

Exhibit TT

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3	3	APPEARANCES (Continued)
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<p style="text-align: right;">5</p> <p>1 BE IT REMEMBERED that on Monday, February 2, 2015, 2 commencing at the hour of 9:12 a.m. thereof, at the 3 offices of Porter Scott, 350 University Avenue, Suite 200, 4 Sacramento, California, before me, MELISSA LYNN HILL, a 5 Certified Shorthand Reporter in the State of California, 6 duly authorized to administer oaths and affirmations there 7 personally appeared 8 ROBERT MCFARLAND, 9 called as a witness herein, who, having been duly sworn, 10 was thereupon examined and interrogated as hereinafter set 11 forth. 12 --oOo-- 13 EXAMINATION BY MR. JENSEN 14 Q. Please state your full name for the record, sir. 15 A. Robert E. McFarland. 16 Q. Have you ever had your deposition taken before? 17 A. I don't think so. 18 Q. You've attended a series of depositions in this 19 case? 20 A. Oh, yes. 21 Q. Okay. One of the rules right from the get-go, it 22 appears as though that we're in an informal setting but 23 really what we're here to do today is if we're sitting in 24 a court of law, so the penalty of perjury applies to your 25 testimony here today.</p>	<p style="text-align: right;">7</p> <p>1 Do you understand that? 2 A. Yes. 3 Q. I also don't want you to guess, so I want you -- 4 for instance, for dates and times and things, memories are 5 imperfect but I want your best estimate and not a guess. 6 Do you understand that difference between the two 7 of those? 8 A. Yes. 9 Q. Okay. Great. At the end of the proceedings, 10 you're going to get a booklet, and it's going to have 11 question and answer and you're going to have an 12 opportunity to review that question and answer session. 13 To the extent you make any real changes, I'm going to be 14 able to comment upon those and challenge your credibility. 15 Do you understand that? 16 A. Yes. 17 Q. Okay. If I ask a question and you don't 18 understand it, please tell me. I'll rephrase it and try 19 and get you and I on the same page. There's nothing here 20 to trick one another. We want to make sure that you and I 21 are communicating and you understand where I'm going. 22 Do you understand that? 23 A. Yes. 24 Q. Okay. Did you meet with anyone to prepare for 25 your deposition here today?</p>
<p style="text-align: right;">6</p> <p>1 Do you understand that? 2 A. Yes, I do. 3 Q. Okay. And so you've seen the lawyers go through 4 some of the what we call admonitions, the rules for the 5 deposition -- 6 A. Yes. 7 Q. -- so -- I'll proceed through. 8 A. There's the first one. 9 Q. I'll proceed through -- 10 MR. SWANSON: I think you should give him the 11 admonishment. 12 Q. BY MR. JENSEN: I can give advice on the first two 13 questions. You just -- I know it's odd. It's an unusual 14 proceeding. It's not conversational unfortunately because 15 we have a wonderful court reporter here. So I need you to 16 just take a moment, let me ask my question first. And it 17 may seem like I'm done. Sometimes I'm not and I apologize 18 for that. But I need you to just take a moment and then 19 answer the question so we have a clean record. 20 Do you understand that? 21 A. Yes. 22 Q. I'm entitled to your best testimony. Nobody's 23 perfect. Memories are faulty. But I need you to be able 24 to give me your best testimony here today. I'm entitled 25 to that.</p>	<p style="text-align: right;">8</p> <p>1 A. My attorneys. 2 Q. Attorneys -- who did you meet with? 3 A. I met with Bob Swanson, Dan Stouder, Mark Ellis, 4 Bill Lapcevic, Amanda ... 5 MR. SWANSON: Griffith. 6 THE WITNESS: Griffith. 7 Q. BY MR. JENSEN: Now, are these a series of 8 meetings or was this one meeting? 9 A. Two meetings. 10 Q. Two meetings. Who was present at the first 11 meeting? 12 A. Bob Swanson and Dan Stouder. 13 Q. When did that happen? 14 A. About a week ago. 15 Q. Okay. How long did it last? 16 A. A couple of hours. 17 Q. Okay. Did you review any documents at that 18 particular meeting? 19 A. Not that I recall. 20 Q. Do you recall reviewing any documents at that 21 meeting? 22 A. Perhaps just general notes. 23 Q. Okay. And then you mentioned that you had -- I'm 24 guessing here. You can tell me if I'm wrong. Is this a 25 subsequent meeting with Mr. Ellis, Mr. Lapcevic, and</p>

<p style="text-align: right;">9</p> <p>1 Ms. Griffith?</p> <p>2 A. Yes.</p> <p>3 Q. When did that take place?</p> <p>4 A. Yesterday.</p> <p>5 Q. Okay. During the Super Bowl?</p> <p>6 A. Before.</p> <p>7 Q. I'm expecting you to answer that question, sir.</p> <p>8 A. Before.</p> <p>9 Q. Okay. And how long did that meeting last?</p> <p>10 A. A couple of hours.</p> <p>11 Q. Did you review any documents during that meeting?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Do you recall what documents were reviewed?</p> <p>14 MR. LAPCEVIC: To the extent that calls for</p> <p>15 attorney/client privilege, I'm instructing you not to</p> <p>16 answer that one.</p> <p>17 MR. JENSEN: Are you instructing the witness not</p> <p>18 to answer the question?</p> <p>19 MR. LAPCEVIC: Yes.</p> <p>20 MR. JENSEN: Okay. I think he --</p> <p>21 MR. LAPCEVIC: There's internal memos in the file.</p> <p>22 He's not going to --</p> <p>23 MR. JENSEN: Certainly.</p> <p>24 MR. LAPCEVIC: To the extent that's what he saw</p> <p>25 yesterday, so that's --</p>	<p style="text-align: right;">11</p> <p>1 Court?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And that's related to this particular case,</p> <p>4 meaning the National Grange's case?</p> <p>5 A. Yes.</p> <p>6 Q. Because there's a lot of other pleadings in this</p> <p>7 case. For instance, the Plaintiff in Intervention,</p> <p>8 there's a complaint there.</p> <p>9 A. I believe I did review some of the -- some of the</p> <p>10 documents did have to do with the intervention.</p> <p>11 Q. And there's a cross-complaint.</p> <p>12 A. I recall seeing the word cross-complaint.</p> <p>13 Q. Anything else in terms of your recollection of the</p> <p>14 general paperwork that you reviewed in preparation for</p> <p>15 your deposition here today?</p> <p>16 A. No.</p> <p>17 Q. Okay. So we have Mr. Luvaas' production, general</p> <p>18 paperwork related to the litigation. Anything else to</p> <p>19 prepare for your deposition here today?</p> <p>20 A. No.</p> <p>21 Q. Any particular documents from Mr. Luvaas'</p> <p>22 production that you reviewed in detail in preparation for</p> <p>23 your deposition here today?</p> <p>24 A. Could you please define "detail"? I'm not sure</p> <p>25 what you mean by that.</p>
<p style="text-align: right;">10</p> <p>1 MR. JENSEN: Okay. Fair enough. Just wanted to</p> <p>2 make sure we're clear on that because my position is to</p> <p>3 the extent you're talking about documents that are part of</p> <p>4 this case during a meeting is not subject to any privilege</p> <p>5 that I'm aware of.</p> <p>6 MR. LAPCEVIC: Right, but internal memos to the</p> <p>7 file.</p> <p>8 MR. JENSEN: I agree with you, Counselor.</p> <p>9 Q. So just to make sure, you're going to follow your</p> <p>10 witness's -- sorry -- your counselor's instruction and not</p> <p>11 answer the question, correct?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Did you meet with anyone else to prepare</p> <p>14 for the deposition today?</p> <p>15 A. No.</p> <p>16 Q. And outside of the meeting with your counselors,</p> <p>17 have you reviewed any documents to prepare for your</p> <p>18 deposition here today?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. What documents have you reviewed?</p> <p>21 A. I've reviewed some of the production from Jon</p> <p>22 Luvaas. I reviewed just the general paperwork in the</p> <p>23 court case. I'm not -- I don't know what they're</p> <p>24 necessarily called.</p> <p>25 Q. Okay. Pleadings, things that were filed with the</p>	<p style="text-align: right;">12</p> <p>1 Q. I'll make it more general. Did you review -- do</p> <p>2 you recall reviewing any documents from Mr. Luvaas'</p> <p>3 production?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Do any stand out in your mind?</p> <p>6 A. No, I've seen most of them before.</p> <p>7 Q. Okay. When you say "seen most of them before,"</p> <p>8 meaning that those had already been produced in the course</p> <p>9 of the litigation; is that what you mean?</p> <p>10 A. Meaning that I was a party to a lot of those</p> <p>11 documents.</p> <p>12 Q. Some of those were e-mail communications, right?</p> <p>13 A. Yes.</p> <p>14 Q. So you're saying that most of those communications</p> <p>15 you were a recipient of or a participant in?</p> <p>16 A. A good many of them, yes.</p> <p>17 Q. Okay. What's your highest level of education?</p> <p>18 A. Bachelors degree.</p> <p>19 Q. From where?</p> <p>20 A. California State University.</p> <p>21 Q. Okay. And when did you obtain that?</p> <p>22 A. 1980.</p> <p>23 Q. Okay. And what is your current occupational</p> <p>24 status?</p> <p>25 A. I'm the president of the California State Grange.</p>

<p style="text-align: right;">13</p> <p>1 Q. How long have you held that position for?</p> <p>2 A. Since 2009.</p> <p>3 Q. Okay. And we'll get into that in more detail. As</p> <p>4 we go forward -- you sat in -- the lawyers have used a</p> <p>5 series of definitions, each side having their own</p> <p>6 definition. For purposes of your deposition here today,</p> <p>7 I'm going to use definitions and I want to make sure you</p> <p>8 and I are on the same page.</p> <p>9 Now, in terms of the corporation California State</p> <p>10 Grange, a nonprofit California corporation, I'm going to</p> <p>11 refer to that today as the Unchartered Grange.</p> <p>12 Do you understand that?</p> <p>13 A. Yes.</p> <p>14 Q. And I know you disagree with it, and we've had a</p> <p>15 standing objection. I'm obviously willing to agree to the</p> <p>16 exact same stipulation as we go forward here.</p> <p>17 MR. SWANSON: Thank you.</p> <p>18 MR. LAPCEVIC: Standing objection.</p> <p>19 MR. JENSEN: Very good. If you want to put it on</p> <p>20 the record, you're more than happy to do so.</p> <p>21 MR. LAPCEVIC: You've mischaracterized the</p> <p>22 California State Grange as being the Unchartered Grange</p> <p>23 when it's actually a corporation in good standing, a</p> <p>24 nonprofit corporation in good standing.</p> <p>25 Q. BY MR. JENSEN: Okay. Now, we have another</p>	<p style="text-align: right;">15</p> <p>1 Q. Are you aware that there are divisions of the</p> <p>2 Order of Patrons of husbandry?</p> <p>3 MR. SWANSON: Objection. Assumes facts not in</p> <p>4 evidence.</p> <p>5 MR. LAPCEVIC: Join.</p> <p>6 THE WITNESS: The Order of Patrons of Husbandry,</p> <p>7 was that what you said, Mr. Jensen?</p> <p>8 Q. BY MR. JENSEN: Are you aware -- I'm sorry. Are</p> <p>9 you aware that there are divisions of the Order of Patrons</p> <p>10 of Husbandry?</p> <p>11 MR. LAPCEVIC: Lacks foundation, calls for</p> <p>12 speculation, assumes facts not in the record.</p> <p>13 MR. SWANSON: Join.</p> <p>14 THE WITNESS: I honestly don't know what their</p> <p>15 definition of "division" is.</p> <p>16 Q. BY MR. JENSEN: Exhibit 139. Let's see here.</p> <p>17 It's already bound and everything.</p> <p>18 So I'm referring to Exhibit 139 here right now,</p> <p>19 sir.</p> <p>20 A. Okay.</p> <p>21 Q. And I'll draw your attention -- once again, this</p> <p>22 is Exhibit 139, for the record, which is the Digest of</p> <p>23 Laws of the Order of Patrons of Husbandry, 2012 edition.</p> <p>24 I'll draw your attention to page 1 under Article I. And</p> <p>25 down on the bottom, I guess your left-hand corner there --</p>
<p style="text-align: right;">14</p> <p>1 corporation, the Grange of the State of California's Order</p> <p>2 of Patrons of Husbandry Charter. I'm going to refer to</p> <p>3 that as the Chartered Grange here today.</p> <p>4 Do you understand that?</p> <p>5 A. Yes.</p> <p>6 Q. So from time to time you and I might get off in a</p> <p>7 tangent here. We'll try and get back and make sure we're</p> <p>8 using the same definitions.</p> <p>9 You're familiar with the National Grange of the</p> <p>10 Order of Patrons of Husbandry, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. What is it?</p> <p>13 A. It is located in Washington D.C. It's a</p> <p>14 collective of affiliated granges across the country, state</p> <p>15 granges.</p> <p>16 Q. Okay. When I'm referring to the National Grange</p> <p>17 of the Order of the Patrons of Husbandry, a Washington</p> <p>18 D.C. corporation, I'm going to refer to that as the</p> <p>19 National Grange going forward. Is that okay?</p> <p>20 A. Yes.</p> <p>21 Q. And are you familiar with the Order of Patrons of</p> <p>22 Husbandry?</p> <p>23 A. I'm familiar with the term as it associates to the</p> <p>24 National Grange, and I believe it was the original name of</p> <p>25 the National Grange.</p>	<p style="text-align: right;">16</p> <p>1 right-hand corner. I'm sorry. Article I, Divisions of</p> <p>2 the Order. Do you see that heading?</p> <p>3 A. Yes.</p> <p>4 Q. Have you ever reviewed that provision of this</p> <p>5 document?</p> <p>6 A. (Witness reviews document.) I don't recall.</p> <p>7 Q. Okay. And you see that there's itemized in 1.1.1</p> <p>8 categories A through F?</p> <p>9 A. Yes.</p> <p>10 Q. Do you have any reason to doubt that those are the</p> <p>11 divisions of the Order of Patrons of Husbandry?</p> <p>12 MR. LAPCEVIC: Lacks foundation, calls for</p> <p>13 speculation, assumes facts not in the record.</p> <p>14 MR. SWANSON: Join.</p> <p>15 MR. LAPCEVIC: To the extent it calls for anything</p> <p>16 you may know or not know that you've learned from counsel,</p> <p>17 myself, my firm, or Mr. Swanson's firm, if you can answer</p> <p>18 it outside that, go ahead.</p> <p>19 THE WITNESS: Could you please repeat the</p> <p>20 question.</p> <p>21 Q. BY MR. JENSEN: Do you have any reason to doubt</p> <p>22 that in Article 1.1.1 that divisions of the Order --</p> <p>23 sorry. Strike that.</p> <p>24 Do you have any reason to doubt that these are the</p> <p>25 divisions of the Order as outlined in Article 1.1.1?</p>

<p style="text-align: right;">17</p> <p>1 MR. LAPCEVIC: Lacks foundation, calls for 2 speculation, ambiguous as to the term "divisions." And 3 based on the attorney/client privilege and work product, 4 if you know anything that you have not learned from any of 5 the attorneys, myself, and Mr. Swanson's firm, go ahead 6 and answer. 7 THE WITNESS: This document I agree identifies 8 these A through F paragraphs as divisions of the Order. 9 Q. BY MR. JENSEN: And when we're referring to the 10 Order here, we're referring to the Order of Patrons of 11 Husbandry, correct? 12 MR. LAPCEVIC: Lacks foundation, calls for 13 speculation, calls for a legal conclusion as phrased. If 14 you want to ask him what his understanding is, that's 15 fine, but if you can answer the question as phrased ... 16 THE WITNESS: According to this document it 17 identifies the Order of Patrons of Husbandry as the Order. 18 Q. BY MR. JENSEN: And you're familiar with the Order 19 of Patrons of Husbandry, aren't you? 20 A. Not as it is written here. 21 Q. You're not familiar that there are divisions of 22 the Order of Patrons of Husbandry as outlined in Article 23 I? 24 A. I'm -- I'm not -- 25 MR. LAPCEVIC: Objection. Asked and answered. He</p>	<p style="text-align: right;">19</p> <p>1 A. No. 2 MR. LAPCEVIC: Let me get my objection in, Bob. 3 Lacks foundation, calls for speculation, and legal 4 conclusion, but the answer stands. 5 Q. BY MR. JENSEN: You're not aware that the National 6 Grange is the controlling lawmaking division of the Order 7 of Patrons of Husbandry? 8 MR. SWANSON: Objection. Assumes facts not in 9 evidence. 10 MR. LAPCEVIC: Join. 11 THE WITNESS: I answered. 12 Q. BY MR. JENSEN: Sir, you have to answer my 13 questions. The way this works is as nice as we all want 14 to be in terms of saying we want to answer things or not, 15 you're going to answer my questions unless you're 16 instructed not to, okay? 17 A. My answer stands. No. 18 Q. Okay. And are you aware that the National Grange 19 is the supreme lawmaking division of the Order of Patrons 20 of Husbandry? 21 MR. LAPCEVIC: Assumes facts not in evidence, 22 lacks foundation, calls for speculation, calls for a legal 23 conclusion. 24 MR. SWANSON: Join. 25 THE WITNESS: No.</p>
<p style="text-align: right;">18</p> <p>1 already said he didn't know those, but go ahead. 2 THE WITNESS: I'm sorry, I'm going to have to ask 3 for the question to be repeated. 4 (Record read as follows: "You're not familiar 5 that there are divisions of the Order of Patrons 6 of Husbandry as outlined in Article I?") 7 MR. LAPCEVIC: The document speaks for itself. 8 THE WITNESS: I have never understood this to be a 9 definition of the divisions of the Order. 10 Q. BY MR. JENSEN: And when we're saying "this," once 11 again, you're referring to Article I, 1.1.1; is that 12 correct? 13 A. That's correct. 14 Q. Okay. And you're aware that the National Grange 15 is the representative National Division of the Order of 16 Patrons of Husbandry, correct? 17 MR. LAPCEVIC: Lacks foundation, calls for 18 speculation, assumes facts not in the record. To the 19 extent it calls for any answer that you may have learned 20 from your attorneys, you can answer it if it's outside 21 that knowledge. 22 THE WITNESS: Yes. 23 Q. BY MR. JENSEN: Thank you. And you're aware that 24 the National Grange is the controlling lawmaking division 25 of the Order of Patrons of Husbandry, correct?</p>	<p style="text-align: right;">20</p> <p>1 Q. BY MR. JENSEN: In January of 2012 was the 2 Unchartered Grange a division of the Order of Patrons of 3 Husbandry? 4 MR. LAPCEVIC: Lacks foundation, calls for 5 speculation, calls for a legal conclusion and assumes 6 facts not in the record. 7 MR. SWANSON: Join. 8 THE WITNESS: I'm -- 9 MR. LAPCEVIC: It's also ambiguous. Did you say 10 the California State Grange? 11 MR. JENSEN: I said un -- I said the Unchartered 12 Grange. 13 MR. LAPCEVIC: Okay. Do you understand the 14 question? 15 THE WITNESS: I believe so. 16 Q. BY MR. JENSEN: I'll read it back to you again if 17 you'd like. I'll go again. In January of 2012 was the 18 Unchartered Grange a division of the Order of Patrons of 19 Husbandry? 20 MR. LAPCEVIC: Same objections. 21 THE WITNESS: I don't know what the word 22 "division" means. 23 Q. BY MR. JENSEN: Okay. In 2012 was the Unchartered 24 Grange a member of the Order of Patrons of Husbandry? 25 MR. LAPCEVIC: Lacks foundation, calls for</p>

<p>21</p> <p>1 speculation, calls for a legal conclusion, and it's</p> <p>2 ambiguous as to the word "member." If you understand it,</p> <p>3 go ahead.</p> <p>4 THE WITNESS: I would say that we were affiliated</p> <p>5 with the National Grange.</p> <p>6 Q. BY MR. JENSEN: You used the word there</p> <p>7 "affiliated." What is your understanding of that word in</p> <p>8 the context that you're using it in?</p> <p>9 A. Simply that I don't believe I have the proper</p> <p>10 legal knowledge to make a judgment over what membership is</p> <p>11 and what an affiliation is.</p> <p>12 Q. Well, I'm asking for your word there. You used</p> <p>13 the word "affiliated" so I want to know what your</p> <p>14 definition of the word "affiliated" is.</p> <p>15 A. We have a relationship with the National Grange.</p> <p>16 Q. Okay. And what is the nature of that relationship</p> <p>17 with the National Grange? We're focusing this question in</p> <p>18 a timeframe of January of 2012.</p> <p>19 A. In January of 2012 that was before we were</p> <p>20 suspended.</p> <p>21 Q. That's correct, sir.</p> <p>22 MR. LAPCEVIC: For clarification, are you talking</p> <p>23 about his state of mind in January of 2012 or his state of</p> <p>24 mind as he sits here today what that affiliation was?</p> <p>25 MR. JENSEN: I'm asking him what was the</p>	<p>23</p> <p>1 relationship?")</p> <p>2 MR. LAPCEVIC: Same objections.</p> <p>3 THE WITNESS: I would answer that the National</p> <p>4 Grange Digest of Laws guided us, provided guidance in our</p> <p>5 California -- to our California State Grange to the extent</p> <p>6 that the Digest of Laws of the National Grange complied</p> <p>7 with the laws of the State of California and our own laws,</p> <p>8 California State Grange.</p> <p>9 Q. BY MR. JENSEN: Okay. I get the context. Let's</p> <p>10 take it out for a moment to California law. You mentioned</p> <p>11 the Digest of Laws, Exhibit 139 -- and I'm understanding</p> <p>12 your testimony -- would guide the operations of the</p> <p>13 Unchartered Grange except if there was a conflict with the</p> <p>14 bylaws of the California -- of the Unchartered Grange? Am</p> <p>15 I right about that?</p> <p>16 MR. LAPCEVIC: That misstates his testimony. Do</p> <p>17 you understand that question?</p> <p>18 THE WITNESS: No.</p> <p>19 Q. BY MR. JENSEN: Well, let's just make it simple.</p> <p>20 If there was a conflict between the provisions of the</p> <p>21 Digest of Laws, Exhibit 139, and the let's call it the</p> <p>22 Digest of Laws of the Unchartered Grange, which would</p> <p>23 control?</p> <p>24 MR. LAPCEVIC: Lacks foundation, calls for</p> <p>25 speculation, calls for a legal conclusion, incomplete</p>
<p>22</p> <p>1 relationship in January of 2012 between the National</p> <p>2 Grange and the Unchartered Grange.</p> <p>3 THE WITNESS: The California -- the California</p> <p>4 State Grange and the National Grange enjoyed a working</p> <p>5 relationship. We generally attended annual conventions of</p> <p>6 the National Grange. We shared an understanding of the</p> <p>7 history of the grange. I don't know what else to add.</p> <p>8 Q. BY MR. JENSEN: Okay. So in terms of this</p> <p>9 relationship, were there any documents between the two</p> <p>10 parties that governed their relationship?</p> <p>11 MR. LAPCEVIC: Lacks foundation, calls for</p> <p>12 speculation, calls for a legal conclusion. And to the</p> <p>13 extent -- if you can answer it outside of things you may</p> <p>14 have learned from your attorneys, documents that you --</p> <p>15 internal documents you may have seen, you can go ahead.</p> <p>16 MR. SWANSON: Join.</p> <p>17 THE WITNESS: So you asked me if we shared</p> <p>18 documents, correct? I'm sorry.</p> <p>19 Q. BY MR. JENSEN: No problem. There was a lot</p> <p>20 there.</p> <p>21 A. Yeah, there was.</p> <p>22 Q. So perhaps we can read the question back.</p> <p>23 (Record read as follows: "Okay. So in terms of</p> <p>24 this relationship, were there any documents</p> <p>25 between the two parties that governed their</p>	<p>24</p> <p>1 hypothetical. It's an ultimate conclusion of fact. And</p> <p>2 you know what, I'm not going to let him answer which law</p> <p>3 trumps which law today as we sit here.</p> <p>4 MR. JENSEN: Yeah, that's not an objection upon</p> <p>5 which you can tell him not to answer questions. He's</p> <p>6 going to answer that question.</p> <p>7 MR. LAPCEVIC: If we're going to go down that</p> <p>8 path, Marty, I'm going to have to -- I'm going to move for</p> <p>9 a protective order. If we're going to ask --</p> <p>10 MR. JENSEN: This is about the silliest thing I've</p> <p>11 ever heard. He's going to answer my question. There's no</p> <p>12 objection upon which you can ask -- make the witness not</p> <p>13 answer the question.</p> <p>14 MR. LAPCEVIC: He's here in his personal capacity.</p> <p>15 There's no foundation for this, and you're asking him to</p> <p>16 make a legal conclusion.</p> <p>17 MR. JENSEN: I'm not asking him to make a legal</p> <p>18 conclusion. I'm asking a very simple factual question.</p> <p>19 Q. Sir, you have by -- you have a Digest of Laws that</p> <p>20 govern the Unchartered Grange, correct?</p> <p>21 A. We have bylaws that govern the California State</p> <p>22 Grange.</p> <p>23 Q. Right. And then you have the Digest of Laws,</p> <p>24 Exhibit 139 that's in front of you, right, sir?</p> <p>25 A. Um-hum.</p>

<p style="text-align: right;">25</p> <p>1 Q. And you told me a minute ago that the Digest of 2 Laws, the document 139, was used to guide the operations 3 of the Unchartered Grange, right? 4 A. Yes. 5 Q. That's a yes, right? 6 A. Yes. 7 Q. So now, if you have the Digest of Laws for the 8 Unchartered Grange and you have this particular 9 Document 139 in front of you and there's two provisions 10 that conflict, which one do you follow? 11 MR. LAPCEVIC: Lacks foundation, calls for 12 speculation. Are you asking him which one the California 13 State Grange would follow as he sits here today or -- 14 MR. KAWAR: He's the president of the California 15 State Grange. 16 MR. JENSEN: It's okay. We're going to go around 17 and have weird objections. Just go ahead and put your 18 objection on the record. He's going to answer my 19 question. 20 MR. SWANSON: Can you clarify, Marty, are you 21 talking about January of 2012? 22 MR. JENSEN: That's exactly what we're talking 23 about. That hasn't changed. 24 MR. SWANSON: Just want it clear on the record. 25 MR. JENSEN: No problem.</p>	<p style="text-align: right;">27</p> <p>1 Q. And in your mind is there a difference between the 2 term "master" and "president"? 3 A. Yes. 4 Q. Okay. What is that difference in January of 2012? 5 A. The term "president" is not -- I'm -- the term 6 "president" is not offsetting to people of color. 7 Q. Okay. So you prefer to use the term "president"? 8 A. Yes. 9 Q. But you would agree with me that, for instance, in 10 the Digest of Laws in 2012 there was an office referred to 11 as "master"? 12 MR. LAPCEVIC: Lacks foundation, calls for 13 speculation. If you know from that document, go ahead and 14 answer. 15 THE WITNESS: I am aware that the term "master" is 16 used to identify the head of a grange organization. 17 Q. BY MR. JENSEN: And, in fact, you authored letters 18 known as Master's Message, right? 19 A. I may have. 20 Q. So the term's not entirely foreign to you, 21 correct? 22 MR. LAPCEVIC: Argumentative. 23 THE WITNESS: I didn't understand that to be a 24 question. 25 Q. BY MR. JENSEN: So once again, were you the master</p>
<p style="text-align: right;">26</p> <p>1 MR. LAPCEVIC: And to the extent that you can 2 answer that outside of what you may have learned from 3 counsel ... 4 THE WITNESS: I get it, and that's part of the 5 problem. 6 Q. BY MR. JENSEN: Well, it's part of the problem but 7 it's not the entirety of the problem. So to the extent 8 you can answer my question without revealing information 9 that you learned from an attorney, you need to answer my 10 question. 11 MR. LAPCEVIC: Okay. Can you answer his question 12 without -- 13 THE WITNESS: I will try. 14 MR. LAPCEVIC: Don't try. You either can or you 15 can't. 16 THE WITNESS: I can't. 17 Q. BY MR. JENSEN: So you can't answer that question 18 without divulging -- sorry. The sole basis of your answer 19 to that question is information learned from an attorney, 20 correct? 21 A. That's correct. 22 Q. Okay. You were the master of the Unchartered 23 Grange in 2012, correct? 24 A. Close. I was the president of the California 25 State Grange in January of 2012.</p>	<p style="text-align: right;">28</p> <p>1 of the Unchartered Grange in 2012? 2 A. No. 3 Q. Okay. You were not. 4 A. I was not. 5 Q. And you were the president only? 6 A. Yes. 7 Q. Is that an elected position? 8 A. Yes, it is. 9 Q. When were you first elected to the position as 10 president of the Unchartered Grange? 11 A. October 2009. 12 Q. Have you ever heard the term "master" and 13 "president" as relates to the Unchartered Grange used 14 interchangeably? 15 A. Yes. 16 Q. And in those contexts, were those meant to be the 17 exact same position as it relates to the Unchartered 18 Grange? 19 MR. LAPCEVIC: Lacks foundation, calls for 20 speculation, calls for a legal conclusion. 21 THE WITNESS: Yes. 22 Q. BY MR. JENSEN: Thanks. And how long was your 23 first term when you were elected in October of 2009 to 24 last? 25 A. Two years.</p>

<p style="text-align: right;">29</p> <p>1 Q. So that goes from convention to convention, 2 October convention in 2009 through the October 2011 3 convention? 4 A. Yes. 5 Q. Okay. In 2012 were you also a member of the 6 committee of the Unchartered Grange? 7 A. I don't believe I can answer that. 8 Q. Okay. What's preventing you from answering the 9 question whether you were a member of the executive -- 10 A. It's privileged. 11 Q. Hold on. Wait a second. One second here. 12 Whether or not you were a member of the executive 13 committee of the Unchartered Grange, for instance, in 14 January of 2012 is privileged? 15 A. Yes. 16 Q. Okay. What privilege would that be? 17 A. Isn't that privileged also? 18 Q. No. Actually, no, it's not. The type of 19 privilege that you're -- that you seemingly are relying 20 on, there's been no objection made by your counsel. So I 21 guess I'm at a loss. You need to answer my question. Is 22 there some type of privilege you're relying on in terms of 23 failing to respond to my question? 24 MR. LAPCEVIC: You can answer that question. 25 THE WITNESS: Very well. Was I a member of the</p>	<p style="text-align: right;">31</p> <p>1 directors"? 2 A. No. 3 Q. Okay. Was there a distinction between the term 4 "executive committee" and "board of directors" during the 5 time in which you were a member -- sorry -- when you were 6 the president of the California State -- sorry -- 7 Unchartered Grange? 8 MR. LAPCEVIC: That lacks foundation, calls for 9 speculation and calls for a legal conclusion as phrased. 10 THE WITNESS: I'm sorry, could you please repeat 11 the question? 12 Q. BY MR. JENSEN: Was there any distinction between 13 the term "executive committee" and "board of directors" 14 during the time in which you were president of the 15 Unchartered Grange in 2009 up to right now? 16 MR. LAPCEVIC: And his understanding of those two 17 terms or -- 18 MR. JENSEN: Absolutely. 19 MR. LAPCEVIC: -- as a legal argument or 20 something? 21 THE WITNESS: My understanding. Up until now. 22 MR. LAPCEVIC: And to the extent if you can answer 23 that question outside of something you may have learned 24 from counsel then go ahead. 25 THE WITNESS: Okay. Outside of what I may have</p>
<p style="text-align: right;">30</p> <p>1 executive committee? 2 Q. BY MR. JENSEN: Yeah. In January of 2012. 3 A. I had a vote on the executive committee. 4 Q. Okay. But my question was real specific. I 5 understand you may have had a vote, but were you a member 6 of the executive committee in January of 2012? 7 MR. LAPCEVIC: Overbroad in the sense of "in 8 January of 2012." There were certain issues at that time 9 that he may or may not have been. And if it calls for -- 10 you know, if it -- if you know then you can answer. But 11 if you're unsure then that could be your answer as well. 12 THE WITNESS: Mr. Jensen, I'm unsure. 13 Q. BY MR. JENSEN: Why are you unsure? 14 A. Because of how California law defines our 15 executive committee. 16 Q. Have you ever heard the term "executive committee" 17 used interchangeably with the term "board of directors" as 18 it relates to the Unchartered Grange? 19 A. Yes. 20 Q. And during the time in which you were the 21 master -- strike that. 22 During the time in which you were the president -- 23 A. Thank you. 24 Q. -- in October of 2009, was the term "executive 25 committee" used interchangeably with the term "board of</p>	<p style="text-align: right;">32</p> <p>1 learned from counsel, that was never a part of our 2 discussions. Never came up. 3 Q. BY MR. JENSEN: Meaning they're not -- you never 4 discussed outside the presence of counsel there being a 5 distinction between the term "executive committee" and 6 "board of directors" as it relates to the Unchartered 7 Grange? 8 A. Yes. 9 Q. When you became the president of the Unchartered 10 Grange in 2009, was there an installation ceremony? 11 A. Yes. 12 Q. Okay. Had you attended an installation ceremony 13 as related to the Unchartered Grange prior to 2009? 14 A. Yes. 15 Q. Okay. Was your installation ceremony in October 16 of 2009 the same as installation ceremonies that you had 17 observed previously? 18 A. I'm not sure because installing officers, first of 19 all, have a choice of two installation ceremonies. And to 20 the extent they add their own personal touches, they would 21 differ. 22 Q. Okay. Take out the personal touches portion that 23 you just identified. 24 A. Yes. 25 Q. Was the installation ceremony, if you take that</p>

<p style="text-align: right;">33</p> <p>1 portion out of it, the same as the one that you had in 2 2009? 3 A. Generally speaking, yes. 4 Q. Okay. Now, if we freeze frame right in October of 5 2009, you become president of the Unchartered Grange. My 6 understanding is you also become a member of the executive 7 committee as a result thereof, and we'll get into that. 8 But do you recall there being two different installation 9 ceremonies when you became the president of the 10 Unchartered Grange in 2009? 11 A. When you say two different ceremonies, are you 12 talking about them taking place at the same annual 13 meeting? 14 Q. I'm just asking if you recall that, sir. I don't 15 know. I'm asking for something that's within your 16 knowledge, not mine. 17 A. I don't recall any time where there were two 18 different versions of an installation ceremony conducted 19 at the same meeting. 20 Q. For instance, I guess to make it a little more 21 clear, was there an installation ceremony for your 22 position as president in 2009? 23 A. Yes. 24 Q. Okay. And was there a separate installation 25 ceremony for you becoming a member of the executive</p>	<p style="text-align: right;">35</p> <p>1 mythology, Greek gods, symbolism. And I believe that's 2 all intertwined with the focus of what that office is to 3 be. 4 Q. Okay. Other than this kind of general kind of 5 difference as it relates to mythology or symbolism, do you 6 recall anything specific in your mind in terms of there 7 being a difference in terms of the oath administered? 8 A. Well, for example, the symbol that is presented 9 when you're installed as the treasurer is a set of keys. 10 Q. Okay. My question is a little more specific 11 because you were the president and you are a member of the 12 executive committee. I'm not asking about the treasurer 13 position. I'm asking about master versus member of the 14 executive committee. 15 A. What are your instructions, Mr. Jensen, if I'm not 16 clear or if I don't remember specifics? 17 Q. You don't recall. 18 A. I don't recall. 19 Q. As I mentioned earlier, memories aren't perfect. 20 I'm here to get your best testimony on subject matter. If 21 you don't recall, that's a fine answer to a question. 22 A. I honestly don't recall. I'd have to review the 23 documents. 24 Q. Okay. Now, your obligation that was administered 25 in 2009 required you to support the constitution and</p>
<p style="text-align: right;">34</p> <p>1 committee in October of 2009? 2 A. Yes, there was. 3 Q. Okay. So in that circumstance there were two 4 installation ceremonies, correct? 5 A. Yes. 6 Q. Were they at all different? 7 A. Yes. 8 Q. How? 9 A. To the best of my recollection, the oaths are 10 different specific to the office you're being installed 11 to. 12 Q. Okay. Meaning that there's a different oath 13 administered as relates to being master, correct? 14 A. President, yes. 15 Q. Oh, sorry. I'll use your term: President. 16 A. Thank you. 17 Q. From time to time if I forget that, please remind 18 me. 19 A. Thank you. 20 Q. And there's also a different oath administered in 21 terms of being a member of the executive committee. 22 A. Yes. 23 Q. Okay. Can you tell me what the difference is? 24 A. Many of the ceremonies of the Grange are 25 ritualistic, so the language oftentimes refers to Greek</p>	<p style="text-align: right;">36</p> <p>1 bylaws of the Order of Patrons of Husbandry, correct? 2 MR. LAPCEVIC: Lacks foundation, calls for 3 speculation, calls for a legal conclusion. So the 4 attorney/client privilege, if you can answer outside of 5 something you may have learned from your attorneys, you 6 can do so. 7 Q. BY MR. JENSEN: Well, here's where I have a 8 problem with that because this factually occurred. There 9 was an oath that you were administered in 2009, right? 10 A. Yes. 11 Q. And that oath required you to uphold the laws of 12 the Order of Patrons of Husbandry, correct? 13 MR. LAPCEVIC: Lacks foundation, calls for 14 speculation, calls for a legal conclusion, assumes facts 15 not in the record. And to the extent that you can answer 16 that question outside of what you may or may not have 17 learned from your attorneys then go ahead. 18 MR. SWANSON: Join. 19 THE WITNESS: The terminology "Order of Patrons of 20 Husbandry" I don't recall. I believe the term was "the 21 Grange." 22 Q. BY MR. JENSEN: Okay. Uphold the laws of the 23 Grange; is that your recollection in terms of the oath 24 that you took in 2009? 25 A. Yes.</p>

<p>37</p> <p>1 Q. Okay. Would that include Exhibit 139 in front of 2 you, the Digest of Laws of the Order of Patrons of 3 Husbandry?</p> <p>4 MR. LAPCEVIC: Lacks foundation, calls for 5 speculation, calls for a legal conclusion as well. If you 6 can answer that --</p> <p>7 THE WITNESS: Are you asking this in a general 8 sense or anything specific or --</p> <p>9 Q. BY MR. JENSEN: When you took that oath in October 10 of 2009, did you understand that you were agreeing to 11 uphold the laws as outlined in Exhibit 139?</p> <p>12 MR. LAPCEVIC: Again, it calls for a legal 13 conclusion, calls for his state of mind. Back in 2012, 14 correct? Is that what you're asking?</p> <p>15 MR. JENSEN: Actually 2009.</p> <p>16 MR. LAPCEVIC: 2009. State of mind back in 2009?</p> <p>17 MR. JENSEN: What did he recall in terms of his 18 understanding of the obligation he was undertaking in 19 2009.</p> <p>20 THE WITNESS: My understanding was that I was 21 agreeing to that oath as far as it complied with the laws 22 of the State of California and our nation.</p> <p>23 Q. BY MR. JENSEN: Okay. And your first term as 24 president ended in October of 2011, right?</p> <p>25 A. 2011, yes.</p>	<p>39</p> <p>1 A. Mostly ritual. But also the instructions to the 2 officers, whether it is a full-on ceremony that involves 3 the -- what we call the stewards escorting officers to a 4 podium, the regalia.</p> <p>5 Q. Fair to say a ceremonial portion?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. In terms of you also took an oath in 2011, 8 correct?</p> <p>9 A. Yes.</p> <p>10 Q. Was the oath any different than the one that was 11 administered to you in 2009?</p> <p>12 A. That's the part I'm not sure of.</p> <p>13 Q. Okay. But you do recall taking an oath?</p> <p>14 A. Yes.</p> <p>15 Q. Do you recall that the oath required you to uphold 16 the laws of the Order of Patrons of Husbandry?</p> <p>17 A. I don't -- I don't recall it saying the Orders of 18 Patrons of Husbandry, but it would have said "the Grange," 19 and I -- I would have taken an oath to uphold -- the laws 20 did you say?</p> <p>21 Q. Laws is a good word.</p> <p>22 A. So far as they complied with the laws of the State 23 of California and our nation.</p> <p>24 Q. Okay. You would agree that you can't act as 25 master until you have an installation ceremony, correct?</p>
<p>38</p> <p>1 Q. And you were reelected as master of the 2 Unchartered Grange at the convention in October of 2011, 3 correct?</p> <p>4 A. Yes.</p> <p>5 Q. There was an installation ceremony when you became 6 the master in -- sorry. Strike that.</p> <p>7 There was an installation ceremony when you became 8 the president in 2011, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And was that installation ceremony the same 11 as the one that you had in 2009?</p> <p>12 A. I believe it at least would have been 13 substantially similar.</p> <p>14 Q. Nothing sticks out in your mind as being 15 dissimilar, correct?</p> <p>16 A. I believe the installing officer was different. I 17 believe -- I can't recall whether we used the short 18 version or the long version of the installation. I do 19 recall that that particular year there I believe were two 20 installations just to accommodate the travel schedules of 21 some of the elected officers.</p> <p>22 Q. Now, let's kind of bring it back to home here in 23 terms of your installation. You mentioned a short version 24 and a long version. What's the difference between the two 25 of them?</p>	<p>40</p> <p>1 MR. LAPCEVIC: Lacks foundation, calls for 2 speculation, calls for a legal conclusion.</p> <p>3 MR. SWANSON: Object as vague.</p> <p>4 THE WITNESS: I disagree.</p> <p>5 Q. BY MR. JENSEN: Okay. Back in 2009 in October 6 after you're elected, could you then take and act as 7 master if you had not been installed first?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. What could you do?</p> <p>10 A. Anything our bylaws allowed.</p> <p>11 Q. Okay. Would you agree with me if the bylaws 12 require that you have an installation ceremony first then 13 you could not do anything as a president?</p> <p>14 A. So far as they comply with the laws of the State 15 of California and my nation.</p> <p>16 Q. Okay. So as master in -- sorry, strike that.</p> <p>17 As president in 2012 you were considered to be an 18 officer of the Unchartered Grange, correct?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Let's just pull up -- so you have 21 Exhibit 140 in front of you too so we can kind of cruise 22 through this. As a member of the executive committee, you 23 and I maybe we can focus on that and see if you and I can 24 get on the same page. Look at Exhibit 140. Do you see 25 tab 140 in front of you?</p>

<p style="text-align: right;">41</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And then go to Article 14.1 on page 18.</p> <p>3 A. 14.1.</p> <p>4 Q. Yeah, do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. Do you see 14.1 indicates that members of the</p> <p>7 executive committee are an officer of the Unchartered</p> <p>8 Grange, correct?</p> <p>9 MR. LAPCEVIC: Document speaks for itself.</p> <p>10 THE WITNESS: Yes.</p> <p>11 Q. BY MR. JENSEN: Okay. And 14.2 B on page 18, do</p> <p>12 see that section there?</p> <p>13 A. B, yes, I do.</p> <p>14 Q. And you would agree with me that the president</p> <p>15 would be considered a member of the executive committee?</p> <p>16 MR. LAPCEVIC: Lacks foundation, calls for a legal</p> <p>17 conclusion. If you know outside of something you may have</p> <p>18 learned from your attorney, go ahead.</p> <p>19 THE WITNESS: So, Mr. Jensen, please ask the</p> <p>20 question again.</p> <p>21 Q. BY MR. JENSEN: Sure. Let's make it simple. In</p> <p>22 2012, for instance, you were operating -- strike that --</p> <p>23 the Unchartered Grange was operating with an executive</p> <p>24 committee, correct?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">43</p> <p>1 in 2012, correct?</p> <p>2 A. Yes.</p> <p>3 Q. And you would --</p> <p>4 A. No, this is 2011.</p> <p>5 Q. Right. It's a 2011 edition. I'll agree with you</p> <p>6 there, but these were the rules that were in effect in</p> <p>7 2012, correct?</p> <p>8 A. I don't recall if we had any changes to our bylaws</p> <p>9 in 2012.</p> <p>10 Q. So barring any changes to the bylaws --</p> <p>11 A. Barring any changes.</p> <p>12 Q. Let me get my question out.</p> <p>13 MR. LAPCEVIC: Let him get his question out.</p> <p>14 THE WITNESS: I'm sorry. I'm talking to myself.</p> <p>15 Q. BY MR. JENSEN: We all have a tendency to do that.</p> <p>16 Barring any changes in 2012, Exhibit 140 would be</p> <p>17 the operative Digest of Laws for the Unchartered Grange in</p> <p>18 2012, correct?</p> <p>19 A. Yes.</p> <p>20 Q. Good. All right. Did you know who -- let's go</p> <p>21 here. Who were the officers of the Unchartered Grange in</p> <p>22 2012?</p> <p>23 A. I can to the best of my recollection name them.</p> <p>24 I'm sure I don't remember all of them. Would you like me</p> <p>25 to name the ones that I can think of?</p>
<p style="text-align: right;">42</p> <p>1 Q. And that executive committee was comprised of</p> <p>2 certain people, correct?</p> <p>3 A. Yes.</p> <p>4 Q. You as president were one of the members of the</p> <p>5 executive committee, correct?</p> <p>6 A. There seems to be an inconsistency between these</p> <p>7 bylaws are from the California State Grange and California</p> <p>8 law.</p> <p>9 Q. My question was a little bit different, sir. Were</p> <p>10 you operating in 2012 -- let's just freeze frame it; let's</p> <p>11 call it January 2012. You and I can agree that there was</p> <p>12 an executive committee, correct?</p> <p>13 A. Yes.</p> <p>14 Q. Were you operating as a member of that executive</p> <p>15 committee in January of 2012?</p> <p>16 A. I don't know.</p> <p>17 Q. You don't know as you sit here today?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And the reason you don't know is based on</p> <p>20 interpretation of law; is that true?</p> <p>21 A. It's based on attorney/client privilege, and what</p> <p>22 I would -- I would say it was a conflict between these</p> <p>23 bylaws and California law.</p> <p>24 Q. Okay. You would agree with me that Exhibit Number</p> <p>25 140 is the Digest of Laws for the California State Grange</p>	<p style="text-align: right;">44</p> <p>1 Q. Yes, sir.</p> <p>2 A. The elected officers of the California State</p> <p>3 Grange in 2012 were to the best of my recollection</p> <p>4 myself -- Mr. Jensen, I'm not trying to be problematic.</p> <p>5 Can you give me the time in 2012 we're talking about</p> <p>6 because our conventions are held in October.</p> <p>7 Q. Sure. It would be prior to your convention in</p> <p>8 October of 2012.</p> <p>9 A. Prior to the convention, okay.</p> <p>10 Q. And to make it clear, it would be, you know, how</p> <p>11 it operates is October to October is my understanding.</p> <p>12 A. That's correct.</p> <p>13 Q. So really you would have a staggered portion of</p> <p>14 some of the officers who would be elected in a particular</p> <p>15 year, for instance, in October of 2011 would then be in</p> <p>16 operation through 2012 for the convention, right?</p> <p>17 A. So your question then relates to officers elected</p> <p>18 or serving as of October 2011.</p> <p>19 Q. Yeah, exactly. Would run through October of 2012.</p> <p>20 A. Thank you. I'm doing the best I can here.</p> <p>21 Myself, John Luvaas, Damian Parr, Buzz Chernoff, Shirley</p> <p>22 Baker, Martha Stefenoni, Mariana Nichols.</p> <p>23 Q. Is that Mary Anne?</p> <p>24 A. Mariana, M-a-r-i-a-n-a.</p> <p>25 Leslie Parker I believe was elected as her</p>

<p style="text-align: right;">45</p> <p>1 secretary. I'm going to say Gary Abreim. 2 MR. KAWAR: What was that last name again? 3 THE WITNESS: Abreim, A-b-r-e-i-m. The Graces. 4 And the offices of the Graces I don't recall. And most of 5 the rest of the -- I think there's 18 altogether would be 6 the ceremonial offices, and I just can't recall them. 7 Q. BY MR. JENSEN: Inger Bevans was also a member of 8 the executive committee during that time, right? 9 A. Yes, Inger. 10 Q. Focus your attention back to 14.1 on page 18 of 11 Exhibit Number 140. So the goal here is to have the 12 officers as identified in 14.1 filled out or in office for 13 the Unchartered Grange in 2012, correct? 14 A. Yes, if we're talking about that October to 15 October timeframe. 16 Q. Exactly. And there were seven members on the 17 executive committee; is that correct? 18 A. There were five -- five candidates elected to the 19 executive committee. Or, I'm sorry, there were five 20 members of the executive committee. Not all five would 21 have been elected that year. 22 Q. But there were five in toto elected members of the 23 executive committee during October 2011 through 24 October 2012 timeframe, correct? 25 A. Yes.</p>	<p style="text-align: right;">47</p> <p>1 THE WITNESS: Besides not being sure about the 2 conflict between the bylaws and California law, 3 attorney/client privilege would apply. 4 Q. BY MR. JENSEN: Okay. 5 MR. LAPCEVIC: Can I instruct for a moment? 6 Q. BY MR. JENSEN: Look, I don't want to hear 7 anything that you've learned from your lawyer. What I'm 8 trying to figure out here is what independent knowledge 9 you have to come to the understanding that the master was 10 not a member of the executive committee from October of 11 2011 through October of 2012. 12 A. My knowledge is based on the conflict between the 13 bylaws and the laws of California. 14 Q. Okay. Now, right there when we get to that 15 intersection of this idea of the bylaws and the laws of 16 the State of California, I don't want to learn anything 17 that you've learned from your lawyer, but if you have some 18 independent understanding that you've reached on your own, 19 I'm entitled to that information. So -- 20 A. Okay. 21 Q. -- to the extent you have some independent 22 understanding of this apparent conflict between the laws 23 of the State of California and this particular bylaw 24 provision, please let me know. 25 MR. LAPCEVIC: And lacks foundation, calls for</p>
<p style="text-align: right;">46</p> <p>1 Q. And there were two other people who were appointed 2 as members of the executive committee, correct? 3 A. Please describe "appointed." 4 Q. Well, I'll make it easier. They were members of 5 the executive committee. That being you as the president 6 and Ms. Stefenoni as the overseer. 7 A. Per my earlier answers, I don't know. 8 Q. So you don't know as you sit here today whether in 9 2012 -- well, strike that. 10 You don't know as you sit here today whether the 11 period between October of 2011 and October of 2012, 12 whether you or Ms. Stefenoni were on the executive 13 committee? 14 A. That's correct. 15 Q. Once again, this gets back into the sole reason 16 for your belief is based on some interpretation of law, 17 correct? 18 A. No. 19 MR. LAPCEVIC: Lack -- let me get my objections in 20 there. 21 THE WITNESS: I'm sorry, Bill. You've got to be 22 quicker. 23 MR. LAPCEVIC: Calls for a legal conclusion. To 24 the extent you can answer it outside attorney/client 25 privilege, fine, but the answer is out there.</p>	<p style="text-align: right;">48</p> <p>1 speculation. If you can answer it outside of what you 2 learned from your attorneys, you go ahead. 3 THE WITNESS: I think I have answered it. 4 Q. BY MR. JENSEN: Not that I'm aware of, and my 5 question kind of demands that you do answer it so -- 6 A. Right. My knowledge outside of the 7 attorney/client privilege is the fact that there is a 8 conflict between these bylaws and the laws of the State of 9 California and that remains in my mind unresolved. 10 Q. Okay. And we talk about conflict. You and I, 11 we're on the same page. We're looking at 14.2 B on page 12 18, and I'm going to read this into the record that "There 13 shall be an Executive Committee consisting of the Master 14 and five elected members and the Overseer," period. "The 15 committee shall elect its own chairman at its first 16 meeting following each annual session." 17 You see that language, right? 18 A. I believe so, yeah. 19 Q. And I read that properly, correct? 20 A. I think so. 21 Q. So are you telling me as you sit here today that 22 there's a conflict between California law and this 23 particular bylaw's provision? 24 MR. LAPCEVIC: You know, outside of -- 25 Q. BY MR. JENSEN: Once again --</p>

<p style="text-align: right;">49</p> <p>1 MR. LAPCEVIC: -- outside of attorney/client 2 communication if you've formulated that basis outside of 3 something you've learned from your attorneys then go ahead 4 and answer that. 5 THE WITNESS: I can't answer that outside of 6 attorney/client privilege. 7 Q. BY MR. JENSEN: Okay. Because I'm trying to get 8 to the bottom of this. You're telling me that there's a 9 conflict between California law and the bylaws. That's 10 been your answer here. And I'm trying to understand the 11 exact basis upon which you formulated that response. 12 Once again, if you've only learned that from a 13 lawyer, I'm not entitled to it. But if you've come up 14 with some independent determination, I'm entitled to know 15 it. 16 A. I haven't come up with an independent 17 determination. 18 Q. So you believe there's a -- there's a conflict, 19 right? 20 A. Yes. 21 Q. But you can't tell me specifically what that 22 conflict is without revealing information you've learned 23 from a lawyer; is that true? 24 A. That's correct. 25 Q. Okay. So we go so far as there to be a conflict</p>	<p style="text-align: right;">51</p> <p>1 MR. LAPCEVIC: If you can answer it outside of 2 what you learned from counsel. 3 THE WITNESS: Insofar as this bylaw complies with 4 the laws of California and the nation, I would say yes. 5 But I would also add that I would want a clearer 6 definition of what it means by the various granges of the 7 Order because these are California State Grange bylaws and 8 granges at all levels. 9 Q. BY MR. JENSEN: And your position at the time was 10 president of the California -- sorry -- of the Unchartered 11 Grange, right? 12 A. Yes. 13 Q. Okay. Did you ever have any discussions regarding 14 this provision during the time in which you were president 15 of the Unchartered Grange? 16 MR. LAPCEVIC: Outside of discussions he may have 17 had with counsel. 18 MR. JENSEN: Of course. 19 THE WITNESS: Not that I recall. 20 Q. BY MR. JENSEN: Okay. Outside of the context of 21 this litigation, had you ever arrived at a determination 22 that this particular provision, Section 14.9, was somehow 23 flawed? 24 MR. SWANSON: Object as vague. 25 MR. LAPCEVIC: And also if you learned outside of</p>
<p style="text-align: right;">50</p> <p>1 but there's no information you can provide me as to what 2 that actual conflict is, correct? 3 MR. LAPCEVIC: Asked and answered and misstates 4 his testimony. 5 THE WITNESS: That's correct. 6 Q. BY MR. JENSEN: Take a look at bylaws 14.9. 7 That's on page 20. 8 A. That the same one, 140? 9 Q. Same document, sir. Page 20. 10 A. 14.9. Is that correct? 11 Q. Yes, sir. Take a moment to read that provision, 12 sir. 13 A. (Witness reviews document.) Okay. 14 Q. Have you seen that provision before, sir? 15 A. I believe so. 16 Q. And that provision was in effect in the timeframe 17 between October of 2011 and October of 2012, correct? 18 A. These are 2011 bylaws; is that correct? 19 Q. I believe that they are, sir. 20 A. Okay. Yes. 21 Q. Okay. And so you were aware at the time that it 22 was a duty of an officer of the Unchartered Grange to 23 insure the constitution and bylaws of the grange at all 24 levels were observed? 25 MR. SWANSON: Object as vague.</p>	<p style="text-align: right;">52</p> <p>1 the discussions you had with counsel. 2 THE WITNESS: It is vague. 3 Q. BY MR. JENSEN: At the time in which you were the 4 president of the Unchartered Grange, have you taken any 5 steps to revise -- and that's you -- revise Section 14.9? 6 A. No. 7 Q. You had no discussions with anyone outside of 8 lawyers to revise Section 14.9 during the time in which 9 you were the president of the Unchartered Grange? 10 MR. LAPCEVIC: At any time? 11 MR. JENSEN: Yeah, at any time. 12 THE WITNESS: At any time? 13 Q. BY MR. JENSEN: Yeah. 14 A. Yes. 15 Q. Okay. When? 16 A. After our charter was revoked by the National 17 Grange. 18 Q. Okay. And with whom did you discuss this with? 19 A. The executive committee of the California State 20 Grange and to some extent the members of the California 21 State Grange. 22 Q. Okay. Is this more than one conversation or one 23 conversation? 24 A. More than one conversation. 25 Q. Okay. Do you recall the method of communication</p>

<p>53</p> <p>1 that was used?</p> <p>2 A. I can't recall anything in writing. I believe</p> <p>3 that it was discussed.</p> <p>4 Q. You believe there were verbal communications; am I</p> <p>5 understanding that correct?</p> <p>6 A. Yes.</p> <p>7 Q. And you recall those occurring with the executive</p> <p>8 committee, correct?</p> <p>9 A. On occasion.</p> <p>10 Q. Okay. You used the words "on occasion." That</p> <p>11 happened more than once then; am I right about that?</p> <p>12 A. Yes.</p> <p>13 Q. Do you recall when that occurred?</p> <p>14 A. After the revocation of our charter by the</p> <p>15 National Grange.</p> <p>16 Q. What was discussed?</p> <p>17 A. We generally discussed what changes might be</p> <p>18 necessary to our bylaws --</p> <p>19 Q. Okay.</p> <p>20 A. -- moving forward.</p> <p>21 Q. Okay. That was one item for discussion in a</p> <p>22 general discussion regarding changes to the bylaws. Was</p> <p>23 Section 14.9 an item of discussion in terms of making</p> <p>24 changes?</p> <p>25 A. I don't recall specifically if it was or not.</p>	<p>55</p> <p>1 A. Yes.</p> <p>2 Q. Is that accurate?</p> <p>3 A. Yes.</p> <p>4 Q. And you had discussions regarding general changes</p> <p>5 to bylaws; is that a fair statement?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Do you recall if Section 14.9 was brought</p> <p>8 up in terms of the conversation?</p> <p>9 A. Not specifically.</p> <p>10 Q. Okay. 14.10, the section right behind it.</p> <p>11 A. Yeah, I see it.</p> <p>12 Q. You were aware of this Section 14.10 A occurring</p> <p>13 during the time in which you were master in 2012, correct?</p> <p>14 MR. LAPCEVIC: Lacks foundation. If you know.</p> <p>15 THE WITNESS: (Witness reviews document.) I am --</p> <p>16 I was aware of this section of the California State Grange</p> <p>17 bylaws.</p> <p>18 Q. BY MR. JENSEN: And you would agree with me that</p> <p>19 these were your duties when you were the president of the</p> <p>20 Unchartered Grange in 2012.</p> <p>21 MR. LAPCEVIC: Lacks foundation, calls for a legal</p> <p>22 conclusion.</p> <p>23 THE WITNESS: I would agree that these were my</p> <p>24 duties as the president of the California State Grange so</p> <p>25 far as they comply with the laws of the State of</p>
<p>54</p> <p>1 Q. Okay. And is it a fair characterization that</p> <p>2 there were multiple discussions over time with members of</p> <p>3 the executive committee regarding changes to the bylaws?</p> <p>4 A. There were more than one discussion.</p> <p>5 Q. Okay.</p> <p>6 A. I don't know if you could really characterize them</p> <p>7 as multiple.</p> <p>8 Q. Okay. More than one. More than one discussion.</p> <p>9 And during the time that you had more than one discussion</p> <p>10 regarding changes to the bylaws, was Section 14.9</p> <p>11 discussed?</p> <p>12 A. I don't recall if it was specifically discussed.</p> <p>13 Q. Okay. And you don't recall as we sit here today</p> <p>14 if you proposed changes to Section 14.9, correct?</p> <p>15 MR. LAPCEVIC: Ambiguous as to "proposed changes."</p> <p>16 Proposed by the members or proposed --</p> <p>17 MR. JENSEN: Yeah, in those discussions with the</p> <p>18 executive committee for instance.</p> <p>19 MR. LAPCEVIC: Outside the presence of counsel.</p> <p>20 THE WITNESS: I don't recall specific</p> <p>21 conversations relating to 14.9 outside the presence of</p> <p>22 counsel.</p> <p>23 Q. BY MR. JENSEN: Okay. You also mentioned that you</p> <p>24 had conversations perhaps with other members of the</p> <p>25 Unchartered Grange.</p>	<p>56</p> <p>1 California and our nation.</p> <p>2 Q. BY MR. JENSEN: Okay. One of those duties was to</p> <p>3 insure enforcement of the laws and usages of the Order,</p> <p>4 correct?</p> <p>5 MR. SWANSON: Object as vague.</p> <p>6 THE WITNESS: I don't understand what the</p> <p>7 definition is for the laws of the Order.</p> <p>8 Q. BY MR. JENSEN: From these rules you're talking</p> <p>9 about the Digest of Laws you don't understand what this</p> <p>10 particular section is referring to in terms of the rules</p> <p>11 of the Order?</p> <p>12 MR. LAPCEVIC: You're talking about the</p> <p>13 California --</p> <p>14 MR. JENSEN: Yeah, this is.</p> <p>15 MR. LAPCEVIC: The State, the Digest of Laws --</p> <p>16 MR. JENSEN: This is the Exhibit 140, Digest of</p> <p>17 Laws of the Unchartered Grange.</p> <p>18 Q. Is that fair?</p> <p>19 A. I would want to have a better definition of "the</p> <p>20 Order."</p> <p>21 Q. Okay. When you reviewed the -- well, strike that.</p> <p>22 Did you review this particular section at any time</p> <p>23 when you became master of the Unchartered Grange?</p> <p>24 MR. LAPCEVIC: President.</p> <p>25 MR. JENSEN: Sorry, president.</p>

<p style="text-align: right;">57</p> <p>1 THE WITNESS: Yes.</p> <p>2 Q. BY MR. JENSEN: Okay. Did you disagree -- sorry.</p> <p>3 Strike that.</p> <p>4 Were you at all confused with the term "Order" as</p> <p>5 it was identified in 14.10 A?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Did you tell anyone that?</p> <p>8 A. No.</p> <p>9 Q. So at least in your mind as master there was some</p> <p>10 ambiguity in terms of what your duties were.</p> <p>11 MR. LAPCEVIC: Is that a question?</p> <p>12 MR. JENSEN: Um-hum.</p> <p>13 THE WITNESS: Only in terms of the definition of</p> <p>14 "the Order." I've never understood exactly what that</p> <p>15 means.</p> <p>16 Q. BY MR. JENSEN: But you never sought clarification</p> <p>17 from anyone as to what that term meant, correct?</p> <p>18 MR. LAPCEVIC: Outside of counsel, correct? You</p> <p>19 understand that?</p> <p>20 MR. JENSEN: All of my -- all of my questions are</p> <p>21 outside of counsel.</p> <p>22 THE WITNESS: Could you please repeat your</p> <p>23 question.</p> <p>24 MR. JENSEN: Go ahead, Melissa.</p> <p>25 (Record read as follows: "But you never sought</p>	<p style="text-align: right;">59</p> <p>1 determine what the term in context of 14.8 B meant?</p> <p>2 A. No.</p> <p>3 Q. Okay.</p> <p>4 MR. LAPCEVIC: Marty, we've been going about an</p> <p>5 hour. Is this a good breaking point?</p> <p>6 MR. JENSEN: A couple more minutes and then we've</p> <p>7 got it.</p> <p>8 MR. LAPCEVIC: As long as it's a good breaking</p> <p>9 point.</p> <p>10 MR. JENSEN: Yeah, yeah, I'm close.</p> <p>11 Q. It was your duty as the president of the</p> <p>12 Unchartered Grange to make sure that all rules of the</p> <p>13 order were being followed, correct?</p> <p>14 MR. LAPCEVIC: Lacks foundation, calls for</p> <p>15 speculation, calls for a legal conclusion. And to the</p> <p>16 extent you can answer it outside of what you may have</p> <p>17 learned from counsel, go ahead.</p> <p>18 THE WITNESS: That's a difficult question to</p> <p>19 answer just with a yes or no because I do believe that my</p> <p>20 responsibility was to serve the members, and whenever</p> <p>21 possible we would use our bylaws as our guide.</p> <p>22 Q. BY MR. JENSEN: Okay. I get that. You're serving</p> <p>23 your members.</p> <p>24 A. Yeah.</p> <p>25 Q. And I can applaud you for that.</p>
<p style="text-align: right;">58</p> <p>1 clarification from anyone as to what that term</p> <p>2 meant, correct?")</p> <p>3 THE WITNESS: It never came up, and I did not seek</p> <p>4 clarification of what it meant. It was never a problem.</p> <p>5 Q. BY MR. JENSEN: Turn to page 19, Section 14.8.</p> <p>6 MR. SWANSON: I'm sorry. Give me that again.</p> <p>7 MR. JENSEN: 14.8, page 19.</p> <p>8 Q. And please review section 14.8 B and let me know</p> <p>9 when you've read that.</p> <p>10 A. B?</p> <p>11 Q. B, as in boy.</p> <p>12 A. (Witness reviews document.) Okay.</p> <p>13 Q. So you would agree with me that the president --</p> <p>14 sorry, strike that -- a president of a subordinate grange</p> <p>15 was answerable to you as the president of the Unchartered</p> <p>16 Grange in 2012?</p> <p>17 A. Yes, but I never understood what "answerable"</p> <p>18 means.</p> <p>19 Q. Did you ever communicate with anyone that you</p> <p>20 didn't understand what the term "answerable" meant?</p> <p>21 A. No.</p> <p>22 Q. Did you ever take it upon yourself to try and</p> <p>23 investigate what the term "answerable" meant?</p> <p>24 A. Never -- it was never an issue.</p> <p>25 Q. Never went and talked to a previous master to</p>	<p style="text-align: right;">60</p> <p>1 A. But there are circumstances -- most often I would</p> <p>2 say there are circumstances that arise that require me to</p> <p>3 do the best I can to resolve issues. And honestly, my</p> <p>4 approach is to not only look at the bylaws. So when you</p> <p>5 ask me if it was my duty to uphold the bylaws, I struggle</p> <p>6 with the term "uphold."</p> <p>7 Q. That's an internal struggle? It's your own</p> <p>8 internal struggle with the word "uphold"?</p> <p>9 A. I think it's a struggle that's not just an</p> <p>10 internal struggle; it's the idea that a fraternal</p> <p>11 organization of volunteers, you have to have some means to</p> <p>12 resolve issues and not necessarily always only use the</p> <p>13 strict interpretation of the bylaws.</p> <p>14 Q. Okay. And there was a process to resolve internal</p> <p>15 disputes among members, correct?</p> <p>16 A. I'd like to think so, yes.</p> <p>17 Q. All right. And those procedures are contained --</p> <p>18 sorry, strike that.</p> <p>19 Those procedures result in ultimately a trial</p> <p>20 process if you go all the way through it, correct?</p> <p>21 A. No.</p> <p>22 Q. No? Okay. So when we're talking about an</p> <p>23 internal procedure, let's see if you and I are on the same</p> <p>24 page. There's a process by which someone within the</p> <p>25 Grange can bring charges against another member, correct?</p>

<p style="text-align: right;">61</p> <p>1 A. Yes.</p> <p>2 MR. LAPCEVIC: Ambiguous as to "Grange." Which</p> <p>3 grange are we talking about here?</p> <p>4 THE WITNESS: That's a good question.</p> <p>5 Q. BY MR. JENSEN: A member, for instance, in a</p> <p>6 subordinate grange could bring charges against another</p> <p>7 member in a subordinate grange, right?</p> <p>8 MR. LAPCEVIC: Do you understand that question?</p> <p>9 THE WITNESS: Yes, I do.</p> <p>10 Q. BY MR. JENSEN: And that's a true statement what I</p> <p>11 just said; charges could be brought against one</p> <p>12 subordinate member against another subordinate member,</p> <p>13 correct?</p> <p>14 A. According to -- and I don't recall if this is</p> <p>15 state or national, but according to some set of bylaws,</p> <p>16 there is a process to do that.</p> <p>17 Q. Right. And once charges are brought, there's an</p> <p>18 arbitration panel that is formed, correct?</p> <p>19 MR. LAPCEVIC: Lacks foundation. If you know.</p> <p>20 THE WITNESS: Potentially.</p> <p>21 Q. BY MR. JENSEN: And the goal of that arbitration</p> <p>22 panel is to try and resolve the dispute among the parties,</p> <p>23 correct?</p> <p>24 A. That is the goal as its outlined in the bylaws,</p> <p>25 but that is not what the process is.</p>	<p style="text-align: right;">63</p> <p>1 are you aware that there are -- what is this called here.</p> <p>2 Let's see. Let me find it here. Code of Judicial Law.</p> <p>3 Okay, Exhibit 139. Let's see if we've got the right one.</p> <p>4 A. I have 140.</p> <p>5 Q. Your first one starts with 139.</p> <p>6 A. It does, okay. All right.</p> <p>7 Q. That starts on I guess page 67, the Digest of</p> <p>8 Laws.</p> <p>9 A. Okay.</p> <p>10 Q. That's a document that you and I can agree that in</p> <p>11 2012 that the Unchartered Grange was using to guide it,</p> <p>12 right?</p> <p>13 MR. LAPCEVIC: If you know. Actually, vague as to</p> <p>14 time. What time? In 2012?</p> <p>15 MR. JENSEN: 2012. January of 2012.</p> <p>16 THE WITNESS: This was the set of Digest of Laws</p> <p>17 for the Patrons of Husbandry in -- again, the date you</p> <p>18 said was ...</p> <p>19 Q. BY MR. JENSEN: In January of 2012.</p> <p>20 A. In January of 2012.</p> <p>21 Q. Yes. And as it relates to the Code of Judicial</p> <p>22 Law, was that process used by the Unchartered Grange in</p> <p>23 January of 2012?</p> <p>24 A. No.</p> <p>25 Q. Okay. What process was used by the Unchartered</p>
<p style="text-align: right;">62</p> <p>1 Q. That's your opinion, sir. Thereafter --</p> <p>2 MR. LAPCEVIC: You don't have to argue with him.</p> <p>3 You can ask another question.</p> <p>4 Q. BY MR. JENSEN: Thereafter, if the arbitration in</p> <p>5 terms of resolution is unsuccessful, it proceeds to a</p> <p>6 trial in some circumstances, correct?</p> <p>7 MR. LAPCEVIC: Lacks foundation, calls for</p> <p>8 speculation. If you know.</p> <p>9 THE WITNESS: That is one avenue.</p> <p>10 Q. BY MR. JENSEN: And that is a process that was</p> <p>11 followed by the Unchartered Grange in 2012, correct?</p> <p>12 MR. LAPCEVIC: Lacks foundation, calls for</p> <p>13 speculation. If you know.</p> <p>14 MR. SWANSON: I'll object as vague. Go ahead.</p> <p>15 THE WITNESS: Followed by the ...</p> <p>16 Q. BY MR. JENSEN: Unchartered Grange in 2012.</p> <p>17 A. In 2012 relating to what?</p> <p>18 Q. We just went through this process. For instance,</p> <p>19 charges among members, the process that we just outlined.</p> <p>20 That process was followed for the Unchartered Grange in</p> <p>21 2012, correct?</p> <p>22 MR. LAPCEVIC: Vague.</p> <p>23 THE WITNESS: I can't answer that without knowing</p> <p>24 specifically what you're relating to.</p> <p>25 Q. BY MR. JENSEN: Okay. So as you sit here today,</p>	<p style="text-align: right;">64</p> <p>1 Grange during that particular time?</p> <p>2 MR. LAPCEVIC: Ambiguous as to process for what?</p> <p>3 Q. BY MR. JENSEN: We're talking about internal</p> <p>4 proceedings against members, right?</p> <p>5 A. Relating to the judicial code, correct?</p> <p>6 Q. That's right, sir.</p> <p>7 A. We did not use a process in 2012 relating to the</p> <p>8 National Digest of Laws, judicial code.</p> <p>9 Q. What process was used by the Unchartered Grange</p> <p>10 during that time?</p> <p>11 A. I'm not aware that -- I'm not aware that we had to</p> <p>12 use -- we had any trials in 2012.</p> <p>13 Q. Sure. So now we have a matter of semantics for</p> <p>14 instance. No one -- that process wasn't used during that</p> <p>15 time frame as far as you can recall, correct?</p> <p>16 MR. LAPCEVIC: It's not semantics if it's your</p> <p>17 question so --</p> <p>18 MR. JENSEN: Right.</p> <p>19 MR. LAPCEVIC: -- focus it in if you want him to</p> <p>20 answer the question.</p> <p>21 Q. BY MR. JENSEN: Go ahead. So you didn't use that</p> <p>22 process to the best of your recollection during the</p> <p>23 timeframe October of 2011 through October of 2012,</p> <p>24 correct?</p> <p>25 A. That's correct.</p>

<p style="text-align: right;">65</p> <p>1 Q. Hypothetically if a trial's -- sorry -- a charge 2 was leveled against another member, would you use that 3 process for the Unchartered Grange through 2011 and 2012? 4 MR. LAPCEVIC: Lacks foundation, calls for 5 speculation. It's an incomplete hypothetical. He's not 6 an expert witness. 7 THE WITNESS: I would not. 8 Q. BY MR. JENSEN: Okay. What process would you use? 9 A. I would bring the disputing parties together and 10 resolve their issues. 11 Q. Okay. What if that didn't work? 12 MR. LAPCEVIC: Once again, same objection. 13 Incomplete hypothetical. 14 THE WITNESS: I have no reference because it's 15 never failed to work in the past. 16 Q. BY MR. JENSEN: Okay. Would you follow the Digest 17 of Laws in terms of the internal procedures that are 18 outlined for trials if it didn't work? 19 MR. LAPCEVIC: Lacks foundation, calls for 20 speculation, incomplete hypothetical. 21 THE WITNESS: Would I use the Digest of Laws. The 22 Digest of Laws of the National Grange, the total process 23 does not conform to the laws of the State of California, 24 so I would not use it. 25 Q. BY MR. JENSEN: Okay. And once again, I don't</p>	<p style="text-align: right;">67</p> <p>1 A. Mr. Jensen, I'm not able to answer your question. 2 MR. JENSEN: Good time to take a break. 3 (Recess taken from 10:33 a.m. until 10:57 a.m.) 4 Q. BY MR. JENSEN: Earlier this morning you testified 5 that -- in response to one of my questions about the 6 National Grange that it is a collective of affiliated 7 granges. Do you recall that testimony? 8 A. Um-hum. 9 Q. What did you mean by that? 10 A. I don't know how many granges there are across the 11 country. I think there's 36 or 37 state granges and then 12 within the states themselves there are the community 13 granges, and we all work together. We have legislative 14 programs we work on. We have many common interests. 15 Sometimes not so common interests. We both -- we all 16 share the same history. 17 Q. That history is being a member of the Grange, 18 right? 19 A. The Grange history, yes. 20 Q. Okay. And you used the word "affiliated," 21 collective affiliated granges. What do you mean by that? 22 A. I just don't know what else to call it. 23 Q. Okay. Now, do you know if those other affiliated 24 granges are following the Digest of Laws, Exhibit 139? 25 MR. LAPCEVIC: Lacks foundation, calls for</p>
<p style="text-align: right;">66</p> <p>1 want to learn anything that you learned from your lawyer. 2 If you've reached that determination on your own that that 3 Digest of Laws don't apply then I'm entitled to understand 4 what your independent determination is based on. 5 MR. LAPCEVIC: If you can answer that outside of 6 what you've learned from our firm, Mr. Swanson's firm then 7 go ahead. If not -- 8 THE WITNESS: To the extent that I can answer it 9 outside of attorney/client privilege -- 10 MR. LAPCEVIC: If you can't answer it from 11 something you've not learned from us then -- if you can't 12 answer the question in full based on your knowledge of 13 what you've learned through conversations from us then you 14 can't answer it. 15 MR. JENSEN: Exactly. 16 THE WITNESS: Only to the -- I can only answer 17 that question to the -- 18 Q. BY MR. JENSEN: I don't want to learn about 19 anything that you've learned from your lawyer. It's 20 simple. If you've come to an independent determination 21 about that subject matter, you've reached your own 22 conclusions outside things you've learned from your 23 lawyer, I'm entitled to learn that. Otherwise, I don't 24 want to learn -- I don't want to hear it, okay. So that's 25 how it goes.</p>	<p style="text-align: right;">68</p> <p>1 speculation. If you know. 2 THE WITNESS: I do not know. 3 Q. BY MR. JENSEN: Okay. So you don't know what the 4 relationship between the National Grange, for instance, is 5 and -- sorry, strike that. 6 You don't know what the relationship between the 7 National Grange and these other affiliated granges in the 8 various states would be, correct? 9 A. What their relationship would be? 10 Q. Right. 11 A. Not to any certainty. 12 Q. Okay. Are you aware of any documents that show 13 this affiliation between the various granges and the 14 National Grange? 15 MR. LAPCEVIC: Lacks foundation, calls for 16 speculation. 17 THE WITNESS: Outside of the Digest of Laws which, 18 again, in California after our own bylaws we use as a 19 guide, there are things like how to grow membership, youth 20 programs, suggestions for youth programs, newsletters, 21 things of those types of documents. 22 Q. BY MR. JENSEN: Okay. And in terms of the 23 Unchartered Grange there's also its internal documents, 24 Digest of Laws for instance, that we've gone through here, 25 correct?</p>

<p>69</p> <p>1 A. Yes.</p> <p>2 Q. Its bylaws, correct?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Anything else that comes to mind?</p> <p>5 A. Anything else that comes to mind ...</p> <p>6 Q. In terms of documents that talk about this</p> <p>7 collective between the National Grange and a state grange</p> <p>8 based on your own knowledge.</p> <p>9 MR. LAPCEVIC: Lacks foundation in the sense of --</p> <p>10 or it's ambiguous as to "collective." I believe he used</p> <p>11 the terms affiliates or affiliation this morning.</p> <p>12 MR. JENSEN: He used the term collective of</p> <p>13 affiliates, if I recall the testimony that established --</p> <p>14 THE WITNESS: Not any other documents that I can</p> <p>15 recall.</p> <p>16 Q. BY MR. JENSEN: Thank you, sir.</p> <p>17 (Exhibit 154 was erroneously marked for</p> <p>18 identification.)</p> <p>19 Q. BY MR. JENSEN: Sir, have you seen this document,</p> <p>20 Exhibit 154, before we take a look at it?</p> <p>21 (Discussion off the record.)</p> <p>22 (Exhibit 154 was remarked as Exhibit 155 for</p> <p>23 identification.)</p> <p>24 MR. JENSEN: Just so the record is clear, we had</p> <p>25 previously identified a document. It is, let's see, nine</p>	<p>71</p> <p>1 Q. That's a yes?</p> <p>2 A. Yes.</p> <p>3 Q. One of the things I forget to tell you, and as we</p> <p>4 go along today I may remind you of, that inaudible answers</p> <p>5 don't transcribe well. So to the extent I tell you that,</p> <p>6 I'm not trying to be rude. I'm just trying to get a clear</p> <p>7 record, okay?</p> <p>8 A. All right.</p> <p>9 Q. Now, we talked about in 2008 -- strike that.</p> <p>10 Go back. In 2008 were you a member of the</p> <p>11 executive committee of the Unchartered Grange?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Now, you were, as we talked about earlier,</p> <p>14 elected as the president of the Unchartered Grange,</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. And at that time you were administered an oath,</p> <p>18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. Is the oath that is outlined on page 3 of</p> <p>21 Exhibit 155 the same oath that was administered to you</p> <p>22 when you became the president in 2009?</p> <p>23 A. I recognize this oath or one substantially</p> <p>24 similar. I was administered an oath when I was installed</p> <p>25 as the president. I cannot with certainty say this is the</p>
<p>70</p> <p>1 pages in length. We had identified it as Exhibit 154. It</p> <p>2 is erroneously marked as 154. It is Exhibit 155, and the</p> <p>3 witness has that particular document in front of him, the</p> <p>4 heading being "Installation of Officers."</p> <p>5 Q. Sir, you have in front of you Exhibit 155,</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. And it has a title "Installation of Officers,"</p> <p>9 correct?</p> <p>10 A. Yes.</p> <p>11 Q. And have you seen this document before?</p> <p>12 A. I can't say I've seen this specific document, but</p> <p>13 I've seen documents very similar.</p> <p>14 Q. Similar to Exhibit 155, correct, sir?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And pay attention to page 3 under the</p> <p>17 heading "Oath." I want you to take -- it goes onto page</p> <p>18 4. I would like you to take an opportunity and read that</p> <p>19 particular provision, sir, and let me know when you have,</p> <p>20 okay?</p> <p>21 A. All right. (Witness reviews document.) All</p> <p>22 right.</p> <p>23 Q. You and I spoke about an oath earlier this</p> <p>24 morning, correct?</p> <p>25 A. Um-hum.</p>	<p>72</p> <p>1 exact oath because I know that there are various versions</p> <p>2 of this oath.</p> <p>3 Q. But certainly it looks similar to the oath you</p> <p>4 would have been administered at the time in 2009, correct?</p> <p>5 A. Yes, it does.</p> <p>6 Q. And that would be similar to the oath that you</p> <p>7 were administered in 2011, correct?</p> <p>8 A. I believe so.</p> <p>9 Q. Back to Exhibit 140 for a moment. Under Section</p> <p>10 14.12 B -- I'm sorry, just 14.12.</p> <p>11 A. Do you happen to have a page?</p> <p>12 Q. Yeah, it's on page 22, and that's Exhibit Number</p> <p>13 140.</p> <p>14 MR. LAPCEVIC: 14.12?</p> <p>15 MR. JENSEN: Yeah, page 22.</p> <p>16 THE WITNESS: You said B, correct?</p> <p>17 Q. BY MR. JENSEN: No, just 14.12 in general, that</p> <p>18 provision. Are you with me?</p> <p>19 A. Yes.</p> <p>20 Q. You would agree that that section says "Duties of</p> <p>21 the Executive Committee," correct?</p> <p>22 MR. LAPCEVIC: The document speaks for itself.</p> <p>23 THE WITNESS: Yes.</p> <p>24 Q. BY MR. JENSEN: And you would agree with me that</p> <p>25 in 2012 the executive committee had duties, correct?</p>

<p style="text-align: right;">73</p> <p>1 A. Yes.</p> <p>2 Q. And you would agree with me that the duties of the</p> <p>3 executive committee were outlined in Section 14.12 of the</p> <p>4 Digest of Laws, correct?</p> <p>5 MR. LAPCEVIC: Lacks foundation and calls for</p> <p>6 speculation, calls for a legal conclusion. And to the</p> <p>7 extent that you can answer that question outside of what</p> <p>8 you have learned from counsel then go ahead.</p> <p>9 THE WITNESS: I'm sorry, Mr. Jensen, could you</p> <p>10 please repeat the question?</p> <p>11 Q. BY MR. JENSEN: Sure. We can just freeze frame it</p> <p>12 here. You became a member of the executive committee in</p> <p>13 2008, right?</p> <p>14 A. I believe so.</p> <p>15 Q. And, for instance, in 2008 did you review the</p> <p>16 Digest of Laws for the Unchartered Grange?</p> <p>17 A. It's very likely that I at least reviewed some of</p> <p>18 the digest.</p> <p>19 Q. Were you aware that as an executive committee</p> <p>20 member at that time you would have duties?</p> <p>21 A. Yes.</p> <p>22 Q. And you believe that where you would go to look to</p> <p>23 see what those duties were would be the Digest of Laws for</p> <p>24 the Unchartered Grange?</p> <p>25 A. That would be a source.</p>	<p style="text-align: right;">75</p> <p>1 the executive committee's duties -- for the executive</p> <p>2 committee's duties?</p> <p>3 A. Our bylaws, California State Grange Bylaws.</p> <p>4 Q. And you're referring to current bylaws; is that</p> <p>5 what you're saying?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Okay. Anything else other than what we've already</p> <p>8 talked about here today?</p> <p>9 A. I would likely -- if given the time, I would</p> <p>10 likely sit down with any new executive committee members,</p> <p>11 review the minutes of the last year or two. Also review</p> <p>12 facts related to our legal issues.</p> <p>13 Q. Now, in terms of those minutes, the minutes</p> <p>14 themselves don't say what a duty of an executive committee</p> <p>15 would be, correct?</p> <p>16 A. I think they are a good source of -- to identify</p> <p>17 the duties of an executive committee member.</p> <p>18 Q. Because they show what the executive committee</p> <p>19 did, right?</p> <p>20 A. Yes, sir, and also the process, which is very</p> <p>21 important.</p> <p>22 Q. Certainly. So in terms of when you're reviewing</p> <p>23 those, you're seeing what an executive committee member</p> <p>24 would do in that role, correct?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">74</p> <p>1 Q. Okay. Is there any other source of what the</p> <p>2 duties would be for an executive committee for the</p> <p>3 Unchartered Grange, where that would be located?</p> <p>4 A. Mentoring of other executive committee members.</p> <p>5 Q. Okay. What about a document though?</p> <p>6 A. I would be more familiar, for example, with the</p> <p>7 minutes of previous executive committee meetings. I was</p> <p>8 the public relations director for the California State</p> <p>9 Grange I believe at that time, so I was responsible for</p> <p>10 writing articles about the general actions of the</p> <p>11 executive committee.</p> <p>12 Q. Anything else?</p> <p>13 A. No.</p> <p>14 Q. And, for instance, from the time you became a</p> <p>15 member of the executive committee in 2008 through current,</p> <p>16 has there been any change in the documents you've looked</p> <p>17 to to see what the duties are of an executive committee</p> <p>18 member?</p> <p>19 MR. LAPCEVIC: Assumes facts not in the record.</p> <p>20 THE WITNESS: Did you say current or --</p> <p>21 Q. BY MR. JENSEN: From 2008 when you became a member</p> <p>22 of the executive committee through to today, are there any</p> <p>23 different documents -- sorry, strike that.</p> <p>24 Through 2008 through current, are there any</p> <p>25 different documents that you would look at as a member of</p>	<p style="text-align: right;">76</p> <p>1 Q. Okay. Not per se there being some written</p> <p>2 language that this is the duty of an executive committee</p> <p>3 member, correct?</p> <p>4 MR. LAPCEVIC: If you know.</p> <p>5 THE WITNESS: There is no clear set of</p> <p>6 instructions, you know, a primer for executive committee</p> <p>7 members that I can relate to.</p> <p>8 Q. BY MR. JENSEN: How about Section 14.12 that you</p> <p>9 have right in front of you, page 22.</p> <p>10 A. I think that it is a good general description of</p> <p>11 the responsibilities -- this is California State Grange</p> <p>12 Bylaws, correct?</p> <p>13 Q. Yes, sir.</p> <p>14 A. And I think it's a good general description of the</p> <p>15 responsibilities of the executive committee.</p> <p>16 Q. And, for instance, in 2012 -- we've gone over</p> <p>17 this -- and this document would be in effect from October</p> <p>18 of 2011 through October of 2012. This would be a</p> <p>19 description of the duties of the executive committee,</p> <p>20 correct?</p> <p>21 MR. LAPCEVIC: Calls for a legal conclusion. And</p> <p>22 if you know outside the conversations with counsel</p> <p>23 regarding duties, you can answer.</p> <p>24 MR. SWANSON: Object as vague.</p> <p>25 THE WITNESS: There are -- because of the legal</p>

<p style="text-align: right;">77</p> <p>1 issues between the California State Grange and the 2 National Grange, we have been advised by our legal 3 counsel. 4 MR. SWANSON: Whoa, whoa, whoa, whoa. 5 Q. BY MR. JENSEN: I don't -- once again -- 6 MR. SWANSON: So let's just go back to the 7 question. 8 Q. BY MR. JENSEN: Let's set some ground rules here. 9 Listen and I'll make the question simple. 10 A. I am, yes. 11 Q. If you were a member -- sorry. As a member of the 12 executive committee in January of 2012, was Section 14.12 13 of the Digest of Laws a document that you relied on for 14 the duties as an executive committee member? 15 A. Insofar as this document corresponds to the laws 16 of the State of California and our nation, yes. 17 MR. SWANSON: How did you like my "whoa, whoa, 18 whoa" objection. 19 MR. JENSEN: That's one of the best I've ever 20 heard. 21 MR. LAPCEVIC: Highly technical. 22 MR. JENSEN: I think I got it. Hopefully the 23 record will reflect it clearly. 24 MR. SWANSON: I'm sure it did. 25 Q. BY MR. JENSEN: You were a mas -- sorry. Strike</p>	<p style="text-align: right;">79</p> <p>1 whether or not the president was a member of the executive 2 committee in 2012? 3 A. I don't believe so. 4 Q. Okay. But in 2012, for instance, when the 5 executive committee met, you were present at those 6 meetings, correct? 7 A. Did you say I was present? 8 Q. Yeah. 9 A. Yes. 10 Q. Okay. And if a vote was undertaken, would you 11 vote? 12 A. Yes. 13 Q. So fair statement that you were under the 14 impression that you were a member of the executive 15 committee during that timeframe? 16 A. No. 17 Q. So you took a vote, for instance, in 2012 not 18 being sure whether you were a member of the executive 19 committee? 20 A. Yes. 21 Q. Did you voice that to anyone? 22 A. Outside of attorney/client privilege, no. 23 Q. Of course I don't -- my same instruction remains, 24 and it's not going to change throughout the course of the 25 day. To the extent you've reached some type of conclusion</p>
<p style="text-align: right;">78</p> <p>1 that. 2 You were the president of the Unchartered Grange 3 in 2013, correct? 4 A. Yes. 5 Q. We'll get into this again I guess. Were you a 6 member of the executive committee in 2013 as well? 7 A. Mr. Jensen, I would answer in a similar way I have 8 in questions previous. 9 Q. The answer, if I understand it correctly, is you 10 can't because you believe that the sole repository of that 11 information would come from an attorney, correct? 12 A. Yes. 13 Q. Okay. And there's no one else at the Unchartered 14 Grange that can provide an answer on that subject matter? 15 A. Can you restate the question? 16 Q. Sure. For instance, is there anyone else at the 17 Unchartered Grange that can tell me whether the president 18 was also a member of the executive committee in 2013? 19 MR. LAPCEVIC: Calls for speculation. 20 THE WITNESS: I don't believe so. 21 Q. BY MR. JENSEN: Okay. Same question going back to 22 2012, for instance. Is there anyone else other -- you 23 know, anyone else outside lawyers that can tell me who -- 24 I'm sorry. Strike that. 25 Is there anyone outside of lawyers who can tell me</p>	<p style="text-align: right;">80</p> <p>1 or found some information outside of what you've learned 2 from lawyers, I'm entitled to it. That's why we're here 3 today. 4 A. I understand. What is my response then? 5 Q. The answer is no. 6 A. All right. 7 Q. Okay. I don't have to instruct you on how to 8 answer questions, but -- 9 MR. LAPCEVIC: If you can't answer it because you 10 have some sort of understanding from -- 11 THE WITNESS: I'll just say no. 12 MR. LAPCEVIC: Just say you can't answer. 13 THE WITNESS: All right. Okay. 14 Q. BY MR. JENSEN: Okay. In 2013 there have been 15 meetings of the executive committee; is that -- sorry, 16 strike that. 17 In 2013 there were meetings of the executive 18 committee of the Unchartered Grange, correct? 19 A. Yes. 20 Q. You attended those meetings, correct? 21 A. Yes. 22 Q. Did you vote at those meetings? 23 A. Yes. 24 Q. Did you voice to anyone, outside of your counsel, 25 that you were unsure whether or not you could vote at</p>

<p style="text-align: right;">81</p> <p>1 those meetings?</p> <p>2 A. No.</p> <p>3 Q. Did you voice to anyone outside of your lawyers</p> <p>4 your concern that you -- that you could be a member of the</p> <p>5 executive committee?</p> <p>6 MR. SWANSON: Object. Assumes facts.</p> <p>7 THE WITNESS: No.</p> <p>8 Q. BY MR. JENSEN: Okay. Do you think in 2012, for</p> <p>9 instance, any meeting that you attended and voted upon, do</p> <p>10 you think that that vote should have counted?</p> <p>11 MR. LAPCEVIC: Lacks foundation, calls for a legal</p> <p>12 conclusion.</p> <p>13 Q. BY MR. JENSEN: Anything you didn't learn from</p> <p>14 your lawyer.</p> <p>15 A. I can't answer that.</p> <p>16 Q. Because the sole repository of that information</p> <p>17 would come from information you learned from your lawyer,</p> <p>18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. Is there anyone that you're aware of at the</p> <p>21 California -- the Unchartered California State Grange that</p> <p>22 could answer that question?</p> <p>23 A. No.</p> <p>24 Q. And is it true that in October of 2013 you were</p> <p>25 elected as the president of the Unchartered Grange?</p>	<p style="text-align: right;">83</p> <p>1 a version of that script and simply modify the language or</p> <p>2 did you prepare a new document?</p> <p>3 A. A little of both.</p> <p>4 Q. Was a new document actually -- sorry, strike that.</p> <p>5 Is there a new business document for the</p> <p>6 Unchartered Grange prepared dealing with installation</p> <p>7 ceremonies?</p> <p>8 MR. LAPCEVIC: Ambiguous as to the term "business</p> <p>9 document." Just a document that holds that --</p> <p>10 Q. BY MR. JENSEN: A document that is retained and</p> <p>11 used by the Unchartered Grange.</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And that document is different than</p> <p>14 Exhibit 155, correct?</p> <p>15 A. It's somewhat different.</p> <p>16 Q. Okay. And how is it different than Exhibit 155?</p> <p>17 A. My recollection is is that it tries to better</p> <p>18 define the references to the Gods of Agriculture.</p> <p>19 Q. Okay.</p> <p>20 A. Bring them kind of more into a modern context</p> <p>21 relating to farming.</p> <p>22 Q. Okay.</p> <p>23 A. And it also abbreviates I believe the actual</p> <p>24 section called "The Oath." And I don't know the specifics</p> <p>25 of that.</p>
<p style="text-align: right;">82</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Was there an installation ceremony?</p> <p>3 A. Yes.</p> <p>4 Q. Was there an oath administered?</p> <p>5 A. Give me a moment to recall.</p> <p>6 Q. Sure. No problem.</p> <p>7 A. Yes.</p> <p>8 Q. Was the installation ceremony different than those</p> <p>9 that happened in 2011?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. How was the installation ceremony different</p> <p>12 in 2011?</p> <p>13 A. We removed all references to a National Grange for</p> <p>14 our installation ceremonies.</p> <p>15 Q. Who administered the installation ceremony in</p> <p>16 2013?</p> <p>17 A. I believe it was Leo Bergeron.</p> <p>18 Q. Okay. Other than removing reference to the</p> <p>19 National Grange, was there anything different in terms of</p> <p>20 the installation ceremony in 2013?</p> <p>21 A. I believe we did not completely use the script</p> <p>22 that is in the document you showed me.</p> <p>23 Q. Exhibit 155?</p> <p>24 A. 155. I believe we altered it.</p> <p>25 Q. Did you take -- in terms of process, did you take</p>	<p style="text-align: right;">84</p> <p>1 Q. When you say you don't know the specifics of that,</p> <p>2 you're referring to -- specifically to the abbreviation of</p> <p>3 the language contained in the oath, correct?</p> <p>4 A. That's correct, and --</p> <p>5 Q. What you're telling me is you don't know as you</p> <p>6 sit here today the exact language that was abbreviated; is</p> <p>7 that fair?</p> <p>8 A. Yeah.</p> <p>9 Q. Okay. For instance, was the language, "I will</p> <p>10 support the Constitution and By-Laws of the National</p> <p>11 Grange" removed from the oath?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. What was the process by which that</p> <p>14 occurred, changing of the oath?</p> <p>15 A. There were some members that wanted to work on</p> <p>16 that voluntarily, and they -- to the best of my knowledge</p> <p>17 they pretty much crafted the document. Several of us</p> <p>18 involved in the installation ceremony reviewed it and ...</p> <p>19 Q. For instance, the change in the oath, that wasn't</p> <p>20 something that was voted upon by delegates at a</p> <p>21 convention, correct?</p> <p>22 A. Yes, it was.</p> <p>23 Q. It was? Okay. What convention did that occur at?</p> <p>24 A. It was 2013.</p> <p>25 Q. <u>So the October 2013 convention you believe that</u></p>

<p style="text-align: right;">85</p> <p>1 <u>the change in the oath, that was voted on by the</u> 2 <u>delegates?</u> 3 A. Yes. 4 Q. <u>Okay. So in terms of a formal process, it was</u> 5 <u>actually turned over to the delegate body to determine</u> 6 <u>whether or not that change should be made, correct?</u> 7 A. <u>My recollection is is that there were a couple of</u> 8 <u>motions that year that were voted on by the delegates to</u> 9 <u>remove references from the National Grange from our</u> 10 <u>documents.</u> 11 Q. <u>Was it a blanket -- I guess what's the right word</u> 12 <u>that you used again. Maybe use that word for me --</u> 13 <u>resolution; is that a fair word? Is it a blanket</u> 14 <u>resolution to remove all reference to the National Grange</u> 15 <u>in any document of the Unchartered Grange?</u> 16 A. <u>There were several resolutions.</u> 17 Q. <u>Okay. Well, is that a fair characterization: To</u> 18 <u>remove all reference to the National Grange?</u> 19 A. <u>Documents.</u> 20 Q. <u>Right.</u> 21 A. <u>Yes.</u> 22 Q. <u>Okay. Other than the removal of the references to</u> 23 <u>the National Grange, was there any other changes that</u> 24 <u>you're aware of as relates to the oath?</u> 25 A. <u>In general our new bylaws reflected that we were</u></p>	<p style="text-align: right;">87</p> <p>1 delegate body to recognize that we were no longer 2 affiliated with the National Grange. 3 Q. Right. So this vote by the delegate body in 4 October of 2013 recognized that the Unchartered Grange was 5 no longer affiliated with the National Grange, correct? 6 A. Because we had been revoked in April of 2013. 7 Q. The answer to my question is a yes though, right? 8 A. Yeah, that was a yes. 9 Q. Okay. As a master in 2013, you're still 10 considered to be -- sorry, strike that. 11 As the -- 12 MR. LAPCEVIC: President. 13 Q. BY MR. JENSEN: -- president of the Unchartered 14 Grange in 2013, that's still an officer position, correct? 15 A. Yes. 16 Q. And executive committee, that was also an officer 17 position in 2013, correct? 18 MR. LAPCEVIC: Calls for a legal conclusion. 19 THE WITNESS: I'd ask that you be more specific 20 about that last question. 21 Q. BY MR. JENSEN: I'm not asking about you 22 specifically. I'm asking about a member of the executive 23 committee. Would they be considered to be an officer of 24 the Unchartered Grange in 2013? 25 A. Members of the executive committee would be</p>
<p style="text-align: right;">86</p> <p>1 <u>not affiliated with any national organization. I think</u> 2 <u>that's more specific to the -- what was done.</u> 3 Q. As relates to the oath itself, do you think that 4 that change that you were no longer affiliated with the 5 national organization, do you believe that that language 6 is incorporated into the oath as well? 7 A. Yes. 8 Q. Okay. So there's kind of as we sit here today two 9 changes: Removal of reference to the National Grange in 10 the oath, correct? 11 A. Yes. 12 Q. And some additional language as it relates to no 13 affiliation with a national organization, correct? 14 A. Yes. 15 Q. Okay. Anything else? 16 A. There were -- there were specific changes to our 17 bylaws that recognized the fact that we were -- we were 18 now a California corporation independent of any 19 affiliation with the National Grange. 20 Q. Okay. We'll get there. But in terms of these 21 changes to the oath, your testimony here today is that the 22 delegate body of the Unchartered Grange in October of 2013 23 passed those changes via vote, correct? 24 A. It's not specific to how the -- how the language 25 was changed. It relates to the general action of the</p>	<p style="text-align: right;">88</p> <p>1 considered to be officers of the California State Grange 2 in 2013. 3 Q. Right. And executive committee members of the 4 Unchartered Grange in 2012 would also be considered to be 5 members -- sorry -- officers of the -- of the business, 6 correct? 7 A. Yes. 8 Q. Okay. Do you think that there -- there was a, 9 quote, bylaw change, using your words. That happened in 10 October of 2013, correct? 11 A. Yes. 12 Q. So from the period between October of 2011 up 13 through the period of October of 2013, there were bylaws 14 in place during that time, correct? 15 A. Yes. 16 Q. And those were the same as Exhibit Number 140 that 17 you and I have been going over together, correct? 18 A. Mr. Jensen, what is the date on that exhibit? 19 Q. The Exhibit 140 is titled Digest of Laws 20 California State Grange, 2011 Edition. 21 A. Yes. 22 Q. So the 2011 edition of the Digest of Laws would 23 have been in effect during the October 2012 to 24 October 2013 timeframe, correct? 25 MR. SWANSON: Object as vague.</p>

<p style="text-align: right;">89</p> <p>1 MR. LAPCEVIC: And calls for a legal conclusion.</p> <p>2 THE WITNESS: Of the California State Grange, yes.</p> <p>3 Q. BY MR. JENSEN: Right. Once again, I'm referring</p> <p>4 here to Exhibit number 140, right, sir?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Okay. In 2013 who were the officers of the</p> <p>7 Unchartered Grange?</p> <p>8 A. To the best of my recollection, myself, John</p> <p>9 Luvaas, Damian Parr, Takashi Yogi, Kathy Bergeron, Bill</p> <p>10 Thomas. Did I say Damian Parr?</p> <p>11 Q. You did.</p> <p>12 A. I know I'm leaving one or two people out here.</p> <p>13 Lawrence Jaffe.</p> <p>14 Q. What position did he hold?</p> <p>15 A. Executive committee. Now, did you want the rest</p> <p>16 of the officers?</p> <p>17 Q. The ones you can recall, sir.</p> <p>18 A. Gary Abreim. Sara Godley. Diane -- I'm sorry, I</p> <p>19 can't remember her last name. Annie Waters. And the rest</p> <p>20 I think primarily was ceremonial offices, and I do not</p> <p>21 recall.</p> <p>22 Q. So in terms of position as president, between</p> <p>23 October of 2011 and 2012 we went through the various</p> <p>24 duties that a president would have, correct?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">91</p> <p>1 you received from a lawyer?</p> <p>2 A. Yes.</p> <p>3 Q. Is there anyone at the Unchartered Grange that has</p> <p>4 any information, outside of lawyers, regarding these</p> <p>5 inconsistencies and changes in duties?</p> <p>6 A. Not that I'm aware of.</p> <p>7 Q. So was there any actual change in duties as you</p> <p>8 sit here today that you're aware of for president between</p> <p>9 October 2012 and October 2013?</p> <p>10 A. I can't answer that.</p> <p>11 Q. Did you do -- hold on.</p> <p>12 MR. LAPCEVIC: I think I can --</p> <p>13 MR. JENSEN: But I think I can fix it.</p> <p>14 Q. Did you do anything different in terms of your</p> <p>15 operations day to day between October of 2012 and October</p> <p>16 of 2013? And just so we're clear here, you were, in fact,</p> <p>17 the president during that timeframe, right?</p> <p>18 A. Yes.</p> <p>19 Q. Did you do anything different during October of</p> <p>20 2012 and October of 2013?</p> <p>21 A. Yes.</p> <p>22 Q. What was that?</p> <p>23 A. I can't answer that.</p> <p>24 Q. I am capable unfortunately of understanding</p> <p>25 exactly what you did differently. That's not subject to</p>
<p style="text-align: right;">90</p> <p>1 Q. Okay. Now, between October of 2012 and October of</p> <p>2 2013, did the duties in the position of president change</p> <p>3 at all?</p> <p>4 A. Yes.</p> <p>5 Q. What change in duties between October of 2012 and</p> <p>6 October of 2011 that you recall as you sit here today?</p> <p>7 MR. SWANSON: Wait, I'm sorry. Just say the --</p> <p>8 can you read it back?</p> <p>9 Q. BY MR. JENSEN: October of 2012 through October of</p> <p>10 2013.</p> <p>11 A. We became aware, meaning myself and the executive</p> <p>12 committee, of inconsistencies between the National Grange</p> <p>13 Digest of Laws and California State law that affected some</p> <p>14 of the duties of the president and the executive</p> <p>15 committee.</p> <p>16 Q. Well, let's freeze frame now just on -- on the</p> <p>17 president and we'll go to the executive committee second.</p> <p>18 What were the inconsistencies between -- that you outlined</p> <p>19 here that resulted in a change of duties?</p> <p>20 A. I cannot answer that.</p> <p>21 Q. And the reason why you can't answer that is</p> <p>22 because it's information that you received from a lawyer?</p> <p>23 A. Yes.</p> <p>24 Q. And the sole repository of that information as</p> <p>25 relates to these inconsistencies are communications that</p>	<p style="text-align: right;">92</p> <p>1 any privilege that I'm aware of, so you're going to have</p> <p>2 to answer that question, sir. What did you do</p> <p>3 differently?</p> <p>4 MR. LAPCEVIC: If you had different</p> <p>5 responsibilities to the organization on your day-to-day</p> <p>6 role as the president --</p> <p>7 MR. SWANSON: He's asking for what actions did</p> <p>8 you --</p> <p>9 MR. JENSEN: That's right.</p> <p>10 MR. LAPCEVIC: Yeah, what actions actively did you</p> <p>11 do.</p> <p>12 MR. JENSEN: That were different.</p> <p>13 THE WITNESS: That were different?</p> <p>14 Q. BY MR. JENSEN: That's right.</p> <p>15 A. Okay. We talked earlier about the judicial</p> <p>16 process.</p> <p>17 Q. Okay.</p> <p>18 A. Here we go. On the advice of my counsel --</p> <p>19 Q. Wait a second. Wait a second. Hold on. Okay.</p> <p>20 I'm going to be very clear here. And I think I have been</p> <p>21 clear, and I don't want to invade any privileges. What</p> <p>22 actions -- you -- what did you do that was different.</p> <p>23 That's what I'm asking.</p> <p>24 MR. SWANSON: As president.</p> <p>25 MR. JENSEN: That's right.</p>

<p style="text-align: right;">93</p> <p>1 THE WITNESS: I changed the -- I changed my 2 thinking in terms of what authority I had and did not have 3 over the governance of the California State Grange and our 4 members as they related to inconsistencies between 5 California corporate law and the Digest of Laws. 6 Q. BY MR. JENSEN: Okay. We're running in circles 7 here. Actions, what did you do different? What did you 8 actually do that was different between October of 2012 and 9 October of 2013 in your position -- in your position as 10 president of the Unchartered Grange? 11 MR. LAPCEVIC: If I can just try and shortcut this 12 here. Mr. McFarland, if you didn't make coffee prior to 13 2013 and you did make it after, things that you did day to 14 day. If something changed, he's entitled to know. 15 MR. JENSEN: I think the question was very clear. 16 THE WITNESS: I will try -- I will try to answer 17 the question. I'm sorry, but I'm confused by my 18 instructions from my attorneys and your questions. 19 Q. BY MR. JENSEN: I oftentimes find them very 20 confusing. I'll stipulate to that. 21 Now, once again, actions, things that you did -- 22 A. All right. 23 Q. -- between October of 2012, October of 2013. What 24 were they? How were they different? 25 A. Let me try and answer and to the best of my</p>	<p style="text-align: right;">95</p> <p>1 focusing on actions. Judicial process was no longer 2 followed -- 3 MR. SWANSON: You're asking him what he did as 4 president that was different, right? 5 MR. JENSEN: Right. What you said is preserved. 6 I'm not here to argue with you. 7 Q. Once again, the judicial process was not followed, 8 correct? 9 A. That's correct. 10 Q. The Digest, meaning I believe both Exhibits 139 11 and 140, to the extent it dealt with removal of officers 12 or directors was not followed, correct? 13 A. We didn't remove any officers, so I think it's 14 more a question of -- I think it's more of what we did is 15 we educated ourselves in that had we followed through a 16 trial process, we would not have used the Digest because I 17 believe it's inconsistent with California law. 18 Q. Okay. And in terms of your understanding of how 19 it's inconsistent with California law, does the sole 20 repository of that information come from information you 21 learned from a lawyer? 22 A. Let me think. Could you please repeat the 23 question? 24 Q. Sure. In terms of your determination, you made a 25 determination at least sitting here as you're testifying</p>
<p style="text-align: right;">94</p> <p>1 recollection. We did not follow the National Grange 2 judicial process in terms of trials. We did not use the 3 Digest in terms of whether or not we can remove officers. 4 Q. Once again, you're referring to the Digest of Laws 5 of the Order of Patrons of Husbandry, Exhibit 139, 6 correct? 7 A. Our California State Grange Bylaws and as they 8 relate to the National Grange Bylaws. 9 Q. Both documents then, right, sir? 10 A. Yes. 11 Q. And that's, once again, Exhibit 139 and 12 Exhibit 140, correct? 13 A. I think you're correct. 140 was the California -- 14 Q. Yes, sir. 15 A. Okay. And -- 16 MR. LAPCEVIC: And, Martin, just for clarification 17 of the question, that's through October of 2013, right? 18 MR. JENSEN: Yep. 19 MR. LAPCEVIC: For the Exhibit 141? 20 MR. JENSEN: Yes, sir. 21 THE WITNESS: We changed our bylaws in October of 22 2013. That's different because we hadn't -- I don't think 23 we had done that before, at least not in that broad scope. 24 MR. SWANSON: Move to strike as nonresponsive. 25 Q. BY MR. JENSEN: All right. Okay. Actions, we're</p>	<p style="text-align: right;">96</p> <p>1 today that there's inconsistencies between grange law and 2 California law; am I right about that? 3 A. Yes. 4 Q. Okay. Now, where did you learn that information 5 from? 6 MR. LAPCEVIC: And to the extent that you learned 7 that from your counsel, I'll instruct you not to answer 8 it. If you can answer it based on your own knowledge then 9 go ahead. 10 THE WITNESS: I can't answer that based on my own 11 knowledge. 12 Q. BY MR. JENSEN: Right. The sole repository of 13 that information came from lawyers, right? 14 A. Yes. 15 Q. Okay. Anybody else at the Unchartered Grange that 16 has any information on that subject matter that you're 17 aware of? 18 MR. LAPCEVIC: Calls for speculation. 19 THE WITNESS: Not that I'm aware of. 20 MR. SWANSON: Vague. 21 MR. JENSEN: I might want to try that -- give him 22 a fresh question. Repeat the question. 23 (Record read as follows: "Okay. Anybody else at 24 the Unchartered Grange that has any information on 25 that subject matter that you're aware of?")</p>

<p style="text-align: right;">97</p> <p>1 MR. LAPCEVIC: Same objection. 2 MR. SWANSON: Same objection. 3 THE WITNESS: Not that I'm aware of. 4 Q. BY MR. JENSEN: Okay. Anything else in terms of 5 actions that you recall as you sit here today that would 6 have been different in the October 2012 through 7 October 2013 timeframe, your position as president? 8 A. Yes, and they almost all relate to the revocation 9 of our charter in 2013 and our relationship with the 10 National Grange. 11 Q. Okay. Anything else? 12 A. Mr. Jensen, I'm going to ask you to please repeat 13 the question so that I have the specifics of the question. 14 Q. Okay. Is there anything that -- any actions that 15 you did differently in terms of being president of the 16 Unchartered Grange than what you already told me between 17 October 2011 and October of 2012 -- sorry -- October of 18 2012 to October of 2013? Go ahead. 19 A. This would include time after our charter was 20 revoked; is that correct? 21 Q. Yes. 22 A. We stopped paying dues to the National Grange. 23 Q. Okay. That happened for the first time during the 24 October 2012 to October 2013 timeframe? 25 A. To the best of my recollection.</p>	<p style="text-align: right;">99</p> <p>1 A. Yes. 2 Q. And that information was provided to you, i.e., 3 the financial information, in 2013? 4 A. Yes. 5 Q. Same question for 2014, was the financial 6 information provided to you as the president of the 7 Unchartered Grange? 8 A. Yes. 9 Q. Okay. On those financial statements, is there an 10 identification of the amount of money that has not been 11 provided to the National Grange? 12 A. I can't say that it's a particular line item on 13 our books, but I'm pretty confident it could be 14 calculated. 15 Q. As you sit here today, do you know how much money 16 the Unchartered Grange has withheld providing to the 17 National Grange? 18 A. I do not. 19 Q. Do you have an estimate for me? 20 A. Based on what we were paying to the National 21 Grange before our charter was revoked, I would say it's in 22 the neighborhood of \$100,000 per year. 23 Q. \$100,000 per full year of reporting and paying 24 dues, correct? 25 A. Yes.</p>
<p style="text-align: right;">98</p> <p>1 Q. Okay. So your testimony here today is that up to 2 that timeframe that the Unchartered Grange was current on 3 its dues owed to the National Grange? 4 A. I don't know. 5 Q. Who would know that? 6 A. Our office staff and somebody specific in our 7 office. I don't recall who that would have been at the 8 time. Possibly the secretary of the organization. 9 Q. And the Unchartered Grange prepares financial 10 statements, correct? 11 A. Yes. 12 Q. Okay. Do they use a specific software to prepare 13 financial statements to your knowledge? 14 A. Yes. 15 Q. Do they use QuickBooks for instance? 16 A. We were using -- it was not QuickBooks. And I 17 can't recall the name of the program. 18 Q. Okay. But they are using a program to track 19 income and expenses, correct? 20 A. Yes. 21 Q. Is that information provided to you as the 22 president of the Unchartered Grange? 23 A. Yes. 24 Q. And was that information provided to you as 25 president of the Unchartered Grange beginning in 2012?</p>	<p style="text-align: right;">100</p> <p>1 Q. Do you know, for instance, in the period of 2012 2 to 2013 -- focusing on that timeframe -- if certain of the 3 dues were provided to the National Grange? 4 A. I'm not sure if this answers your question, but 5 there -- it's difficult to calculate because some granges 6 in California, individual community granges were paying 7 their dues directly to the National Grange. 8 Q. Right. I understand that, but you; I'm talking 9 about the business that you were the president of. I'm 10 wondering if that business -- and you were running it at 11 the time as the president -- made payments to the National 12 Grange during 2012 that you're aware of. And this is for 13 dues. 14 MR. LAPCEVIC: At any point in 2012. 15 MR. JENSEN: Yeah. 16 THE WITNESS: I believe we did. 17 Q. BY MR. JENSEN: Okay. Do you have an estimate for 18 how much that would be? 19 A. I do not. 20 Q. Okay. And you don't have an estimate on the other 21 side of the coin as to how much money in terms of dues 22 that weren't paid over -- for the remainder of the 2012 23 period to the National Grange? 24 A. I don't have that information on the top of my 25 head.</p>

<p style="text-align: right;">101</p> <p>1 Q. Best estimate though as you sit here today it's 2 approximately a year -- a year's worth of dues 3 approximately is about \$100,000? 4 A. A full year's worth of dues from all granges would 5 be approximately 100,000. 6 MR. LAPCEVIC: To the California State Grange? 7 THE WITNESS: To the National Grange. 8 MR. JENSEN: National Grange. 9 Q. And, once again, just so I can try and find out 10 where this information is contained, who is the person 11 during the timeframe that we're talking about here who 12 would have the most knowledge on that subject matter? 13 A. That would be our -- that should be our 14 bookkeeper. 15 Q. And who is the person? 16 A. During that time I believe it was a combination of 17 John Hoag and Steve -- I can't remember his last name. 18 Q. Okay. Steve? 19 A. Sutton. Steve Sutton. 20 Q. Okay. Is Mr. Sutton still around such that we 21 could locate him? 22 A. I have not been able to locate him. 23 Q. Okay. Were these people, for instance, Mr. Hoag, 24 was he -- strike that. 25 Is Mr. Hoag an employee of the Unchartered Grange?</p>	<p style="text-align: right;">103</p> <p>1 I gave. 2 Q. BY MR. JENSEN: I understand that, but what I need 3 here is some level of specificity, if you can provide it 4 for me, sir. 5 A. Something more specific. Nothing that I can think 6 of other than what I related in my answers earlier. 7 Q. So it's a true statement that the president was 8 suspending some of the rules of the National Grange, 9 correct? 10 A. No. 11 MR. LAPCEVIC: Mischaracterizes testimony. 12 Q. BY MR. JENSEN: Okay. Weren't being -- 13 MR. LAPCEVIC: Calls for a legal conclusion. 14 Sorry. 15 MR. JENSEN: He already answered the question. 16 Q. But fair statement that the rules of the National 17 Grange, some of them were no longer being followed in the 18 2012 to October 2013 timeframe? 19 MR. SWANSON: Object. Assumes facts. 20 MR. LAPCEVIC: And it calls for a legal 21 conclusion. 22 THE WITNESS: As the National Grange Bylaws relate 23 to California State Grange, we believe some of those 24 bylaws do not relate or are not in compliance. And we 25 also believe that the National Grange Bylaws require us to</p>
<p style="text-align: right;">102</p> <p>1 A. He's a contractor. 2 Q. Independent contractor? 3 A. Yes. 4 Q. Was Mr. Sutton an independent contractor? 5 A. No. 6 Q. Was Mr. Sutton an employee? 7 A. Yes. 8 Q. Okay. And when was his employment relationship 9 terminated? 10 A. He quit I think it was a year ago, so about this 11 time 2014. 12 Q. Okay. And Mr. Hoag from that period in time from 13 today is now in that similar position in a contractor 14 capacity? 15 A. His title is bookkeeper. 16 Q. Okay. As relates to the executive committee, were 17 there any changes in the duties between October of 2012 18 and October of 2013? 19 MR. LAPCEVIC: And once again, ambiguous. You're 20 talking about just the activities of -- 21 MR. JENSEN: Acts. 22 MR. LAPCEVIC: -- how they managed the Grange or 23 the Unchartered Grange, as you call it. 24 MR. JENSEN: Um-hum. 25 THE WITNESS: They would be similar to the answers</p>	<p style="text-align: right;">104</p> <p>1 follow the laws of our state and nation. So I do not 2 believe I suspended the rules. I followed the rules. 3 Q. BY MR. JENSEN: Okay. There were some rules that 4 you didn't follow though, right? 5 MR. LAPCEVIC: Mischaracterizes his testimony. 6 It's argumentative. 7 THE WITNESS: Not that I'm aware of. 8 Q. BY MR. JENSEN: Okay. As you sit here today, 9 you're not aware of any rules that -- of the National 10 Grange that weren't followed by the Unchartered Grange? 11 A. That's correct. 12 Q. Okay. You were the master of the Unchartered 13 Grange in 2014, correct? 14 MR. LAPCEVIC: President. 15 Q. BY MR. JENSEN: President. 16 MR. SKINNER: Marty, sorry to interrupt. Could 17 you move the speaker phone a little closer to the witness 18 maybe? 19 MR. JENSEN: Yeah. We might have gotten off 20 there. 21 Q. So, once again, I'll ask the question. You were 22 the president of the Unchartered Grange in 2014, correct? 23 A. Yes. 24 Q. Okay. Your answer is similar here as to whether 25 or not -- I'll strike that.</p>

<p style="text-align: right;">105</p> <p>1 Who were the members of the executive committee at 2 that point in time? 3 A. Who were the members of the executive committee at 4 that point in time 2014? 5 Q. Yes, sir. 6 A. Jon Luvaas, Damian Parr, Takashi Yogi, Kathy -- 7 strike that. 2014. Bill Thomas and Lawrence Jaffe. 8 Q. Who was the overseer in 2014? 9 A. Kathy Bergeron. 10 Q. Is there a question in your mind as to whether the 11 overseer is a member of the executive committee? 12 A. Yes. 13 Q. Do you know if in 2014, for instance, whether the 14 overseer attended meetings of the executive committee? 15 A. She did. 16 Q. And do you know whether or not the overseer cast a 17 vote in those meetings? 18 A. She did. 19 Q. 2013, same opinion that question in your mind as 20 to whether the overseer is a member of the executive 21 committee? 22 A. Yes. 23 Q. Okay. And did the overseer attend meetings of the 24 executive committee? 25 A. Yes.</p>	<p style="text-align: right;">107</p> <p>1 conflict of interest that she recognized herself, I assume 2 she did not vote on all of those questions. 3 Q. Do you know if she voted on them? 4 A. I do not know completely because I was not allowed 5 to attend some of those meetings. 6 Q. Okay. So your point here to me is to the extent 7 she did vote on those subject matters, you believe her 8 vote should not count due to a conflict of interest, 9 correct? 10 A. I believe she and I are in agreement on that. 11 Q. That's what you're telling me here today in your 12 testimony; to the extent she voted on such matters, those 13 would result in a conflict of interest, correct? 14 A. Yes. 15 Q. And that her vote on such matters should not 16 count. 17 A. Yes. 18 Q. 2013, anything else in terms of votes that 19 shouldn't count for Ms. Stefenoni? 20 A. Well, there was the Minority Report. 21 Q. Was that a vote? 22 A. I believe that she exercised what she thought she 23 was right to -- her right to disagree with the -- what's 24 been called loosely the Majority Report, and I would call 25 that her exercising her vote.</p>
<p style="text-align: right;">106</p> <p>1 Q. And did the overseer cast votes? 2 A. Yes. 3 Q. Same thing 2012, there was an overseer, correct? 4 A. Yes. 5 Q. And did the overseer attend executive committee 6 meetings? 7 A. Some. 8 Q. Okay. Did the overseer cast votes in those 9 meetings? 10 A. Yes. 11 Q. Do you think the votes should count in 2012 that 12 were cast by the overseer? 13 MR. LAPCEVIC: Calls for a legal conclusion. 14 THE WITNESS: Honestly, not all votes. 15 Q. BY MR. JENSEN: Okay. Why should not all of the 16 votes cast by the overseer in 2012 count? 17 A. Because the overseer for much of that year was 18 Martha Stefenoni. She, herself, there was an 19 investigation ordered by Ed Luttrell using our executive 20 committee to investigate his charges brought to me in 21 October of 2011. 22 Martha Stefenoni was the source of those charges. 23 She stood to benefit by my removal from office. She 24 voluntarily said she would not vote on questions having to 25 do with the investigation. And because there was a</p>	<p style="text-align: right;">108</p> <p>1 Q. Do you recall as a member of the executive 2 committee there ever being a vote held on the subject 3 matter of a Minority Report? 4 A. No. 5 Q. In 2013 do you believe that the votes cast by the 6 overseer should count? 7 A. Yes. 8 Q. All of them? 9 A. Yes. 10 Q. And in 2014 do you believe that the votes cast by 11 the overseer should count? 12 A. Yes. 13 Q. And that's all of them. 14 A. Yes. 15 MR. JENSEN: I think this might be a logical 16 breakpoint. 17 (The luncheon recess was taken from 11:54 a.m. 18 until 1:08 p.m.) 19 Q. BY MR. JENSEN: Okay. We're back on the record. 20 Sir, you understand the rules that I administered 21 to you early on in the deposition still apply? 22 A. Yes. 23 Q. As I understand it, you have some testimony you'd 24 like to clarify; is that accurate? 25 A. Yes.</p>

<p style="text-align: right;">109</p> <p>1 Q. Okay. What would you like to clarify, sir?</p> <p>2 A. The question about whether or not I was a member</p> <p>3 of the executive committee are a bit confusing to me. And</p> <p>4 the reason is is that the bylaws say one thing. Our</p> <p>5 Articles of Incorporation say that there are five members</p> <p>6 of the executive committee. And I've always considered</p> <p>7 myself a member of the executive committee and I do have</p> <p>8 the right to vote on those questions.</p> <p>9 Q. Right. Let's mark as exhibit -- let's not mark.</p> <p>10 It's 142. Pull out Exhibit 142 in that book there.</p> <p>11 A. Okay.</p> <p>12 Q. That's the Articles of Incorporation for the</p> <p>13 Unchartered Grange, correct?</p> <p>14 A. Looks like them, yep.</p> <p>15 Q. Okay. And if you go to Section 12 on page 4.</p> <p>16 A. Section 12.</p> <p>17 Q. Page 4, right, sir?</p> <p>18 A. Yes.</p> <p>19 Q. That reads as follows: "That there shall be five</p> <p>20 (5)," and they put the brackets -- five in brackets --</p> <p>21 "directors; that the names and addresses of the persons</p> <p>22 who are appointed to act as the first directors are as</p> <p>23 follows," colon, and it has people who are directors.</p> <p>24 A. Yes.</p> <p>25 Q. Okay. That's saying that there is supposed to be</p>	<p style="text-align: right;">111</p> <p>1 THE WITNESS: I -- I don't know that to be the</p> <p>2 case.</p> <p>3 Q. BY MR. JENSEN: Okay. Back to Exhibit 140,</p> <p>4 please.</p> <p>5 A. Okay.</p> <p>6 Q. We've gone over this earlier in your deposition,</p> <p>7 right?</p> <p>8 A. Yes, we did.</p> <p>9 Q. And you're familiar with this document, right?</p> <p>10 A. Yes.</p> <p>11 Q. I think we established earlier that this Digest of</p> <p>12 Laws was in effect from October of 2011 all the way</p> <p>13 through October of 2013, correct?</p> <p>14 A. I don't believe so. Our charter was suspended in</p> <p>15 April of 2013. I believe I'm correct.</p> <p>16 Q. Your charter was suspended.</p> <p>17 A. Yes.</p> <p>18 Q. I don't disagree with you. Was this document, the</p> <p>19 Digest of Laws for the California State Grange,</p> <p>20 Exhibit 140, somehow affected by the revocation of the</p> <p>21 charter?</p> <p>22 MR. LAPCEVIC: Lacks foundation, calls for a legal</p> <p>23 conclusion. If you can answer that question outside of</p> <p>24 anything you may have learned from your counsel, go ahead.</p> <p>25 THE WITNESS: I would want an opportunity to study</p>
<p style="text-align: right;">110</p> <p>1 at minimum five directors for the Unchartered Grange,</p> <p>2 correct?</p> <p>3 A. I missed "minimum" in here. There shall be five</p> <p>4 directors, but the names and addresses -- it calls -- does</p> <p>5 it not call for five -- where is the language?</p> <p>6 Q. It says five.</p> <p>7 A. Where is the language that says it would be</p> <p>8 minimum?</p> <p>9 Q. So if you have more than five, that wouldn't</p> <p>10 violate that rule, would it?</p> <p>11 MR. LAPCEVIC: That calls for a legal conclusion.</p> <p>12 The document speaks for itself and he's telling you his</p> <p>13 understanding.</p> <p>14 THE WITNESS: (Witness reviews document.)</p> <p>15 Q. BY MR. JENSEN: Did you get the question there?</p> <p>16 Probably not.</p> <p>17 A. Mr. Jensen, I'm still looking for the word</p> <p>18 "minimum." I just didn't see it there.</p> <p>19 Q. I'm not saying the word "minimum" appears there.</p> <p>20 I'm saying if you have six directors, for instance, and</p> <p>21 it's calling for five, you would be -- you would be</p> <p>22 satisfying the rule that there be five directors, right?</p> <p>23 MR. LAPCEVIC: That's argumentative and calls for</p> <p>24 a legal conclusion. If you know that to be the case then</p> <p>25 you can answer.</p>	<p style="text-align: right;">112</p> <p>1 this and see if it did outside of the -- because of the</p> <p>2 revocation of the charter. But as you know, in October of</p> <p>3 2013, that year we did make changes to our --</p> <p>4 Q. BY MR. JENSEN: Well, I recognize that. And</p> <p>5 sometime in October there was a convention. October of</p> <p>6 2013 there was a convention.</p> <p>7 A. Yes.</p> <p>8 Q. Changes were made to the bylaws of the Unchartered</p> <p>9 Grange, correct?</p> <p>10 A. Yes.</p> <p>11 Q. So between the time of October of 2011 up until</p> <p>12 October of 2013, there were no changes that you're aware</p> <p>13 of as you sit here today, correct?</p> <p>14 A. That's correct, other than what might be affected</p> <p>15 by the revocation of the charter.</p> <p>16 Q. And as you sit here today, other than information</p> <p>17 you've learned from your lawyers, you have nothing else to</p> <p>18 add on that subject matter, do you?</p> <p>19 A. No.</p> <p>20 Q. Okay. Is there anybody else at the Unchartered</p> <p>21 Grange that has any information on that subject matter?</p> <p>22 A. Not that I'm aware of.</p> <p>23 Q. Okay. Now, if you look at this particular</p> <p>24 document, you would agree with me that it makes up the</p> <p>25 constitution of the Unchartered Grange?</p>

<p style="text-align: right;">113</p> <p>1 MR. LAPCEVIC: Lacks foundation, calls for a legal 2 conclusion, and it's ambiguous as to the word 3 "constitution," whether he has any understanding of that 4 word. 5 MR. JENSEN: Sure. 6 Q. Do you see the words "Constitution of the 7 California State Grange" on page -- 8 A. Yes. 9 Q. -- 3 of this document, sir? 10 A. Yes. 11 Q. Do you have any reason to doubt this document was 12 a constitution of the California State Grange as of 13 October 2011? 14 A. No. 15 Q. Do you have any reason to doubt that this document 16 was the constitution of the California -- sorry. Strike 17 that. 18 Do you have any reason to doubt that this was the 19 constitution of the Unchartered Grange all the way up 20 until October of 2013? 21 MR. SWANSON: Objection. Vague. 22 MR. LAPCEVIC: And it calls for a legal 23 conclusion. And outside anything you may have learned 24 from us, your counsel, you can answer it. Go ahead. 25 THE WITNESS: I can't answer that.</p>	<p style="text-align: right;">115</p> <p>1 A. We removed references to the National Grange and 2 we added a preamble that identified the bylaws as the 3 governing document of our organization. 4 Q. What document are you referring to that removed 5 references to the National Grange and the constitution of 6 the Unchartered Grange? 7 A. The constitution and the bylaws I believe. 8 Q. Okay. Maybe we can try and clear this up. I have 9 Exhibit 140 in front of you. Pull out Exhibit Number 141. 10 Do you have 141 in front of you? 11 A. Yes, I do. 12 Q. Maybe I missed it, but I don't see a constitution 13 in this particular document. 14 A. I don't see it either. 15 Q. Okay. Are you aware of any other written document 16 that contains the constitution at -- sorry. Strike that. 17 Let's go back to Exhibit 140 for a moment. Flip 18 back to 140. 19 A. Um-hum. 20 Q. Okay. Flip one more page. 21 A. Yes. 22 Q. You and I can agree that this particular document 23 contains the constitution, correct? 24 A. Yes. 25 Q. And that constitution is outlined in pages 3</p>
<p style="text-align: right;">114</p> <p>1 Q. BY MR. JENSEN: Once again, you can't answer that 2 question because any information you may have learned came 3 from your lawyers, correct? 4 A. Yes. 5 Q. Okay. And you're not aware of anybody at the 6 Unchartered Grange that has information regarding that 7 subject matter, are you? 8 A. I'm not. 9 Q. Okay. You would also agree with me that this 10 particular document, Exhibit 140, includes the bylaws for 11 the Unchartered Grange? 12 A. Yes, it does. 13 Q. Okay. And you would agree with me that these 14 bylaws remain unchanged from October of 2011 through 15 October of 2013? 16 A. Through half of October of 2013. 17 Q. Sure. I'll agree with you that in October of 2013 18 there was an amendment to the bylaws of the Unchartered 19 Grange. 20 A. Yes. 21 Q. Okay. Was there a change to the constitution of 22 the Unchartered Grange in October of 2013? 23 A. Yes. 24 Q. What change was made to the constitution of the 25 Unchartered Grange?</p>	<p style="text-align: right;">116</p> <p>1 through 8, correct? 2 MR. SWANSON: Did you say 3 through 8? 3 MR. JENSEN: Yeah, there's a page 3 that contains 4 the -- 5 MR. LAPCEVIC: 5 through 8. 6 MR. JENSEN: Well, I would say at the beginning it 7 itemizes the constitution on page 3, so ... 8 THE WITNESS: Yes, I'm pointing out that in my 9 copy page 8 is intentionally left blank, whatever that 10 means. 11 Q. BY MR. JENSEN: I don't know what that means. So 12 there was a constitution in the Exhibit 140, correct? 13 A. Yes. 14 MR. SWANSON: Objection. Vague. 15 Q. BY MR. JENSEN: You would agree with me that there 16 was a constitution contained in the Digest of Laws for the 17 California -- sorry -- for the Unchartered Grange from 18 2011 through 2013, correct? 19 MR. LAPCEVIC: Document speaks for itself. 20 THE WITNESS: There is a constitution in this 21 document identified as 140. 22 Q. BY MR. JENSEN: And that constitution remained 23 unchanged from October of 2011 through October of 2013, 24 correct? 25 A. Until the convention of October 2013.</p>

