

ABA Section of Antitrust Law
60th Annual Spring Meeting
March 30, 2012

The Supreme Court Redirects Class Action Defense

Recent decisions construing *AT&T Mobility LLC v. Concepcion*, 131 S. Ct. 1740 (2011):

- *Coneff v. AT&T Corp.*, ___ F.3d ___, 2012 WL 887598 (9th Cir. Mar. 16, 2012)
- *Quilloin v. Tenet HealthSystem Philadelphia, Inc.*, ___ F.3d ___, 2012 WL 833742 (3rd Cir. Mar 14, 2012)
- *Kilgore v. KeyBank, N.A.*, ___ F.3d ___, 2012 WL 718344 (9th Cir. Mar. 7, 2012)
- *Robinson v. Title Lenders, Inc.*, ___ S.W.3d ___, 2012 WL 724669 (Mo. Mar. 6, 2012)
- *Brewer v. Missouri Title Loans*, ___ S.W.3d ___, 2012 WL 716878 (Mo. Mar. 6, 2012)
- *Marmet Health Care Center, Inc. v. Brown*, 132 S. Ct. 1201 (Feb. 21, 2012)
- *In re American Express Merchants' Litig.*, 667 F.3d 204 (2nd Cir. Feb. 1, 2012)
- *In re D. R. Horton, Inc.*, 357 NLRB No. 184, 2012 WL 36274 (N.L.R.B. Jan. 3, 2012), appeal pending, case no. 12-60031 (5th Cir.)
- *Brown v. Ralphs Grocery Co.*, 197 Cal.App.4th 489 (2011), cert. petition pending, case no. 11-880 (U.S.)

Pending cases to watch:

- *Sanchez v. Valencia Holding Co.*, case no. S199119 (Cal.) (*Sanchez v. Valencia Holding Co.*, 201 Cal.App.4th 74 (2011), review granted March 21, 2012)
- *Sonic-Calabasas A, Inc. v. Moreno*, case no. S174475 (Cal.) (*Sonic-Calabasas A, Inc. v. Moreno*, 51 Cal.4th 659 (2011), vacated with directions, 132 S. Ct. 496 (Oct. 31, 2011))
- *Schnuerle v. Insight Communications Co.*, case no. 2008-SC-000789 (Ky.) (*Schnuerle v. Insight Communications Co.*, ___ S.W.3d ___, 2010 WL 5129850 (Ky. Dec. 16, 2010), rehearing petition pending)

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Recent decisions construing *Wal-Mart Stores, Inc. v. Dukes*, 131 S. Ct. 2541 (2011):

- *M.D. ex rel. Stukenberg v. Perry*, ___ F.3d ___, 2012 WL 974878 (5th Cir. Mar. 23, 2012)
- *Howland v. First American Title Ins. Co.*, ___ F.3d ___, 2012 WL 695636 (7th Cir. Mar. 6, 2012)
- *McReynolds v. Merrill Lynch, Pierce, Fenner & Smith, Inc.*, ___ F.3d ___, 2012 WL 592745 (7th Cir. Feb. 24, 2012)
- *Gooch v. Life Investors Ins. Co.*, ___ F.3d ___, 2012 WL 410926 (6th Cir. Feb. 10, 2012)
- *Jamie S. v. Milwaukee Public Schools*, 668 F.3d 481 (7th Cir. Feb. 03, 2012)
- *Ross v. RBS Citizens, N.A.*, 667 F.3d 900 (7th Cir. Jan. 27, 2012)
- *Mazza v. American Honda Motor Co.*, 666 F.3d 581 (9th Cir. Jan. 12, 2012), petition for en banc rehearing denied Mar. 16, 2012
- *Sullivan v. DB Investments, Inc.*, 667 F.3d 273 (3d Cir. Dec. 20, 2011), application to extend time to file cert. petition granted, case no. 11A863 (U.S.) (new deadline: May 3, 2012)
- *Behrend v. Comcast Corp.*, 655 F.3d 182 (3d Cir. Aug. 23, 2011), cert. petition pending, case no. 11-864 (U.S.)