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10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**
12 **SACRAMENTO DIVISION**

13 RONALD C. EVANS, an individual; JOAN M.
14 EVANS, an individual; DENNIS
15 TREADAWAY, an individual; and all others
similarly situated,

16 Plaintiffs,

17 vs.

18 ZB, N.A., a national banking association, dba
California Bank & Trust,

19 Defendant.

Case No. 2:17-cv-01123-WBS-DB

SECOND STIPULATION AND
[PROPOSED ORDER]:

- (1) **CONTINUING THE HEARING ON
DEFENDANT'S MOTION TO REFER
THIS CLASS ACTION COMPLAINT;
AND**
(2) **EXTENDING DEFENDANT ZB, N.A.'S
DEADLINE TO FILE A RESPONSIVE
PLEADING TO PLAINTIFFS' CLASS
ACTION COMPLAINT**

Date: September 18, 2017
Time: 1:30 p.m.
Hon: William B. Shubb
Courtroom: 5

Complaint Filed: May 26, 2017
Trial Date: None set

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STIPULATION

Plaintiffs Ronald C. Evans, Joan M. Evans, and Dennis Treadaway, (collectively, the “Plaintiffs”) and Defendant ZB, N.A., a national banking association, doing business as California Bank & Trust (“CB&T”) (collectively, the “Parties”), by and through their respective counsel of record, enter into the following stipulation (the “Stipulation”).

1. On May 26, 2017, the Plaintiffs filed this Class Action Complaint (the “Complaint”) against CB&T.

2. On May 30, 2017, the Plaintiffs served the Summons and the Complaint upon CB&T via personal service (the “Service Date”).

3. Under Rule 12(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the deadline for CB&T to file and serve its answer or otherwise respond to the Complaint was initially June 20, 2017 (the “Response Deadline”).

4. On June 12, 2017, this Court entered an Order granting the Parties’ Stipulation to extend CB&T’s Response Deadline to July 31, 2017.

5. On July 24, 2017, CB&T filed a Motion to Refer this Class Action Complaint to the Honorable Robert S. Bardwil in the U.S. Bankruptcy Court for the Eastern District of California pursuant to 28 U.S.C. § 157(a) and this Court’s General Orders 182, 223, and 330 (the “Referral Motion”).

6. The Referral Motion was initially scheduled to be heard by this Court on August 21, 2017 at 1:30 p.m.

7. The parties stipulated to continue the hearing date to September 18, 2017, at 1:30 P.M., with the Opposition to the Referral Motion to be filed on August 28, 2017, and the Reply to be filed on September 11, 2017.

8. In another action filed in Sacramento Superior Court involving the same purported ponzi scheme, *JTS Communities, Inc., et al. v. ZB, N.A., et al.* action (“*JTS Action*”), CB&T removed the case to U.S. Bankruptcy Court for the Eastern District of California, the Honorable Robert S. Bardwil presiding. On August 3, 2017, Judge Bardwil issued an order remanding the

1 JTS Action to the Sacramento Superior Court.

2 9. The Parties are meeting and conferring regarding whether Judge Bardwil's ruling
3 in the JTS action has any bearing on CB&T's Referral Motion in this action, and whether CB&T
4 may withdraw its Referral Motion.

5 10. Thus, the Parties agree to the following schedule with respect to the Referral
6 Motion while the parties continue to meet and confer as to whether ZB, N.A., will withdraw its
7 Referral Motion:

- 8 a. Plaintiffs shall file and serve their opposition, if any, to the Referral Motion
9 on or before **September 11, 2017**;
- 10 b. CB&T shall file and serve its reply to any opposition to the Referral
11 Motion on or before **September 25, 2017**; and
- 12 c. The hearing on Referral Motion shall be continued from September 18,
13 2017 at 1:30 p.m. to **October 2, 2017, at 1:30 p.m.**

14 11. To allow time for this Court to hear and determine the Referral Motion in the event
15 that it is not withdrawn by CB&T, the Parties agree to further extend CB&T's Response Deadline
16 such that CB&T shall have **until 20 calendar days** after notice of withdrawal of the Referral
17 Motion or notice to the Parties of the Court's entry of its written order ruling on the Referral
18 Motion, whichever is first, in which to file an answer or otherwise respond to the Complaint.
19 This deadline shall apply regardless of whether this Court retains jurisdiction, or refers all or part
20 of this case to the Bankruptcy Court.

21 **STIPULATED AND AGREED TO BY:**

22 DATED: August 23, 2017

BUCHALTER, A Professional Corporation

24 By: /s/ Robert S. McWhorter
25 ROBERT S. MCWHORTER

26 Attorneys for Defendant,
27 ZB, N.A., a national banking association, dba
California Bank & Trust

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DATED: August 23, 2017

FOLEY BEZEK BEHLE & CURTIS LLP

By: /s/ Kevin D. Gamarnik
KEVIN D. GAMARNIK

Attorneys for Plaintiffs and all others similarly
situated

I, the filer of this document, attest that each of the other signatories have consented to the
filing of this document.

/s/ Kevin D. Gamarnik
Kevin D. Gamarnik

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ORDER

Based on the Parties' Stipulation, and good cause appearing,

IT IS HEREBY ORDERED THAT:

1. Plaintiffs shall file and serve their opposition, if any, to the Referral Motion on or before **September 11, 2017**;
2. CB&T shall file and serve its reply to any opposition to the Referral Motion on or before **September 25, 2017**; and
3. The hearing on Referral Motion shall be continued from September 18, 2017 at 1:30 p.m. to **October 2, 2017, at 1:30 p.m.**
4. CB&T shall have **until 20 calendar days** after notice of withdrawal of the Referral Motion or notice to the Parties of the Court's entry of its written order ruling on the Referral Motion, whichever is first, in which to file an answer or otherwise respond to the Complaint. This deadline shall apply regardless of whether this Court retains jurisdiction, or refers all or part of this case to the Bankruptcy Court

Dated: August 24, 2017


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE