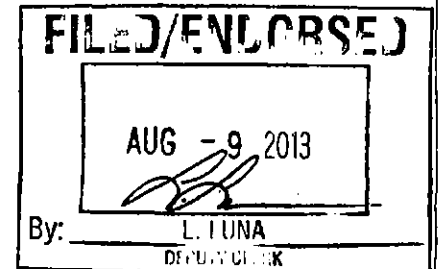


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6 Attorneys for Defendant/Cross-Complainant ROBERT MCFARLAND

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

**ROBERT McFARLAND'S ANSWER TO
FIRST AMENDED COMPLAINT**

19
20 Defendant/Cross-Complainant ROBERT MCFARLAND, hereby answers the First Amended
21 Complaint for Declaratory Judgment and Injunction as follows:

22 **GENERAL DENIAL**

23 Defendant Robert McFarland generally denies each and every allegation set forth in complaint
24 pursuant to California Code of Civil Procedure section 431.30(d), and defendant further generally
25 denies that plaintiff has sustained any injury, damage, or loss by reason of any act or omission on part
26 of defendants. In addition, without admitting any allegations contained in the complaint, defendants
27 assert the following affirmative defenses based on information and belief:
28 ///

1 FIRST AFFIRMATIVE DEFENSE

2 The First Amended Complaint, and each cause of action, fails to state a claim upon which relief
3 can be granted.

4 SECOND AFFIRMATIVE DEFENSE

5 The First Amended Complaint, in whole or in part, is barred by the applicable statute of
6 limitations.

7 THIRD AFFIRMATIVE DEFENSE

8 The First Amended Complaint, and each cause of action, must fail against defendant, because
9 defendant was fulfilling his duty as provided by law.

10 FOURTH AFFIRMATIVE DEFENSE

11 To the extent the First Amended Complaint asks the court to rewrite various statutes, this court
12 has no jurisdiction.

13 FIFTH AFFIRMATIVE DEFENSE

14 The First Amended Complaint, and each cause of action, must fail because plaintiff cannot
15 establish the requisite elements and circumstances necessary to succeed on its claim.

16 SIXTH AFFIRMATIVE DEFENSE

17 The First Amended Complaint, and each cause of action, is barred because plaintiffs have not
18 suffered irreparable injury and are unlikely to succeed on the merits.

19 SEVENTH AFFIRMATIVE DEFENSE

20 The First Amended Complaint, and each cause of action is barred by the doctrines of estoppel,
21 laches, and/or waiver.

22 EIGHTH AFFIRMATIVE DEFENSE

23 No relief may be obtained under the First Amended Complaint by reason of the plaintiff's
24 failure to do equity in the matters alleged in the First Amended Complaint and cross-complaint filed
25 within.

26 NINTH AFFIRMATIVE DEFENSE

27 No relief may be obtained under the First Amended Complaint based on the doctrine of unclean
28 hands.

1 TENTH AFFIRMATIVE DEFENSE

2 No relief may be obtained under the First Amended Complaint based on the doctrine of waiver.

3 ELEVENTH AFFIRMATIVE DEFENSE

4 Plaintiff is barred by laches in proceeding in this action against defendant.

5 TWELFTH AFFIRMATIVE DEFENSE

6 By conduct, representations and omissions as more fully alleged in the cross-claim filed
7 herewith and incorporated herein, plaintiff is equitably estopped to assert, any claim for relief against
8 this defendant respecting the matters which are the subject of the First Amended Complaint.

9 THIRTEENTH AFFIRMATIVE DEFENSE

10 Plaintiff is not entitled to attorneys' fees.

11 FOURTEENTH AFFIRMATIVE DEFENSE

12 The First Amended Complaint, and each cause of action, must fail against defendant, because
13 defendant's actions are protected by the business judgment rule.

14 FIFTEENTH AFFIRMATIVE DEFENSE

15 This defendant is informed and believes and thereon alleges that other third persons were
16 careless and/or negligent, and/or committed intentional acts, and that this carelessness, negligence
17 and/or these intentional acts solely caused or proximately contributed to the happening of the acts,
18 omissions and incidents alleged in the First Amended Complaint.

19 SIXTEENTH AFFIRMATIVE DEFENSE

20 This defendant presently has insufficient knowledge or information on which to form a belief
21 as to whether said defendant may have additional, as yet unstated, defenses available. This defendant
22 reserves herein the right to assert additional defenses in the event discovery indicates that such
23 defenses would be appropriate.

24 PRAYER FOR RELIEF

25 WHEREFORE, defendants pray as follows:

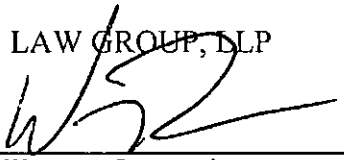
- 26 a. That the court enter judgment in favor of defendant;
27 b. That plaintiff take nothing by its First Amended Complaint;

- 1 c. That the court award defendant his costs and attorneys' fees incurred in connection with
2 this action; and
3 d. For such other and further relief as the court deems just and proper.
4

5 Dated: August 9, 2013

6 ELLIS LAW GROUP, LLP

7
8 By


William A. Lapcevic

Attorney for

9 DEFENDANT/CROSS COMPLAINANT ROBERT
10 MCFARLAND
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CERTIFICATE OF SERVICE

I, Jennifer E. Mueller, declare:

I am a citizen of the United States, am over the age of eighteen years, and am not a party to or interested in the within entitled cause. My business address is 740 University Avenue, Suite 100, Sacramento, CA 95825.

On August 9, 2013, I served the following document(s) on the parties in the within action:

ROBERT McFARLAND'S ANSWER TO FIRST AMENDED COMPLAINT

X	BY MAIL: I am familiar with the business practice for collection and processing of mail. The above-described document(s) will be enclosed in a sealed envelope, with first class postage thereon fully prepaid, and deposited with the United States Postal Service at Sacramento, CA on this date, addressed as follows:
	BY HAND: The above-described document(s) will be placed in a sealed envelope which will be hand-delivered on this same date by _____, addressed as follows:
	VIA FACSIMILE: The above-described document(s) was transmitted via facsimile from the fax number shown on the attached facsimile report, at the time shown on the attached facsimile report, and the attached facsimile report reported no error in transmission and was properly issued from the transmitting facsimile machine, and a copy of same was mailed, on this same date to the following:
	VIA OVERNIGHT SERVICE: The above-described document(s) will be delivered by overnight service, to the following:

Martin Jensen
Thomas Riordan
Porter Scott
350 University Avenue
Suite 200
Sacramento, CA 95825

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Plaintiffs/Cross-Defendants The National Grange
of the Order of Patrons of

Robert Swanson
Daniel Stouder
Boutin Jones, Inc.
555 Capitol Mall
Suite 1500
Sacramento, CA 95814

Attorneys for
Defendants The California State Grange, John
Luvaas, Gerald Chernoff, and D

I declare under penalty of perjury under the laws of the State of California that the foregoing is a true and correct statement and that this Certificate was executed on August 9, 2013.

By

Jennifer E. Mueller

RECEIVED
IN DROP BOX

13 AUG -9 PM 2: 48

GDSSC COURTHOUSE
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO