

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 10-12375

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT APRIL 29, 2011 JOHN LEY CLERK

D.C. Docket Nos. 1:09-md-02036-JLK,
1:10-cv-20478-JLK

In Re: CHECKING ACCOUNT OVERDRAFT LITIGATION

MAXINE AARONS GIVEN, Individually and
on behalf of all other similarly situated,

Plaintiff-Appellee,

versus

M & T BANK CORPORATION, a New York corporation,
individually and operating by and through M&T Bank,
MANUFACTURERS AND TRADERS TRUST COMPANY,
a.k.a. M&T Bank,

Defendants-Appellants.

Appeal from the United States District Court
for the Southern District of Florida

(April 29, 2011)

Before PRYOR and COX, Circuit Judges, and WATKINS,* District Judge.

PER CURIAM:

After oral argument in this case, the United States Supreme Court decided *AT&T Mobility LLC v. Conception*, No. 09-893, 2011 WL 1561956 (April 27, 2011).

The district court's order denying the motion to compel arbitration is VACATED, and this case is remanded to the district court for reconsideration in light of the Supreme Court's opinion.

VACATED AND REMANDED.¹

*Honorable W. Keith Watkins, United States District Judge for the Middle District of Alabama, sitting by designation.

¹ This is an unlimited remand.