

March 8, 2018

Denise McNerney  
Merits Court Clerk  
Supreme Court of the United States  
One First Street N.E.  
Washington, D.C. 20540

Re: *Salt River Project v. Tesla Energy Operations, Inc.*, No. 17-368

Dear Ms. McNerney:

Oral argument in this case is scheduled for March 19. The parties, following up on their joint call to you yesterday, jointly write to inform the Court that yesterday they executed a memorandum of understanding (MOU), which they hope to form the basis of a final resolution of this litigation. Although the parties do not know at this juncture if settlement will occur or, if it does, precisely when, they are endeavoring in good faith to reach a settlement promptly. In the event of such resolution, the MOU requires the parties to dismiss the lawsuit within two days of a settlement.

Given these events, the parties will provide the Court another update tomorrow, Friday, March 9, by 3 pm EST, as to the status of the matter and whether final resolution has occurred.

Sincerely,

/s/ Daniel S. Volchok  
DANIEL S. VOLCHOK  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
1875 Pennsylvania Avenue N.W.  
Washington, D.C. 20006  
Telephone: (202) 663-6103  
daniel.volchok@wilmerhale.com

*Counsel for petitioner*

/s/ Deanne E. Maynard  
DEANNE E. MAYNARD  
MORRISON & FOERSTER LLP  
2000 Pennsylvania Avenue N.W.  
Washington, D.C. 20006  
Telephone: (202) 887-8740  
DMaynard@mofocom

*Counsel for respondent*