



Neutral

As of: February 8, 2017 3:45 PM EST

[Visa Inc. v. Osborn](#)

Supreme Court of the United States

November 17, 2016, Decided

No. 15-961.

Reporter

137 S. Ct. 289 *; 2016 U.S. LEXIS 6921 **; 196 L. Ed. 2d 396; 85 U.S.L.W. 3245; 2016 WL 6808590

Visa Inc., et al., Petitioners v. Sam Osborn, et al.

Prior History: [Osborn v. Visa Inc., 797 F.3d 1057, 2015 U.S. App. LEXIS 13529 \(D.C. Cir., 2015\)](#)

Judges: **[**1]** Roberts, Kennedy, Thomas, Ginsburg, Breyer, Alito, Sotomayor, Kagan.

Opinion

[*289] This case was granted to resolve “[w]hether allegations that members of a business association agreed to adhere to the association’s rules and possess governance rights in the association, without more, is sufficient to plead the element of conspiracy in violation of Section 1 of the Sherman Act” Pet. for Cert. in No. 15-961, p. i, and No. 15-962, p. i. After “[h]aving persuaded us to grant certiorari” on this issue, however, petitioner “chose to rely on a different argument” in their merits briefing. [City and County of San Francisco v. Sheehan, 575 U. S. ___, ___, 135 S. Ct. 1765, 1772, 191 L. Ed. 2d 856, 865 \(2015\)](#). The Court, therefore, orders that [*290] the writ in this case be dismissed as improvidently granted.