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14 A NATIONAL BANKING ASSOCIATION, FORMERLY KNOWN AS
ZB, N.A., DOING BUSINESS AS CALIFORNIA BANK & TRUST

15 **UNITED STATES DISTRICT COURT**
16 **EASTERN DISTRICT OF CALIFORNIA**
17 **SACRAMENTO DIVISION**

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

21 Plaintiffs,

22 vs.

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

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

**STIPULATION AND ORDER
CONTINUING DEADLINES**

Complaint Filed: May 26, 2017

Trial Date: None set

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

7 **RECITALS**

- 8 1. On October 15, 2019, Plaintiffs filed a First Amended Complaint against CBT.
9 (Dkt. 42.)
- 10 2. On February 21, 2020, CBT filed a Third Party Complaint against the Third
11 Party Defendants. (Dkt. 55.)
- 12 3. On October 1, 2020, this Court entered a Status (Pre-Trial Scheduling) Order
13 (the “Status Order”). (Dkt. 74.) In the Status Order, this Court set the following deadlines:

	Description of Deadline	Deadline
14	1. Disclosure of experts and production of reports on all issues, including liability, damages, and class certification, in accordance with Federal Rule of Civil Procedure 26(a)(2)	July 26, 2021
15	2. Completion of discovery on all issues, including depositions for preservation of testimony	September 28, 2021
16	3. Filing of all motions, including motions for summary judgment or partial summary judgment and including motions for class certification	November 23, 2021

17 4. Under the Status Order, this Court set a further scheduling conference for
18 October 12, 2021 at 1:30 p.m., in Courtroom 5 (WBS).

19 5. Since this Court entered the Status Order, discovery has been proceeding
20 expeditiously, productively and efficiently. CBT and Third Party Defendants have been
21 conducting depositions in a related case entitled civil suit, *JTS Communities, Inc., et al. v. Z.B.,*
22 *N.A., et al.*, Sacramento County Superior Court, Case No. 34-2017-00213368-CU-FR-GDD
23 (the “JTS State Action”), in which the Third Party Defendants seek a judgment against CBT in
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1 excess of \$26 million related to the same fraud perpetrated by Deepal Wannakuwatte through
2 his company, International Manufacturing Group (“IMG”). To avoid duplication and to
3 promote efficiency, Plaintiffs’ counsel attended numerous depositions in the JTS State Action
4 over the past six months. The Third Party Defendants and CBT are in the process of conducting
5 and completing expert discovery in the JTS State Action. An eight-week trial in the JTS State
6 Action is currently scheduled to begin on June 21, 2021. However, the court in the JTS State
7 Action recently notified the Third Party Defendants and CBT that the trial will be continued
8 from June 21, 2021 to a date sometime in late 2021 (or later) due to the restrictions and the
9 backlog caused by the Covid-19 pandemic.

10 **REQUEST TO CONTINUE DEADLINES**

11 6. Plaintiff, CBT, and the Third Party Defendants require additional time to
12 complete discovery and to file dispositive motions, especially given the ongoing proceedings in
13 the JTS State Action. Accordingly, they jointly request that this Court enter an order continuing
14 the following deadlines in the Status Order for a period of six months, as follows:

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Description of Deadline		Deadline
16	1. Disclosure of experts and production of reports on all issues, including liability, damages, and class certification, in accordance with Federal Rule of Civil Procedure 26(a)(2)	January 26, 2022
17	2. Completion of discovery on all issues, including depositions for preservation of testimony	March 28, 2022
18	3. Filing of all motions, including motions for summary judgment or partial summary judgment and including motions for class certification	May 23, 2022
19	4. Further Scheduling Conference in Courtroom 5 (WBS).	On April 11, 2022 at 1:30 p.m.

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25 7. This Stipulation does not waive, alter, or modify any rights, defenses or claims of
26 any of the parties in this case
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Dated: April 30, 2021

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: April 30, 2021

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

Dated: April 30, 2021

PETERSON WATTS LAW GROUP, LLP

By: /s/ Glenn W. Peterson

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JTS Communities, Inc., a California
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and Bristol Insurance Company, a
dissolved Utah corporation

Dated: April 30, 2021

By: /s/ Robert L. Brace

Robert L. Brace
Attorneys for Plaintiffs and all other similarly
situated

(Signatures Are Continued on the Next Page)

1 Dated: April 30, 2021

DENVER LAW GROUP

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By: /s/ Michael P. Denver

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Michael P. Denver

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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

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filing of this document.

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Dated: April 30, 2021

BUCHALTER

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By: /s/ Robert S. McWhorter

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Robert S. McWhorter

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Attorneys for Plaintiffs and all other similarly

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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. All experts must disclosed, and all reports on all issues, including liability, damages, and class certification, must be produced in accordance with Federal Rule of Civil Procedure 26(a)(2) on or before **January 26, 2022**;
- b. Discovery on all issues, including depositions for preservation of testimony, must be completed by **March 28, 2022**;
- c. All motions, including motions for summary judgment or partial summary judgment and including motions for class certification, shall be filed on or before **May 23, 2022**;
- d. The remaining provisions of the Status Order shall remain; and
- e. This Court shall conduct a further Scheduling Conference in Courtroom 5 (WBS) on **April 11, 2022 at 1:30 p.m.** A joint status report shall be filed no later than **March 28, 2022.**

Dated: May 3, 2021



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE