The Earth First! Journal's aim is two-fold: to report on actions by groups and individuals defending the Earth, and to spread information about environmental defense in general and the Earth First! movement in particular to the public. It is published by environmentalists like myself who believe in the Earth First! philosophy. Some of the actions and campaigns we report on are carried out by Earth First! groups, but most are not, as the Earth First! philosophy has been adopted by many

groups and individuals that do not identify as Earth First!ers, and many individual Earth First!ers carry out actions and campaigns with groups that don't have "Earth First!" in their name. I should mention that, though we are likely the most well-known, we are not the only publication that uses the Earth First! name, or that has in the past. For instance, a project in Europe recently began publishing Earth First! media, beginning with a booklet called "Whirlwind: Voices of Resistance and Ecological Direct Action from Earth First, Winter 16-17." I would imagine their goals and structure are similar to ours at the Earth First! Journal, but that's just my speculation. Throughout the 1990s and early 2000s, a publication called "Do or Die—Voices from Earth First!" (and, alternately, "Do or Die—Voices from the Ecological Resistance") served a similar purpose in Europe, publishing books rather than a magazine. These are just the English-language publications I have come across; I imagine there are others.

5. The Journal does not set priorities for Earth First! groups or activists, approve or review their activities, or play any leadership role in the activities of other Earth First!ers.

6. From my understanding, based on books and articles I've read, the Earth First! movement began in late 1979 or early 1980, when five environmentalists—including, most famously, Dave Foreman and Mike Roselle—wanted to create something different from the non-profit environmental organizations they had worked with previously: a movement that would not compromise its beliefs by selling out the environment. They organized protests and events in hopes that the idea would spread, and it did.

7. From my understanding based on information I've read in books, magazines, and online articles, and from documentaries on the subject, since its founding the Earth First! movement has grown from a small group of individuals in a relatively centralized location (the American Southwest) to an international movement of groups and individuals spanning at least four continents. Although the small size of the initial group likely resulted in there being people (such as the founders) who were looked up to as de facto leaders of those involved in Earth First! actions, the movement has since spread into a decentralized, leaderless movement made up of people with differing ideas, strategies, tactics,

campaigns, and beliefs.

8. From my understanding, there are anywhere from dozens to hundreds of Earth First! groups, and likely hundreds or thousands of individual Earth First!ers, around the world. I have heard of some of these groups and individuals because they have submitted information or articles to the Journal, because I have seen articles about them on the internet, because I have read about them in books, or through other means. There are probably many other Earth First! groups and definitely scores of individual Earth First!ers whom I have never heard off. There is no requirement that people using the name “Earth First!” report to anyone or adhere to any priorities.

9. Earth First! itself is not an organization. It has no leaders and no offices. Anyone can use the name Earth First!. All it means is that you adopt the basic beliefs that the movement has followed since its inception. Those beliefs are often summarized as “putting the Earth first,” “biocentrism,” “direct action,” and/or “no compromise” (i.e. not compromising with environmentally destructive corporations when fighting for the environment), but there is no mandate or rule anywhere that this must be the case. From what I understand, it is merely a trend that has been observed in Earth First! groups over the years, and I would not be surprised if there are Earth First! groups and individual Earth First!ers who do not adhere to these principles.

10. To my knowledge, Earth First! doesn't have offices or leaders because it was intentionally founded in opposition to traditional non-profit environmental organizations, which the founders of the Earth First! philosophy felt too often fell into traps of bureaucracy and selling out their values due to their hierarchical and organized structure. I believe that this lack of structure and leadership is one of the things that has allowed the Earth First! idea to remain relevant by adapting quickly to social changes over the last 38 years. For instance, none of the five people who started Earth First! have stayed with the movement because it has changed in ways that they do not agree with, but they didn't drag it down with them; instead the Earth First! movement grew and moved on without them, since a leaderless, structure-less movement is beyond any individual's or group's control.

11. I don't have any leadership role in Earth First!. I was at one point a member of a local Earth First! group in Florida, called "Everglades Earth First!," which planned events and actions separate from the Journal. I don't represent anyone, and I have no ability to tell anyone else in the Earth First! movement what to do, to fund or approve others' work, or to set the agenda for other Earth First! groups. Most Earth First!ers and Earth First! groups wouldn't know who I was even if I wanted to do such a thing. Similarly, there is no one in the Earth First! movement that can (or has ever tried to) tell me as a Journal editor, as an individual Earth First!er, or as a member of a local Earth First! group what I can and cannot do. Individual groups, just like the Earth First! Journal, operate independently of the larger movement.

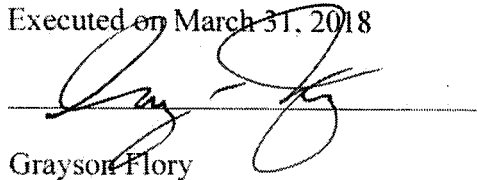
12. There are many events that use the "Earth First!" name where Earth First!ers and others gather. Two of these events take place in the United States every year: the "Earth First! Round River Rendezvous," held every summer, and the "Earth First! Organizers Conference," also sometimes called the "Earth First! Organizers Conference and Winter Rendezvous," held every winter. These two events are organized by different groups every year (sometimes Earth First! groups, sometimes not), and usually involve workshops where anyone who attends can share anything they like (this may include information on recent environmental campaigns, on local plant and animal life, on protests, etc.). Sometimes the local group that organizes a particular annual event will also organize an action in their area that participants in the event are invited to join if they desire. From my information and understanding, all of these actions, workshops, and events are voluntary and have no list of attendees or requirements for them to take place. There is no requirement that attendees be part of an Earth First! group or identify as Earth First!ers in order to attend; anyone can show up and participate or run a workshop or discussion, jump into an action, volunteer to cook food, etc. There is no requirement that Earth First!ers or Earth First! groups attend these events, and I believe that most do not. From reading the internet and being sent information by various groups, I understand that there are a lot of other events (often called "action camps") that also use the "Earth First!" name throughout the country and

around the world where similar things take place. For example, I found out a few years ago that there are annual Earth First! events in the United Kingdom, called the "Earth First! Summer Gathering" and "Earth First! Winter Moot," where I imagine similar discussions and workshops take place.

13. I don't know anything about any lawsuits in which "Earth First!" was a plaintiff. I had not heard of the three lawsuits listed in the Court's order prior to this litigation. From my understanding, when the most recent of these lawsuits was brought, I was around four years old, Ryan was around twelve years old, and Ella was not yet born.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 31, 2018

A handwritten signature in black ink, appearing to read "Grayson Flory", is written over a horizontal line. The signature is stylized and cursive.

Grayson Flory