

# **EXHIBIT B**

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 17-3244

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JENNIFER SWEDA; BENJAMIN A. WIGGINS; ROBERT L. YOUNG;  
FAITH PICKERING; PUSHKAR SOHONI; REBECCA N. TONER,  
individually and as representatives of a class of participants and  
beneficiaries on behalf of the University of Pennsylvania Matching Plan,  
Appellants

v.

UNIVERSITY OF PENNSYLVANIA; INVESTMENT COMMITTEE; JACK HEUER

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(E.D. Pa. No. 2-16-cv-04329)

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Present: SMITH, *Chief Judge*, McKEE, AMBRO, CHAGARES,  
JORDAN, HARDIMAN, GREENAWAY, JR., SHWARTZ,  
KRAUSE, PORTER, MATEY, ROTH and FISHER<sup>1</sup>, *Circuit Judges*

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SUR PETITION FOR REHEARING  
WITH SUGGESTION FOR REHEARING EN BANC

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The petition for rehearing filed by Appellees, University of Pennsylvania, Investment Committee and Jack Heuer, in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the

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<sup>1</sup> Judges Roth and Fisher's votes are limited to panel rehearing only.

decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is denied. Judge Jordan voted for rehearing.

BY THE COURT:

*s/ D. Michael Fisher*  
Circuit Judge

Dated: July 19, 2019

LML/cc: All counsel of record