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11 Attorneys for Plaintiffs and all others similarly situated

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

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

18 Plaintiffs,

19 vs.

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

22 Defendant.

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

**STIPULATION AND ORDER  
CONTINUING CASE DEADLINES TO  
ALLOW DEFENDANT AND THIRD-  
PARTY DEFENDANTS TO CONDUCT  
THEIR STATE COURT TRIAL  
WITHOUT INTERRUPTION**

**Complaint Filed:** May 26, 2017

**Trial Date:** None set

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

27 Third-Party Plaintiff

28 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

1 Plaintiffs and putative class representatives Ronald C. Evans, Joan M. Evans, and  
2 Dennis Treadaway, (the “Evans Plaintiffs”), Defendant, Zions Bancorporation, N.A., a national  
3 banking association, formerly known as ZB, N.A., doing business as California Bank & Trust  
4 (“Zions”), 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 May 4, 2021, the Court ordered that:

9 (a) All experts must be disclosed, and all reports on all issues, including liability, damages,  
10 and class certification, must be produced in accordance with Federal Rule of Civil Procedure  
11 26(a)(2) on or before **January 26, 2022**;

12 (b) Discovery on all issues, including depositions for preservation of testimony, must be  
13 completed by **March 28, 2022**;

14 (c) All motions, including motions for summary judgment or partial summary judgment  
15 and including motions for class certification, shall be filed on or before **May 23, 2022**; and

16 (d) The Court shall conduct a further Scheduling Conference in Courtroom 5 (WBS) on  
17 **April 11, 2022**.

18 2. After the subject litigation was filed by the Evans Plaintiffs in Federal Court  
19 (the “Evans Federal Class Action”), but before Zions countersued the Third Party Defendants,  
20 the Third Party Defendants sued Zions in a factually related case entitled *JTS Communities,*  
21 *Inc., et al. v. Z.B., N.A., et al.*, Sacramento County Superior Court, Case No. 34-2017-  
22 00213368-CU-FR-GDD (hereinafter the “JTS State Court Action”). In the JTS State Court  
23 Action, the Third-Party Defendants in this action, are acting as Plaintiffs, and they have alleged  
24 claims against Zions arising out of the same fraud scheme (committed by now-imprisoned  
25 Deepal Wannakuwatte) from which the claims in this action arise.

1 3. Discovery has been proceeding in the JTS State Court Action and the Evans  
2 Federal Class Action. Over **2,200 exhibits** have been marked for examination during the  
3 roughly **50 depositions** that have been taken.

4 4. The Evans Federal Class Action was filed a short time before the JTS State  
5 Court Action. Due to the 9<sup>th</sup> Circuit appeal in the Evans Federal Class Action, the JTS State  
6 Court Action has advanced more rapidly and is ready for trial. An **eight-week trial** is  
7 scheduled to begin on November 4, 2021, requiring the full attention of Zions, the Third-Party  
8 Defendants, the witnesses and the participating lawyers. Allowing the JTS State Court Action  
9 to proceed without the interruption by procedural matters scheduled in the Evans Federal Class  
10 Action benefits all the Parties, including the members of the putative class.

11 5. Therefore, the Parties agree that the deadlines in the Evans Federal Class Action  
12 should be continued for 120 more days. With the Courts permission, the following new  
13 deadlines would apply:

14 (a) All experts must be disclosed, and all reports on all issues, including liability, damages,  
15 and class certification, must be produced in accordance with Federal Rule of Civil Procedure  
16 26(a)(2) on or before **May 24, 2022**;

17 (b) Discovery on all issues, including depositions for preservation of testimony, must be  
18 completed by **July 19, 2022**;

19 (c) All motions, including motions for summary judgment or partial summary judgment and  
20 including motions for class certification, shall be filed on or before **September 20, 2022**; and

21 (d) The Court shall conduct a further Scheduling Conference in Courtroom 5 (WBS) on or  
22 about **August 16<sup>th</sup>, 2022**, based on the Court's schedule.

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

25 Dated: October 28, 2021

BUCHALTER, A Professional Corporation

26 By:  /s/ Robert S. McWhorter

Robert S. McWhorter

27 Jarrett S. Osborne-Revis

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Attorneys for Defendant,  
Zion Bancorporation, N.A., a national  
banking association, formerly known as  
ZB, N.A., doing business as California  
Bank & Trust

Dated: October 28, 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: October 28, 2021

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: October 28, 2021

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

Dated: October 28, 2021

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: October 28, 2021

By: /s/ Michael P. Denver  
Michael P. Denver

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**ORDER**

Based upon the Parties' Stipulation, and good cause appearing:

**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 **May 24, 2022**;
- b. Discovery on all issues, including depositions for preservation of testimony, must be completed by **July 19, 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 **September 20, 2022**;
- d. The Court shall conduct a further Scheduling Conference in Courtroom 5 (WBS) on **August 29, 2022 at 1:30 p.m.**; and
- e. The Parties shall meet and confer on Rule 26 issues and file a joint conference report no later than **August 15, 2022**.

**Dated: October 28, 2021**

  
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**WILLIAM B. SHUBB**  
**UNITED STATES DISTRICT JUDGE**