

1 Robert L. Brace, State Bar No. 122240  
 2 rlbrace@rusty.lawyer  
 3 1807 Santa Barbara Street  
 4 Santa Barbara, CA 93101  
 5 Telephone: 805-845-8211

6 Michael P. Denver, State Bar No. 199279  
 7 mpdenver@hbsb.com  
 8 HOLLISTER & BRACE  
 9 A Professional Corporation  
 10 1126 Santa Barbara Street  
 11 Santa Barbara, CA 93102  
 12 Telephone: 805-963-6711  
 13 Facsimile: 805-965-0329

14 Attorneys for Plaintiffs and all others similarly situated

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; and all others  
 20 similarly situated,

21 Plaintiffs,  
 22 vs.

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

25 Defendant.

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

Third-Party Plaintiff  
 vs.

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

**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

*Assigned to The Hon. William B. Schubb*

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 **WHEREAS**, on June 5, 2020 the Court issued an Order provided the following  
9 deadlines:

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

18 **WHEREAS**, the Parties now agree to further continue case dates to allow additional  
19 time for continued settlement talks and mediation.

20 **WHEREAS**, the Parties will mediate before the Honorable Richard Gilbert (Ret.) on  
21 August 17, 2020. This mediation had been previously scheduled for August 4, but was moved  
22 to August 17 to accommodate some of the parties’ scheduling conflicts.

23 **WHEREAS**, the Parties agree to continue existing deadlines as follows:

- 24 1. The Parties must exchange their initial disclosures under Federal Rule of Civil  
25 Procedure 26(a) on or before **August 27, 2020**;
- 26 2. The date by which the Putative Class Action Representatives are to file and  
27 serve a motion to designate their counsel as interim counsel under Federal Rule of Civil  
28 Procedure 23(g)(3) is continued from **July 31, 2020 to September 8, 2020**;

1           3.       The Rule 26 Conference scheduled for **August 17, 2020 at 1:30 p.m. is moved**  
2 **to September 14, 2020 at 1:30;** and,

3           4.       The Parties shall meet and confer on Rule 26 issues and file a joint conference  
4 report no later than **August 31, 2020.**

5 Dated: July 23, 2020

BUCHALTER, A Professional Corporation

6 By:           /s/ Robert S. McWhorter          

7           Robert S. McWhorter  
8           Jarrett S. Osborne-Revis  
9           Attorneys for Defendant,  
10          Zion Bancorporation, N.A., a national  
11          banking association, formerly known as  
12          ZB, N.A., doing business as California  
13          Bank & Trust

11 Dated: July 23, 2020

LAW OFFICES OF IAN W. CRAIG, PC

12 By:           /s/ Ian W. Craig          

13           Ian W. Craig  
14           Attorneys for Third-Party Defendants,  
15           JTS Communities, Inc., a California  
16           Corporation, Larry A. Carter, an  
17           individual; Jack T. Sweigart, an individual  
18           and Bristol Insurance Company, a  
19           dissolved Utah corporation

17 Dated: July 23, 2020

PETERSON WATTS LAW GROUP, LLP

18 By:           /s/ Glenn W. Peterson          

19           Glenn W. Peterson  
20           Attorneys for Third-Party Defendants,  
21           JTS Communities, Inc., a California  
22           Corporation, Larry A. Carter, an  
23           individual; Jack T. Sweigart, an individual  
24           and Bristol Insurance Company, a  
25           dissolved Utah corporation

24 Dated: July 23, 2020

By:           /s/ Robert L. Brace          

25           Robert L. Brace  
26           Attorneys for Plaintiffs and all other  
27           similarly situated  
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Dated: July 23, 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: July 23, 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. The Parties must exchange their initial disclosures under Federal Rule of Civil Procedure 26(a) on or before **August 27, 2020**;
- 2. 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 31, 2020 to September 8, 2020**;
- 3. The Rule 26 Conference scheduled for **August 17, 2020 at 1:30 p.m. is moved to September 14, 2020 at 1:30**; and
- 4. The Parties shall meet and confer on Rule 26 issues and file a joint conference report no later than **August 31, 2020**.

Dated: July 23, 2020

  
\_\_\_\_\_  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE