

ORIGINAL

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

Attorneys for
DEFENDANT ROBERT MCFARLAND

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LEGAL PROCESS #3

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

**DEFENDANT MCFARLAND'S
OBJECTIONS TO PLAINTIFF'S EVIDENCE
IN SUPPORT OF ITS OPPOSITION TO HIS
MOTION FOR PRELIMINARY
INJUNCTION**

DATE: March 29, 2013

TIME: 2:00 P.M.

DEPT: 53

Complaint Filed: October 1, 2013

Trial Date: None

Defendant Robert McFarland hereby makes the following objections to the Declaration of
Edward Luttrell in support of the National Grange's Opposition to his Motion for Preliminary
Injunction:

<u>Evidence Objected To</u>	<u>Grounds For Objection</u>	<u>Court's Ruling</u>
Luttrell Decl., p. 1, ¶ 2: "In August 2011, a complaint was filed against Robert McFarland by members of the California State Grange who believed the bylaws of the Order had been violated by McFarland's handling of the approval process for sale of a	1. <u>Lacks Foundation (§403):</u> The Declarant fails to proffer any preliminary evidence to lay a foundation for his personal knowledge of the subject matter of the Complaint that was filed against McFarland by members of the California	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Evidence Objected To</u>	<u>Grounds For Objection</u>	<u>Court's Ruling</u>
property upon a proposed consolidation of two community Granges."	<p>State Grange.</p> <p>2. <u>Speculation:</u> The Declarant has failed to identify any factual evidence to show how he became aware of what the Complainants actually believed.</p> <p>3. <u>Hearsay:</u> The Declarant's statement summarizes the allegations made by non-parties to the current action against McFarland in a separate action.</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p> <p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>
Luttrell Decl., p. 2, ¶ 3: "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 as permitted in the National Grange bylaws, and his punishment was reduced in May 2012 to a reprimand and a two-month suspension as Master. McFarland agreed to accept that punishment."	4. <u>Hearsay:</u> The Declarant's statement summarizes the findings of other persons not involved in the current litigation.	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>
Luttrell Decl., p. 2, ¶ 4: "Overseer of the California State Grange, Martha Stefenoni, served as Acting Master for June and July 2012, pursuant to the bylaws of the Order, during McFarland's suspension."		<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>
Luttrell Decl., p. 2 ¶ 5: "In July 2012, I became aware of McFarland's actions regarding the 2009 settlement agreement between the California State	5. <u>Lacks Foundation (§403):</u> The Declarant fails to proffer any preliminary evidence to lay a foundation for his personal knowledge of McFarland's actions	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

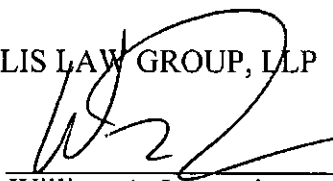
<u>Evidence Objected To</u>	<u>Grounds For Objection</u>	<u>Court's Ruling</u>
Grange and the Vista Grange."	<p>regarding the 2009 settlement agreement.</p> <p>6. <u>Hearsay:</u> The Declarant's statement summarizes the statements or findings of other persons not involved in the current litigation and asserts them for the truth of the matter asserted.</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>
<p>Luttrell Decl., p. 2, ¶ 6: "Following receipt of the 2009 settlement agreement with Vista Grange and further examination of the surrounding circumstances, I 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, as authorized by section 4.10.7 of the bylaws of the National Grange."</p>	<p>7. <u>Lacks Foundation (§403):</u> The Declarant fails to proffer any preliminary evidence to lay a foundation for his personal knowledge of McFarland's actions regarding the 2009 settlement agreement, nor does Declarant proffer any evidence of the supposed settlement agreement.</p> <p>8. <u>Hearsay:</u> The Declarant's statement summarizes the statements or findings of other persons not involved in this present litigation. Further, Declarant has failed to proffer any copy of the settlement agreement and is testifying as to the content of a settlement document drafted and negotiated outside his presence.</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p> <p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>
<p>Luttrell Decl., p. 2, ¶ 7: "McFarland retained counsel and advised me that he would not obey the bylaws and would continue to serve as Master, suggesting that because the California State</p>		

Evidence Objected To	Grounds For Objection	Court's Ruling
	<p>that such process was employed to "remove office dissidents" without supplying any facts to support such classification.</p> <p>12. Irrelevant: Allegations of whether McFarland or the California State Grange utilized Grange Trials are irrelevant to the present matter.</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>Luttrell Decl., p. 2, ¶ 9: "Because I was the Complainant in the most recent Grange trial involving McFarland as the Respondent, I designated National Grange Overseer, Jimmy Gentry, the task of assembling the three-person trial panel without my approval or suggestions as to the members chosen."</p>		

Dated: March 26, 2013

ELLIS LAW GROUP, LLP

By



William A. Lapcevic
Attorney for
DEFENDANT ROBERT MCFARLAND