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10 Attorneys for Plaintiffs and all others similarly situated

11 **UNITED STATES DISTRICT COURT**
12 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

13 RONALD C. EVANS, an individual; JOAN
14 M. 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.

20 ZIONS BANCORPORATION, N.A., a
national banking association, formerly known
21 as ZB, N.A., doing business as California Bank
& Trust,

22 Third-Party Plaintiff

23 vs.

24 JTS COMMUNITIES, INC., a California
Corporation; LARRY A. CARTER, an
25 individual; JACK T. SWEIGART, an
individual; and BRISTOL INSURANCE
26 COMPANY, a dissolved Utah corporation; and
ROES 1-20 inclusive

27 Third-Party Defendants
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CASE NO.: 2:17-cv-01123-WBS-DB

**STIPULATION AND ORDER
CONTINUING CASE DEADLINES FOR
SETTLEMENT DISCUSSIONS**

Complaint Filed: May 26, 2017

Trial Date: None set

1 Plaintiffs Ronald C. Evans, Joan M. Evans, and Dennis Treadaway, (the “Putative Class
2 Action Representatives”), Defendant, Zions Bancorporation, N.A., a national banking
3 association, formerly known as ZB, N.A., doing business as California Bank & Trust
4 (“CB&T”), and Third Party Defendants JTS Communities, Inc., Larry A. Carter, Jack T.
5 Sweigart, and Bristol Insurance Company (“Third Party Defendants”), (collectively, the
6 “Parties”) by and through their respective counsel of record, enter into the following stipulation
7 (the “Stipulation”):

8 1. On March 6, 2020, before the Third Party Defendants had appeared in this
9 litigation, the Court ordered that:

- 10 a. The Putative Class Action Representatives and CB&T must exchange their initial
11 disclosures under Federal Rule of Civil Procedure 26(a) on or before June 2, 2020;
- 12 b. The Rule 26 Conference is scheduled for **June 26, 2020 at 1:30 p.m.**; and
- 13 c. The Parties shall meet and confer on Rule 26 issues and file a joint conference
14 report 14 days before the conference.

15 2. Separately, the Court issued an Order on May 6, 2020 directing the Putative
16 Class Action Representatives to file and serve a motion to designate their counsel as interim
17 counsel under Federal Rule of Civil Procedure 23(g)(3) on or before July 10, 2020.

18 3. Counsel for the Putative Class Action Representatives and CB&T recently
19 discussed avenues to resolve, on their own, this 3 year-old litigation. In that regard,
20 confidential settlement briefs have been exchanged, settlement discussions are ongoing and a
21 mediator was retained in retired Placer County Superior Court Judge Richard L. Gilbert.

22 4. On June 1, 2020, Third Party Defendants filed their Answer to CB&T’s Third
23 Party Complaint. Counsel for CB&T and the Third Party Defendants have also been discussing
24 the desire to engage in meaningful settlement discussions, and the Third Party Defendants have
25 also agreed to mediate with Judge Gilbert.

26 5. To allow time for mediation without incurring potentially unnecessary
27 attorneys’ fees and costs, the Parties jointly request the Court to continue case deadlines such
28 that if the case does not settle, the following deadlines would apply:

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- a. The Parties must exchange their initial disclosures under Federal Rule of Civil Procedure 26(a) on or before July 17, 2020;
- b. The date by which the Putative Class Action Representatives are to file and serve a motion to designate their counsel as interim counsel under Federal Rule of Civil Procedure 23(g)(3) is continued from July 10, 2020 to July 31, 2020;
- c. The Rule 26 Conference scheduled for **June 26, 2020 at 1:30 p.m. is moved to August 12, 2020 at 1:30;** and
- d. The Parties shall meet and confer on Rule 26 issues and file a joint conference report 14 days before the conference.

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

Dated: June 4, 2020

BUCHALTER, A Professional Corporation

By: /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: June 4, 2020

LAW OFFICES OF IAN W. CRAIG, PC

By: /s/ Ian W. Craig
 Ian W. Craig
 Attorneys for Third-Party Defendants,
 JTS Communities, Inc., a California
 Corporation, Larry A. Carter, an
 individual; Jack T. Sweigart, an individual
 and Bristol Insurance Company, a
 dissolved Utah corporation

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Dated: June 4, 2020

PETERSON WATTS LAW GROUP, LLP

By: /s/ Glenn W. Peterson
Glenn W. Peterson
Attorneys for Third-Party Defendants,
JTS Communities, Inc., a California
Corporation, Larry A. Carter, an
individual; Jack T. Sweigart, an individual
and Bristol Insurance Company, a
dissolved Utah corporation

Dated: June 4, 2020

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

Dated: June 4, 2020

HOLLISTER & BRACE
A Professional Corporation

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

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

Dated: June 4, 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:

- a. The Parties must exchange their initial disclosures under Federal Rule of Civil Procedure 26(a) on or before July 17, 2020;
- b. The date by which the Putative Class Action Representatives are to file and serve a motion to designate their counsel as interim counsel under Federal Rule of Civil Procedure 23(g)(3) is continued from July 10, 2020 to July 31, 2020;
- c. The Rule 26 Conference scheduled for **July 6, 2020 at 1:30 p.m. is moved to August 17, 2020 at 1:30;** and
- d. The Parties shall meet and confer on Rule 26 issues and file a joint conference report no later than **August 3, 2020.**

Dated: June 5, 2020



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE