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12 DEC 26 PM 2:25

LEGAL PROCESS #6

PORTER | SCOTT
A PROFESSIONAL CORPORATION
Martin N. Jensen, SBN 232231
Thomas L. Riordan, SBN 104827
350 University Ave., Suite 200
Sacramento, California 95825
TEL: 916.929.1481
FAX: 916.927.3706

Attorneys for Plaintiff and Cross-Defendants
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,

vs.

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

Defendants.

THE CALIFORNIA STATE GRANGE, a
California nonprofit,

Cross-Complainant,

vs.

THE NATIONAL GRANGE OF THE ORDER OF
PATRONS OF HUSBANDRY, a Washington,
D.C. nonprofit corporation, and
EDWARD L. LUTTRELL, an individual, and
ROES 1 through 10, inclusive,

Cross-Defendants.

Case No. 34-2012-00130439

**NATIONAL GRANGE'S AND EDWARD L.
LUTTRELL'S DEMURRER TO EACH OF THE
CAUSES OF ACTION IN THE CROSS-
COMPLAINT**

[Code Civ. Proc., §§ 430.10, 430.30, 430.50]

Date: May 14, 2013

Time: 2:00 p.m.

Dept.: 53

RESERVATION #1786378

**NATIONAL GRANGE'S AND EDWARD L. LUTTRELL'S DEMURRER TO EACH OF
THE CAUSES OF ACTION IN THE CROSS-COMPLAINT**

1 Cross-Defendants The National Grange of the Order of Patrons of Husbandry (hereafter "The
2 National Grange") and Edward L. Luttrell hereby demur to the cross-complaint filed by the California State
3 Grange on the following grounds:

4 (1) As to the First Cause of Action for conversion against the National Grange, the factual allegations
5 fail to state a cause of action;

6 (2) As to the Second Cause of Action for tortious interference with contract against the National
7 Grange and Luttrell, the factual allegations fail to state a cause of action;

8 (3) As to the Third Cause of Action for intentional interference with prospective economic advantage
9 against the National Grange and Luttrell, the factual allegations fail to state a cause of action;

10 (4) As to the Fourth Cause of Action for unfair competition against the National Grange, the factual
11 allegations fail to state a cause of action;

12 (5) As to the Fifth Cause of Action for unjust enrichment against the National Grange, the factual
13 allegations fail to state a cause of action;

14 (6) As to the Sixth Cause of Action for declaratory relief against the National Grange and Luttrell,
15 the factual allegations fail to state a cause of action.

16 This demurrer is accompanied by a motion to strike paragraphs 24 and 31 of the cross-complaint,
17 because they seek the award of punitive damages, which are inapplicable to the second and third causes of
18 action, even if those causes of action are otherwise found to be valid.

19 Date: December 21, 2012

PORTER SCOTT
A Professional Corporation

20
21 By Thomas L. Riordan
22 Martin N. Jensen
23 Thomas L. Riordan
24 Attorneys for Plaintiff and Cross-Defendants
25 THE NATIONAL GRANGE OF THE ORDER
26 OF PATRONS OF HUSBANDRY
27

3 **DECLARATION OF SERVICE**

4 I am a citizen of the United States and a resident of Sacramento County, California. I am over the
5 age of eighteen years and not a party to the within above-entitled action. My business address is 350
6 University Avenue, Suite 200, Sacramento, California. I am familiar with this Company's practice whereby
the mail, after being placed in a designated area, is given the appropriate postage and is deposited in a U.
S. mailbox in the City of Sacramento, California, after the close of the day's business.

7 On December 21, 2012, I served a copy of the following document(s):

8 **NATIONAL GRANGE'S AND EDWARD L. LUTTRELL'S DEMURRER
9 TO EACH OF THE CAUSES OF ACTION IN THE CROSS-COMPLAINT**

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

11 **Attorneys for Robert McFarland**

12 Mark Ellis
13 Ellis Law Group
14 740 University Ave., Suite 100
15 Sacramento, CA 95814
16 MEllis@EllisLawGrp.com

**Attorneys for Defendants The California State
Grange, John Luvaas, Gerald Chernoff, and
Damian Parr**

Robert D. Swanson
Daniel S. Stouder
BoutinJones
555 Capitol Mall, Suite 1500
Sacramento, CA 95814
rswanson@boutinjones.com
dstouder@boutinjones.com

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

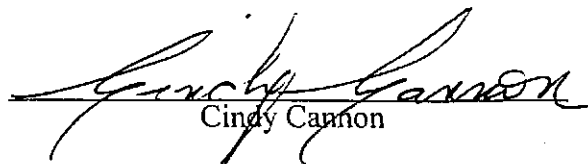
18 ☐ **By Personal Service.** I caused such document to be delivered by hand to person(s) listed below.

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

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

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

23 I declare under penalty of perjury that the foregoing is true and correct. Executed at Sacramento,
24 California on December 21, 2012.

25 
26 Cindy Cannon
27