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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.

Case No. 34-2012-00130439

**OBJECTIONS TO THE DECLARATION OF
JON LUVAAS 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 -15

GD33C COURTHOUSE
SUPERIOR COURT
OF CALIFORNIA
SACRAMENTO COUNTY

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 Jon Luvaas.

OBJECTION NO. 1:

"After conducting an extensive investigation, the majority of the Board of Directors concluded Ms. Stefenoni's allegations were unfounded." (§ 2, 2:8-9.)

GROUND FOR OBJECTION NO. 1:

Misstates the document.

COURT'S RULING ON OBJECTION NO. 1:

Sustained: _____

Overruled: X

OBJECTION NO. 2:

"On February 7, 2012, I received a copy of a letter from Mr. Luttrell addressed to Mr. McFarland which appeared to adopt Ms. Stefenoni's unauthorized minority report and further degraded Mr. McFarland's position as State Master." (§ 2, 2:10-13.)

GROUND FOR OBJECTION NO. 2:

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

COURT'S RULING ON OBJECTION NO. 2:

Sustained: _____

Overruled: X

OBJECTION NO. 3:

"The February 7, 2012 letter by Mr. Luttrell, in my view as Chairman, contained no suggestions on how the State Grange should be governed, under Mr. Luttrell's authority as National Master. Rather, the February 7, 2012 letter was limited to questioning Mr. McFarland's integrity as a leader and calling him a bully. This did nothing to assist or lend advice to the State Grange on how to govern itself." (§ 3, 2:14-18.)

1 GROUNDS FOR OBJECTION NO. 3:

2 Misstates the document. Lacks foundation.

3 COURT'S RULING ON OBJECTION NO. 3:

4 Sustained: X

5 Overruled:

6 OBJECTION NO. 4:

7 "Mr. McFarland accepted a short-term suspension from his position as leader of the State
8 Grange in May of 2012. During his suspension, the then-State Grange Overseer – Ms. Stefenoni –
9 acted as the interim State Grange Master, which is the Overseer's duty under State Grange Bylaws
10 during the temporary 'absence' of the State Master. One of Ms. Stefenoni's first acts in performing
11 this duty was to try to remove Mr. McFarland from the State Grange payroll and place herself on
12 payroll instead. State Grange Bylaws reserve budgeting authority to the members at their Annual
13 Meeting; and the budget provides compensation only for the Master, not for an Overseer
14 performing the Master's duties, even if the Overseer is required to act temporarily in the 'absence'
15 of the State Master." (§ 4, 2:19-27.)

16 GROUNDS FOR OBJECTION NO. 4:

17 Relevance. It is crucial to remember that the two-month suspension accepted by McFarland
18 and served in June-July 2012 occurred well after the February 7, 2012 letter was sent, and
19 concerned totally unrelated Grange violations by McFarland that are not the subject of the February
20 7, 2012 letter or related investigations.

21 COURT'S RULING ON OBJECTION NO. 4:

22 Sustained: X

23 Overruled:

24 OBJECTION NO. 5:

25 "Furthermore, as a 'director' of a California corporation, Ms. Stefenoni was entitled to
26 compensation only if such compensation was approved by the Board of Directors, who denied her
27 request for approval. Accordingly, I pointed out to both Mr. Luttrell and Ms. Stefenoni that Ms.
28 Stefenoni's continuing demand was a conflict of interest under California law. Mr. Luttrell

1 forcefully advocated and argued with me on this topic, insisting that Ms. Stefenoni should be paid,
2 instead of Mr. McFarland. I reminded him that his demand exceeded his and Ms. Stefenoni's
3 authority under both state law and Grange rules." (§ 5, 2:28-3:6.)

4 **GROUND'S FOR OBJECTION NO. 5:**

5 Relevance. It is crucial to remember that the two-month suspension accepted by McFarland
6 and served in June-July 2012 occurred well after the February 7, 2012 letter was sent, and
7 concerned totally unrelated Grange violations by McFarland that are not the subject of the February
8 7, 2012 letter or related investigations.

9 Hearsay regarding Luttrell's purported statement.

10 **COURT'S RULING ON OBJECTION NO. 5:**

11 Sustained: X

12 Overruled: _____

13 **OBJECTION NO. 6:**

14 "In response to my concerns regarding Ms. Stefenoni's powers to pay herself under Grange
15 rules law and California law, Mr. Luttrell remained insistent that she be paid instead of Mr.
16 McFarland." (§ 6, 3:7-9.)

17 **GROUND'S FOR OBJECTION NO. 6:**

18 Relevance. It is crucial to remember that the two-month suspension accepted by McFarland
19 and served in June-July 2012 occurred well after the February 7, 2012 letter was sent, and
20 concerned totally unrelated Grange violations by McFarland that are not the subject of the February
21 7, 2012 letter or related investigations.

22 Hearsay.

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

24 Sustained: X

25 Overruled: _____

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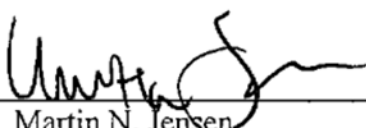
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1 Dated: January 7, 2015

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4 By



Martin N. Jensen

Thomas L. Riordan

Attorneys for THE NATIONAL
GRANGE OF THE ORDER OF
PATRONS OF HUSBANDRY and
EDWARD LUTTRELL

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10 DATED: 1-15-15

11 SO ORDERED


12 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 JON LUVAAS 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 Stefanoni 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

