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ENDORSED

13 OCT 24 PM 3:13

LEGAL PROCESS #3

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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

Case No.: 34-2012-00130439

**OBJECTIONS TO CROSS-DEFENDANTS'  
MARTHA STEFENONI AND SHIRLEY  
BAKER'S REQUEST FOR JUDICIAL  
NOTICE IN SUPPORT OF 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*

28 Cross-Complainant Robert McFarland hereby makes the following objections to Cross-

1 Defendants Martha Stefenoni and Shirley Baker's Request for Judicial Notice in Support of their  
2 Special Motion to Strike.

Evidence Objected To	Grounds For Objection	Court's Ruling
<b>Request for Judicial Notice: Exhibit 5</b> (in its entirety) and described as "a true and correct copy of a posting on the California State Grange website, dated October 11, 2013 (after the filing of this motion is strike."	This Court cannot take judicial notice of a posting on a website.  Under <b>California Code of Civil Procedure, section 451</b> , judicial notice must be taken of the following: (1) the decisions, constitutional, and public statutory law of California or the United States; (2) certain administrative regulations; (3) the Rules of Professional Conduct; (4) rules of pleading, practice, and procedure of the courts; (5) English words and phrases and all legal expressions; or (6) facts and propositions of generalized knowledge that are so universally known that the cannot reasonably be subject to dispute. <b>Cal. Code of Civ. Proc. §§451(a)-(f)</b> . A posting on the California Grange's website does not fall within any of the above categories and thus, the Court is not compelled to take judicial notice of Exhibit 5.	<input type="checkbox"/> Sustained  <input type="checkbox"/> Overruled
	Under <b>California Code of Civil Procedure, section 452</b> , judicial notice may be taken of the following: (1) the decisions, constitutional, and public statutory law of California or the United States; (2) regulations and legislative enactments; (3) official acts of the legislative, executive, and judicial departments; (4) records of state and federal courts; (5) rules of state and federal courts; (6) the law of an organization of nations and of foreign nations; (7) facts and propositions of such common knowledge within the territorial district of the court that cannot be reasonable subject to dispute; or (8)	

1 facts and propositions that are not  
2 reasonably subject to dispute and are  
3 capable of immediate and accurate  
4 determination by resort to resources of  
5 reasonably indisputable accuracy. **Cal.**  
6 **Code of Civ. Proc. §§452(a)-(h).**

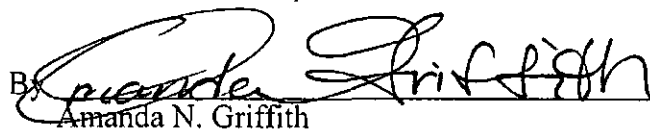
7 Likewise, a posting from the  
8 California Grange's website does not  
9 fall within one of these categories and,  
10 thus, the Court may not take judicial  
11 notice of Exhibit 5.

12 However, assuming *arguendo*, that  
13 the Court did want to take judicial  
14 notice of Exhibit 5, it can only  
15 judicially notice the fact that the  
16 California State Grange's website is in  
17 existence. **Ragland v. U.S. Bank Nat.**  
18 **Assn.** (2012) 209 Cal.App.4<sup>th</sup> 182,  
19 193. [A court may take judicial notice  
20 of the website, it may not accept its  
21 contents as true.] Thus, if the Court  
22 decides to take judicial notice of the  
23 website, it may not accept the contents  
24 of the blog posting on the California  
25 State Grange's website as true.

26 Dated: October 24, 2013

27 ELLIS LAW GROUP, LLP

28 By



Amanda N. Griffith

Attorney for

DEFENDANT/CROSS COMPLAINANT ROBERT  
MCFARLAND

## CERTIFICATE OF SERVICE

I, Sharon Silva, 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 October 24, 2013, I served the following document(s) on the parties in the within action:

**OBJECTIONS TO CROSS-DEFENDANTS' MARTHA STEFENONI AND SHIRLEY BAKER'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF SPECIAL MOTION TO STRIKE**

**X**

**VIA OVERNIGHT SERVICE:** The above-described document(s) will be delivered by overnight service, to the following:

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Stefenoni

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 October 24, 2013.

By

Sharon Silva