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11 Attorneys for Defendant, ZIONS BANCORPORATION, N.A.,
A NATIONAL BANKING ASSOCIATION, FORMERLY KNOWN AS
12 ZB, N.A., DOING BUSINESS AS CALIFORNIA BANK & TRUST

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

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

17 Plaintiffs,

18 vs.

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

20 Defendant.

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

**STIPULATION RE: SHORTENED TIME
FOR HEARING ON MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT; ORDER**

Complaint Filed: May 26, 2017

Trial Date: None set

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

23 Third-Party Plaintiff

24 vs.

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

28 Third-Party Defendants

1 Plaintiffs Ronald C. Evans, Joan M. Evans, and Dennis Treadaway (collectively, “the
2 Evans Class Plaintiffs”), Defendant Zions Bancorporation, N.A., a national banking association,
3 formerly known as ZB, N.A., doing business as California Bank & Trust (“CB&T”), by and
4 through their respective counsel of record, enter into the following stipulation:

5 **RECITALS**

6 1. On May 26, 2017, Plaintiffs filed a Class Action Complaint (the “Complaint”)
7 against CB&T in the above-captioned action. (Dkt. 42.)

8 2. The Complaint was dismissed on December 20, 2017. (Dkt. 28).

9 3. After an appeal to the 9th Circuit, a First Amended Complaint was filed on October
10 15, 2019. (Dkt. 42).

11 4. On December 19, 2019 the Court granted in part and denied in part Defendant
12 CB&T’s motion to dismiss the First Amended Complaint allowing Plaintiffs to pursue four (4)
13 causes of action against the Defendant. (Dkt. 50.)

14 5. On February 21, 2020, Defendant CB&T filed a Third Party Complaint against
15 Third Party Defendants JTS Communities, Inc., Larry A. Carter, Jack T. Sweigart, and Bristol
16 Insurance Company (collectively, “Third Party Defendants”) for equitable indemnity, equitable
17 contribution, and declaratory relief in the above-captioned action (the “Third Party Complaint”).
18 (Dkt. 55.)

19 6. The parties engaged in substantial discovery.

20 7. On May 24, 2022, Defendant CB&T dismissed the Third Party Defendants. (Dkt.
21 95.) Accordingly, the Evans Class Plaintiffs and Defendant CB&T are the only parties remaining
22 in the case.

23 8. **The Evans Class Plaintiffs and Defendant CB&T have agreed to settle the**
24 **case, subject to Court approval.** The parties are presently documenting the settlement and
25 preparing to file a motion for preliminary approval so that, if the motion is granted, notice of the
26 settlement may be issued to putative class members.

27 9. The parties agree that the preliminary approval hearing should be set for the
28 earliest possible date because: (i) for business and accounting reasons, CB&T desires to conclude

1 the settlement during the calendar year; and (ii) many of the potential settlement class members
2 are elderly and, due to economic circumstances, many desire to receive settlement funds as soon
3 as possible. Accordingly, the parties agree that, if the settlement is to be approved by the Court,
4 the settlement should be concluded before the end of the calendar year, meaning the time-
5 consuming Court approval process should commence as soon as possible.

6 10. As the only parties in the case are the settling parties, the motion for preliminary
7 approval will be unopposed negating the need for any briefing beyond the motion itself.

8 **REQUEST TO SET HEARING ON SHORTENED TIME**

9 11. The parties agree that time is of the essence and that, in order to conclude the
10 settlement during the calendar year, the preliminary approval hearing should be held on the first
11 available date, which the Court clerk has advised is **July 25, 2022**. The parties are working
12 together to get the settlement signed and the motion for preliminary approval filed as soon as is
13 practicable, but believe they may be unable to file the motion by June 20, 2022, which is 35 days
14 before July 25, 2022.

15 12. The parties agree that slightly (4 days) shortened time for the hearing on
16 preliminary approval is needed in order to allow the settlement to conclude during the calendar
17 year. The parties believe the motion for preliminary approval will be ready to file by **June 24,**
18 **2022**, and respectfully request the Court allow the shortened briefing schedule for this motion.

19 **STIPULATION TO SET HEARING ON SHORTENED TIME**

20 IT IS HEREBY STIPULATED by and between the parties through their designated
21 counsel that the motion for preliminary approval should be filed by June 24, 2022 with 4 days of
22 shortened time for the preliminary approval hearing, which should be set for July 25, 2022.

23
24 Dated: June 15, 2022

BUCHALTER, A Professional Corporation

25 By: /s/ Robert S. Addison, Jr.

26 Robert S. Addison, Jr
C. Dana Hobart

27 Attorneys for Defendant and Third Party
28 Plaintiff Zions Bancorporation, N.A., doing
business as California Bank & Trust

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Dated: June 15, 2022

DENVER LAW, P.C.

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

Dated: June 15, 2022

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

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

 /s/ Robert S. Addison, Jr.
Robert S. Addison, Jr.


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ORDER

Based upon the Parties' Stipulation, and good cause appearing, **IT IS HEREBY ORDERED** that:

- a. The Motion for Preliminary Approval of Class Action Settlement shall be filed on or before **June 24, 2022**;
- b. The hearing on the Motion for Preliminary Approval of Class Action Settlement shall be scheduled on **July 25, 2022, at 1:30 p.m.**

Dated: June 16, 2022



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE