

May 17, 2024

VIA ELECTRONIC FILING

Mr. Scott S. Harris, Clerk
Supreme Court of the United States
1 First Street, N.E.
Washington, D.C. 20543

Re: Notice of Supplemental Authority
Facebook, Inc. v. Amalgamated Bank, No. 23-980

Dear Mr. Harris:

Petitioners submit this notice of supplemental authority in support of the first question presented in their petition for a writ of certiorari in *Facebook, Inc. v. Amalgamated Bank*, No. 23-980.

Respondents argued that the first question presented—which implicates a three-way circuit split—does not merit review because the relevant Sixth Circuit decision is “unpublished and no[t] precedential.” Opp. 17. The Sixth Circuit has now issued a published opinion quoting and endorsing that unpublished decision and relying on it to reject a challenge to a risk-factor statement. See *Kolominsky v. Root, Inc.*, — F.4th —, 2024 WL 1854474, at *8 (6th Cir. Apr. 29, 2024) (quoting *Bondali v. Yum! Brands, Inc.*, 620 F. App’x 483, 491 (6th Cir. 2015)).

The Sixth Circuit’s adoption of *Bondali*’s rule in a precedential opinion further solidifies the existence of a circuit split on the first question presented and underscores the need for this Court’s review. A copy of the decision is attached to this letter.

Sincerely,

/s/ Joshua S. Lipshutz

GIBSON, DUNN & CRUTCHER LLP

Counsel for Petitioners

cc: Kevin Russell
Counsel for Respondents