

Exhibit SS

<p>1 SUPERIOR COURT OF CALIFORNIA</p> <p>2 COUNTY OF SACRAMENTO</p> <p>3 --oOo--</p> <p>4 THE NATIONAL GRANGE OF THE ORDER OF PATRONS OF HUSBANDRY, a 5 Washington D.C. nonprofit 6 corporation,</p> <p>7 Plaintiff,</p> <p>8 THE CALIFORNIA STATE GRANGE, a California nonprofit corporation, 9 and ROBERT MCFARLAND, JOHN LUVAS, 10 GERALD CHERNOFF and DAMIAN FARR,</p> <p>11 Defendants.</p> <p>12 AND RELATED CROSS-ACTION.</p> <p>13</p> <p>14 DEPOSITION OF</p> <p>15 JON LUVAS</p> <p>16 MONDAY, JANUARY 26, 2015</p> <p>17</p> <p>18 Reported by: 19 MELISSA LYNN HILL, CSR No. 9613 Job No. 40415LR</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 APPEARANCES (Continued)</p> <p>2</p> <p>3 FOR THE CROSS-DEFENDANTS MARTHA STEFENONI AND SHIRLEY BAKER:</p> <p>4</p> <p>5 FARESTEIN & BLACKMAN BY: RAMSEY F. KAWAR, ATTORNEY AT LAW 411 Borel Avenue, Suite 425 6 San Mateo, California 94402 650.554.6200 7 rkawar@pedigoesq.com</p> <p>8</p> <p>9 FOR THE PLAINTIFF IN INTERVENTION (telephonically):</p> <p>10 SCHIFF HARDIN, LLP BY: JEFFREY D. SKINNER, ATTORNEY AT LAW 11 901 K Street Northwest, Suite 700 Washington D.C. 20001 12 202.778.6400 jskinner@schiffhardin.com</p> <p>13</p> <p>14 ALSO PRESENT:</p> <p>15 ROBERT MCFARLAND</p> <p>16</p> <p>17 --oOo--</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>1 APPEARANCES</p> <p>2 FOR THE PLAINTIFF:</p> <p>3 PORTER SCOTT BY: MARTIN N. JENSEN, ATTORNEY AT LAW 4 350 University Avenue, Suite 200 Sacramento, CA 95825 5 916.929.1481 mjensen@porterscott.com</p> <p>6</p> <p>7</p> <p>8 FOR THE DEFENDANT CALIFORNIA STATE GRANGE:</p> <p>9 BOUTIN JONES, INC. BY: ROBERT D. SWANSON, ATTORNEY AT LAW 555 Capitol Mall, Suite 1500 10 Sacramento, CA 95814 916.321.4444 rswanson@boutinjones.com</p> <p>11</p> <p>12</p> <p>13 FOR THE DEFENDANT ROBERT MCFARLAND:</p> <p>14 ELLIS LAW GROUP, LLP BY: WILLIAM A. LAPCEVIC, ATTORNEY AT LAW 15 BRANDON REEVES, ATTORNEY AT LAW 740 University Avenue, Suite 100 16 Sacramento, CA 95825 916.283.8820 wlapcevic@ellislawgrp.com 17 breeves@ellislawgrp.com</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 INDEX</p> <p>2</p> <p>3 EXAMINATION BY MR. JENSEN 7</p> <p>4 EXAMINATION BY MR. SKINNER 197</p> <p>5 EXAMINATION BY MR. KAWAR 223</p> <p>6</p> <p>7</p> <p>8</p> <p>9 EXHIBITS</p> <p>10 DEPOSITION OF JON LUVAS</p> <p>11 MONDAY, JANUARY 26, 2015</p> <p>12 EXHIBIT PAGE</p> <p>13 EX 139 Digest of Laws Order of Patrons 19 of Husbandry, 2012 Edition; Bates Nos. P622 through P734, 113 pages</p> <p>14</p> <p>15</p> <p>16 EX 140 Digest of Laws California State 44 Grange, 2011 Edition; Bates Nos. P735 through P763, 29 pages</p> <p>17</p> <p>18 EX 141 By-Laws of the California State 111 Grange, 2013 Edition; Bates CSG324 through CSG348, 25 pages</p> <p>19</p> <p>20 EX 142 Articles of Incorporation of 118 California State Grange, 7 pages</p> <p>21 EX 143 8-1-12 letter to Brother Bob 126 McFarland from Edward L. Luttrell, Master; Bates Nos. P1619 through 22 P1620, 2 pages</p> <p>23</p> <p>24</p> <p>25</p>

<p>1 EXHIBITS (CONTINUED)</p> <p>2 EXHIBIT PAGE</p> <p>3 EX 144 8-30-12 letter to Brother Bob 127</p> <p>4 McFarland from Edward L. Luttrell,</p> <p>5 Master; Bates Nos. P11 through</p> <p>6 P12, 2 pages</p> <p>7</p> <p>8 EX 145 9-17-12 letter to the Acting 138</p> <p>9 Master of the California State</p> <p>10 Grange from Edward L. Luttrell,</p> <p>11 Master; Bates No. P773, 1 page</p> <p>12 EX 146 9-20-12 letter to all California 139</p> <p>13 Granges from Edward L. Luttrell,</p> <p>14 Master; Bates No. P381, 1 page</p> <p>15 EX 147 4-5-13 letter to the Officers of the 141</p> <p>16 Suspended State Grange of California</p> <p>17 from Edward L. Luttrell, Master;</p> <p>18 Bates Nos. P1564 through P1566,</p> <p>19 3 pages</p> <p>20 EX 148 4-5-13 letter to the Executive 142</p> <p>21 Committee of the California State</p> <p>22 Grange from Edward L. Luttrell,</p> <p>23 Master; Bates No. P1604, 1 page</p> <p>24</p> <p>25 EX 149 5-6-13 letter to Brother 163</p> <p>McFarland from Edward L. Luttrell;</p> <p>Bates No. P1603, 1 page</p> <p>EX 150 11-8-13 letter to the Executive 164</p> <p>Committee of the National Grange</p> <p>from California State Grange</p> <p>members; Bates No. P5439, 1 page</p> <p>EX 151 8-5-14 letter to Brothers and 173</p> <p>Sisters from Edward L. Luttrell,</p> <p>Master; Bates No. PMQ1013, 1 page</p> <p>EX 152 The California State Grange's 176</p> <p>Cross-Complaint, 10 pages</p>	<p>5</p> <p>7</p> <p>1 BE IT REMEMBERED that on Monday, January 26, 2015,</p> <p>2 commencing at the hour of 9:28 a.m. thereof, at the</p> <p>3 offices of Porter Scott, 350 University Avenue, Suite 200,</p> <p>4 Sacramento, California, before me, MELISSA LYNN HILL, a</p> <p>5 Certified Shorthand Reporter in the State of California,</p> <p>6 duly authorized to administer oaths and affirmations there</p> <p>7 personally appeared</p> <p>8 JON LUYAAS,</p> <p>9 called as a witness herein, who, having been duly sworn,</p> <p>10 was thereupon examined and interrogated as hereinafter set</p> <p>11 forth.</p> <p>12 --oOo--</p> <p>13 EXAMINATION BY MR. JENSEN</p> <p>14 Q. Can you please state your full name for the</p> <p>15 record, sir.</p> <p>16 A. Jon Luvaas.</p> <p>17 Q. Mr. Luvaas, you're an attorney, right?</p> <p>18 A. I'm a long-retired attorney, yes.</p> <p>19 Q. You're a long -- long-retired attorney. I like</p> <p>20 that. Well, what does long retired in relative terms</p> <p>21 mean, Mr. Luvaas?</p> <p>22 A. 1986.</p> <p>23 Q. You're right. That is pretty --</p> <p>24 MR. SKINNER: This is Jeff Skinner. I didn't hear</p> <p>25 that last answer. Could we move the speaker phone a</p>
<p>1 EXHIBITS (CONTINUED)</p> <p>2 EXHIBIT PAGE</p> <p>3 EX 153 2-7-12 letter to Worthy Master 224</p> <p>4 from Edward L. Luttrell, Master;</p> <p>5 Bates Nos. P768 through P770,</p> <p>6 3 pages</p> <p>7</p> <p>8 EX 154 2-17-12 e-mail from Martha 227</p> <p>9 Stefenoni to Jon Luvaas; 2-21-12</p> <p>10 e-mail from Jon Luvaas to Martha</p> <p>11 Stefenoni, Shirley Baker and</p> <p>12 Inger Bevans, 4 pages</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>6</p> <p>8</p> <p>1 little closer in?</p> <p>2 MR. JENSEN: Let's try this.</p> <p>3 MR. SWANSON: Does that work, Jeff?</p> <p>4 MR. SKINNER: I heard you fine, Marty. I just</p> <p>5 didn't hear the answer.</p> <p>6 MR. JENSEN: We'll see how this goes.</p> <p>7 Q. Mr. Luvaas, I believe your answer was 1986,</p> <p>8 correct?</p> <p>9 A. It was, yes.</p> <p>10 Q. Have you ever had your deposition taken before?</p> <p>11 A. I did about 30 years ago.</p> <p>12 Q. Okay. And I suspect you've taken depositions</p> <p>13 before?</p> <p>14 A. I have.</p> <p>15 Q. Okay. And perhaps I'll give you a quick refresher</p> <p>16 on some of the rules, even though I have due respect for</p> <p>17 you as an attorney having gone through the process, you</p> <p>18 probably know them already.</p> <p>19 Today is a question-and-answer session. You</p> <p>20 understand that, right?</p> <p>21 A. Yes.</p> <p>22 Q. And although it may appear that we're in an</p> <p>23 informal setting, we're actually not. This is the same</p> <p>24 thing as if we were sitting in a court of law.</p> <p>25 Do you understand that?</p>

<p>9</p> <p>1 A. I do.</p> <p>2 Q. Do you understand the penalty of perjury applies</p> <p>3 to this proceeding?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. If I ask you a question that you don't</p> <p>6 understand, Mr. Luvaas, please feel free to tell me.</p> <p>7 A. I will.</p> <p>8 Q. I'll try my very best to try and fix it. This</p> <p>9 isn't Law & Order, as you well know, and sometimes the</p> <p>10 things that come out of our mouths aren't very articulate.</p> <p>11 I'll try my best. Let me know when you don't understand</p> <p>12 something, okay?</p> <p>13 A. I appreciate that.</p> <p>14 Q. Any time you need a break, let me know. I'm not</p> <p>15 here to keep you here all day in lockdown. Any time you</p> <p>16 need a break, you take one, okay?</p> <p>17 A. Fine.</p> <p>18 Q. Okay. I don't want you to guess or speculate.</p> <p>19 You understand that, right?</p> <p>20 A. Yes.</p> <p>21 Q. And you understand the difference between guessing</p> <p>22 and speculating, correct?</p> <p>23 A. I do.</p> <p>24 Q. I don't have to use that standard boilerplate</p> <p>25 example, right?</p>	<p>11</p> <p>1 nature, I'm going to be able to comment upon those.</p> <p>2 Do you understand that?</p> <p>3 A. Yes, I do.</p> <p>4 Q. Okay. Is there anything that prevents you from</p> <p>5 providing your best testimony here today?</p> <p>6 A. Not to my knowledge.</p> <p>7 Q. Okay. Good. Hopefully the fog wasn't too bad on</p> <p>8 the way in.</p> <p>9 A. It was.</p> <p>10 Q. Oh, darn. I'm sorry. I can't project what the</p> <p>11 weather is going to be though, so it wasn't my fault.</p> <p>12 Have you reviewed any documents in preparation for</p> <p>13 your deposition here today?</p> <p>14 A. I skimmed through the ones that I provided, yes.</p> <p>15 Q. When you say "I provided," are you talking about</p> <p>16 documents that you recently provided to your counsel which</p> <p>17 were produced in this case?</p> <p>18 A. Yes, I am.</p> <p>19 Q. Okay. And how many documents -- estimate, how</p> <p>20 many documents were those?</p> <p>21 A. I could only guess. I don't know.</p> <p>22 Q. A couple hundred?</p> <p>23 A. Probably not that many, but probably over 100.</p> <p>24 Q. Okay. And do any documents stand out in your mind</p> <p>25 as those that you reviewed?</p>
<p>10</p> <p>1 A. Correct.</p> <p>2 MR. SWANSON: Did you say the difference between</p> <p>3 guess and speculate?</p> <p>4 MR. JENSEN: Sorry.</p> <p>5 Q. I don't want you to speculate, right? I don't</p> <p>6 want you to speculate, right? I'm entitled to your best</p> <p>7 estimate.</p> <p>8 Thank you, Counselor.</p> <p>9 You know the difference, right?</p> <p>10 A. I do.</p> <p>11 MR. SWANSON: I thought you were telling him the</p> <p>12 difference between guessing and speculating.</p> <p>13 MR. JENSEN: Maybe in my mind there is.</p> <p>14 Q. Please make sure that your answers are audible.</p> <p>15 We have a wonderful court reporter here today. She has a</p> <p>16 very difficult job, and some of the transcripts in this</p> <p>17 case have come out in a way that I would say weren't</p> <p>18 perfect, so I'm going to try my best to be audible. I'm</p> <p>19 hoping that you'll do your best as well. No shoulder</p> <p>20 shrugs, no "uh-huhs," okay?</p> <p>21 A. Sure.</p> <p>22 Q. I know that's not normal, but try your best.</p> <p>23 At the end of this proceeding, you're going to get</p> <p>24 a big packet to go through. And I just want you to know</p> <p>25 to the extent you make any changes that are substantive of</p>	<p>12</p> <p>1 A. No, not really.</p> <p>2 Q. Okay. But they were the universe of documents</p> <p>3 that you had recently sent to your counsel which were then</p> <p>4 produced; is that accurate?</p> <p>5 A. Yes, it is.</p> <p>6 Q. Okay. And have you met with anyone to prepare for</p> <p>7 your deposition here today?</p> <p>8 A. I met with Bob Swanson.</p> <p>9 Q. Of course, you know that any communications that</p> <p>10 you had with your lawyer I don't want to know about.</p> <p>11 A. I know that.</p> <p>12 Q. Okay. You met with Mr. Swanson when?</p> <p>13 A. Last Wednesday I believe.</p> <p>14 (Mr. McFardland joined the deposition.)</p> <p>15 Q. BY MR. JENSEN: And that was at his office in</p> <p>16 Sacramento?</p> <p>17 A. Yes.</p> <p>18 Q. How long did that meeting last?</p> <p>19 A. A little less than three hours.</p> <p>20 Q. Okay. Did you review any documents in that</p> <p>21 meeting with Mr. Swanson?</p> <p>22 A. I looked at a couple of those that I provided but</p> <p>23 to tell you the truth, I don't recall which ones.</p> <p>24 MR. JENSEN: Okay. So the record is clear,</p> <p>25 Mr. McFarland has now entered the proceedings.</p>

<p style="text-align: right;">13</p> <p>1 Q. What's your highest level of education?</p> <p>2 A. I was a law school graduate.</p> <p>3 Q. Okay. That was at Berkeley; is that right?</p> <p>4 A. Berkeley, yes.</p> <p>5 Q. And when was that?</p> <p>6 A. 1968.</p> <p>7 Q. Very good. See, you're doing very good on the</p> <p>8 memory test thus far.</p> <p>9 MR. SWANSON: That would be an interesting time to</p> <p>10 be at law school in Berkeley.</p> <p>11 MR. JENSEN: Berkeley of all places.</p> <p>12 Q. What is your bar number, if you remember?</p> <p>13 A. I don't remember.</p> <p>14 Q. Because I believe actually the founding partner of</p> <p>15 my law firm, Russell Porter, graduated roughly about the</p> <p>16 same time as you.</p> <p>17 A. Interesting.</p> <p>18 Q. Yeah.</p> <p>19 A. I know my number is smaller than most I've seen in</p> <p>20 a very long time.</p> <p>21 Q. Yeah, yeah. Absolutely.</p> <p>22 What kind of law did you practice?</p> <p>23 A. Various. I practiced juvenile law early on and</p> <p>24 then legal aid and then got into a personal injury</p> <p>25 insurance defense practice for eight years, and then</p>	<p style="text-align: right;">15</p> <p>1 MR. SWANSON: Do you mean where was his office?</p> <p>2 MR. JENSEN: Where he primarily conducted business</p> <p>3 as a mediator.</p> <p>4 THE WITNESS: Well, the type of cases you mean?</p> <p>5 Q. BY MR. JENSEN: No, what location.</p> <p>6 A. Oh, Chico.</p> <p>7 Q. Thank you. Now, today I'm going to try and make</p> <p>8 this a little bit easier by using some definitions for</p> <p>9 some entities as we move forward. And I recognize you may</p> <p>10 not agree with the definitions I'm using. I just want to</p> <p>11 make sure you and I are on the same page in terms of those</p> <p>12 definitions that I'm going to be using in my questions.</p> <p>13 Do you understand that?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. For instance, I'm referring to the</p> <p>16 California State Grange, the California nonprofit</p> <p>17 corporation, I'm going to refer to that today as the</p> <p>18 Unchartered Grange, okay? That's going to be my</p> <p>19 definition.</p> <p>20 Do you understand that?</p> <p>21 A. I understand that's your definition, yes.</p> <p>22 Q. Right. And I understand that you may take a</p> <p>23 different view of that. But for purposes of my questions</p> <p>24 here today, when I'm referring to that entity, California</p> <p>25 State Grange, California nonprofit corporation, I'm</p>
<p style="text-align: right;">14</p> <p>1 several years in environmental law, land use planning.</p> <p>2 Q. And that culminated or ended in -- sorry. Strike</p> <p>3 that.</p> <p>4 And that ended in 1986?</p> <p>5 A. Yeah, approximately '86.</p> <p>6 Q. Right.</p> <p>7 A. And then I went into mediation and, of course, I</p> <p>8 used some of the legal background for that, but no more</p> <p>9 law practice.</p> <p>10 Q. Okay. And is it fair to say since 1986 you've</p> <p>11 been acting as a mediator?</p> <p>12 A. I did until I retired about eight years ago.</p> <p>13 Q. Okay. So from 1986 through when were you acting</p> <p>14 as a mediator?</p> <p>15 A. About 2006 or '07.</p> <p>16 Q. And thereafter you've been retired?</p> <p>17 A. Yes.</p> <p>18 Q. And where did you practice as a lawyer, the</p> <p>19 location?</p> <p>20 A. In San Francisco, Woodland, Chico and with</p> <p>21 occasional travel to Plumas, Tehama, and Shasta counties,</p> <p>22 Glenn County.</p> <p>23 Q. And then where did you -- where was your primary</p> <p>24 business as a mediator?</p> <p>25 A. Divorce --</p>	<p style="text-align: right;">16</p> <p>1 referring to it as the Unchartered Grange.</p> <p>2 A. Okay.</p> <p>3 Q. Okay. If we get mixed up every once in a while,</p> <p>4 we'll try and get back on the same page. And please tell</p> <p>5 me if you get a little confused, but that's where we're</p> <p>6 going to be, okay, in terms of my definitions, okay?</p> <p>7 A. Okay.</p> <p>8 MR. SWANSON: Martin, so just -- can we -- I mean</p> <p>9 I think that that creates -- you can define it however you</p> <p>10 want to define it. Can we have a standing objection to</p> <p>11 that?</p> <p>12 MR. JENSEN: Yes.</p> <p>13 MR. SWANSON: We will answer questions.</p> <p>14 Mr. Luvaas will answer questions with you posing them as</p> <p>15 that, but assuming we have a standing objection that we</p> <p>16 disagree with, you know, your characterization of the</p> <p>17 nature of the organization that I represent here today.</p> <p>18 MR. JENSEN: Certainly.</p> <p>19 MR. SWANSON: Okay.</p> <p>20 MR. JENSEN: As was reciprocated when we've gone</p> <p>21 about this in the past.</p> <p>22 MR. SWANSON: I understand in D.C. you guys did</p> <p>23 the same thing.</p> <p>24 MR. JENSEN: Absolutely.</p> <p>25 MR. SWANSON: That's fine. I don't want to muck</p>

<p style="text-align: right;">17</p> <p>1 this up. Let's, you know, move through it but --</p> <p>2 MR. LAPCEVIC: Join.</p> <p>3 MR. JENSEN: So at any rate, I agree with you.</p> <p>4 MR. SWANSON: Got you.</p> <p>5 MR. JENSEN: I have no problem about that. That's</p> <p>6 something we'll get --</p> <p>7 MR. SWANSON: This is all going to get sorted out.</p> <p>8 MR. JENSEN: Yeah, someone will hash that out.</p> <p>9 But I recognize your standing objection going forward and</p> <p>10 I have no problem with it.</p> <p>11 Q. Same thing. National Grange of the Order of</p> <p>12 Patrons of Husbandry, I'll refer to that as the National</p> <p>13 Grange as we proceed forward here today.</p> <p>14 Do you understand that?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. You're familiar with the National Grange,</p> <p>17 correct?</p> <p>18 A. Yes.</p> <p>19 Q. What is it?</p> <p>20 A. It's an organization -- it's a corporation</p> <p>21 chartered as I understand it in the District of Columbia,</p> <p>22 which is affiliated with a number of state granges around</p> <p>23 the country.</p> <p>24 Q. Anything else?</p> <p>25 A. It has a set of rules and procedures by which it</p>	<p style="text-align: right;">19</p> <p>1 MR. JENSEN: I looked at Bruce Croucher's</p> <p>2 deposition this morning. That's the last person who had</p> <p>3 his deposition taken. I believe that is the last number.</p> <p>4 MR. SWANSON: We'll figure it out.</p> <p>5 MR. JENSEN: Yeah. So at any rate what I'll do is</p> <p>6 I'll mark ...</p> <p>7 (Exhibit 139 was marked for identification.)</p> <p>8 Q. BY MR. JENSEN: If you'll help me, in aid to the</p> <p>9 question and flip to page 1, Chapter 1 under Article I,</p> <p>10 Divisions of the Order. Do you see the heading</p> <p>11 Constitution of 1986, sir? Do you mind if I help you?</p> <p>12 A. It says Constitution of the Order in here.</p> <p>13 MR. JENSEN: Might I aid, sir?</p> <p>14 MR. SWANSON: Yeah, that's fine.</p> <p>15 Q. BY MR. JENSEN: Past the Roman numerals.</p> <p>16 A. What was the question?</p> <p>17 Q. So now you and I are on the page under the heading</p> <p>18 of Constitution of 1986, Article I, Divisions of the</p> <p>19 Order.</p> <p>20 Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. Take a moment to review Sections 1.1.1 of the</p> <p>23 Constitution, A through F.</p> <p>24 A. (Witness reviews document.) Okay.</p> <p>25 Q. So there are Divisions of the Order of Patrons of</p>
<p style="text-align: right;">18</p> <p>1 operates.</p> <p>2 Q. Okay.</p> <p>3 A. And at this point I don't actually understand its</p> <p>4 purposes.</p> <p>5 Q. Okay. Is that it?</p> <p>6 A. That's it.</p> <p>7 Q. Okay. Going forward, I'm going to refer to the</p> <p>8 Grange of the State of California's Order of Patrons of</p> <p>9 Husbandry Charter -- that's a mouthful -- as the Chartered</p> <p>10 Grange.</p> <p>11 Do you understand that?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And you would agree with me that there are</p> <p>14 divisions of the Order of Patrons of Husbandry?</p> <p>15 MR. SWANSON: Object to the extent that calls for</p> <p>16 a legal conclusion.</p> <p>17 MR. LAPCEVIC: Join.</p> <p>18 THE WITNESS: Let me ask you to clarify that</p> <p>19 question.</p> <p>20 Q. BY MR. JENSEN: Sure. And I'm not trying to be</p> <p>21 tricky. Actually what I'll do is put in front of you --</p> <p>22 we're starting here today I guess, if I recall correctly</p> <p>23 where we left off, Exhibit 139. Now, these binders, by</p> <p>24 the way, I don't think have been updated.</p> <p>25 MR. SWANSON: Are we sure that's --</p>	<p style="text-align: right;">20</p> <p>1 Husbandry, correct?</p> <p>2 MR. SWANSON: Again, object to the extent that</p> <p>3 calls for a legal conclusion.</p> <p>4 MR. LAPCEVIC: Join.</p> <p>5 THE WITNESS: Now, I think that's up to the Court</p> <p>6 to decide, but I see that's what it says here.</p> <p>7 Q. BY MR. JENSEN: Right. And, for instance, a</p> <p>8 junior grange is a division of the Order of Patrons of</p> <p>9 Husbandry, correct?</p> <p>10 MR. SWANSON: Same objection.</p> <p>11 MR. LAPCEVIC: Join.</p> <p>12 THE WITNESS: That's what this says, and that's</p> <p>13 all I know about that.</p> <p>14 Q. BY MR. JENSEN: You don't know whether a junior</p> <p>15 grange is a division of the Order of Patrons of Husbandry?</p> <p>16 A. No.</p> <p>17 Q. You don't know if any California junior granges</p> <p>18 are a division of the Order of Patrons of Husbandry?</p> <p>19 A. No, I don't know.</p> <p>20 Q. No personal knowledge, right?</p> <p>21 A. No.</p> <p>22 Q. Okay. Do you know of anyone currently with the</p> <p>23 Unchartered Grange that has any knowledge on this subject</p> <p>24 matter?</p> <p>25 A. No.</p>

<p style="text-align: right;">21</p> <p>1 Q. A subordinate grange is a division of the Order of 2 Patrons of Husbandry, correct?</p> <p>3 MR. SWANSON: Object to the extent it's calling 4 for a legal conclusion.</p> <p>5 THE WITNESS: I don't know. That's just what this 6 says.</p> <p>7 Q. BY MR. JENSEN: The document says that, right?</p> <p>8 A. Yes.</p> <p>9 Q. Right. You have no personal knowledge as you sit 10 here today whether or not a subordinate grange is a 11 division of the Order of Patrons of Husbandry?</p> <p>12 A. No.</p> <p>13 Q. Do you know anybody with the Unchartered Grange 14 who has any knowledge regarding that?</p> <p>15 A. No.</p> <p>16 Q. A Pomona Grange is a division of the Order of 17 husband -- a division of the Order of Patrons of 18 Husbandry, correct?</p> <p>19 MR. SWANSON: Same objection.</p> <p>20 THE WITNESS: I don't know. Again, that's what 21 this says.</p> <p>22 Q. BY MR. JENSEN: Okay. No personal knowledge as 23 you --</p> <p>24 A. No.</p> <p>25 Q. -- sit here today, correct?</p>	<p style="text-align: right;">23</p> <p>1 the -- what I would call the unchartered California -- or 2 sorry. Strike that.</p> <p>3 The Unchartered Grange, you're saying it is not a 4 division of the Order?</p> <p>5 A. Correct, it is not.</p> <p>6 Q. Right. Currently as we sit here today it's no 7 longer a division of the Order of Patrons of Husbandry?</p> <p>8 MR. SWANSON: Objection. That assumes facts not 9 in evidence.</p> <p>10 THE WITNESS: It is not now and never has been a 11 division of the Order, as it's defined here.</p> <p>12 Q. BY MR. JENSEN: Your testimony here today is that 13 the Unchartered Grange was never a division of the Order 14 of Patrons of Husbandry?</p> <p>15 A. That's what I'm saying.</p> <p>16 Q. Okay. And the National Grange is a division of 17 the Order of Patrons of Husbandry, correct?</p> <p>18 A. I don't know.</p> <p>19 Q. Do you know if there's anyone at the Unchartered 20 Grange that has any knowledge regarding that subject 21 matter?</p> <p>22 A. I don't know.</p> <p>23 Q. And the Assembly of Demeter is a division of the 24 Order of Patrons of Husbandry, correct?</p> <p>25 A. I don't know.</p>
<p style="text-align: right;">22</p> <p>1 A. No.</p> <p>2 Q. One more little admonition.</p> <p>3 MR. SWANSON: Let him finish his question.</p> <p>4 Q. BY MR. JENSEN: Let me finish my question before. 5 That way we'll have a clean record. Otherwise, we have 6 you talking over the top of me and it doesn't come out 7 right. I'd appreciate that. I'm not trying to be rude, 8 but I want to make sure we have a clean record, okay?</p> <p>9 A. Okay.</p> <p>10 Q. Great. Thank you. Do you know of anyone with the 11 Unchartered Grange that has any personal knowledge as to 12 whether or not a Pomona Grange is a division of the Order 13 of Patrons of Husbandry?</p> <p>14 A. No.</p> <p>15 Q. Okay. The State Grange is a division of the Order 16 of Patrons of Husbandry, correct?</p> <p>17 MR. SWANSON: Object. Calls for a legal 18 conclusion.</p> <p>19 MR. LAPCEVIC: Join.</p> <p>20 THE WITNESS: I only see here that that's what 21 this document says. I don't know what that means with 22 respect to the various state granges or other granges 23 around the country. I know that the California State 24 Grange is not a division of the Order.</p> <p>25 Q. BY MR. JENSEN: You're referring right now as</p>	<p style="text-align: right;">24</p> <p>1 Q. No knowledge, right?</p> <p>2 A. No.</p> <p>3 Q. Do you know if there's anyone at the Unchartered 4 Grange that has knowledge of that subject matter?</p> <p>5 A. No.</p> <p>6 Q. The National Grange is the representative national 7 division of the Order of Patrons of Husbandry, correct?</p> <p>8 MR. SWANSON: Objection. Calls for a legal 9 conclusion.</p> <p>10 MR. LAPCEVIC: Join.</p> <p>11 THE WITNESS: I don't know. That's for the Court 12 to decide.</p> <p>13 Q. BY MR. JENSEN: I'm wondering here -- and it's 14 okay, but your job here is to answer whether or not you 15 have any personal facts. I'm not -- I'm looking at you to 16 answer my question.</p> <p>17 Once again, the question is the National Grange is 18 the representative national division of the Order of 19 Patrons of Husbandry. That's a yes or a no. Either you 20 know it or you don't.</p> <p>21 MR. SWANSON: Same objection.</p> <p>22 MR. LAPCEVIC: Join.</p> <p>23 THE WITNESS: I don't know.</p> <p>24 MR. LAPCEVIC: Also argumentative but ...</p> <p>25 MR. JENSEN: The question is not argumentative.</p>

<p style="text-align: right;">25</p> <p>1 Q. Sorry, sir, what was your answer to the question?</p> <p>2 A. I don't know.</p> <p>3 Q. You don't know. Is there anybody at the</p> <p>4 Unchartered Grange that has personal knowledge regarding</p> <p>5 that subject matter?</p> <p>6 A. No.</p> <p>7 Q. And the National Grange is the controlling</p> <p>8 lawmaking division of the Order of Patrons of Husbandry,</p> <p>9 correct?</p> <p>10 MR. SWANSON: Object. Vague.</p> <p>11 THE WITNESS: I don't know.</p> <p>12 Q. BY MR. JENSEN: Okay. Is there anybody at the</p> <p>13 Unchartered Grange that has any knowledge regarding that</p> <p>14 subject matter?</p> <p>15 A. No. And I must say regarding all of these</p> <p>16 questions, I don't know what you mean by "division."</p> <p>17 Q. I'm simply referring to exactly what this document</p> <p>18 says. The document as I have in front of you is</p> <p>19 Exhibit 139. Under Article I, Divisions of the Order is</p> <p>20 what it says, right?</p> <p>21 A. I see that and I don't know what it means.</p> <p>22 Q. Okay. So you're just simply telling me you don't</p> <p>23 understand what the language means in that Article I,</p> <p>24 Divisions of the Order?</p> <p>25 A. I don't know what you or this document mean by</p>	<p style="text-align: right;">27</p> <p>1 committee" and "board of directors," that's been the same</p> <p>2 since 2012 to the time we're sitting here today, correct?</p> <p>3 A. Yes.</p> <p>4 Q. When were you first elected to a position on the</p> <p>5 executive committee of the Unchartered Grange?</p> <p>6 A. In 2007 for the 2008 year and following.</p> <p>7 Q. Okay. And how long was your first term to last as</p> <p>8 an elected representative of the Unchartered Grange?</p> <p>9 A. Three years as I recall.</p> <p>10 Q. So 2008 terminating at the end of 2011. Am I</p> <p>11 right there on the math?</p> <p>12 A. End of 2010.</p> <p>13 Q. 2010.</p> <p>14 MR. SKINNER: It's actually four years. From</p> <p>15 May 2009 to 2010 would be three years.</p> <p>16 Q. BY MR. JENSEN: Let's see. I'm just trying to</p> <p>17 test your personal knowledge. Let's try and rewind here.</p> <p>18 MR. SWANSON: I guess the documents are able to</p> <p>19 show what it was so ...</p> <p>20 MR. JENSEN: Sure.</p> <p>21 Q. And you know that, Mr. Luvaas. I'm trying to get</p> <p>22 your best estimate here today. If there's a document that</p> <p>23 shows otherwise, I'm not -- I'm not trying to say that's</p> <p>24 something that's impeaching your credibility. I'm trying</p> <p>25 to get an idea of your recollection of how things</p>
<p style="text-align: right;">26</p> <p>1 that word.</p> <p>2 Q. Okay. Are you following me here, 1.1.1, "The</p> <p>3 Order of Patrons of Husbandry (hereinafter known as the</p> <p>4 Order) shall consist of the six following divisions."</p> <p>5 You see that, right?</p> <p>6 A. I do see that.</p> <p>7 Q. Okay. Is there something in there that you don't</p> <p>8 understand?</p> <p>9 MR. SWANSON: Objection. That's argumentative.</p> <p>10 MR. LAPCEVIC: Join.</p> <p>11 Q. BY MR. JENSEN: And the National Grange is the</p> <p>12 supreme lawmaking division of the Order of Patrons of</p> <p>13 Husbandry, correct?</p> <p>14 A. I see that's what this says and that's what the</p> <p>15 National Grange says.</p> <p>16 Q. Right. Now, you were a member of the Unchartered</p> <p>17 Grange executive committee in 2012, correct?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And that was an elected position, correct?</p> <p>20 A. Yes.</p> <p>21 Q. The term "executive committee of the Unchartered</p> <p>22 Grange" can be used interchangeably with the term "board</p> <p>23 of directors," correct?</p> <p>24 A. Yes.</p> <p>25 Q. And that interchangeability of the term "executive</p>	<p style="text-align: right;">28</p> <p>1 transpired in terms of you becoming a member of the</p> <p>2 executive committee. You understand that, right?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. So let's try and go back here. Do you</p> <p>5 recall when -- with that aid, do you recall when you were</p> <p>6 first elected to the position of executive committee with</p> <p>7 the Unchartered Grange?</p> <p>8 A. In 2007.</p> <p>9 Q. Okay. You still believe it was 2007?</p> <p>10 A. I'd have to go back and look at the records, to</p> <p>11 tell you the truth. I'm not sure at this point.</p> <p>12 Q. You're not sure?</p> <p>13 A. Well, you're getting me a bit confused about that.</p> <p>14 I thought I served a three-year term and then a four-year</p> <p>15 term.</p> <p>16 Q. Okay. That's what you think that your original</p> <p>17 term was three years starting in '08, completing in '11?</p> <p>18 A. Completing in '10.</p> <p>19 Q. '10. Okay. And then a reelection in '10?</p> <p>20 A. For '11, '12, '13 and '14.</p> <p>21 Q. Okay. Was there an installation ceremony when you</p> <p>22 were first elected to position of executive committee in</p> <p>23 '08?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And had you seen an installation ceremony</p>

<p style="text-align: right;">29</p> <p>1 prior to you becoming an executive committee member?</p> <p>2 A. No.</p> <p>3 Q. Okay. So this was the first time -- if it</p> <p>4 happened in '08, it would be the first time that you had</p> <p>5 been exposed to an installation ceremony, correct?</p> <p>6 A. Yes.</p> <p>7 Q. And at the installation ceremony that you</p> <p>8 participated in in 2008, was there an oath administered?</p> <p>9 A. I'm not sure if it was an oath. I was asked to</p> <p>10 agree to perform the duties of the office.</p> <p>11 Q. Okay. That's the first time that you had been</p> <p>12 administered an oath as it relates to the Grange, is that</p> <p>13 true, the one that you took in '08?</p> <p>14 MR. SWANSON: Martin, I'm just going to object to</p> <p>15 the extent it assumes facts.</p> <p>16 THE WITNESS: I was an officer of the Chico Grange</p> <p>17 before that and there was a simple ceremony acknowledging</p> <p>18 the new leadership.</p> <p>19 Q. BY MR. JENSEN: Do you recall when that occurred?</p> <p>20 A. That was about 2003, but I'm not sure.</p> <p>21 Q. Okay. And do you recall if you took an oath in</p> <p>22 2003 at that simple ceremony as you describe?</p> <p>23 A. I don't think it was an oath.</p> <p>24 Q. Okay.</p> <p>25 A. I didn't solemnly swear or anything so ...</p>	<p style="text-align: right;">31</p> <p>1 A. Shirley Baker.</p> <p>2 Q. Who else?</p> <p>3 A. I don't remember who else came on the executive</p> <p>4 committee at that point. Leo Bergeron I believe. And</p> <p>5 that would have been in the October preceding that first</p> <p>6 full year that I was in office, which was, as I said,</p> <p>7 2008. Now I'm wondering whether it was 2007 and I served</p> <p>8 two four-year terms. Let me say that I don't remember if</p> <p>9 I served one three-year and one four-year or two four-year</p> <p>10 terms.</p> <p>11 Q. So to the best of your recollection --</p> <p>12 A. They were long terms and it was a long time ago.</p> <p>13 Q. So to the best of your recollection, it's either a</p> <p>14 three-year term as your first term --</p> <p>15 A. Yes.</p> <p>16 Q. -- or a four-year term.</p> <p>17 A. Yes.</p> <p>18 Q. Okay.</p> <p>19 A. So it could have been 2006 or it could have been</p> <p>20 2007 when I was first elected for a term.</p> <p>21 Q. Okay. And your best recollection here today is</p> <p>22 that the second term was a four-year term?</p> <p>23 A. That I'm sure of.</p> <p>24 Q. Okay. Okay. Anyone else -- we've identified</p> <p>25 Shirley Baker, Leo Bergeron. Anyone else you recall who</p>
<p style="text-align: right;">30</p> <p>1 Q. That's your recollection of the ceremony that</p> <p>2 occurred in 2003, correct?</p> <p>3 A. Right.</p> <p>4 Q. Okay. Do you recall if the ceremony, as you</p> <p>5 described simple ceremony, was similar to the ceremony</p> <p>6 that you had in 2008?</p> <p>7 A. Generally similar, yes.</p> <p>8 Q. When you say "generally similar," what do you</p> <p>9 mean?</p> <p>10 A. The setting was much less formal at the Chico</p> <p>11 ceremony for new officers.</p> <p>12 Q. And at the Chico installation ceremony in 2003,</p> <p>13 who was the person who administered the ceremony?</p> <p>14 A. I don't remember.</p> <p>15 Q. Okay. And at the installation ceremony in 2008,</p> <p>16 who was the person that administered the ceremony?</p> <p>17 A. I don't remember.</p> <p>18 Q. Okay. Do you remember who was present in 2008 at</p> <p>19 the installation ceremony? And I don't mean if there was</p> <p>20 a lot of people there. In terms of the people who were</p> <p>21 involved in the ceremony itself, the people who had a role</p> <p>22 in the ceremony. Let me make it clear.</p> <p>23 A. Well, there were -- there were other participants</p> <p>24 being admitted to office.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">32</p> <p>1 was actively participating in the installation ceremony in</p> <p>2 let's call that 2007?</p> <p>3 A. I don't remember now if Martha Stefenoni was a</p> <p>4 continuing member or was elected that year as the overseer</p> <p>5 and then sat on the executive committee as the overseer.</p> <p>6 Q. And you don't -- do you recall as you sit here</p> <p>7 today whether or not the State Grange master at that time</p> <p>8 was presiding over the installation ceremony? That's the</p> <p>9 one in 2007 that I'm referring to as we sit here today.</p> <p>10 A. I remember Randy Lewis was the outgoing president</p> <p>11 of the State Grange at that point. It may have been him</p> <p>12 or it may have been some other officer of the State Grange</p> <p>13 who conducted that ceremony. I don't remember.</p> <p>14 Q. Do you recall if anyone from the National Grange</p> <p>15 conducted the installation ceremony in 2007?</p> <p>16 A. When I was installed to the office, master --</p> <p>17 National Master Ed Luttrell was present at the convention.</p> <p>18 I don't remember if he conducted the ceremony.</p> <p>19 Q. And you don't know as you sit here today whether</p> <p>20 he administered an oath to you?</p> <p>21 A. I don't remember.</p> <p>22 Q. So we have your first term. It's either a three</p> <p>23 or four-year term. That terminates. You were reelected,</p> <p>24 correct?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">33</p> <p>1 Q. Was there an installation ceremony once you were 2 reelected?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And was that installation ceremony the same 5 as the ceremony that took place in 2007?</p> <p>6 A. At most I can say it was similar.</p> <p>7 Q. Okay. Do you recall taking an oath at that 8 installation ceremony?</p> <p>9 A. Again, I agreed to perform the duties of the 10 office, and I don't remember the details or what I was 11 asked to promise.</p> <p>12 Q. Okay. Do you recall taking an oath to support the 13 constitution of the Order of the Patrons of Husbandry?</p> <p>14 A. I don't remember anything about the constitution.</p> <p>15 Q. Do you recall an oath to uphold the bylaws of the 16 National Grange?</p> <p>17 A. As best I can recall, I was asked whether I would 18 support the rules of the National and State Grange and the 19 laws of the United States and the State of California.</p> <p>20 Q. Okay. So you recall to support the rules of the 21 National Grange as one category, correct?</p> <p>22 A. One category.</p> <p>23 Q. Support the rules of the State Grange as a 24 separate category, correct?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">35</p> <p>1 Q. And an obligation to support the laws of the 2 United States, correct?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And that was the same that happened in your 5 second installation ceremony and once you were reelected 6 to the executive committee, correct?</p> <p>7 A. I think it -- I think it was.</p> <p>8 Q. As you sit here today, you don't recall any 9 differences --</p> <p>10 A. I'm not -- I'm just not certain what the words 11 were that were used.</p> <p>12 Q. But the general obligations remain the same, as we 13 just articulated: Support the rules of the National 14 Grange, correct?</p> <p>15 A. Among other things, yes.</p> <p>16 Q. Sure. Support the rules of the State Grange, 17 correct?</p> <p>18 A. Among other things, yes.</p> <p>19 Q. Sure. And we'll get to the other things. Support 20 the laws of the State of California, correct?</p> <p>21 A. Yes, and particularly to support the laws of the 22 State of California if there is a conflict with the rules 23 of the Grange, since we were operating under the 24 corporation's code of the State of California, which must 25 prevail in any conflict with the rules of the corporation.</p>
<p style="text-align: right;">34</p> <p>1 Q. Support the rules, laws of the State of 2 California, correct?</p> <p>3 A. Yes.</p> <p>4 Q. Support the laws of the United States, correct?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And that was the same as your first 7 installation ceremony in Chico as well?</p> <p>8 MR. SWANSON: Can I get clarification? You're 9 talking about previous to 2007?</p> <p>10 MR. JENSEN: Right. 2003 I believe he was 11 installed in Chico, if I recall correctly.</p> <p>12 THE WITNESS: It's pretty hard to remember that 13 far back.</p> <p>14 Q. BY MR. JENSEN: Sure. But your first installation 15 ceremony you take an obligation -- let's use that word; is 16 that a fair word -- to support the laws of the National 17 Grange, correct?</p> <p>18 A. The word "obligation" is one I'm familiar with in 19 terms of installation to office, yes.</p> <p>20 Q. Yes. Same thing, an obligation to support the 21 laws of the State Grange, correct?</p> <p>22 A. Yes.</p> <p>23 Q. And an obligation to support the laws of the State 24 of California, correct?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">36</p> <p>1 Q. That may very well be, but you didn't take a 2 specialized oath that said, well, we'll pay particular 3 attention to California corporation's code; that didn't 4 happen, right?</p> <p>5 MR. SWANSON: I'll just object as argumentative.</p> <p>6 THE WITNESS: As an attorney admitted in 1968 to 7 the practice of law in California, I became extremely 8 aware that the laws of the state prevail and that every 9 corporation operating in the state and every business and 10 individual operating in the state must abide by the laws 11 of the State of California, regardless of what their own 12 rules might be.</p> <p>13 Q. BY MR. JENSEN: Okay. Once again, in the 14 installation ceremony that you -- once you were reelected 15 you also took an obligation to support the laws of the 16 United States of America, right?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Were you a part of any installation 19 ceremony that occurred, for instance, in 2013?</p> <p>20 A. I don't remember.</p> <p>21 Q. And do you recall if there were any oaths 22 administered to any individuals -- well, strike that.</p> <p>23 Do you recall being part of any ceremony to bring 24 on new members of the board of directors for the 25 Unchartered Grange in 2013?</p>

<p style="text-align: right;">37</p> <p>1 A. I don't remember if I was there for that.</p> <p>2 Q. Okay. But there were people who became new</p> <p>3 members of the board of directors for the Unchartered</p> <p>4 Grange in 2013, right?</p> <p>5 A. I don't remember if there were that year. I think</p> <p>6 there probably was at least one, but I don't remember if</p> <p>7 that was in 2013.</p> <p>8 Q. Okay. As you --</p> <p>9 A. Let me -- let me back up.</p> <p>10 Q. Sure.</p> <p>11 A. Lawrence Jaffe was elected in 2013.</p> <p>12 Q. Elected to what position, sir?</p> <p>13 A. To the executive committee.</p> <p>14 Q. Okay.</p> <p>15 A. And I believe, but I'm not certain, that Bill</p> <p>16 Thomas was elected to the executive committee that year.</p> <p>17 I don't remember if there were other others that year.</p> <p>18 Q. Okay. Do you recall as you sit here today</p> <p>19 attending any installation ceremonies for Mr. Jaffe?</p> <p>20 A. I don't remember if I was there.</p> <p>21 Q. And do you recall being at any installation</p> <p>22 ceremony for Mr. Thomas?</p> <p>23 A. I don't remember that.</p> <p>24 Q. Okay. How about in 2012, do you recall if there</p> <p>25 were any installation ceremonies for the Unchartered</p>	<p style="text-align: right;">39</p> <p>1 A. Yes.</p> <p>2 Q. Okay. We'll get into more details about that.</p> <p>3 But you don't recall being at an installation ceremony</p> <p>4 that occurred after that election, correct?</p> <p>5 A. I don't recall yes or no.</p> <p>6 Q. Okay. And you don't have any recollection as you</p> <p>7 sit here today as to whether or not the installation</p> <p>8 ceremony was different than the one that you went through</p> <p>9 when you were most recently reelected?</p> <p>10 A. I don't know.</p> <p>11 Q. Okay. Do you know anybody at the Unchartered</p> <p>12 Grange who would know about installation ceremonies?</p> <p>13 MR. SWANSON: You mean just generally?</p> <p>14 MR. JENSEN: Yeah.</p> <p>15 THE WITNESS: I'm sure there are a number of</p> <p>16 people that would, but I wouldn't want to hazard a guess</p> <p>17 as to a specific individual.</p> <p>18 Q. BY MR. JENSEN: I'll ask the question a little</p> <p>19 more specifically. During the time in which you were a</p> <p>20 member of the executive committee, do you know of any</p> <p>21 person who was directly responsible for installation</p> <p>22 ceremonies for the Unchartered Grange?</p> <p>23 A. Ordinarily the president or master of the State</p> <p>24 Grange would preside, but I don't recall whether that was</p> <p>25 the case at that time.</p>
<p style="text-align: right;">38</p> <p>1 Grange?</p> <p>2 A. Are you talking about October 2012 or for the</p> <p>3 October -- for the 2012 year?</p> <p>4 Q. I think it works for the 2012 year. If I</p> <p>5 understand it correctly, you have a 2011 October</p> <p>6 convention and then install those people after they've</p> <p>7 been elected. Am I right about that?</p> <p>8 A. Yes. So for 2012 they would have been admitted in</p> <p>9 October of 2011, and for 2013 they would have been</p> <p>10 admitted in October of 2012.</p> <p>11 Q. That's right.</p> <p>12 A. So which are you asking?</p> <p>13 Q. I'm asking for I guess as we just discussed the</p> <p>14 first one where there was an election in October of 2012</p> <p>15 and they would be admitted thereafter for the remainder of</p> <p>16 the 2012 calendar -- well, for the 2012 year would be the</p> <p>17 first installation.</p> <p>18 A. Yes.</p> <p>19 Q. So do you recall being at an installation ceremony</p> <p>20 for that particular group?</p> <p>21 A. Again, I don't recall if I was there for a</p> <p>22 ceremony. I was there for the election.</p> <p>23 Q. There for the election. And there were people who</p> <p>24 were elected to the executive committee in that</p> <p>25 October 2011 meeting, correct?</p>	<p style="text-align: right;">40</p> <p>1 Q. Okay. Let's go back in a time machine here. 2007</p> <p>2 when you think you were first installed as a member of the</p> <p>3 executive committee.</p> <p>4 MR. SWANSON: Did you say time machine?</p> <p>5 MR. JENSEN: Yeah, time machine.</p> <p>6 Q. Would you agree with me that in order for you to</p> <p>7 take on or to become a member of the executive committee,</p> <p>8 an acting member, you first have to be installed into the</p> <p>9 office?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And you have to take on the obligations of</p> <p>12 that particular office, correct?</p> <p>13 A. Yes.</p> <p>14 Q. And those are the ones that we've already</p> <p>15 identified, the four categories, right? Follow the</p> <p>16 national bylaws, correct?</p> <p>17 A. To the extent they're consistent with state law,</p> <p>18 yes.</p> <p>19 Q. I understand your exception. Follow the State</p> <p>20 Grange bylaws?</p> <p>21 A. Again, to the extent they're consistent with</p> <p>22 California law.</p> <p>23 Q. Sure. Follow state law?</p> <p>24 A. Yes.</p> <p>25 Q. Follow the law of the United States, right?</p>

<p style="text-align: right;">41</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Do you know if the installation ceremonies</p> <p>3 that are going on today have omitted reference to the</p> <p>4 National Grange bylaws?</p> <p>5 A. I don't know. I haven't been to any ceremonies</p> <p>6 that are going on today.</p> <p>7 Q. And you don't know if they've omitted reference to</p> <p>8 the national -- strike that.</p> <p>9 You don't know if they've omitted reference to the</p> <p>10 Constitution of the Order of the Patrons of Husbandry?</p> <p>11 A. I was not at the last installation ceremony in</p> <p>12 2014, so I don't know.</p> <p>13 Q. Okay. Or 2013 for that matter, right?</p> <p>14 A. 2014 I know I was not present. 2013 I don't</p> <p>15 remember.</p> <p>16 Q. Got you. Okay. So a member of the executive</p> <p>17 committee is considered an officer of the Unchartered</p> <p>18 Grange, correct?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. So when you were first elected to the</p> <p>21 position of executive committee in '07, you became an</p> <p>22 officer of the Unchartered Grange, correct?</p> <p>23 A. Yes.</p> <p>24 MR. SWANSON: I'll just object to the extent that</p> <p>25 calls for a legal conclusion.</p>	<p style="text-align: right;">43</p> <p>1 A. Well, Leo Bergeron was one then.</p> <p>2 Q. Okay. And you were the chair of the executive</p> <p>3 committee, correct, in 2012?</p> <p>4 A. Yeah, I was an elected chair at the -- after the</p> <p>5 2012 convention.</p> <p>6 Q. Right. And that election to the position of chair</p> <p>7 happens from the group that are officers; is that</p> <p>8 accurate?</p> <p>9 A. Yes. Well, the group that are executive</p> <p>10 committee, master and overseer.</p> <p>11 Q. Right. So that was Mr. McFarland, Martha</p> <p>12 Stefenoni, Damian Parr, Shirley Baker, Inger Bevans, Jon</p> <p>13 Luvaas, yourself, and Leo Bergeron.</p> <p>14 A. Again, we're talking after the October 2012</p> <p>15 convention.</p> <p>16 Q. Talking after the October 2011 convention.</p> <p>17 A. Excuse me. Well, I've named who I believe were</p> <p>18 the members of the executive committee at the end of that</p> <p>19 convention. I was not elected chair at the October 2011</p> <p>20 convention. I was not elected until 2012.</p> <p>21 Q. At a meeting that occurred after the October</p> <p>22 convention, you were elected to the chair of the</p> <p>23 Unchartered Grange, right?</p> <p>24 A. Yes, in October 2012.</p> <p>25 Q. October of 2012?</p>
<p style="text-align: right;">42</p> <p>1 MR. JENSEN: Sure. The document kind of says</p> <p>2 that.</p> <p>3 MR. SWANSON: Is that the phrase that's used?</p> <p>4 MR. JENSEN: Yes. I mean I can pull it out and</p> <p>5 show you if you'd like, but that's exactly what it says.</p> <p>6 Q. In 2012 do you know who the officers of the</p> <p>7 Unchartered Grange were?</p> <p>8 A. Before or after new officers were installed?</p> <p>9 Q. So with the same idea in mind, an election, as I</p> <p>10 understand it, would occur in October of 2011 and it</p> <p>11 probably is staggered is my understanding as well in terms</p> <p>12 of board representation. So I'm looking for people who</p> <p>13 would have been in that office effective after the</p> <p>14 election in October of 2011.</p> <p>15 A. Well, after October of 2011, Bob McFarland was the</p> <p>16 president and a member of the executive committee. Martha</p> <p>17 Stefenoni was the overseer, vice president and sat on</p> <p>18 executive committee meetings. I've never been clear</p> <p>19 whether she was considered a member. Damian Parr, Shirley</p> <p>20 Baker, Inger Bevans.</p> <p>21 Q. Yourself.</p> <p>22 A. And myself.</p> <p>23 Q. There's to be seven; am I right about that?</p> <p>24 A. Yeah. Am I missing someone?</p> <p>25 Q. I believe so.</p>	<p style="text-align: right;">44</p> <p>1 A. '12.</p> <p>2 Q. Okay. So your testimony here today is -- let me</p> <p>3 back up.</p> <p>4 Do you recall being elected to the position of</p> <p>5 chair in the first meeting after the 2011 convention?</p> <p>6 MR. SWANSON: You mean the first board meeting?</p> <p>7 MR. JENSEN: Right.</p> <p>8 THE WITNESS: Okay. Yes, I was elected the chair</p> <p>9 after the 2011 convention for the 2012 year.</p> <p>10 Q. BY MR. JENSEN: Thank you.</p> <p>11 (Exhibit 140 was marked for identification.)</p> <p>12 Q. BY MR. JENSEN: I have marked Exhibit 140. You</p> <p>13 have that in front of you, right, sir?</p> <p>14 A. Yes.</p> <p>15 Q. You've seen that document before?</p> <p>16 A. Yes.</p> <p>17 Q. What is that document?</p> <p>18 A. It's called the Digest of Laws of the California</p> <p>19 State Grange.</p> <p>20 Q. This particular edition says 2011 edition; am I</p> <p>21 right?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. If you could flip to Section 14.2 just so</p> <p>24 you and I are on the same page in terms of how this</p> <p>25 process works. 14.2 b. 14.2 b, page 18.</p>

<p style="text-align: right;">45</p> <p>1 A. (Witness complies.)</p> <p>2 Q. Are you on the same page as me, page 18?</p> <p>3 A. Yes, I see it.</p> <p>4 Q. Remember you had mentioned previously about a</p> <p>5 couple minutes ago you said there was some confusion as to</p> <p>6 whether or not the overseer was a member of the executive</p> <p>7 committee. Now, 14.2 b seems to indicate that the</p> <p>8 overseer is a member of the executive committee, right?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. So that's -- does that cure any issue you</p> <p>11 have with respect to whether that was confusing?</p> <p>12 A. No, this clarifies that.</p> <p>13 Q. Right. So we have the master and we have the</p> <p>14 overseer. They're members of the executive committee,</p> <p>15 right?</p> <p>16 A. Yes.</p> <p>17 Q. Then there are five people who are also elected to</p> <p>18 that position, correct?</p> <p>19 A. Yes.</p> <p>20 Q. And then thereafter, you have the first meeting</p> <p>21 after the October convention there's to be someone elected</p> <p>22 to the chairperson of the executive committee, right?</p> <p>23 A. Yes.</p> <p>24 Q. That's the process, right?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">47</p> <p>1 Chernoff.</p> <p>2 Q. Buzz Chernoff, there we go, because that's a</p> <p>3 little bit different. You had indicated it was Leo</p> <p>4 Bergeron before --</p> <p>5 A. Leo Bergeron was no longer -- his term ended at</p> <p>6 the October 2011 convention.</p> <p>7 Q. Okay. So we're clear now that the slate of people</p> <p>8 who were on the executive committee after the October 2011</p> <p>9 convention: Mr. McFarland, Ms. Stefenoni, Mr. Parr,</p> <p>10 Ms. Baker, Ms. Bevans, yourself, and Mr. Chernoff?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 A. Mr. Bergeron's term had just ended.</p> <p>14 Q. Got it. And do you recall who voted in favor of</p> <p>15 you becoming the chair?</p> <p>16 A. I did, Damian Parr did, Buzz Chernoff did, and Bob</p> <p>17 McFarland did.</p> <p>18 Q. And then am I accurate to say that Ms. Baker,</p> <p>19 Ms. Bevans, and Ms. Stefenoni did not vote in favor of</p> <p>20 that?</p> <p>21 A. Correct.</p> <p>22 Q. So you were capable of voting yourself in favor of</p> <p>23 being in that particular position?</p> <p>24 A. Yes.</p> <p>25 Q. And would you agree with me that there are general</p>
<p style="text-align: right;">46</p> <p>1 Q. Okay. And so the first meeting after the</p> <p>2 October 2011 convention, you were elected as the</p> <p>3 chairperson of the executive committee, correct?</p> <p>4 A. Yes. Now we have that clear.</p> <p>5 Q. Okay. Very good. And that's outlined</p> <p>6 consistent -- sorry. Strike that.</p> <p>7 That process is consistent with Section 14.2 of</p> <p>8 the Digest of Laws of the Unchartered Grange.</p> <p>9 A. Yes.</p> <p>10 Q. And this particular set of -- this bylaw, for</p> <p>11 instance, article whatever that is, 14.2, was effective at</p> <p>12 the time, 2011?</p> <p>13 A. Yes.</p> <p>14 Q. Sorry. Strike that. This particular bylaw was in</p> <p>15 effect in 2012, right?</p> <p>16 A. Yes.</p> <p>17 Q. Do you recall when this meeting -- when you were</p> <p>18 elected to the chair of the executive committee, do you</p> <p>19 recall when the meeting took place?</p> <p>20 A. It took place on Sunday at the end of the</p> <p>21 convention when the executive committee holds its first</p> <p>22 meeting for that term.</p> <p>23 Q. Okay. And do you recall who attended the meeting?</p> <p>24 A. Yes. It was Bob McFarland, Martha Stefenoni,</p> <p>25 myself, Shirley Baker, Inger Bevans, Damian Parr, and Buzz</p>	<p style="text-align: right;">48</p> <p>1 duties of an officer of the Unchartered Grange in 2012?</p> <p>2 MR. SWANSON: Object as vague and ambiguous.</p> <p>3 MR. JENSEN: Sure. I'll make it a little more</p> <p>4 clear.</p> <p>5 Q. 14.9, it's on page 20.</p> <p>6 A. Yes, I see that.</p> <p>7 Q. Do you see that? You would agree with me that</p> <p>8 there are general duties of an officer of the Unchartered</p> <p>9 Grange in 2012.</p> <p>10 A. Yes.</p> <p>11 Q. You would agree with me that those duties apply to</p> <p>12 you.</p> <p>13 A. The corporation's bylaws did provide that they</p> <p>14 applied to me as an elected officer.</p> <p>15 Q. Right. And it was your duty to insure that the</p> <p>16 constitution and bylaws of the Grange at all levels are</p> <p>17 observed, correct?</p> <p>18 A. It was my duty to be sure that the bylaws were</p> <p>19 followed to the extent that the corporation was acting in</p> <p>20 accordance with the state laws.</p> <p>21 Q. The language in here clearly states that one of</p> <p>22 your duties is to ensure that the constitution and bylaws</p> <p>23 of the Grange at all levels are observed, correct?</p> <p>24 A. The corporation set its own internal rules, yes,</p> <p>25 and this is one of those --</p>

<p style="text-align: right;">49</p> <p>1 Q. And that rule was approved, right?</p> <p>2 A. This rule said only that I would follow the rules</p> <p>3 and procedures of the Grange. It doesn't happen to</p> <p>4 mention state law, which also applies.</p> <p>5 Q. 14.12. It's on page 22. Well, one follow-up</p> <p>6 question. Back to 14.9 for a moment. That particular</p> <p>7 bylaw's provision contained in the Unchartered Grange,</p> <p>8 which was effective at the time, required that all</p> <p>9 officers of the Unchartered Grange comply with 14.9,</p> <p>10 correct?</p> <p>11 A. Yes.</p> <p>12 Q. 14.12. "Duties of the Executive Committee" on</p> <p>13 page 22. Do you see that, sir?</p> <p>14 A. Yes, I do.</p> <p>15 Q. Okay. And that particular bylaw's provision was</p> <p>16 effective in 2012, correct?</p> <p>17 A. Yes.</p> <p>18 Q. And that particular bylaw's provision applied to</p> <p>19 you?</p> <p>20 A. Yes.</p> <p>21 Q. Okay.</p> <p>22 MR. SWANSON: Martin, I'm sorry, what number?</p> <p>23 MR. JENSEN: 14.12.</p> <p>24 Q. BY MR. JENSEN: You were also a member of the</p> <p>25 Unchartered Grange executive committee in 2013, correct?</p>	<p style="text-align: right;">51</p> <p>1 Q. Okay.</p> <p>2 A. And I couldn't tell you who any of the other</p> <p>3 officers are. There are another dozen or so officers of</p> <p>4 the State Grange.</p> <p>5 Q. Other than people who are on the executive</p> <p>6 committee?</p> <p>7 A. Yes.</p> <p>8 Q. Right. But going back here, the same procedure in</p> <p>9 terms of who was the composition of the executive</p> <p>10 committee was the same in 2013 as it was in 2012, the</p> <p>11 procedure; that there's an election in October of 2012 for</p> <p>12 someone who would then become a member of the executive</p> <p>13 committee beginning right after that particular meeting</p> <p>14 and an installation ceremony.</p> <p>15 A. Yes.</p> <p>16 Q. Your recollection here today is that there was</p> <p>17 Mr. McFarland. There's Mr. Parr. There was yourself.</p> <p>18 Anybody else in terms of who you recall would have been on</p> <p>19 the executive committee in 2013?</p> <p>20 A. For at least part of that year Martha Stefenoni,</p> <p>21 Inger Bevans, and Shirley Baker.</p> <p>22 Q. Okay.</p> <p>23 A. I don't remember if Buzz Chernoff was still on the</p> <p>24 executive committee in 2013.</p> <p>25 Q. He may or may not have been, right?</p>
<p style="text-align: right;">50</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Once again, that -- as a member of the</p> <p>3 executive committee, you were still considered to be an</p> <p>4 officer of the Unchartered Grange in 2013, correct?</p> <p>5 A. Yes.</p> <p>6 Q. In 2013 who were the officers of the Unchartered</p> <p>7 Grange?</p> <p>8 A. Bob McFarland was the president.</p> <p>9 Q. If I could just interrupt you for a moment. When</p> <p>10 you say "president," you also mean that he was the master</p> <p>11 as well?</p> <p>12 A. It's the same thing, yes.</p> <p>13 Q. Okay. Interchangeable terms once again.</p> <p>14 Overseer, vice president, those are interchangeable terms,</p> <p>15 right?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Sorry I interrupted you. Who were the</p> <p>18 other members of the executive -- I'm sorry, other</p> <p>19 officers?</p> <p>20 A. Damian Parr, Bob McFarland, myself. There were</p> <p>21 some changes in who the officers were that occurred at</p> <p>22 some point during that year, and I'd have to look at --</p> <p>23 I'd have to look at some records to be certain who was --</p> <p>24 who was another member of the executive committee during</p> <p>25 various times of that year.</p>	<p style="text-align: right;">52</p> <p>1 A. Yes.</p> <p>2 Q. Now, you say that there were changes that occurred</p> <p>3 during that particular year regarding who was on the</p> <p>4 executive committee, correct?</p> <p>5 A. Yes, I believe it was in 2013 that some of those</p> <p>6 changes occurred.</p> <p>7 Q. And if I recall what you were saying,</p> <p>8 Ms. Stefenoni was one of those people; am I right about</p> <p>9 that?</p> <p>10 A. She was a member for part of the year.</p> <p>11 Q. Okay. Ms. Bevans?</p> <p>12 A. Yes.</p> <p>13 Q. Was she also a member for part of the year?</p> <p>14 A. Yes.</p> <p>15 Q. And then Ms. Baker?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. What happened to Ms. Stefenoni -- well,</p> <p>18 strike that.</p> <p>19 Why was Ms. Stefenoni only a member of the</p> <p>20 executive committee for part of the year in 2013?</p> <p>21 A. Well, I believe that members of the Grange filed</p> <p>22 charges against her for violating the rules of the Grange</p> <p>23 and other things and that a trial was held and she was --</p> <p>24 she was removed from office.</p> <p>25 Q. So an internal procedure occurred with respect to</p>

<p>53</p> <p>1 Ms. Stefenoni?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Charges were filed by a grange member</p> <p>4 against Ms. Stefenoni?</p> <p>5 A. Yes.</p> <p>6 Q. A subordinate California Grange member?</p> <p>7 A. A member of one of the community granges of</p> <p>8 California, yes.</p> <p>9 Q. Okay. Was the internal procedure as it relates to</p> <p>10 trials followed?</p> <p>11 A. I believe so. And I was not part of that, so I</p> <p>12 have no personal knowledge.</p> <p>13 Q. You weren't involved in the process --</p> <p>14 A. No.</p> <p>15 Q. -- is that true?</p> <p>16 A. True.</p> <p>17 Q. Okay. But you know of the results; is that</p> <p>18 accurate?</p> <p>19 A. I was informed of the results, yes.</p> <p>20 Q. Who informed you?</p> <p>21 A. I don't recall.</p> <p>22 Q. And what was the result?</p> <p>23 A. Well, it was my understanding that she was removed</p> <p>24 from office.</p> <p>25 Q. And at that point in time her office was the</p>	<p>55</p> <p>1 Q. Okay. So it was -- you were the head of the</p> <p>2 executive committee at the time, right?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Did you undertake to remove Ms. Bevans from</p> <p>5 her position?</p> <p>6 MR. SWANSON: Him personally?</p> <p>7 MR. JENSEN: Right.</p> <p>8 THE WITNESS: I did not, no. The executive</p> <p>9 committee did.</p> <p>10 Q. BY MR. JENSEN: The executive committee as a</p> <p>11 whole, the seven-person body; is that accurate?</p> <p>12 A. As many of the executive committee members who</p> <p>13 were present at the meeting made that decision, yes.</p> <p>14 Q. Okay. Let's run through that. Do you recall how</p> <p>15 a meeting was called on this subject matter?</p> <p>16 A. No.</p> <p>17 Q. Do you know when the actual meeting took place?</p> <p>18 A. No.</p> <p>19 Q. Okay. Do you know who participated in the</p> <p>20 meeting?</p> <p>21 A. No, I would have to refer to the minutes.</p> <p>22 Q. Okay. All of that information would be contained</p> <p>23 in the minutes of the Unchartered Grange; is that true?</p> <p>24 A. I believe so.</p> <p>25 Q. Okay. Who keeps the minutes?</p>
<p>54</p> <p>1 position of overseer?</p> <p>2 A. Yes.</p> <p>3 Q. Vice president?</p> <p>4 A. Yes.</p> <p>5 Q. And as a result of that, also a member of the</p> <p>6 executive committee.</p> <p>7 A. Yes.</p> <p>8 Q. That happened sometime during the calendar year</p> <p>9 2013?</p> <p>10 A. As best I recall.</p> <p>11 Q. Understood. Ms. Bevans, do you recall why</p> <p>12 Ms. Bevans did not remain as an executive committee member</p> <p>13 through the entirety of the 2013 year?</p> <p>14 A. As I remember it, she had failed to attend a</p> <p>15 number of executive committee meetings, and the California</p> <p>16 rules require that she be considered to have resigned her</p> <p>17 position.</p> <p>18 Q. When you say "California rules," are you referring</p> <p>19 to Exhibit 140, which would be the Digest of Laws --</p> <p>20 A. Yes.</p> <p>21 Q. -- for the California State Grange?</p> <p>22 A. Yes.</p> <p>23 Q. And as you sit here today, do you know what</p> <p>24 particular bylaw Ms. Bevans had violated?</p> <p>25 A. I don't recall.</p>	<p>56</p> <p>1 A. The secretary or acting secretary at that meeting</p> <p>2 takes the minutes.</p> <p>3 Q. So is there a person who is a secretary all -- you</p> <p>4 know, strike that.</p> <p>5 In 2013 was there a secretary for the Unchartered</p> <p>6 State Grange?</p> <p>7 A. Yes.</p> <p>8 Q. Who was it?</p> <p>9 A. Leslie Parker.</p> <p>10 Q. Okay. And if there was an instance where</p> <p>11 Ms. Parker was not available, would somebody act in her</p> <p>12 position to be the acting secretary?</p> <p>13 A. Yes.</p> <p>14 Q. Do you know -- strike that.</p> <p>15 You don't know if there was a secretary at the</p> <p>16 meeting where Ms. Bevans was removed from office?</p> <p>17 A. I don't remember.</p> <p>18 Q. Okay. Do you have any recollection of the meeting</p> <p>19 at all?</p> <p>20 A. Only very vaguely.</p> <p>21 Q. Was Ms. Bevans present?</p> <p>22 A. I don't believe so.</p> <p>23 Q. Okay.</p> <p>24 A. I would say no, she was not present.</p> <p>25 Q. Do you believe as the chair of the executive</p>

<p style="text-align: right;">57</p> <p>1 committee that she had an opportunity to be heard on the 2 matter? 3 A. I believe she did have an opportunity to be heard. 4 Q. Okay. And do you believe that Ms. Bevans was 5 provided with that opportunity? 6 A. I believe she was provided with a written notice. 7 Q. Do you know if she was provided with any other 8 type of notice than the written notice? 9 A. I don't know. 10 Q. You never communicated to Ms. Bevans regarding 11 this issue in advance of the meeting, did you? 12 A. I don't remember. 13 Q. Okay. Do you know of anybody else who 14 communicated with Ms. Bevans in advance of the meeting? 15 A. I don't know. 16 Q. And you don't recall as you sit here today how 17 many people in terms of the number of executive committee 18 that were present at the meeting regarding Ms. Bevans' 19 removal? 20 A. I know there was a quorum, but other than that, I 21 don't know how many were present. 22 Q. So a quorum in this circumstance would be four out 23 of seven, correct? 24 A. Yes, correct. 25 Q. Do you recall how the vote went in terms of</p>	<p style="text-align: right;">59</p> <p>1 on the executive committee throughout 2013, correct? 2 A. I believe she had not. 3 Q. In fact, Ms. Baker was the executive committee 4 chair prior to you becoming the chair in 2012, correct? 5 A. Yes, she was. 6 Q. Okay. So you believe as you sit here today that 7 Ms. Baker did not complete the year of 2013 as an 8 executive committee member, correct? 9 A. I believe she did not, and I could not say under 10 oath that she did not for certainty. 11 Q. Right. You don't recall one way or another; is 12 that fair? 13 A. That's -- that's fair. I believe there was -- 14 there were some proceedings against her, but I don't 15 recall the details or the -- or the timing. 16 Q. When you say there were proceedings, you mean some 17 type of internal action taken against Ms. Baker; is that 18 true? 19 A. I think there was, yes. 20 Q. And when I refer to internal action, do you know 21 that I'm talking about this procedure, a Grange trial, 22 right? 23 A. Yes. 24 Q. It starts with an arbitration first; is that the 25 first step?</p>
<p style="text-align: right;">58</p> <p>1 removal of Ms. Bevans? 2 A. I remember it was a majority, but I don't remember 3 who voted or how they voted. 4 Q. Do you recall if there was a notice of meeting 5 prepared for the removal of Ms. Bevans from office? 6 A. I don't know. 7 Q. Would those records be kept by the California -- 8 I'm sorry -- by the unchartered -- strike that. Go back 9 to the beginning. 10 MR. SWANSON: Freudian. 11 Q. BY MR. JENSEN: Would those records be kept by the 12 Unchartered Grange? 13 A. I don't know. 14 Q. You don't know if the Unchartered Grange keeps, 15 well, notices of meetings? 16 A. I don't know. 17 Q. Okay. Do you know whether the Unchartered Grange 18 keeps minutes of meetings? 19 A. Yes. 20 Q. Okay. Do you know if the Unchartered Grange keeps 21 agendas from meetings? 22 A. I don't know. 23 Q. And then you indicated that Ms. Baker also didn't 24 complete her -- sorry, strike that. 25 You also indicated that Ms. Baker did not remain</p>	<p style="text-align: right;">60</p> <p>1 A. I don't know. 2 Q. Kind of oddly named. As I understand it, an 3 arbitration is the first step where you're supposed to 4 talk amongst yourself to try to resolve the dispute before 5 it escalates or gets moved to a trial; am I right about 6 that? 7 A. There is some procedure for that, yes. 8 Q. Yeah. I think it's called an arbitration. 9 A. Yes. 10 Q. Okay. And then there's -- if warranted, there's a 11 trial, right? 12 A. That's my understanding of how it works. 13 Q. Right. And so Ms. Bevans went through that -- 14 sorry. Strike that. 15 Ms. Stefenoni went through that particular 16 procedure, right? 17 A. That's what I understand. I was not involved in 18 that. 19 Q. Right. But you understood that there was a result 20 from that procedure, right? 21 A. That's what I was informed. 22 Q. Okay. And Ms. Baker may have also been a part of 23 that internal procedure, right? 24 A. She may have been. My tendency is to believe 25 that, yes, she did, and I can't recall the details of</p>

<p style="text-align: right;">61</p> <p>1 that.</p> <p>2 Q. Do you recall what the outcome was for Ms. Baker?</p> <p>3 A. I believe she was removed from office, and I don't</p> <p>4 know that for a certainty. I know that her term was</p> <p>5 expiring at the end of that year and she may have just</p> <p>6 stopped attending meetings.</p> <p>7 Q. Okay. So we have at least three people in the</p> <p>8 2013 year that seemed to come off of the executive</p> <p>9 committee. Were those vacancies filled?</p> <p>10 A. I believe Bill Thomas was appointed to one of</p> <p>11 those positions.</p> <p>12 Q. Do you know whose position he was appointed to?</p> <p>13 A. No.</p> <p>14 Q. Do you know if his term would match the person</p> <p>15 that he was replacing? For instance, if Ms. Baker's term</p> <p>16 was to end in 2013 and he was replacing Ms. Baker, the</p> <p>17 term would end then?</p> <p>18 A. I believe he was to fill out the remainder of the</p> <p>19 term, yes.</p> <p>20 Q. You just don't know whose term it was?</p> <p>21 A. I just don't know.</p> <p>22 Q. Okay. Anyone else?</p> <p>23 A. I think someone else came on then and I don't</p> <p>24 remember who it was.</p> <p>25 Q. Okay. Do you recall sitting here today whether</p>	<p style="text-align: right;">63</p> <p>1 MR. SWANSON: You guys are on the same page. I'm</p> <p>2 not. Sorry.</p> <p>3 MR. JENSEN: No problem. I'm easily confused so</p> <p>4 don't do that anymore.</p> <p>5 THE WITNESS: I was elected chair at the October</p> <p>6 2012 executive committee following the convention.</p> <p>7 Q. BY MR. JENSEN: And do you recall who attended</p> <p>8 that particular meeting, sir?</p> <p>9 A. Bob McFarland, Damian Parr, Bill Thomas I believe.</p> <p>10 I was there. I don't remember who else was there. I'd</p> <p>11 have to refer to the record.</p> <p>12 Q. Do you recall who voted in favor of you to become</p> <p>13 the chair of the executive committee at that meeting?</p> <p>14 A. I think I was unanimously elected.</p> <p>15 Q. Did the same duties as an officer of the</p> <p>16 Unchartered Grange apply, Section 14.9 that we went over?</p> <p>17 Did that apply also in 2013?</p> <p>18 A. The same rules were in effect then.</p> <p>19 Q. When you mean the same rules, we're talking about</p> <p>20 the Digest of Laws of the California State Grange that we</p> <p>21 already went through, Exhibit Number 140, correct, the one</p> <p>22 right in front of you?</p> <p>23 A. Yes.</p> <p>24 Q. Those were in effect for the 2012 calendar year</p> <p>25 and the 2013 calendar year, correct?</p>
<p style="text-align: right;">62</p> <p>1 the three people who were removed were replaced?</p> <p>2 A. I'm not sure.</p> <p>3 Q. Okay. Do you know whether there was a time during</p> <p>4 the 2013 year that the number of executive committee</p> <p>5 members dropped below seven?</p> <p>6 A. It may have.</p> <p>7 Q. Just so I'm clear, and I may have asked this</p> <p>8 question previously, but for the 2013 year, meaning after</p> <p>9 an October 2012 meeting, were you elected to the position</p> <p>10 of chair for the executive committee?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And when did that meeting take place?</p> <p>13 A. October of 2012.</p> <p>14 Q. Who attended that meeting?</p> <p>15 A. Which meeting are you talking about?</p> <p>16 Q. The October 2012 meeting where you were elected to</p> <p>17 the position of chair of the executive committee.</p> <p>18 A. Okay. The executive --</p> <p>19 MR. SWANSON: I'm fine if you're -- I thought you</p> <p>20 covered that ground.</p> <p>21 MR. JENSEN: No, this is a meeting that takes</p> <p>22 place in 2012 for the 20 -- to become a member of the 2013</p> <p>23 year.</p> <p>24 MR. SWANSON: That's right. Sorry.</p> <p>25 MR. JENSEN: I did not cover that one yet.</p>	<p style="text-align: right;">64</p> <p>1 A. Yes.</p> <p>2 Q. So those same duties that you and I went through,</p> <p>3 14.9, the general duty of an officer, that applied,</p> <p>4 correct?</p> <p>5 A. Yes.</p> <p>6 Q. And 14 -- let's see if I can get that right --</p> <p>7 14.12 on page 22, that also applied to you, correct?</p> <p>8 A. Yes.</p> <p>9 Q. And that applied to -- the executive committee</p> <p>10 duties applied to all members of the executive committee?</p> <p>11 A. Yes.</p> <p>12 Q. And the general duties also applied to all members</p> <p>13 of the executive committee.</p> <p>14 MR. SWANSON: Object as vague. Go ahead.</p> <p>15 Q. BY MR. JENSEN: The general duties I'm referring</p> <p>16 to are articulated in Section 14.9.</p> <p>17 A. The California bylaws?</p> <p>18 Q. Yes, sir.</p> <p>19 A. Yes, those also applied to the extent they were</p> <p>20 consistent with California law.</p> <p>21 Q. Are you a member of -- sorry. Strike that.</p> <p>22 You were a member of the California executive</p> <p>23 committee in 2014?</p> <p>24 A. Yes.</p> <p>25 Q. Yes. It was the last year of your term.</p>

<p>65</p> <p>1 A. Yes.</p> <p>2 Q. Were you also the chair of the executive committee during that timeframe?</p> <p>3 A. No.</p> <p>4 Q. Okay. Who was elected chair, which would have happened, as I understand it, in October 2013?</p> <p>5 A. Bill Thomas.</p> <p>6 Q. Let's back up. Who were the members of the executive committee after the October 2013 election?</p> <p>7 A. After the October 2013 convention?</p> <p>8 Q. Yes.</p> <p>9 A. Bob McFarland, myself, Damian Parr, Bill Thomas, Lawrence Jaffe. I don't recall who else at the moment.</p> <p>10 Q. But there were seven members.</p> <p>11 A. Yes.</p> <p>12 Q. Anybody by the last name of Bergeron?</p> <p>13 A. Oh, Kathy Bergeron.</p> <p>14 Q. Okay.</p> <p>15 MR. SWANSON: Martin, we've been going an hour and a half. When you have a good breaking --</p> <p>16 MR. JENSEN: Yeah, just give me a couple minutes and we'll ...</p> <p>17 MR. SWANSON: Sure.</p> <p>18 Q. BY MR. JENSEN: Mr. Yogi?</p> <p>19 A. Yes, Takashi Yogi.</p>	<p>67</p> <p>1 Q. And you don't recall what type of oath, if any, was administered to these individuals, correct?</p> <p>2 A. No.</p> <p>3 Q. You don't know --</p> <p>4 A. Correct, I do not know.</p> <p>5 Q. Thank you. Thank you.</p> <p>6 Q. Okay. Logical breakpoint.</p> <p>7 MR. SWANSON: All right. Thank you.</p> <p>8 (Recess taken from 10:27 a.m. until 10:42 a.m.)</p> <p>9 Q. BY MR. JENSEN: You understand that the same rules still apply as we move forward here, right, Mr. Luvaas?</p> <p>10 A. Yes, I do.</p> <p>11 Q. Great. Okay. Let's go back to Exhibit Number 140. I just want to confirm again that this document, the Digest of Laws of the California State Grange, was in effect for the 2012 calendar year for the Unchartered Grange.</p> <p>12 A. Yes.</p> <p>13 Q. So we have this particular Digest of Laws. And you would agree with me that there's a constitution. That begins on page 5, by the way.</p> <p>14 A. Yes.</p> <p>15 Q. And that constitution was in effect in 2012.</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And then there are bylaws.</p>
<p>66</p> <p>1 Q. Do you want to spell that for her?</p> <p>2 A. T-a-k-a-s-h-i. The last name Y-o-g-i.</p> <p>3 Q. Okay. And those were the members of the executive committee that were -- strike that.</p> <p>4 That was the composition of the executive committee after the October 2013 convention?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And as you said, Mr. Thomas was elected to the position of chair?</p> <p>7 A. Yes.</p> <p>8 Q. Do you recall when that meeting took place?</p> <p>9 A. When he was elected?</p> <p>10 Q. Yes.</p> <p>11 A. He was elected at the 2013 convention, at the end of the convention.</p> <p>12 Q. Right. Do you recall how the -- who voted in favor of Mr. Thomas being the chair of the executive committee?</p> <p>13 A. No, I don't.</p> <p>14 Q. All right. Just so I'm clear on this, you also don't recall whether or not there was an installation ceremony as it relates to anybody who would be on the executive committee in 2014?</p> <p>15 A. Traditionally there always was, so there must have been but I don't recall if I was there.</p>	<p>68</p> <p>1 A. Yes.</p> <p>2 Q. Those begin on page 9, right?</p> <p>3 A. Correct.</p> <p>4 Q. And those bylaws were in effect for the Unchartered Grange in 2012?</p> <p>5 A. Yes.</p> <p>6 Q. I think we went over this briefly, but I do want to confirm for the calendar year 2013 this same document, the Digest of Laws for the State Grange, was in effect.</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 A. I'm not sure what the effect was, however, of the constitution.</p> <p>10 Q. You're not sure -- let me see if I understand your testimony there. You're not sure what the effect was of the constitution?</p> <p>11 A. Correct.</p> <p>12 Q. Okay. Well, let's see if we can get into that a little bit. Once again, this particular document, document 140, is comprised of a constitution, correct?</p> <p>13 A. Yes.</p> <p>14 Q. And it's composed of bylaws, correct?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Now, do you have some question as to whether or not the constitution was in effect during 2013?</p>

<p style="text-align: right;">69</p> <p>1 MR. SWANSON: Object to the extent that calls for 2 a legal conclusion.</p> <p>3 THE WITNESS: I have no idea what the effect of a 4 constitution is for a California corporation like the 5 State Grange.</p> <p>6 Q. BY MR. JENSEN: Do you know of anybody at the 7 State Grange who would have any of that information?</p> <p>8 A. No.</p> <p>9 Q. Strictly a legal issue in your mind?</p> <p>10 A. Say that again.</p> <p>11 Q. Strictly a legal issue in your mind? The effect 12 of the constitution, is that strictly a legal issue in 13 your mind?</p> <p>14 A. Yes, it's a legal issue.</p> <p>15 Q. Sorry. I cleaned that up a little bit.</p> <p>16 And you're familiar with the Digest of Laws, 17 correct?</p> <p>18 A. Generally, yes.</p> <p>19 Q. And you're familiar with this particular document 20 because you were on the executive committee?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Constitution, Article II, page 5, please.</p> <p>23 Do you see that provision, sir?</p> <p>24 A. Yes.</p> <p>25 Q. Please review that provision, please.</p>	<p style="text-align: right;">71</p> <p>1 effect of the constitution is.</p> <p>2 Q. BY MR. JENSEN: You were following it in 2012, 3 right?</p> <p>4 MR. SWANSON: Objection. Argumentative and vague.</p> <p>5 THE WITNESS: I was never and am not aware of the 6 effect of the constitution for this California 7 corporation.</p> <p>8 Q. BY MR. JENSEN: Okay. As you sit here today, 9 you're not aware of anyone at the California State -- 10 strike that.</p> <p>11 You're not aware of anyone at the Unchartered 12 Grange who has any information regarding the constitution?</p> <p>13 A. I don't know whether anyone does or not.</p> <p>14 Q. Okay. That particular provision also permits the 15 State Grange to take certain acts so long as it's not 16 inconsistent with the laws of the National Grange, 17 correct?</p> <p>18 A. That's what this says.</p> <p>19 Q. Um-hum. That provision says that, right?</p> <p>20 A. Yes, it says that.</p> <p>21 Q. But you don't have any knowledge regarding whether 22 that's true? Hypothetically could the State Grange take 23 an action that was inconsistent with the laws of the 24 National Grange in 2012?</p> <p>25 MR. SWANSON: Objection to the extent that calls</p>
<p style="text-align: right;">70</p> <p>1 A. (Witness reviews document.) Okay.</p> <p>2 Q. You would agree with me that this provision 3 recognizes that the laws of the National Grange were to be 4 the controlling authority for the Unchartered Grange.</p> <p>5 MR. SWANSON: Object. Calls for a legal 6 conclusion.</p> <p>7 THE WITNESS: I don't know what this means for the 8 California Grange.</p> <p>9 Q. BY MR. JENSEN: Okay. You have no personal 10 knowledge on the subject matter, correct?</p> <p>11 A. Correct.</p> <p>12 Q. And at the time when this document was in effect, 13 you were the chair of the executive committee, correct?</p> <p>14 MR. SWANSON: Object to the extent it assumes 15 facts. Not of when he was chair but your characterization 16 of the constitution.</p> <p>17 MR. JENSEN: Right.</p> <p>18 Q. In 2012 the Digest of Laws for the -- well, let's 19 go back.</p> <p>20 In 2012, Exhibit Number 140, Digest of Laws 21 California State Grange was recognized as the governing 22 document, right?</p> <p>23 MR. SWANSON: Object. Calls for a legal 24 conclusion.</p> <p>25 THE WITNESS: I don't know. I don't know what the</p>	<p style="text-align: right;">72</p> <p>1 for speculation, incomplete hypothetical. Go ahead and 2 answer.</p> <p>3 THE WITNESS: I'm not aware of any effect that the 4 constitution has on the California State Grange.</p> <p>5 Q. BY MR. JENSEN: My question was a little bit 6 different though. Could the California State Grange -- 7 the Unchartered Grange -- strike that.</p> <p>8 Could the Unchartered Grange take actions 9 inconsistent with the laws of the National Grange in 2012?</p> <p>10 MR. SWANSON: Same objections.</p> <p>11 THE WITNESS: As a California corporation, I 12 believe the California Grange could take any action 13 necessary for the preservation of the Grange and the 14 benefit of its members, regardless of this constitution or 15 the existence of the National Grange as a separate 16 corporation.</p> <p>17 Q. BY MR. JENSEN: Okay. And you're relying on 18 California corporation's code for that position, right?</p> <p>19 A. Yes, I do.</p> <p>20 Q. And would you agree with me that this particular 21 document, Exhibit Number 140, recognized that the 22 Unchartered Grange was a chartered division of the 23 National Grange?</p> <p>24 MR. SWANSON: Calls for a legal conclusion.</p> <p>25 MR. LAPCEVIC: Join.</p>

<p style="text-align: right;">73</p> <p>1 THE WITNESS: I don't believe the California 2 Grange is or ever was a division of the National Grange. 3 MR. SWANSON: That wasn't his question though. Do 4 you want to -- 5 Q. BY MR. JENSEN: Actually, let's just read it. 6 Article II, Regulation and Administration states, "The 7 State Grange, as a chartered division of the National 8 Grange, shall have the right and power, as the good of the 9 Order requires, to adopt laws for the organization, 10 administration and regulation of the affairs of the 11 various divisions of the State Grange, including laws 12 limiting, defining, and regulating the powers of the 13 various Granges of the divisions of the State Grange, so 14 long as they do not conflict with the laws of the National 15 Grange." 16 Did I read that properly? 17 A. That's what it says. 18 Q. Right. And so in 2012 was the Unchartered Grange 19 a chartered division of the National Grange? 20 MR. SWANSON: Calls for a legal conclusion. 21 MR. LAPCEVIC: Join. 22 THE WITNESS: I do not believe so and that's a 23 question for the Court. 24 Q. BY MR. JENSEN: So in January of 2012, for 25 instance, if I pick a date, was the Unchartered California</p>	<p style="text-align: right;">75</p> <p>1 chartered division of the National Grange, it's accurate, 2 isn't it? 3 MR. SWANSON: Objection. Argumentative, calls for 4 a legal conclusion. 5 MR. LAPCEVIC: Join. 6 Q. BY MR. JENSEN: You can answer. 7 A. That's a question for the Court to resolve. 8 Q. Okay. It's a yes or no. If you don't know, you 9 don't know. That's also an answer, so I'd like an answer 10 to my question. 11 MR. SWANSON: Can you say it over? Read it for 12 him. 13 (Record read as follows: "So the statement that 14 the State Grange as a chartered division of the 15 National Grange, it's accurate, isn't it?") 16 THE WITNESS: That's what it says, but it's not 17 accurate. 18 Q. BY MR. JENSEN: Why is it not accurate? 19 A. It's not accurate because the California State 20 Grange has never been a division of the National Grange 21 because our articles of incorporation do not provide for 22 such a relationship. 23 Q. Then why would this language be contained within 24 its very own constitution? 25 MR. SWANSON: Calls for speculation.</p>
<p style="text-align: right;">74</p> <p>1 State Grange, did it have a charter with the National 2 Grange? 3 MR. SWANSON: Object as vague. Go ahead and 4 answer. 5 THE WITNESS: It did have a charter. 6 Q. BY MR. JENSEN: Right. And what did that charter 7 mean? 8 MR. SWANSON: Calls for a legal conclusion, vague 9 and ambiguous. 10 Q. BY MR. JENSEN: Let me investigate that. You were 11 the head of the executive committee at that point in time, 12 weren't you? 13 A. In 2013, yes. 14 Q. Right. How about in 2012? 15 A. Yes. 16 Q. All right. Was there any connection between the 17 National Grange and the California State Grange in 2012, 18 January of 2012? 19 A. We had an affiliation with the National Grange, 20 yes. 21 Q. As a chartered member of the organization, 22 correct? 23 A. I believe the charter created an affiliation with 24 the National Grange. 25 Q. So the statement that the State Grange as a</p>	<p style="text-align: right;">76</p> <p>1 MR. LAPCEVIC: Join. 2 THE WITNESS: I have no idea. 3 Q. BY MR. JENSEN: You were the head of the executive 4 committee at the time, weren't you? 5 MR. SWANSON: That's argumentative. 6 Q. BY MR. JENSEN: It's a yes or no question. 7 MR. SWANSON: Okay. We've already established 8 that, Martin, several times, so it's argumentative now. 9 Q. BY MR. JENSEN: You can answer the question. 10 MR. SWANSON: Go ahead and answer the question. 11 THE WITNESS: I don't know who wrote the 12 constitution or why. 13 Q. BY MR. JENSEN: Okay. Do you know when it was 14 adopted? 15 A. No. 16 Q. Okay. But you and I can agree that, for instance, 17 in January of 2012 there was a charter that created an 18 affiliation between the National Grange and the 19 Unchartered Grange, right? 20 A. That's my understanding. 21 Q. Right. You and I can agree on that, right? 22 A. Yes. 23 Q. Well, I'm trying to figure out what you and I 24 can't agree on here so the language -- you disagree with 25 me that it was a division of the National Grange, correct?</p>

<p style="text-align: right;">77</p> <p>1 A. Yes, I do disagree with you about that.</p> <p>2 Q. Okay. But you don't know -- do you know what the</p> <p>3 word "division" means in this context as it relates to</p> <p>4 Exhibit 140?</p> <p>5 A. Well, I believe that's a question of law, but my</p> <p>6 belief is that a division is an organization that is part</p> <p>7 of a parent organization that is a corporation that is</p> <p>8 wholly under the control of a parent corporation.</p> <p>9 Q. So that's your use of the definition "division" in</p> <p>10 this particular section of the Unchartered California</p> <p>11 State Grange's constitution, correct?</p> <p>12 MR. SWANSON: I'm sorry, can you read that back?</p> <p>13 (Record read as follows: "So that's your use of</p> <p>14 the definition "division" in this particular</p> <p>15 section of the Unchartered California State</p> <p>16 Grange's constitution, correct?")</p> <p>17 MR. SWANSON: Object as vague.</p> <p>18 MR. JENSEN: Maybe I'll make that easier.</p> <p>19 Q. The term "division" that you just defined for me,</p> <p>20 part of a parent organization, wholly controlled, is that</p> <p>21 your language?</p> <p>22 A. That's what I believe but don't know legally.</p> <p>23 Q. Is that the definition you're applying to this use</p> <p>24 of "division" in Article II of the California -- sorry --</p> <p>25 of the Unchartered Grange Digest of Laws?</p>	<p style="text-align: right;">79</p> <p>1 charters are issued.</p> <p>2 Q. BY MR. JENSEN: For instance, in 2012, in January</p> <p>3 of 2012 when you and I can agree there was an affiliation</p> <p>4 between the National Grange and the California State</p> <p>5 Grange because there was a charter. We agree on that,</p> <p>6 right?</p> <p>7 A. Yes.</p> <p>8 Q. For purposes of this question, let's use that in</p> <p>9 mind. Could the California State Grange -- sorry. Could</p> <p>10 the Unchartered Grange issue a charter?</p> <p>11 MR. SWANSON: Object as vague.</p> <p>12 THE WITNESS: I don't know what you mean by that.</p> <p>13 Q. BY MR. JENSEN: Could -- let's go back once again.</p> <p>14 In 2012 could the Unchartered Grange issue a</p> <p>15 charter to another grange?</p> <p>16 MR. SWANSON: Object as vague. It may call for a</p> <p>17 legal conclusion. Go ahead.</p> <p>18 THE WITNESS: I don't know.</p> <p>19 Q. BY MR. JENSEN: Do you know if that happened in</p> <p>20 2012, for instance, that the California State Grange on</p> <p>21 its own without any input from the National Grange issued</p> <p>22 a charter?</p> <p>23 A. I believe so.</p> <p>24 Q. In 2012?</p> <p>25 A. I don't know -- I don't know what year. I believe</p>
<p style="text-align: right;">78</p> <p>1 A. That's what I believe a division is under</p> <p>2 corporate law, but I don't know what it means in the</p> <p>3 constitution because I don't know what the constitution</p> <p>4 means.</p> <p>5 Q. You don't know --</p> <p>6 A. What effect it has.</p> <p>7 Q. Okay. Turning your attention to page 7, Article</p> <p>8 XI, Amendments. It's on page 7, sir.</p> <p>9 MR. SWANSON: You got it?</p> <p>10 Q. BY MR. JENSEN: Article XI, the heading</p> <p>11 "Amendments." Do you see that provision?</p> <p>12 A. Yes, I do.</p> <p>13 Q. Okay. And you would agree with me that the</p> <p>14 constitution of the Unchartered Grange could be amended.</p> <p>15 A. Yes.</p> <p>16 Q. And you would agree with me that the procedure to</p> <p>17 do so is outlined in section -- sorry -- Article XI of the</p> <p>18 constitution.</p> <p>19 A. Yes.</p> <p>20 Q. Now, the National Grange is the only entity that</p> <p>21 can issue a charter for a member of the Order of Patrons</p> <p>22 of Husbandry, correct?</p> <p>23 MR. SWANSON: Object to the extent it calls for</p> <p>24 speculation.</p> <p>25 THE WITNESS: As far as I know, that's how</p>	<p style="text-align: right;">80</p> <p>1 that a charter was issued by the State Grange during 20 --</p> <p>2 one of those years.</p> <p>3 Q. Meaning one of those years, let's say, after 2012</p> <p>4 through the time when you stopped being a member in 2014,</p> <p>5 you believe that the state -- the Unchartered Grange</p> <p>6 issued a charter?</p> <p>7 A. During one of those years I believe so.</p> <p>8 Q. Okay. Do you know to whom the Unchartered Grange</p> <p>9 granted a charter to?</p> <p>10 A. No.</p> <p>11 Q. Do you know if it was more than one?</p> <p>12 A. I believe so, but I'm not certain.</p> <p>13 Q. Okay. Do you know if there's anyone who would</p> <p>14 have knowledge on that subject matter who is affiliated</p> <p>15 with the Unchartered Grange?</p> <p>16 A. I'm sure members of the Chartered Grange would</p> <p>17 know that and I'm sure that Bob McFarland would know that.</p> <p>18 Q. And do you know as you sit here today whether it</p> <p>19 was Mr. McFarland who issued the charters?</p> <p>20 A. I believe so.</p> <p>21 Q. As you sit here today, do you know of anyone else</p> <p>22 who was involved in the process of issuing charters for</p> <p>23 the Unchartered Grange?</p> <p>24 A. I don't know who else was involved.</p> <p>25 Q. Once again, my question is limited to this</p>

<p style="text-align: right;">81</p> <p>1 timeframe that we're talking about here, this time when 2 the Unchartered Grange was issuing charters, 2012 to the 3 time when you stopped being a member of the executive 4 committee. Does that change your testimony at all? 5 A. I don't know when any charters were issued -- 6 Q. I understand that. 7 A. -- relative to the status of the relationship with 8 the National Grange. 9 Q. Right. But you do know or are aware that charters 10 from the California State Grange -- strike that. 11 You are aware that charters from the Unchartered 12 Grange were issued? 13 A. I was informed of that. 14 Q. Do you recall who informed you of that? 15 A. At some point Bob McFarland informed the executive 16 committee of that. 17 Q. Okay. Did you check to see whether the rules of 18 the Unchartered Grange in place at the time permitted such 19 an act? 20 A. No. 21 Q. Can you look at bylaw 140 again -- bylaw 12.5. 22 MR. SWANSON: Give me that number again. 23 MR. JENSEN: 12.5. It's on page 17. 24 Q. 12.5, page 17, sir. 25 MR. KAWAR: Which exhibit?</p>	<p style="text-align: right;">83</p> <p>1 you would use to have meetings in the time between 2 your first meeting and the time of session in 3 October of a year?") 4 MR. SWANSON: Martin, do you mean him personally? 5 MR. JENSEN: No, I mean the executive committee 6 that would have intermediate meetings. 7 Q. Is that fair? 8 A. Yes, the executive committee had intermediate 9 meetings. 10 Q. And those meetings could be called by the master, 11 correct? 12 A. Yes. 13 Q. Or those meetings could be called by a vote of the 14 executive committee, correct? 15 A. Yes. 16 Q. And that vote would require a majority of the 17 executive committee to be in favor of conducting an 18 intermediate meeting, right? 19 A. Yes. 20 Q. Okay. 14.13 on page 22, please, Exhibit Number 21 140. 22 A. Which section? 23 Q. 14.13, page 22. Heading: "Suspension of 24 Officers." Do you see that, sir? 25 A. Yes.</p>
<p style="text-align: right;">82</p> <p>1 MR. JENSEN: 140. 2 MR. LAPCEVIC: The smaller one. 3 THE WITNESS: Okay. 4 Q. BY MR. JENSEN: Are you familiar with this 5 particular section? 6 A. Yes. 7 Q. Okay. It just kind of outlines that you're 8 supposed to have a regular meeting after the convention, 9 right? 10 A. Yes. 11 Q. And that's what we talked about earlier; that's 12 when you guys met and that's when a person was elected to 13 the position as a chair, right? 14 A. Yes. 15 Q. The second part of it is that the committee may 16 also hold intermediate meetings when called by the master 17 of the State Grange or by a vote of the executive 18 committee. Do you see that? 19 A. Yes. 20 Q. Is that the mechanism you would use to have 21 meetings in the time between your first meeting and the 22 time of session in October of a year? 23 MR. SWANSON: Object as vague. Can you read that 24 back. 25 (Record read as follows: "Is that the mechanism</p>	<p style="text-align: right;">84</p> <p>1 Q. You would agree with me that Exhibit 140 permits 2 the suspension of a master. 3 MR. LAPCEVIC: Calls for a legal conclusion. 4 MR. SWANSON: Join. 5 THE WITNESS: (Witness reviews document.) Well, 6 that's a question of law that I just can't answer. 7 Q. BY MR. JENSEN: Sir, the text of this particular 8 provision 14.13 permits the suspension of a master, 9 correct? 10 A. Yes. 11 MR. LAPCEVIC: Calls for a legal conclusion. 12 MR. SWANSON: I join. 13 THE WITNESS: It appears to but I don't know the 14 meaning of that legally. 15 Q. BY MR. JENSEN: And these bylaws were in effect in 16 2012, correct? 17 A. Yes. 18 Q. And these bylaws were effect in 2013, correct? 19 A. Yes. 20 Q. And you would agree with me that this particular 21 provision permits an officer of the Unchartered Grange to 22 be suspended? 23 MR. LAPCEVIC: Calls for a legal conclusion. 24 MR. SWANSON: Join. 25 THE WITNESS: This provision provides that, yes,</p>

<p style="text-align: right;">85</p> <p>1 but I'm not certain that California law is consistent with 2 that. 3 Q. BY MR. JENSEN: Right. Do you see the little B 4 there, 14.13 b? 5 A. Yes. 6 Q. It says that, "The suspension procedure shall be 7 as provided in the By-Laws of the National Grange and in 8 accordance with the Rules and Regulations for Trials." 9 Do you see that? 10 A. I see that. 11 Q. So any suspension procedure would have to be 12 consistent with the bylaws of the National Grange, 13 correct? 14 MR. SWANSON: Calls for a legal conclusion. 15 MR. LAPCEVIC: Join, and the document speaks for 16 itself. 17 Q. BY MR. JENSEN: These are all fine objections. 18 Your counselors can make objections on the record, but you 19 still have to answer my question. 20 MR. SWANSON: He knows that. 21 MR. JENSEN: No problem. 22 THE WITNESS: This provision speaks for itself as 23 does California law, which I believe may be inconsistent 24 with this. 25 Q. BY MR. JENSEN: But you don't know that, do you?</p>	<p style="text-align: right;">87</p> <p>1 A. I was informed that some officers were suspended 2 under the Grange rules. 3 Q. Okay. Do you know if the procedure as outlined in 4 the National Grange bylaws was followed -- 5 A. No -- 6 Q. -- in terms of that suspension? 7 A. -- I do not. Sorry. 8 Q. Let me try it again. Do you know if the procedure 9 as outlined in the National Grange bylaws was followed? 10 MR. LAPCEVIC: Lacks foundation, calls for 11 speculation. 12 MR. SWANSON: Join. 13 THE WITNESS: I don't know. 14 Q. BY MR. JENSEN: Well, you do know that somebody -- 15 strike that. 16 You are aware that somebody was suspended from 17 their office, right? 18 A. I was informed of that. 19 Q. Right. You don't know if the procedure as 20 outlined in the National Grange bylaws was followed, 21 correct? 22 A. Correct. 23 Q. It also makes reference to the regulations -- 24 rules and regulations for trials in the National Grange. 25 Are you familiar with those?</p>
<p style="text-align: right;">86</p> <p>1 A. It is my understanding that it is inconsistent 2 with this procedure. 3 Q. That the procedure to suspend an officer of the 4 Unchartered Grange, that procedure is inconsistent with 5 California law? 6 A. It's my understanding that California law 7 regarding this corporation has different requirements for 8 the suspension or removal of corporate directors. 9 Q. Is it also your understanding that parties to a 10 nonprofit corporation can agree to internal rules to 11 regulate themselves? 12 MR. LAPCEVIC: Lacks foundation. 13 THE WITNESS: I don't know. 14 MR. SWANSON: I join. 15 Q. BY MR. JENSEN: You don't know the answer to that, 16 right? 17 A. Right. 18 Q. Do you recall suspending any officers during the 19 time in which you were a member of the executive 20 committee? 21 A. Well, I certainly didn't suspend anyone. 22 Q. Do you recall any members -- strike that. 23 Do you recall any officers who were suspended 24 during the time in which you were a member of the 25 executive committee?</p>	<p style="text-align: right;">88</p> <p>1 A. Vaguely, yes. 2 Q. Do you know if -- well, strike that. 3 Are you aware of any trials that took place during 4 the time in which you were a member of the executive 5 committee? 6 A. I was informed that trials had taken place. 7 Q. Right. For Ms. Stefenoni, for instance, right? 8 A. That's true. 9 Q. Right. Anybody else that you're recalling as you 10 sit here today? 11 A. As I said before, there may have been a trial of 12 Shirley Baker as well. 13 Q. And do you know if the rules and regulations for 14 trials of the National Grange were followed during that 15 time? 16 A. No, I don't. 17 MR. LAPCEVIC: Lacks foundation, calls for 18 speculation. 19 THE WITNESS: I don't know. 20 Q. BY MR. JENSEN: You don't know, right? 21 Do you know anybody at the State Grange who might 22 know that? 23 A. I'm sure the records of the Grange would reflect 24 that. 25 Q. Exhibit 139, you've seen this relatively short</p>

<p style="text-align: right;">89</p> <p>1 document before, right?</p> <p>2 A. I have.</p> <p>3 Q. Okay. What is this document?</p> <p>4 A. This is called the Digest of Laws of the Order of</p> <p>5 Patrons of Husbandry.</p> <p>6 Q. Okay. And you would agree with me that this</p> <p>7 particular document is for the 2012 year?</p> <p>8 MR. SWANSON: Calls for speculation.</p> <p>9 THE WITNESS: This document says 2012 edition, so</p> <p>10 I suppose it was in effect in 2012.</p> <p>11 Q. BY MR. JENSEN: Well, for instance, you were a</p> <p>12 member of the California -- sorry. Strike that.</p> <p>13 You were a member of the unchartered Grange</p> <p>14 executive committee during the 2012 year, right?</p> <p>15 A. Yes.</p> <p>16 Q. And you and I can agree that there was an</p> <p>17 affiliation between the National Grange and the</p> <p>18 Unchartered Grange during at least part of 2012, correct?</p> <p>19 A. Yes.</p> <p>20 Q. So you were familiar with this document as a</p> <p>21 result of that, correct?</p> <p>22 A. Generally, yes.</p> <p>23 Q. You would agree with me that this particular</p> <p>24 document sets forth the governing rules for the Order of</p> <p>25 Patrons of Husbandry?</p>	<p style="text-align: right;">91</p> <p>1 Q. Do you recall that ever becoming an issue in 2012</p> <p>2 that the Digest of Laws of the Order of Patrons of</p> <p>3 Husbandry does not apply to the Unchartered Grange in</p> <p>4 2012?</p> <p>5 A. I don't recall giving it much thought.</p> <p>6 Q. Okay. Go to page 1 on Amended Constitution,</p> <p>7 Section 1.0.9.</p> <p>8 A. (Witness reviews document.)</p> <p>9 Q. Take a moment to read it and let me know when</p> <p>10 you've read that particular provision, sir.</p> <p>11 A. (Witness reviews document.) Okay.</p> <p>12 Q. Would you agree with me that the Constitution of</p> <p>13 the Order of the Patrons of Husbandry was ratified by the</p> <p>14 Unchartered Grange in 1986?</p> <p>15 A. That's what this says.</p> <p>16 MR. SWANSON: Calls for speculation, lacks</p> <p>17 personal knowledge.</p> <p>18 MR. LAPCEVIC: Join.</p> <p>19 THE WITNESS: I don't know.</p> <p>20 Q. BY MR. JENSEN: You don't know that as you sit</p> <p>21 here today?</p> <p>22 A. No.</p> <p>23 Q. Do you have any information that would indicate</p> <p>24 that that's an untrue statement?</p> <p>25 MR. SWANSON: That being 1.0.9?</p>
<p style="text-align: right;">90</p> <p>1 MR. SWANSON: Calls for speculation.</p> <p>2 MR. LAPCEVIC: Join.</p> <p>3 THE WITNESS: I don't know because I am not at all</p> <p>4 sure what the Order of Patrons of Husbandry is.</p> <p>5 Q. BY MR. JENSEN: So in 2012 as the chair of the</p> <p>6 executive committee, you were not aware of who the Order</p> <p>7 of Patrons of Husbandry was?</p> <p>8 MR. SWANSON: Misstates his testimony.</p> <p>9 THE WITNESS: I was very familiar with the term,</p> <p>10 but it's never been very clear what that means.</p> <p>11 Q. BY MR. JENSEN: Okay. So it's a fair statement</p> <p>12 that in 2012 you were not aware of who the Order of</p> <p>13 Patrons of Husbandry was?</p> <p>14 A. I knew that it was an overarching term that</p> <p>15 related to the Grange, but other than it providing for an</p> <p>16 affiliation, I don't know what else that meant.</p> <p>17 Q. Okay. For instance, would you agree with me that</p> <p>18 this particular document, the Digest of Laws of the Order</p> <p>19 of Patrons of Husbandry, applied to the Unchartered Grange</p> <p>20 in 2012?</p> <p>21 A. No, I would not.</p> <p>22 Q. In 2012 did you tell anybody that, this document,</p> <p>23 the Digest of Laws of the Patrons of Husbandry does not</p> <p>24 apply to the Unchartered Grange?</p> <p>25 A. I don't recall.</p>	<p style="text-align: right;">92</p> <p>1 Q. BY MR. JENSEN: And most importantly that the</p> <p>2 Unchartered Grange ratified the 1986 constitution of the</p> <p>3 Order of Patrons of Husbandry. Do you have any facts to</p> <p>4 show that that is an untrue statement?</p> <p>5 A. No.</p> <p>6 Q. Do you know anybody at the Unchartered Grange that</p> <p>7 has any knowledge regarding the ratification -- well,</p> <p>8 strike that.</p> <p>9 Do you know anybody at the Unchartered Grange that</p> <p>10 has any information about the Constitution of the Order of</p> <p>11 Patrons of Husbandry?</p> <p>12 MR. SWANSON: Object as vague.</p> <p>13 THE WITNESS: I don't know.</p> <p>14 Q. BY MR. JENSEN: Do you have any reason to doubt</p> <p>15 that there was a ratification of the 1986 constitution by</p> <p>16 the Unchartered Grange?</p> <p>17 A. I don't know one way or the other.</p> <p>18 Q. Okay. Section 1.3.1 of the constitution, Article</p> <p>19 III, page 2, have you seen this section before?</p> <p>20 A. No.</p> <p>21 Q. Okay. You would agree with me that the</p> <p>22 Unchartered Grange derived all of its rights and powers</p> <p>23 from the National Grange in 2012, correct?</p> <p>24 MR. SWANSON: Objection. Calls for a legal</p> <p>25 conclusion.</p>

<p style="text-align: right;">93</p> <p>1 MR. LAPCEVIC: Join.</p> <p>2 MR. SWANSON: Calls for speculation.</p> <p>3 THE WITNESS: I don't know.</p> <p>4 Q. BY MR. JENSEN: Well, put it this way: If the</p> <p>5 Unchartered Grange adopted the constitution in 1986, it</p> <p>6 would be a true statement that the National Grange --</p> <p>7 sorry -- that the Unchartered State Grange derived its</p> <p>8 powers from the National Grange, correct?</p> <p>9 MR. SWANSON: Calls for a legal conclusion,</p> <p>10 argumentative.</p> <p>11 MR. JENSEN: It's not argumentative.</p> <p>12 MR. LAPCEVIC: Join. Speculation.</p> <p>13 THE WITNESS: I have no idea what the effect of</p> <p>14 the constitution is on the California State Grange</p> <p>15 corporation.</p> <p>16 Q. BY MR. JENSEN: Do you know of anyone with the</p> <p>17 Unchartered Grange that has any knowledge of the effect</p> <p>18 that the constitution has on it?</p> <p>19 A. No.</p> <p>20 Q. You would agree with me that in 2012 the National</p> <p>21 Grange had the power to regulate the Unchartered Grange?</p> <p>22 MR. SWANSON: Calls for a legal conclusion.</p> <p>23 MR. LAPCEVIC: Join and lacks foundation.</p> <p>24 THE WITNESS: That's a legal question, but I don't</p> <p>25 believe it had any such authority.</p>	<p style="text-align: right;">95</p> <p>1 Q. BY MR. JENSEN: And your belief is based on</p> <p>2 California corporation's code, correct?</p> <p>3 A. Yes, and the fact that our articles of</p> <p>4 incorporation do not provide that we are under the</p> <p>5 authority of the National Grange.</p> <p>6 Q. Okay. The articles of incorporation is the</p> <p>7 spawning point where a corporation comes to life, right?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And thereafter the corporation's code</p> <p>10 applies, correct?</p> <p>11 A. Correct.</p> <p>12 Q. So that would be one in the same with the concept</p> <p>13 we've been talking about earlier here that violates the</p> <p>14 corporation's code, right?</p> <p>15 A. Yes.</p> <p>16 MR. SWANSON: Object to the extent it calls for a</p> <p>17 legal conclusion.</p> <p>18 MR. LAPCEVIC: Join.</p> <p>19 MR. SWANSON: And vague. I'm not sure what that</p> <p>20 question is.</p> <p>21 MR. JENSEN: It's a little belated, but you can</p> <p>22 put it on the record.</p> <p>23 MR. SWANSON: It's there.</p> <p>24 MR. JENSEN: Um-hum. I think it is.</p> <p>25 Q. Do you see section 1.3, sir, page 2? It's on page</p>
<p style="text-align: right;">94</p> <p>1 Q. BY MR. JENSEN: Well, as we talked about</p> <p>2 earlier -- I'll set the foundation -- you and I can agree</p> <p>3 that there was an affiliation between the two, right?</p> <p>4 A. Yes.</p> <p>5 Q. Right?</p> <p>6 A. Yes.</p> <p>7 Q. So is it your testimony here today that that</p> <p>8 affiliation did not permit the National Grange to regulate</p> <p>9 the affairs of the California -- sorry -- the Unchartered</p> <p>10 State Grange?</p> <p>11 MR. SWANSON: Calls for speculation, vague, legal</p> <p>12 conclusion.</p> <p>13 MR. LAPCEVIC: Join.</p> <p>14 THE WITNESS: That's a question for the Court.</p> <p>15 Q. BY MR. JENSEN: Sir, let me read back the</p> <p>16 question, please. It's either a "yes," "no," or "I don't</p> <p>17 know."</p> <p>18 (Record read as follows: "So is it your testimony</p> <p>19 here today that that affiliation did not permit</p> <p>20 the National Grange to regulate the affairs of the</p> <p>21 California -- sorry -- the Unchartered State</p> <p>22 Grange?")</p> <p>23 MR. LAPCEVIC: Same objections.</p> <p>24 THE WITNESS: No, I don't believe it had any such</p> <p>25 authority.</p>	<p style="text-align: right;">96</p> <p>1 2. Do you see it there, sir?</p> <p>2 A. Yes.</p> <p>3 Q. Do you know if the California State Grange --</p> <p>4 sorry. Strike that.</p> <p>5 Do you know if the Unchartered Grange sent</p> <p>6 delegates to national meetings, National Grange meetings?</p> <p>7 MR. LAPCEVIC: Vague as to time.</p> <p>8 Q. BY MR. JENSEN: Ever.</p> <p>9 A. Yes.</p> <p>10 Q. They did, right?</p> <p>11 A. Yes.</p> <p>12 Q. Why would they go there?</p> <p>13 MR. LAPCEVIC: Calls for speculation, lacks</p> <p>14 foundation.</p> <p>15 THE WITNESS: Well, I believe they would go there</p> <p>16 to have a voice in the affairs of the policies of the</p> <p>17 National Grange.</p> <p>18 Q. BY MR. JENSEN: Right. And, for instance, these</p> <p>19 delegates could vote on particular laws, correct?</p> <p>20 MR. SWANSON: Lacks foundation.</p> <p>21 MR. LAPCEVIC: Join.</p> <p>22 Q. BY MR. JENSEN: Do you know that? Delegates from</p> <p>23 the Unchartered Grange went to national conventions and</p> <p>24 were capable of voting on laws?</p> <p>25 A. That's my understanding.</p>

<p style="text-align: right;">97</p> <p>1 Q. All right. That's what I figured. And you would 2 agree with me there is a process to change Grange law? 3 MR. SWANSON: Object as vague. 4 THE WITNESS: I believe so. 5 Q. BY MR. JENSEN: And that's outlined in Section 6 1.3.3, right? 7 MR. LAPCEVIC: Lacks foundation. 8 THE WITNESS: (Witness reviews document.) That's 9 what it says. 10 Q. BY MR. JENSEN: Okay. And California delegates 11 would have an opportunity to voice their approval for 12 changes in Grange law, correct? 13 A. For changes in the National Grange law, yes. 14 Q. Page 3, Section 1.4.2. 15 A. (Witness reviews document.) Okay. 16 Q. And you and I agree that at least in some part of 17 2012 there was a charter that was in existence between the 18 National Grange and the Unchartered Grange, right? 19 A. Yes. 20 Q. Okay. And you would agree with me that that 21 charter required the Unchartered Grange to faithfully 22 comply with the Digest of Laws of the Order of the Patrons 23 of Husbandry. 24 MR. SWANSON: Calls for a legal conclusion. 25 MR. LAPCEVIC: Join.</p>	<p style="text-align: right;">99</p> <p>1 A. (Witness reviews document.) I don't remember 2 reading this language, but I was aware that it was in the 3 rules of the National Grange. 4 Q. Okay. Once again, there was a charter in place in 5 some part of 2012 between National Grange and the 6 Unchartered Grange, right? 7 MR. SWANSON: Asked and answered. 8 MR. JENSEN: I'm setting a foundation so it will 9 make it a little bit easier. 10 MR. SWANSON: Okay. 11 THE WITNESS: Yes. 12 Q. BY MR. JENSEN: Okay. And this provision dealing 13 with retention of real property indicates that when the 14 charter is revoked, that real property would go to the 15 National Grange, true? 16 MR. SWANSON: Objection. Calls for a legal 17 conclusion. 18 MR. LAPCEVIC: Join. 19 Q. BY MR. JENSEN: I'm asking what the provision 20 says. 21 A. All I know is that's what this says. 22 Q. Right. The provision says that, right? 23 A. Yes. 24 Q. And you would agree with me if California -- 25 strike that.</p>
<p style="text-align: right;">98</p> <p>1 THE WITNESS: That's what this says, and I don't 2 know the legal meaning of it. 3 Q. BY MR. JENSEN: Sure. But you would agree with me 4 that if this constitution was adopted by the Unchartered 5 Grange then this particular provision 1.4.2 would apply? 6 MR. SWANSON: Calls for a legal conclusion. 7 THE WITNESS: No, I don't know. 8 MR. LAPCEVIC: Join. 9 Q. BY MR. JENSEN: Sorry, I missed your answer to 10 that. Was that "I don't know"? 11 A. I don't know. 12 Q. Okay. So you don't have any knowledge about that, 13 right? 14 A. Right. 15 Q. Is there anybody at the State Grange that has any 16 knowledge regarding this issue? 17 A. I don't know. 18 Q. Article X, page 5, 4 to 5, the heading there, 19 retention of real properties. 20 A. What page? 21 Q. Page 4 onto page 5. 22 A. Okay. 23 Q. Do you see that provision? 24 A. Yes. 25 Q. Did you ever read that provision before today?</p>	<p style="text-align: right;">100</p> <p>1 You would agree with me that if the Unchartered 2 Grange had adopted the constitution, this particular 3 provision would apply to it? 4 MR. SWANSON: Calls for a legal conclusion. 5 MR. LAPCEVIC: Join. 6 MR. SWANSON: Speculation. 7 THE WITNESS: No, I don't believe so. 8 Q. BY MR. JENSEN: What do you base that belief on? 9 A. That it's not provided for under California law. 10 Q. Okay. What portion of California law are you 11 relying on for that position? 12 A. The corporation's code provides that -- I don't 13 remember the specific provision. 14 Q. You're relying on the corporation's code though, 15 right? 16 A. Yes. 17 Q. Sorry I missed your answer there. Is that yes? 18 A. Yes. 19 Q. I'm just trying to see if there's something else 20 other than the corporation's code that you may be relying 21 on for your particular position as relates to this 22 question. 23 A. I don't know. 24 Q. Okay. You would agree with me that this 25 particular provision, Article X, is also dealing with</p>

<p style="text-align: right;">101</p> <p>1 personal property, correct?</p> <p>2 A. Yes.</p> <p>3 Q. Okay.</p> <p>4 A. That's what it says.</p> <p>5 Q. Right. Once again, you disagree with me whether</p> <p>6 or not that particular provision is applicable to the</p> <p>7 Unchartered Grange, right?</p> <p>8 A. Yes.</p> <p>9 Q. And what do you base that on, that this particular</p> <p>10 provision as it relates to the transfer of personal</p> <p>11 property is inapplicable to the Unchartered Grange?</p> <p>12 A. Because the California State Grange corporation is</p> <p>13 not a part of the National Grange or subject to its</p> <p>14 requirements.</p> <p>15 Q. Prior to the charter being revoked, there was a</p> <p>16 relationship between the parties, right?</p> <p>17 A. There was an affiliation, yes.</p> <p>18 Q. Okay. Wouldn't that provision be applicable as it</p> <p>19 relates to personal property?</p> <p>20 MR. SWANSON: Calls for a legal conclusion.</p> <p>21 THE WITNESS: I don't know.</p> <p>22 MR. LAPCEVIC: Lack of foundation.</p> <p>23 Q. BY MR. JENSEN: You don't know the answer to that,</p> <p>24 sir?</p> <p>25 A. No.</p>	<p style="text-align: right;">103</p> <p>1 following in terms of that process?</p> <p>2 A. I don't know.</p> <p>3 MR. SWANSON: Are you okay?</p> <p>4 Q. BY MR. JENSEN: If you need to take a break or</p> <p>5 anything, let me know.</p> <p>6 A. No, that's okay. My hearing is not what it used</p> <p>7 to be.</p> <p>8 Q. Too many rock concerts? You don't have to answer</p> <p>9 that question.</p> <p>10 A. Too much roto tilling.</p> <p>11 Q. Oh, that would do it too. That's for sure.</p> <p>12 MR. SWANSON: Blame everything on the '60s, right?</p> <p>13 MR. JENSEN: You keep bringing it up, not me.</p> <p>14 Q. Is there a distinction between the relationship in</p> <p>15 your mind between the National Grange and the Unchartered</p> <p>16 Grange when the charter has been revoked and the property</p> <p>17 goes back to the National Grange? Is there a distinction</p> <p>18 between that process and the Unchartered Grange and its</p> <p>19 subordinates in California? Is there a distinction?</p> <p>20 MR. SWANSON: Calls for a legal conclusion,</p> <p>21 assumes facts.</p> <p>22 MR. LAPCEVIC: Join.</p> <p>23 THE WITNESS: When I say I don't know in answer to</p> <p>24 that and related questions, it's because it's a</p> <p>25 complicated legal issue, so I don't know.</p>
<p style="text-align: right;">102</p> <p>1 Q. When you were a member of the executive committee,</p> <p>2 did the Unchartered Grange ever revoke a charter?</p> <p>3 A. I'm not sure.</p> <p>4 Q. Okay. Do you know if a charter was ever abandoned</p> <p>5 during the time you were a member of the executive</p> <p>6 committee?</p> <p>7 A. I don't know whether a charter was abandoned.</p> <p>8 Q. Okay. So you don't know of an instance where a</p> <p>9 charter was revoked and what happened to real property,</p> <p>10 vis-à-vis, the Unchartered Grange and some subordinate</p> <p>11 State Grange?</p> <p>12 A. During my term in office, some of the community</p> <p>13 granges folded, failed, and I am aware that the State</p> <p>14 Grange took possession of the property to the extent it</p> <p>15 was available.</p> <p>16 Q. Would that be real property in certain</p> <p>17 circumstances?</p> <p>18 A. Yes.</p> <p>19 Q. For instance, a Grange hall would be the most</p> <p>20 obvious example, right?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Any instances of personal property that</p> <p>23 you're aware of?</p> <p>24 A. Yes, I believe so.</p> <p>25 Q. Okay. What rules was the Unchartered Grange</p>	<p style="text-align: right;">104</p> <p>1 Q. BY MR. JENSEN: Fair enough. But you are aware of</p> <p>2 circumstances where the California -- sorry -- the</p> <p>3 Unchartered Grange -- strike that. Strike that.</p> <p>4 You are aware of circumstances --</p> <p>5 MR. SWANSON: You can call it the California State</p> <p>6 Grange. That's fine.</p> <p>7 Q. BY MR. JENSEN: You are aware of circumstances</p> <p>8 where the Unchartered Grange received real property from a</p> <p>9 subordinate grange?</p> <p>10 A. I was so informed, yes.</p> <p>11 Q. Right. And same thing with personal property,</p> <p>12 right?</p> <p>13 A. Yes.</p> <p>14 Q. And it's your understanding that you would be</p> <p>15 complying with your own internal rules to undertake such a</p> <p>16 circumstance, right?</p> <p>17 A. I thought so at the time, yes.</p> <p>18 Q. I think we confirmed this, but in 2012</p> <p>19 Mr. McFarland was the state master, correct?</p> <p>20 A. Yes.</p> <p>21 Q. In 2012 Mr. McFarland was answerable to Ed</p> <p>22 Luttrell, the Master of the National Grange, correct?</p> <p>23 MR. LAPCEVIC: Calls for a legal conclusion.</p> <p>24 MR. SWANSON: Join. It's also vague.</p> <p>25 THE WITNESS: I'm not certain that the National</p>

<p style="text-align: right;">105</p> <p>1 Grange corporation had that kind of authority over the 2 California State Grange corporation. 3 Q. BY MR. JENSEN: How about we go to Exhibit 139, 4 page 25, Section 4.10.4. Do you see that particular 5 provision? 6 A. Yes. 7 Q. That particular provision says, "Authority of 8 Masters - All officers of all various Granges are 9 answerable to the Master of their respective Granges." 10 You see that, right? 11 A. Yes. 12 Q. Okay. And then also says going down a little bit 13 farther that the masters of state granges are answerable 14 to the master of the National Grange. 15 You see that, right? 16 A. Yes, that is the National Grange's rule. 17 Q. And is that inconsistent with your understanding 18 of the relationship between Mr. McFarland and Mr. Luttrell 19 in 2012? 20 A. As a matter of state law, I don't think he was 21 subject to control of the national master. 22 Q. Okay. So you believe this particular provision 23 4.10.4 is not applicable as relates between the National 24 Grange and the Unchartered Grange? 25 A. I don't believe so.</p>	<p style="text-align: right;">107</p> <p>1 Unchartered Grange who would have knowledge on that 2 subject matter? 3 A. No. 4 Q. Take a look at 4.10.7 B, page 26. B1. 5 A. (Witness reviews document.) Okay. 6 Q. It's talking about a suspension procedure, 7 correct? 8 A. Yes. 9 Q. Part of the language says, "The Master of a State 10 Grange by the Master of a National Grange," and it's 11 talking about suspensions, correct? 12 A. Yes. 13 MR. LAPCEVIC: Lacks foundation. 14 MR. SWANSON: Join. 15 Q. BY MR. JENSEN: Sorry, sir, I think we missed 16 your answer. I'm sorry. 17 A. It's talking about suspensions, yes. 18 Q. Right. This particular provision indicates that 19 the national master could suspend the state master, 20 correct? 21 A. That's what this says. 22 Q. So in 2012 Mr. Luttrell could suspend 23 Mr. McFarland, correct? 24 MR. LAPCEVIC: Calls for a legal conclusion, lack 25 of foundation.</p>
<p style="text-align: right;">106</p> <p>1 Q. What are you basing that on? 2 A. I base that on my belief that the California 3 Grange is not a division of the National Grange. 4 Q. Okay. 5 A. Under California law and its own articles of 6 incorporation. 7 Q. Do you believe that as master of the Unchartered 8 Grange that subordinate masters were answerable to 9 Mr. McFarland? 10 MR. SWANSON: Object to the extent that calls for 11 a legal conclusion. 12 MR. LAPCEVIC: Join. 13 THE WITNESS: I just don't know the meaning of 14 "answerable under California law." 15 Q. BY MR. JENSEN: Okay. But what about the rules 16 that govern their relationship, the bylaws, Digest of Laws 17 that we went over earlier? Do you believe that under that 18 set of rules that Mr. McFarland in his position, state 19 masters -- subordinate state masters were answerable to 20 him? 21 MR. SWANSON: Objection. Vague and ambiguous, 22 calls for a legal conclusion. 23 MR. LAPCEVIC: Join. 24 THE WITNESS: I don't know. 25 Q. BY MR. JENSEN: Do you know of anyone with the</p>	<p style="text-align: right;">108</p> <p>1 MR. SWANSON: Join. 2 THE WITNESS: I don't know. It's a question of 3 law. 4 Q. BY MR. JENSEN: You don't know the answer to that, 5 right? 6 A. No, I think that's an answer for the Court, not 7 for me. 8 Q. Okay. Skip to page 51. The Section 8.1.1, 9 "Authority of the State Grange." Take a second to read 10 that section, please. 11 A. (Witness reviews document.) Okay. 12 Q. Have you ever seen that section before? 13 A. I believe so. 14 Q. The section provides that the State Grange has no 15 authority to suspend the Constitution of the Order of the 16 Patrons of Husbandry, correct? 17 MR. LAPCEVIC: Calls for a legal conclusion. 18 MR. SWANSON: Join. 19 THE WITNESS: That's what it says. 20 Q. BY MR. JENSEN: Sorry, I missed your answer, sir. 21 A. That's what it says. 22 Q. Okay. And do you know whether or not this 23 particular provision applied to the Unchartered Grange in 24 2012? 25 MR. LAPCEVIC: Calls for a legal conclusion, lacks</p>

<p style="text-align: right;">109</p> <p>1 foundation.</p> <p>2 MR. SWANSON: Join.</p> <p>3 Q. BY MR. JENSEN: I'm asking do you know.</p> <p>4 A. I don't know if it applied.</p> <p>5 Q. BY MR. JENSEN: Do you know of anyone at the</p> <p>6 Unchartered Grange that would have information on that</p> <p>7 subject?</p> <p>8 A. No.</p> <p>9 Q. Would you agree with me that that particular</p> <p>10 section also said that the unchartered -- sorry. Strike</p> <p>11 that.</p> <p>12 Would you agree with me that that particular</p> <p>13 provision also states that a State Grange has no authority</p> <p>14 to suspend the bylaws of the National Grange?</p> <p>15 A. That's what it says.</p> <p>16 Q. Do you know whether or not this particular</p> <p>17 provision applied to the Unchartered Grange in 2012?</p> <p>18 MR. SWANSON: Object to the extent it calls for a</p> <p>19 legal conclusion.</p> <p>20 MR. LAPCEVIC: Join.</p> <p>21 THE WITNESS: I don't know.</p> <p>22 Q. BY MR. JENSEN: Do you know of anyone at the</p> <p>23 Unchartered Grange that has any knowledge on that subject</p> <p>24 matter?</p> <p>25 A. No.</p>	<p style="text-align: right;">111</p> <p>1 MR. JENSEN: Maybe 20 minutes more right now. If</p> <p>2 you want to take a break, you can. I was just going to</p> <p>3 move onto a new exhibit so if you want to, you can. It's</p> <p>4 up to you.</p> <p>5 MR. SWANSON: I could use a two-minute break.</p> <p>6 MR. JENSEN: Two-minute break.</p> <p>7 (Recess taken from 11:46 a.m. until 11:52 a.m.)</p> <p>8 (Exhibit 141 was marked for identification.)</p> <p>9 Q. BY MR. JENSEN: <u>I have before you Exhibit 141</u></p> <p>10 <u>entitled "By-Laws of the California State Grange 2013</u></p> <p>11 <u>Edition as Amended October 11, 2013."</u></p> <p>12 <u>Have you seen this document before?</u></p> <p>13 A. <u>Yes.</u></p> <p>14 Q. <u>What is this document?</u></p> <p>15 A. <u>It's the bylaws of the California State Grange as</u></p> <p>16 <u>amended in October of 2013.</u></p> <p>17 Q. <u>Who prepared this document?</u></p> <p>18 A. <u>I think various people were involved in preparing</u></p> <p>19 <u>it. I'm not sure who.</u></p> <p>20 Q. <u>Okay. Were you involved in preparing this</u></p> <p>21 <u>document?</u></p> <p>22 A. <u>Yes, to some extent.</u></p> <p>23 Q. <u>Okay. Is that in your capacity as a member of the</u></p> <p>24 <u>executive committee?</u></p> <p>25 A. <u>As a member, yes.</u></p>
<p style="text-align: right;">110</p> <p>1 Q. Would you also agree with me that particular</p> <p>2 provision provides that no State Grange could suspend the</p> <p>3 grange law?</p> <p>4 MR. SWANSON: Calls for a legal conclusion --</p> <p>5 MR. LAPCEVIC: Join.</p> <p>6 MR. SWANSON: -- as phrased.</p> <p>7 THE WITNESS: That's what it says.</p> <p>8 Q. BY MR. JENSEN: Do you know as you sit here today</p> <p>9 whether or not that particular provision applied to the</p> <p>10 Unchartered State Grange?</p> <p>11 A. I don't know. That's up to the Court.</p> <p>12 Q. Do you know anybody at the national -- sorry -- at</p> <p>13 the Unchartered Grange that has any information on that</p> <p>14 subject matter?</p> <p>15 A. No.</p> <p>16 MR. SWANSON: Martin, what's your plan in terms of</p> <p>17 a break? If we're going to go past noon, I'd like to take</p> <p>18 just a short break.</p> <p>19 MR. JENSEN: Oh, yeah, we're going past noon for</p> <p>20 sure.</p> <p>21 MR. SWANSON: No, no, no.</p> <p>22 MR. JENSEN: Oh, I see.</p> <p>23 MR. SWANSON: I mean as far as a lunch break. If</p> <p>24 you're going to go like to 12:30 then I wouldn't mind like</p> <p>25 a two-minute break right now. If not, it's your call.</p>	<p style="text-align: right;">112</p> <p>1 Q. <u>Okay. Who else was involved in the preparation of</u></p> <p>2 <u>this particular document, Exhibit 141?</u></p> <p>3 A. <u>I don't recall.</u></p> <p>4 Q. <u>Other than yourself, you have no recollection of</u></p> <p>5 <u>anyone else involved in the preparation --</u></p> <p>6 A. <u>Well --</u></p> <p>7 Q. <u>Hold on, sir, let me spit it out.</u></p> <p>8 <u>So other than yourself, are you aware of anyone</u></p> <p>9 <u>else who helped prepare Exhibit 141?</u></p> <p>10 A. <u>I don't recall specifically who, but I know that</u></p> <p>11 <u>it was prepared by others and I contributed in the end.</u></p> <p>12 Q. <u>In this category we have you and then we have</u></p> <p>13 <u>others. Do we know of who the, quote, unquote, others</u></p> <p>14 <u>were?</u></p> <p>15 A. <u>I don't know, but I believe that Bob McFarland had</u></p> <p>16 <u>a hand in that.</u></p> <p>17 Q. <u>Okay.</u></p> <p>18 A. <u>And that others did as well, but I wasn't involved</u></p> <p>19 <u>at that point, so I don't know.</u></p> <p>20 Q. <u>So in the category "others," other than</u></p> <p>21 <u>Mr. McFarland, are you aware of anyone else?</u></p> <p>22 A. <u>There may have been some legal assistance along</u></p> <p>23 <u>the way.</u></p> <p>24 Q. <u>Okay. Who would have done that?</u></p> <p>25 MR. SWANSON: I think that question's okay.</p>

<p style="text-align: right;">113</p> <p>1 MR. JENSEN: Yeah, it's an identity question.</p> <p>2 MR. SWANSON: Yeah. If you know.</p> <p>3 THE WITNESS: <u>I believe someone -- one of our --</u></p> <p>4 <u>one of the State Grange attorneys.</u></p> <p>5 Q. BY MR. JENSEN: <u>Okay. Do you know by firm who</u></p> <p>6 <u>that would be?</u></p> <p>7 A. <u>Yes, it would be the Boutin Jones firm.</u></p> <p>8 Q. <u>Okay. Do you know when that Boutin Jones first</u></p> <p>9 <u>became involved as it relates to these bylaws, 2013</u></p> <p>10 <u>edition?</u></p> <p>11 A. <u>Sometime before the October 2013 convention.</u></p> <p>12 Q. <u>Okay. So now we've identified Mr. McFarland.</u></p> <p>13 <u>We've identified the Boutin Jones firm. Any others that</u></p> <p>14 <u>you're aware of?</u></p> <p>15 A. <u>I had the impression that there had been other</u></p> <p>16 <u>input, but I don't know from whom.</u></p> <p>17 Q. <u>For instance, you weren't a part of any e-mail</u></p> <p>18 <u>chain that you recall that had other people talking about</u></p> <p>19 <u>this particular document, Exhibit 141?</u></p> <p>20 A. <u>I may have been, but I haven't seen those e-mails</u></p> <p>21 <u>to refresh my recollection about them.</u></p> <p>22 Q. <u>Was it a part of your 150 documents that you</u></p> <p>23 <u>produced?</u></p> <p>24 A. <u>I don't believe so. I don't believe I had any of</u></p> <p>25 <u>the correspondence.</u></p>	<p style="text-align: right;">115</p> <p>1 A. <u>I don't remember.</u></p> <p>2 Q. <u>When did this particular document, Exhibit 141,</u></p> <p>3 <u>become effective?</u></p> <p>4 A. <u>Sometime after the October 2013 convention. I'm</u></p> <p>5 <u>not certain of the date.</u></p> <p>6 Q. <u>Was Exhibit 141 presented at the October</u></p> <p>7 <u>convention?</u></p> <p>8 A. <u>Yes.</u></p> <p>9 Q. <u>Okay. And how was Exhibit 141 approved?</u></p> <p>10 A. <u>It was at some point introduced to the members and</u></p> <p>11 <u>they voted on it.</u></p> <p>12 Q. <u>Okay. This document here appears to be the bylaws</u></p> <p>13 <u>of the Unchartered Grange, correct?</u></p> <p>14 A. <u>Yes.</u></p> <p>15 Q. <u>If you look at Exhibit 140 for a quick moment,</u></p> <p>16 <u>that particular document has a constitution and bylaws,</u></p> <p>17 <u>right?</u></p> <p>18 A. <u>Yes.</u></p> <p>19 Q. <u>Okay. Exhibit 141 is just the bylaws; am I</u></p> <p>20 <u>accurate about that?</u></p> <p>21 A. <u>Yes.</u></p> <p>22 Q. <u>Is there a separate document that is the</u></p> <p>23 <u>Constitution of the Unchartered Grange?</u></p> <p>24 A. <u>Well, just the document that is in Exhibit 140.</u></p> <p>25 MR. SWANSON: He's asking about 141.</p>
<p style="text-align: right;">114</p> <p>1 Q. <u>Do you recall when you first became involved in</u></p> <p>2 <u>the process of amending -- sorry. Strike that.</u></p> <p>3 <u>Do you recall when you first became involved in</u></p> <p>4 <u>the preparation of Exhibit 141?</u></p> <p>5 A. <u>No, I don't.</u></p> <p>6 Q. <u>It predated the October 2013 convention I take it?</u></p> <p>7 A. <u>Yes.</u></p> <p>8 Q. <u>In terms of prior to that date, do you know how</u></p> <p>9 <u>long in advance you had been involved in the preparation</u></p> <p>10 <u>of this document?</u></p> <p>11 A. <u>I don't remember when I first saw it or had any</u></p> <p>12 <u>input.</u></p> <p>13 Q. <u>Do you know when the process first began to have</u></p> <p>14 <u>this document created, 141?</u></p> <p>15 A. <u>I don't know when the process actually began. I</u></p> <p>16 <u>know it was discussed some months before the convention.</u></p> <p>17 Q. <u>So some months prior to October of 2013?</u></p> <p>18 A. <u>Yes.</u></p> <p>19 Q. <u>Okay. Do you know if there was any particular</u></p> <p>20 <u>person at the Unchartered Grange that was responsible for</u></p> <p>21 <u>the preparation of Exhibit 141?</u></p> <p>22 A. <u>No.</u></p> <p>23 Q. <u>Okay. Do you know of any particular person at the</u></p> <p>24 <u>Unchartered Grange that wanted to prepare this particular</u></p> <p>25 <u>Document 141?</u></p>	<p style="text-align: right;">116</p> <p>1 THE WITNESS: <u>There's no -- okay.</u></p> <p>2 Q. BY MR. JENSEN: <u>Well, you and I can agree that</u></p> <p>3 <u>Exhibit 141 does not contain a constitution, right?</u></p> <p>4 A. <u>Correct.</u></p> <p>5 Q. <u>Is there a separate document that is the</u></p> <p>6 <u>Constitution of the Unchartered Grange?</u></p> <p>7 A. <u>Only the one that shows in Exhibit 140.</u></p> <p>8 Q. <u>Okay. Do you recall if there ever was an</u></p> <p>9 <u>amendment to the Constitution of the Unchartered Grange?</u></p> <p>10 A. <u>I don't know of one.</u></p> <p>11 Q. <u>Were you involved in the process to amend a</u></p> <p>12 <u>Constitution of the Unchartered Grange?</u></p> <p>13 A. <u>I don't think there ever was a process.</u></p> <p>14 Q. <u>Okay. And do you recall if there was ever an</u></p> <p>15 <u>approval at the convention in October of 2013 to amend the</u></p> <p>16 <u>Constitution of the Unchartered Grange?</u></p> <p>17 A. <u>I don't recall one.</u></p> <p>18 Q. <u>You don't recall one?</u></p> <p>19 A. <u>Right.</u></p> <p>20 Q. <u>Okay. And you weren't involved in the preparation</u></p> <p>21 <u>of a document to amend the Constitution of the Unchartered</u></p> <p>22 <u>Grange, right?</u></p> <p>23 A. <u>Right.</u></p> <p>24 Q. <u>And you never tasked an attorney to amend the</u></p> <p>25 <u>Constitution of the Unchartered Grange, correct?</u></p>

<p style="text-align: right;">117</p> <p>1 MR. SWANSON: <u>Him personally?</u></p> <p>2 MR. JENSEN: <u>Him personally. I'll start there.</u></p> <p>3 THE WITNESS: <u>Personally, no...</u></p> <p>4 Q. BY MR. JENSEN: <u>Did the executive committee ever</u></p> <p>5 <u>task an attorney with the responsibility to amend the</u></p> <p>6 <u>Constitution of the Unchartered Grange?</u></p> <p>7 A. <u>Not that I recall.</u></p> <p>8 Q. Okay. Back to 141. You would agree with me that</p> <p>9 Exhibit 141 suspended the bylaws of the National Grange?</p> <p>10 MR. SWANSON: Calls for a legal conclusion.</p> <p>11 THE WITNESS: I don't know.</p> <p>12 MR. LAPCEVIC: Join.</p> <p>13 Q. BY MR. JENSEN: You removed all reference to the</p> <p>14 National Grange in the bylaws, did you not?</p> <p>15 A. Yes.</p> <p>16 Q. You would agree with me that this document</p> <p>17 suspended the laws of the national Grange?</p> <p>18 MR. SWANSON: Object. Calls for a legal</p> <p>19 conclusion.</p> <p>20 THE WITNESS: I don't know.</p> <p>21 MR. LAPCEVIC: Join.</p> <p>22 Q. BY MR. JENSEN: Okay. The document also removed</p> <p>23 all reference to the Order of Patrons of Husbandry,</p> <p>24 correct?</p> <p>25 A. I believe so.</p>	<p style="text-align: right;">119</p> <p>1 A. Yes, I do.</p> <p>2 Q. Okay. I have in front of you Exhibit 142. Have</p> <p>3 you seen that document before, sir?</p> <p>4 A. Yes, I have.</p> <p>5 Q. And you would agree with me that this document is</p> <p>6 the Articles of Incorporation for the Unchartered Grange?</p> <p>7 A. It appears to be.</p> <p>8 Q. And these articles are dated 1946?</p> <p>9 A. Yes.</p> <p>10 Q. Are you aware of any amendments to these Articles</p> <p>11 of Incorporation?</p> <p>12 A. I'm not aware of any.</p> <p>13 Q. Are you aware of anybody who has knowledge</p> <p>14 regarding the Articles of Incorporation of the Unchartered</p> <p>15 Grange, other than yourself?</p> <p>16 A. Can you repeat that?</p> <p>17 Q. Sure. I'm trying to find out if there's anybody</p> <p>18 at the Unchartered Grange that you know of who has</p> <p>19 knowledge about this particular document, Exhibit 142?</p> <p>20 MR. SWANSON: Whether it's been amended or just</p> <p>21 generally?</p> <p>22 MR. JENSEN: First of all, generally the articles.</p> <p>23 THE WITNESS: Well, I'm sure there are a number of</p> <p>24 people.</p> <p>25 Q. BY MR. JENSEN: For instance, the people that were</p>
<p style="text-align: right;">118</p> <p>1 Q. This particular document claims that the</p> <p>2 Unchartered Grange is independent of the National Grange,</p> <p>3 correct?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. That particular language was not contained</p> <p>6 in any version of the bylaws previously, correct?</p> <p>7 A. None of which I'm aware.</p> <p>8 Q. We went over the bylaws that were in effect in</p> <p>9 2012 and 2013, right?</p> <p>10 A. Yes.</p> <p>11 Q. And you're familiar with these 2013 bylaws,</p> <p>12 correct?</p> <p>13 A. Yes.</p> <p>14 Q. And you're familiar with them because you were a</p> <p>15 member of the executive committee, right?</p> <p>16 A. Yes.</p> <p>17 MR. JENSEN: Okay. Here you go. Back to noon.</p> <p>18 I'm not done but we're at noon now so it's a logical</p> <p>19 breakpoint.</p> <p>20 MR. SWANSON: Okay. Great.</p> <p>21 (The luncheon recess was taken from 12:03 p.m.</p> <p>22 until 1:07 p.m.)</p> <p>23 (Exhibit 142 was marked for identification.)</p> <p>24 Q. BY MR. JENSEN: You understand you're still under</p> <p>25 oath, sir?</p>	<p style="text-align: right;">120</p> <p>1 on your executive committee from 2012 to 2014.</p> <p>2 A. They have access to it. I don't know whether they</p> <p>3 were familiar with it or not.</p> <p>4 Q. Okay. And do you know if they're -- do you know</p> <p>5 of anybody who might have knowledge if there had been</p> <p>6 amendments to the Articles of Incorporation of the</p> <p>7 Unchartered Grange?</p> <p>8 A. I don't know of anyone.</p> <p>9 Q. Okay. Certainly you keep -- sorry, strike that.</p> <p>10 Certainly the Unchartered Grange would keep its</p> <p>11 Articles of Incorporation as a corporate document?</p> <p>12 A. Yes.</p> <p>13 Q. Did you have a copy of the Articles of</p> <p>14 Incorporation in the documents that you produced?</p> <p>15 A. No, I couldn't find my copy. I know I've had one</p> <p>16 in the past.</p> <p>17 Q. Okay. You don't recall seeing an amendment to the</p> <p>18 Articles of Incorporation?</p> <p>19 A. No.</p> <p>20 Q. Can I direct your attention to the paragraph 7 on</p> <p>21 page 3. Can you read that provision to me. I'm sorry, to</p> <p>22 yourself. We'll go through it. Let me know when you're</p> <p>23 done reading it.</p> <p>24 A. (Witness reviews document.) Okay.</p> <p>25 Q. Now, there's a word in there "of said order." Do</p>

<p style="text-align: right;">121</p> <p>1 you see that word in paragraph 7?</p> <p>2 A. Yes.</p> <p>3 Q. You would agree with me that that's speaking about</p> <p>4 the Order of Patrons of Husbandry, correct?</p> <p>5 MR. SWANSON: Calls for speculation.</p> <p>6 MR. LAPCEVIC: Calls for a legal conclusion.</p> <p>7 THE WITNESS: I could only guess at that. I don't</p> <p>8 know. I assume it may.</p> <p>9 Q. BY MR. JENSEN: That's the most likely reference,</p> <p>10 is it not?</p> <p>11 MR. SWANSON: Same objections.</p> <p>12 MR. LAPCEVIC: Same. Join.</p> <p>13 THE WITNESS: I don't know of another reference.</p> <p>14 Q. BY MR. JENSEN: You're not familiar with some</p> <p>15 other order that would be identified in the Articles of</p> <p>16 Incorporation of the Unchartered Grange, right?</p> <p>17 A. I don't know of one.</p> <p>18 Q. Do you see paragraph 8 in the Articles</p> <p>19 Incorporation of the Unchartered Grange? Do you see that</p> <p>20 section?</p> <p>21 A. Yes.</p> <p>22 Q. Please review that and let me know when you have.</p> <p>23 A. Okay.</p> <p>24 Q. You would agree with me that that provision</p> <p>25 recognizes that the Unchartered Grange is to have a</p>	<p style="text-align: right;">123</p> <p>1 A. Correct.</p> <p>2 Q. But we do know that one was in effect for 2012,</p> <p>3 correct?</p> <p>4 MR. SWANSON: Calls for a legal conclusion.</p> <p>5 THE WITNESS: As I said before, I don't know what</p> <p>6 the effect of that is, so I don't know what it means to be</p> <p>7 in effect.</p> <p>8 Q. BY MR. JENSEN: Okay. The Digest of Laws for the</p> <p>9 Unchartered Grange in 2012 had a constitution, right?</p> <p>10 A. It appears to be.</p> <p>11 Q. The Digest of Laws in 2013 for the Unchartered</p> <p>12 Grange had a constitution, right?</p> <p>13 A. As far as I know.</p> <p>14 Q. Okay. And do you have any facts that that changed</p> <p>15 after 2013?</p> <p>16 A. No.</p> <p>17 Q. Paragraph 9, do you see that provision? Take a</p> <p>18 moment to review it and let me know when you have.</p> <p>19 A. (Witness reviews document.) Okay.</p> <p>20 Q. This particular provision provides that the</p> <p>21 Unchartered Grange shall have bylaws, right?</p> <p>22 A. Yes.</p> <p>23 Q. And during the time in which you were a member of</p> <p>24 the executive committee from 2012 to the end of 2014, the</p> <p>25 Unchartered Grange had bylaws?</p>
<p style="text-align: right;">122</p> <p>1 constitution?</p> <p>2 MR. SWANSON: Calls for speculation and a legal</p> <p>3 conclusion.</p> <p>4 MR. LAPCEVIC: And lacks foundation. Join.</p> <p>5 THE WITNESS: (Witness reviews document.) That's</p> <p>6 what it says. I don't know the meaning of that.</p> <p>7 Q. BY MR. JENSEN: Okay. In 2012 the Unchartered</p> <p>8 Grange had a constitution, correct?</p> <p>9 A. To the best of my knowledge.</p> <p>10 Q. Yes, right?</p> <p>11 A. Yes.</p> <p>12 Q. And in 2013 the Unchartered Grange had a</p> <p>13 constitution, correct?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Is that same constitution in effect now</p> <p>16 that was -- strike that.</p> <p>17 Is the same constitution in effect today as was in</p> <p>18 2012 and 2011?</p> <p>19 MR. LAPCEVIC: Lacks foundation, calls for a legal</p> <p>20 conclusion.</p> <p>21 MR. SWANSON: Join.</p> <p>22 THE WITNESS: I don't know, and I don't know</p> <p>23 whether there are any changes.</p> <p>24 Q. BY MR. JENSEN: You're aware of no amendment to</p> <p>25 the Constitution of the Unchartered Grange, correct?</p>	<p style="text-align: right;">124</p> <p>1 A. Yes.</p> <p>2 Q. The provision also indicates that if there's to be</p> <p>3 an amendment to the constitution it has to comply with</p> <p>4 state law, correct?</p> <p>5 A. Yes.</p> <p>6 Q. And if there's an amendment to the bylaws, those</p> <p>7 also have to be consistent with state law, correct?</p> <p>8 A. Yes.</p> <p>9 Q. You became familiar with these articles by virtue</p> <p>10 of the fact that you were an officer of the Unchartered</p> <p>11 Grange, correct?</p> <p>12 A. I don't know how I became aware of that.</p> <p>13 Q. Okay. Do you think you became aware of them</p> <p>14 before you were a member of the executive committee?</p> <p>15 A. I doubt it.</p> <p>16 Q. Okay. Most likely you would have first reviewed</p> <p>17 the articles when you became a member of the executive</p> <p>18 committee?</p> <p>19 A. Most likely. All I can do is speculate about</p> <p>20 that.</p> <p>21 Q. I don't want you speculating. If it's</p> <p>22 speculation -- it's okay if you don't know, you don't</p> <p>23 know. That's a fine answer for me. I don't want you to</p> <p>24 speculate, okay?</p> <p>25 A. All I can say is most likely in answer to your</p>

<p style="text-align: right;">125</p> <p>1 question.</p> <p>2 Q. Thank you. Turning your attention to -- on page 2</p> <p>3 under D. Read that provision and let me know when you've</p> <p>4 completed it.</p> <p>5 A. (Witness reviews document.) Okay.</p> <p>6 Q. So this particular provision describes things that</p> <p>7 State Grange members would do between themselves, right?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. You would agree with me that one of the</p> <p>10 things that this particular document says is to avoid</p> <p>11 litigation as much as possible by arbitration in the</p> <p>12 Grange.</p> <p>13 A. I see that.</p> <p>14 Q. Okay. Is that talking about the internal process,</p> <p>15 the Grange trials?</p> <p>16 MR. SWANSON: Lacks foundation, calls for</p> <p>17 speculation.</p> <p>18 THE WITNESS: All I know from this is that it</p> <p>19 was -- that it's one of the purposes.</p> <p>20 Q. BY MR. JENSEN: Okay.</p> <p>21 A. I don't know the procedure.</p> <p>22 Q. That's the extent of your knowledge, right?</p> <p>23 A. Correct.</p> <p>24 Q. Ed Luttrell, Master of the National Grange,</p> <p>25 suspended Robert McFarland from his office as state master</p>	<p style="text-align: right;">127</p> <p>1 Q. Did you receive this letter?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. When did you receive it?</p> <p>4 A. I don't recall. I believe it was within several</p> <p>5 days of that date.</p> <p>6 Q. Okay. Do you recall who you received this letter</p> <p>7 from?</p> <p>8 A. No.</p> <p>9 Q. Okay. You would agree with me that the content of</p> <p>10 this letter is from Ed Luttrell to Master McFarland,</p> <p>11 right?</p> <p>12 A. Yes.</p> <p>13 Q. And the purpose of the letter as far as</p> <p>14 Mr. Luttrell's communicating is to suspend Mr. McFarland</p> <p>15 from office as State Grange Master?</p> <p>16 A. Yes.</p> <p>17 (Exhibit 144 was marked for identification.)</p> <p>18 Q. BY MR. JENSEN: Next in line, Exhibit 144. Have</p> <p>19 you seen this document before?</p> <p>20 A. (Witness reviews document.) I don't think so.</p> <p>21 Q. Okay.</p> <p>22 MR. SWANSON: I have two.</p> <p>23 MR. JENSEN: You have two of the same?</p> <p>24 MR. KAWAR: If it's an extra, I'll take it.</p> <p>25 (Discussion off the record.)</p>
<p style="text-align: right;">126</p> <p>1 in August of 2012, correct?</p> <p>2 A. No, I believe Master McFarland voluntarily</p> <p>3 accepted a suspension.</p> <p>4 Q. There's two different events that occurred. There</p> <p>5 was a trial, a conviction, an appeal, and an agreement, a</p> <p>6 voluntary agreement to a suspension. I believe that</p> <p>7 happened in June and July of 2012. That process</p> <p>8 terminated basically with a voluntary suspension in June</p> <p>9 and July of 2012.</p> <p>10 A. Yes.</p> <p>11 Q. Do you recall Ed Luttrell suspending Master</p> <p>12 McFarland in August of 2012?</p> <p>13 A. Yes.</p> <p>14 Q. And that's separate than -- that's a separate</p> <p>15 event than the Grange trial and voluntary suspension,</p> <p>16 right?</p> <p>17 A. Yes.</p> <p>18 (Exhibit 143 was marked for identification.)</p> <p>19 Q. BY MR. JENSEN: Have you seen this Exhibit 143</p> <p>20 before?</p> <p>21 A. Yes.</p> <p>22 Q. The date is August 1, 2012, correct?</p> <p>23 A. Correct.</p> <p>24 Q. On the letter itself, right?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">128</p> <p>1 Q. BY MR. JENSEN: Okay. So your testimony here</p> <p>2 today as to Exhibit 144, you don't recall receiving this</p> <p>3 particular correspondence?</p> <p>4 A. I may have, but I don't recall.</p> <p>5 Q. Now, the executive committee of the Unchartered</p> <p>6 Grange did not follow the suspension order for</p> <p>7 Mr. Luttrell in August of 2012, correct?</p> <p>8 A. I think that's fair to say, yes.</p> <p>9 Q. And Mr. McFarland, who was master at the time, did</p> <p>10 not follow the suspension order for Mr. Luttrell in 2012,</p> <p>11 correct?</p> <p>12 A. That's correct.</p> <p>13 Q. Now, did the executive committee of the state --</p> <p>14 the Unchartered Grange have a meeting as a result of this</p> <p>15 suspension letter from Mr. McFarland in August of 2012?</p> <p>16 MR. SWANSON: Which letter are you referring to?</p> <p>17 MR. JENSEN: I'll even say 143 and 144, but I'll</p> <p>18 strike that and I'll just make the question simpler.</p> <p>19 Q. Did the unchartered executive -- Unchartered</p> <p>20 Grange executive committee meet after the suspension order</p> <p>21 of Mr. McFarland in August of 2012?</p> <p>22 A. I believe we did.</p> <p>23 Q. Okay. Was a meeting called?</p> <p>24 A. Yes.</p> <p>25 Q. How was the meeting called?</p>

<p style="text-align: right;">129</p> <p>1 A. I don't remember that.</p> <p>2 Q. Okay. Did Master McFarland call the meeting?</p> <p>3 A. Well, I'm sure that he did.</p> <p>4 Q. If you could put in front of you Exhibit 140 again</p> <p>5 for a moment and refer to page 17, Section 12.5.</p> <p>6 A. (Witness reviews document.) Okay.</p> <p>7 Q. Now, I'm trying to figure out, this would be an</p> <p>8 intermediate meeting, right, if one was called?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. So I'm trying to determine the person who</p> <p>11 called the meeting, if you have any personal knowledge on</p> <p>12 that subject matter. Who called the meeting as relates to</p> <p>13 the suspension order of Mr. McFarland in August of 2012?</p> <p>14 MR. SWANSON: I'm sorry, which provision are you</p> <p>15 referring to?</p> <p>16 MR. JENSEN: 12.5, page 17.</p> <p>17 MR. SWANSON: Got it. Yeah. Okay.</p> <p>18 THE WITNESS: (Witness reviews document.) No, I</p> <p>19 indicated that Bob McFarland called the meeting, but as I</p> <p>20 reflect further back on that time, I recall the members of</p> <p>21 the executive committee conferring about the need for a</p> <p>22 meeting. So whether the executive committee actually</p> <p>23 decided to call the meeting or Bob decided that, I</p> <p>24 couldn't tell you.</p> <p>25 Q. BY MR. JENSEN: Okay. You would agree with me</p>	<p style="text-align: right;">131</p> <p>1 Q. Was it a face-to-face meeting, if you recall?</p> <p>2 A. I don't recall offhand.</p> <p>3 Q. Okay. Minutes, do you think the minutes will</p> <p>4 reflect the method of communication that the meeting took</p> <p>5 place?</p> <p>6 A. Ordinarily they do so it probably would.</p> <p>7 Q. Okay. Now, at the meeting is it a true statement</p> <p>8 the California -- strike that.</p> <p>9 Is it a true statement the executive committee</p> <p>10 found no cause to suspend Mr. McFarland?</p> <p>11 A. That's my recollection, yes.</p> <p>12 Q. Is it also true that the executive committee did</p> <p>13 not recognize any authority for Master Luttrell to suspend</p> <p>14 Mr. McFarland?</p> <p>15 A. Correct.</p> <p>16 Q. Is it the belief of the executive committee that</p> <p>17 the suspension of Mr. McFarland was inconsistent with</p> <p>18 California law?</p> <p>19 A. Yes, and with the rules of the Grange.</p> <p>20 Q. Okay. What grange rules was the suspension</p> <p>21 inconsistent with?</p> <p>22 A. The grange rules for bringing charges. The</p> <p>23 National Grange rules for it to take any action involving</p> <p>24 charges against a member require that every effort first</p> <p>25 be made to avoid the necessity of charges and trial</p>
<p style="text-align: right;">130</p> <p>1 though if the executive committee were to call the</p> <p>2 meeting, a majority of the executive committee would need</p> <p>3 to be in favor of that?</p> <p>4 MR. LAPCEVIC: Lacks foundation, calls for a legal</p> <p>5 conclusion.</p> <p>6 MR. SWANSON: Join.</p> <p>7 THE WITNESS: I think that's correct.</p> <p>8 Q. BY MR. JENSEN: Okay. Do you know when the</p> <p>9 meeting took place?</p> <p>10 A. I'd have to refer to the minutes.</p> <p>11 Q. Okay. So you believe that there were meeting</p> <p>12 minutes kept for this particular meeting?</p> <p>13 A. I believe so.</p> <p>14 Q. Okay. Do you recall who attended the meeting?</p> <p>15 A. No, I'd have to refer to the minutes.</p> <p>16 Q. Okay. Do you know if a quorum was present for the</p> <p>17 meeting?</p> <p>18 A. I don't remember, but I assume it had to be</p> <p>19 because we never met without a quorum.</p> <p>20 Q. Once again, the minutes will reflect the attendees</p> <p>21 of the meeting, right?</p> <p>22 A. That's correct.</p> <p>23 Q. Do you know where the meeting took place?</p> <p>24 A. I don't remember that specific meeting where it</p> <p>25 took place.</p>	<p style="text-align: right;">132</p> <p>1 proceedings and that did not occur.</p> <p>2 Q. And that was based on the determination of the</p> <p>3 executive committee?</p> <p>4 MR. SWANSON: Did you say termination of the --</p> <p>5 Q. BY MR. JENSEN: That was based on the</p> <p>6 determination of the executive committee?</p> <p>7 A. We did determine that Master Luttrell did not</p> <p>8 follow the rules of the National Grange making the</p> <p>9 suspension.</p> <p>10 Q. Does the executive committee of the Unchartered</p> <p>11 Grange have the capability to do that under the rules of</p> <p>12 the Order?</p> <p>13 MR. SWANSON: Object to the extent that calls for</p> <p>14 speculation and legal conclusion.</p> <p>15 MR. LAPCEVIC: Join.</p> <p>16 MR. SWANSON: Go ahead.</p> <p>17 THE WITNESS: Well, I know you don't want me to</p> <p>18 speculate about it, so I can't answer that question.</p> <p>19 Q. BY MR. JENSEN: Because you don't know the answer,</p> <p>20 right?</p> <p>21 A. I know that we did determine that Master Luttrell</p> <p>22 did not have that authority.</p> <p>23 Q. And what was that determination based on?</p> <p>24 A. First of all, the laws of the State of California,</p> <p>25 the corporation code of the State of California does not</p>

<p style="text-align: right;">133</p> <p>1 allow for that.</p> <p>2 Q. Well, we'll go back to that one. We're focusing</p> <p>3 here -- and I should have said that. My bad. We're</p> <p>4 focusing here on your determination under the grange law</p> <p>5 that Mr. Luttrell acted inconsistently. And I'm getting</p> <p>6 back to your determination that that was the case. What</p> <p>7 was that based on?</p> <p>8 A. Under grange law.</p> <p>9 Q. Yes, sir.</p> <p>10 A. That he had made no effort to resolve the issues</p> <p>11 before making charges and that the executive committee had</p> <p>12 thoroughly considered each of the points in his charges on</p> <p>13 previous occasions and found that there was absolutely no</p> <p>14 evidence to support any of those charges.</p> <p>15 Q. Did you speak to Mr. Luttrell?</p> <p>16 A. I don't recall if I spoke with him or e-mailed him</p> <p>17 or communicated at all.</p> <p>18 Q. And next you indicated that the suspension by</p> <p>19 Luttrell of McFarland was inconsistent with California</p> <p>20 law. You said that, right?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. How was it inconsistent with California</p> <p>23 law?</p> <p>24 A. Under California law, the California State Grange</p> <p>25 is not and the officers of the California State Grange are</p>	<p style="text-align: right;">135</p> <p>1 internal procedure when charges are brought against a</p> <p>2 grange member, correct?</p> <p>3 A. Yes, there is.</p> <p>4 Q. In that procedure, the charges were laid by</p> <p>5 Mr. Luttrell against Mr. McFarland. Those need to be</p> <p>6 followed, right?</p> <p>7 MR. SWANSON: Vague and ambiguous, calls for a</p> <p>8 legal conclusion.</p> <p>9 THE WITNESS: I don't know whether they were being</p> <p>10 followed.</p> <p>11 Q. BY MR. JENSEN: You may not know whether they were</p> <p>12 being followed. My question is do they need to be</p> <p>13 followed.</p> <p>14 MR. SWANSON: Same objections.</p> <p>15 MR. LAPCEVIC: Join.</p> <p>16 THE WITNESS: They need to be followed if they</p> <p>17 apply to an officer of the California State Grange.</p> <p>18 Q. BY MR. JENSEN: Thank you. That internal</p> <p>19 procedure will determine whether or not charges have</p> <p>20 merit, right?</p> <p>21 MR. LAPCEVIC: Calls for a legal conclusion and</p> <p>22 lacks foundation.</p> <p>23 MR. SWANSON: Join.</p> <p>24 THE WITNESS: That's the theory.</p> <p>25 Q. BY MR. JENSEN: Okay. The executive committee of</p>
<p style="text-align: right;">134</p> <p>1 not subject to the whims of the national master.</p> <p>2 Q. That was the determination of the executive</p> <p>3 committee that Mr. Luttrell was acting on a whim?</p> <p>4 A. Acting on the basis of his own personality and for</p> <p>5 whatever reasons his necessity to exert control over every</p> <p>6 aspect of the organization.</p> <p>7 Q. There's an internal procedure when charges are</p> <p>8 levied against somebody in the Grange, right?</p> <p>9 A. There is.</p> <p>10 Q. And Mr. McFarland would have been subject to that</p> <p>11 internal procedure, correct?</p> <p>12 A. That's really going to be a question of law.</p> <p>13 That's my opinion that he --</p> <p>14 Q. Let me take that back. Factually that occurred;</p> <p>15 Mr. McFarland, charges were brought against him. That's a</p> <p>16 fact, right?</p> <p>17 A. By Master Luttrell, yes.</p> <p>18 Q. That's a fact, right? A grange trial process</p> <p>19 began, didn't it?</p> <p>20 MR. LAPCEVIC: Lacks foundation, calls for</p> <p>21 speculation.</p> <p>22 THE WITNESS: Some steps were taken in that</p> <p>23 direction but how far it got and how far they followed</p> <p>24 their own procedure, I couldn't tell you offhand.</p> <p>25 Q. BY MR. JENSEN: Okay. Certainly there's an</p>	<p style="text-align: right;">136</p> <p>1 the State Grange has no input in that process, does it?</p> <p>2 MR. LAPCEVIC: Lacks foundation, calls for a legal</p> <p>3 conclusion.</p> <p>4 MR. SWANSON: And it's vague.</p> <p>5 THE WITNESS: Based on all of the information we</p> <p>6 had at the time, the facts, we did not believe charges</p> <p>7 should go forward.</p> <p>8 Q. BY MR. JENSEN: But there's a procedure for that</p> <p>9 to take place, isn't there?</p> <p>10 A. The National Grange has its --</p> <p>11 MR. SWANSON: Objection. Argumentative.</p> <p>12 THE WITNESS: Pardon me.</p> <p>13 MR. SWANSON: Go ahead.</p> <p>14 THE WITNESS: The National Grange has its</p> <p>15 procedure. Whether that applies to California law is a</p> <p>16 question of law.</p> <p>17 Q. BY MR. JENSEN: In fact, the California State</p> <p>18 Grange, the Unchartered Grange, had followed that</p> <p>19 procedure.</p> <p>20 A. I don't know.</p> <p>21 MR. LAPCEVIC: Lacks foundation, calls for</p> <p>22 speculation.</p> <p>23 Q. BY MR. JENSEN: So you don't know as you sit here</p> <p>24 whether the Unchartered Grange followed the trial</p> <p>25 procedure of the National Grange?</p>

<p style="text-align: right;">137</p> <p>1 A. I don't know.</p> <p>2 Q. Okay. Who at the California State Grange would</p> <p>3 know that?</p> <p>4 MR. LAPCEVIC: Lacks foundation, calls for</p> <p>5 speculation.</p> <p>6 THE WITNESS: I don't know.</p> <p>7 Q. BY MR. JENSEN: Okay. And I don't recall -- your</p> <p>8 answer is you don't know, but do you know who voted in</p> <p>9 favor of the executive committee action to defy the</p> <p>10 suspension order?</p> <p>11 MR. LAPCEVIC: Misstates prior testimony.</p> <p>12 MR. SWANSON: Argumentative.</p> <p>13 THE WITNESS: I'd have to refer to the minutes to</p> <p>14 recall.</p> <p>15 Q. BY MR. JENSEN: When I say "defy the suspension</p> <p>16 order," it wasn't followed, right?</p> <p>17 A. It wasn't honored.</p> <p>18 Q. Okay. So the minutes will reveal who voted in</p> <p>19 favor of that.</p> <p>20 A. Of course.</p> <p>21 Q. Okay. As you sit here today, do you know if</p> <p>22 Mr. McFarland voted in favor of that?</p> <p>23 A. I don't recall.</p> <p>24 Q. All right. You would agree with me that the</p> <p>25 Unchartered Grange had its charter suspended.</p>	<p style="text-align: right;">139</p> <p>1 Q. Okay. As you sit here today, do you recall any of</p> <p>2 those meetings?</p> <p>3 A. Nothing specific.</p> <p>4 Q. Okay. And as you sit here today, you do believe</p> <p>5 that some meetings occurred regarding the suspension of</p> <p>6 the charter?</p> <p>7 A. I believe that was at least one subject of a</p> <p>8 meeting or meetings.</p> <p>9 Q. Okay.</p> <p>10 (Exhibit 146 was marked for identification.)</p> <p>11 THE WITNESS: Okay. I've read it.</p> <p>12 Q. BY MR. JENSEN: Have you seen this document</p> <p>13 before?</p> <p>14 A. Yes.</p> <p>15 Q. And do you recall receiving this document?</p> <p>16 A. At some point, yes.</p> <p>17 Q. Do you recall from whom you received this</p> <p>18 document?</p> <p>19 A. No, I don't.</p> <p>20 Q. This is a letter from Ed Luttrell, correct?</p> <p>21 A. Yes.</p> <p>22 Q. And it was confirming that the charter of the</p> <p>23 State Grange had been suspended.</p> <p>24 A. Right.</p> <p>25 Q. So after the suspension of the charter, did the</p>
<p style="text-align: right;">138</p> <p>1 A. Yes.</p> <p>2 MR. LAPCEVIC: Vague as to time.</p> <p>3 THE WITNESS: Yes.</p> <p>4 Q. BY MR. JENSEN: The suspension happened in</p> <p>5 September of 2012, correct?</p> <p>6 A. Yes.</p> <p>7 (Exhibit 145 was marked for identification.)</p> <p>8 Q. BY MR. JENSEN: I've placed in front of you</p> <p>9 Exhibit 145. Have you seen this document before?</p> <p>10 A. Yes.</p> <p>11 Q. What is that document?</p> <p>12 A. (Witness reviews document.) This is an order from</p> <p>13 Ed Luttrell suspending the charter of the California State</p> <p>14 Grange.</p> <p>15 Q. Do you recall when you received this document?</p> <p>16 A. No.</p> <p>17 Q. And do you know who you received the document</p> <p>18 from?</p> <p>19 A. I believe I received it from Martha Stefenoni.</p> <p>20 Q. Upon receipt of this document, did you have any</p> <p>21 communications with anyone from the National Grange?</p> <p>22 A. I don't remember whether I did or not.</p> <p>23 Q. Did the executive committee have any meetings as</p> <p>24 it relates to the suspension order of the charter?</p> <p>25 A. I believe so. That would reflect in the minutes.</p>	<p style="text-align: right;">140</p> <p>1 Unchartered Grange change its position as relates to the</p> <p>2 suspension order of Mr. McFarland?</p> <p>3 A. No, we continued to act for the protection of the</p> <p>4 California State Grange.</p> <p>5 Q. And after the suspension of the charter,</p> <p>6 Mr. McFarland didn't change his position in terms of</p> <p>7 honoring his suspension by Mr. Luttrell, correct?</p> <p>8 A. Correct.</p> <p>9 Q. Exhibit 139. Page 15, 4.5.8.</p> <p>10 A. 4.5 point what?</p> <p>11 Q. Eight.</p> <p>12 A. (Witness reviews document.)</p> <p>13 Q. Do you see that provision?</p> <p>14 A. I do.</p> <p>15 Q. <u>Okay. And that provision you would agree with me</u></p> <p>16 <u>permits a State Grange that has had its charter suspended</u></p> <p>17 <u>to appeal?</u></p> <p>18 A. <u>Yes.</u></p> <p>19 Q. <u>The Unchartered Grange took no steps to appeal the</u></p> <p>20 <u>suspension of its charter, correct?</u></p> <p>21 A. <u>We did not honor the suspension because it was</u></p> <p>22 <u>inconsistent with California law and, therefore, we did</u></p> <p>23 <u>not find any reason to make an appeal.</u></p> <p>24 Q. <u>So I can conceptualize this, the executive</u></p> <p>25 <u>committee -- well, back up.</u></p>

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1 Did the executive committee refuse to acknowledge
 2 the suspension of its charter?
 3 A. Okay. In thinking through that further, I think
 4 that we recognized that the charter had been suspended by
 5 the national master.
 6 Q. Right. But no steps consistent with this
 7 provision 4.5.8 were taken to appeal that suspension of
 8 the charter?
 9 A. That's correct.
 10 Q. You would agree with me that the Unchartered
 11 Grange had its charter revoked?
 12 A. Yes.
 13 Q. Okay. And that revocation took place in April of
 14 2013.
 15 A. Yes.
 16 (Exhibit 147 was marked for identification.)
 17 THE WITNESS: (Witness reviews document.) Okay.
 18 Q. BY MR. JENSEN: Have you seen this document
 19 before?
 20 A. Yes.
 21 Q. And you received a copy of it?
 22 A. Yes.
 23 Q. Okay. Do you know who sent it to you?
 24 A. No.
 25 Q. Would you have received -- I'm sorry, go ahead.

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1 A. I believe it was probably directly from Ed
 2 Luttrell.
 3 Q. Okay. And do you --
 4 A. But I don't recall specifically.
 5 Q. I'm sorry for interrupting you again. Do you
 6 recall receiving this correspondence at or near the time
 7 April 5, 2013?
 8 A. After that time?
 9 Q. Right around that time frame.
 10 A. Around that time.
 11 Q. You would agree with me that this particular
 12 correspondence revoked the charter?
 13 A. Yes.
 14 (Exhibit 148 was marked for identification.)
 15 THE WITNESS: (Witness reviews document.) Okay.
 16 Q. BY MR. JENSEN: Have you seen this document
 17 before?
 18 A. Yes.
 19 Q. Did you receive a copy of it?
 20 A. Yes.
 21 Q. From whom did you receive a copy?
 22 A. I believe that also came directly from
 23 Mr. Luttrell.
 24 Q. Okay. Do you recall if he actually personally
 25 gave that to you -- Mr. Luttrell?

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1 A. I don't think so.
 2 Q. Did he have somebody on his behalf give it to you?
 3 A. I don't remember how I got it.
 4 Q. Okay. You would agree with me that this
 5 particular document requested that the real property of
 6 the Unchartered Grange be turned over to the National
 7 Grange?
 8 A. Yes, I do.
 9 Q. You would agree with me that the Unchartered
 10 Grange has never turned over its real property to the
 11 National Grange?
 12 A. I agree.
 13 Q. And the Unchartered Grange continues to hold real
 14 property, correct?
 15 A. Yes.
 16 Q. Okay. What real property does the Unchartered
 17 Grange hold title to?
 18 MR. SWANSON: Lacks foundation, calls for
 19 speculation.
 20 MR. LAPCEVIC: Join.
 21 THE WITNESS: I can't tell you with any specific
 22 detail, but I'm aware that it owns the real estate upon
 23 which its office is located in Sacramento, including two
 24 adjacent buildings, and it has title to several granges
 25 that ceased to operate as a grange.

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1 Q. BY MR. JENSEN: Okay. Is there a corporate
 2 document maintained by the Unchartered Grange that you're
 3 aware of that identifies the real property that it holds
 4 title to?
 5 A. I don't know what's in the records of the Grange.
 6 Q. Okay. You didn't receive records during the time
 7 in which you were a member of the executive committee that
 8 would itemize the real property held?
 9 A. There were communications to that effect. I don't
 10 recall specifically how I received those.
 11 Q. I guess my question's a little bit different. Do
 12 you recall receiving a report, for instance, that itemized
 13 the real property that was held by the Unchartered Grange
 14 during that timeframe 2012 through the present?
 15 A. I recall several communications about Grange
 16 titles having been received by the State Grange.
 17 Q. Okay. So we've got a bright line timeframe here.
 18 We have the revocation that takes place in April of 2013,
 19 okay. Use that as our starting date. And then we have
 20 the time in which you are no longer participating as an
 21 executive committee member. That occurred in December,
 22 December 31st of 2014, right?
 23 A. It occurred at the October 2014 election in which
 24 my successor was elected.
 25 Q. So you were no longer a participant on the

<p style="text-align: right;">145</p> <p>1 executive committee effective when in October?</p> <p>2 A. The day that the new members were installed as</p> <p>3 grange officers.</p> <p>4 Q. Do you recall is that the third week in October?</p> <p>5 A. I believe so.</p> <p>6 Q. From that timeframe, from April 2013 to October of</p> <p>7 2014, are you aware of any real property that the</p> <p>8 Unchartered Grange held title to that was disposed of?</p> <p>9 MR. SWANSON: Object as vague. Lacks -- just</p> <p>10 vague.</p> <p>11 Q. BY MR. JENSEN: Do you know what the term</p> <p>12 "disposed of" means?</p> <p>13 A. I'm not aware of any property that was disposed</p> <p>14 of.</p> <p>15 Q. Okay. Was any real property sold during that</p> <p>16 timeframe, April 2013 through October 2014?</p> <p>17 A. I don't remember any at this time.</p> <p>18 Q. Okay. When I asked you the question about real</p> <p>19 properties, is your understanding current basically from</p> <p>20 the date that you left the executive committee that we</p> <p>21 have the Sacramento office, two adjacent buildings, and</p> <p>22 title to several granges that ceased to exist? Was that</p> <p>23 your understanding at the time when you stepped away from</p> <p>24 your role as an executive committee member?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">147</p> <p>1 the Unchartered Grange?</p> <p>2 A. There may have been some estimates at some point</p> <p>3 about some of them, but I don't specifically recall any.</p> <p>4 Q. Okay. Do you generally recall any of the</p> <p>5 estimates as to value?</p> <p>6 A. No.</p> <p>7 Q. Okay. Back to Exhibit 148. This particular</p> <p>8 correspondence also requested that personal property of</p> <p>9 the Unchartered Grange be turned over to the National</p> <p>10 Grange, correct?</p> <p>11 A. Yes.</p> <p>12 Q. And you would agree with me that the Unchartered</p> <p>13 Grange has never turned over personal property to the</p> <p>14 National Grange.</p> <p>15 A. Yes.</p> <p>16 Q. And the Unchartered Grange continues to hold</p> <p>17 personal property, correct?</p> <p>18 A. Yes.</p> <p>19 Q. Are you aware of what personal property the</p> <p>20 Unchartered Grange holds?</p> <p>21 A. No.</p> <p>22 Q. No?</p> <p>23 A. Not specifically.</p> <p>24 Q. Okay. As part the oversight function as an</p> <p>25 executive committee member, do you recall being given</p>
<p style="text-align: right;">146</p> <p>1 Q. Okay. In terms of the several granges that cease</p> <p>2 to exist, do you have any idea how many real -- pieces of</p> <p>3 real property we're talking about here?</p> <p>4 A. I could only guess at that. I don't know.</p> <p>5 Q. Okay. And you don't recall receiving any</p> <p>6 documents during the time in which you were a member of</p> <p>7 the executive committee that would show which of these</p> <p>8 real properties were owned by the California State Grange?</p> <p>9 A. They were at least -- they were at least reported</p> <p>10 to the executive committee at an executive committee</p> <p>11 meeting as part of a list of assets and liabilities.</p> <p>12 Q. Would that be considered one of the oversight</p> <p>13 functions of an executive committee member, to determine</p> <p>14 how many assets the Unchartered Grange held during that</p> <p>15 timeframe?</p> <p>16 MR. SWANSON: Calls for a legal conclusion.</p> <p>17 THE WITNESS: All I know is we had an oversight</p> <p>18 role regarding the assets and income and expenses of the</p> <p>19 Grange.</p> <p>20 Q. BY MR. JENSEN: It's one of the things that you</p> <p>21 did as an executive committee member during the time in</p> <p>22 which you were on the committee, right?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Was there ever anything provided to you in</p> <p>25 terms of a value as to this real property that was held by</p>	<p style="text-align: right;">148</p> <p>1 information about the bank accounts owned -- held --</p> <p>2 sorry -- held by the Unchartered Grange?</p> <p>3 A. Absolutely.</p> <p>4 Q. Okay. And do you recall how many bank accounts</p> <p>5 the Unchartered Grange had?</p> <p>6 A. There was an account for operating funds and there</p> <p>7 was an investment account for assets held in trust.</p> <p>8 Q. And when you say "assets held in trust," that was</p> <p>9 personal property belonging to whom?</p> <p>10 A. If a grange hall is sold, the proceeds of that</p> <p>11 sale are retained in trust by the State Grange for a</p> <p>12 period of seven years, and those funds would have been</p> <p>13 held in an investment account for the most part.</p> <p>14 Q. I guess what I'm trying to get at here, were these</p> <p>15 assets, these investment accounts, were they segregated</p> <p>16 based on, okay, we've got some grange halls that were sold</p> <p>17 and we're keeping that money in a segregated account? Did</p> <p>18 that happen?</p> <p>19 A. They were -- they were separately categorized,</p> <p>20 yes, and kept separate on the books, but they may have</p> <p>21 been in the same physical account as other assets.</p> <p>22 Q. Right. It may be that it was in one account but</p> <p>23 there was a separate accounting as to the identity of each</p> <p>24 of the segregated real property.</p> <p>25 A. Absolutely.</p>

<p style="text-align: right;">149</p> <p>1 Q. Excuse me, personal property. 2 A. Yes. 3 Q. Okay. So going back to the investment account, 4 was there in that investment account property that 5 belonged to the Unchartered Grange? 6 MR. SWANSON: I'll just object as vague. 7 THE WITNESS: After the requisite seven years of 8 being held in trust for the possible reorganization of a 9 failed community grange, those funds were available to the 10 State Grange in an ownership capacity. And as funds did 11 pass that seven-year period, they often remained in the 12 same account -- 13 Q. BY MR. JENSEN: Yeah, and I think I understand -- 14 A. -- separately accounted for. 15 Q. That's my next point. That, you know, if you look 16 at the balance sheet, there would be a separate accounting 17 as to the amount of those funds belonging to the 18 Unchartered Grange; is that -- 19 A. Yes. 20 Q. Okay. So we've got an operating account. We've 21 got an investment account. The investment account will 22 identify the amount of personal property that would belong 23 to the Unchartered Grange, right? 24 A. Yes. 25 Q. Okay. Any other personal property?</p>	<p style="text-align: right;">151</p> <p>1 the executive committee? 2 A. As long as I was on the executive committee, I 3 don't believe we designated anything as restricted funds. 4 That was previously done. 5 Q. Those existed -- those restricted funds predated 6 you appearing on the scene as a member of the executive 7 committee? 8 A. Yes. 9 Q. Okay. But at the time in which you remained as a 10 member of the executive committee, there remained an item 11 on the financial statements of the company showing 12 restricted funds? 13 A. I believe so. 14 Q. Okay. How often would you receive financial 15 statements of the Unchartered Grange during the time in 16 which you were a member of the executive committee? 17 A. Prior to every executive committee regular 18 meeting. 19 Q. And how often did you have regular meetings? 20 A. It varied over time. 21 Q. Best estimate, quarterly? 22 A. At least quarterly. 23 Q. Okay. Do you have any estimate as to the value of 24 the personal property of the Unchartered Grange? 25 MR. SWANSON: At what time?</p>
<p style="text-align: right;">150</p> <p>1 A. There were some other restricted funds whose 2 purposes were narrowly defined and often not for the 3 general purposes of State Grange operations. And so some 4 of those were in one or the other of those accounts. 5 Q. When you say "one or the other," you mean either 6 in the operating account or the investment account? 7 A. Yes. 8 Q. But separately accounted for in the financial 9 statements -- 10 A. Yes. 11 Q. -- of the Unchartered Grange? 12 A. Yes. 13 Q. Okay. I got a little bit lost in the weeds there 14 in terms of these restrictive funds. Why would there be 15 some amount set aside? What was the purpose of having 16 these restricted funds? 17 A. They were dedicated to particular uses as, for 18 example, for Grange Women in Agriculture. They had a 19 fund. And there were various others that -- whose funds 20 were separately accounted for and maintained for the 21 benefit of that particular purpose. And I couldn't go 22 through the whole list of what all those restricted funds 23 were without looking at the records. 24 Q. Okay. But the -- how it gets to being a 25 restricted fund, is that a determination that is made by</p>	<p style="text-align: right;">152</p> <p>1 Q. BY MR. JENSEN: Well, let's just go from the time 2 when you left in October of 2014. 3 A. I couldn't estimate without looking at the 4 documents. 5 Q. Okay. Is the sole repository, at least in your 6 mind, the financial statements of the Unchartered Grange? 7 A. Yes, they would be in those records. 8 Q. Of course the bank statements and of course the 9 account statements for the investment accounts, right? 10 A. Correct. 11 Q. Do you recall during the time between the 12 revocation of the charter in April of 2013 to the time in 13 which you no longer were a member of the executive 14 committee a reduction in the amount of personal property 15 held by the Unchartered Grange? 16 MR. SWANSON: Object as vague. 17 THE WITNESS: Yes. 18 Q. BY MR. JENSEN: Would you characterize the 19 reduction as drastic? 20 A. Some of the reductions were drastic. 21 Q. Why? 22 A. The National Grange withheld a very significant 23 amount of revenue from the Grange Insurance Association, 24 which was the property of the California State Grange, and 25 that cost us dearly.</p>

<p style="text-align: right;">153</p> <p>1 Q. Okay. So the Grange Insurance Association, what 2 relationship does the Unchartered Grange have with the 3 Grange Insurance Association? Let's start with right now. 4 A. Right now I don't know. 5 MR. SWANSON: Calls for speculation, lacks 6 foundation. 7 Q. BY MR. JENSEN: Hold on. Let's make it the day 8 before you stepped off the executive committee in October 9 of 2014. That will cure that. 10 What relationship did they have? 11 MR. LAPCEVIC: Calls for a legal conclusion. 12 THE WITNESS: There's a long history to that 13 relationship, nearly all of which preceded my term on the 14 executive committee so I have very little knowledge of 15 that. 16 Q. BY MR. JENSEN: Okay. So it's just not an area 17 where you have a lot of personal knowledge. 18 A. Correct. 19 Q. Okay. But in 2014 the Unchartered Grange received 20 no funds, no -- let's call it GIA funds, correct? 21 A. Correct. 22 Q. In 2013 the Unchartered Grange received no GIA 23 funds. 24 A. I believe they were all withheld by the National 25 Grange.</p>	<p style="text-align: right;">155</p> <p>1 statements of the Unchartered Grange? 2 A. It should be. 3 Q. For instance, it has a category "Legal" on its 4 financial statements? 5 A. There is that category. 6 Q. With an amount of money beside it? 7 A. Yes. 8 Q. Okay. How much is it, if you recall? 9 A. I don't recall. 10 Q. More than 100,000? 11 A. Yes. 12 Q. Okay. More than 200,000? 13 A. I don't know. 14 Q. Okay. Best estimate more than a hundred? 15 A. Yes. 16 Q. And that's 100,000. Sorry for the shorthand. But 17 more than 100,000, right? 18 A. Yes. 19 Q. Okay. Once again, that information is contained 20 within the financial statements of the business? 21 A. It should be. 22 Q. So we've identified the GIA funds, the lawsuit. 23 Any other reasons why there's been a reduction in the 24 personal property of the Unchartered Grange from 2012 to 25 2014?</p>
<p style="text-align: right;">154</p> <p>1 Q. In 2012 did the Unchartered Grange receive any GIA 2 funds? 3 A. I believe so, yes. I'd have to refresh my 4 recollection with the financial records, but I believe so. 5 Q. Okay. Is it a true statement after the charter 6 had been suspended in 2012, do you recall if the 7 Unchartered Grange received any GIA funds? 8 A. I think we did not. I think they were withheld. 9 Q. Okay. Any other reasons for the decrease in the 10 personal property of the Unchartered Grange from 2012 11 through 2014? 12 A. Well, following a lawsuit against the State Grange 13 by the National Grange, we were forced to defend the 14 California State Grange corporation and the interests of 15 its members by hiring attorneys to protect the State 16 Grange and its members and its assets. 17 Q. Okay. Do you have an estimate how much that's 18 cost the California -- the Unchartered Grange? 19 MR. SWANSON: That's privileged. 20 MR. JENSEN: The amount that's spent on the 21 lawyers? 22 MR. SWANSON: The amount they spend on the 23 lawyers, sure. 24 MR. JENSEN: Okay. 25 Q. Is that information identified in the financial</p>	<p style="text-align: right;">156</p> <p>1 A. Well, the personal property is constantly 2 fluctuating up and down, so no doubt there have been 3 downturns and upturns and -- but nothing else that stands 4 out in my mind as nearly as significant as the GIA funds 5 and attorney fees. 6 Q. Sure. I mean the business receives revenue 7 through dues, right? 8 A. Through ... 9 Q. Dues. 10 A. Yes. 11 Q. It receives those dues from its members, right? 12 A. Yes. 13 Q. How much are those dues? 14 A. Again, I would need to -- 15 MR. SWANSON: The total amount? 16 MR. JENSEN: No, no. 17 Q. Make it real simple. How much does each member 18 pay? 19 MR. LAPCEVIC: Vague as to "member." 20 THE WITNESS: Every community grange sets the 21 amount of its own dues. 22 Q. BY MR. JENSEN: And then some of those get 23 transferred to the State Grange, right? 24 A. Yes, they do. And that amount has changed a 25 little over the years. I'm not sure what it is at the</p>

<p style="text-align: right;">157</p> <p>1 present.</p> <p>2 Q. During the time in which you were on the executive</p> <p>3 committee from 2012 to 2014, do you have an estimate of</p> <p>4 how much the Unchartered Grange would receive in dues?</p> <p>5 A. No.</p> <p>6 MR. SWANSON: I need clarification. Are you</p> <p>7 talking about the total amount of dues in a year or what</p> <p>8 each --</p> <p>9 MR. JENSEN: Sure. Let's do both.</p> <p>10 Q. Do you have an estimate --</p> <p>11 MR. SWANSON: Well, ask questions then that get to</p> <p>12 that.</p> <p>13 MR. JENSEN: I didn't hear an objection but thank</p> <p>14 you. If you want to make an objection, put one on the</p> <p>15 record.</p> <p>16 MR. SWANSON: I just did.</p> <p>17 MR. JENSEN: No, you didn't.</p> <p>18 MR. SWANSON: Okay. It's vague and ambiguous.</p> <p>19 MR. JENSEN: Thank you.</p> <p>20 MR. SWANSON: Compound.</p> <p>21 Q. BY MR. JENSEN: So do you have an estimate for me</p> <p>22 in terms of how much money the executive -- sorry. Strike</p> <p>23 that.</p> <p>24 Do you know how much money the Unchartered Grange</p> <p>25 would receive in 2012, for instance, in total from dues</p>	<p style="text-align: right;">159</p> <p>1 Q. You don't --</p> <p>2 A. The meeting or however that was decided.</p> <p>3 Q. You don't recall if there was specific action</p> <p>4 taken in an executive committee meeting to stop making</p> <p>5 payments to the National Grange for dues?</p> <p>6 A. The executive committee did make some decision</p> <p>7 about that at some point in time.</p> <p>8 Q. Do you know if that's reflected in the minutes of</p> <p>9 the executive committee?</p> <p>10 A. I don't know. I'd have to see them.</p> <p>11 Q. Okay. Do you know the timeframe when it was</p> <p>12 determined that dues would no longer be paid to the</p> <p>13 National Grange from the Unchartered Grange?</p> <p>14 A. At some point after the State Grange charter was</p> <p>15 suspended.</p> <p>16 Q. Okay. So it was after the suspension.</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Do you recall from your review of the</p> <p>19 financial statements the amount of money that historically</p> <p>20 had been provided to the National Grange in terms of dues</p> <p>21 from the Unchartered Grange?</p> <p>22 A. I'd have to refer to the financial records for</p> <p>23 that.</p> <p>24 Q. Okay. No estimate for me as you sit here today?</p> <p>25 A. It was something very approximately in the range</p>
<p style="text-align: right;">158</p> <p>1 collections?</p> <p>2 A. No, I'd have to look at the records.</p> <p>3 Q. And those records would be the financial</p> <p>4 statements of the business, correct?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. In 2013 is your answer the same?</p> <p>7 A. Same answer for any period of time.</p> <p>8 Q. Okay. Thank you. And once again, the business</p> <p>9 record that would reflect how much was received from dues</p> <p>10 would be the financial statements of the business?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. 2014 is the same answer, right?</p> <p>13 A. Yes.</p> <p>14 Q. <u>Okay. Some of those moneys that are received in</u></p> <p>15 <u>the form of dues to the California -- to the Unchartered</u></p> <p>16 <u>Grange, those are then to be transferred to the National</u></p> <p>17 <u>Grange, right?</u></p> <p>18 A. <u>It's been that way in the past while we were</u></p> <p>19 <u>chartered.</u></p> <p>20 Q. <u>Right. So that stopped at some point, didn't it?</u></p> <p>21 A. <u>That's my understanding.</u></p> <p>22 Q. <u>Were you involved in a decision to stop doing</u></p> <p>23 <u>that?</u></p> <p>24 A. <u>I'm sure I was in some way involved in that</u></p> <p>25 <u>decision, but I don't recall specifically.</u></p>	<p style="text-align: right;">160</p> <p>1 of 100,000 a year as I recall.</p> <p>2 Q. Okay. Ball park, right?</p> <p>3 A. Very broad ball park.</p> <p>4 Q. Okay. So those moneys, those dues moneys of</p> <p>5 approximately \$100,000, you don't know if some of those</p> <p>6 moneys were transferred in 2012 because the suspension</p> <p>7 occurred, you know, kind of in the middle of the year</p> <p>8 towards the latter part of the year.</p> <p>9 A. I don't know specifically when funds were</p> <p>10 transferred or not.</p> <p>11 Q. <u>Okay. But certainly for 2013 no dues transferred</u></p> <p>12 <u>to the National Grange.</u></p> <p>13 A. <u>To the best of my recollection, that's true.</u></p> <p>14 Q. <u>Certainly no dues transferred to the National</u></p> <p>15 <u>Grange in 2014.</u></p> <p>16 A. Right.</p> <p>17 Q. Right. State Grange -- sorry. Strike that.</p> <p>18 <u>The Unchartered Grange has kept these funds, these</u></p> <p>19 <u>dues that were owed to the National Grange?</u></p> <p>20 MR. SWANSON: Calls for a legal conclusion,</p> <p>21 assumes facts.</p> <p>22 MR. LAPCEVIC: Join.</p> <p>23 MR. SWANSON: You can answer.</p> <p>24 THE WITNESS: <u>To the best of my knowledge, those</u></p> <p>25 <u>funds would have been retained.</u></p>

<p style="text-align: right;">161</p> <p>1 Q. BY MR. JENSEN: Have those funds been separately 2 accounted for? 3 A. I'm sure they have. 4 Q. I want to know -- 5 MR. SWANSON: Don't guess. 6 Q. BY MR. JENSEN: I want to know from your personal 7 knowledge, sir. 8 MR. SWANSON: We both object to your answer. 9 Q. BY MR. JENSEN: Look, I just want to know what you 10 know. I don't -- 11 A. I don't know. 12 Q. If you don't know, you don't know. 13 A. I don't know. 14 Q. Okay. Do you think that's one of the 15 responsibilities of the executive committee is making sure 16 that there's financial oversight? 17 A. Why don't you restate that question in its full 18 context. 19 Q. Sure. In general, do you think one of the duties 20 of an executive committee member is financial oversight? 21 A. Yes. 22 Q. Sorry if it was -- I didn't mean it to be 23 misleading. 24 What was the basis upon which the Unchartered 25 Grange withheld the dues payments to the National Grange?</p>	<p style="text-align: right;">163</p> <p>1 National Grange. 2 A. While we had a charter, yes. 3 Q. And that process stopped once the charter was 4 suspended. 5 A. Correct. 6 Q. And those moneys had been held by the Unchartered 7 Grange. 8 A. As far as I know. 9 MR. JENSEN: Okay. Do you want to take a break? 10 MR. SWANSON: Okay. Yeah. 11 (Recess taken from 2:19 p.m. until 2:31 p.m.) 12 (Exhibit 149 was marked for identification.) 13 Q. BY MR. JENSEN: Have you had an opportunity to 14 review the document, sir? 15 A. Yes. 16 Q. It's Exhibit 149. It's a letter dated May 6th, 17 2013. Have you seen this document before? 18 A. Yes. 19 Q. Was this document ever sent to you? 20 A. <u>I did receive it.</u> 21 Q. <u>Okay. Do you know who you received it from?</u> 22 A. <u>No.</u> 23 Q. <u>Okay. You would agree with me that this document</u> 24 <u>is providing information that the Unchartered Grange could</u> 25 <u>appeal the revocation of its charter.</u></p>
<p style="text-align: right;">162</p> <p>1 A. The National Grange was no longer recognizing our 2 affiliation. 3 Q. Those moneys had been specifically paid for 4 purposes of the National Grange, had they not? 5 MR. SWANSON: Argumentative. Calls for a legal 6 conclusion. 7 MR. LAPCEVIC: Join. 8 MR. SWANSON: Assumes facts not in evidence. 9 MR. LAPCEVIC: And misstates prior testimony. 10 MR. SWANSON: Do you need him to read the question 11 back? 12 THE WITNESS: No, it's -- it's not even possible 13 to generalize with an answer about that one because some 14 community granges paid their share of the national dues. 15 Some did not. Some didn't pay dues at all. Some paid 16 their dues to the National Grange. But one factor in the 17 Grange's financial status was that dues from the community 18 granges were reduced very substantially. 19 Q. BY MR. JENSEN: But during that time in which 20 there was an affiliation that we talked about earlier, 21 there was an obligation on behalf of the State Grange to 22 send dues to the National Grange, right? 23 A. Yes. 24 Q. And that happened. That was the course of conduct 25 between the parties; State Grange would send dues to the</p>	<p style="text-align: right;">164</p> <p>1 A. Yes. 2 Q. <u>You would agree with me that the Unchartered</u> 3 <u>Grange never appealed the revocation of its charter.</u> 4 A. <u>Correct.</u> 5 Q. <u>Just going back to Exhibit 139 for a moment. That</u> 6 <u>same section 4.5.8 on page 15.</u> 7 A. <u>Okay.</u> 8 Q. <u>And that particular provision also provides that a</u> 9 <u>State Grange can appeal a revocation of a charter.</u> 10 A. <u>Yes.</u> 11 (Exhibit 150 was marked for identification.) 12 Q. BY MR. JENSEN: Have you had an opportunity to 13 review that document, sir? 14 A. Yes. 15 Q. I put in front of you Exhibit Number 150, a 16 document dated November 8th, 2013, Bates stamped P5439. 17 What is this document, sir? 18 A. This is a notice from the California State Grange 19 to the executive committee of the National Grange that we 20 had recognized that the National Grange had ended our 21 fraternal affiliation and that we had accordingly amended 22 our bylaws to acknowledge that change. 23 Q. And you would agree with me that this Position 24 Statement informed the National Grange that the 25 Unchartered Grange was no longer affiliated with the</p>

<p style="text-align: right;">165</p> <p>1 National Grange. 2 A. We were informing them of what they already had 3 known by revoking our charter. 4 Q. This language here at the bottom, "The California 5 State Grange amended our By-Laws to acknowledge that we 6 are no longer affiliated with the National Grange." 7 Do you see that language? 8 A. Yes, we amended -- 9 MR. SWANSON: The question was, "Do you see that 10 language?" 11 THE WITNESS: I see that language. 12 Q. BY MR. JENSEN: And the Unchartered Grange was 13 informing the National Grange that they were no longer 14 affiliated with the National Grange, correct? 15 A. No. 16 Q. That's the language contained in the letter, is it 17 not? 18 MR. SWANSON: Misstates the letter. 19 THE WITNESS: It says that our members acknowledge 20 that we are no longer affiliated with the National Grange. 21 Q. BY MR. JENSEN: So if I just read it in its 22 entirety, "The California State Grange amended our By-Laws 23 to acknowledge that we are no longer affiliated with the 24 National Grange." 25 Did I read that right?</p>	<p style="text-align: right;">167</p> <p>1 THE WITNESS: I can't speak for the other members, 2 but I believe that we all knew this was going to be done. 3 Q. BY MR. JENSEN: Let me ask you this question. Was 4 this Position Statement, Exhibit 150, an item of 5 discussion among the executive committee members prior to 6 it being sent out? 7 A. I believe so. 8 Q. Okay. And was the language contained in this 9 letter discussed prior to it being sent out? 10 A. I believe that we collectively discussed it. 11 Q. Okay. When you say "it," what I'm referring to 12 here is the language in the Position Statement. Was this 13 express language discussed before it was sent out? 14 A. That I don't remember. 15 Q. Okay. The idea of a Position Statement was 16 discussed prior -- prior to it being sent out; is that 17 true? 18 A. Yes. 19 Q. But the actual content, the exact content of the 20 Position Statement, was that discussed prior to it being 21 sent out? 22 A. I don't remember specific language that we 23 discussed. 24 Q. Okay. And you don't remember being involved at 25 all in the drafting of this particular document, correct?</p>
<p style="text-align: right;">166</p> <p>1 A. Yes, you did. 2 Q. So the bylaws were amended to acknowledge that the 3 Unchartered Grange was no longer affiliated with the 4 National Grange, correct? 5 MR. LAPCEVIC: Misstates the letter. 6 THE WITNESS: It does misstate the letter. The 7 letter simply acknowledges that our delegates realize the 8 National Grange had ended our affiliation. 9 Q. BY MR. JENSEN: Did you prepare this Position 10 Statement? 11 A. I don't know who prepared it. I did not. 12 Q. There you go. 13 A. Sorry. 14 Q. Did you see a version of this Position Statement 15 before it was sent out? 16 A. I don't remember seeing it. 17 Q. Okay. Do you recall seeing this Position 18 Statement for the first time after it had already been 19 sent to the National Grange? 20 A. I knew it was going to be sent. 21 Q. Okay. When you say "I" -- I'll ask the question. 22 Were the members of the executive committee aware that 23 this Position Statement would be sent to the National 24 Grange? 25 MR. LAPCEVIC: Calls for speculation.</p>	<p style="text-align: right;">168</p> <p>1 A. I believe I had some involvement in that. 2 Q. Okay. 3 A. I don't recall what that was. 4 Q. Do you recall perhaps receiving a document titled 5 "Position Statement" in some Word document type of format 6 prior to it being sent out? 7 A. I believe I did. It's all very familiar. 8 Q. Okay. And did you make any changes to the 9 document? 10 A. That I don't remember. 11 Q. Okay. Communications that you would have with 12 others would show that, right? 13 A. Yes, I do remember an e-mail -- and I think I 14 provided it to you -- that had some relationship with 15 this. 16 Q. You believe that there's an e-mail, a document 17 that you most recently produced that identified changes 18 that you actually made to the Position Statement? 19 A. Suggestions at least. 20 Q. Got you. Do you recall who else was involved in 21 the preparation of this Position Statement? 22 A. I believe that Takashi Yogi was involved in my 23 communication. 24 Q. Okay. 25 A. And Bob McFarland. Perhaps everyone.</p>

<p style="text-align: right;">169</p> <p>1 Q. Well, let's not go to everyone after -- let's see 2 if we can try and break this down a little bit better than 3 that. 4 Mr. McFarland. Mr. Yogi. 5 A. Yes. 6 Q. Okay. Anyone else on the executive committee that 7 you recall? 8 A. I believe that those -- that that e-mail 9 communication included the other members of the executive 10 committee. 11 Q. Okay. Do you recall how many revisions this 12 concept of a Position Statement went through before it was 13 finalized? 14 A. No. 15 Q. Were you involved in finalizing the language in 16 this particular document? What I'm referring to is the 17 exact text of Exhibit 150. 18 A. I don't remember one way or another. 19 Q. Do you know if there was somebody who was tasked 20 with the responsibility of preparing a Position Statement 21 on behalf of the Unchartered Grange? 22 A. Not specifically. 23 Q. Generally was that the responsibility of the 24 executive committee? 25 A. I understood at the time that we were all taking</p>	<p style="text-align: right;">171</p> <p>1 was no longer affiliated with the National Grange? 2 MR. SWANSON: Object to the extent that it calls 3 for a legal conclusion, speculation. Go ahead. 4 THE WITNESS: The delegates decided at the annual 5 meeting of the members in 2013 that we collectively were 6 acknowledging that our affiliation with the National 7 Grange had been ended. 8 Q. BY MR. JENSEN: And as the letter says, that was 9 by way of amendment of the bylaws, right? 10 A. Again, to be clear, the bylaws were amended to 11 acknowledge the National Grange's termination of our 12 affiliation. 13 Q. Okay. I'm just reading the plain text of the 14 letter. It doesn't say anything about termination by the 15 National Grange in that section, right? Let's just you 16 and I agree on something here in terms of language. The 17 language of the letter says -- 18 MR. SWANSON: You're arguing with him over what it 19 says? 20 MR. JENSEN: No, I'm going to get what the 21 language says just so we have that on the record. 22 Q. The language of that particular provision in the 23 letter says, "To preserve our corporate structure and 24 protect and serve our members, by unanimous vote of the 25 delegates at our 141st annual meeting, the California</p>
<p style="text-align: right;">170</p> <p>1 some degree of responsibility for reviewing the language. 2 Q. That was your understanding. 3 A. Yes. 4 Q. Okay. It's your name at the bottom of this 5 particular document, right? 6 A. Yes. 7 Q. And you were signing off on this document, 8 Exhibit 150, right? 9 A. Yes. 10 Q. That was in your capacity as a member of the 11 executive committee, correct? 12 A. As a member. 13 Q. Was that also in a personal capacity as a Grange 14 member? 15 A. As a member of the executive committee -- 16 Q. Okay. 17 A. -- only. 18 Q. Only, right? 19 A. Well, I'm a member of the Grange, so I was also a 20 member of the executive committee. But in my executive 21 committee function, I signed off on sending this letter. 22 Q. Okay. It was intended that the National Grange 23 receive this Position Statement, correct? 24 A. Yes. 25 Q. When was it determined that the Unchartered Grange</p>	<p style="text-align: right;">172</p> <p>1 State Grange amended our By-Laws to acknowledge that we 2 are no longer affiliated with the National Grange." 3 Did I read that right? 4 A. Yes, you did. 5 Q. Okay. 6 A. I won't argue with your definition of -- 7 MR. SWANSON: There's no question. 8 Q. BY MR. JENSEN: Take a look at Exhibit 140, page 9 29, 26.1. 10 A. Which section? 11 Q. 26.1. 12 A. (Witness reviews document.) Okay. 13 Q. So that particular provision deals with the 14 process by which the bylaws of the Unchartered Grange 15 could be amended, correct? 16 A. Yes. 17 Q. That particular bylaw that I'm looking at, 26.1, 18 was in effect at the time of the October 2013 convention, 19 correct? 20 A. Yes. 21 Q. And that was the bylaws provision that was 22 followed in order to make the amendment to the bylaws? 23 A. Yes. 24 Q. And a quorum was present at the October meeting? 25 A. Yes.</p>

<p style="text-align: right;">173</p> <p>1 Q. Okay. And the vote was unanimous as it relates to 2 the amendment to the bylaws, correct? 3 A. Yes. 4 Q. Do you recall what changes were made to the 5 bylaws, Exhibit 141? 6 A. References to the National Grange were deleted. 7 Q. Okay. Anything else? Anything else that you 8 recall, sir? 9 A. And references to the Order of Patrons of 10 Husbandry. 11 Q. By removing reference to the National Grange, the 12 Unchartered Grange was no longer following the National 13 Grange bylaws, correct? 14 MR. SWANSON: Object as vague and ambiguous and 15 assumes facts. 16 THE WITNESS: Well, it wasn't following them after 17 that time, no. 18 Q. BY MR. JENSEN: And by no longer being affiliated 19 with the National Grange, the laws of the National Grange 20 were no longer being followed by the Unchartered Grange? 21 A. Correct. 22 (Exhibit 151 was marked for identification.) 23 THE WITNESS: (Witness reviews document.) Okay. 24 Q. BY MR. JENSEN: Have you seen this document 25 before, sir?</p>	<p style="text-align: right;">175</p> <p>1 Q. BY MR. JENSEN: But you have no facts to dispute 2 that the National Grange undertook that procedure, do you? 3 A. No, I don't. 4 Q. Okay. And you have no facts to suggest that the 5 procedure to recharter by the National Grange was not 6 followed properly, do you? 7 MR. LAPCEVIC: Calls for a legal conclusion. 8 THE WITNESS: I do believe that it was not 9 properly followed. 10 Q. BY MR. JENSEN: You believe that the rechartering 11 procedure was not properly followed by the National 12 Grange? 13 A. Yes, because as I testified earlier, the charter 14 of the long-existing California State Grange was revoked 15 without legal authority. 16 Q. But yet California -- sorry -- the Unchartered 17 Grange took no steps to appeal that revocation, correct? 18 A. That's correct. 19 Q. And as of today's date -- well, back that up. 20 By the time that you left the executive committee, 21 <u>the real property of the Unchartered Grange was not</u> 22 <u>transferred to the Chartered Grange, correct?</u> 23 A. <u>Correct.</u> 24 Q. <u>And then as of the last day that you were a member</u> 25 <u>of the executive committee, the personal property of the</u></p>
<p style="text-align: right;">174</p> <p>1 A. Yes. 2 Q. Okay. When did you receive this document? 3 A. On or after that date at some point. 4 Q. And the document has a date of August 5, 2014, 5 correct? 6 A. Yes. 7 Q. Do you know who you received this document from? 8 A. It was e-mailed or mailed to me by Ed Luttrell. 9 Q. Okay. The first paragraph reads, "On July 12, 10 2014, the California State Grange was reorganized under 11 the Digest of Laws of the National Grange, and by request 12 of the Community and Pomona Granges in California who were 13 in compliance with the Grange rules. As the conclusion of 14 that reorganization, the National Grange restored the 15 charter of the California State Grange." 16 Did I read that right? 17 A. I believe so. 18 Q. Grammatical error included? 19 A. Yes. 20 Q. You have no facts to dispute that the National 21 Grange reorganized the California State Grange, correct? 22 MR. SWANSON: Calls for a legal conclusion. 23 MR. LAPCEVIC: Join. Calls for speculation. 24 THE WITNESS: I don't know what the so-called 25 reorganization means.</p>	<p style="text-align: right;">176</p> <p>1 Unchartered Grange was not transferred to the 2 <u>unchartered -- to the Chartered Grange, correct?</u> 3 A. <u>Correct.</u> 4 (Exhibit 152 was marked for identification.) 5 Q. BY MR. JENSEN: You have in front of you 6 Exhibit 152. Have you seen this document before? 7 A. Yes. 8 Q. Were you at all involved in the preparation of 9 this document? 10 A. Not in the preparation, no. 11 Q. Okay. Did you approve this document? 12 MR. SWANSON: Are you asking him personally? 13 MR. JENSEN: Yes. 14 MR. SWANSON: Object as vague and ambiguous. 15 THE WITNESS: I approved of a cross-complaint 16 being filed. 17 Q. BY MR. JENSEN: Well, you approved of the concept 18 of a cross-complaint being filed. My question is a little 19 bit different. The document in front of you, Exhibit 152, 20 is the actual filing of the cross-complaint. Did you 21 approve the actual text of the cross-complaint? 22 MR. SWANSON: Object as vague. 23 THE WITNESS: I don't know how to answer that 24 question. 25 Q. BY MR. JENSEN: Did you see this document before</p>

