

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 16-1928

James J. Thole and Sherry Smith, individually and on behalf of all others similarly situated

Appellants

v.

U.S. Bank, National Association, individually and as successor in interest to FAF Advisors, Inc.
and U.S. Bancorp

Appellees

Nuveen Asset Management, LLC, as successor in interest to FAF Advisors, Inc.

Richard K. Davis, et al.

Appellees

AARP, et al.

Amici on Behalf of Appellant(s)

Chamber of Commerce of the United States of America

Amicus on Behalf of Appellee(s)

Appeal from U.S. District Court for the District of Minnesota - Minneapolis
(0:13-cv-02687-JNE)

ORDER

The petition for rehearing *en banc* is denied. The petition for panel rehearing is also denied.

Judge Kelly and Judge Stras would grant the petition for rehearing *en banc*.

Judge Benton did not participate.

February 22, 2018

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans