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THE NATIONAL GRANGE OF THE ORDER OF PATRONS OF HUSBANDRY

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN THE COUNTY OF SACRAMENTO

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

Plaintiff,

v.

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

Defendants.

Case No. 2012-00130439

**DECLARATION OF EDWARD L.
LUTTRELL IN SUPPORT OF REPLY
REGARDING PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**
[Code Civ. Proc., §§ 526, 527]

Date: October 17, 2012

Time: 2:00 p.m.

Dept: 53

Complaint Filed: October 1, 2012

I, Edward L. Luttrell, declare:

1. I currently serve, and at all relevant times did serve, as Master of The National Grange of the Order of Patrons of Husbandry (hereafter "The National Grange"). As such, I have personal knowledge of the facts alleged herein and, if called, could testify competently as to them. Master is the highest ranking office in The National Grange.

FILED
ENDORS

12 OCT 12 PM 3:

LEGAL PROCESS #

1 2. The National Grange in 2004 expressly amended its By-Laws at section 4.10.1(A) to
2 make clear that throughout all Granges, including the State Granges, certain titles of positions used
3 frequently in the context of non-profit corporations would be deemed equivalent and interchangeable
4 with terms traditionally used throughout the Order. For example, the term President could be used for
5 Master, Vice-President for Overseer, and Board of Directors for Executive Committee. This change
6 would simply recognize the unity of terms used under state corporate codes and those long embodied
7 in the Order's by-laws in referring to the identical positions and structures.
8

9 3. Despite the proper suspension of the Charter of the California State Grange by the
10 National Grange, certain members of the Executive Committee as well as the duly suspended Master
11 of the California State Grange persist in performing official acts on behalf of that division of the
12 Order, including the execution of contracts with third parties.
13

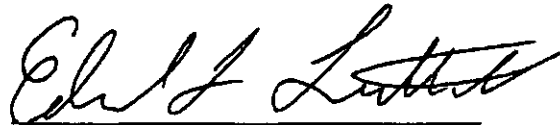
14 4. The ongoing unauthorized official activities of the California State Grange have already
15 caused irreparable harm to the Order and threaten to continue to do so until trial unless this Court
16 grants a preliminary injunction to maintain the status quo.
17

18 5. Specifically, the uncertainty about the validity of actions by the California State Grange
19 harm the National Grange's ability to manage trademarks of the Order and police infringements
20 because of the confusion created by an invalid State Grange continuing to operate. These trademarks
21 belong to the Order. (National Grange By-Laws, ¶ 4.18.1)
22

23 6. Although no longer communicating with the National Grange, Defendants indicate in
24 publications that they will continue to do business and entered into contracts even though the Charter
25 of the California State Grange has been suspended. Confusion will likely be created regarding
26 innocent third parties unaware of the suspension. Such confusion irreparably harms the National
27 Grange and threatens to incur liability for the Order if performance of such contracts fails.
28

1 7. Through the By-Laws of the Order, the National Grange has a strong property interest
2 in real property owned by the Grange in California. Were the Charter of the California State Grange
3 eventually to be revoked altogether, the real property is to be retained by the Order. (National Grange
4 By-Laws, ¶ 4.12.2) Thus, it is crucial that the National Grange prevent such assets from being
5 dissipated.
6

7 I declare under the penalty of perjury under the laws of the State of California that the
8 foregoing is true and correct and that this declaration was executed on October 12, 2012, in Sandy,
9 Oregon.
10

11 
12

13 Edward L. Luttrell
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1 **Re: National Grange, et al. v. Bob McFarland**
2 **Case No: Sacramento County Superior Court 34-2012-00130439**

3 **DECLARATION OF SERVICE**

4 I am a citizen of the United States and a resident of Sacramento County, California. I am over
5 the age of eighteen years and not a party to the within above-entitled action. My business address is
6 350 University Avenue, Suite 200, Sacramento, California.

7 I am familiar with this Company's practice whereby the mail, after being placed in a
8 designated area, is given the appropriate postage and is deposited in a U. S. mailbox in the City of
9 Sacramento, California, after the close of the day's business.

10 On October 12, 2012, I served a copy of the following document(s):

11 **DECLARATION OF EDWARD L. LUTTRELL IN SUPPORT OF REPLY REGARDING
12 PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

13 on all parties in the said action as addressed below by causing a true copy thereof to be:

14 **Attorneys for Robert McFarland**

15 Mark Ellis
16 Ellis Law Group
17 740 University Ave., Suite 100
18 Sacramento, CA 95814
19 MEllis@EllisLawGrp.com

20 **Attorneys for Defendants The California**

21 **State Grange, John Luvaas, Gerald**
22 **Chernoff, and Damian Parr**

23 Robert D. Swanson
24 Daniel S. Stouder
25 BoutinJones
26 555 Capitol Mall, Suite 1500
27 Sacramento, CA 95814
28 rswanson@boutinjones.com
dstouder@boutinjones.com

18 ☒ **By Mail.** I caused such envelope with postage thereon fully prepaid to be placed in the
19 United States mail at Sacramento, California.

20 ☐ **By Personal Service.** I caused such document to be delivered by hand to person(s) listed
21 below.

22 ☐ **By Overnight Delivery.** I caused such document to be delivered by overnight delivery to
23 the office of the person(s) listed below.

24 ☐ **By Facsimile.** I caused such document to be transmitted by facsimile machine to the office
25 of the person(s) listed below.

26 ☒ **By E-Mail.** I caused such document to be transmitted by electronic format to the office of
27 the person(s) listed below.

28 I declare under penalty of perjury that the foregoing is true and correct.

Executed at Sacramento, California on October 12, 2012.


Desiree Ganzon