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*Attorney for Plaintiffs-in-Intervention The
California State Grange and Ed Komski and
Defendants The Grange of the State of California's
Order of Patrons of Husbandry, Chartered,
Ed Komski, and Lillian Booth*

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO—UNLIMITED JURISDICTION

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

THE CALIFORNIA STATE GRANGE, a
California nonprofit corporation, and ED
KOMSKI,
Plaintiffs-in-Intervention,

v.

THE CALIFORNIA STATE GRANGE, a
California nonprofit corporation, and ROBERT
McFARLAND, JOHN LUYAAS, GERALD
CHERNOFF, DAMIAN PARR, TAKASHI
YOGI, KATHY BERGERON, and BILL
THOMAS,

Defendants.

* * * * *

Coordinated with:

CALIFORNIA STATE GRANGE, a California
nonprofit corporation,
Plaintiff,

v.

THE GRANGE OF THE STATE OF
CALIFORNIA'S ORDER OF PATRONS OF
HUSBANDRY, CHARTERED, a California
Corporation, ED KOMSKI, an individual,
LILLIAN BOOTH, an individual, and DOES 1
through 10, inclusive,

Defendants.

Case No. 34-2012-00130439

DEFENDANTS' NOTICE OF DEMURRER
AND DEMURRER TO BUTTE COUNTY
COMPLAINT

Hearing Date: March 6, 2015
Hearing Time: 2:00 p.m.
Judge: Hon. David I. Brown
Dept: 53

Reservation Number: 2022851

Complaint Filed: October 1, 2012
Trial Date: June 1, 2015

1 **TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE THAT** at 2:00 p.m. on March 6, 2015, in Department 53 of the
3 of the Sacramento Superior Court located at 720 9th Street, Sacramento, CA 95814, the demurrer of
4 The Grange of the State of California's Order of Patrons of Husbandry, Chartered; Ed Komski; and
5 Lillian Booth ("Defendants") to the complaint by Plaintiff California State Grange ("Plaintiff") in
6 Butte County Superior Court and then transferred to this Court (the "Butte County Complaint") will
7 be heard.

8 Defendants hereby demur to the second, third, fifth, sixth, eighth, and ninth causes of action
9 alleged in the Butte County Complaint on the grounds that the facts alleged do not support any cause
10 of action against Defendants. The demurrer will be based on this notice of demurrer and demurrer,
11 the memorandum of points and authorities in support of demurrer, the request for judicial notice
12 submitted contemporaneously herewith, all records and pleadings on file in this action, and such
13 further oral and/or documentary evidence as may be permitted at the hearing on this motion.

14 Pursuant to Local Rule 1.06(a), the Court will make a tentative ruling on the merits of this
15 matter by 2:00 p.m. on the court day before the hearing. The complete text of the tentative rulings
16 for the department may be downloaded from the Court's website. If you do not have online access,
17 you may call the dedicated phone number for the department as referenced in the local telephone
18 directory between the hours of 2:00 p.m. and 4:00 p.m. on the court day before the hearing and listen
19 to the tentative ruling. If the party does not call the court and the opposing party by 4:00 p.m. the
20 court day before the hearing, no hearing will be held.

21 Respectfully submitted,

22
23 _____
24 Jeffrey D. Skinner
Schiff Hardin LLP

25 *Attorney for Defendants The Grange of the State of*
26 *California's Order of Patrons of Husbandry,*
Chartered, Ed Komski, and Lillian Booth

27 Dated: February 9, 2015

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Case No. 34-2012-00130439

DEFENDANTS' MEMORANDUM OF
POINTS AND AUTHORITIES IN SUPPORT
OF DEMURRER TO BUTTE COUNTY
COMPLAINT

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1 **INTRODUCTION**

2 The California State Grange is a subordinate, constituent part of the National Grange of the
3 Order of Patrons of Husbandry, a national hierarchical fraternal organization.¹ This case turns on a
4 single, central question: who is entitled to operate and hold themselves out as the California State
5 Grange? Is it the loyal members of The Grange who are authorized to do so by the rules of the
6 Order and recognized as such by the National Grange? Or is it former officers and members of the
7 California State Grange who have left The Grange but refuse to relinquish control over the
8 California State Grange and its property, in contravention of the rules of the Order?

9 As an initial matter, an explanation of the procedural history of the litigation involving the
10 California State Grange is in order. The lead case in this action was filed on October 1, 2012, by the
11 National Grange against the California State Grange. At that time, the California State Grange still
12 had a Charter (the foundational document that permitted it to operate as a Grange) and was a
13 constituent part of the Order, even though its Charter recently had been suspended for failure to
14 follow the rules of The Grange. On April 5, 2013, however, due to the continued failure of the
15 California State Grange to adhere to the rules of the Order, its Charter was revoked by the National
16 Grange. At that point, pursuant to the rules of The Grange to which it had agreed from the very
17 beginning of its existence, the California State Grange became inactive pending its reorganization.
18 However, some former officers and members of the California State Grange (including the
19 individual Defendants in the lead case) nevertheless purported to continue to operate the California
20 State Grange, in violation of the rules of the Order. Thereafter, in July 2014, the California State
21 Grange was reorganized pursuant to the rules of the Order and new leadership was elected, including
22 Ed Komski and Lillian Booth. The California State Grange and Mr. Komski were granted leave to
23 intervene as plaintiffs in this action on October 30, 2014.

24
25
26 ¹ For purposes of clarity, the term “National Grange” shall refer to the highest level of the
27 fraternal organization’s hierarchy, and the term “The Grange” or “the Order” shall refer to the entire
hierarchy of the fraternal organization, from the lowest levels up through and including the National
Grange.

1 On November 18, 2014, a complaint was filed in Butte County Superior Court (the “Butte
2 County Complaint”) in the name of the entity that the individual Defendants were once officers and
3 members of, and still purport to control: the California State Grange. The complaint named as
4 defendants Mr. Komski, Ms. Booth, and the corporation called The Grange of the State of
5 California’s Order of Patrons of Husbandry, which the California State Grange had formed in 2014
6 to hold its property until control of its other corporate entities could be recovered in this lawsuit. On
7 January 14, 2015, this Court ordered that the Butte County action be transferred to Sacramento
8 County and consolidated with the lead case in this action.²

9 In addition, there is a third lawsuit that bears on some of the claims in the Butte County
10 Complaint. In March 2014, the National Grange filed a lawsuit in federal court in Sacramento
11 alleging that the former officers’ actions in continuing to operate an entity called the “California
12 State Grange” violated federal trademark law (the “Federal Trademark Action”). The defendant in
13 that action is the plaintiff that filed the Butte County Complaint. The Federal Trademark Action will
14 determine—likely in the spring of 2015—the issue of who is entitled to use the name “California
15 State Grange” and other trademarks.

16 With this procedural history in mind, and as set forth more fully below, the Court should
17 grant the demurrer because the second, third, fifth, sixth, eighth, and ninth causes of action in the
18 Butte County Complaint on the grounds that they fail to set forth facts sufficient to state a cause of
19 action.

20 **STATEMENT OF FACTS**³

21 The California State Grange was formed in 1873 and created a non-profit corporation called
22 “California State Grange” over 68 years ago. (*Compl.*, ¶ 7.) The California State Grange oversees
23 various local units, including Subordinate Granges and Pomona Granges. (*Ibid.*) Subordinate
24 Granges pay annual dues to the California State Grange. (*Id.*, ¶ 8.)

25 ² For the convenience of the Court, a copy of the complaint filed in Butte County is attached
26 hereto as Exhibit 1.

27 ³ For purposes of this demurrer only, Defendants assume as true the factual allegations set
forth by Plaintiff.

1 In 2014, the reorganized California State Grange created a California nonprofit corporation
2 called The Grange of the State of California’s Order of Patrons of Husbandry, Chartered. (*Id.*, ¶ 9.)
3 Defendants Ed Komski and Lillian Booth, as officers of the California State Grange, were also
4 directors of this corporation. (*Id.*, ¶¶ 3-4.) Since 2014, Defendants have communicated with
5 Subordinate Granges, Pomona Granges, and others on behalf of the California State Grange. (*Id.*,
6 ¶¶ 9-10.) Defendants have informed Subordinate and Pomona Granges that the California State
7 Grange has been reorganized and new officers have been elected. (*Ibid.*) Defendants also have
8 notified Subordinate Granges that, pursuant to the rules of The Grange, they must pay their dues to
9 the California State Grange—the chartered, constituent part of the National Grange. (*Id.*, ¶ 11.)

10 **ARGUMENT**

11 **I. The Standard For Demurrer.**

12 A complaint is subject to demurrer where, as here, it fails to state facts sufficient to state a
13 cause of action. (CCP § 430.10(e).) In reviewing the sufficiency of a complaint, the Court should
14 treat the demurrer as admitting only material facts properly pleaded in the complaint—not
15 contentions, deductions, or conclusions of fact or law. (*Blank v. Kirwan* (1985) 39 Cal.3d 311, 318
16 [216 Cal.Rptr. 718]; see also *McAllister v. Cnty. of Monterey* (2007) 147 Cal.App.4th 253, 289 [54
17 Cal.Rptr.3d 116] [disregarding “bare legal conclusions”].) “Because a demurrer tests the legal
18 sufficiency of a complaint, the plaintiff must show the complaint alleges facts sufficient to establish
19 every element of each cause of action.” (*Rakestraw v. Cal. Physicians’ Serv.* (2000) 81 Cal.App.4th
20 39, 43 [96 Cal.Rptr.2d 354].)

21 In considering a demurrer, the Court may consider any facts which may be judicially noticed.
22 (CCP § 430.30(a) [“When any ground for objection to a complaint ... appears on the face thereof, *or*
23 *from any matter of which the court is required to or may take judicial notice*, the objection on that
24 ground may be taken by a demurrer to the pleading.”] [italics added].) Indeed, “when the allegations
25 of the complaint contradict or are inconsistent with such facts [that may be judicially noticed],
26 [courts] accept the latter and reject the former.” (*Blatty v. New York Times Co.* (1986) 42 Cal.3d
27 1033, 1040 [232 Cal.Rptr. 542] [en banc].) As the California Supreme Court has explained, “[a]

1 complaint otherwise good on its face is subject to demurrer when facts judicially noticed render it
2 defective.” (*Evans v. City of Berkeley* (2006) 38 Cal.4th 1, 6 [40 Cal.Rptr.3d 205] [brackets and
3 citation omitted].)

4 **II. The Causes Of Action For Trade Name And Common Law Mark Infringement Should**
5 **Be Dismissed.**

6 Plaintiff’s second and third causes of action allege common law trade name infringement and
7 mark infringement, respectively. Both causes of action stem from allegations that Defendants have
8 improperly used the name “California State Grange.” (*Compl.*, ¶¶ 25, 33.) In trade name disputes
9 under California common law, “[t]he rule is the court must determine (1) the likelihood of confusion
10 (2) in the mind of a prudent person in the relevant public (3) caused by the tradename as a whole.
11 (*California Western School of Law v. California Western University* (1981) 125 Cal.App.3d 1002,
12 1010 [178 Cal.Rptr. 685].) In other words, the *sine qua non* of both trade name infringement and
13 common law mark infringement is that “members of the public are likely to be deceived” by the
14 defendant’s alleged actions. (See *Brockey v. Moore* (2003) 107 Cal.App.4th 86, 100 [131
15 Cal.Rptr.2d 746].)

16 Although Plaintiff has alleged a likelihood of confusion in the complaint (at ¶¶ 25 & 33), it
17 has taken exactly the opposite position in the Federal Trademark Action. In that lawsuit (filed eight
18 months before this complaint), the National Grange alleged that Plaintiff’s continued use of the
19 name “California State Grange” and other trademarks after the revocations of its Charter “will likely
20 lead to actual confusion among members of the public.” *The National Grange of the Order of*
21 *Patrons of Husbandry v. California State Grange*, 2:14-cv-00676-WBS-DAD (E.D. Cal.), Dkt. #1
22 (Complaint), ¶ 44. That allegation was denied. *Id.*, Dkt. #24 (Am. Answer), ¶ 44.⁴ Plaintiff cannot
23 have it both ways. It may not deny a factual allegation to further its defense in the Federal
24 Trademark Action, and then assert the exact same factual allegation in support of its claims in this
25 case. The second and third causes of action here should be dismissed for that reason alone.

26 _____
27 ⁴ The Court is asked to take judicial notice of the complaint and amended answer from the
Federal Trademark Action, copies of which are attached to Defendants’ request for judicial notice.

1 In the alternative, the Court should dismiss these claims as a matter of comity and to avoid
2 the needless expenditure of the Court's and the parties' time and resources on an issue that will be
3 decided in another forum. (See *Cutting v. Bryan* (1929) 206 Cal. 254, 257[274 P. 326] ["It must be
4 held, in conformity with the general rule of comity established by a long line of authority, that the
5 court which first takes the subject matter of a litigation into its control for the purpose of
6 administering the rights and remedies with relation to specific property obtains thereby jurisdiction
7 so to do, to the exclusion of the exercise of a like jurisdiction by other tribunals, the powers of which
8 are sought to be invoked by parties or their privies to the original action."].)

9 The Federal Trademark Action will necessarily determine which entity—the organization
10 controlled by the former officers and members of the California State Grange, or the reorganized
11 California State Grange recognized and authorized by the National Grange—has the right to use the
12 "California State Grange" trade name and trademarks. Section 45 of the Lanham Act expressly
13 protects federally registered trademarks from state interference. 15 U.S.C. § 1127 ("Any State, and
14 any such instrumentality, officer, or employee, shall be subject to the provisions of this Act.... The
15 intent of this Act is ... to protect registered marks used in such commerce from interference by State,
16 or territorial legislation."). Indeed, in the Federal Trademark Action, Plaintiff in this case filed a
17 counterclaim against the National Grange, asserting trademark rights in the "Grange" name under
18 state common law and seeking a declaratory judgment that its use of the marks "Grange," "State
19 Grange," and "California State Grange" does not infringe on the National Grange's federal
20 trademark rights. (*Am. Answer*, ¶ 122.) Thus, the parties have fully submitted the issue regarding
21 their trademark rights to the jurisdiction of the United States District Court for the Eastern District of
22 California, and resolution of the common law trademark claims in this case must conform to the
23 resolution of the Federal Trademark Action. The principles of comity and judicial efficiency
24 therefore require dismissal of the second and third cause of action in this forum.

1 **III. The Complaint Fails To Set Forth Facts Sufficient To State A Claim For Intentional Or**
2 **Negligent Interference With Prospective Economic Advantage.**

3 Plaintiff's fifth and sixth causes of action allege alternative theories of intentional and
4 negligent interference with prospective economic advantage through the payment of dues by
5 Subordinate Granges. (*Compl.*, ¶¶ 42-54.) The elements of the tort of intentional interference with
6 prospective economic advantage are: "(1) an economic relationship between [the plaintiff and some
7 third person] containing the probability of future economic benefit to the [plaintiff], (2) knowledge
8 by the defendant of the existence of the relationship, (3) intentional acts on the part of the defendant
9 designed to disrupt the relationship, (4) actual disruption of the relationship, [and] (5) damages to the
10 plaintiff proximately caused by the acts of the defendant." (*Buckaloo v. Johnson* (1975) 14 Cal.3d
11 815, 827 [122 Cal.Rptr. 745].) Negligent interference with prospective economic advantage, in turn,
12 consists of the same elements, except that defendant's acts need only be negligent, not intentional.

13 It is well settled that "a plaintiff seeking to recover for alleged interference with prospective
14 economic relations has the burden of pleading and proving that the defendant's interference was
15 wrongful 'by some measure beyond the fact of the interference itself.'" (*Della Penna v. Toyota*
16 *Motor Sales, USA* (1995) 11 Cal.4th 376, 392-393 [45 Cal.Rptr.2d 436].) The California Supreme
17 Court has explained that "an act is independently wrongful if it is unlawful, that is, if it is proscribed
18 by some constitutional, statutory, regulatory, common law, or other determinable legal standard."
19 (*Korea Supply Co. v. Lockheed Martin Corp.* (2003) 29 Cal.4th 1134, 1158-1159 [131 Cal.Rptr.2d
20 29].)

21 There are no grounds for liability here because the Butte County Complaint does not allege
22 that the interference, even if for a selfish motive, was independently unlawful. Plaintiff alleges no
23 facts by which Defendants' actions could be deemed "unlawful." The use of the terms
24 "fraudulently" and "negligently" in the complaint (¶¶ 45, 52) are merely conclusions of law without
25 factual content. Of course, it is black-letter law that a court must "treat the demurrer as admitting all
26 material facts properly pleaded, but not contentions, deductions or conclusions of fact or law."
27 (*Blank, supra*, 39 Cal.3d at p. 318.) Further, alleging that some "coercive" activity was "fraudulent"
requires specificity of pleading, which is completely lacking here. (*Lazar v. Superior Court* (1996)

1 12 Cal.4th 631, 645 [49 Cal.Rptr.2d 377] [“In California, fraud must be pled specifically; general
2 and conclusory allegations do not suffice.”].) Moreover, the conduct that is allegedly “coercive”
3 must also be illegal in order for the elements of the tort to be met. (*San Francisco Design Center*
4 *Associates v. Portman Companies* (1995) 41 Cal.App.4th 29, 42 [50 Cal.Rptr.2d 716].) Here,
5 Plaintiff alleges no facts to show that the actions that it vaguely terms “coercive” amount to illegal
6 conduct. Thus, Plaintiff has failed to allege violation of any independent legal standard rendering
7 Defendants’ conduct unlawful, and the fifth and sixth causes of action therefore should be dismissed.

8 **IV. The Complaint Fails To Set Forth Facts Sufficient To State A Claim For Unfair**
9 **Competition.**

10 Plaintiff’s eighth cause of action is for unfair competition under California Business &
11 Professions Code § 17200. The complaint simply relies on the previously alleged facts to assert that
12 Defendants’ conduct was “unfair, unlawful and/or fraudulent and constitutes unfair competition.”
13 (*Compl.*, ¶ 64.) In the case of business competitors as Plaintiff alleges here, however, the California
14 Supreme Court has required that “any finding of unfairness to competitors under section 17200 be
15 tethered to some legislatively declared policy or proof of some actual or threatened impact on
16 competition.” (*Cel-Tech Communications, Inc. v. Los Angeles Cellular Telephone Co.* (1999) 20
17 Cal. 4th 163, 186-187 [83 Cal.Rptr.2d 548].) Accordingly, to find “unfairness” actionable under
18 § 17200, a court must find “conduct that threatens an incipient violation of an antitrust law, or
19 violates the policy or spirit of one of those laws because its effects are comparable to or the same as
20 a violation of the law, or otherwise significantly threatens or harms competition.” (*Id.* at p. 187.)
21 The complaint as pled lacks any factual allegations going to anti-trust or anti-competitive effects at
22 all. (*Watson Labs., Inc. v. Rhone-Poulenc Rorer, Inc.* (C.D. Cal. 2001) 178 F. Supp. 2d 1099, 1119.)
23 Thus, Plaintiff’s unfair competition claim should be dismissed.

24 **V. Unjust Enrichment Is Not An Independent Cause Of Action In California.**

25 Unjust enrichment is not considered a separate and independent cause of action under
26 California law. It is merely a restitution remedy under quasi-contract. (*Levine v. Blue Shield of*
27 *California* (2010) 189 Cal.App.4th 1117, 1138 [117 Cal.Rptr.3d 262].) Because Plaintiff does not

1 allege that it provided some particular service for which Defendants improperly collected the
2 proceeds, the demurrer should be sustained to this cause of action. (See *Peterson v. Cellco*
3 *Partnership* (2008) 164 Cal.App.4th 1583, 1593 [80 Cal.Rptr.3d 316].)

4 **CONCLUSION**

5 For all of the foregoing reasons, the Court should sustain the demurrer to the second, third,
6 fifth, sixth, eighth, and ninth causes of action in the Butte County Complaint without leave to amend,
7 as there is no reasonable possibility that the State Grange could so allege facts. (*Cooper v. Leslie*
8 *Salt Co.* (1969) 70 Cal.2d 627, 636 [75 Cal.Rptr. 766].)

9 Respectfully submitted,

10
11 _____
12 Jeffrey D. Skinner
13 Schiff Hardin LLP

14 *Attorney for Defendants The Grange of the State of*
15 *California's Order of Patrons of Husbandry,*
16 *Chartered, Ed Komski, and Lillian Booth*

17 Dated: February 9, 2015

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DEFENDANTS' REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF DEMURRER TO
BUTTE COUNTY COMPLAINT

Hearing Date: March 6, 2015
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Judge: Hon. David I. Brown
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Reservation Number: 2022851

Complaint Filed: October 1, 2012
Trial Date: June 1, 2015

1 Section 452(d) of the Evidence Code provides that the following documents may be
2 judicially noticed: “Records of (1) any court of this state or (2) any court of record of the United
3 States or of any state of the United States.” Defendants hereby request the Court to take judicial
4 notice of documents filed in *The National Grange of the Order of Patrons of Husbandry v.*
5 *California State Grange*, No. 2:14-cv-00676-WBS-DAD (E.D. Cal.).

6 In particular, Defendants request that the Court take judicial notice of the following
7 documents from that action, which are attached hereto as follows:

8 Exhibit 1: Complaint filed in the Federal Trademark Action

9 Exhibit 2: Amended Answer filed in the Federal Trademark Action

10 Respectfully submitted,

11
12 _____
13 Jeffrey D. Skinner
14 Schiff Hardin LLP

15 *Attorney for Defendants The Grange of the State of*
16 *California’s Order of Patrons of Husbandry,*
17 *Chartered, Ed Komski, and Lillian Booth*

18 Dated: February 9, 2015
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PROOF OF SERVICE OF DEMURRER TO
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PROOF OF SERVICE

1.	At the time of service I was at least 18 years of age and not a party to this legal action.		
2.	My business address is Schiff Hardin LLP, 901 K Street NW, Suite 700, Washington, DC 20001.		
3.	I Served Copies Of The Following Documents: (a) DEFENDANTS’ NOTICE OF DEMURRER AND DEMURRER TO BUTTE COUNTY COMPLAINT (b) DEFENDANTS’ MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEMURRER TO BUTTE COUNTY COMPLAINT (c) DEFENDANTS’ REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEMURRER TO BUTTE COUNTY COMPLAINT		
4.	I served the documents listed above in item 3 on the following persons at the addresses listed:		
	<p>Martin N. Jensen, Esq. Thomas L. Riordan, Esq. PORTER SCOTT P.C. 350 University Avenue, Suite 200 Sacramento, CA 95825 Tel: (916) 929-1481 Fax: (916) 927-3706</p> <p><i>Attorneys for Plaintiff and Cross-Defendants The National Grange of the Order of Patrons of Husbandry and Edward L. Luttrell</i></p> <p>Michael A. Farbstein, Esq. Maggie W. Trinh, Esq. FARBSTEIN & BLACKMAN P.C. 411 Borel Avenue, Suite 425 San Mateo, CA 94402-3518 Tel: (650) 554-6200 Fax: (650) 554-6240</p> <p><i>Attorneys for Cross-Defendants Martha Stefenoni and Shirley Baker</i></p> <p>Robert D. Swanson, Esq. Daniel S. Stouder, Esq. BOUTIN JONES INC. 555 Capitol Mall, Suite 1500 Sacramento, CA 95814-4603 Tel: (916) 321-4444 Fax: (916) 441-7597</p> <p><i>Attorneys for Defendants and Cross-Complainants The California State Grange, Jon Luvaas, Gerald Chernoff, Damian Parr, Takashi Yogi, Kathy Bergeron, and Bill Thomas</i></p>	Via U.S. Mail	
		Via U.S. Mail	
		Via FedEx	

		Mark E. Ellis, Esq. William A. Lapcevic, Esq. ELLIS LAW GROUP, LLP 740 University Avenue, Suite 100 Sacramento, CA 95825 Tel: (916) 283-8820 Fax: (916) 283-8821 <i>Attorneys for Defendant and Cross-Complainant Robert McFarland</i>	Via FedEx
5.	a. <input type="checkbox"/>	By personal service. I personally delivered the documents on the date shown below to the persons at the addresses listed above in item 4. (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. (2) For a party delivery was made to the party or by leaving the documents at the party's residence between the hours of eight in the morning and six in the evening with some person not less than 18 years of age.	
	b. <input checked="" type="checkbox"/>	By United States mail. I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 4 and (<i>specify one</i>):	
		(1) <input type="checkbox"/>	deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid on the date shown below, or
		(2) <input checked="" type="checkbox"/>	placed the envelope for collection and mailing on the date shown below, following our ordinary business practices. I am readily familiar with this business's 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.
		I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Washington, DC.	
	c. <input checked="" type="checkbox"/>	By overnight delivery. I enclosed the documents on the date shown below in an envelope or package provided by an overnight delivery carrier and addressed to the person at the addresses in item 4. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.	
	d. <input type="checkbox"/>	By messenger service. I served the documents on the date shown below by placing them in an envelope or package addressed to the person on the addresses listed in item 4 and providing them to a professional messenger service for service.	

1	e. <input type="checkbox"/>	By fax transmission. Based on an agreement of the parties to accept service by fax transmission, I faxed the documents on the date shown below to the fax numbers of the persons listed in item 4. No error was reported by the fax machine that I used. A copy of the fax transmission, which I printed out, is attached.	
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3			
4	f. <input type="checkbox"/>	By e-mail or electronic transmission. Based on an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent on the date shown below to the e-mail addresses of the persons listed in item 4. I did not receive within a reasonable time after the transmission any electronic message or other indication that the transmission was unsuccessful.	
5			
6			
7	6.	I served the documents by the means described in item 5 on:	
8		February 9, 2015	
9	I declare under penalty of perjury that this document is signed in Washington, DC under the laws of the State of California and that the foregoing is true and correct.		
10			
11	02/09/15	Jeffrey D. Skinner	
12	DATE	(TYPE OR PRINT NAME)	(SIGNATURE OF DECLARANT)