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THE NATIONAL GRANGE OF THE ORDER OF PATRONS OF HUSBANDRY

**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 CALIFORNIA STATE
GRANGE'S JOINDER TO 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

The National Grange submits this succinct opposition to the California State Grange's "joinder" simply to point out several brief anomalies. First, by supporting this preliminary injunction against "all Grange Trials," the California State Grange goes well beyond anything requested by McFarland. It is not truly a joinder. At the same time, the California State Grange sets forth no evidence regarding the balancing of harms to support such a broad injunction. Thus, due process principles do not permit such a drastic remedy be granted here.

It is also interesting to note that the California State Grange is in the strange position of calling for the end of its own ability to adjudicate disciplinary concerns or disputes among community Granges. These adjudications can only be undertaken by Grange trials within the bylaws of the

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TO MCFARLAND'S MOTION FOR PRELIMINARY INJUNCTION**

**FILED
ENDORSED**

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LEGAL PROCESS #6

1 National Grange. Of course, in no way can halting all such proceedings be considered preservation
2 of the status quo. It would throw the Order into turmoil by removing all disciplinary control under the
3 bylaws.

4 Finally, the California State Grange oddly cites this court's previous denial of the National
5 Grange's motion for preliminary injunction based on insufficient evidence of harm as an affirmative
6 prohibition of Grange trials to protect the status quo. This is nonsensical. The National Grange's
7 instant action, and prior request for preliminary injunction, merely sought to compel all parties to
8 continue to observe the bylaws of the Order instead of blatantly flouting them. As required in the
9 bylaws, the National Grange has consistently urged that the internal procedures established by the
10 bylaws be followed and govern all internal Grange trials. McFarland and the California State Grange
11 unambiguously state that they will not follow the bylaws. Meanwhile, McFarland and the California
12 State Grange to this day have still never pointed to a bylaw of the Order that the National Grange is
13 clearly violating or misinterpreting in conducting Grange trials. The outcome of the instant action filed
14 judicially by the National Grange cannot affect the substantive outcome of the Grange trials on the
15 merits regarding the conduct of McFarland or others under the bylaws of the Order..

16 Not only *California Dental Assn. v. American Dental Assn.* (1979) 23 Cal.3d 346, 350, but
17 other California cases as well, consistently and uniformly support the proposition that judicial courts
18 throughout the state should get involved in the adjudication of internal organization disputes if and
19 only if such organizations, or persons voluntarily bound by the bylaws of such organization, clearly
20 violate those bylaws. (See also *Hard v. California State Employees Assn.* (2003) 112 Cal.App.4th
21 1343, 1347; *Cal. Trial Lawyers Ass'n v. Superior Court* (1986) 187 Cal.App.3d 575, 580.) None of
22 those decisions suggests that California's judicial courts should get involved in the adjudication of the
23 substantive merits of the internal dispute at all, or even the general fairness of the procedures set forth
24 in the applicable bylaws. That is precisely the position of the National Grange here. This court should
25 ensure that none of the parties clearly violate the bylaws, but not whether McFarland's discipline
26 under those bylaws is proper or enforceable by the Order.

27 For the foregoing reasons, this court should not heed McFarland's political allies in the

1 California State Grange calling for all Grange trials to be stopped pending conclusion of the instant
2 litigation.

3 Date: March 25, 2013

PORTER SCOTT
A PROFESSIONAL CORPORATION

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5 By Thomas L. Riordan
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9 THE NATIONAL GRANGE OF THE ORDER
10 OF PATRONS OF HUSBANDRY
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4 **DECLARATION OF SERVICE**

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

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

12 **NATIONAL GRANGE'S OPPOSITION TO DEFENDANT CALIFORNIA STATE**
13 **GRANGE'S JOINDER TO MCFARLAND'S MOTION FOR PRELIMINARY INJUNCTION**

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
18 below.
19 ☐ **By Overnight Delivery.** I caused such document to be delivered by overnight delivery to the
20 office of the person(s) listed below.
21 ☐ **By Facsimile.** I caused such document to be transmitted by facsimile machine to the office
22 of the person(s) listed below.
23 ☒ **By E-Mail.** I caused such document to be transmitted by electronic format to the office of
24 the person(s) listed below.

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26 **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 March 25, 2013.

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32 
33 Cindy Cannon