

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

FEB 28 2020

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

FRANKLIN ENERGY STORAGE  
ONE, LLC; et al.,

Plaintiffs - Appellees,

v.

PAUL KJELLANDER, in his official  
capacity as Commissioners of the Idaho  
Public Utilities Commission; et al.,

Defendants - Appellants,

and

IDAHO POWER COMPANY,

Intervenor-Defendant.

No. 20-35146

D.C. No. 1:18-cv-00236-REB  
U.S. District Court for Idaho, Boise

**ORDER**

The Mediation Program of the Ninth Circuit Court of Appeals facilitates settlement while appeals are pending. See Fed. R. App. P. 33 and Ninth Circuit Rule 33-1.

By March 16, 2020, counsel for all parties intending to file briefs in this matter are requested to inform Chris Goelz, Circuit Mediator, by email at [chris\\_goelz@ca9.uscourts.gov](mailto:chris_goelz@ca9.uscourts.gov), of their clients' views on whether the issues on appeal or the underlying dispute might be amenable to settlement presently or in the foreseeable future. **Counsel are requested to include the Ninth Circuit case**

**number in the subject line.** This communication will be kept confidential, if requested, from the other parties in the case. This communication should not be filed with the court.

For more detailed information about the Mediation Program and its procedures generally, please see the Mediation Program website:

**[www.ca9.uscourts.gov/mediation](http://www.ca9.uscourts.gov/mediation)**.

**The existing briefing schedule remains in effect.**

FOR THE COURT:

Lynn Warton  
Deputy Clerk

lw/mediation