

ORIGINAL

FILED  
ENDORSED

2013 OCT 16 PM 3:06

LEGAL PROCESS #2

1 Mark E. Ellis - 127159  
William A. Lapcevic - 238893  
2 Amanda N. Griffith - 288164  
ELLIS LAW GROUP, LLP  
3 740 University Avenue, Suite 100  
Sacramento, CA 95825  
4 Tel: (916) 283-8820  
Fax: (916) 283-8821

5 Attorneys for Defendant/Cross-Complainant ROBERT MCFARLAND

6  
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  
19 ROBERT MCFARLAND, an individual  
Cross-Complainant

20 v.

21 THE NATIONAL GRANGE OF THE ORDER  
OF PATRONS OF HUSBANDRY, a  
22 Washington, D.C., nonprofit corporation, and  
MARTHA STEFENONI, an individual, and  
23 EDWARD L. LUTTRELL, an individual, and  
SHIRLEY BAKER, an individual, and DOES 1-  
24 10, inclusive  
Cross-Defendants

Case No.: 34-2012-00130439

**DECLARATION OF JOHN LUVAAS IN  
SUPPORT OF OPPOSITION TO CROSS-  
DEFENDANTS MARTHA STEFENONI AND  
SHIRLEY BAKER'S SPECIAL MOTION TO  
STRIKE**

DATE: October 29, 2013  
TIME: 2:00 p.m.  
DEPT: 53

Hon. David Brown

*Complaint Filed: October 1, 2012*  
*Trial Date: None set*

25  
26  
27 I, John Luvaas, hereby declare that:

28 1. I am a member of the California State Grange. At all relevant times mentioned herein, I

1 was the acting chairman for the California State Grange Executive Committee ("Executive  
2 Committee") and oversaw the Executive Committee's investigation of Robert McFarland  
3 ("McFarland"). The facts stated in this declaration are true and correct and based on my own personal  
4 knowledge, and if called upon to testify thereto, I am competent to do so.

5 2. At the 2011 California State Grange Annual Convention, I was elected to a 3-year term  
6 on the California State Grange Executed Committee. In an executive committee meeting, I received  
7 from Shirley Baker a copy of the October 10, 2011 letter from Ed Luttrell requesting the executed  
8 committee to investigate Robert McFarland. The allegations which Luttrell asked the Executive  
9 Committee to look into were: (1) whether McFarland permitted delegates to improperly affiliate with  
10 other subordinate Granges prior to the 2011 State Convention; (2) whether McFarland falsified State  
11 Grange membership applications and charters; and, (3) alleged bullying and harassment in the  
12 workplace. A true and correct copy of Luttrell's October 10, 2011 letter is attached as **Exhibit A**.

13 3. In a good faith effort to resolve the allegations against McFarland, the Executive  
14 Committee undertook an extensive investigation, which included staff interviews, witness interviews,  
15 and research into whether affiliate delegates were properly qualified, whether charter applications were  
16 falsified by McFarland, and whether McFarland engaged in intimidation and harassment in the  
17 workplace.

18 4. The investigation into the allegations against McFarland as a result of his performance  
19 of his duties as Master had nothing to do with any statements made at the convention or on the  
20 convention floor. The investigation was in regards to McFarland's alleged actions which occurred  
21 prior to the convention.

22 5. As a result of the Executive Committee's investigation, three separate reports were  
23 produced which contained its findings. The members of the Executive Committee at that time were: (1)  
24 Damian Parr; (2) Gerald Chernoff; (3) Shirley Baker; (4) Martha Stefenoni; (5) Inger Bevans; and (6)  
25 myself.

26 6. On November 18, 2011, I caused the first of three reports to be sent Luttrell regarding  
27 our investigation. This report updated Luttrell on the significant progress made into the allegations in  
28 the workplace, as well as the falsification of charter applications. This report informed Luttrell that the

1 Executive Committee found no wrongdoing on the part of Robert McFarland as it related to the charter  
2 appendices. Attached hereto as **Exhibit B**, is a true and correct copy of the Executive Committee's  
3 first report dated November 18, 2011.

4 7. Prior to forwarding the report to Luttrell, I caused a copy of the report to be sent to each  
5 member of the Executive Committee, which included Shirley Baker, Martha Stefenoni, Damian Parr,  
6 Gerald Chernoff, and Inger Bevans. Along with the report, I requested any feedback from each of the  
7 recipients. Not one of the members of the Executive Committee objected to the findings contained in  
8 this report.

9 8. Again on or about December 23, 2011, I caused the second of three reports to be sent to  
10 Luttrell regarding the Executive Committee's investigation into the allegations against McFarland.  
11 This particular report contained the Committee's findings regarding the allegation that McFarland  
12 permitted unqualified delegates to affiliate with other Granges and be seated at the 2011 State Grange  
13 convention. This report informed Luttrell that the investigation yielded no information that McFarland  
14 conspired to seat unqualified delegates. Attached is a true and correct copy of the Executive  
15 Committee's second report dated December 23, 2011 as **Exhibit C**.

16 9. Once again, prior to sending the report to Luttrell, I sent a copy of the report to all  
17 members of the Executive Committee, including Shirley Baker and Martha Stefenoni, requesting  
18 feedback. Once again, no member of the Executive Committee objected to the findings contained in  
19 this report, nor did anyone state the report was incomplete.

20 10. On January 24, 2012, I caused the final report to be sent to Luttrell. This report was to  
21 be the Executive Committee's final report regarding the completion of the investigation that Luttrell  
22 assigned it in October of 2011.

23 11. The final report informed Luttrell that the Committee found no wrongdoing by Robert  
24 McFarland. Further, the Committee found that he did not violate Grange law with respect to seating  
25 affiliate delegates at the convention and falsifying State Grange charters. Attached is a true and correct  
26 copy of the Executive Committee's third and final report dated January 24, 2011 as **Exhibit D**.

27 12. As with the first and second reports, I sent this report to all the Executive Committee  
28 members, including Shirley Baker, Martha Stefenoni and Inger Bevans, prior to forwarding it on to

1 Luttrell. I asked for input from each of the members of the Executive Committee. I received no  
2 comments in return.

3 13. On or about January 25, 2012, I, along with Damian Parr and Gerald Chernoff, received  
4 a "minority report" which was drafted by Martha Stefenoni, Shirley Baker and Inger Bevans.  
5 Attached to the Index of Exhibits is a true and correct copy of the minority report dated January 25,  
6 2012 as Exhibit E.

7 14. During this process I was unaware that three Executive Committee members (Shirley  
8 Baker, Martha Stefenoni, and Inger Bevans) were drafting a minority report in violation of Robert's  
9 Rules of Order. None of the three authors of the minority report expressed any objection or concern to  
10 myself or any other Committee member regarding the investigations findings of any of the three  
11 reports sent to Luttrell. I did not learn of the minority report or the contents contained therein until  
12 after it had already been sent to Luttrell.

13 15. I attended the 2011 Annual Convention of the California State Grange. I did not see or  
14 hear Martha Stefenoni or Shirley Baker voice any objection, or announce that an investigation was  
15 ordered into McFarland's actions. I believed that the process and findings of the investigation were to  
16 be private and confidential.

17 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
18 true and correct, and that this declaration was executed on October 14, 2013, in Chico  
19 California.

20  
21  
22 JOHN LUYAAS  
23  
24  
25  
26  
27  
28