

U.S. COURT OF APPEALS - EIGHTH CIRCUIT

APPELLANT'S FORM A

Appeal Docket No. _____

Appeal Information Form

To be filed with the Notice of Appeal

STYLE OF CASE:

JAMES J. THOLE and SHERRY SMITH on behalf of themselves individually, and on behalf of all others similarly situated,

Appellants,

vs.

COUNSEL: NAME, ADDRESS, AND TELEPHONE NUMBER

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U.S. Bank, N.A., individually and as successor in interest to FAF Advisors, Inc., Richard K. Davis, Douglas M. Baker, Jr., Y. Marc Belton, Peter H. Coors, Joel W. Johnson, Olivia F. Kirtley, O'Dell M. Owens, Craig D. Schnuck, Arthur D. Collins, Jr., Victoria Buyniski Gluckman, Jerry W. Levin, David B. O'Maley, Patrick T. Stokes, Richard G. Reiten, Warren R. Staley and John and Jane Doe 1-20.

Appellees.

COUNSEL: NAME, ADDRESS, AND TELEPHONE NUMBER

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LIST ISSUES ON APPEAL (For administrative purposes). You may indicate that this also serves as your statement of issues under FRAP 10(b)(3). _____ Yes. X No.

1. Whether the district court erred by dismissing claims relating to the 100% Equities Strategy on statute of limitations grounds.
2. Whether the district court erred by alternatively dismissing the 100% Equities Strategy claim for failure to state a claim.

3. Whether the district court erred by holding that the lawsuit was moot.
4. Whether the district court erred in declining to award attorneys' fees and expenses to plaintiffs pursuant to ERISA § 502(g), 29 U.S.C. § 1132(g), as well as incentive awards to plaintiffs.

FOR LEAD COUNSEL ONLY

I have (have not) discussed settlement possibilities on appeal with my client.

This appeal is (is not) amenable to settlement.

Date: April 15, 2016

Submitted by: s/ Michelle C. Yau
Lead Counsel for Appellants

INSTRUCTIONS:

Filing of appellant's Form A is required to be submitted to the Clerk of the District Court with the Notice of Appeal (8 Cir. Rule 3B). If inadvertently omitted, appellant may file Form A directly with the Clerk of the Court of Appeals before appeal is docketed. Forms are available at the District Court Clerk's Office and may be obtained electronically at: www.ca8.uscourts.gov

Copy 1 - Send to Appellee (together with an uncompleted Form B)

Copy 2 & 3 - Send to Clerk, District Court with Notice of Appeal or Eighth Circuit (see above)

Copy 4 - Retain