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LEGAL PROCESS #3

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SACRAMENTO

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

Plaintiff,

v.

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

Defendants.

Case No.: 34-2012-00130439

**DECLARATION OF WILLIAM A.
LAPCEVIC IN SUPPORT RETURN ON
ORDER TO SHOW CAUSE RE:
PRELIMINARY INJUNCTION**

DATE: March 29, 2013

TIME: 2:00 p.m.

DEPT: 53

Complaint filed: October 1, 2012

Trial Date: None set

I, William A. Lapcevic, declare:

1. I am an attorney duly licensed to practice before all the courts of the State of California, and am a senior associate with the law firm, Ellis Law Group, counsel of record for Defendant Robert McFarland in the above captioned matter. I state the facts herein of my own personal knowledge and if called upon to do so, could and would competently testify thereto.

ORIGINAL

1 2. On March 4, 2013, I learned that the National Grange was moving forward with a
2 "Grange trial" on March 14, 2013. The outcome of such an event would be used to negatively affect
3 McFarland's employment contract.

4 3. On January 28, 2013, on behalf of Defendant Robert McFarland ("McFarland"), I
5 served discovery requests on Plaintiff the National Grange, through its counsel, Martin Jensen at Porter
6 Scott. Plaintiff's responses were due to be served no later than March 4, 2013.

7 4. On March 1, 2013, Martin Jensen, counsel for The National Grange, contacted me to
8 request an extension in which to respond to McFarland's discovery requests. I granted an extension
9 until March 18, 2013, for Plaintiff to serve responses. Attached to the **Index of Exhibits** as **Exhibit K**
10 is a true and correct copy of Mr. Jensen's letter of March 1, 2013, confirming the extension. At the
11 time of granting the extension, I did not know that the trial had been scheduled for March 14.

12 5. On March 1, 2013, on behalf of McFarland, I sent a letter to counsel for National
13 Grange, objecting to any "Grange Trial" going forward and requesting that they agree to stay or abate
14 this proceeding until this matter is heard on its merits at trial. A true and correct copy of my March 1,
15 2013 letter is attached to the **Index of Exhibits** as **Exhibit L**.

16 6. On March 4, 2013, I received by email a letter rejecting our proposal for the National
17 Grange to stay or abate the approaching "Grange Trial." The letter further notified McFarland for the
18 first time that the "Grange Trial" would be held on March 14, 2013. Attached to the **Index of Exhibits**
19 as **Exhibit M** is a true and correct copy of the March 4, 2013 letter from Mr. Jensen.

20 7. On March 12, 2012, an *ex parte* application for a temporary restraining order, filed by
21 McFarland, was heard by the Honorable David Brown. Judge Brown granted the *ex parte* application
22 for a temporary restraining order staying the "Grange Trial" pending further court order. Attached to
23 the **Index of Exhibits** as **Exhibit P** is a true and correct copy of the March 12, 2013 Minute Order of
24 which the Court is requested to take judicial notice.


8. On March 13, 2013, I received an email from Steve Verrill stating that the “Grand Trial” of March 14, 2013 will be postponed pending certain Court actions. Based on prior conduct by the National Grange in setting the previous trial, I believe it will again set an immediate Grange Trial should this Motion not be granted. Attached to the **Index of Exhibits** as **Exhibit Q**, is a true and correct copy of that email.

9. The issuance of a preliminary injunction is necessary because if the “Grange Trial” is permitted to go forward prior to a trial on the merits in this Court, McFarland will have been effectively deprived of his ability to obtain or compel discovery from the National Grange, he will not be able to cross-examine witness against him, he will be forced to expend a substantial amount of money in order to just be able present evidence and witness in his defense, and will not be able to protect his rights of employment with the California State Grange.

10. Attached to the **Index of Exhibits** as **Exhibit N** is a true and correct copy of the National Grange's Complaint against the California State Grange, Robert McFarland, John Luvaas, Gerald Chernoff and Damina Parr.

11. Attached to the **Index of Exhibits** as **Exhibit O** is a true and correct copy of the Order denying National Grange's request for injunctive relief.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on March 13, 2013, in Sacramento, California.

By 
William A. Lapcevic