

**FILED
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13 FEB 28 PM 2:54

LEGAL PROCESS #6

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THE NATIONAL GRANGE OF THE ORDER OF PATRONS OF HUSBANDRY
and EDWARD L. LUTTRELL

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.

Case No. 34-2012-00130439

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

[Evid. Code § 452]

Date: May 14, 2013

Time: 2:00 p.m.

Dept.: 53

RESERVATION #1804368

ROBERT MCFARLAND, an individual,

Cross-Complainant,

vs.

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

Cross-Defendants.

Cross-Defendants The National Grange of the Order of Patrons of Husbandry and Edward L.

Luttrell request this court to take judicial notice of documents already in the court's file in this action.

Evidence Code section 452, subdivision (d), provides that the following may be judicially noticed:

**NATIONAL GRANGE'S AND EDWARD LUTTRELL'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT
OF DEMURRER TO EACH OF THE CAUSES OF ACTION IN MCFARLAND'S CROSS-COMPLAINT**
01109134.WPD

1 "Records of (1) any court of this state or (2) any court of record of the United States or of any state of
2 the United States." (See *Ventimiglia v. Board of Behavioral Sciences* (2008) 168 Cal.App.4th 296, 301.)
3 Specifically, this court is requested to take judicial notice of the existence of pertinent excerpts from
4 bylaws of the National Grange and the California State Grange, which were previously filed in support
5 of the National Grange's request for preliminary injunction. Because two copies of each of the lengthy
6 documents has already been filed with the court in this action, Cross-Defendants refrain from attaching
7 them a third time here. Cross-Complainant McFarland has already also been served with them twice.

8 Date: February 28, 2013

PORTER SCOTT
A Professional Corporation

9
10 By: Thomas L. Riordan
11 Martin N. Jensen
12 Thomas L. Riordan
13 Attorneys for Plaintiff and Cross-Defendants
14 THE NATIONAL GRANGE OF THE ORDER
15 OF PATRONS OF HUSBANDRY
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3 **DECLARATION OF SERVICE**

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

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

11 **NATIONAL GRANGE'S AND EDWARD L. LUTTRELL'S REQUEST FOR JUDICIAL
12 NOTICE IN SUPPORT OF DEMURRER TO EACH OF THE CAUSES OF ACTION IN
13 MCFARLAND'S CROSS-COMPLAINT**

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

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

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

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

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

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

24 **Attorneys for Robert McFarland**

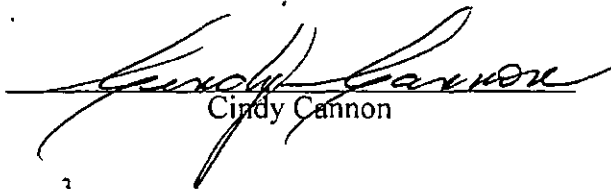
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29 I declare under penalty of perjury that the foregoing is true and correct. Executed at
30 Sacramento, California on February 28, 2013 .

31 
32 Cindy Cannon