

**12-1208 UBS FINANCIAL SERVICES V. UNION DE EMPLEADOS DE MUELLES**

DECISION BELOW: 704 F.3d 155

LOWER COURT CASE NUMBER: 11-1605

QUESTION PRESENTED:

The question presented in this petition is:

Should, consistent with the standard of review employed by other Circuit Courts of Appeals, but in direct conflict with the decision below, the United States Court of Appeals for the First Circuit have reviewed for abuse of discretion the District Court's determination, pursuant to Rule 23.1, that the particularized facts alleged in a shareholder derivative complaint were insufficient to excuse a pre-suit demand on the corporation's board of directors?

CERT. GRANTED 6/24/2013