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13 A NATIONAL BANKING ASSOCIATION, FORMERLY KNOWN AS  
ZB, N.A., DOING BUSINESS AS 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  
similarly situated,

19 Plaintiffs,

20 vs.

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

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

**STIPULATION AND [PROPOSED  
ORDER] GRANTING LEAVE TO FILE  
FIRST AMENDED COMPLAINT AND  
CONTINUING STATUS CONFERENCE**

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

1 Plaintiffs Ronald C. Evans, Joan M. Evans, and Dennis Treadway, (the “Putative Class  
2 Action Representatives”) and Defendant, Zions Bancorporation, N.A., a national banking  
3 association, formerly known as ZB, N.A., doing business as California Bank & Trust (“CB&T”)  
4 (collectively, the “Parties”), by and through their respective counsel of record, enter into the  
5 following stipulation (the “Stipulation”):

6 1. On May 26, 2017, the Putative Class Action Representatives filed a Class Action  
7 Complaint (the “Complaint”) against CB&T;

8 2. On December 19, 2017, this Court issued a Memorandum and Order Re: Motion to  
9 Dismiss (the “Decision”), dismissing the Complaint. The Putative Class Action Representatives  
10 subsequently appealed this Court’s dismissal.

11 3. On June 24, 2019, the U.S. Court of Appeals for the Ninth Circuit (the “Ninth  
12 Circuit”) issued a Memorandum (the “Memorandum”) reversing, vacating, and remanding this  
13 Court’s decision dismissing the Complaint. *Evans v. ZB, N.A.*, No. 18-15094, 2019 U.S. App.  
14 LEXIS 18781 (9th Cir. June 24, 2019).

15 4. On August 1, 2019, the Ninth Circuit denied CB&T’s Petition for Panel Rehearing  
16 and for Rehearing En Banc. *Evans v. ZB, N.A.*, No. 18-15094, 2019 U.S. App. LEXIS 23059, at  
17 \*1 (9th Cir. Aug. 1, 2019).

18 5. On August 9, 2019, the Ninth Circuit issued its formal mandate pursuant to Rule  
19 41(a) of the Federal Rules of Appellate Procedure.

20 6. This Court subsequently ordered the parties to appear for a status conference on  
21 **September 16, 2019 at 1:30 p.m.** and to file a Joint Status Report by **September 3, 2019.**

22 7. Counsel for the Parties met and conferred via telephone on August 21, 2019.  
23 Pursuant to this telephone conversation, the Parties agreed to the following schedule, subject to  
24 this Court’s approval:

- 25 a. the Putative Class Action Representatives shall file and serve a First Amended  
26 Complaint (“FAC”) on or before **October 14, 2019**; and
- 27 b. CB&T shall file and serve an answer or other responsive pleading, which may

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include a motion to dismiss under Rule 12 of the Federal Rules of Civil Procedure, on or before **November 15, 2019**.

8. The Parties submit this proposal in an effort to conserve judicial resources. If the foregoing schedule is acceptable, the Parties request that this Court continue the Status Conference scheduled for September 16, 2019 at 1:30 p.m. to such other date and time as this Court deems appropriate.

9. This Stipulation does not waive, alter, or modify any rights, defenses or claims of any of the Parties in this case.

DATED: August 23, 2019 BUCHALTER, A Professional Corporation

By: /s/ Robert S. McWhorter  
Attorneys for Defendant,  
Zions Bancorporation, N.A., a national banking  
association, formerly known as ZB, N.A., doing  
business as California Bank & Trust

DATED: August 23, 2019 Robert L. Brace, Esq.

By: /s/ Robert L. Brace  
Attorney for Plaintiffs and all others similarly  
situated

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DATED: August 23, 2019

HOLLISTER & BRACE,  
A Professional Corporation

By: /s/ Michael Denver  
MICHAEL P. DENVER

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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**ORDER**

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

**IT IS HEREBY ORDERED** that:

1. the Putative Class Action Representatives shall file and serve a First Amended Complaint, consistent with the Ninth Circuit's Memorandum, on or before **October 14, 2019**; and
2. CB&T shall file and serve an answer or other responsive pleading, which includes the filing and service of a motion to dismiss under Rule 12 of the Federal Rules of Civil Procedure, on or before **November 15, 2019**.
3. The Status Conference scheduled for September 16, 2019 at 1:30 p.m. is hereby continued to **January 21, 2020 at 1:30 p.m.** A joint status report shall be filed no later than January 7, 2020.

Dated: August 28, 2019

  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE