

No. A23-0257

**STATE OF MINNESOTA
IN COURT OF APPEALS**

Energy Transfer LP (f.k.a. Energy Transfer Equity, LP), et al.,

Appellants,

vs.

Greenpeace International (a.k.a. Stichting Greenpeace Council), et al.,

Defendants,

Unicorn Riot, et al.,

Respondents.

**REQUEST OF THE FORUM FOR CONSTITUTIONAL RIGHTS
FOR LEAVE TO FILE AN *AMICUS CURIAE* BRIEF
IN SUPPORT OF RESPONDENTS UNICORN RIOT, ET AL.**

Mahesha P. Subbaraman (#392486)
SUBBARAMAN PLLC
222 S. 9th Street, Suite 1600
Minneapolis, MN 55402
(612) 315-9210
mps@subblaw.com

*Attorney for Prospective Amicus Curiae
The Forum for Constitutional Rights*

The Forum for Constitutional Rights (“FCR” or the “Prospective Amicus”) respectfully seeks permission under MRCAP 129.01 to file an amicus curiae brief in *Energy Transfer, LP v. Unicorn Riot*, No. A23-0257 (Minn. App.).

Identity of the Prospective Amicus

The Forum for Constitutional Rights is a general public-benefit corporation organized and run under Minnesota law. FCR provides public education about constitutional history and rights, including (but not limited to) First Amendment rights. FCR’s public education efforts include filing amicus briefs in court cases involving the First Amendment and other constitutional provisions.

FCR is non-partisan, aiming to elevate discourse on constitutional matters by highlighting enduring principles rooted in America’s constitutional traditions – principles like freedom of the press and due process. *See* U.S. CONST. amends. I, V, XIV. FCR supports consistent judicial enforcement of these principles so as to ensure these core values remain central in American civic life.

Interest of the Prospective Amicus

FCR’s interest in *Energy Transfer, LP* is public in nature. This case concerns the Minnesota Free Flow of Information Act (MFFIA), Minn. Stat. §§ 595.021 to 595.025. The MFFIA exists to protect “the confidential relationship between the news media and its sources.” *Id.* § 595.022. The MFFIA shields any person “who is or has been directly engaged in the gathering, procuring, compiling, editing, or publishing of information for the purpose of transmission, dissemination or publication to the public.” *Id.* § 595.023. Based on this definition, the district court properly held that the MFFIA protects non-traditional media like Respondents Unicorn Riot and Niko Georgiades (a journalist for Unicorn Riot).

Position of the Prospective Amicus

FCR supports Respondents in terms of the district court's determination that the MFFIA protects Respondents' news-gathering activities.

Reasons Why a Brief by the Prospective Amicus Is Desirable

Energy Transfer, LP turns on the extent to which the Minnesota Free Flow of Information Act (MFFIA) applies to and protects the news-gathering activities of non-traditional media like Respondent Unicorn Riot. On this point – and its constitutional implications for all Minnesotans – FCR respectfully maintains that it would be able to provide helpful “citations to relevant precedent, arguments, and policy considerations not included in the primary briefs.” *St. Paul Fire & Marine Ins. Co. v. API, Inc.*, 738 N.W.2d 401, 411 (Minn. App. 2007).

Conclusion

The Court should grant FCR's request for leave to file an amicus curiae brief in *Energy Transfer, LP v. Unicorn Riot*, No. A23-0257 (Minn. App.).

Respectfully submitted,

Dated: February 27, 2023

By: /s/Mahesha P. Subbaraman

Mahesha P. Subbaraman

Mahesha P. Subbaraman (#392486)

SUBBARAMAN PLLC

222 S. 9th Street, Suite 1600

Minneapolis, MN 55402

(612) 315-9210

mps@subblaw.com

*Counsel for Prospective Amicus Curiae
The Forum for Constitutional Rights*

Certification of Document Length

I certify this document conforms to the requirements of MRCAP 129.01(c) and 132.02. This document was produced with a 13-point proportional font (Book Antiqua) and consists of 400 words, including headings, footnotes, and quotations. This document was prepared using Microsoft Word 2010.

Dated: February 27, 2023

By: /s/Mahesha P. Subbaraman
Mahesha P. Subbaraman

Mahesha P. Subbaraman (#392486)
SUBBARAMAN PLLC
222 S. 9th Street, Suite 1600
Minneapolis, MN 55402
(612) 315-9210
mps@subblaw.com

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