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LEGAL PROCESS #2

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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 OBJECTION TO  
DEFENDANT MCFARLAND'S  
SUBMISSION OF NEW EVIDENCE AND  
ARGUMENTS IN REPLY PAPERS IN  
SUPPORT OF HIS 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 objection to McFarland's reply papers insofar as he seeks to admit new evidence and make new arguments for the first time at this late stage. All the new evidence and arguments proffered by McFarland, who bears the burden of proof, could have and should have been submitted with his moving papers, not after the National Grange has filed its opposition papers pursuant to this court's schedule. McFarland was well aware of the National Grange's same jurisdictional argument about the bylaws since September 2012, and more recently, in the National Grange's opposition to McFarland's ex parte application. He was not responding to a new contention by the National Grange in its opposition to this motion for preliminary injunction.

Such a filing by McFarland is unnecessarily prejudicial to the National Grange. In particular,

**NATIONAL GRANGE'S OBJECTION TO DEFENDANT MCFARLAND'S SUBMISSION OF NEW  
EVIDENCE AND ARGUMENTS IN HIS MOTION FOR PRELIMINARY INJUNCTION REPLY**

1 the evidence and argument raising for the first time a purported technical violation of the bylaws  
2 regarding the internal Grange arbitration procedure amounts to impermissible sandbagging. McFarland  
3 does not suggest any reason why he could not have submitted that material with his moving papers.  
4 In addition, the evidence raising details regarding the substantive merits of the internal Grange trial  
5 should also have been submitted with McFarland's moving papers. Consequently, the court should  
6 disregard all this new material in its entirety.

7 Date: March 27, 2013

PORTER SCOTT  
A PROFESSIONAL CORPORATION

8  
9 By Thomas L. Riordan  
Martin Jensen  
Thomas L. Riordan  
Attorneys for Plaintiff  
THE NATIONAL GRANGE OF THE ORDER  
OF PATRONS OF HUSBANDRY

3 **DECLARATION OF SERVICE**

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

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

11 **NATIONAL GRANGE'S OBJECTION TO DEFENDANT MCFARLAND'S SUBMISSION**  
12 **OF NEW EVIDENCE AND ARGUMENTS IN REPLY PAPERS IN SUPPORT OF HIS**  
13 **MOTION FOR PRELIMINARY INJUNCTION**

- 14 ☒ **By Mail.** I caused such envelope with postage thereon fully prepaid to be placed in the United  
15 States mail at Sacramento, California.  
16 ☐ **By Personal Service.** I caused such document to be delivered by hand to person(s) listed  
17 below.  
18 ☐ **By Overnight Delivery.** I caused such document to be delivered by overnight delivery to the  
19 office of the person(s) listed below.  
20 ☐ **By Facsimile.** I caused such document to be transmitted by facsimile machine to the office  
21 of the person(s) listed below.  
22 ☒ **By E-Mail.** I caused such document to be transmitted by electronic format to the office of  
23 the person(s) listed below.

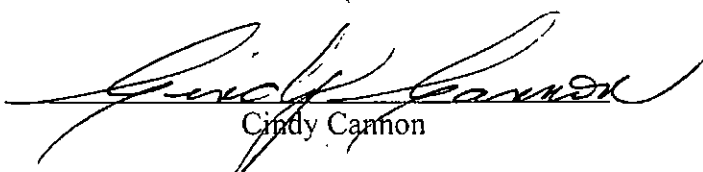
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I declare under penalty of perjury that the foregoing is true and correct. Executed at  
Sacramento, California on March 27, 2013.

  
Cindy Cannon

**NATIONAL GRANGE'S OBJECTION TO DEFENDANT MCFARLAND'S SUBMISSION OF NEW**  
**EVIDENCE AND ARGUMENTS IN HIS MOTION FOR PRELIMINARY INJUNCTION REPLY**