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**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 OPPOSITION TO DEFENDANT MCFARLAND'S MOTION FOR PRELIMINARY INJUNCTION**

**Date: March 29, 2013**
**Time: 2:00 p.m.**
**Dept: 53**

Complaint Filed: October 1, 2012
Trial Date: None Set

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## INTRODUCTION

Plaintiff National Grange opposes Defendant McFarland's motion for a preliminary injunction to stay his internal Grange trial until the conclusion of this judicial action. McFarland oddly contends that the Digest of Bylaws of the National Grange, a document formally recognized as the supreme law of the Order in which he has served as a State Master for four years, is a contract of adhesion and that the binding authority should instead be a report by his supporters on the Executive Committee of the California State Grange, even though such a determination has absolutely no role in internally adjudicating charges under the bylaws. McFarland is mistaken.

McFarland misconceives the nature of the instant action filed by the National Grange. Careful reading of the complaint filed herein by the National Grange demonstrates that there is no significant overlap of issues between the instant judicial action and the internal disciplinary proceedings of the private nonprofit organization. Thus, there can be no conflicting rulings between McFarland's Grange trial and the instant action. The instant judicial action filed by the National Grange does not go at all to the substantive merits of the charges against McFarland, which must be decided at a Grange trial. The judicial action merely alleges that whatever the results of the Grange trial, and any subsequent internal appeal, McFarland and the California State Grange must accept it as long as the bylaws of the Order are not clearly violated or misinterpreted. Instead, McFarland has gone rogue in advance of any Grange trial adjudication by rejecting the bylaws of the Order. Whether the National Grange wins or loses in the instant judicial action concerning the enforceability of its internal procedures, the Grange trial must still go forward to adjudicate McFarland's guilt regarding charged violations of bylaws. McFarland's position is ultimately self-negating; if the bylaws of the National Grange are somehow deemed invalid regarding other Granges, then his very office as Master of the California State Grange by definition cannot exist within the Order.

Following the suspension of the Charter of the California State Grange for defying the rule of the Order, the National Grange filed the instant action precisely to protect the efficacy of the internal proceedings such as McFarland's Grange trial. Far from waiving its right to conduct a Grange trial, the National Grange merely sought in the instant action to ensure such a trial would ultimately be

meaningful. The National Grange was required to file this judicial action because McFarland and a majority of members of the California State Grange deliberately disregarded McFarland's suspension lawfully imposed by Edward Luttrell, Master of the National Grange. The procedures for internally adjudicating the substantive charges against McFarland are provided in the bylaws of the National Grange, and are expressly endorsed in the bylaws of the California State Grange. The instant judicial action purposely avoids any determination of the substantive charges against McFarland, because those are to be decided though internal Order procedures, including the impending Grange trial. It has nothing to do with McFarland's employment contract with the California State Grange. It is worth noting that even if the Grange trial directly threatened McFarland's employment contract, there would still be no basis for granting injunctive relief against the National Grange. Damages would constitute an adequate remedy.

The California Supreme Court has cogently held that courts should refrain from exercising their jurisdiction over the internal adjudications of most private organizations, whether based inside or beyond California. The only time California courts should become involved in internal matters is when there is a clear violation of the bylaws. McFarland has never set forth any authority suggesting there has been a clear violation of any of the Order's bylaws in adjudicating the charges against McFarland in a Grange trial, or that the Order of the Grange is in some way an exception to the general rule about private organizations being free to administer their own internal procedures. Instead, McFarland merely contends that the Grange's bylaws are not procedurally fair to him in the same way that a judicial trial in court would be. Again, McFarland misunderstands the applicable standard. The whole point of precluding judicial micro-management of a private organization's adjudications is that the internal procedures of such organizations will almost always vary from the judicial standards required in civil courts, and they may be based upon a group's particular customs and traditions. As long as the organization's bylaws are not plainly disregarded, however, the courts of California have no role. Contrary to McFarland's assertion, his impending Grange trial (and potential internal appeal) will not seek to terminate his employment contract with a California corporation, but instead, simply determine whether the charges are proven and, if so, whether he can

remain as a State Grange Master under the rule of the Order.

Regarding the requirements for injunctive relief, McFarland has shown no irreparable harm or lack of legal remedies. Indeed, he has cross-complained for damages in this very action. Furthermore, McFarland has demonstrated neither that he is correct on the merits nor that he faces irreparable harm through the internal Grange trial going forward. First, even if this court were to decide to exercise jurisdiction over the internal adjudication procedures of the Order of the Grange, McFarland cannot prevail on the substantive merits of his dispute regarding the fairness of the Grange trial procedures. McFarland contends that as an equitable matter, the bylaws of the Order are unfairly skewed against him as the charged member, but McFarland as Master of the California State Grange has himself accepted the results of his own 2012 Grange trial and appeal on another previous matter. McFarland has also invoked and enforced the same general Grange trial procedures as Master of the California State Grange against others, even if not meticulous about observing all required steps. Indeed, he recently used the Grange trial procedures in purging dissenting Executive Committee members and other Grange members. Thus, McFarland lacks "clean hands" to request equity against the National Grange for the same procedures he employs against others. The same rules are provided throughout the Order. McFarland cannot claim that these internal procedures established through the bylaws are unfair only when applied to him.

Moreover, McFarland does not face any immediate harm if the preliminary injunction is denied. He does not set forth any evidence suggesting that the California State Grange is likely to terminate his employment contract even if he were to be found guilty of charges by the Grange trial, and he thereafter failed to prevail this time on appeal. There is no indication that McFarland or the California State Grange would suddenly agree to abide by the results of the Grange trial and ensuing appeal in any event. On the other hand, allowing McFarland to continue in his position as Master of the California State Grange, without permitting the National Grange to adjudicate whether McFarland's conduct violates the bylaws of the Order, throws into chaos any notion of authority within the private organization's bylaws. Other state and community Granges will have little incentive to comply with lawful rulings of the National Grange with which they disagree.

## STATEMENT OF FACTS

In August 2011, a complaint was filed against McFarland by members of the California State Grange (not Luttrell) who believed the bylaws of the Order had been violated by McFarland's handling of the approval process for sale of a property upon a proposed consolidation of two community Granges. (Luttrell Declaration, ¶ 2; Exhibit A thereto) After a Grange trial found McFarland in violation of the bylaws and recommended that he be removed from office as Master, he appealed the decision and his discipline was reduced in May 2012 to a reprimand and a two-month suspension as Master. McFarland agreed to accept that punishment. (Luttrell Declaration, ¶ 3; Exhibit B thereto) Overseer Martha Stefenoni thus served as Acting Master for June and July 2012, pursuant to the bylaws. (Luttrell Declaration, ¶ 4)

In the meantime, Edward Luttrell, Master of the National Grange, became aware of McFarland's actions regarding the 2009 settlement agreement between the California State Grange and the Vista Grange. (Luttrell Declaration, ¶ 5) Following receipt of the 2009 settlement agreement and further examination of the surrounding circumstances, Luttrell referred McFarland's conduct for internal Grange adjudication and on August 6, 2012, suspended McFarland from his position as Master of the California State Grange pursuant to section 4.10.7. of the bylaws of the National Grange pending his trial. (Luttrell Declaration, ¶ 6; Exhibit C thereto) McFarland retained counsel and advised Luttrell that he would not obey the bylaws and would continue to serve as Master, suggesting that because the California State Grange was incorporated as a nonprofit in California, and his employment contract with the California State Grange might be affected, he need not heed the rules of the Order. (Luttrell Declaration, ¶ 7) Meanwhile, McFarland has himself utilized, and permitted to be utilized by others, the same basic process (while failing to follow the proper steps) to remove from office dissidents who have refused to acknowledge his right to defy the Order. (Luttrell Declaration, ¶ 8; Exh. D thereto) Because Luttrell was the Complainant in the most recent Grange trial involving McFarland as the Respondent, he designated National Grange Overseer Jimmy Gentry the task of assembling the three-person trial panel without Luttrell's approval or suggestions. (Luttrell declaration, ¶ 9)

The discipline of the Order will be seriously harmed if McFarland is permitted to disregard the bylaws of the Order with impunity. Masters of other Granges throughout the state and country will have every incentive to disregard decisions of the Order that they disagree with, knowing that state courts can simply step in to protect them from facing any internal discipline whatsoever, at least until the entire dispute proceeds through the civil judicial system. (Luttrell Declaration, ¶ 10)

## LEGAL ARGUMENT

### I. THIS COURT SHOULD NOT EXERCISE ITS JURISDICTION TO HALT MCFARLAND'S GRANGE TRIAL, WHICH IS AUTHORIZED THE BYLAWS OF THE ORDER.

McFarland conspicuously fails to cite to any provision of the bylaws of the National or California State Grange that he maintains has been violated or disregarded by the National Grange in the internal adjudication of the charges against McFarland. Nor does he allege that the National Grange has given any of the bylaws a plainly unreasonable interpretation. Instead, he merely asserts that the bylaws are unfair as they are applied to him. The question of whether the bylaws setting forth the internal adjudication process follows constitutional due process principles required of government entities is beyond the concern of civil courts.

The California Supreme Court has explained the narrowly limited role of the judiciary regarding the internal rules of private associations, such as the Grange. Specifically, *California Dental Assn. v. American Dental Assn.* (1979) 23 Cal.3d 346, 353-354, stated:

> As was recognized in *Dingwall v. Amalgamated Assn. etc.* (1906) 4 Cal.App. 565, 569 [88 P. 597], "the rights and duties of the members as between themselves and in their 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] constitution and by-laws." (See also *Stoica v. International etc. Employees* (1947) 78 Cal.App.2d 533, 535-536 [178 P.2d 21].) In many disputes in which such rights and duties are at issue, however, the courts may decline to exercise jurisdiction. Their determination not to intervene reflects their judgment that the resulting burdens on the judiciary outweigh the interests of the parties at stake. One concern in such cases is that 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.)

Under *California Dental Assn.*, a civil court should consider interfering only "when a private voluntary organization plainly contravenes the terms of its bylaws." (*Id.* at p. 353.) Even McFarland does not allege that such occurred here. Instead, McFarland misstates the reasoning of *California Dental Association*. McFarland suggests that as long as in personam jurisdiction was established by the National Grange's use of California courts to sue, then the court should exercise subject matter jurisdiction to ensure that McFarland can disregard the Order's bylaws as long as he believes the "outcome is known." Such an outcome would be directly contrary to the thrust of the California Supreme Court's reasoning. *California Dental Association* held that the judicial litigation should go forward only because at the threshold the ADA had clearly violated ADA's own bylaws. "The initial question presented by the case at hand, therefore, is whether the ADA Judicial Council's refusal to consider the CDA's Code of Ethics and Advisory Opinions plainly contravenes the ADA's bylaws." (*Id.* at p. 354.) In the absence of such a clear violation of the bylaws here, the court should not become involved.

California case law consistently warns that the judicial role for California courts pertaining to internal disputes within private organizations is very narrow indeed. They will steer clear of interpreting an organization's bylaws where there is any doubt about their meaning and application. Otherwise, their can be no "plain violation" of the bylaws. *Hard v. California State Employees Assn.* (2003) 112 Cal.App.4th 1343, 1347, explained the standard for judicial interpretation of bylaws as follows:

> A court may review a private organization's interpretation of straightforward bylaw language only where it is unreasonable, does not involve an arcane rule within the peculiar knowledge of the organization, and does not depend on the organization's rituals and customs. Even then, the judiciary may intercede in the private dispute only where the interests of the challenging party outweigh the burden on the judiciary and the autonomy interest of the private organization.

Here, McFarland does not contend that the National Grange is interpreting a clear bylaw in a manner that is unreasonable, just that the application of the bylaws will result in outcome that is known. (McFarland Ps & As, 14:14-16) McFarland does not indicate that the National Grange is engaging in any clearly unreasonable interpretation of the bylaws.

Finally, *Cal. Trial Lawyers Ass'n v. Superior Court* (1986) 187 Cal.App.3d 575, 580, explains that the judicial "reluctance to intervene in internecine controversies, the resolution of which requires that an association's constitution, bylaws, or rules be construed, is premised on the principle that the judiciary should generally accede to any interpretation by an independent voluntary organization of its own rules which is not unreasonable or arbitrary." Again, it is crucial to note that McFarland has failed to point to any bylaw that the National Grange has clearly violated, or the interpretation of any bylaw that is clearly unreasonable. As such, the court should not interfere with the internal procedure of the National Grange in adjudicating McFarland's alleged offenses under the rules of the Order.

## II. EVEN IF THE COURT WERE TO CONSIDER EXERCISING JURISDICTION OVER THE NATIONAL GRANGE'S INTERNAL PROCEEDINGS, IT SHOULD NOT GRANT A PRELIMINARY INJUNCTION IN FAVOR OF MCFARLAND.

Injunctive relief should not be granted as a matter of course to a litigant. A party seeking a preliminary injunction must first demonstrate that there are no adequate legal remedies available to him before the court will even consider an injunction. Even if the party is able to make such a showing, an injunction should only be granted if he is likely to prevail on the merits and the balance of hardships favors him.

### A. Adequate Remedies Are Available.

*Choice-in-Education League v. Los Angeles Unified School Dist.* (1993) 17 Cal.App.4th 415, 422, holds that "before the trial court can exercise its discretion the applicant must make a prima facie showing of entitlement to injunctive relief. The applicant must demonstrate a real threat of immediate and irreparable injury [citations] due to the inadequacy of legal remedies." McFarland here has failed to indicate why the impending Grange trial is likely to engender any immediate and impending injury.

First, the injury McFarland suggests is threatened by a Grange trial is his employment contract with the California State Grange. Such injury is neither immediate nor irreparable. If McFarland were found to have violated the laws of the Order as charged here, he would then be able to appeal the Grange trial determination through the appeal process set forth in the same bylaws, as he did somewhat successfully in 2012 regarding other charges. It is by no means "futile" for McFarland to engage in the internal Grange adjudication process. Before a different panel, McFarland was able to

reduce the discipline from removal from office to a two-month suspension. McFarland, meanwhile, does not set forth any evidence indicating that the mere finding of a violation of the bylaws at a Grange trial would cause the California State Grange to immediately terminate his employment contract before completion of the appeal process. After all, it did not do so even after the Grange trial in 2011 found McFarland to have violated the charges and recommended his removal from office.

Indeed, at this time there is no indication at all that the California State Grange would heed the results of the National Grange trial, even if McFarland's appeal ultimately failed to overturn the charges or reduce the discipline to less than removal from office. That is to say, because the majority of the Executive Committee of the California State Grange in 2012-2013 has made manifest that it will not obey the lawful bylaws of the Order, there is almost no possibility that McFarland's employment contract would be terminated as a result of the National Grange internal procedures, no matter what the result.

In most contexts, as here, damages will provide an adequate legal remedy, making injunctive relief superfluous and unnecessary. (See *Dolske v. Gormley* (1962) 58 Cal.2d 513, 521; *Wilkison v. Wiederkehr* (2002) 101 Cal.App.4th 822, 832.) McFarland has already filed a cross-complaint alleging that the internal procedures employed by the National Grange have injured him in a manner that can be compensated by damages. McFarland suggests no reason that damages would be inadequate here. In the unlikely event that the California State Grange were to terminate McFarland's employment contract, he would presumably be able to sue for damages to recover his lost salary.

### B. A Preliminary Injunction Cannot Be Properly Issued Where McFarland Is Unlikely To Prevail On The Merits And The Balance Of Harms Favors The National Grange.

The California Supreme Court sets forth the standard for preliminary injunctions as follows:

> [W]hen deciding whether or not to issue a preliminary injunction, trial courts must evaluate two interrelated factors. (*Cohen v. Board of Supervisors* (1985) 40 Cal.3d 277, 286 [219 Cal.Rptr. 467, 707 P.2d 840].) "'The first is the likelihood that the plaintiff will prevail on the merits at trial. The second is the interim harm that the plaintiff is likely to sustain if the injunction were denied as compared to the harm that the defendant is likely to suffer if the preliminary injunction were issued. [Citations.]'"

(*CBS, Inc. v. Block* (1986) 42 Cal.3d 646, 650.) "The trial court's determination must be guided by a

'mix' of the potential-merit and interim-harm factors; the greater the plaintiff's showing on one, the less must be shown on the other to support an injunction." (*Butt v. State of California* (1992) 4 Cal.4th 668, 678.) Here, it is important to note that, unlike the more common situation, it is McFarland as the Defendant who is seeking the injunction, not Plaintiff.

**a. The Merits**

Assuming arguendo this court were to find there were no jurisdictional impediments to judicially litigating whether the charges against McFarland will be properly litigated internally by the National Grange, the result would almost certainly be that the internal procedures are not deemed to be unfair to McFarland. Even if the focus were solely on the initial Grange trial, McFarland's examples do not indicate procedural unfairness in any manner. Thus, McFarland has demonstrated no likelihood of prevailing on the merits.

As a preliminary matter, it is crucial that McFarland's analogy between the long-established bylaws of the Order and an unconscionable contractual arbitration clause be rejected. Such analogy is fundamentally flawed on several levels. McFarland has not only been a member and officer in the Order for a number of years, but he has also served as Master of the California State Grange for four years. Article II of the Constitution of the California State Grange states: "The State Grange, as a chartered division of the National Grange, shall have the right and power, as the good of the Order requires, to adopt laws for the organization, administration and regulation of the affairs of the various divisions of the State Grange, including laws limiting, defining, and regulating the powers of the various Granges of the divisions of the State Grange, so long as they do not conflict with the laws of the National Grange." Likewise, Section 1.3.1of the Constitution of the National Grange establishes that the National Grange shall be the "controlling and supreme law making division of the Order." California law authorizes a nonprofit corporation to delegate control to other organizations. (Corp. Code, §§ 5140, 7140, subd. (j).)

McFarland has thus pledged to uphold the bylaws of the Order, which conspicuously include

the procedures for Grange trials, and has utilized the same procedures as Master.[1] Indeed, McFarland had employed these same procedures in the bylaws against dissenters within the California State Grange. This situation bears no similarity to a person being required to sign a contract he has never seen before, which encompasses a hidden one-sided arbitration clause. There can be no "oppression" or "surprise" when McFarland knew and used these same National Grange bylaws provisions for many years. In any event, the National Grange bylaws do not create an overly harsh or one-sided result.

McFarland points to several provisions of the bylaws he mistakenly deems unfair. McFarland contends that it is unfair for him to have to deposit any funds to pay for the Grange trial proceedings, but neglects to point out that it is reciprocal under the bylaws. (National Grange bylaws section 12.2.19, Exh. D to Luttrell Declaration.) Indeed, Luttrell as the complaining party had previously deposited the same $10,000 amount for a two-day Grange trial, which would not be recovered if McFarland were to prevail. Luttrell does not indicate that he was unable to afford to deposit the amount requested.[2]

Next, McFarland asserts that the members of the panel to conduct the Grange trial were "cherry-picked" by Luttrell. That is not correct regarding his impending trial. Although under the bylaws Luttrell as Master of the National Grange must initiate the existence of a Grange trial panel, he purposely did not choose which individuals would sit on the panel, since he was the Complainant. It was Jimmy Gentry, separately elected Overseer of the National Grange, who actually requested three persons from different states to sit on the Grange trial panel. (Luttrell Declaration, ¶ 9) In any event, the appeal panel, which ruled partially in McFarland's favor in 2012 would consist of other members

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[1] Article IX of the Constitution of the California State Grange provides: "The State Grange shall use the procedures as provided for in the Digest of Laws of the National Grange for all trials of members of the Order charged with violations of this Constitution; By-Laws, the Manuals of the Degrees of the Order; or the laws of any division of the Order that may apply."

[2] If McFarland were, in fact, unable to afford the deposit, the bylaws permit him to petition the Grange trial panel to conduct the trial anyway and accept evidence from all parties. Although section 12.2.19 of the National Grange bylaws state that if the Complainant fails to deposit the requisite amount, the trial court "shall dismiss" the complaint, but the trial court has discretion to allow evidence proffered by the Respondent.

of the National Grange, who were also elected separately from Luttrell. (National Grange bylaws section 12.2.24, Exh. D to Luttrell Declaration.)

Finally, McFarland points out correctly that the bylaws of the order do not specify that all parties have the right to cross-examination and the right to present as many witnesses as they want. Of course, these features are not required in all contexts in order to have a fair hearing. Even in the context of due process requirements, where the government may deprive a citizen of certain benefits, the United States Supreme Court has held that "'[d]ue process, unlike some legal rules, is not a technical conception with a fixed content unrelated to time, place and circumstances.' *Cafeteria Workers v. McElroy*, 367 U.S. 886, 895 (1961).'[D]ue process is flexible and calls for such procedural protections as the particular situation demands." (*Mathews v. Eldridge* (1976) 424 U.S. 319, 334.) Moreover, "in administrative proceedings, a formal hearing accompanied by the full rights of confrontation and cross-examination is not necessarily required." (*Stardust Mobile Estates, LLC v. City of San Buenaventura* (2007) 147 Cal.App.4th 1170, 1189.) A fortiori, cross-examination is not required in the internal proceedings of private nonprofit organization. Likewise, even in a judicial trial in California courts the number of witnesses may be limited if their testimony is deemed cumulative. (*South Bay Chevrolet v. General Motors Acceptance Corp.* (1999) 72 Cal.App.4th 861, 906.) Fundamental fairness does not require an unlimited number of witnesses be permitted to testify at all hearings.

**b. Balancing Harms**

If the preliminary injunction is granted here, the National Grange will effectively be precluded from pursuing internal Grange trials until the conclusion of this action, including all appeals. This is true because the preliminary injunction sought goes directly to the heart of the internal Grange trial procedure. No matter how bad a Grange officer might be for the Order, and no matter how damaging his or her conduct, there would then be no internal procedure pursued to remove such person from a Grange office, at least in California. Of course, similar maneuvers may be attempted in other states as well since there appears to be no potential downside over several years for those who violate the

bylaws of the Order and defy rightful authority thereunder.

On the other hand, if McFarland's preliminary injunction is denied here, he will not suffer any negative consequence in the foreseeable future. Even if the Grange trial were to find McFarland to have violated the bylaws as charged, he will again have the opportunity to alter the result through the National Grange appeal panel. Even if he were to lose at that level and his removal from office were to be upheld, there is no conceivable likelihood of his employment contract being terminated by the Executive Committee of the California State Grange, who are all McFarland's political supporters, especially following his purge of dissenters.

### C. The Doctrine Of Clean Hands Precludes McFarland From Being Granted A Preliminary Injunction.

The venerable doctrine of unclean hands arises from the maxim that one who comes to court seeking equity must come with clean hands. (*Jay Bharat Developers, Inc. v. Minidis* (2008) 167 Cal.App.4th 437, 445; *Blain v. Doctor's Co.* (1990) 222 Cal.App.3d 1048, 1059.) *Kendall-Jackson Winery, Ltd. v. Superior Court* (1999) 76 Cal.App.4th 970, 978, explains that "[t]he unclean hands doctrine protects judicial integrity and promotes justice. It protects judicial integrity because allowing a plaintiff with unclean hands to recover in an action creates doubts as to the justice provided by the judicial system." In the instant case, McFarland should not be permitted to obtain a preliminary injunction against the internal Grange trial procedures on the grounds that they are fundamentally unfair, when during the past several months McFarland has himself been using the very same procedures to remove from office dissenters in the California State Grange. (Luttrell Declaration, ¶ 10.)

## CONCLUSION

For all the foregoing reasons, McFarland's motion for a preliminary injunction to stay his Grange trial until the conclusion of the instant action should be denied.

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Dated: March 21, 2013

PORTER SCOTT
A PROFESSIONAL CORPORATION

By _____
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**National Grange, et al. v. Bob McFarland**
**Sacramento County Superior Court Case No. 34-2012-00130439**

## DECLARATION OF SERVICE

I am a citizen of the United States and employed in Sacramento County, California. I am over the age of eighteen years and not a party to the within above-entitled action. My business address is 350 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.

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

**NATIONAL GRANGE'S OPPOSITION TO DEFENDANT MCFARLAND'S MOTION FOR PRELIMINARY INJUNCTION**

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

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

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

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

✓ **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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I declare under penalty of perjury that the foregoing is true and correct. Executed at Sacramento, California on March 21, 2013.

Cindy Cannon