

FILED
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17 FEB 28 PM 2:53

LEGAL PROCESS #6

1 **P O R T E R | S C O T T**
A PROFESSIONAL CORPORATION
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5

Attorneys for Plaintiff and Cross-Defendants
6 THE NATIONAL GRANGE OF THE ORDER OF PATRONS OF HUSBANDRY
7

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

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

13 Plaintiff,

14 vs.

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

17 Defendants.
18

19 ROBERT MCFARLAND, an individual,

20 Cross-Complainant,

21 vs.

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

26 Cross-Defendants.
27
28

Case No. 34-2012-00130439

**NOTICE OF NATIONAL GRANGE'S AND
EDWARD L. LUTTRELL'S DEMURRER TO
EACH OF THE CAUSES OF ACTION IN
ROBERT 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

**NOTICE OF NATIONAL GRANGE'S AND EDWARD L. LUTTRELL'S DEMURRER TO EACH OF THE
CAUSES OF ACTION IN ROBERT MCFARLAND'S 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 all other pleadings, papers and
8 records on file in this action, and upon such other oral and documentary evidence as may be submitted at
9 the time of hearing of this Demurrer.

10 Cross-Defendants and each of them hereby demur to the six causes of action alleged in **ROBERT**
11 **McFARLAND's** Cross-Complaint pursuant to California Code of Civil Procedure section 430.10, on the
12 grounds that the facts alleged do not support any cause of action against the Cross-Defendants. This general
13 demurrer should be sustained in its entirety, or as to any of the causes of action listed herein. A special
14 demurrer for uncertainty is also set forth regarding the first cause of action.

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: February 28, 2013

PORTER SCOTT
A Professional Corporation

24
25 By



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

26
27
28 **NOTICE OF NATIONAL GRANGE'S AND EDWARD L. LUTTRELL'S DEMURRER TO EACH OF THE**
CAUSES OF ACTION IN ROBERT MCFARLAND'S 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 the date below, I served a copy of the following document(s):

8 **NOTICE OF NATIONAL GRANGE'S AND EDWARD L. LUTTRELL'S DEMURRER TO**
9 **EACH OF THE CAUSES OF ACTION IN ROBERT 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 States
mail at Sacramento, California.

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

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

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

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

18 **Attorneys for Robert McFarland**

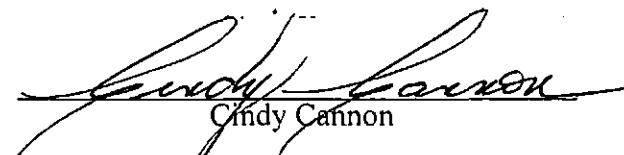
19 Mark Ellis
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18 **Attorneys for Defendants The California State Grange,**

19 **John Luvaas, Gerald Chernoff, and Damian Parr**

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21 dstouder@boutinjones.com

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

25 
26 Cindy Cannon

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