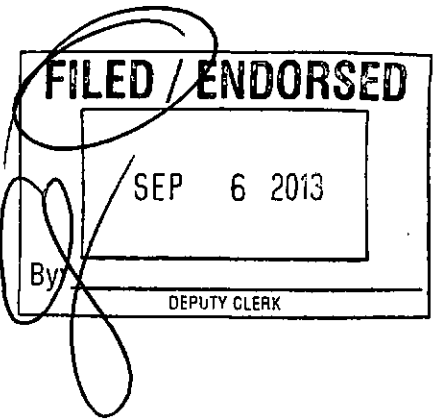


BOUTIN JONES INC.

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Attorneys for Defendant and Cross-complainant,
The California State Grange and Defendants
Jon Luvaas, Gerald Chernoff, Damian Parr,
Takashi Yogi, Kathy Bergeron, and Bill Thomas



**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SACRAMENTO**

THE NATIONAL GRANGE OF THE
ORDER OF PATRONS OF
HUSBANDRY, a Washington, D.C., non-
profit corporation,

Plaintiff,

vs.

THE CALIFORNIA STATE GRANGE, a
California nonprofit corporation, and
ROBERT McFARLAND, JOHN
LUVAS, GERALD CHERNOFF,
DAMIAN PARR, TAKASHI YOGI,
KATHY BERGERON, AND BILL
THOMAS,

Defendants.

Case No.: 34-2012-00130439

**ANSWER OF THE CALIFORNIA
STATE GRANGE, JON LUVAS,
GERALD CHERNOFF, DAMIAN PARR,
TAKASHI YOGI, KATHY BERGERON,
AND BILL THOMAS TO NATIONAL
GRANGE OF THE ORDER OF PATRONS
OF HUSBANDRY'S UNVERIFIED FIRST
AMENDED COMPLAINT FOR
DECLARATORY RELIEF AND
INJUNCTION**

THE CALIFORNIA STATE GRANGE, a
California non-profit,

Cross-complainant,

vs

THE NATIONAL GRANGE OF THE
ORDER OF PATRONS OF
HUSBANDRY, Washington D.C., non-
profit corporation; and Edward L. Luttrell,
an individual, and ROES 1 through 10,
Inclusive.

Cross-defendants.

Date Action Filed: 10/01/12

-1-

ANSWER OF THE CALIFORNIA STATE GRANGE, JON LUVAS, GERALD CHERNOFF, DAMIAN PARR, TAKASHI
YOGI, KATHY BERGERON, AND BILL THOMAS TO NATIONAL GRANGE OF THE ORDER OF PATRONS OF
HUSBANDRY'S UNVERIFIED FIRST AMENDED COMPLAINT FOR DECLARATORY RELIEF AND INJUNCTION

1 Defendants The California State Grange, Jon Luvaas, Gerald Chernoff, Damian Parr, Takashi
2 Yogi, Kathy Bergeron, and Bill Thomas (collectively "Defendants") answer the unverified First
3 Amended Complaint for Declaratory Relief and Injunction ("Complaint") filed by plaintiff The
4 National Grange of the Order of Patrons of Husbandry ("Plaintiff") as follows:

5 **GENERAL DENIAL**

6 Pursuant to California Code of Civil Procedure section 431.30(d), Defendants deny each and
7 every allegation contained in the Complaint, including all causes of action therein, and further
8 deny that Plaintiff has been damaged in any amount whatsoever in law or equity.

9 **FIRST AFFIRMATIVE DEFENSE**

10 The Complaint, and each cause of action, fails to state facts sufficient to constitute a cause of
11 action against Defendants.

12 **SECOND AFFIRMATIVE DEFENSE**

13 The Complaint, and each cause of action, is uncertain under § 430.10(f) of the Code of Civil
14 Procedure.

15 **THIRD AFFIRMATIVE DEFENSE**

16 The Complaint, and each cause of action, is barred in whole or in part by the doctrines of
17 waiver, release, consent, and/or estoppel.

18 **FOURTH AFFIRMATIVE DEFENSE**

19 Plaintiff has failed to do equity with respect to the causes of action alleged in the Complaint.

20 **FIFTH AFFIRMATIVE DEFENSE**

21 Plaintiff is not entitled to equitable relief because, upon information and belief, it has a
22 complete and adequate remedy at law, and based on a balancing of the equities.

23 **SIXTH AFFIRMATIVE DEFENSE**

24 On information and belief, Plaintiff failed to properly and adequately mitigate its damages, if
25 any. This failure to mitigate bars and diminishes Plaintiff's recovery to the extent the damages could
26 have been mitigated.

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SEVENTH AFFIRMATIVE DEFENSE

The Complaint, and each cause of action, is barred in whole or in part under the provisions of California's Corporation Code.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiff lacks standing to bring the causes of action alleged in the Complaint.

NINTH AFFIRMATIVE DEFENSE

The Complaint, and each cause of action, is barred in whole or in part because Defendants' alleged conduct was privileged.

TENTH AFFIRMATIVE DEFENSE

Upon information and belief, Plaintiff breached, repudiated, abandoned or otherwise inadequately performed a contract or agreement between Plaintiff and one or more of the Defendants.

ELEVENTH AFFIRMATIVE DEFENSE

The Complaint, and each cause of action, is barred in whole or in part by the doctrine of unclean hands.

TWELFTH AFFIRMATIVE DEFENSE

The Complaint, and each cause of action, is barred in whole or in part by the doctrine of laches.

THIRTEENTH AFFIRMATIVE DEFENSE

Plaintiff's damages, if any, are subject to a complete or partial set-off.

FOURTEENTH AFFIRMATIVE DEFENSE

The Complaint, and each cause of action, is barred in whole or in part by the provisions of Grange Law and the Judicial Code of National Grange.

WHEREFORE, Defendants pray for judgment as follows:

- 1. That Plaintiff take nothing by way of the Complaint;
- 2. That the Complaint be dismissed;
- 3. For costs of suit;
- 4. For other proper relief.

1 Dated: September 6, 2013

BOUTIN JONES INC.

2
3 By: 

4 Robert D. Swanson
5 Daniel S. Stouder
6 Attorneys for Defendant and Cross-
7 complainant, The California State Grange and
8 Defendants Jon Luvaas, Gerald Chernoff,
9 Damian Parr, Takashi Yogi, Kathy Bergeron,
10 and Bill Thomas
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PROOF OF SERVICE
[CCP §1013, 1013a]

CASE: The National Grange v. The California State Grange, et al
COURT/CASE NO.: Sacramento Superior Court Case No.: 34-2012-00130439

The undersigned declares:

I am employed in the County of Sacramento, State of California. I am over the age of 18 years and not a party to the within action; I am employed by Boutin Jones Inc., 555 Capitol Mall, Suite 1500, Sacramento, California 95814-4603.

On this date I served the foregoing document described as:

ANSWER OF THE CALIFORNIA STATE GRANGE, JON LUVAAS, GERALD CHERNOFF, DAMIAN PARR, TAKASHI YOGI, KATHY BERGERON, AND BILL THOMAS TO NATIONAL GRANGE OF THE ORDER OF PATRONS OF HUSBANDRY'S UNVERIFIED FIRST AMENDED COMPLAINT FOR DECLARATORY RELIEF AND INJUNCTION

on all parties in said action by causing a true copy thereof to be


- ☐ Transmitted Via Facsimile to the fax number set forth below before 5:00 p.m. on this date
- ☒ Placed in a sealed envelope with postage thereon fully prepaid in the designated area for outgoing mail, ☐ sent certified mail, return receipt requested
- ☐ Personally delivered by _____ to the address set forth below
- ☐ Delivered personally to the address set forth below

addressed to the person(s) on whom it is to be served, whose name(s) and address(es) are listed below:

Attorneys for Plaintiff:
Martin N. Jensen, Esq.
Thomas L. Riordan, Esq.
Porter Scott
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Sacramento, CA 95825
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Attorneys for Defendant Robert MacFarland:
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740 University Ave., Suite 100
Sacramento, CA 95814
Telephone: 916-283-8820
Fax: 916-283-8821
Email: mellis@ellislawgrp.com

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. EXECUTED on September 6, 2013, at Sacramento, California.


Micky Kelly

ANSWER OF THE CALIFORNIA STATE GRANGE, JON LUVAAS, GERALD CHERNOFF, DAMIAN PARR, TAKASHI YOGI, KATHY BERGERON, AND BILL THOMAS TO NATIONAL GRANGE OF THE ORDER OF PATRONS OF HUSBANDRY'S UNVERIFIED FIRST AMENDED COMPLAINT FOR DECLARATORY RELIEF AND INJUNCTION

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO