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LEGAL PROCESS #6

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6 THE NATIONAL GRANGE OF THE ORDER OF PATRONS OF HUSBANDRY
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7

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

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

13 Plaintiff,

14 vs.

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

18 Defendants.
19

ROBERT MCFARLAND, an individual,

20 Cross-Complainant,
21

22 vs.

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

26 Cross-Defendants.
27
28

Case No. 34-2012-00130439

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

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

Date: May 14, 2013

Time: 2:00 p.m.

Dept.: 53

RESERVATION #1804368

INTRODUCTION

Cross-Defendants The National Grange of the Order of Patrons of Husbandry (hereafter the "National Grange") and Edward L. Luttrell, who serves as Master of the National Grange, demur to the allegations of the Cross-Complaint by Robert McFarland for uncertainty and failure to set forth facts stating a cause of action as to each of the six causes of action. Although the Cross-Complaint attempts to avoid acknowledging the inseparable interrelationship between the National Grange and the California State Grange, for which McFarland has served as elected Master, the bylaws of the two organizations have already been filed in this action and make clear that the California State Grange is actually a constituent part of the National Grange, which is the pinnacle of the organization referred to as the "Order." The court is requested to take judicial notice of these bylaws. The bylaws of both related organizations establish that the bylaws and decisions of the National Grange have supremacy over those of the California State Grange, although thorough internal adjudication and appeal procedures are built into the bylaws for resolving disputes and disciplinary charges.

Where independent private organizations, such as the Order, have their own internal rules, California state law cautions the judiciary not to become involved in deciding substantive disagreements within the organization. It is only where clear bylaws are disregarded by a party to them that the courts have a role, but again the court's jurisdiction should be strictly limited to requiring the parties to follow the bylaws by which they are governed. The causes of action alleged by McFarland in the instant Cross-Complaint, however, do not seek to require the National Grange to adhere to the specific language of any of the bylaws. On the contrary, McFarland improperly seeks to involve the court in the internal question of whether the bylaws may be interpreted so as to prevent the National Grange from imposing discipline upon him for violating rules of the Order. Whether the charges against McFarland are ultimately upheld as true or rejected as untrue is not to be determined in civil court. This dispute should properly be adjudicated initially within the Order's internal judicial procedures, and only subject to review by the courts if the organizations own bylaws are clearly disregarded.

By contrast, the National Grange sought previously in this action to compel the State Grange to follow the clear bylaws regarding suspension of its Master and its own charter, which actions are both

1 exclusively authorized by the bylaws. The California State Grange, under McFarland's direction, has
2 expressly asserted that as a California corporation it is not bound at all by the bylaws authorizing the
3 National Grange to suspend its Master and charter, and the State Grange refuses to submit to the Order's
4 written procedures for adjudicating internal disputes. While the courts may preclude parties from
5 disregarding their own clear bylaws, such courts should not be determining the meaning and
6 interpretation of rules and bylaws in complex interaction within an organization.

7 In any event, none of McFarland's six claims alleged in his Cross-Complaint sets forth facts
8 sufficient to state a cause of action. Indeed, the alleged facts and those available to the court through
9 judicial notice preclude as a matter of law any of the alleged causes of action from proceeding forward.
10 First, McFarland's cause of action for defamation fails as a matter of law. Not only does he
11 conspicuously fail to attach as an exhibit, or quote extensively from, the February 7, 2012, letter he
12 describes as containing false statements, but the vague references taken out of context do not indicate
13 that Luttrell was asserting facts, instead of merely setting forth his opinion about perceived problems
14 with the governance of the California State Grange under McFarland. In any event, without specifically
15 and factually alleging malicious intent by Luttrell, the statements allegedly transmitted to members of
16 the Executive Committee of the California State Grange are clearly within the Civil Code section 47,
17 subdivision (c), privilege, which provides immunity for communications by another "interested person."
18 Next, McFarland's second cause of action alleging "public disclosure of private facts" fails because it
19 does not involve highly personal, private or confidential facts at all, but rather only his observable
20 performance as elected head of California's State Grange, and it was only transmitted to a small group
21 of interested persons. McFarland's third cause of action is labeled one for intrusion, but the alleged facts
22 do not suggest any physical or electronic violation of his personal space, and no offensive revelation
23 of embarrassing private personal facts occurred. McFarland's fourth cause of action for intentional
24 interference with contractual relations fails because the National Grange is alleged to act as his
25 employer, so there is no party separate from the contract. McFarland's fifth cause of action is for
26 interference with prospective economic advantage, but no facts support his vague claims that he
27 personally could have profited financially from relationships with smaller units of the Grange. Finally,

1 McFarland's sixth cause of action alleges infliction of emotional distress, but for that tort the defendant
2 must have intentionally harmed the plaintiff by conduct so outrageous and extreme "as to exceed all
3 bounds of that usually tolerated in a civilized community. No facts support such a claim here.

4 **FACTUAL BACKGROUND**

5 For purposes of this demurrer only, Cross-Defendants the National Grange and Luttrell assume
6 as true the following factual allegations set forth by Robert McFarland with the corresponding
7 paragraph number. McFarland is currently serving his second two-year term as president of the State
8 Grange, by which he is employed. (¶ 1) The National Grange is a nonprofit corporation organized under
9 the laws of the District of Columbia. (¶ 2) Luttrell is the National Master for the National Grange. (¶
10 3) Martha Stefenoni is the Overseer of the State Grange and member of its Executive Committee. (¶
11 4) On or about October 5, 2011, Stefenoni contacted Luttrell and the National Grange and accused
12 McFarland of wrongfully processing applications for several new California subchapter Granges and
13 attempting to seat unqualified delegates for the State Grange annual convention. (¶ 10) Luttrell flew to
14 California to investigate the matter, but agreed to withhold a threatened suspension of McFarland
15 pending a State Grange investigation of the accusations. (¶ 11) The Executive Committee of the State
16 Grange investigated the accusations from October 2011 to January 2012, when the majority submitted
17 its report exonerating McFarland of any wrongdoing. (¶ 12) Stefenoni, who would take over if
18 McFarland was suspended or terminated, assisted in drafting an unauthorized "minority report" that
19 contradicted the majority's conclusions. (¶ 13) On January 25, 2012, Stefenoni caused the malicious
20 minority report to be published to Luttrell and the National Grange. On February 7, 2012, Luttrell as
21 National Grange Master sent McFarland a disparaging and false employment evaluation, including that
22 McFarland was a bully in the workplace and lacked the integrity required of a State Grange President.
23 (¶ 14) Luttrell, acting in collusion with Stefenoni, caused the February 7 report to be published to
24 members of the Executive Committee of the State Grange. (¶ 15) Luttrell adopted the findings of the
25 January 2012 minority report to bring charges against McFarland, requiring McFarland to defend
26 himself between February 2012 and June 2012. McFarland agreed to accept a two-month suspension
27 to last through June and July 2012. (¶ 16) Stefenoni became acting president of the State Grange during

1 McFarland's suspension. (§ 17) Stefenoni manufactured further charges against McFarland so she could
2 take over the State Grange presidency. (§ 18) On July 26, 2012, Stefenoni contacted an attorney who
3 had represented the State Grange during a 2009 legal dispute to gather information. (§ 19) Stefenoni and
4 Luttrell used this 2009 information in order to expel McFarland from the State Grange. (§ 20)
5 Immediately after McFarland returned from his initial suspension on August 1, 2012, Luttrell informed
6 McFarland that there was a new set of charges against him, and he was again suspended as president.
7 (§ 21)

8 LEGAL ARGUMENTS

9 "[A] complaint otherwise good on its face is subject to demurrer when facts judicially noticed
10 render it defective." (*Evans v. City of Berkeley* (2006) 38 Cal.4th 1, 6; Code Civ. Proc., § 430.30, subd.
11 (a).) A demurring party thus may request the court to take judicial notice of the existence of certain
12 documents that have already been filed in court. (Evid. Code, § 452, subd. (d); *Gilbert v. Cal.* (1990)
13 218 Cal.App.3d 234, 240-241 & fn. 5.) Accompanying this demurrer, the National Grange and Edward
14 Luttrell have requested that the court take judicial notice of the existence of portions of the
15 constitutions, articles of incorporation and bylaws of both the National Grange and the California State
16 Grange, which have already been filed in this same action with our initial Complaint, and are thus
17 already court records.

18 I. THE COURT SHOULD REFRAIN FROM EXERCISING JURISDICTION 19 REGARDING AN INTERNAL ORGANIZATIONAL DISPUTE.

20 The court should not exercise subject matter jurisdiction at all over the substantive factual
21 claims alleged by McFarland's Cross-Complaint. All McFarland's causes of action stem directly from
22 his role as master or president of the California State Grange, which is a constituent element of the
23 Cross-Defendant National Grange. The California Supreme Court explained the narrowly limited role
24 of the judiciary regarding the internal rules of private associations, such as the Grange. Specifically,
25 *California Dental Assn. v. American Dental Assn.* (1979) 23 Cal.3d 346, 353-354, stated:

26 As was recognized in *Dingwall v. Amalgamated Assn. etc.* (1906) 4 Cal.App. 565, 569
27 [88 P. 597], "the rights and duties of the members as between themselves and in their
28 relation to [a private voluntary] association, in all matters affecting its internal
government and the management of its affairs, are measured by the terms of [its]

1 constitution and by-laws.” (See also *Stoica v. International etc. Employees* (1947) 78
2 Cal.App.2d 533, 535-536 [178 P.2d 21].) In many disputes in which such rights and
3 duties are at issue, however, the courts may decline to exercise jurisdiction. Their
4 determination not to intervene reflects their judgment that the resulting burdens on the
5 judiciary outweigh the interests of the parties at stake. One concern in such cases is that
6 judicial attempts to construe ritual or obscure rules and laws of private organizations
may lead the courts into what Professor Chafee called the “dismal swamp.” (Chafee,
The Internal Affairs of Associations Not for Profit (1930) 43 Harv.L.Rev. 993,
1023-1026.) Another is with preserving the autonomy of such organizations. (Note,
Developments in the Law – Judicial Control of Actions of Private Associations (1963)
76 Harv.L.Rev. 983, 990-991.)

7 In essence, McFarland complains that his performance as elected head of the California State Grange
8 has been unfairly attacked for supposedly violating the rules of the Order. This dispute, however, is
9 inextricably intertwined with the internal interpretation and adjudication of bylaws and other rules of
10 the Order. The bylaws of both the National Grange (§ 4.107) and State Grange (§ 14.13) are structured
11 to adjudicate such disputes, including appeals. There is no basis for a court to get involved in
12 interpreting the bylaws, which each of the parties insists they are following.

13 II. THE CROSS-COMPLAINT FAILS TO SET FORTH FACTS SUFFICIENT TO
14 STATE A CAUSE OF ACTION FOR DEFAMATION, AND IS OTHERWISE
UNCERTAIN.

15 The first cause of action alleged by the California State Grange is for defamation. The California
16 Supreme Court set forth the requisite elements in *Taus v. Loftus* (2007) 40 Cal.4th 683, 720:

17 The tort of defamation “involves (a) a publication that is (b) false, (c) defamatory, and
18 (d) unprivileged, and that (e) has a natural tendency to injure or that causes special
19 damage.” (5 Witkin, Summary of Cal. Law (10th ed. 2005) Torts, § 529, p. 782, citing
Civ. Code, §§ 45–46 and cases.)

20 Thus, in order to be tortiously defamatory, statements attributed to a person must be assertions of fact,
21 not opinions. (*Ibid.*) McFarland conspicuously declines either to quote directly the statements he
22 suggests are defamatory, or to attach Luttrell’s February 7, 2012, letter as an exhibit to his Cross-
23 Complaint. By declining to do so, McFarland makes it impossible for the court to ascertain whether
24 Luttrell published factually false statements or had simply come to an unfavorable opinion about the
25 way McFarland was acting as president of the State Grange. The few individual words McFarland
26 quotes out of context from the letter do not indicate Luttrell was making factually false statements about
27 McFarland. Baldly asserting the existence of “falsehood” or “malice” without more does not suffice to
28

1 support a cause of action for defamation.

2 Moreover, the members of Executive Board of the California State Grange would qualify as
3 “interested parties” within the meaning of the Civil Code section 47, subdivision (c), privilege which
4 provides immunity for communications by an “interested person,” such as a fellow member of an
5 organization, as long as the statement is not malicious in nature. (See, e.g., *King v. United Parcel Serv.,*
6 *Inc.* (2007) 152 Cal.App.4th 426, 440 [privilege applies to “an employer’s statements to employees
7 regarding the reasons for termination of another employee”]; *Kelly v. Gen. Tel. Co.* (1982) 136
8 Cal.App.3d 278, 285 [privilege applies to “[c]ommunication among a company’s employees that is
9 designed to insure honest and accurate records”].) In order to defeat such immunity, the plaintiff must
10 allege malice in a very specific manner, with “detailed facts showing defendant’s ill will toward him.”
11 (*Robomatic, Inc. v. Vetco Offshore* (1990) 225 Cal.App.3d 270, 276.) McFarland’s vague boilerplate
12 allegations of malice are insufficient to defeat application of the privilege, because they are not detailed
13 facts demonstrating Luttrell’s ill-will toward McFarland.

14 In any event, the allegations of defamation in McFarland’s Cross-Complaint are fatally
15 uncertain. *Ankeny v. Lockheed Missiles & Space Co.* (1979) 88 Cal.App.3d 531, 537, explains:

16 It is settled law that a pleading must allege facts and not conclusions, and that material
17 facts must be alleged directly and not by way of recital. (*Vilardo v. County of*
18 *Sacramento* (1942) 54 Cal.App.2d 413, 418-419.) Also, in pleading, the essential facts
19 upon which a determination of the controversy depends should be stated with clearness
20 and precision so that nothing is left to surmise. (*Philbrook v. Randall* (1924) 195 Cal.
95, 103.) Those recitals, references to, or allegations of material facts which are left to
surmise are subject to special demurrer for uncertainty. (*Bernstein v. Piller* (1950) 98
Cal.App.2d 441, 443-444.)

21 Because McFarland has made it impossible for the court to determine whether Defendants’ allegedly
22 defamatory statements were in fact false statements of fact, rather than opinion, the demurrer for
23 uncertainty must be sustained.

24 III. THE CROSS-COMPLAINT FAILS TO SET FORTH FACTS SUFFICIENT TO
25 STATE A CAUSE OF ACTION FOR PUBLIC DISCLOSURE OF PRIVATE FACTS.

26 McFarland’s second cause of action alleges “public disclosure of private facts” against the
27 National Grange and Luttrell. McFarland characterizes Luttrell’s February 7, 2012, letter as a
28 “confidential employment evaluation.” The tort is designed to protect a person from the spreading of

1 true but private facts about him in an offensive manner. (*Shulman v. Group W Productions, Inc.* (1998)
2 18 Cal.4th 200, 214.) The facts that were allegedly disclosed without his consent all arose out of
3 McFarland's purported "employment" relationship. There are several problems with such a label. The
4 Cross-Complaint does not allege McFarland was ever actually employed by the National Grange or
5 Luttrell. Indeed, Luttrell could be properly viewed as holding an organizationally superior position as
6 Master of the National Grange, whereas McFarland was only Master of the California State Grange,
7 which must abide by the bylaws of the National Grange, but this is not actually an employment
8 relationship. McFarland's employer is the State Grange. (Complaint, ¶ 1) Both Luttrell and McFarland
9 were elected officers by different parts of the Grange organization, and the information shared with the
10 Executive Board was by no means "private" or "confidential," but matters open to the officers and
11 boards of the organizations involved. Because McFarland was elected to lead this statewide
12 organization, he cannot reasonably claim that his performance of organizational duties for the Order
13 were private facts.

14 Moreover, McFarland does not allege Luttrell sent the letter to anyone outside the State Grange
15 or National Grange Executive Boards. "The tort must be accompanied by publicity in the sense of
16 communication to the public in general or to a large number of persons as distinguished from one
17 individual or a few."(*Kinsey v. Macur*(1980) 107 Cal.App.3d 265, 270.) No such sharing of private
18 information occurred here. In the instant case, the February 7, 2012, letter was sent only to those few
19 individuals serving on the Executive Committee of the State Grange. (Complaint, ¶ 25) Finally, Civil
20 Code section 47, subdivision (c), again provides immunity for communications by an "interested
21 person," such as Luttrell as an individual Cross-Defendant, to other members of the State Grange
22 Executive Committee regarding McFarland's performance as Master or President.

23 IV. THE CROSS-COMPLAINT FAILS TO SET FORTH FACTS SUFFICIENT TO
24 STATE A CAUSE OF ACTION FOR INTRUSION.

25 McFarland's third cause of action is labeled one for intrusion, which is a tort based upon an
26 unauthorized person physically or electronically entering the private space of another to obtain and
27 publicize private information. McFarland alleges no such facts here. *Miller v. National Broadcasting*
28 *Co.* (1986) 187 Cal.App.3d 1463, 1482, relied upon Rest.2d Torts, § 652B, to hold: "One who

1 intentionally intrudes, physically or otherwise, upon the solitude or seclusion of another or his private
2 affairs or concerns, is subject to liability to the other for invasion of his privacy, if the intrusion would
3 be highly offensive to a reasonable person.” *Shulman v. Group W Productions, Inc.*, (1998) 18 Cal.4th
4 200, 232, explains further: “The intrusion tort is available where ‘the plaintiff had an objectively
5 reasonable expectation of seclusion or solitude in the place, conversation or data source.’ (Rest.2d
6 Torts, § 652B, com. c, p. 379.)”

7 McFarland, however, does not allege any facts that might support his cause of action for
8 intrusion. Indeed, the cause of action alleges nothing beyond Luttrell simply sending what the Cross-
9 Complaint describes as a “confidential employment evaluation” to the Executive Board of the
10 California State Grange, which is actually McFarland’s employer. McFarland does not allege that facts
11 were obtained by Luttrell through physical or electronic violation of McFarland’s zone of privacy. The
12 facts surrounding McFarland’s performance as master or president were all readily available, since it
13 is an elected office for which McFarland had responsibility toward both the State and National Grange.
14 Certainly, there are no private facts alleged, the public disclosure of which would deemed highly
15 offensive by a reasonable person. The tort does not create liability for just any possible sharing of facts
16 that a reasonable person would find somewhat uncomfortable or embarrassing personally for his
17 employment.

18 V. THE CROSS-COMPLAINT FAILS TO SET FORTH FACTS SUFFICIENT TO
19 STATE A CAUSE OF ACTION FOR INTENTIONAL INTERFERENCE WITH
20 CONTRACTUAL RELATIONS.

21 McFarland’s fourth cause of action is for intentional interference with contractual relations
22 against the National Grange and Luttrell. The contract at issue is McFarland’s employment contract
23 with the California State Grange. The National Grange, however, is not a party wholly independent of
24 that contract, and thus it cannot be liable for this tort. (*Applied Equipment Corp. v. Litton Saudi Arabia*
25 *Ltd.* (1994) 7 Cal.4th 503, 514.) Although the National Grange is not actually McFarland’s employer,
26 in that it does not pay McFarland’s salary, the request for judicial notice filed previously in this action
27 (encompassing the bylaws of the National Grange and the California State Grange) elucidates the role
28 of the National Grange and Luttrell in making possible McFarland’s employment with one part of the

1 Grange organization. The National Grange is thus inextricably intertwined with the officers of the State
2 Grange. To maintain his position within the Order, McFarland as president or master of the State
3 Grange is required to adhere to the laws and determinations of the National Grange. Moreover, because
4 Plaintiff alleges in paragraph 14 of this very Cross-Complaint that the February 7, 2012, letter from
5 Luttrell was an employment evaluation, it must follow that the National Grange was also acting
6 generally in the manner of his employer and Luttrell as his supervisor. Luttrell, of course, cannot be
7 personally liable for interfering with an employment contract to which his employer is a party. (*Klein*
8 *v. Oakland Raiders* (1989) 211 Cal.App.3d 67, 81.)

9 VI. THE CROSS-COMPLAINT FAILS TO SET FORTH FACTS SUFFICIENT TO
10 STATE A CAUSE OF ACTION FOR INTENTIONAL INTERFERENCE WITH
CONTRACTUAL RELATIONS.

11 McFarland's fifth cause of action is for interference with prospective economic advantage
12 beyond his own employment contract with the California State Grange. McFarland's vague claims that
13 he personally could have economically profited from relationships with persons and smaller Granges
14 he established on behalf of the State Grange are without specific factual support, and are indeed
15 somewhat nefarious by implication. An officer cannot profit individually at the expense of the Grange
16 for whom he acts. Such economic benefit thus cannot support the alleged tort.

17 To the extent that McFarland alleges Luttrell's disparaging assessment of McFarland's actions
18 as Master have caused existing members to drop their membership in the State Grange, and caused
19 other prospective members from joining (§ 56), there is still no potential economic loss whatsoever to
20 McFarland. Furthermore, the National Grange and Luttrell are clearly not alleged to be strangers to the
21 economic relationships with other Granges (*Kasparian v. County of Los Angeles* (1995) 38 Cal.App.4th
22 242, 262) and the Complaint does not allege any conduct by Luttrell that is independently unlawful
23 under statute (*Korea Supply Co. v. Lockheed Martin Corp.* (2003) 29 Cal.4th 1134, 1158-1159).

24 VII. THE CROSS-COMPLAINT FAILS TO SET FORTH FACTS SUFFICIENT TO
25 STATE A CAUSE OF ACTION FOR INFLICTION OF EMOTIONAL DISTRESS.

26 McFarland's sixth cause of action alleges infliction of emotional distress by Luttrell and the
27 National Grange. This cause of action is fatally uncertain because it lumps together negligent and
28 intentional infliction of emotional distress. There is no independent tort of negligent infliction of

1 emotional distress in California. (*Ragland v. U.S. Bank National Assn.* (2012) 209 Cal.App.4th 182,
2 205.) Thus, to the extent the Complaint alleges that the National Grange and Luttrell may have
3 negligently caused McFarland's emotional distress, there is no independent tort. In order to establish
4 intentional infliction of emotional distress, however, the defendant must have intentionally harmed the
5 plaintiff by conduct so outrageous and extreme "as to exceed all bounds of that usually tolerated in a
6 civilized community." (*Hughes v. Pair* (2009) 46 Cal.4th 1035, 1051.) None of the conduct ascribed
7 in the Cross-Complaint to the National Grange or Luttrell rises to the requisite level.

8 **CONCLUSION**

9 For all the foregoing reasons, the court must sustain Cross-Defendants' demurrer without leave
10 to amend McFarland's Cross-Complaint. McFarland has failed to allege facts sufficient to state a cause
11 of action and there is no reasonable possibility that the State Grange could so allege facts in light of the
12 bylaws of the Order. (*Cooper v. Leslie Salt Co.* (1969) 70 Cal.2d 627, 636.)

13 Date: February 28, 2013

PORTER SCOTT
A Professional Corporation

14
15 By



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

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 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 the below date, I served a copy of the following document(s):

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

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

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

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

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

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

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

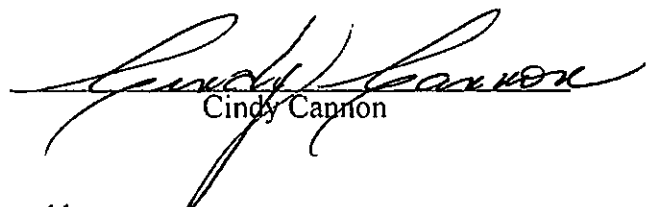
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24 I declare under penalty of perjury that the foregoing is true and correct. Executed at Sacramento,
25 California on February 28, 2013

26 
27 Cindy Cannon
28