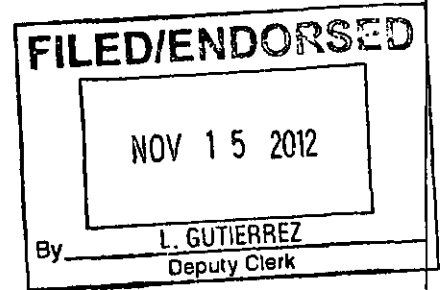


1 **BOUTIN JONES INC.**
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555 Capitol Mall, Suite 1500
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4 Attorneys for Defendants The California State Grange,
5 John Luvaas, Gerald Chernoff, and Damian Parr.



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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF SACRAMENTO**
10

11
12 THE NATIONAL GRANGE OF THE)
ORDER OF PATRONS OF)
13 HUSBANDRY, a Washington, D.C., non-)
profit corporation,)

14 Plaintiff,)

15 vs.)

16 THE CALIFORNIA STATE GRANGE, a)
California nonprofit corporation, and)
17 ROBERT McFARLAND, JOHN)
LUVAAAS, GERALD CHERNOFF and)
18 DAMIAN PARR,)

19 Defendants.)

20 THE CALIFORNIA STATE GRANGE, a)
21 California non-profit,)

22 Cross-complainant,)

23 vs)

24 THE NATIONAL GRANGE OF THE)
ORDER OF PATRONS OF)
25 HUSBANDRY, Washington D.C., non-)
profit corporation; and Edward L. Luttrell,)
26 an individual, and ROES 1 through 10,)
Inclusive.)

27 Cross-defendants.)
28

Case No.: 34-2012-00130439

**ANSWER OF THE CALIFORNIA
STATE GRANGE, JON LUVAAAS,
GERALD CHERNOFF, AND DAMIAN
PARR TO THE UNVERIFIED
COMPLAINT OF THE NATIONAL
GRANGE OF THE ORDER OF PATRONS
OF HUSBANDRY**

Date Action Filed: 10/01/12

-1-

ANSWER OF THE CALIFORNIA STATE GRANGE, JON LUVAAAS, GERALD CHERNOFF, AND DAMIAN
PARR TO THE UNVERIFIED COMPLAINT OF THE NATIONAL GRANGE OF THE ORDER OF PATRONS OF
HUSBANDRY

1 Defendants The California State Grange, John Luvaas, Gerald Chernoff, and Damian Parr
2 (collectively "Defendants") answer the unverified Complaint filed by plaintiff The National
3 Grange of the Order of Patrons of Husbandry ("Plaintiff") on or about October 1, 2012
4 ("Complaint") as follows:

5 **GENERAL DENIAL**

6 Pursuant to California Code of Civil Procedure section 431.30(d), Defendants deny each and
7 every allegation contained in the Complaint, including all causes of action therein, and further
8 deny that Plaintiff has been damaged in any amount whatsoever in law or equity.

9 **FIRST AFFIRMATIVE DEFENSE**

10 The Complaint, and each cause of action, fails to state facts sufficient to constitute a cause of
11 action against Defendants.

12 **SECOND AFFIRMATIVE DEFENSE**

13 The Complaint, and each cause of action, is uncertain under § 430.10(f) of the Code of Civil
14 Procedure.

15 **THIRD AFFIRMATIVE DEFENSE**

16 The Complaint, and each cause of action, is barred in whole or in part by the doctrines of
17 waiver, release, consent, and/or estoppel.

18 **FOURTH AFFIRMATIVE DEFENSE**

19 Plaintiff has failed to do equity with respect to the causes of action alleged in the Complaint.

20 **FIFTH AFFIRMATIVE DEFENSE**

21 Plaintiff is not entitled to equitable relief because, upon information and belief, it has a
22 complete and adequate remedy at law, and based on a balancing of the equities.

23 **SIXTH AFFIRMATIVE DEFENSE**

24 On information and belief, Plaintiff failed to properly and adequately mitigate its damages, if
25 any. This failure to mitigate bars and diminishes Plaintiff's recovery to the extent the damages could
26 have been mitigated.

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SEVENTH AFFIRMATIVE DEFENSE

The Complaint, and each cause of action, is barred in whole or in part under the provisions of California's Corporation Code.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiff lacks standing to bring the causes of action alleged in the Complaint.

NINTH AFFIRMATIVE DEFENSE

The Complaint, and each cause of action, is barred in whole or in part because Defendants' alleged conduct was privileged.

TENTH AFFIRMATIVE DEFENSE

Upon information and belief, Plaintiff breached, repudiated, abandoned or otherwise inadequately performed a contract or agreement between Plaintiff and one or more of the Defendants.

ELEVENTH AFFIRMATIVE DEFENSE

The Complaint, and each cause of action, is barred in whole or in part by the doctrine of unclean hands.

TWELFTH AFFIRMATIVE DEFENSE

The Complaint, and each cause of action, is barred in whole or in part by the doctrine of laches.

THIRTEENTH AFFIRMATIVE DEFENSE

Plaintiff's damages, if any, are subject to a complete or partial set-off.

FOURTEENTH AFFIRMATIVE DEFENSE

The Complaint, and each cause of action, is barred in whole or in part by the provisions of Grange Law and the Judicial Code of National Grange.


WHEREFORE, Defendants pray for judgment as follows:

1. That Plaintiff take nothing by way of the Complaint;
2. That the Complaint be dismissed;
3. For costs of suit;
4. For other proper relief.

1 Dated: November 15, 2012

BOUTIN JONES INC.

2
3 By:


Robert D. Swanson
Daniel S. Stouder
Attorney for Defendant and Cross-Complainant
The California State Grange, and Defendants
Jon Luvaas, Gerald Chernoff, and Damian Parr

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GOSSC COURTHOUSE
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO