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LEGAL PROCESS #2

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6 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

19 ROBERT MCFARLAND, an individual,

20 Cross-Complainant,

21 v.

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

25 Cross-Defendants.
26

27 I, William A. Lapcevic, declare that:
28

Case No.: 34-2012-00130439

DECLARATION OF WILLIAM A.
LAPCEVIC 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

1 1. I am an attorney duly licensed to practice before all the courts of the State of California,
2 and I am a senior associate with Ellis Law Group LLP, counsel of record for Defendant/Cross-
3 Complainant Robert McFarland in the above captioned matter. I state the facts herein are of my own
4 personal knowledge or good faith belief, and if called upon to testify thereto, I could and would
5 competently do so.

6 2. On July 31, 2013, I attended and conducted the deposition of Martha Stefenoni. During
7 her deposition (true and correct copies of excerpts of which are attached to the Index of Exhibits as
8 **Exhibit I**), Mrs. Stefenoni testified to the following:

- 9 • In 2011, she flew to Washington D.C. to meet with Edward Luttrell and brought with
10 her charter applications that an employee of the CSG provided her. Mrs. Stefenoni was
11 asking Mr. Luttrell not to approve the charter applications until she personally figured
12 out why the dates on various applications were different (pp. 75:9-20; 75:25; 76:1-3);
- 13 • Mr. Luttrell was visibly upset during his meeting with Mrs. Stefenoni, and he requested
14 that Mrs. Stefenoni go back to California and verify the dates of the other applications,
15 determine how they were dated, and report her findings back to him (pp.77:13-15; 78:2-
16 5);
- 17 • Mrs. Stefenoni further does not know who changed the dates on the charter
18 applications; she believes it could have been an employee of the CSG (p. 78:13-15);
- 19 • During her investigation of the charter applications, Mrs. Stefenoni did not contact the
20 Masters of the subordinate Granges whose applications she was supposed to look into
21 (p. 107:3-11);
- 22 • She wrote the October 5, 2011 letter (a true and correct copy of which is attached to the
23 Index of Exhibits as **Exhibit J**) to Luttrell which requested the investigation. (pp.
24 103:20-105:20.
- 25 • She created a duty log of actions she took while acting Master (pp. 254:23-255:7; a true
26 and correct copy of the duty log is attached to the Index of Exhibits as **Exhibit N**); and
- 27 • During the Executive Committee's investigation, Rich Keel, an employee of the CSG
28 had admitted to the Executive Committee that he and another employee had changed

1 the dates on the charter applications, not Bob McFarland. Despite this admission,
2 Stefenoni testified that her "intuition" believes that although she has no evidence, Mr.
3 Keel's admission is not true (pp. 170:20-172:17).

4 3. On August 5, 2013, I attended and conducted the deposition of Shirley Baker (true and
5 correct copies of excerpts of which are attached to the Index of Exhibits as **Exhibit O**). During Mrs.
6 Baker's deposition she testified that:

- 7 • She did not complete the Executive Committee's investigation into Mr. McFarland
8 despite feeling that it was incomplete (pp. 95:24-25; 96:1-10);
- 9 • Mrs. Baker did not inform the majority of the Executive Committee that her and Mrs.
10 Stefenoni were drafting a minority report (p. 99:10-13); and
- 11 • Mrs. Baker distributed the letter to Jay Hartz (pp. 127:14-129:6).

12 4. On May 14, 2013, I attended the deposition of Jay Hartz. At his deposition, Mr. Hartz
13 testified that she received Luttrell's February 7, 2011 from Mrs. Baker. (p.64:6-20). A true and correct
14 copy of excerpts from his deposition testimony is attached to the Index of Exhibits as **Exhibit L**.

15 5. On August 8, 2013, my supervising attorney, Mark E. Ellis attended the deposition of
16 Edward Luttrell. At his deposition Mr. Luttrell stated that the allegations against Mr. McFarland
17 regarding the (1) charter applications; (2) affiliation of delegates; and, (3) harassment and bullying in
18 the workplace were a "minor issue." (pp. 170:22-25; 171:1-17). A true and correct copy of excerpts
19 from his deposition testimony is attached to the Index of Exhibits as **Exhibit O**.

20 I declare under penalty of perjury under the laws of the State of California that the foregoing is
21 true and correct, and that this declaration was executed on October 16, 2013, in Sacramento,
22 California.

23
24 By  _____

William A. Lapcevic