

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MATTHEW C. KILGORE, individually
and on behalf of all others
similarly situated; WILLIAM BRUCE
FULLER, individually and on behalf
of all others similarly situated,
Plaintiffs-Appellees,

v.

KEYBANK, NATIONAL ASSOCIATION,
successor in interest to KeyBank
USA, N.A.; KEY EDUCATION
RESOURCES, a division of KeyBank
National Association; GREAT
LAKES EDUCATION LOAN SERVICES,
INC., a Wisconsin corporation,
Defendants-Appellants.

No. 09-16703

D.C. No.
3:08-cv-02958-TEH

MATTHEW C. KILGORE, individually
and on behalf of all others
similarly situated; WILLIAM BRUCE
FULLER, individually and on behalf
of all others similarly situated,
Plaintiffs-Appellants,

v.

KEYBANK, NATIONAL ASSOCIATION,
successor in interest to KeyBank
USA, N.A.; KEY EDUCATION
RESOURCES, a division of KeyBank
National Association; GREAT
LAKES EDUCATION LOAN SERVICES,
INC., a Wisconsin corporation,
Defendants-Appellees.

No. 10-15934

D.C. No.
3:08-cv-02958-TEH

ORDER

Filed September 21, 2012

ORDER

KOZINSKI, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Ninth Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.