<p style="text-align: right;">177</p> <p>1 it was filed with the Court?</p> <p>2 A. I don't recall.</p> <p>3 Q. Okay. Did you review this complaint to see</p> <p>4 whether or not the GIA funds were an item of recovery</p> <p>5 being sought by the Unchartered Grange?</p> <p>6 A. I don't remember that specifically.</p> <p>7 Q. Going back for a moment, you said that you believe</p> <p>8 that you were involved personally at least in approving</p> <p>9 the filing of a cross-complaint; is that accurate?</p> <p>10 A. Yes.</p> <p>11 Q. Did the executive committee of the Unchartered</p> <p>12 Grange take action to approve the filing of a</p> <p>13 cross-complaint?</p> <p>14 A. I believe so.</p> <p>15 Q. Okay. Do you know when that took place, a</p> <p>16 relative comparison to the -- let's see here if we have a</p> <p>17 filing date on that. Let's see. November 19, 2012, does</p> <p>18 that help you in terms of timing when they approved the</p> <p>19 filing of the cross-complaint, meaning the executive</p> <p>20 committee?</p> <p>21 A. I don't remember.</p> <p>22 Q. Okay. Do you recall there being -- strike that.</p> <p>23 Do you recall there being a vote to approve the</p> <p>24 filing of the cross-complaint by the executive committee?</p> <p>25 A. I don't remember.</p>	<p style="text-align: right;">179</p> <p>1 Q. BY MR. JENSEN: You've reviewed the contents of</p> <p>2 this complaint?</p> <p>3 A. Yes.</p> <p>4 Q. Do you know if the word "GIA funds" is anywhere</p> <p>5 mentioned in this particular complaint?</p> <p>6 A. I don't recall, but it speaks for itself.</p> <p>7 Q. Are GIA funds considered by the Unchartered Grange</p> <p>8 to be dues?</p> <p>9 MR. SWANSON: Lacks foundation.</p> <p>10 THE WITNESS: I don't recall --</p> <p>11 MR. SWANSON: Also calls for speculation as well</p> <p>12 to this witness.</p> <p>13 THE WITNESS: I don't know what they were</p> <p>14 considered.</p> <p>15 Q. BY MR. JENSEN: Okay.</p> <p>16 A. That history precedes my time.</p> <p>17 Q. But during the time in question, you were chair of</p> <p>18 the executive committee, correct?</p> <p>19 A. Yes.</p> <p>20 Q. And during that time the Unchartered Grange</p> <p>21 received GIA funds, correct?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. What did you consider those moneys to be?</p> <p>24 A. Part of the contractual relationship.</p> <p>25 Q. And who are the parties to the contract?</p>
<p style="text-align: right;">178</p> <p>1 Q. Okay. Do you recall if there was a meeting called</p> <p>2 to approve a cross-complaint?</p> <p>3 A. I don't remember.</p> <p>4 Q. Any meeting that would have been called would have</p> <p>5 been a -- what is that called -- intervening meeting; is</p> <p>6 that true?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. So either the master or a majority of the</p> <p>9 executive committee would have to call for a meeting on</p> <p>10 that subject matter, right?</p> <p>11 A. Right.</p> <p>12 Q. Do you recall discussing in terms of preparing</p> <p>13 this cross-complaint whether you would be seeking -- the</p> <p>14 Unchartered Grange would be seeking the recovery of GIA</p> <p>15 funds?</p> <p>16 A. I remember that discussion occurring.</p> <p>17 Q. Okay. At the time in which you were approving the</p> <p>18 cross-complaint?</p> <p>19 A. I don't remember when.</p> <p>20 Q. Okay. Is it the intent by virtue of the</p> <p>21 cross-complaint filed by the Unchartered California State</p> <p>22 Grange to recover GIA funds?</p> <p>23 MR. SWANSON: Lacks foundation, calls for</p> <p>24 speculation.</p> <p>25 THE WITNESS: I believe that was our intent.</p>	<p style="text-align: right;">180</p> <p>1 A. It's my understanding that the California State</p> <p>2 Grange Insurance Association and the National Grange were</p> <p>3 all involved in that contract.</p> <p>4 Q. Okay. Did you ever review that contract?</p> <p>5 A. No.</p> <p>6 Q. Did you ever personally sign a contract related to</p> <p>7 the GIA?</p> <p>8 A. No, that preceded my time.</p> <p>9 Q. Do you recall ever being required to approve a GIA</p> <p>10 contract during the time in which you were a member of the</p> <p>11 executive committee?</p> <p>12 A. No.</p> <p>13 Q. Okay. Did you ever have discussions about how</p> <p>14 much money the Unchartered Grange is seeking from the</p> <p>15 National Grange as a result of the cross-complaint?</p> <p>16 A. I don't recall a dollar amount, no.</p> <p>17 Q. Okay. Well, what categories of moneys is it</p> <p>18 trying to recover from the National Grange by virtue of</p> <p>19 the cross-complaint?</p> <p>20 A. GIA funds withheld by the National Grange, dues</p> <p>21 belonging to the California Grange that were retained by</p> <p>22 the National Grange, loss of dues because of the actions</p> <p>23 of the National Grange, and whatever other damages were</p> <p>24 discovered as a result of the interference of the National</p> <p>25 Grange.</p>

<p style="text-align: right;">181</p> <p>1 Q. Well, let's hold that one for a moment. GIA 2 funds, you're saying that's an item that the Unchartered 3 Grange is seeking to recover, correct? 4 A. Yes. 5 Q. All right. And what's the timeframe of recovery 6 of those funds by the Unchartered Grange? 7 A. The entire time since the National Grange started 8 withholding those funds. 9 Q. And that remains the same even though the charter 10 has been suspended? 11 A. Correct. 12 Q. And that remains the same even though the charter 13 has been revoked? 14 A. Yes. 15 Q. And that remains the same even though there is a 16 charter entity of the Order of Patrons of Husbandry in the 17 State of California? 18 A. Yes. 19 Q. Okay. Next item was dues held. Did you review 20 any documents from the National Grange regarding dues that 21 it held on behalf a State Grange? 22 A. I don't think so. 23 Q. You don't remember reviewing any documents 24 produced by the National Grange in this lawsuit regarding 25 its financial statements?</p>	<p style="text-align: right;">183</p> <p>1 A. Yes, primarily. 2 Q. Okay. And then we have another category here, 3 "Loss of Dues," okay. How did the Unchartered Grange lose 4 dues? 5 A. The National Grange instructed community granges 6 to send their dues to the National Grange, and some of 7 them complied. Others simply withheld payment of dues out 8 of confusion. 9 Q. So we have two categories. One we've already gone 10 over. That's dues held that were actually paid to the 11 National Grange, right? 12 A. Yes. 13 Q. And then you've got this other category of dues 14 that were withheld and never provided to the National 15 Grange, right? 16 A. Right. 17 Q. How can the National Grange be responsible for 18 money it never received? 19 MR. SWANSON: Objection. Argumentative. 20 THE WITNESS: This is one of the damages caused by 21 the actions of the National Grange; that local granges 22 were caused to withhold payment of dues to the State 23 Grange. 24 Q. BY MR. JENSEN: So the act of asking a local 25 Grange to withhold dues -- well, hold on. Strike that.</p>
<p style="text-align: right;">182</p> <p>1 A. No. 2 Q. Okay. 3 A. I haven't seen any. 4 Q. Okay. Back to the GIA funds for a moment. Who 5 would be the person most knowledgeable regarding the 6 recovery of those funds at the Unchartered Grange? 7 A. Bob McFarland. 8 Q. Okay. Anybody else? 9 A. Other financial officers or employees of the 10 Grange. 11 Q. Financial officers of the Unchartered Grange. Was 12 there a chief financial officer, an officer capacity? 13 A. No, there was a staff member. 14 Q. A fiscal administrator? 15 A. Well, that would involve work between the staff 16 member and Bob. 17 Q. Okay. Who was that staff member? 18 A. John Hoag. 19 Q. H-o-g-u-e? 20 A. H-o-a-g. 21 Q. Okay. Thank you. 22 A. And there was another interim employee for a 23 while, but primarily John. 24 Q. Okay. Primarily John through the period of 2012 25 to the present?</p>	<p style="text-align: right;">184</p> <p>1 Let's get our facts straight here first. Is it 2 your testimony here today that the National Grange asked 3 that dues be withheld from payment? 4 MR. SWANSON: To whom? 5 MR. JENSEN: That's what he said. I'm just using 6 that word, so I want to try and get on the same page here. 7 THE WITNESS: The National Grange, specifically Ed 8 Luttrell, and his California Deputy Ed Komski instructed 9 community granges to stop paying dues to the State Grange 10 repeatedly. 11 Q. BY MR. JENSEN: And let's make sure you and I -- 12 MR. SWANSON: Are you done with your answer? 13 THE WITNESS: I'm done. 14 MR. SWANSON: Okay. 15 Q. BY MR. JENSEN: Okay. So now you and I are on the 16 same page here. That is stop paying dues to what I've 17 defined as the unchartered State Grange, right? 18 A. Yes. 19 Q. Mr. Luttrell never told anyone to stop paying dues 20 entirely, correct? 21 MR. SWANSON: Calls for speculation. 22 Q. BY MR. JENSEN: Well, based on what you know, 23 that's a true statement, Mr. Luttrell didn't inform 24 subordinate granges to not pay dues, true? 25 A. He did instruct them to not pay dues to the</p>

<p style="text-align: right;">185</p> <p>1 California State Grange. 2 Q. I agree with you. I think that's a -- I can agree 3 with your statement then that the -- Mr. Luttrell 4 communicated that dues should not be paid to the 5 Unchartered Grange, right? 6 A. We agree on that. 7 Q. Right. But he didn't make a broader statement 8 that they should withhold payment of dues entirely, 9 correct? 10 MR. SWANSON: Object to the extent it lacks 11 foundation. I mean, if you can speak to that. 12 THE WITNESS: I don't understand the difference. 13 Q. BY MR. JENSEN: Well, the difference is that a 14 subordinate grange could make payments to the Chartered 15 Grange for dues, couldn't it? 16 MR. LAPCEVIC: Incomplete hypothetical. 17 MR. SWANSON: Join. 18 MR. JENSEN: Actually it's a fact. It's happened. 19 MR. LAPCEVIC: And it's vague as to time. 20 Q. BY MR. JENSEN: But go ahead. 21 A. They could do so as per his instructions and 22 Mr. Kowski's instructions, yes. 23 Q. And, in fact, it could fall into two categories. 24 There's a time in which a subordinate grange could send 25 its dues to the National Grange to be held in trust.</p>	<p style="text-align: right;">187</p> <p>1 knowledgeable at the Unchartered Grange on that subject 2 matter? 3 A. I don't know. 4 Q. Okay. It talks about interference by the National 5 Grange. What do you mean by that term, "interference"? 6 A. The -- 7 MR. SWANSON: Object to the extent it calls for 8 speculation. 9 Q. BY MR. JENSEN: Well, I'm not asking you to 10 testify about anything that you don't have knowledge of. 11 MR. SWANSON: Well, you need to be clear then as 12 to in what capacity you're asking him. Are you asking him 13 individually? He didn't file this cross-complaint. It 14 was filed by an organization. 15 MR. JENSEN: He approved it. They approved it. 16 They approved the cross-complaint, did they not? 17 MR. SWANSON: I know. I'm just -- I don't -- 18 MR. JENSEN: Please leave your objection and I'll 19 go forward and ask the question. 20 MR. SWANSON: Same objections. Will you please 21 read back the question. 22 (Record read as follows: "Okay. Talks about 23 interference by the National Grange. What do you 24 mean by that term, 'interference'?") 25 MR. SWANSON: Calls for speculation, lacks</p>
<p style="text-align: right;">186</p> <p>1 A. Yes. 2 Q. Okay. Have you seen any documents that those 3 funds were actually turned over to the Chartered Grange? 4 A. I don't recall whether I've seen documents or 5 learned otherwise. 6 Q. You might have learned otherwise that that 7 actually happened? 8 A. I have learned that it actually happened. 9 Q. Okay. Who told you that? 10 A. I don't recall how I learned that. 11 Q. But you did learn it? 12 A. There have been communications of some form from 13 which I understood that that had been happening. 14 Q. And another way it could be happening after the 15 reorganization is that dues could be being paid directly 16 to the Chartered Grange, correct? 17 MR. SWANSON: Incomplete hypothetical, calls for 18 speculation. 19 MR. LAPCEVIC: Join. 20 THE WITNESS: You asked if they could be. Perhaps 21 they could be. 22 Q. BY MR. JENSEN: As relates to these loss of dues 23 that would fall in this category of money that was 24 basically kept by the National Grange or paid to the 25 Chartered Grange, who would be the person most</p>	<p style="text-align: right;">188</p> <p>1 foundation. 2 Q. BY MR. JENSEN: Some guy in a black robe one day 3 will rule on that. It's very exciting. But you get to 4 answer the question. 5 A. I believe you have in your possession a document 6 where I listed what I considered to be interference. 7 Q. Well -- 8 A. I don't have that document in front of me. 9 Q. I'm sorry, you believe that you produced a 10 document; is that what you're saying? 11 A. Yes. 12 Q. You produced a document in the course of 13 litigation? 14 A. I believe I did. 15 Q. And that is in the most recent production; is that 16 what you're referring to? 17 A. Yes. 18 Q. And you believe there's a document in that 19 production which amounts to some type of interference by 20 the National Grange? 21 A. It -- I'm -- 22 MR. SWANSON: I'm sorry, do you understand -- can 23 you read back that question, Martin's last question. 24 (Record read as follows: "And you believe there's 25 a document in that production which amounts to</p>

<p style="text-align: right;">189</p> <p>1 some type of interference by the National 2 Grange?") 3 THE WITNESS: No. The way you worded that, no. 4 Q. BY MR. JENSEN: Let me ask a question. How did 5 the National Grange interfere with any relationship with 6 the Unchartered Grange? 7 MR. SWANSON: You're asking in his opinion? 8 MR. JENSEN: Well, I'm asking in his capacity as a 9 member of the executive committee through 20 -- from 2012 10 through 2014. 11 MR. SWANSON: His opinion as a member of the 12 executive committee. 13 MR. JENSEN: Absolutely. 14 MR. SWANSON: Okay. 15 THE WITNESS: As a member I was aware that the 16 National Grange had withheld GIA funds, persuaded granges 17 to send their dues to the National Grange, convinced some 18 to stop paying their dues altogether, caused a loss of 19 membership, repeatedly stood in the way of the performance 20 of our elected state master, interfered with the 21 operations of the executive committee by instructing us in 22 matters beyond his authority. And there are others I 23 might recall. 24 Q. BY MR. JENSEN: Others that you don't recall as 25 you sit here today?</p>	<p style="text-align: right;">191</p> <p>1 to the relationship, was it? 2 A. I don't know what you mean by that. 3 Q. The National Grange was involved in the fraternal 4 relationship between the parties at the time, was it not? 5 MR. SWANSON: Objection. Vague. 6 THE WITNESS: I don't understand that question 7 either. 8 Q. BY MR. JENSEN: Okay. Once again then, we'll go 9 back. In 2012 at the beginning, there was an affiliation 10 between the National Grange and the State Grange, right? 11 A. Yes. 12 Q. And that affiliation resulted in moneys going to 13 the National Grange, right? Dues money, right? 14 A. Yes. 15 Q. And the Unchartered Grange was aware of that, 16 right? 17 A. Yes. 18 Q. The National Grange was aware of that, right? 19 A. Yes. 20 Q. You don't have in your mind a calculated amount of 21 money that is owed to the Unchartered Grange from the 22 National Grange, do you? 23 A. No, I don't. 24 Q. Do you know of a single person in the Unchartered 25 Grange that has done that?</p>
<p style="text-align: right;">190</p> <p>1 A. I don't recall as I sit here. 2 Q. There's other acts of interference that the 3 National Grange engaged in from 2012 through 2014. That's 4 in your capacity as a member of the executive committee? 5 A. As a member of the committee, I received 6 information about his multiple communications to 7 California State Grange members and community granges and 8 communications made on his behalf by others, including Ed 9 Komski and Bob Clouse, all of which urged, instructed, and 10 encouraged our members and granges to stop supporting 11 their elected state officers, stop sending dues to the 12 State Grange, to not go to annual meetings of the members 13 of the Grange as required by state law, and the list goes 14 on. 15 Q. Let's take a date, for instance, in January of 16 2012. The National Grange would receive dues money from 17 the State Grange, right? 18 MR. LAPCEVIC: Lacks foundation, calls for 19 speculation. 20 Q. BY MR. JENSEN: You knew that, right, in your 21 capacity as an executive committee member that the 22 Unchartered Grange paid dues to the National Grange? 23 A. During that time period, generally speaking, I was 24 aware that the State Grange did make such payments. 25 Q. Right. And the National Grange was not a stranger</p>	<p style="text-align: right;">192</p> <p>1 A. That has done that? 2 Q. That knows that -- strike that. 3 Do you know of a single person with the 4 Unchartered Grange that knows the amount of money that is 5 owed from the National Grange to the Unchartered Grange? 6 A. That would be the responsibility of Bob McFarland, 7 John Hoag, and perhaps others. 8 Q. And you're basing -- that responsibility is based 9 on your understanding of the bylaws of the State Grange? 10 A. Based upon my understanding of their employment by 11 the State Grange. 12 Q. So you don't have personal knowledge as to whether 13 or not that number has actually been calculated, correct? 14 A. No, I don't. 15 Q. "Calling for unfair competition," did you review 16 that claim before it was approved? 17 A. I knew that a claim of that nature would be made. 18 Q. Okay. And how is the National Grange competing 19 unfairly against the Unchartered Grange? 20 MR. LAPCEVIC: Lacks foundation, calls for a legal 21 conclusion. 22 MR. SWANSON: Join. 23 THE WITNESS: I believe that's a matter within the 24 hands of our attorneys. 25 Q. BY MR. JENSEN: Okay. Is there anybody, a person,</p>

<p style="text-align: right;">193</p> <p>1 at the Unchartered Grange that has any factual knowledge 2 regarding that subject matter that you are aware of? 3 A. I'm aware Bob McFarland has some of that 4 information. 5 Q. Has he told you that? 6 A. At some point along the way. 7 Q. Okay. When? 8 A. I don't remember when. I think there have been 9 ongoing discussions. 10 Q. When was the first one? Can you date it for me? 11 MR. SWANSON: You just need to make sure that you 12 can answer these questions without conveying information 13 that Bob McFarland may have received from California State 14 Grange counsel. So if you can answer the question, fine. 15 If you can't then you just need to tell Martin that. 16 Q. BY MR. JENSEN: That's a fine instruction. As you 17 well know, I don't want to know information that was 18 learned from a lawyer. 19 A. I understand. I was never a party to discussions 20 about the specific nature of unfair competition. 21 Q. Okay. Was that a discussion amongst executive 22 committee members prior to the cross-complaint being 23 approved? 24 A. There may have been general discussion. I don't 25 recall any details at all.</p>	<p style="text-align: right;">195</p> <p>1 MR. LAPCEVIC: Calls for a legal conclusion and 2 join. 3 THE WITNESS: I better have the question read 4 back. 5 (Record read as follows: "Would a subordinate 6 state -- California State Grange that pays its 7 dues to the chartered Grange still be considered a 8 part of your organization?") 9 THE WITNESS: I understand the question. You 10 asked for a subordinate California Grange. 11 Q. BY MR. JENSEN: Sure. Let's break it down and see 12 if we can get on the same page. 13 A. Okay. 14 Q. There have been some subordinate granges in the 15 State of California that have elected to pay their dues to 16 the Chartered Grange, okay? Let's assume that that 17 happened. Do you understand me? 18 A. If that's so, okay. 19 Q. Okay. Would that subordinate Grange that paid 20 dues to the Chartered Grange still be considered a part of 21 your organization? 22 MR. SWANSON: Speculation. Calls for a legal 23 conclusion. 24 MR. LAPCEVIC: Join. Incomplete hypothetical. 25 THE WITNESS: I don't know.</p>
<p style="text-align: right;">194</p> <p>1 Q. Okay. You don't recall as you sit here today a 2 draft of a cross-complaint being reviewed and discussed in 3 an executive committee meeting? 4 A. These are and have been legal considerations in 5 the hands of our attorneys. 6 Q. Understood. My question was a little bit 7 different. I'm talking about at a meeting. I'm not 8 talking about what happens with lawyers. I'm talking 9 about whether at a meeting of an executive committee you 10 discussed the contents of a document that looks like the 11 complaint or was very close thereto. 12 A. In a general way only. 13 Q. Okay. For instance, you didn't talk about exact 14 causes of action that would be brought in the complaint, 15 right? 16 A. I don't remember. 17 MR. JENSEN: Take a quick break? 18 MR. SWANSON: Sure. 19 (Recess taken from 3:20 p.m. until 3:30 p.m.) 20 Q. BY MR. JENSEN: Okay. Would a subordinate 21 state -- California State Grange that pays its dues to the 22 Chartered Grange still be considered a part of your 23 organization? 24 MR. SWANSON: Object. Calls for speculation, 25 incomplete hypothetical, lacks foundation.</p>	<p style="text-align: right;">196</p> <p>1 Q. BY MR. JENSEN: Okay. Have you ever thought about 2 that in your capacity as a member of the executive 3 committee? 4 MR. SWANSON: Object. Vague, argumentative. 5 THE WITNESS: Yes. 6 Q. BY MR. JENSEN: The answer is yes? 7 A. I've thought about it. 8 Q. Okay. And did you reach any conclusions one way 9 or the other? 10 A. No. 11 Q. Okay. Some of these subordinate granges have paid 12 their dues to the National Grange. Do you understand 13 that? Let's go with that concept for a moment. Do you 14 understand that? 15 A. I believe some have. 16 Q. Okay. Now, would those subordinate granges be 17 considered to be members of the National Grange? 18 MR. SWANSON: Calls for a legal conclusion. Calls 19 for speculation. 20 THE WITNESS: No. 21 Q. BY MR. JENSEN: Why not? 22 A. They are members of the California State Grange. 23 Q. What are you relying on for that proposition? 24 A. I'm aware that every member of the Grange in the 25 State of California, myself included, joined the</p>

<p style="text-align: right;">197</p> <p>1 California State Grange by joining their local Grange. 2 MR. JENSEN: Okay. I have no further questions. 3 We have Mr. Skinner on the phone as well. 4 MR. SKINNER: Yeah, I do have questions. I'd like 5 to go now, if that's okay. 6 MR. JENSEN: Can you hear him well? 7 THE WITNESS: I think so. 8 MR. SKINNER: Am I coming through okay? 9 MR. SWANSON: Yeah, go ahead, Jeff 10 EXAMINATION BY MR. SKINNER 11 Q. Well, good afternoon, Mr. Luvaas. Good evening 12 here I guess. My name is Jeff Skinner. I represent the 13 plaintiff in intervention in this case. 14 And like Mr. Jensen, to make things go smoothly 15 here, I just want to be clear when I'm using the terms 16 "California State Grange" or "Unchartered Grange," I'm 17 referring to the organization of which you either were a 18 member of the executive committee or held yourself out as 19 a member of the executive committee since 2007 I think you 20 testified. 21 To the extent I talk about the plaintiff in 22 intervention, the California State Grange, I'll call it 23 the Chartered Grange. But if I'm not calling it the 24 Chartered Grange, I just want you to understand I'm 25 talking about the organization you were a member of and</p>	<p style="text-align: right;">199</p> <p>1 address you had? 2 A. I don't recall. 3 Q. Did you send and receive e-mails using that 4 California Grange dot org address? 5 A. No. 6 Q. Was that a no? 7 A. No, correct. That was a no. 8 MR. SWANSON: Yes, that was a no. 9 Q. BY MR. SKINNER: So just to be clear, you never 10 sent or received an e-mail at California Grange dot org at 11 the address ending California Grange dot org; is that 12 right? 13 A. Well, I'm trying to recall specifically how I 14 received e-mails while I was on the executive committee, 15 but I think that perhaps by the abbreviated title I had as 16 an executive committee member, I think I may have received 17 group e-mails sent to the executive committee through that 18 address. 19 Q. And how did you log into that address? 20 A. There was a group e-mail list through Yahoo that I 21 could but rarely did log into. 22 Q. Was that Yahoo group e-mail list the same thing as 23 the California Grange dot org e-mail address you 24 mentioned? 25 A. I don't think so.</p>
<p style="text-align: right;">198</p> <p>1 held yourself out as a member of since the revocation of 2 the charter; is that agreeable? 3 A. Yes. 4 MR. SWANSON: And, Jeff, if we could just continue 5 to have that -- I think the same standing objection we've 6 had today and that you guys had in D.C. just so that I 7 don't have to make continual "vague" objections as to who 8 is who. 9 MR. SKINNER: Thank you. I appreciate that. 10 MR. LAPCEVIC: And we join that. 11 MR. SKINNER: That's fine. 12 Q. Mr. Luvaas, what e-mail address do you use? 13 A. J-o-n-l-u-v-a-a-s at Gmail dot com. 14 Q. Okay. Is it JLuvaas at Gmail dot com? 15 A. J-o-n Luvaas. 16 Q. J-o-n. Do you have any other personal e-mail 17 addresses? 18 A. I believe I have an iCloud address. That's all. 19 Q. Do you send and receive e-mail using that iCloud 20 address? 21 A. No. 22 Q. Do you have a California Grange dot org e-mail 23 address? 24 A. I did. I don't know if I still do. 25 Q. What was the California Grange dot org e-mail</p>	<p style="text-align: right;">200</p> <p>1 Q. How did you access the California Grange dot org 2 e-mail? 3 A. I don't know. I just received them. It must have 4 been forwarded to me. 5 Q. Were they forwarded to your Gmail address? 6 A. Yes. 7 Q. Okay. Now, you were served with some discovery in 8 mid November; do you recall that? 9 A. Yes. 10 Q. And among that discovery that was served on you 11 were requests for production of documents. Do you recall 12 that document? 13 A. Yes. 14 Q. What did you do to gather documents to respond to 15 those requests? 16 A. I searched through my various files related to the 17 Grange. I searched through my document folders on my 18 computer and all of the e-mails I could find on my 19 computer. 20 Q. Did you turn all of those -- let me break this 21 down. The files, the hard copy files you had on the 22 Grange, did you give those all to your attorneys? 23 A. Yes. 24 Q. I'm sorry, was there an answer? I didn't hear 25 anything.</p>

<p style="text-align: right;">201</p> <p>1 A. Yes.</p> <p>2 Q. You did, okay.</p> <p>3 A. All that responded to the questions.</p> <p>4 Q. So I guess that's my question. You went through</p> <p>5 and decided what was responsive and what was not?</p> <p>6 A. I did. But I think I produced every file I could</p> <p>7 find and let my attorneys decide if they were responsive.</p> <p>8 Q. Let me ask you about the executive committee and</p> <p>9 the minutes that are taken. Are minutes taken at every</p> <p>10 executive committee meeting?</p> <p>11 A. I believe so.</p> <p>12 Q. And there's no stenographer or somebody like the</p> <p>13 court reporter there taking down a transcript, correct?</p> <p>14 A. Correct.</p> <p>15 Q. So are minutes reviewed before they become final?</p> <p>16 A. Yes.</p> <p>17 Q. Are minutes of the executive committee meeting</p> <p>18 made in the regular course of business?</p> <p>19 A. Yes.</p> <p>20 Q. And they are made at the time of the meeting,</p> <p>21 right?</p> <p>22 A. In most cases, yes.</p> <p>23 Q. In what cases would they not be made at the time</p> <p>24 of the meeting?</p> <p>25 A. There was one meeting in I believe April of 2012</p>	<p style="text-align: right;">203</p> <p>1 State Grange every year prior to the suspension of its</p> <p>2 charter, correct?</p> <p>3 THE WITNESS: Could you read that back?</p> <p>4 (Record read as follows: "And the journal was</p> <p>5 published by the California State Grange every</p> <p>6 year prior to the suspension of its charter,</p> <p>7 correct?")</p> <p>8 MR. SWANSON: Object. Lacks foundation, calls for</p> <p>9 speculation. Go ahead.</p> <p>10 THE WITNESS: I don't know for a certainty.</p> <p>11 Q. BY MR. SKINNER: What about since you joined the</p> <p>12 executive committee in 2008, was a Journal of Proceedings</p> <p>13 published by the California State Grange from 2008 to</p> <p>14 2011?</p> <p>15 A. I believe so.</p> <p>16 MR. SWANSON: Can you hear him, Jeff?</p> <p>17 MR. SKINNER: I could not hear that answer.</p> <p>18 THE WITNESS: I said I believe so.</p> <p>19 (Discussion off the record.)</p> <p>20 Q. BY MR. SKINNER: Okay. Has the Unchartered State</p> <p>21 Grange prepared any Journals of Proceedings?</p> <p>22 A. Which State Grange?</p> <p>23 Q. Has the Unchartered State Grange prepared any</p> <p>24 Journals of Proceedings for 2012?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">202</p> <p>1 where minutes were taken during the meeting, but it was</p> <p>2 also recorded, and the secretary reviewed the recording</p> <p>3 for accuracy.</p> <p>4 Q. Are executive committee minutes normally kept by</p> <p>5 the Unchartered State Grange?</p> <p>6 A. They're ordinarily kept at the Grange office, yes.</p> <p>7 Q. Would you agree with me that the meeting minutes</p> <p>8 are the best records available to show what was said at</p> <p>9 any particular meeting?</p> <p>10 A. They would be the best record available, yes.</p> <p>11 Q. How many times did the executive committee meet in</p> <p>12 2013?</p> <p>13 A. I would really have to check the records to be</p> <p>14 sure, but I think it was in the range of approximately</p> <p>15 eight meetings. May have been more than that.</p> <p>16 Q. What about in 2014, how many times did the</p> <p>17 executive committee meet?</p> <p>18 A. Roughly four to six times.</p> <p>19 Q. And were minutes kept at every meeting in 2013 and</p> <p>20 2014?</p> <p>21 A. As far as I recall, yes.</p> <p>22 Q. Do you know what a Journal of Proceedings is?</p> <p>23 A. It's my understanding that's the minutes of the</p> <p>24 annual membership meeting of the Grange.</p> <p>25 Q. And the journal was published by the California</p>	<p style="text-align: right;">204</p> <p>1 Q. Did it produce a Journal of Proceedings for 2013?</p> <p>2 A. I believe so.</p> <p>3 Q. Has it produced a Journal of Proceedings for 2014?</p> <p>4 A. I don't know.</p> <p>5 Q. Have you seen the journal for 2012?</p> <p>6 A. I saw it at some point after it was completed but</p> <p>7 I don't remember when.</p> <p>8 Q. Did you receive a copy of it?</p> <p>9 A. I don't recall whether I received a copy or saw it</p> <p>10 on the State Grange website.</p> <p>11 Q. Did you have a copy in your files?</p> <p>12 A. No.</p> <p>13 Q. Same question for the 2013 journal, did you have a</p> <p>14 copy of that in your files?</p> <p>15 A. No.</p> <p>16 Q. Are the Journals of Proceedings created in the</p> <p>17 regular course of business?</p> <p>18 A. Yes.</p> <p>19 Q. Are they created shortly after the annual meeting</p> <p>20 of the delegate body?</p> <p>21 A. Yes.</p> <p>22 Q. And these Journals of Proceedings have information</p> <p>23 about the elections to offices in the organization,</p> <p>24 correct?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">205</p> <p>1 Q. Does the Unchartered State Grange control any 2 entities besides the Grange Foundation? Well, let me step 3 back. 4 The Unchartered State Grange controls the 5 corporation formed in 1992 called -- let me try this 6 again. 7 The Unchartered State Grange currently has control 8 over the corporation formed in 1992 called California 9 Grange Foundation, correct? 10 A. No. 11 Q. It does not? 12 A. No. 13 Q. Do you know who has control over the Grange 14 Foundation? 15 A. The California Grange Foundation board of 16 directors. 17 Q. And I'm right that the board of directors of the 18 Grange Foundation are the master and executive committee 19 members and I believe the overseer of the California -- of 20 the Unchartered State Grange? 21 A. Yes, those are some of the members. 22 Q. Have any funds been transferred out of the Grange 23 Foundation since April 2013? 24 MR. SWANSON: Object to the extent it calls for 25 speculation. If you know.</p>	<p style="text-align: right;">207</p> <p>1 executive committee to the California State Grange. 2 Q. So this would be sometime 2006, '07 -- or 2006 or 3 2007 or 2008, sometime around there? 4 A. Yes. 5 Q. As a sixth degree member, have you ever presided 6 over an installation ceremony? 7 A. No. 8 Q. When did you join your subordinate Grange? 9 A. It's a little hard to remember at this point, and 10 I have not attempted to look it up, but it was around 11 2002, 2003, somewhere in that range. 12 Q. And what was the name of your subordinate Grange? 13 A. Chico Grange. 14 Q. Are you still a member of the Chico Grange? 15 A. Yes. 16 Q. How did you apply to become a member of the Chico 17 Grange? Was there a form you had to fill out? 18 A. Yes, the Grange secretary or some other officer of 19 the Chico Grange provided me with a form provided by the 20 State Grange for me to fill out. 21 Q. Between 2008 and 2011 when you were on the 22 executive committee, did you ever see the form the State 23 Grange provided to subordinate granges for membership 24 applications? 25 A. I did see it when I was at my home Grange.</p>
<p style="text-align: right;">206</p> <p>1 THE WITNESS: I don't understand what you mean by 2 "transferred out." 3 Q. BY MR. SKINNER: Well, you're a -- let me 4 establish a foundation here. You were on the board of the 5 Grange Foundation until 2014, correct? 6 A. Yes. 7 Q. Were any funds of the Grange Foundation 8 transferred to the Unchartered State Grange after 9 April 2013? 10 A. I'm not aware of any. 11 Q. Are you aware of any transferred after 12 September 2012? 13 A. No. 14 Q. Have any funds of the Grange Foundation been used 15 in connection with the litigation? 16 MR. SWANSON: Object to the extent it lacks 17 foundation, calls for speculation. 18 THE WITNESS: I'm not aware of any. 19 Q. BY MR. SKINNER: What degree do you hold? Do you 20 understand what I mean by "degree" in grange talk? 21 MR. SWANSON: Grange world. 22 THE WITNESS: I have a sixth degree membership. 23 Q. BY MR. SKINNER: When did you attain the sixth 24 degree? 25 A. Just before I was admitted as a member of the</p>	<p style="text-align: right;">208</p> <p>1 Q. Was it essentially the same as the application 2 form that you used to apply for membership in the Chico 3 Grange? 4 A. Essentially the same. I don't remember any 5 differences. 6 Q. Did the membership application include a promise 7 of faithful compliance with the bylaws of this grange and 8 the constitution and laws of the State and National Grange 9 to your recollection? 10 A. I don't recall that. 11 Q. You don't recall one way or the other? 12 A. I don't recall it containing that. 13 Q. Do you recall it containing a promise of any sort? 14 A. I don't remember one. 15 Q. What did it contain? 16 A. Personal contact information and a space for the 17 amount of dues and the amount of the application -- 18 membership application fee, and that's all that stands out 19 for me. 20 Q. But there was -- there were -- there was other 21 text on the form besides those two things, right? 22 A. I think there was, but I don't remember what it 23 was. 24 Q. I'm looking at your -- the document production you 25 made. And you produced a set of bylaws for the Grange</p>

<p style="text-align: right;">209</p> <p>1 Foundation that are -- well, first, to your knowledge, are 2 those the current operative bylaws of the foundation? 3 A. As far as I know. 4 Q. And I'm right in understanding that election to 5 the executive committee of the California State Grange in 6 2008 automatically constituted election to the position of 7 director of the Grange at that time, correct? 8 A. Say that again. 9 MR. SWANSON: Can you say that again, Jeff? 10 MR. SKINNER: Can you read it back? 11 (Record read as follows: "And I'm right in 12 understanding that election to the executive 13 committee of the California State Grange in 2008 14 automatically constituted election to the position 15 of director of the Grange at that time, correct?") 16 MR. SKINNER: That came out garbled. Sorry about 17 that. 18 Q. Am I right in understanding that election to the 19 executive committee of the California State Grange in 2008 20 automatically constituted election to the position of 21 director of the Grange Foundation? 22 A. Yes. 23 Q. Since your initial election to the executive 24 committee in 2007 or 2008, did you see any amendments to 25 the bylaws of the Grange Foundation?</p>	<p style="text-align: right;">211</p> <p>1 Q. Um-hum. 2 A. I don't know what you mean by that. 3 Q. So you're not familiar with a document referred to 4 as the Manual of Degrees? 5 A. Not offhand. 6 Q. To your knowledge was there ever a time when the 7 National Grange Digest of Laws did apply to the California 8 State Grange? 9 MR. SWANSON: Object as vague and ambiguous. 10 MR. LAPCEVIC: And calls for a legal conclusion. 11 MR. SWANSON: I'll join. 12 THE WITNESS: I just don't know how to answer that 13 question. 14 Q. BY MR. SKINNER: Prior to the suspension of its 15 charter on September 17th, 2012, did the California State 16 Grange maintain a link on its website or a section on its 17 website containing the bylaws applicable to the entity? 18 MR. SWANSON: Object as vague. Go ahead and 19 answer the question if you understand it. 20 THE WITNESS: I think so, yes. 21 Q. BY MR. SKINNER: And what information was included 22 in that section on the website? 23 A. I don't remember. 24 Q. Do you know what the purpose of this section of 25 the website was?</p>
<p style="text-align: right;">210</p> <p>1 A. I don't remember any. 2 Q. And as director of the corporation, you certainly 3 would have been aware of any, correct? 4 A. I would have at that time, yes. 5 Q. As to the rules governing the California State 6 Grange prior to the suspension of its charter, you covered 7 with Mr. Jensen the constitution and the bylaws and the 8 Articles of Incorporation. And let's also leave aside the 9 National Grange Digest of Laws. 10 Are there any other Grange rules that governed the 11 California State Grange during that time? 12 MR. SWANSON: Objection. Vague, and to the extent 13 it assumes facts. Go ahead. 14 THE WITNESS: There was an office procedures 15 manual. I don't remember anything else. 16 Q. BY MR. SKINNER: Other than the office procedures 17 manual, you can't think of anything else; is that right? 18 A. I'm thinking. There may have been some document 19 regarding procedure for executive committee meetings, but 20 I'm not sure of that. 21 Q. Would that document, to the extent you can recall 22 that -- though I guess you're not sure. I'll move on. 23 Did the California State Grange have a Manual of 24 Degrees prior to the suspension of its charter? 25 A. A Manual of Degrees?</p>	<p style="text-align: right;">212</p> <p>1 A. It was information available to the members. 2 Q. So this was to provide the members with 3 information about the rules governing the organization, 4 right? 5 MR. SWANSON: Lacks foundation, calls for 6 speculation. 7 THE WITNESS: At this point I don't know. 8 Q. BY MR. SKINNER: Well, does the unchartered State 9 Grange maintain a section on its website containing the 10 bylaws that its members can access? 11 A. The National Grange? 12 Q. The Unchartered Grange. 13 A. I thought I just answered that question. 14 Q. Well, since -- let me re-ask it. 15 Since September 17th, 2012 has the Unchartered 16 State Grange maintained a section on its website for 17 members to gather documents under the heading "By-Laws"? 18 A. I don't remember the timing at which I've noticed 19 that it's on the website, so I can't specifically answer 20 your question. 21 Q. Well, since September 17th, 2012, has the 22 information collected under the "By-Laws" heading, has 23 that been meant to present information about the rules to 24 the members? 25 A. I don't know.</p>

<p style="text-align: right;">213</p> <p>1 MR. SWANSON: Lacks foundation, calls for 2 speculation. Go ahead. 3 MR. LAPCEVIC: Join. 4 THE WITNESS: I don't know. 5 Q. BY MR. SKINNER: Prior to September 17th, 2012, 6 was the idea that parts of the Digest of Laws might not 7 apply to the California State Grange ever expressed to the 8 membership? 9 A. I don't recall a conversation like that. 10 Q. Have you ever seen a document saying anything like 11 that? 12 A. No. 13 Q. To your knowledge was the National Grange Digest 14 of Laws available on the California State Grange's website 15 prior to September 20 -- or September 17th, 2012? 16 A. I don't know. 17 Q. Are you aware -- strike that. 18 Do the -- well, prior to September 17th, 2012, did 19 the members of the California State Grange have access to 20 the governing documents of the organization? 21 A. I'm sure they were allowed access to those 22 documents. 23 Q. And do you know how they would access those 24 documents? 25 A. They could ask for them at the Grange office, or</p>	<p style="text-align: right;">215</p> <p>1 speculation. Go ahead. 2 THE WITNESS: I don't know. 3 Q. BY MR. SKINNER: Do you currently hold an office 4 in the Chico Grange? 5 A. No. 6 Q. When did you last hold office in the Chico Grange? 7 A. 2006 or '07. 8 Q. What office did you hold in the Chico Grange? 9 A. The last two years I was president of the Chico 10 Grange. Before that I was secretary. 11 Q. Is the Chico Grange part of the Order of Patrons 12 of Husbandry? 13 MR. SWANSON: Object to the extent that calls for 14 a legal conclusion. Go ahead. 15 THE WITNESS: I don't know. I think that's up to 16 the Court. 17 Q. BY MR. SKINNER: Is any subordinate grange that is 18 currently paying dues to the Unchartered California State 19 Grange part of the Order of Patrons of Husbandry? 20 MR. SWANSON: Object to the extent that calls for 21 a legal conclusion. Calls for speculation. 22 MR. LAPCEVIC: Join. 23 THE WITNESS: I don't know. 24 Q. BY MR. SKINNER: On what date did you cease to be 25 a member of the Order of Patrons of Husbandry?</p>
<p style="text-align: right;">214</p> <p>1 whenever they were on the website they may have been able 2 to find them there. 3 Q. Are you currently a member of the Order of Patrons 4 of Husbandry? 5 A. I don't know. 6 Q. And do you not know because of the suspension 7 order from the National Grange? 8 A. I believe that would have an influence on the 9 answer. 10 Q. Well, let me ask you. During the term of your 11 suspension as laid out in the Order from your Grange 12 trial, is it your understanding that you were suspended 13 from membership in the Order of Patrons of Husbandry 14 during that time? 15 A. That's what I was told. 16 Q. Is the Unchartered State Grange part of the Order 17 of Patrons of Husbandry? 18 A. I don't know what it means to be part of the 19 Order, especially since the charter was revoked. 20 Q. Are you aware of any other State Grange operating 21 without a charter? 22 A. I'm not aware one way or the other. 23 Q. Are you aware of any grange at any level operating 24 without a charter? 25 MR. SWANSON: Object as vague, calls for</p>	<p style="text-align: right;">216</p> <p>1 MR. SWANSON: Him personally, Jeff? The question 2 is him personally? 3 MR. SKINNER: Personally. 4 THE WITNESS: Personally I believe I was no longer 5 a member of the Order of Patrons of Husbandry once the 6 National Grange decided I wasn't. 7 Q. BY MR. SKINNER: So it would be fair to say 8 whatever the date of the order is from your grange trial, 9 that's the date you personally were no longer a member of 10 the Order of Patrons of Husbandry? 11 A. That's correct, assuming I was ever a member of 12 the Order of the Patrons of Husbandry. 13 Q. Do you believe you were a member of Order of 14 Patrons of Husbandry when you actively joined the Chico 15 Grange in 2002 or 2003? 16 A. I don't think so. I think I joined the Chico 17 Grange and the California State Grange. 18 Q. Are you familiar with the term "the Grange" 19 broadly encompassing more than just a single entity, like 20 a single subordinate grange? Does that term mean anything 21 to you? 22 A. Yes. 23 Q. Do you consider yourself to be a member of the 24 Grange? 25 MR. SWANSON: Object. Vague and ambiguous.</p>

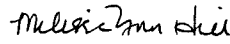
<p style="text-align: right;">217</p> <p>1 THE WITNESS: I consider myself a member of the</p> <p>2 Chico and California Grange.</p> <p>3 Q. BY MR. SKINNER: But you said you had -- you had</p> <p>4 an understanding of what "the Grange" means. What do you</p> <p>5 understand that term to mean?</p> <p>6 A. It's a broad term for an affiliation of granges</p> <p>7 across the country.</p> <p>8 Q. Do you know what granges are a part of that</p> <p>9 affiliation?</p> <p>10 A. I believe the state granges are part of that</p> <p>11 affiliation.</p> <p>12 Q. Is the National Grange part of that affiliation?</p> <p>13 A. Part of it, yes.</p> <p>14 Q. So do you consider yourself to be a member of the</p> <p>15 Grange?</p> <p>16 MR. SWANSON: Object as vague and ambiguous.</p> <p>17 THE WITNESS: In a very broad sense, yes.</p> <p>18 Q. BY MR. SKINNER: What do you mean by "in a very</p> <p>19 broad sense"?</p> <p>20 A. I mean in the sense that any individual member of</p> <p>21 the Grange anywhere in the country considers themselves a</p> <p>22 member of the Grange.</p> <p>23 Q. Do you know whether the California State Grange</p> <p>24 owned any real property before 1946?</p> <p>25 A. I have no idea.</p>	<p style="text-align: right;">219</p> <p>1 Q. Are you aware of any national session to which the</p> <p>2 California State Grange did not send representatives after</p> <p>3 1980?</p> <p>4 A. It did not send representatives in 2014 or 2013,</p> <p>5 and I don't believe it sent representatives in 2012.</p> <p>6 Q. And as far as you know, it did send</p> <p>7 representatives the other years since 1980?</p> <p>8 A. I don't know one way or the other. Some years,</p> <p>9 yes.</p> <p>10 Q. But you're not aware of any year between 1980 and</p> <p>11 2011 when the California State Grange did not send</p> <p>12 representatives to national session?</p> <p>13 A. No, I'm not.</p> <p>14 Q. Would you agree that no part of the dues of any of</p> <p>15 the subordinate granges that are paying dues to the</p> <p>16 Unchartered State Grange are going to the National Grange?</p> <p>17 A. It's my understanding that they are not.</p> <p>18 Q. Would you agree that none of the quarterly reports</p> <p>19 submitted by the subordinate granges that are paying dues</p> <p>20 to the Unchartered California State Grange are going to</p> <p>21 the National Grange?</p> <p>22 A. I believe they are not.</p> <p>23 Q. And the same question as to the annual reports;</p> <p>24 are any of those going to the National Grange?</p> <p>25 A. Not to my knowledge.</p>
<p style="text-align: right;">218</p> <p>1 Q. Do you have any facts to suggest that it did not</p> <p>2 own any real property before 1946?</p> <p>3 A. No.</p> <p>4 Q. Do you know whether the California State Grange</p> <p>5 owned any personal property before 1946?</p> <p>6 A. I don't know that.</p> <p>7 Q. Are you aware of any facts to suggest that the</p> <p>8 California State Grange did not own any personal property</p> <p>9 before 1946?</p> <p>10 A. No.</p> <p>11 Q. Was there an answer there? I'm sorry, I didn't</p> <p>12 hear it if there was.</p> <p>13 MR. SWANSON: Yeah, he said no.</p> <p>14 MR. SKINNER: Okay.</p> <p>15 MR. SWANSON: Do you need a break? Are you okay?</p> <p>16 THE WITNESS: Yeah, I'm fine.</p> <p>17 MR. SWANSON: Okay.</p> <p>18 Q. BY MR. SKINNER: Do you know whether the</p> <p>19 California State Grange received any charitable</p> <p>20 contributions before 1946?</p> <p>21 A. No.</p> <p>22 Q. Do you have any facts to suggest that the</p> <p>23 California State Grange did not receive any charitable</p> <p>24 contributions before 1946?</p> <p>25 A. No.</p>	<p style="text-align: right;">220</p> <p>1 Q. Are you aware of requirements of the Digest of</p> <p>2 Laws that subordinate granges -- that part of dues of</p> <p>3 subordinate granges be submitted to the National Grange?</p> <p>4 A. Yes.</p> <p>5 Q. Do you agree that the subordinate granges paying</p> <p>6 dues and submitting reports to the Unchartered California</p> <p>7 State Grange are not complying with the rules of the</p> <p>8 National Grange?</p> <p>9 MR. SWANSON: Calls for a legal conclusion.</p> <p>10 MR. LAPCEVIC: Join.</p> <p>11 MR. SWANSON: And vague.</p> <p>12 THE WITNESS: I don't know.</p> <p>13 Q. BY MR. SKINNER: You don't know if they're</p> <p>14 complying with the rules of the National Grange?</p> <p>15 MR. SWANSON: Same objections.</p> <p>16 MR. LAPCEVIC: Join.</p> <p>17 THE WITNESS: I believe they're complying with</p> <p>18 grange rules by sending those to the State Grange.</p> <p>19 Q. BY MR. SKINNER: So you believe they're complying</p> <p>20 with grange rules by sending the dues to a State Grange</p> <p>21 operating without a charter; is that right?</p> <p>22 MR. SWANSON: Object to the extent it calls for a</p> <p>23 legal conclusion. Go ahead.</p> <p>24 MR. LAPCEVIC: Join.</p> <p>25 THE WITNESS: I don't know.</p>

<p style="text-align: right;">221</p> <p>1 Q. BY MR. SKINNER: You don't know one way or the 2 other whether -- well, is it your understanding that any 3 entity can operate as a grange without a charter? 4 MR. SWANSON: Object as vague. 5 THE WITNESS: I don't understand the question. 6 Q. BY MR. SKINNER: Do you believe that an entity may 7 operate as a grange without a charter? 8 MR. SWANSON: Same objection. 9 THE WITNESS: Well, I believe the California State 10 Grange is entitled to operate as a California corporation. 11 Q. MR. SKINNER: Is the California State -- is the 12 Unchartered California State Grange entitled to operate as 13 a grange without a charter? 14 MR. SWANSON: Object at vague, calls for a legal 15 conclusion. 16 MR. LAPCEVIC: Join. 17 THE WITNESS: I'll have to let the Court decide 18 that. 19 Q. BY MR. SKINNER: Can a subordinate grange act as a 20 grange without a charter? 21 MR. SWANSON: Calls for a legal conclusion. 22 MR. LAPCEVIC: Join. 23 MR. SWANSON: Speculation. 24 THE WITNESS: I don't know. 25 Q. BY MR. SKINNER: Are you aware of any subordinate</p>	<p style="text-align: right;">223</p> <p>1 A. Yes. 2 Q. And was National Master Luttrell present at this 3 installation ceremony? 4 A. I don't remember if he was present that late in 5 the convention. 6 Q. But he did attend that convention, at least part 7 of it that year? 8 A. Yes. 9 Q. Are you aware of any other state grange that is 10 not a division of the Order of Patrons of Husbandry? 11 MR. SWANSON: Calls for a legal conclusion. 12 THE WITNESS: I don't know. 13 MR. SKINNER: That's all the questions I have for 14 now. And I -- you know, as I've explained in the 15 meet-and-confer process, I'm going to reserve my right to 16 recall this witness once the discovery issues have been 17 resolved. But as of now, that's all I have. 18 EXAMINATION BY MR. KAWAR 19 Q. Good afternoon, Mr. Luvaas. We're all tired at 20 this point. I'll try to speak up. 21 MR. JENSEN: Do you want to come down here? 22 (Pause in the proceedings.) 23 Q. BY MR. KAWAR: Okay. Mr. Luvaas, I represent 24 Martha Stefenoni and Shirley Baker. We met many, many 25 hours ago this morning.</p>
<p style="text-align: right;">222</p> <p>1 grange that has ever operated as a grange without a 2 charter? 3 A. I don't know. 4 Q. Are you aware of any state grange other than -- 5 well, are you aware of any state grange that has ever 6 operated as a grange without a charter? 7 MR. SWANSON: Objection. Vague. 8 THE WITNESS: I don't know. 9 Q. BY MR. SKINNER: When was Robert McFarland elected 10 Master of the California State Grange? 11 A. It was the same year I was first elected to the 12 executive committee. And as I've indicated, I think that 13 was 2007 but I might be wrong. 14 Q. Did you witness his installation ceremony? 15 A. Yes. 16 Q. Was it the same installation ceremony as you went 17 through? 18 A. I believe it was -- I believe it was different. 19 Q. How was it different? 20 A. He was elected as state grange master. I was 21 elected as a member of the executive committee and I 22 believe the ceremonies were at least slightly different. 23 Q. Did Mr. McFarland have to take an obligation? 24 A. Yes. 25 Q. In the installation ceremony?</p>	<p style="text-align: right;">224</p> <p>1 Okay. Were you aware that Ed Luttrell sent a 2 letter to Mr. McFarland on February 7th, 2012 that 3 discussed some of the issues concerning his leadership? 4 A. Yes. 5 Q. There's a copy of this letter right here, and I 6 think it's been previously marked Exhibit 2. 7 You've kept -- you kept a sequence all the way 8 through? 9 MR. JENSEN: I've tried. I've tried. If you want 10 to remark it as the next in order, you can do that too. I 11 have no problem one way or the other. 12 (Exhibit 153 was marked for identification.) 13 Q. BY MR. KAWAR: All right. Do you recognize that 14 letter? 15 A. Yes, I do. 16 Q. Do you remember when you first saw that? 17 A. It was either the same day or within a few days 18 after. 19 Q. Do you remember how you received it? In other 20 words, by e-mail? Some other way? 21 A. I believe it was by e-mail. 22 Q. I believe that the last page shows that it's 23 copied to members of the executive committee. 24 A. Yes. 25 Q. All right. Is it your understanding that they</p>

<p style="text-align: right;">225</p> <p>1 received it as well?</p> <p>2 A. I believe so.</p> <p>3 Q. And based on your discussions with them I assume?</p> <p>4 A. Correct.</p> <p>5 Q. All right. Is it your understanding that this</p> <p>6 letter was also sent to members of the California Grange</p> <p>7 that were not members of the executive committee?</p> <p>8 A. Yes.</p> <p>9 Q. How did you come to that understanding or that</p> <p>10 belief?</p> <p>11 A. I received communications from Grange members</p> <p>12 informing me that they had received a copy of this. And I</p> <p>13 don't recall whether those were passed on to me by</p> <p>14 Mr. McFarland or by others, but I received comments from</p> <p>15 the Grange members concerned about this letter.</p> <p>16 Q. When did you first hear that it had been</p> <p>17 disseminated to members outside of the executive</p> <p>18 committee?</p> <p>19 A. Within a few days after I received the letter.</p> <p>20 Q. And do you recall in that instance how you came to</p> <p>21 find that out?</p> <p>22 A. No, I don't right now.</p> <p>23 Q. You don't know if that came from Mr. McFarland or</p> <p>24 somebody else?</p> <p>25 A. Again, you're talking about information that it</p>	<p style="text-align: right;">227</p> <p>1 Q. Within a few weeks after the date of that letter,</p> <p>2 did you have a belief as to who disseminated it outside</p> <p>3 the executive committee?</p> <p>4 A. Could you restate that?</p> <p>5 Q. Yes. So within a few weeks after the date of that</p> <p>6 letter that's in front of you -- I think it's -- I've</p> <p>7 already forgotten the exhibit number.</p> <p>8 THE REPORTER: 153.</p> <p>9 MR. KAWAR: 153. Thank you.</p> <p>10 Q. Within a few weeks after the date of that letter,</p> <p>11 did you come to a belief as to who had disseminated it</p> <p>12 outside of the executive committee?</p> <p>13 A. I believe it took longer than a few weeks to form</p> <p>14 a belief about that.</p> <p>15 MR. KAWAR: Would you mark this next in line,</p> <p>16 please.</p> <p>17 (Exhibit 154 was marked for identification.)</p> <p>18 Q. BY MR. KAWAR: All right. Do you see the exhibit</p> <p>19 that's been marked next in line?</p> <p>20 A. Yes.</p> <p>21 Q. Do you recognize that?</p> <p>22 A. Yes, I do.</p> <p>23 Q. Can you tell me, generally speaking, what that is?</p> <p>24 A. This is a letter to other members and officers of</p> <p>25 the executive committee expressing my dismay that some</p>
<p style="text-align: right;">226</p> <p>1 had been disseminated?</p> <p>2 Q. Yes.</p> <p>3 A. I believe I received information from Bob</p> <p>4 McFarland and others, which I believe included the master</p> <p>5 of my own local grange.</p> <p>6 Q. And who was that?</p> <p>7 A. At that time I believe it was Chuck Voss, V-o-s-s.</p> <p>8 Q. And do you remember the names of anybody else at</p> <p>9 all who contacted you about the letter being disseminated</p> <p>10 outside the executive committee?</p> <p>11 A. I don't remember the names of anyone else. I</p> <p>12 think it became part of a fairly widespread discussion.</p> <p>13 Q. Did you come to a belief as to how it was</p> <p>14 disseminated? In other words, was it e-mailed? Was it</p> <p>15 mailed? How was it done?</p> <p>16 A. I learned that it was disseminated by both means.</p> <p>17 Q. Did you come to an understanding, a belief as to</p> <p>18 when the dissemination happened? And, again, I'm speaking</p> <p>19 of outside the executive committee.</p> <p>20 A. It was within a few days after I received the</p> <p>21 letter addressed to me.</p> <p>22 Q. And you believe that because is that when you</p> <p>23 first started to hear from other people that they received</p> <p>24 it?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">228</p> <p>1 members of the committee had acted outside the formal</p> <p>2 process of communications within the executive committee</p> <p>3 and acted unilaterally in a matter that was completely</p> <p>4 inappropriate.</p> <p>5 Q. Is that an e-mail?</p> <p>6 A. Yes, it is.</p> <p>7 Q. What's the date of the e-mail?</p> <p>8 A. February 21, 2012.</p> <p>9 Q. And who did you send it to?</p> <p>10 A. I sent it to the other members of the executive</p> <p>11 committee.</p> <p>12 Q. Can you tell me what the names are of those</p> <p>13 members you sent it to?</p> <p>14 A. Martha Stefenoni, Shirley Baker, Inger Bevans, Bob</p> <p>15 McFarland, Buzz Chernoff, and Damian Parr.</p> <p>16 Q. If you could turn to the third page, do you see</p> <p>17 the second paragraph that begins with "since"?</p> <p>18 A. Yes.</p> <p>19 Q. If you could read that paragraph and let me know</p> <p>20 when you have.</p> <p>21 A. (Witness reviews document.) Okay.</p> <p>22 Q. And if you can roll back really quickly. Just</p> <p>23 looking at the first page, you have on the subject heading</p> <p>24 the address "to" and it looks like you've sent it to</p> <p>25 Martha Stefenoni, Shirley Baker and Inger Bevans; is that</p>

<p style="text-align: right;">229</p> <p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. And then you have it cc'd to bobupthecreek, who I</p> <p>4 think is Mr. McFarland.</p> <p>5 A. Yes.</p> <p>6 Q. And then who is toohighranch?</p> <p>7 A. That's Buzz Chernoff.</p> <p>8 Q. And then Damian Parr is the third one?</p> <p>9 A. Yes.</p> <p>10 Q. And they're cc's, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Let's go back to the second paragraph on page 3.</p> <p>13 And let me read the section that I'm interested in here.</p> <p>14 The second line end ends with, "One of you took it on</p> <p>15 yourself to unilaterally distribute Ed Luttrell's</p> <p>16 February 7 personal letter to Bob out amongst the</p> <p>17 membership, without the consent of Master Luttrell, Master</p> <p>18 McFarland, or the EC."</p> <p>19 Did I read that correctly?</p> <p>20 A. Yes.</p> <p>21 Q. Who do you mean by "one of you"?</p> <p>22 A. I meant Martha Stefenoni, Shirley Baker, and Inger</p> <p>23 Bevans.</p> <p>24 Q. And then going down two more paragraphs to the --</p> <p>25 I think it's the fourth that begins with "It is my duty."</p>	<p style="text-align: right;">231</p> <p>1 Q. Was there a committee set up to investigate who</p> <p>2 sent the letter?</p> <p>3 A. Yes.</p> <p>4 Q. Who headed that committee?</p> <p>5 A. Howard Sihner.</p> <p>6 Q. What was the purpose of the committee as you</p> <p>7 understand it?</p> <p>8 A. The purpose of the committee was to speak to</p> <p>9 everyone they found necessary about it to try to find out</p> <p>10 who disseminated it.</p> <p>11 Q. Who did the committee report to?</p> <p>12 A. They reported to the executive committee.</p> <p>13 Q. Were you part of that committee?</p> <p>14 A. Yes.</p> <p>15 Q. Who else was a part of it?</p> <p>16 A. All those persons named on my February 21st</p> <p>17 e-mail.</p> <p>18 Q. Was there anybody else a member?</p> <p>19 A. No.</p> <p>20 Q. Did you correspond with people outside of the</p> <p>21 folks that are on the first page of Exhibit 154 about who</p> <p>22 may have disseminated the letter? Does that make sense?</p> <p>23 In other words, in the course of the investigation, was</p> <p>24 there correspondence between yourself and other people</p> <p>25 aside from the executive committee?</p>
<p style="text-align: right;">230</p> <p>1 And if you could read that paragraph.</p> <p>2 A. (Witness reviews document.) Okay.</p> <p>3 Q. Is it fair to say that in that paragraph you're</p> <p>4 asking one of those three to step forward and acknowledge</p> <p>5 that they sent it, Martha Stefenoni, Shirley Baker, or</p> <p>6 Inger Bevans?</p> <p>7 A. Yes.</p> <p>8 Q. Did you have any discussions with Mr. McFarland</p> <p>9 before you sent that e-mail about the contents of this</p> <p>10 e-mail?</p> <p>11 A. I don't believe so.</p> <p>12 Q. Did you exchange any e-mails with Mr. McFarland</p> <p>13 about your belief as to who had disseminated the</p> <p>14 February 7th, 2012 letter?</p> <p>15 A. I believe at some point I did, but I don't recall</p> <p>16 whether it was before or after this or when it was.</p> <p>17 Q. And then just to be absolutely clear, again, on</p> <p>18 page 3 on that second paragraph when you refer to Ed</p> <p>19 Luttrell's February 7th personal letter to Bob, you're</p> <p>20 referring to the February 7th, 2012 letter that we had</p> <p>21 just read as Exhibit 153, correct?</p> <p>22 A. Yes.</p> <p>23 Q. Did any one of those three ever step forward and</p> <p>24 say they distributed that letter?</p> <p>25 A. No.</p>	<p style="text-align: right;">232</p> <p>1 A. I had communications with Howard Sihner about</p> <p>2 their investigation.</p> <p>3 Q. Do you know if those communications have been</p> <p>4 produced?</p> <p>5 A. I don't know. I know that I produced anything</p> <p>6 that I had.</p> <p>7 Q. Did you produce those to your attorneys do you</p> <p>8 know?</p> <p>9 A. Those to ...</p> <p>10 Q. To your attorneys, to your lawyers. In other</p> <p>11 words, the ones that are representing you today.</p> <p>12 A. I don't know if I produced any or had any.</p> <p>13 Q. Have you looked for any correspondence relating to</p> <p>14 the investigation?</p> <p>15 A. I haven't looked for correspondence with Howard</p> <p>16 Sihner. I didn't see any in my search, but I haven't</p> <p>17 specifically looked for that. I wasn't asked to.</p> <p>18 Q. Did the committee produce a report?</p> <p>19 A. They did.</p> <p>20 Q. Do you know if that has been provided to your</p> <p>21 counsel, whoever is representing you today?</p> <p>22 A. I believe it was included in and attached to a</p> <p>23 meeting in April 2012, an executive committee meeting.</p> <p>24 Q. And did the committee reach any conclusions about</p> <p>25 who disseminated that February 7th, 2012 letter?</p>

<p style="text-align: right;">233</p> <p>1 A. Well, their conclusions were included in that 2 communication to the executive committee. They did report 3 that Shirley Baker had provided a copy of the letter to 4 Howard -- to Jay Hartz. And it's my understanding that 5 Shirley Baker provided that to him and told him it should 6 be distributed. 7 Q. Okay. And do you know when you came to that 8 understanding, you being a member of the committee? 9 A. I don't remember that. 10 Q. Was a report produced on April 21st, 2012 about 11 the investigation? 12 A. That sounds familiar. That sounds like the right 13 date. 14 Q. And you think it's most likely on that date you 15 believe Shirley Baker was identified as having 16 disseminated that letter, the February 7th, 2012 letter? 17 A. I don't remember that. 18 Q. Was there more than one written report produced by 19 the committee? Again, the one investigating the 20 dissemination. 21 A. I don't remember another written report, no. 22 Q. Then let me ask you when do you believe you came 23 to an understanding that Shirley Baker had sent that 24 letter of February 7th, 2012 outside the executive 25 committee?</p>	<p style="text-align: right;">235</p> <p>1 you tell me again the names of those who were? 2 A. Howard Sihner. 3 Q. Okay. 4 A. S-i-h-n-e-r. Cheri Bunker. I can't remember who 5 else there was. There were three. 6 Q. Okay. What was your position with the California 7 State Grange, if you had one, in April of 2012? 8 A. I chaired the executive committee. 9 Q. All right. And you left the California State 10 Grange in -- was it October of '14? 11 MR. SWANSON: You mean the executive committee? 12 Q. BY MR. KAWAR: Are you still a member of the 13 California State Grange? 14 A. Yes. 15 Q. At this point in time as you sit here today, do 16 you have any facts that lead you to believe that Martha 17 Stefenoni disseminated that letter, the 2012 letter from 18 Mr. Luttrell? 19 A. I don't have any information that she did, no. 20 Q. How about Inger Bevans? 21 A. Not to my knowledge. 22 Q. So the only person that you've heard may have 23 disseminated it was Shirley Baker? 24 A. At some point I received information suggesting 25 that Leslie Parker had also been part of that process.</p>
<p style="text-align: right;">234</p> <p>1 A. Well, I believe that I learned from Howard Sihner 2 either in that report or at that April 21 meeting or 3 possibly at some other time that Jay Hartz had indicated 4 Shirley Baker gave it to him. 5 Q. What's your best estimate for time, if you can 6 give it to me? 7 A. It was sometime between March and May of 2012. 8 Q. Do you have any facts that lead you to believe -- 9 strike that. 10 Is the committee still meeting as far as you know? 11 A. I don't think so. 12 Q. So it's been disbanded at some point as far as you 13 know? 14 A. Yes. 15 Q. Were you a member of the committee until it was 16 disbanded? 17 A. I was not a member of the committee. 18 Q. You weren't a member of the committee? 19 A. No. 20 Q. I must have misunderstood you. So in terms of the 21 membership of the committee that's investigating this 22 dissemination of the 2012 letter from Mr. Luttrell, you 23 were not a member of that committee? 24 A. Correct. 25 Q. Okay. Then let me make sure I know who was. Can</p>	<p style="text-align: right;">236</p> <p>1 MR. KAWAR: Okay. Nothing further. Thank you. 2 MR. JENSEN: No further questions. 3 MR. SWANSON: Jeff, anything else? 4 MR. SKINNER: Nothing more for me, subject to my 5 reservations as I stated earlier. 6 MR. SWANSON: Well, we'll meet and confer about 7 that later. That's it. 8 (The deposition adjourned at 4:44 p.m.) 9 --o0o-- 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

<div style="text-align: right;">237</div> <p>1 Please be advised that I have read the foregoing</p> <p>2 deposition. I hereby state that there are:</p> <p>3 (check one)</p> <p>4</p> <p>5 ----- NO CORRECTIONS</p> <p>6</p> <p>7 ----- CORRECTIONS ATTACHED</p> <p>8</p> <p>9</p> <p>10 -----</p> <p>11 JON LUVAAS</p> <p>12</p> <p>13 -----</p> <p>14 Date Signed</p> <p>15</p> <p>16 Case Title: National Grange v. CA State Grange, et al.</p> <p>17 Date of Deposition: Monday, January 26, 2015</p> <p>18 Job No: 40415LR</p> <p>19</p> <p>20 --o0o--</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<div style="text-align: right;">239</div> <p>1 REPORTER'S CERTIFICATE</p> <p>2</p> <p>3 I certify that the foregoing proceedings in the</p> <p>4 within-entitled cause were reported at the time and place</p> <p>5 therein named; that said proceedings were reported by me,</p> <p>6 a duly certified Shorthand Reporter of the State of</p> <p>7 California, and were thereafter transcribed into</p> <p>8 typewriting.</p> <p>9 I further certify that I am not of counsel or</p> <p>10 attorney for either or any of the parties to said cause of</p> <p>11 action, nor in any way interested in the outcome of the</p> <p>12 cause named in said cause of action.</p> <p>13 IN WITNESS WHEREOF, I have hereunto set my hand</p> <p>14 this 31st day of January, 2015.</p> <p>15</p> <p>16 </p> <p>17 MELISSA LYNN HILL, Calif. CSR No. 9613</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>																																																
<div style="text-align: right;">238</div> <p>1 DEPONENT'S CHANGES OR CORRECTIONS</p> <p>2 Note: If you are adding to your testimony, print the</p> <p>3 exact words you want to add. If you are deleting from</p> <p>4 your testimony, print the exact words you want to delete.</p> <p>5 Specify with "Add" or "Delete" and sign this form.</p> <p>6</p> <p>7 DEPOSITION OF: JON LUVAAS</p> <p>8 CASE: National Grange v. CA State Grange, et al.</p> <p>9 DATE OF DEPOSITION: Monday, January 26, 2015</p> <p>10</p> <p>11 I -----, have the following</p> <p>12 corrections to make to my deposition:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">PAGE</th> <th style="width: 10%;">LINE</th> <th style="width: 80%;">ADD/CHANGE/DELETE</th> </tr> </thead> <tbody> <tr><td>9</td><td>----</td><td>-----</td></tr> <tr><td>10</td><td>----</td><td>-----</td></tr> <tr><td>11</td><td>----</td><td>-----</td></tr> <tr><td>12</td><td>----</td><td>-----</td></tr> <tr><td>13</td><td>----</td><td>-----</td></tr> <tr><td>14</td><td>----</td><td>-----</td></tr> <tr><td>15</td><td>----</td><td>-----</td></tr> <tr><td>16</td><td>----</td><td>-----</td></tr> <tr><td>17</td><td>----</td><td>-----</td></tr> <tr><td>18</td><td>----</td><td>-----</td></tr> <tr><td>19</td><td>----</td><td>-----</td></tr> <tr><td>20</td><td>----</td><td>-----</td></tr> <tr><td>21</td><td>----</td><td>-----</td></tr> <tr><td>22</td><td>----</td><td>-----</td></tr> <tr><td>23</td><td>----</td><td>-----</td></tr> </tbody> </table> <p>24 Signature -----DATE-----</p> <p>25</p>	PAGE	LINE	ADD/CHANGE/DELETE	9	----	-----	10	----	-----	11	----	-----	12	----	-----	13	----	-----	14	----	-----	15	----	-----	16	----	-----	17	----	-----	18	----	-----	19	----	-----	20	----	-----	21	----	-----	22	----	-----	23	----	-----	<div style="text-align: right;">240</div> <p>1 PHILLIPS LEGAL SERVICES</p> <p>2 350 University Avenue, Suite 270</p> <p>3 Sacramento, California 95925</p> <p>4 (916) 927-3600</p> <p>5 January 31, 2015</p> <p>6 Jon Luvaas</p> <p>7 c/o Boutin Jones, Inc.</p> <p>8 Attn: Robert D. Swanson, Esq.</p> <p>9 555 Capitol Mall, Suite 1500</p> <p>10 Sacramento, CA 95814</p> <p>11 Re: National Grange v. CA State Grange, et al.</p> <p>12 Date Taken: January 26, 2015</p> <p>13</p> <p>14 Dear Mr. Luvaas:</p> <p>15 Your deposition is now ready for you to read, correct and</p> <p>16 sign. The original will be held in our office for 35 days</p> <p>17 from the date of this letter.</p> <p>18</p> <p>19 If you are represented by counsel, you may wish to discuss</p> <p>20 with him/her the reading and signing of your deposition.</p> <p>21 If your attorney has purchased a copy of your deposition,</p> <p>22 you may review that copy. If you choose to read your</p> <p>23 attorney's copy, please fill out, sign and submit to our</p> <p>24 office the DEPONENT'S CHANGE SHEET located in the back of</p> <p>25 your deposition.</p> <p>26</p> <p>27 If you do not wish to read your deposition, please sign</p> <p>28 below and return within 35 days of the date of this</p> <p>29 letter.</p> <p>30</p> <p>31 -----</p> <p>32 JON LUVAAS DATE</p> <p>33 Sincerely,</p> <p>34</p> <p>35 MELISSA LYNN HILL, CSR. No. 9613</p> <p>36 Phillips Legal Services</p> <p>37 Job No: 40415LR</p> <p>38</p> <p>39 cc: All Counsel</p>
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1 PHILLIPS LEGAL SERVICES
2 350 University Avenue, Suite 270
3 Sacramento, California 95925
4 (916) 927-3600
5
6 PORTER SCOTT
7 Attn: Martin N. Jensen, Attorney At Law
8 350 University Avenue, Suite 200
9 Sacramento, CA 95825
10
11 7 Re: National Grange v. CA State Grange, et al.
12 Deposition of: JON LUVAAAS
13 Date Taken: January 26, 2015
14
15 9 Dear Mr. Jensen:
16
17 10 We wish to inform you of the disposition of this original
18 transcript. The following procedure is being taken by our
19 office:
20
21 ----- The witness has read and signed the
22 deposition. (See attached.)
23
24 ----- The witness has waived signature
25
26 ----- The time for reading and signed has
27 expired
28
29 ----- The sealed original deposition is
30 being forwarded to your office.
31
32 ----- Other:
33
34
35
36 Sincerely,
37
38 PHILLIPS LEGAL SERVICES
39 Ref. No. 40415LR
40
41
42
43
44
45

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