

ORIGINAL

1 Mark E. Ellis - 127159  
William A. Lapcevic - 238893  
2 Elizabeth A. Handelin - 275710  
ELLIS LAW GROUP, LLP  
3 740 University Avenue, Suite 100  
Sacramento, CA 95825  
4 Tel: (916) 283-8820  
Fax: (916) 283-8821

5 Attorneys for Defendant  
6 ROBERT MCFARLAND

FILED  
ENDORSED

13 MAR 13 PM 3:52

LEGAL PROCESS #3

7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 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 v.

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

17 Defendants.  
18

Case No.: 34-2012-00130439

**NOTICE OF MOTION AND MOTION ON  
RETURN ON ORDER TO SHOW CAUSE  
RE: PRELIMINARY INJUNCTION**

*DATE: March 29, 2013*

*TIME: 2:00 p.m.*

*DEPT: 53*

*Complaint Filed October 1, 2013*

*Trial Date: None*

19 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

20 NOTICE IS HEREBY GIVEN that on March 29, 2013 at 2:00 p.m. or as soon thereafter as  
21 counsel may be heard in Department 53 of the Sacramento County Superior Court, located at 800  
22 Ninth Street, Sacramento, California, Defendant Robert McFarland (hereinafter "McFarland") will and  
23 hereby does move the Court for an order to show cause why a preliminary injunction should not be  
24 granted, enjoining Plaintiff, The National Grange, from proceeding with its internal trial procedures  
25 despite its conflict with the current matter before this court.

26 This motion is made on several grounds. The National Grange has chosen its forum in state  
27 court, and has waived its right to proceed internally based upon its own actions. The National Grange,  
28

1 by holding the internal proceedings, is doing or threatening to be done an act in violation of  
2 McFarland's rights respecting the subject of this action, and tending to render ineffectual the order  
3 denying the preliminary injunction against McFarland and the other Defendants in the current action.  
4 Proceeding internally will cause McFarland and other Defendants irreparable harm. Holding an  
5 internal proceeding is futile because the outcome is already known. Finally, the terms of the contract  
6 provided the circumstances cannot be enforced because those terms are unconscionable. McFarland  
7 has not previously applied for such relief.

8 This motion is based on the Memorandum of Points and Authorities, the Declaration of  
9 William A. Lapcevic and exhibits thereto, the Declaration of Robert McFarland and exhibits thereto,  
10 and all pleadings and papers on file in this action, and upon such other oral and documentary evidence  
11 as may be presented to the Court on the date of the hearing.

12 PLEASE TAKE FURTHER NOTICE that the Court will issue a tentative ruling the day before  
13 the scheduled hearing, as follows:

14 "Pursuant to Local Rule 1.06 (A) the court will make a tentative ruling on the  
15 merits of this matter by 2:00 p.m., the court day before the hearing. The complete  
16 text of the tentative rulings for the department may be downloaded off the court's  
17 website. If the party does not have online access, they may call the dedicated  
18 phone number for the department as referenced in the local telephone directory  
19 between the hours of 2:00 p.m. and 4:00 p.m. on the court day before the hearing  
20 and receive the tentative ruling. If you do not call the court and the opposing party  
21 by 4:00 p.m. the court day before the hearing, no hearing will be held."

22 Dated: March 13, 2013

23 ELLIS LAW GROUP, LLP

24 By

25 William A. Lapcevic  
26 Attorney for Defendant  
27 ROBERT MCFARLAND  
28