

1 JOEL G. SAMUELS (SBN 115264)
ROBERT S. ADDISON, JR. (SBN 188565)
2 ANTHONY J. NAPOLITANO (SBN 227691)
BUCHALTER, A Professional Corporation
3 1000 WILSHIRE BLVD., SUITE 1500
LOS ANGELES, CA 90017
4 Telephone: (213)-891-0700
Facsimile: (213)-896-0400
5 Email: jsamuels@buchalter.com
raddison@buchalter.com
6 anapolitano@buchalter.com

7 ROBERT S. MCWHORTER (SBN 226186)
JARRETT S. OSBORNE-REVIS (SBN 289193)
8 BUCHALTER, A Professional Corporation
500 CAPITOL MALL, SUITE 1900
9 SACRAMENTO, CA 95814
Telephone: (213)-891-0700
10 Facsimile: (916)-945-5170
Email: rmchworter@buchalter.com
11 josbornerevis@buchalter.com

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

14 **UNITED STATES DISTRICT COURT**
15 **EASTERN DISTRICT OF CALIFORNIA**
16 **SACRAMENTO DIVISION**

17 RONALD C. EVANS, an individual; JOAN M.
EVANS, an individual; DENNIS
18 TREADAWAY, an individual; and all others
19 similarly situated,

20 Plaintiffs,

21 vs.

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

23 Defendant.

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

**STIPULATION AND [PROPOSED]
ORDER:**

- (1) **WITHDRAWING DEFENDANT'S
MOTION TO REFER THIS CLASS
ACTION COMPLAINT; AND**
(2) **SETTING DEADLINE FOR
DEFENDANT TO FILE AND SERVE
ITS MOTION TO DISMISS
PLAINTIFFS' CLASS ACTION
COMPLAINT**

Date: October 2, 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 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”). The Referral Motion is currently scheduled to be heard by this Court on October 2, 2017 at 1:30 p.m.

2. The Parties have met and conferred regarding the Referral Motion. Based on the Parties’ discussions, CB&T agrees to withdraw the Referral Motion without prejudice to the rights of to any of the Parties.

3. The Parties previously agreed that the deadline to file an answer or otherwise respond to the Complaint would be 20 calendar days after notice to the Parties of the Court’s entry of its written order ruling on the Referral Motion. Given CB&T’s withdrawal of the Referral Motion, it is hereby agreed by the Parties that CB&T shall have until **Thursday October 5, 2017** to file and serve its answer or other response to the Complaint.

STIPULATED AND AGREED TO BY:

DATED: September 11, 2017

BUCHALTER, A Professional Corporation

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

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

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DATED: September 11, 2017

By: /s/ Robert L. Brace
ROBERT L. BRACE

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/ Robert S. McWhorter
Robert S. McWhorter

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[PROPOSED] ORDER

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

IT IS HEREBY ORDERED THAT:

1. CB&T's Referral Motion is withdrawn without prejudice to any of the Parties.
2. CB&T shall have until **Thursday, October 5, 2017** to file and serve its answer or other response to the Complaint.

Dated: September 12, 2017



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE