

Mark E. Ellis - 127159
William A. Lapcevic - 238893
ELLIS LAW GROUP, LLP
470 University Avenue, Suite 100
Sacramento, CA 95825
Tel: (916) 283-8820
Fax: (916) 283-8821

Attorneys for Defendant ROBERT McFARLAND

FILED
ENDORSE

12 OCT -3 AM 8:49

LEGAL PROCESS #3



SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SACRAMENTO

THE NATIONAL GRANGE OF THE ORDER OF
PATRONS OF HUSBANDRY, a Washington, D.C.
nonprofit corporation,

Plaintiff,

vs.

THE CALIFORNIA STATE GRANGE, a
California nonprofit corporation, and ROBERT
McFARLAND, JOHN LUVAAS, GERALD
CHERNOFF and DAMIAN PARR,

Defendants

Case No. 34-2012-00130439

**DECLARATION OF ROBERT
McFARLAND IN SUPPORT OF
OPPOSITION TO PLAINTIFF'S EX
PARTE APPLICATION FOR
TEMPORARY RESTRAINING ORDER
AND ORDER TO SHOW CAUSE RE
PRELIMINARY INJUNCTION**

**DATE: OCTOBER 5, 2012
TIME: 9:00 A.M.
DEPT: 53**

I, Bob McFarland, declare that:

1. I am the elected Master and President of the California State Grange. The facts stated in this declaration are true and correct and based upon my own personal knowledge, and if called upon to testify thereto, I am competent to do so.

2. I was duly elected to a second 2-year term as Master of the California State Grange by majority vote of the California State Grange members.

3. The California State Grange is a California Non-Profit Corporation organized under the laws of the State of California.

4. Pursuant to the California Corporation Code, all California Corporations must hold an annual meeting. The California State Grange has held its annual meeting for 139 consecutive years. The annual meeting is a great way for the members of the California State Grange to get together and

1 conduct their business affairs, vote on corporate business, elect officers and spend some enjoyable
2 time with fellow members of the California Granger.

3 5. At the 2011 annual meeting of the California State Grange, a majority of members
4 voted to hold the 140th Annual Meeting of the California State Grange at Little Lake Grange in
5 Willets, California from October 10-14 of 2012. Based on the vote of a majority of the California
6 State Grange members, the California State Grange actively promoted the 140th Annual Meeting to its
7 Members, their children and guests. (Attached as Exhibit A is a true and correct copy of the
8 Registration Website for the 140th Annual Meeting of the California State Grange.)

9 6. From June 1, 2012 to July 31, 2012, I served a voluntary suspension as a result of
10 actions that occurred in 2011. Upon returning from said voluntary suspension, Plaintiff attempted to
11 suspend me indefinitely for alleged actions during 2009.

12 7. This suspension was viewed as an attempt by Plaintiff to remove an elected officer of a
13 California corporation. Upon refusing to agree to the suspension, Plaintiff attempted to cancel the
14 annual meeting of a California corporation on September 20, 2012, a mere 20 days before said annual
15 meeting. (See Exhibit F to Plaintiff's Declaration.)

16 8. As of close of business Tuesday October 2, 2012, the California State Grange had 189
17 members and delegates registered to attend. These costs are paid by the individual members and
18 delegates in advance. Additionally, the attendees purchase advance meal tickets for \$75.00 per adult
19 and \$40.00 per child. These costs have already been paid. Further, our members must pay for their
20 own lodging which runs between \$75.00 and \$110.00 for lodging per night. To date, the members and
21 delegates have spent in excess of \$35,000.00, which is non-refundable, in order to attend the annual
22 meeting.

23 9. In addition to the registration price, the California State Grange budgets approximately
24 \$10,000.00 of its general fund for this annual meeting. This money is used to pay for additional
25 support staff for the annual meeting, as well as having contracted guest speakers and entertainers to
26 attend said annual meeting.

27 10. Should this Court grant Plaintiffs' request to enjoin the Executive Committee and
28 myself from performing our functions, then all of the registered guests will be out of pocket

1 approximately \$35,000 and the California State Grange out an additional \$10,000.00. That is a non-
2 refundable expenditure and quasi-forfeiture of approximately \$50,000.00 by a California non-profit
3 corporation and its members.

4 11. Compounding the economic harm to the California State Grange is the harm to the
5 goodwill of the California State Grange, as well as the negative publicity caused by this last-minute
6 "cancellation by fiat" of the annual meeting of the California State Grange. Members that have
7 committed to attend the California State Grange and have spent money on registration and lodging
8 may resign their membership or even bring lawsuits against the California State Grange.

9 12. To date, the National Grange has suffered no irreparable harm. The California State
10 Grange collects dues from its members on a quarterly basis. A portion of said quarterly dues is paid
11 to the National Grange. On or about August 1, 2012, after returning from a voluntary suspension, I
12 oversaw the quarterly payment to the National Grange, which was accepted. The California State
13 Grange is current on its payments to the National Grange. Further, as an officer of a California
14 Corporation, I have overseen the day to day operations of the Corporation, ensured that the
15 Corporation's taxes were filed and that other Corporate matters were conducted in a timely and
16 efficient manner.

17 13. Finally, the California State Grange, is a California Corporation and is organized under
18 the laws of the State of California. Should the Court grant plaintiff's request for a Temporary
19 Restraining Order, the only irreparable harm that will be caused is to a California Corporation and to
20 its members.

21 14. Therefore, I request that the Court deny Plaintiff's request for a Temporary Restraining
22 Order, in order to allow the annual meeting of the California State Grange to take place from October
23 10-14, 2012, and permit the California State Grange to adequately brief the Court on all legal and
24 factual issues before ruling on Plaintiffs' request for Preliminary Injunction..

25 ///

26 ///

27 ///

1 I declare under penalty of perjury under the laws of State of California that the foregoing is true
2 and correct, and that this declaration was executed in Sacramento, California.

3 Dated: 10-3-12

4
5 
6 ROBERT McFARLAND

1 **CERTIFICATE OF SERVICE**

2 I, William A. Lapcevic, declare:

3 I am a citizen of the United States, am over the age of eighteen years, and am not a party to or
4 interested in the within entitled cause. My business address is 555 University Avenue, Suite 200,
5 Sacramento, CA 95825.

6 On October 3, 2012, I served the following document(s) on the parties in the within action:

7 **DECLARATION OF ROBERT McFARLAND IN SUPPORT OF OPPOSITION TO**
8 **PLAINTIFF'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER**
9 **AND ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION**

10
11 XX

BY HAND: The above-described document(s) will be placed in a sealed envelope which
will be hand-delivered on this same date by the undersigned, addressed as follows:

12
13 Martin N. Jensen
14 Porter Scott
15 350 University Avenue, Suite 200
16 Sacramento, CA 95825

17 I declare under penalty of perjury under the laws of the State of California that the foregoing is
18 a true and correct statement and that this Certificate was executed on October 3, 2012.

19 By 

20 William A. Lapcevic
21
22
23
24
25
26
27
28

Home About Us Programs News Foundation Join Us Contact Log In

Size: A A

[Search]

Convention Home

Hotels Information

Resolutions

Writing A Resolution

Forms and Info

Showcase Book (pdf)

Credential Form (pdf)

Registration Form (pdf)

Memorial Service (pdf)

T-Shirt Information (pdf)

Meals Menu (pdf)

Schedule (pdf)

Map (pdf)

2012 Convention



Our 140th annual California State Grange Convention will be celebrated October 10 – 14, 2012 at the Little Lake Grange, at 291 School Street, Willits. Willits is located 135 miles north of San Francisco on State Highway 101.

This year's theme will be "Growing Farmers". Highlights of this year's convention include:

Workshop Day. Wednesday, October 10 is an optional "Workshop Day". The staff of the State Grange will be treating everyone to lunch. There will be a variety of interesting and informative workshops. Everyone is welcome to attend Workshop Day. There is no charge.

The 140th California State Grange Convention officially opens on Thursday, October 11.

Showcase of Grange Artisans. Thursday, October 11, evening. Celebrating the diverse talents of our members, many entries will be judged live on stage. You can view and download a copy of the Showcase Handbook at www.californiagrango.org/showcase or for more information call (916) 454-5805.

Grange Women's Day. Friday, October 12. Celebrating the contributions of the GWA with a luncheon, Women's March. Also an optional fundraising breakfast will be hosted by the GWA (\$5 at the door).

Master's Banquet and Awards Night. Friday, October 12, evening. A special evening to honor some of our outstanding Granges and Grangers.

Youth and Junior Grange Day. Saturday, October 13. The Youth & Junior Granges will open the session and serve a BBQ lunch.

Annual Talent Show. Saturday, October 13, evening. Performing artists representing Granges from all over the state will compete in our annual Talent Show. The winning act is eligible to represent California at the National Convention in Idaho.

Memorial Service and Veterans' Tribute. Sunday, October 14, morning. A beautiful service remembering those who have passed, and a celebration of those who have served.

Conferral of the Fifth and Sixth Degrees. Sunday, October 14. An opportunity for members to raise their levels of achievement in the Grange.

Important items of business for this convention will include the processing of resolutions beginning on Thursday, and nominations and elections of State Grange Officers beginning on Friday.

Resolutions must be adopted by your Grange, verified with the Master and Secretary's signature and with the corporate seal applied be received by the State Grange or postmarked by September 1. After the deadline, resolutions must be approved by the State Master and appropriate Legislative Committee Chair to be accepted.



Lodging is up to each individual. We are currently negotiating discounted rates at several area motels.

A meal ticket will be sold for \$75 that will include lunch and dinner at the convention Thursday - Saturday, and lunch on Sunday. Breakfasts are up to the individual.

T-Shirt. Your Grange can help cover the costs of convention by contributing \$25 to get your Grange's name on the back of our official 140th Convention T-shirt. Contact **Michelle Dobbin** at (916) 454-5805 to reserve a space.

Our goal is to make this convention fun. We truly hope you will join us for this 140th Convention of the

California State Grange. If you have any questions, please call our office at (916) 454-5805.

California State Grange, copyright ©2011