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THE NATIONAL GRANGE OF THE ORDER OF PATRONS OF HUSBANDRY

FILED
ENDORSED

12 DEC 26 PM 2: 26

LEGAL PROCESS #6

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

**NOTICE OF HEARING FOR 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

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

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on May 14, 2013, at 2:00 p.m. in Department 53 of the Sacramento
3 County Superior Court, or as soon thereafter as this matter may be heard, the Demurrer of Cross-Defendants
4 **THE NATIONAL GRANGE OF THE ORDER OF PATRONS OF HUSBANDRY**, a Washington, D.C.,
5 nonprofit corporation, and **EDWARD L. LUTTRELL**, an individual will be heard.

6 This motion will be based on this Notice, the Statement of Demurrer, the Memorandum of Points
7 and Authorities filed concurrently, the Request for Judicial Notice and Motion to Strike filed concurrently,
8 and all other pleadings, papers and records on file in this action, and upon such other oral and documentary
9 evidence as may be submitted at the time of hearing of this Demurrer.

10 Cross-Defendants and each of them hereby demur to the first, second, third, fourth, fifth and sixth
11 causes of action alleged in the cross-complaint of the California State Grange pursuant to California Code
12 of Civil Procedure section 430.10, on the grounds that the facts alleged do not support any cause of action
13 against the Cross-Defendants. This general demurrer should be sustained in its entirety, or as to any of the
14 causes of action listed herein.

15 Pursuant to Local Rule 3.04, the court will make a tentative ruling on the merits of this matter by
16 2:00 p.m., the court day before the hearing. You may access and download the court's ruling from the court's
17 website at <http://www.saccourt.ca.gov>. If you do not have online access, you may obtain the tentative ruling
18 over the telephone by calling (916) 874-8142 and a deputy clerk will read the ruling to you. If you wish to
19 request oral argument, you must contact the courtroom clerk at (916) 874-7858 (Department 53) or (916)
20 874-7848 (Department 54) and the opposing party before 4:00 p.m. the court day before the hearing. If you
21 do not call the court and the opposing party by 4:00 p.m. on the court day before the hearing, no hearing will
22 be held.

23 Date: December 21, 2012

 PORTER SCOTT
 A Professional Corporation

25 By



26 Martin N. Jensen
27 Thomas L. Riordan
28 Attorneys for Plaintiff and Cross-Defendants
 **THE NATIONAL GRANGE OF THE ORDER
 OF PATRONS OF HUSBANDRY**

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

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 **NOTICE OF HEARING FOR NATIONAL GRANGE'S AND EDWARD L. LUTTRELL'S**
9 **DEMURRER 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.

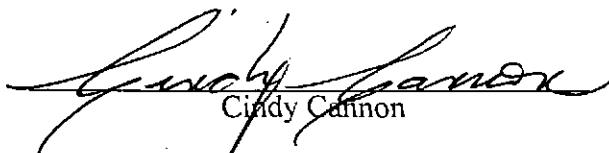
18 ☐ **By Personal Service.** I caused such document to be delivered by hand to person(s) listed below.

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