

**FOR PUBLICATION**

**FILED**

**UNITED STATES COURT OF APPEALS**

**APR 20 2021**

**FOR THE NINTH CIRCUIT**

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

CITY OF OAKLAND, A Municipal  
Corporation,

Plaintiff-Appellee,

v.

WELLS FARGO & COMPANY; WELLS  
FARGO BANK, N.A.,

Defendants-Appellants.

No. 19-15169

D.C. No. 3:15-cv-04321-EMC  
Northern District of California,  
San Francisco

**ORDER**

**THOMAS**, 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 Circuit Rule 35-3. The three-judge panel opinion is vacated.

Judges Christen, Watford, Owens, Friedland, Bennett, and Collins did not participate in the deliberations or vote in this case.