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13 MAR 26 PM 3: 15
 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

**DECLARATION OF ROBERT MCFARLAND
 IN SUPPORT OF THE REPLY RE: HIS
 MOTION FOR PRELIMINARY
 INJUNCTION**

DATE: March 29, 2013

TIME: 2:00 P.M.

DEPT: 53

Complaint Filed October 1, 2013

Trial Date: None Set

19 I, Robert McFarland, hereby declare that:

20 1. I am currently the elected Master and President of the California State Grange. The
 21 facts stated in this declaration are true and correct and based on my own personal knowledge, and if
 22 called upon to testify thereto, I am competent to do so.

23 2. All persons that become a member of the Grange take an oath which states in pertinent
 24 part, "... I will conform to and abide by the laws of my State and Nation, and the Constitution, rules
 25 and regulations of the Grange at all levels ..." as part of the initiation ceremony set forth in the Digest
 26 of Laws. Attached to the Index of Exhibits as **Exhibit "W"** is a true and correct copy of the Digest of
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 28

1 Laws. At the time I was elected President of the California State Grange in 2009, the civil lawsuit
2 between the California State Grange and the Vista Grange had been going on for some period of time.

3 3. On or about November 2009, while I was attending the National Grange Convention in
4 Grand Rapids, Michigan, I was asked by Edward Luttrell to meet with himself and the National
5 Grange Executive Committee regarding the Vista Grange lawsuit. I met with them as requested and
6 informed them of as much information as I had in my knowledge. I explained to Edward Luttrell and
7 the National Committee that the Delegates of the California State Grange had passed a resolution
8 assigning the California State Grange Executive Committee with the duty of settling the Vista Grange
9 lawsuit. I further explained to the National Committee that the California State Grange was just ending
10 three consecutive years of deficit spending and that the attorney's fees related to the Vista Grange
11 lawsuit were running approximately \$5,000.00 a month.

12 4. During the very same meeting, I reminded Edward Luttrell and the National Grange
13 Executive Committee that the California State Grange had formally requested financial support from
14 the National Grange, in order to continue to proceed with the Vista lawsuit, however the National
15 Grange refused to contribute any money and only offered a loan for \$12,000 which was not sufficient
16 to see the Vista lawsuit through to a conclusion. The meeting concluded with me informing Edward
17 Luttrell and the National Grange Executive Committee that the California State Grange Executive
18 Committee thought that a settlement was the best method of resolution and asked them if there was
19 anything that they would like to suggest in terms of settlement to which neither Edward Luttrell or the
20 National Grange Executive Committee responded.

21 5. On December 9, 2009, I attended a court ordered mediation in the Vista lawsuit. With
22 the advice and consent of a majority of the California State Grange Executive Committee, I entered
23 into a settlement agreement with the Vista Grange. The terms of the settlement included: The Charter
24 of the Vista Grange being reinstated; the Vista Grange amending its Articles of Incorporation
25 reinstating the Vista Grange; An agreement that the Vista Grange could sell it's real property
26 consistent with Grange Law; Proceeds from the sale would be split with 20% going to the California
27 State Grange and 80% disbursed for purposes approved by the California State Grange Executive
28 Committee to include scholarships for agricultural related fields, and books and education materials for

1 children in the Vista community; General releases from both parties; and a dismissal of the action by
2 the California State Grange.

3 6. On or about August 15, 2010, I caused to be sent to Edward Luttrell an email informing
4 him of the terms of the settlement of the Vista lawsuit. Attached to the Index of Exhibits as **Exhibit**
5 **"T"** is a true and correct copy of the August 15, 2010 email sent to Edward Luttrell regarding the
6 terms of the Vista lawsuit settlement.

7 7. On or about November 1, 2010, I again caused to be sent to the National Grange
8 Executive Committee and Edward Luttrell a copy of the minutes from the California State Grange
9 Executive Committee in which the Committee affirmed the terms of the Vista lawsuit settlement.
10 Attached to the Index of Exhibits as **Exhibit "U"** is a true and correct copy of the November 1, 2010
11 email sent to Edward Luttrell and the National Grange Executive Committee regarding the California
12 State Grange Executive Committee affirming the terms of the settlement.

13 8. Since November 2010, I never heard anything from either Edward Luttrell or the
14 National Grange regarding the terms of the Vista settlement, until I received a copy of Edward
15 Luttrell's August 1, 2012 letter regarding charges against me related to the Vista settlement agreement
16 on the first day I returned from a 60 day suspension.

17 9. On or about September 24, 2012, approximately 45 days after I received Edward
18 Luttrell's Complaint, I received a letter from Jeffrey Swainston stating that an Arbitration Panel had
19 been appointed and that I had 15 days from the date of such letter to respond to the Arbitration Panel.
20 However, before I was able to send any reply I was served with the National Grange's Complaint and
21 Motion to restrain me from performing my job. A true and correct copy of the letter dated September
22 21, 2012 is attached to the Index of Exhibits as **Exhibit "R"**.

23 10. On or about January 15, 2013, I received an email from Jeffery Swainston of the
24 Arbitration Panel stating that they are recommending a "Grange Trial". From the time that I received
25 the letter in September from the Arbitration Panel to the time I received the letter recommending a
26 "Grange Trial" I did not receive one phone call or communication from the Arbitration Panel
27 attempting to informally discuss any type of resolution to this matter. A true and correct copy of the
28

1 email as well as its attachment dated January 7, 2012 is attached to the Index of Exhibits as **Exhibit**
2 "S".

3 11. Pursuant to the Digest of Laws §12.2.16 and §12.2.17, the National Grange is supposed
4 to appoint an Arbitration Panel within 30 days of a Complaint being lodged and the Arbitration Panel
5 is required to take reasonable steps to resolve the issues between the parties. However, I never received
6 one phone call or communication from any member of the Arbitration Panel attempting to resolve or
7 confer about any of the issues brought about by the charges Edward Luttrell made against me. Instead,
8 I have been forced to defend myself and my employment in a State Court action and now have been
9 told that I must pay approximately 25% of my annual salary if I would like to have the ability to put on
10 any evidence in a "Grange Trial".

11 12. On or about March 8, 2013, the Board of Directors of the California State Grange
12 provided me a vote of confidence and also unanimously passed a resolution stating: *"This corporate*
13 *body resolves we support our State Master Bob McFarland and our executive committee for actions*
14 *taken during the last year and continue to do so."* Attached to hereto as **Exhibit "V"** is a true and
15 correct copy of the March 8, 2013 resolution of the Board of Directors of the California State Grange
16 providing me a vote of confidence to continue on as the President of the California State Grange.

17 13. Recently I have learned that the National Grange has caused to be filed a Complaint and
18 scheduled a "Grange Trial" against John Luvaas, a member of the Board of Directors of the California
19 State Grange. On information and belief, the "Grange Trial" will cost him approximately \$8,000.00 to
20 attend and attempt to defend. I fear that without injunctive relief the National Grange will keep
21 bringing charges and setting "Grange Trials" until they can install Directors that are favorable to
22 Edward Luttrell and then terminate my employment contract.

23 I declare under penalty of perjury under the laws of the State of California that the foregoing is
24 true and correct, and that this declaration was executed on March 26, 2013, in Sacramento, California.

25
26
27 
28 ROBERT McFARLAND