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15 **UNITED STATES DISTRICT COURT**
16 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

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

21 Plaintiffs,

22 vs.

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

25 Defendant.

CASE NO.: 2:17-cv-01123-WBS-DB

**STIPULATION AND ORDER
CONTINUING CASE DEADLINES BY
60 DAYS FOR MEDIATION**

26 Plaintiffs Ronald C. Evans, Joan M. Evans, and Dennis Treadaway, (the “Putative Class
27 Action Representatives”) and Defendant, Zion Bancorporation, N.A., a national banking
28 association, formerly known as ZB, N.A., doing business as California Bank & Trust
29 (“CB&T”) and together with the Plaintiffs, the “Parties”, by and through their respective
30 counsel of record, enter into the following stipulation (the “Stipulation”):

31 1. The Plaintiffs’ Class Action Complaint against CB&T was filed nearly 3 years
32 ago, on May 26, 2017. The original Complaint was dismissed in December 2017 and the

1 Plaintiffs appealed the dismissal.

2 2. In June of 2019, the Ninth Circuit issued a Memorandum Opinion reversing the
3 dismissal. *Evans v. ZB, N.A.*, 2019 U.S. App. LEXIS 18781 (9th Cir. June 24, 2019).

4 3. In October of 2019, the Plaintiffs filed their First Amended Complaint (“FAC”).

5 4. In November 2019, CB&T filed a Motion to Dismiss the FAC and on December
6 18, 2019, this Court issued its Memorandum and Order granting in part and denying in part
7 CB&T’s Motion to Dismiss. The Court’s Memorandum and Order afforded the Plaintiffs until
8 January 2, 2020 to file a Second Amended Complaint, if they chose to do so.

9 5. The Plaintiffs chose not to file a Second Amended Complaint and thereafter
10 CB&T timely filed its Answer to the FAC.

11 6. On January 7, 2020, the Court entered an order setting forth the following
12 deadlines (the “Scheduling Order”):

13 a. The Parties must confer and attempt to agree upon a discovery plan, as
14 required by Federal Rule of Civil Procedure 26(f), on or before March
15 20, 2020.

16 b. The Parties must exchange their initial disclosure under Federal Rule of
17 Civil Procedure 26(a) on or before April 3, 2020.

18 c. A Status Conference was scheduled for **April 27, 2020 at 1:30 p.m.**

19 d. The Parties must file a joint status conference report on or before **April**
20 **13, 2020.**

21 7. Counsel for the Parties recently discussed avenues to resolve, on their own, this
22 nearly 3 year-old litigation. In that regard, a mediation has been set for March 30, 2020 in San
23 Francisco, before retired Placer County Superior Court Judge Richard L. Gilbert.

24 8. To allow time for the Parties to proceed with mediation without incurring
25 potentially unnecessary attorneys’ fees and costs, the Parties jointly request the Court to
26 continue case deadlines in the Scheduling Order for 60 calendar days such that if the case does
27 not settle, the following deadlines would apply:

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- a. Plaintiffs’ Counsel will file and serve a motion with this Court seeking an order designating them as interim counsel under Federal Rules of Civil Procedure 23(g)(3) on or before May 5, 2020;
- b. The Parties will confer and attempt to agree upon a discovery plan, as required by Federal Rules of Civil Procedure 26(f), on or before May 19, 2020; and
- c. The Parties will exchange their initial disclosures under Federal Rules of Civil Procedure 26(f), on or before June 2, 2020.

9. 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 April 27, 2020 at 1:30 p.m., to June 26, 2020, or to such other date and time as this Court deems appropriate.

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

Dated: March 5, 2020

BUCHALTER, A Professional Corporation

B: /s/ Robert S. McWhorter
 Robert S. McWhorter
 Jarrett S. Osborne-Revis
 Attorneys for Defendant,
 Zion Bancorporation, N.A., a national
 banking association, formerly known as
 ZB, N.A., doing business as California
 Bank & Trust

Dated: March 5, 2020

By: /s/ Robert L. Brace
 Robert L. Brace
 Attorneys for Plaintiffs and all other
 similarly situated

Dated: March 5, 2020

HOLLISTER & BRACE
 A Professional Corporation

By: /s/ Michael P. Denver
 Michael P. Denver
 Attorneys for Plaintiffs and all other
 similarly situated

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

Dated: March 5, 2020

HOLLISTER & BRACE
A Professional Corporation

By: /s/ Michael P. Denver
Michael P. Denver
Attorneys for Plaintiffs and all other
similarly situated

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ORDER

Based upon the Parties' Stipulation, and good cause appearing, if the case does not settle,

IT IS HEREBY ORDERED that:

1. Plaintiffs' Counsel will file and serve a motion with this Court seeking an order designating them as interim counsel under Federal Rules of Civil Procedure 23(g)(3) on or before May 5, 2020;
2. The Parties must confer and attempt to agree upon a discovery plan, as required by Federal Rule of Civil Procedure 26(f), on or before May 19, 2020;
3. The Parties must exchange their initial disclosures under Federal Rule of Civil Procedure 26(a) on or before June 2, 2020;
4. The Conference scheduled for April 27, 2020 at 1:30 p.m. is hereby continued to **July 6, 2020 at 1:30 p.m.**; and
5. The Parties shall meet and confer on Rule 26 issues and file a joint status report no later than **June 22, 2020**.

Dated: March 5, 2020



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE