

FORT BERTHOLD DISTRICT COURT
OF THE THREE AFFILIATED TRIBES
STATE OF NORTH DAKOTA

TJMD, LLP, a North Dakota Limited)
Liability Partnership,)
)
Plaintiff,)
)
vs.)
)
Dakota Petroleum Transport Solutions, LLC,)
a Minnesota limited liability company,)
Dakota Plains Holdings, Inc., a Nevada)
corporation, Western Petroleum Corporation,)
a Minnesota corporation, and World Fuel)
Services Corporation, a Florida corporation,)
)
Defendants.)

Civil No. CV-2012-0678

SECOND AFFIDAVIT OF GABRIEL G. CLAYPOOL

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

I, Gabriel G. Claypool, state the following under oath:

1. I am an officer of Dakota Plains Holdings, Inc., a publicly traded corporation.

Dakota Plains Holdings, Inc. owns the land on which the crude oil transloading facility involved in this case is located. Dakota Plains Holdings, Inc. has leased the property to Dakota Petroleum Transport Solutions, LLC, since the beginning of Dakota Petroleum Transport Solutions, LLC's operations. Dakota Plains Holdings, Inc. did not give specific permission to TJMD to be on the property. If specific permission was given to TJMD to be on the property, Dakota Petroleum Transport Solutions, LLC, not Dakota Plains Holdings, Inc., would have given that permission.

Further affiant sayeth not.

Dated this 6 day of February, 2013.

Gabe Claypool
Gabriel G. Claypool

Subscribed and sworn to before me this 6th day of February, 2013.

Renu Agarwala
Notary Public

