

11-1085 AMGEN V. CONNECTICUT RETIREMENT PLANS

DECISION BELOW: 660 F.3d 1170

LOWER COURT CASE NUMBER: 09-56965

QUESTION PRESENTED:

1. Whether, in a misrepresentation case under SEC Rule 10b-5, the district court must require proof of materiality before certifying a plaintiff class based on the fraud-on-the-market theory.

2. Whether, in such a case, the district court must allow the defendant to present evidence rebutting the applicability of the fraud-on-the-market theory before certifying a plaintiff class based on that theory.

JUSTICE BREYER TOOK NO PART

CERT. GRANTED 6/11/2012