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13 **UNITED STATES DISTRICT COURT**
14 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

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

19 Plaintiffs,

20 vs.

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

23 Defendant.

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

28 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 July 24, 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 **August 27, 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 **September 8, 2020**;
- 15 • The Rule 26 Conference is scheduled for **September 14, 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 31, 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 Plaintiffs and CB&T mediated before the Honorable Richard Gilbert
21 (Ret.) on August 17, 2020. Though no settlement was reached at the mediation, Plaintiffs and
22 CB&T continue to discuss settlement, and Judge Gilbert remains actively involved in the post-
23 mediation discussions. The Parties would like to allow a small window time (2 weeks) to see if
24 those discussions can result in a settlement framework.

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

- 26 1. The Parties must exchange their initial disclosures under Federal Rule of Civil
27 Procedure 26(a) on or before **September 10, 2020**;

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Dated: August 20, 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: August 21, 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

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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 **September 10, 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 **September 8, 2020 to September 22, 2020**;

3. The Rule 26 Conference scheduled for **September 14, 2020 at 1:30 p.m. is moved to September 28, 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 **September 14, 2020**.

Dated: August 25, 2020



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE