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Attorneys for Plaintiff/Cross-Defendants
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.

Case No. 34-2012-00130439

**OBJECTIONS TO THE DECLARATION OF
BRANDON L. REEVES 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

FILED

ENDORSED

2015 JAN - 75

GD33C COURTHOUSE
SUPERIOR COURT
OF CALIFORNIA
SACRAMENTO COUNTY

1 Plaintiffs/Cross-Defendants THE NATIONAL GRANGE OF THE ORDER OF PATRONS
2 OF HUSBANDRY and EDWARD L. LUTTRELL hereby submit the following Objections to
3 Defendant/Cross-Complainant's Evidence in Opposition to the Motion for Summary Judgment or,
4 in the Alternative, Summary Adjudication. Specifically, the following objections apply to the
5 Declaration of Brandon L. Reeves, Exhibit 3 in McFarland's List of Exhibits.

6 **OBJECTION NO. 1:**

7 "As to the question of whether Luttrell had any personal dislike of McFarland, Luttrell
8 refused to provide a straight answer. Instead, he dodged the question by providing non-responsive
9 answers." (§ 4, p. 2:14-16)

10 **GROUND FOR OBJECTION NO. 1:**

11 Misstates the evidence. This was the third separate session where Luttrell was produced at a
12 deposition, and the deposition transcript attached as Exhibit 18 reveals that Luttrell, following
13 objections, completely answered the questions. Obviously, use of the present tense is irrelevant and
14 improper regarding an incident occurring nearly three years ago. There has been no meet and
15 confer effort and no discovery motion.

16 **COURT'S RULING ON OBJECTION NO. 1:**

17 Sustained: X

18 Overruled: _____

19 **OBJECTION NO. 2:**

20 "Mr. Luttrell then dodged the 'personal dislike' question again by stating: 'I do not
21 understand Mr. McFarland's actions in the last years and I do not approve his actions.'" (§ 5, p.
22 2:20-21)

23 **GROUND FOR OBJECTION NO. 2:**

24 Misstates the evidence. This was the third separate session where Luttrell was produced at a
25 deposition, and the deposition transcript attached as Exhibit 18 reveals that Luttrell, following
26 objections, completely answered the questions. Obviously, use of the present tense is irrelevant and
27 improper regarding an incident occurring nearly three years ago. There has been no meet and
28 confer effort and no discovery motion.

COURT'S RULING ON OBJECTION NO. 2:

Sustained: ☒

Overruled: ☐

OBJECTION NO. 3:

"I then proceeded to ask Luttrell a series of questions along the same lines, specifically, whether he harbors any ill-will towards McFarland. Again, I received an evasive answer from Luttrell about how Luttrell has no 'desire to see harm done to Mr. McFarland or any person. This non-responsive answer" (§ 7, p. 3:4-7)

GROUND'S FOR OBJECTION NO. 3:

Misstates the evidence. This was the third separate session where Luttrell was produced at a deposition, and the deposition transcript attached as Exhibit 18 reveals that Luttrell, following objections, completely answered the questions. Obviously, use of the present tense is irrelevant and improper regarding an incident occurring nearly three years ago. There has been no meet and confer effort and no discovery motion.

COURT'S RULING ON OBJECTION NO. 3:

Sustained: ☒

Overruled: ☐

OBJECTION NO. 4:

"It is my belief that discovery into Luttrell's personal feelings towards McFarland, and the circumstances surrounding the drafting of the drafting of Luttrell's February 7, 2012, letter will further confirm that Luttrell sent the letter in a malicious manner." (§ 10, p. 3:23-25)

GROUND'S FOR OBJECTION NO. 4:

Irrelevant. The attorney's personal belief about what Luttrell may have thought nearly three years ago cannot be an issue regarding this motion. Malice regarding a purportedly defamatory writing depends on the knowledge of the writer regarding the provable falsity of particular factual statements.

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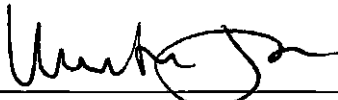
1 COURT'S RULING ON OBJECTION NO. 4:

2 Sustained: X


3 Overruled: _____

4
5 Dated: January 7, 2015

PORTER SCOTT
A PROFESSIONAL CORPORATION

7
8 By 
9 Martin N. Jensen
10 Thomas L. Riordan
11 Attorneys for THE NATIONAL
12 GRANGE OF THE ORDER OF
13 PATRONS OF HUSBANDRY and
14 EDWARD LUTTRELL

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

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

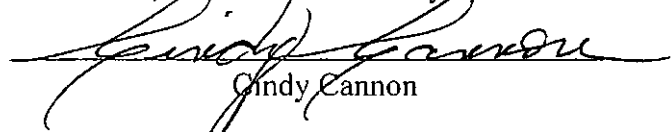
PROOF OF SERVICE

At the time of service, I was over 18 years of age and not a party to this action. My business address is 350 University Avenue, Suite 200, Sacramento, California 95825. On the date below, I caused to have served the following document: **OBJECTIONS TO THE DECLARATION OF BRANDON L. REEVES 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**

<input checked="" type="checkbox"/>	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.
<input type="checkbox"/>	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.
<input type="checkbox"/>	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
<input type="checkbox"/>	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.

Attorney for Robert McFarland Mark Ellis ELLIS LAW GROUP 740 University Avenue, Suite 100 Sacramento, CA 95825	Attorneys for The California State Grange, John Luvaas, Gerald Chernoff, Damian Parr, Takashi Yogi, Kathy Bergeron, and Bill Thomas Robert D. Swanson / Daniel S. Stouder BOUTIN JONES 555 Capitol Mall, Suite 1500 Sacramento, CA 95814
Attorney for Martha Stefenoni and Shirley Baker Michael A. Farbstein FARBSTEIN & BLACKMAN A Professional Corporation 411 Borel Avenue, Suite 425 San Mateo, CA 94402	Attorney for The Grange of the State of California's Order of Patrons of Husbandry, Chartered Jeff Skinner SCHIFF HARDIN 901 K Street NW, Suite 700 Washington, DC 20001

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


Cindy Cannon

