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THE NATIONAL GRANGE OF THE ORDER OF PATRONS OF HUSBANDRY
and EDWARD L. LUTTRELL

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

THE NATIONAL GRANGE OF THE
ORDER OF PATRONS OF HUSBANDRY,
a Washington D.C. nonprofit corporation,

Plaintiff,

v.

THE CALIFORNIA STATE GRANGE, a
California nonprofit corporation, and
ROBERT MCFARLAND, JOHN LUVAAS,
GERALD CHERNOFF and DAMIAN
PARR,

Defendants.

ROBERT MCFARLAND, an individual,

Cross-Complainant,

v.

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

Cross-Defendants.

FILED
ENDORSED

2015 JAN - 15

GDSSC COURTHOUSE
SUPERIOR COURT
OF CALIFORNIA
SACRAMENTO COUNTY

Case No. 34-2012-00130439

**OBJECTIONS TO THE DECLARATION OF
ROBERT MCFARLAND SUBMITTED IN
OPPOSITION TO THE NATIONAL
GRANGE OF THE ORDER OF PATRONS
OF HUSBANDRY AND EDWARD
LUTTRELL'S MOTION FOR SUMMARY
JUDGMENT OR, IN THE ALTERNATIVE,
SUMMARY ADJUDICATION**

DATE: January 12, 2015

TIME: 2:00 p.m.

DEPT: 53

Reservation Number: 1995904

Complaint Filed: October 1, 2012

First Amended

Complaint: July 12, 2013

First Amended

Cross-Complaint Filed: May 13, 2013

Plaintiffs/Cross-Defendants THE NATIONAL GRANGE OF THE ORDER OF PATRONS OF HUSBANDRY and EDWARD L. LUTTRELL hereby submit the following Objections to Defendant/Cross-Complainant's Evidence in Opposition to the Motion for Summary Judgment or, in the Alternative, Summary Adjudication. Specifically, the following objections apply to the Declaration of Robert McFarland.

OBJECTION NO. 1:

"The State Grange is a separate legal entity from the National Grange. As the State Grange is considered a separate and independent legal entity, it does not require approval from the National Grange before entering into contracts or ratification of such contracts." (§ 2, 2:3-5.)

GROUND'S FOR OBJECTION NO. 1:

Lack of personal knowledge. (Evid. Code § 702.) Calls for a legal conclusion.

COURT'S RULING ON OBJECTION NO. 1:

Sustained: X

Overruled: _____

OBJECTION NO. 2:

"I believe this was one of the main reasons Luttrell and Stefenoni worked together to make false allegations against me and to damage my reputation within the State Grange organization – their goal was to have me removed from my elected position so that Stefenoni could assume the role of Master of the State Grange." (§ 4, 3:6-9.)

GROUND'S FOR OBJECTION NO. 2:

Lack of personal knowledge. (Evid. Code § 702.) Lacks foundation.

COURT'S RULING ON OBJECTION NO. 2:

Sustained: X

Overruled: _____

OBJECTION NO. 3:

"During my time as Master of the State Grange, up and until Luttrell's attempt to indefinitely suspend me from my elected position, I had the privilege to serve on several panels and advisory committees and work with local members of congress. Due to Luttrell's actions, I am no

longer able to participate on these panels and committees.” (§ 6, 3:16-19.)

GROUND FOR OBJECTION NO. 3:

Relevancy. (Cal. Evid. Code § 350-351.) Lack of personal knowledge. (Evid. Code § 702.)
Calls for speculation.

COURT’S RULING ON OBJECTION NO. 3:

Sustained: ☒

Overruled: ☐

OBJECTION NO. 4:

“On or about December 24, 2011, I received an update from the Executive Committee that its investigation yielded no evidence of any wrongdoing against me. I was cleared of any allegations that I falsified Grange charter applications, bullied the State Grange staff, or sat alternative delegates at the State Grange convention. I was further informed that the report from the Executive Committee verified that it could find no violation of Grange law by me.” (§ 7, 3:20-24.)

GROUND FOR OBJECTION NO. 4:

Misstates evidence. Lack of personal knowledge. (Evid. Code § 702.)

COURT’S RULING ON OBJECTION NO. 4:

Sustained: ☐

Overruled: ☒

OBJECTION NO. 5:

“It is my understanding that the authoring of this minority report violated Robert’s Rules of Order, which the State Grange Executive Committee follows.” (§ 7, 3:27-28.)

GROUND FOR OBJECTION NO. 5:

Relevance. Lack of personal knowledge. (Evid. Code § 702.)

COURT’S RULING ON OBJECTION NO. 5:

Sustained: ☒

Overruled: ☐

OBJECTION NO. 6:

“This February 7, 2012 letter completely ignored the findings of the majority of the

California State Grange's Executive Committee's investigation as it repeatedly stated that I had falsified charter applications and engaged in bullying behavior. This letter questioned my ability to properly lead the State Grange as Master and questioned my honesty and integrity. Frankly, all this letter did was assert unfounded and vague accusations against me. This letter did not even identify who I had allegedly bullied, and which of my statements were supposedly 'insincere.'" (§ 9, 4:4-9.)

GROUND'S FOR OBJECTION NO. 6:

Misstates the document. Misstates evidence.

COURT'S RULING ON OBJECTION NO. 6:

Sustained: _____

Overruled: X

OBJECTION NO. 7:

"This letter was also sent to two people at the National Grange who have no say in how the State Grange governs itself." (§ 9, 4:11-13.)

GROUND'S FOR OBJECTION NO. 7:

Lack of personal knowledge. (Evid. Code § 702.) Lack of foundation.

COURT'S RULING ON OBJECTION NO. 7:

Sustained: _____

Overruled: X

OBJECTION NO. 8:

"This letter contained no suggestions on how I should go about running the State Grange, but rather characterized me as dishonest, a bully, unethical, insincere, and close-minded." (§ 9, 4:13-14.)

GROUND'S FOR OBJECTION NO. 8:

Misstates the document. Misstates the evidence.

COURT'S RULING ON OBJECTION NO. 8:

Sustained: X

Overruled: _____

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OBJECTION NO. 9:

"The letters sent by U.S. Mail contained the National Grange logo despite the fact that it was not an official National Grange letter." (§ 10, 4:16-18.)

GROUND'S FOR OBJECTION NO. 9:

Lack of personal knowledge. (Evid. Code § 702.) Lacks foundation.

COURT'S RULING ON OBJECTION NO. 9:

Sustained: X

Overruled: _____

OBJECTION NO. 10:

"This letter, in my opinion, contained personal and confidential information regarding false allegations against me as Master of the State Grange, and the contents of the letter were based on Luttrell's review of the Executive Committee's evaluation of my employment." (§ 11, 4:20-22.)

GROUND'S FOR OBJECTION NO. 10:

Lack of personal knowledge. (Evid. Code § 702.) Lacks foundation.

COURT'S RULING ON OBJECTION NO. 10:

Sustained: X

Overruled: _____

OBJECTION NO. 11:

"Not only was I outraged and humiliated by the dissemination of the February 7, 2012 letter, members of the State Grange found the dissemination of the letter to be inappropriate as it contained personnel matters." (§ 12, 4:23-25.)

GROUND'S FOR OBJECTION NO. 11:

Hearsay. Lack of personal knowledge. (Evid. Code § 702.) Lacks foundation. Misstates the document.

COURT'S RULING ON OBJECTION NO. 11:

Sustained: X

Overruled: _____

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OBJECTION NO. 12:

"First and foremost, I have been damaged in the amount of at least \$1,000, which is my insurance deductible. But for Mr. Luttrell's and Ms. Stefenoni's concerted actions, I would not have had to engage counsel in an attempt to keep my job as Master of the State Grange." (§ 13, 5:3-5.)

GROUND'S FOR OBJECTION NO. 12:

Relevance, as the insurance deductible was related to a different lawsuit asserted by the National Grange against Robert McFarland and the California State Grange.

COURT'S RULING ON OBJECTION NO. 12:

Sustained: X

Overruled: _____

OBJECTION NO. 13:

"Additionally, my earning potential has been damaged by the chartering of the 'new' California State Grange by Mr. Luttrell and the appointment of a 'new' California State Grange Master. This is so because the State Grange cannot properly function with what can only be seen as a rival State Grange. This impedes my ability to properly perform my job as Master and complicates any future position I may have within the organization now that there is a competing entity chartered by Luttrell. The 'new' California State Grange was not chartered until July 12, 2014, *after* my previous discovery responses were served. [emphasis in original.] (§ 14, 5:6-12.)

GROUND'S FOR OBJECTION NO. 13:

Relevancy. Lack of personal knowledge. (Evid. Code § 702.) Calls for speculation.

COURT'S RULING ON OBJECTION NO. 13:

Sustained: X

Overruled: _____

OBJECTION NO. 14:

"I have suffered shame, mortification, hurt feelings and emotional distress as a result of Mr. Luttrell's conduct, including the publishing of his February 7, 2012 letter. I constantly have to defend my reputation and character as a result of Mr. Luttrell's letter. Due to the need to defend my

1 character on almost a daily basis, I have suffered a sleeping disorder, continuing/increasing stress-
2 induced diverticulitis, stress, anxiety, and high blood pressure for which I have sought medical
3 attention and incurred monetary loss in the form of medical deductibles.” (§ 15, 5:13-18.)

4 **GROUND'S FOR OBJECTION NO. 14:**

5 Lacks foundation. Calls for an expert opinion.

6 **COURT'S RULING ON OBJECTION NO. 14:**

7 Sustained: _____

8 Overruled: X

9 **OBJECTION NO. 15:**

10 “However, he does not have the authority under State Grange law or California law to
11 remove me from my elected position as State Master.” (§ 18, 6:2-4.)

12 **GROUND'S FOR OBJECTION NO. 15:**

13 Lack of personal knowledge. (Evid. Code § 702.) Lacks foundation. Calls for a legal
14 conclusion.

15 **COURT'S RULING ON OBJECTION NO. 15:**

16 Sustained: X

17 Overruled: _____

18 **OBJECTION NO. 16:**

19 “Luttrell abused his position as National Master by advocating for my removal via an
20 indefinite, and for advocating for the suspension of my pay in June 2012. Additionally, I believe
21 Luttrell abused this position as Master of the National Grange by using his authority to conduct his
22 own investigation by recruiting members of the State Grange and soliciting information from
23 them.” (§ 18, 6:4-8.)

24 **GROUND'S FOR OBJECTION NO. 16:**

25 Relevancy. Lack of personal knowledge. (Evid. Code § 702.) Calls for a legal conclusion.
26 Lacks foundation.

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28 ///

COURT'S RULING ON OBJECTION NO. 16:

Sustained: X

Overruled: _____

OBJECTION NO. 17:

"On March 8, 2013, I took part in an Executive Committee meeting via e-mail. It was discussed and decided during this meeting that Luttrell did not have the authority to suspend me as Master and was acting in violation of Grange law and California law. Luttrell's actions were a flagrant abuse of his position as Master of the National Grange. Attached to the Master List of Exhibits as **Exhibit 20** is a true and correct copy of the March 8, 2013 Minutes from the Executive Committee Meeting." [emphasis in original] (§ 19, 6:9-13.)

GROUND'S FOR OBJECTION NO. 17:

Hearsay. Relevancy.

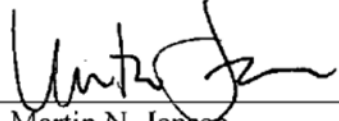
COURT'S RULING ON OBJECTION NO. 17:

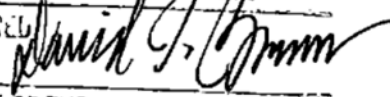
Sustained: X

Overruled: _____

Dated: January 7, 2015

PORTER SCOTT
A PROFESSIONAL CORPORATION

By 
Martin N. Jensen
Thomas L. Riordan
Attorneys for THE NATIONAL
GRANGE OF THE ORDER OF
PATRONS OF HUSBANDRY and
EDWARD LUTTRELL

DATED 1-15-15 BY CL
SO ORDERED 
JUDGE OF THE SUPERIOR COURT

1 **National Grange, et al. v. The California State Grange, et al.**
2 **Sacramento County Superior Court Case No. 34-2012-00130439**

3 **PROOF OF SERVICE**

4 At the time of service, I was over 18 years of age and not a party to this action. My
5 business address is 350 University Avenue, Suite 200, Sacramento, California 95825. On the date
6 below, I caused to have served the following document: **OBJECTIONS TO THE**
7 **DECLARATION OF ROBERT MCFARLAND SUBMITTED IN OPPOSITION TO THE**
8 **NATIONAL GRANGE OF THE ORDER OF PATRONS OF HUSBANDRY AND**
9 **EDWARD LUTTRELL'S MOTION FOR SUMMARY JUDGMENT OR, IN THE**
10 **ALTERNATIVE, SUMMARY ADJUDICATION**

11 <input checked="" type="checkbox"/>	12 BY MAIL: I placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
13	14 BY PERSONAL SERVICE: I caused such document to be personally delivered to the person(s) addressed below. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office, between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.
15	16 BY FAX TRANSMISSION: Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached
17	18 BY ELECTRONIC SERVICE: Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification address listed below.

19 Attorney for Robert McFarland 20 Mark Ellis 21 ELLIS LAW GROUP 22 740 University Avenue, Suite 100 23 Sacramento, CA 95825	24 Attorneys for The California State Grange, John 25 Luvaas, Gerald Chernoff, Damian Parr, Takashi 26 Yogi, Kathy Bergeron, and Bill Thomas 27 Robert D. Swanson / Daniel S. Stouder 28 BOUTIN JONES 555 Capitol Mall, Suite 1500 Sacramento, CA 95814
29 Attorney for Martha Stefenoni and Shirley 30 Baker 31 Michael A. Farbstein 32 FARBSTEIN & BLACKMAN 33 A Professional Corporation 34 411 Borel Avenue, Suite 425 35 San Mateo, CA 94402	36 Attorney for The Grange of the State of 37 California's Order of Patrons of Husbandry, 38 Chartered 39 Jeff Skinner 40 SCHIFF HARDIN 41 901 K Street NW, Suite 700 42 Washington, DC 20001

43 I declare under penalty of perjury under the laws of the State of California that the
44 foregoing is true and correct. Executed at Sacramento, California on January 7, 2015.

45 _____
46 Cindy Cannon

