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13 MAR 26 PM 3: 14
LEGAL PROCESS #3.

Attorneys for DEFENDANT ROBERT MCFARLAND

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.

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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:

Evidence Objected To	Grounds For Objection	Court's Ruling
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. Lacks Foundation (§403): 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	□ Sustained □ Overruled

- 1 -

		Evidence Objected To	Grounds For Objection	Court's Ruling
1		property upon a proposed	State Grange.	
2		consolidation of two community Granges."	2. Speculation:	□ Sustained
3			The Declarant has failed to	
4			identify any factual evidence to show how he	1 Overruled
			became aware of what the	
5			Complainants actually believed.	
6			Jone vou.	
7			3. Hearsay: The Declarant's statement	
8			summarizes the allegations	
9			made by non-parties to the current action against	□ Sustained
10			McFarland in a separate	□ Overruled
			action.	
11		Luttrell Decl., p. 2, ¶ 3: "After a	4. Hearsay:	□ Sustained
12		Grange trial found McFarland in	The Declarant's statement summarizes the findings of	
13		violation of the bylaws and recommended that he be removed	other persons not involved	□ Overruled
14		from office as Master, he appealed	in the current litigation.	
15		the decision as permitted in the National Grange bylaws, and his		
16		punishment was reduced in May		
		2012 to a reprimand and a two- month suspension as Master.		
17		McFarland agreed to accept that		
18		punishment."		
19		Luttrell Decl., p. 2, ¶ 4:		□ Sustained
20		"Overseer of the California State		□ Overruled
21		Grange, Martha Stefenoni, served as Acting Master for June and July		□ Overruled
22		2012, pursuant to the bylaws of the		
23		Order, during McFarland's suspension."		
- [·		
24				
25		Luttrell Decl., p. 2 ¶ 5: "In July	5. <u>Lacks Foundation (§403)</u> : The Declarant fails to	□ Sustained
26		2012, I became aware of McFarland's actions regarding the	proffer any preliminary	□ Overruled
27		2009 settlement agreement	evidence to lay a foundation for his personal knowledge	
28	;	between the California State	of McFarland's actions	
	1		_	

	Evidence Objected To	Grounds For Objection	Court's Ruling
1	Grange and the Vista Grange."	regarding the 2009 settlement agreement.	
2		settlement agreement.	
3		6. <u>Hearsay</u> : The Declarant's statement	□ Sustained
4		summarizes the statements or findings of other persons	□ Overruled
5 6		not involved in the current litigation and asserts them	
7		for the truth of the matter asserted.	
8			
9	Luttrell Decl., p. 2, ¶ 6:	7. <u>Lacks Foundation (§403)</u> : The Declarant fails to	□ Sustained
10	"Following receipt of the 2009	proffer any preliminary evidence to lay a foundation	□ Overruled
11	settlement agreement with Vista Grange and further examination of	for his personal knowledge of McFarland's actions	□ Overruled
12	the surrounding circumstances, I referred McFarland's conduct for	regarding the 2009	
13	internal Grange adjudication, and on August 6, 2012, suspended	settlement agreement, nor does Declarant proffer any	
14	McFarland from his position as	evidence of the supposed settlement agreement.	
15	Master of the California State Grange, as authorized by section	8. Hearsay:	
16	4.10.7 of the bylaws of the National Grange."	The Declarant's statement summarizes the statements	□ Sustained
17 18		or findings of other persons not involved in this present	□ Overruled
19		litigation. Further, Declarant	
20		has failed to proffer any copy of the settlement	
21		agreement and is testifying as to the content of a	
22		settlement document drafted and negotiated outside his	
23		presence.	
24			
25	Luttrell Decl., p. 2, ¶ 7:		
26	"McFarland retained counsel and		
27	advised me that he would not obey the bylaws and would continue to		
28	serve as Master, suggesting that because the California State		
		- 3 -	

	Evidence Objected To	Grounds For Objection	Court's Ruling
1	Grange was incorporated as a		
2	nonprofit in California, and his employment contract with the		
3	California State Grange might be		
	affected, he need not heed the rules		
4	of the Order."		
5	Lutrell Decl., p. 2, ¶ 8: "Over the	9. <u>Lacks Foundation (§403)</u> : The Declarant fails to	□ Sustained
6	years as Master of the California Grange, McFarland has himself	proffer any preliminary	
7	employed the internal Grange trial	evidence to lay a foundation	5 0
8	procedures set forth in Chapter 12	for his personal knowledge of McFarland's use of any	
ľ	of the Nation Grange bylaws Recently, McFarland has utilized,	internal Grange Trial	
9	and permitted to be utilized by	procedures or that	
10	others, the same basic process	McFarland personally employed such proceedings	
11	(while failing to follow the proper steps) to remove from office	as opposed to other	
	dissidents who have refused to	members of the California	
12	acknowledge his right to defy the	State Grange.	
13	Order."	10. Hearsay:	
14		The Declarant's statement	□ Sustained
ŀ		summarizes the statements or findings of other persons	
15		not involved in this present	□ Overruled
16		litigation.	
17		11. Conclusory:	
		Declaration which sets forth	
18		only conclusions, opinions,	□ Sustained
19		or ultimate facts is insufficient. (Kramer v.	□ Overruled
20		Barnes (1963) 212	
21		Cal.App.2d 440, 446; 6	
		Witkin Cal. Proc. 5th (2008) PWT §226 p. 667.	
22		The Declarant fails to offer	
23		any specific facts of any	
24		such incident, and concludes that McFarland has	
		personally employed the	
25		"Grange Trial" process as	
26		opposed to other members of the California State	
27		Grange employing such	
		process. Further the	
28		Declarant simply concludes	

Evidence Objected To	Grounds For Objection	Court's Ruling
= 11.5	that such process was	□ Sustained
	employed to "remove office	0 11
	dissidents" without	□ Overruled
	supplying any facts to	
	support such classification.	
	12. Irrelevant:	•
	Allegations of whether	
	McFarland or the California	
	State Grange utilized	
	Grange Trials are irrelevant	
	to the present matter.	
	1	
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."		

Dated: March 26, 2013

ELLIS LAW GROUP, LLP

Ву

William A. Lapcevic Attorney for

DEFENDANT ROBERT MCFARLAND