

18-459 EMULEX CORP. V. VARJABEDIAN

DECISION BELOW: 888 F.3d 399

LOWER COURT CASE NUMBER: 16-55088

QUESTION PRESENTED:

Whether the Ninth Circuit correctly held, in express disagreement with five other courts of appeals, that Section 14(e) of the Securities Exchange Act of 1934 supports an inferred private right of action based on a negligent misstatement or omission made in connection with a tender offer.

DISMISSED AS IMPROVIDENTLY GRANTED.

CERT. GRANTED 1/4/2019