<p style="text-align: right;">117</p> <p>1 Q. Okay. And let's see if we can get into that. 2 Now, 141 has -- 3 A. Except that -- 4 Q. There's no question right now. Exhibit 141 5 contains what I see as the bylaws of the Unchartered 6 Grange. Am I wrong? 7 A. You are correct. 8 Q. Okay. Is there a document titled "Constitution 9 For the Unchartered Grange" identifying changes from the 10 October convention? 11 A. I don't see it here. 12 Q. My question is different. Is there such a 13 document in existence? 14 A. I believe there is. 15 Q. Okay. Do you believe that that document's been 16 produced in the course and scope of this litigation? 17 A. I don't know. 18 Q. Okay. You just went through a production as it 19 related to documents that were asked of you, correct? 20 A. Yes. 21 Q. Do you recall in the gathering of the documents to 22 respond to that document request searching for and finding 23 an amended constitution for the Unchartered Grange? 24 A. I don't recall. 25 Q. Okay. As you sit here today, you believe that the</p>	<p style="text-align: right;">119</p> <p>1 with me that this particular provision 2 recognizes the laws of the National Grange to be 3 the controlling authority?") 4 MR. LAPCEVIC: Calls for speculation. His earlier 5 testimony is he didn't know what Divisions of the Order 6 was, but go ahead if you know. 7 THE WITNESS: I cannot agree with you. 8 Q. BY MR. JENSEN: Okay. What's your understanding 9 then, sir, as relates to whether or not the language -- 10 sorry, strike that. 11 What is your understanding as to the controlling 12 authority as relates to the operations of the Unchartered 13 Grange in 2012? 14 MR. LAPCEVIC: Vague, calls for a legal 15 conclusion. 16 THE WITNESS: My understanding is that, first of 17 all, the laws of California govern the California State 18 Grange. Secondly, I do not understand the term 19 "division." And beyond those two statements, I cannot 20 answer the question. 21 Q. BY MR. JENSEN: Well, wait a second. Let's back 22 up. My question didn't use the word "division" in it. 23 Let's go back to it. You would agree with me that the 24 2011 Digest of Laws recognizes that the laws of the 25 National Grange would be the controlling authority?</p>
<p style="text-align: right;">118</p> <p>1 constitution of the Unchartered Grange was changed in 2 October of 2013? 3 A. I do. 4 Q. Okay. And what were the changes that were made to 5 that constitution? 6 A. They would have been the same changes that we made 7 to pretty much all of our documents, and that is removing 8 references to the National Grange. 9 Q. Okay. And your testimony here today is that there 10 is some document that belongs to the Unchartered Grange 11 that will show us that, correct? 12 A. Yes. 13 Q. Back to 140, page 5, Constitution, Article II. 14 A. Okay. 15 Q. And you would agree with me that this particular 16 provision recognizes the laws of the National Grange to be 17 the controlling authority? 18 MR. LAPCEVIC: Lacks foundation, calls for 19 speculation, calls for a legal conclusion, assumes facts 20 not in the record. And if you've learned -- well, if you 21 can answer that question outside of anything you've 22 learned from your counsel then you can answer it. 23 THE WITNESS: (Witness reviews document.) I'm 24 sorry, Mr. Jensen, can I have the question again. 25 (Record read as follows: "And you would agree</p>	<p style="text-align: right;">120</p> <p>1 MR. LAPCEVIC: Lacks foundation, calls for 2 speculation, calls for a legal conclusion. 3 MR. SWANSON: Join. 4 MR. LAPCEVIC: It's the ultimate issue of fact for 5 the Court to decide in this case. If you know or if you 6 can answer it outside of what you've learned from counsel 7 then go ahead. 8 THE WITNESS: I believe I did understand your 9 question, and I was stating my understanding of this and 10 that word "division" sticks out. And I do believe that 11 this is a question that the courts will answer. 12 Q. BY MR. JENSEN: Once again -- 13 MR. LAPCEVIC: Just for the record, the division 14 he's pointing to is Article II of Exhibit 140. 15 Q. BY MR. JENSEN: You're referring to language 16 contained in Article II that says, "The State Grange, as a 17 chartered division of the National Grange," right? 18 A. I believe that's where that word is, yes. I see 19 it -- I see it a couple of times here. 20 Q. Right. My question was whether or not the laws of 21 the -- whether or not the laws of the National Grange were 22 controlling as relates to the operations of the 23 Unchartered Grange in 2011. 24 MR. LAPCEVIC: That's overbroad. Every law? Once 25 again, it calls for --</p>

<p style="text-align: right;">121</p> <p>1 MR. JENSEN: Just state an objection. 2 MR. LAPCEVIC: Lacks foundation, calls for 3 speculation. It's an ultimate issue of fact in this case. 4 If you can answer that question outside of what you 5 learned from your counsel, go ahead. 6 Q. BY MR. JENSEN: That's great because it's the 7 facts I'm here to get. So I want to have a great 8 understanding of the facts that you have to support that 9 or not at this point in time. So let's answer that if you 10 have any facts. 11 A. I do not believe that the -- 12 MR. LAPCEVIC: That would be overbroad actually. 13 Rifkin versus Superior Court. 14 MR. JENSEN: Oh, my God. 15 MR. LAPCEVIC: Just making my record. 16 MR. JENSEN: Just make a record. 17 THE WITNESS: I do not believe your statement that 18 the laws of the National Grange govern the California 19 state law -- California State Grange. 20 Q. BY MR. JENSEN: Okay. Why is that? 21 A. Because, number one, I'm confused by some of the 22 language. I don't understand some of the language in this 23 Article II. And secondly, I do believe that the Court in 24 California will decide these questions. And, number 25 three, beyond that, I'm not able to answer the question.</p>	<p style="text-align: right;">123</p> <p>1 Q. Okay. Never sought legal counsel prior to the 2 institution on that issue, did you? 3 MR. LAPCEVIC: Litigation being October 1st, 4 2012 -- 5 THE WITNESS: I did seek -- 6 MR. LAPCEVIC: Litigation being October 1st, 7 2012 -- 8 MR. JENSEN: This case. 9 MR. LAPCEVIC: -- when it was filed. 10 THE WITNESS: I did seek advice before litigation 11 was started. 12 Q. BY MR. JENSEN: Okay. Well, I guess what I'm 13 trying to get at is that -- 14 MR. SWANSON: You mean in connection with this 15 litigation. 16 Q. BY MR. JENSEN: Yeah, not in connection with this 17 litigation, did you seek advice regarding your lack of 18 understanding of Article II prior -- sorry. As relates to 19 this litigation, did you seek -- sorry. Strike that 20 again. 21 Outside of this litigation, have you sought any 22 legal counsel in relation to Article II? 23 MR. LAPCEVIC: Lacks foundation, calls for 24 speculation. He doesn't understand Article II. 25 MR. SWANSON: Well, I think you're asking him --</p>
<p style="text-align: right;">122</p> <p>1 Q. How are you not able to answer the question? I 2 guess I'm confused by your response here. 3 A. Because of client/attorney privilege. 4 Q. So information that you learned from your lawyer 5 is necessary for you to answer this question? 6 A. I relied on information provided by my attorneys, 7 and it's my understanding that I have to voice the 8 client/attorney privilege. 9 Q. All right. Let's just go through this step by 10 step. Step by step. 11 A. Okay. 12 Q. Grade one. 13 MR. SWANSON: He's asking for facts. 14 MR. LAPCEVIC: Facts that you know as to why the 15 National Grange's actions don't apply to the State 16 Grange's actions in a time period of ... 17 MR. JENSEN: 2012 through 2013. 18 THE WITNESS: Okay. 19 Q. BY MR. JENSEN: And you said you don't understand 20 the language in Article II. That's one of the reasons why 21 you take issue with the question; you can't understand it. 22 You don't understand what the language means, right? 23 A. Yes. 24 Q. Okay. You never raised that with anyone, did you? 25 A. Nope.</p>	<p style="text-align: right;">124</p> <p>1 Q. BY MR. JENSEN: Did you go see a lawyer about that 2 particular provision? 3 MR. SWANSON: Can I just maybe suggest something? 4 MR. JENSEN: Go ahead. 5 MR. SWANSON: So I think what he's asking, Bob, is 6 prior to let's just call it this dispute, this particular 7 dispute, prior to this dispute arising, did you seek legal 8 counsel on this issue? Is that -- 9 MR. JENSEN: That's the question, yeah. 10 THE WITNESS: No. 11 Q. BY MR. JENSEN: Okay. Then you say I guess 12 another reason why you can't answer it is because you 13 believe this is an issue that the courts will decide; am I 14 accurate? 15 A. Yes. 16 Q. Meaning that this is a legal issue, right? 17 A. Yes. 18 Q. You're not a lawyer, right? 19 A. I am not a lawyer. 20 Q. Okay. Do you have any other facts as you sit here 21 today that the law of the National Grange was not the 22 controlling authority for the operations of the 23 Unchartered Grange 2011 -- October 2011 through October of 24 2013? 25 MR. LAPCEVIC: It's overbroad. You're asking for</p>

<p style="text-align: right;">125</p> <p>1 all facts. Under Rifkin v. Superior Court if you have 2 facts which you are basing your position that the National 3 Grange does not apply -- 4 MR. JENSEN: Let's let him see if he can answer 5 the question. 6 THE WITNESS: I am trying. I don't believe that 7 the -- that we are obliged to follow any laws or 8 guidelines from the National Grange that are not 9 consistent with the laws of California. And to that 10 extent, I do have knowledge in my opinion that the 11 National Grange bylaws do not always follow the laws of 12 the State of California. 13 Q. BY MR. JENSEN: Okay. Now, your position here is 14 that there are bylaws -- sorry. Strike that. 15 There are portions of the Digest of Laws of the 16 National Grange that do not comport with California law, 17 correct? 18 A. Yes, sir. 19 Q. Okay. And what exact provisions in California law 20 do not comport with the laws of the Order of Patrons of 21 Husbandry? 22 MR. LAPCEVIC: To the extent you can -- 23 Q. BY MR. JENSEN: That's your knowledge. 24 MR. LAPCEVIC: Yeah, to the extent you have 25 personal knowledge of that, it's fine. If you've learned</p>	<p style="text-align: right;">127</p> <p>1 acts of governance so long as it didn't conflict with the 2 Digest of Laws? 3 MR. SWANSON: Objection. Vague. 4 MR. LAPCEVIC: Lacks foundation, calls for 5 speculation, calls for a legal conclusion. To the extent 6 you can answer that. Something you learned outside or, 7 you know, outside of communications with your counsel, you 8 can go ahead. 9 THE WITNESS: In general, yes. However, we always 10 look to our own set of rules first and if there's 11 something that is not covered in the California State 12 Grange Bylaws then we refer to the National Grange Bylaws 13 as well as California law and even Robert's Rules of 14 Order. 15 Q. BY MR. JENSEN: Robert's Rules of Order were 16 followed by the Unchartered Grange? 17 A. Mostly, yes, as far as I know. 18 Q. Do you know what edition of the Robert's Rules of 19 Order the Unchartered Grange was following? Let's go 20 from -- 21 A. No. 22 Q. Hold on. Hold on. So you have some context in 23 terms of time, let's start with in 2012. 24 A. Whatever the current edition of the Robert's Rules 25 of Order were at the time.</p>
<p style="text-align: right;">126</p> <p>1 that through your conversations with counsel then I'm not 2 letting you answer that. 3 THE WITNESS: To the extent of my personal 4 knowledge, I don't believe the National Grange bylaws have 5 it right when it comes to the authority of the national 6 master and the National Grange over the officers of our 7 organization and the right of our members to determine 8 whether or not they're going to follow the bylaws of the 9 National Grange. 10 Q. BY MR. JENSEN: And my follow-up question is what 11 portion of California law are you relying on for that 12 proposition? 13 MR. LAPCEVIC: Well, I'll just object again. It 14 calls for speculation, lacks foundation. If you've 15 learned that from counsel then I would instruct you not to 16 answer. To the extent you can answer that question from 17 your own personal knowledge, facts, things that you 18 observed -- 19 MR. JENSEN: Just let him answer. 20 THE WITNESS: A laymen's understanding of section 21 7000 of the California Corporate Code. 22 Q. BY MR. JENSEN: Okay. Anything else? 23 A. God, I hope not. 24 Q. Okay. And you would agree with me that the 25 Unchartered Grange in 2011 was capable of taking certain</p>	<p style="text-align: right;">128</p> <p>1 Q. Okay. So you believe that the Unchartered Grange 2 had a current version of the Robert's Rules of Order that 3 it was using in 2012? 4 A. I do. 5 Q. Okay. And in 2013 were the Robert's Rules of 6 Order being followed by the Unchartered Grange? 7 A. We rely on Robert's Rules of Order when we cannot 8 find an answer within our bylaws. 9 Q. Okay. 10 A. And these are mostly, understand, parliamentary 11 procedure. Not really necessarily -- 12 Q. How to conduct a meeting? 13 A. How to conduct a meeting, yes. 14 Q. Right. So the fair statement: The Robert's Rules 15 of Order are a fill-in in the event that there is not a 16 rule on point, correct? 17 A. They can be used as an authority, as a fill-in for 18 authority or an authority for a fill-in. 19 Q. Okay. You mentioned that you looked to your own 20 rules first, okay. Did you consider the rules -- did you 21 as the president consider the rules of the National Grange 22 in 2012 to be secondary to the rules of the Unchartered 23 Grange? 24 A. Yes. 25 Q. Okay. Are you relying on any particular bylaw for</p>

<p style="text-align: right;">129</p> <p>1 that proposition?</p> <p>2 A. Mostly practice. Mostly our experience in the</p> <p>3 types of issues that we dealt with.</p> <p>4 Q. Sir, and I appreciate that. That might have been</p> <p>5 what you're doing, a practice, and my question was</p> <p>6 specific.</p> <p>7 Were you relying on any particular bylaw for that</p> <p>8 proposition that you would follow the rules of the</p> <p>9 Unchartered Grange first?</p> <p>10 MR. SWANSON: Objection. Vague.</p> <p>11 THE WITNESS: No.</p> <p>12 Q. BY MR. JENSEN: Okay. That was your practice,</p> <p>13 correct?</p> <p>14 A. Common practice that if we couldn't find an answer</p> <p>15 ourselves or within our own bylaws that we would look at</p> <p>16 bylaws of the National Grange and, again, not remembering</p> <p>17 the exact time period we're talking about, but also having</p> <p>18 an awareness of the laws of the State of California.</p> <p>19 Q. And prior to this institution of the litigation,</p> <p>20 right -- that's the dispute among the parties, okay. We</p> <p>21 talked about that. The dispute, that's why we're sitting</p> <p>22 here today. Prior to the dispute between the parties, had</p> <p>23 you ever sought counsel as relates to conflicts,</p> <p>24 California law, and the operations of the Unchartered</p> <p>25 Grange?</p>	<p style="text-align: right;">131</p> <p>1 Q. Okay. Had you done -- had you yourself done any</p> <p>2 independent research to determine if there was some type</p> <p>3 of conflict with California law and the internal</p> <p>4 operations of the Unchartered Grange?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. What did you determine? This is you.</p> <p>7 A. What did I determine?</p> <p>8 Q. Yeah, what did you determine.</p> <p>9 A. That some of the bylaws of the National Grange</p> <p>10 were not in synch with the corporate code of California.</p> <p>11 Q. Okay. So which bylaws did you make that</p> <p>12 determination regarding?</p> <p>13 A. Well, the ones that come to mind were the</p> <p>14 California Corporate Code that deals with who has the</p> <p>15 authority to remove officers. And the second was if, for</p> <p>16 lack of a better term, a parent organization changes their</p> <p>17 bylaws, they are not binding on a subordinate organization</p> <p>18 unless that subordinate organization also adopts those</p> <p>19 changes when they significantly change the rights of the</p> <p>20 subordinate organization.</p> <p>21 Q. Okay. Anything else?</p> <p>22 A. I looked at things like is -- well, here's another</p> <p>23 example of what I believe to be a conflict of the</p> <p>24 California law, and we just recently looked at this so</p> <p>25 that's why it's fresh in my mind.</p>
<p style="text-align: right;">130</p> <p>1 A. Yes.</p> <p>2 Q. When?</p> <p>3 A. Probably starting in about the fall of 2011.</p> <p>4 Q. Okay. And who did you have -- who are the counsel</p> <p>5 that you had meetings with regarding this issue?</p> <p>6 A. There were at least two, possibly three attorneys</p> <p>7 that I consulted at the time. One was Jeremy Millstone in</p> <p>8 Roseville. One was -- I can't recall his name off the top</p> <p>9 of my head. His offices were over off of 880 near Arco</p> <p>10 Arena. And the third --</p> <p>11 MR. JENSEN: I-80 or 880?</p> <p>12 THE WITNESS: I-80. 880. I call it 880. Not</p> <p>13 Business 80, but the bypass 80.</p> <p>14 MR. LAPCEVIC: Judicial notice: That's in Alameda</p> <p>15 County.</p> <p>16 MR. KAWAR: I don't think that's I-880.</p> <p>17 MR. JENSEN: That's not 880.</p> <p>18 MR. LAPCEVIC: That's not 880.</p> <p>19 THE WITNESS: Oh, I thought it used to be called</p> <p>20 880. Anyway, over there near Arco Arena. And then</p> <p>21 another attorney in Roseville, and I don't recall those</p> <p>22 other two's names. It's been a while.</p> <p>23 Q. BY MR. JENSEN: And you believe that occurred in</p> <p>24 the fall of 2011.</p> <p>25 A. Starting in the fall of 2011.</p>	<p style="text-align: right;">132</p> <p>1 Q. Hold on, hold off. Hold Off. Let's be clear</p> <p>2 here. Once again, I'm asking for a timeframe, and my</p> <p>3 question was really focused on a timeframe and we got an</p> <p>4 answer here as fall of 2011. That's where we're at.</p> <p>5 Freeze frame that time frame. You undertook as you just</p> <p>6 told me to investigate conflicts with the corporation</p> <p>7 code. You took a look at the authority to remove</p> <p>8 officers. You then looked at whether or not changes in</p> <p>9 rules by a parent organization have any effect on a</p> <p>10 subordinate organization. That's where we're at. Nothing</p> <p>11 else. That's where I want you to be, okay?</p> <p>12 A. All right.</p> <p>13 MR. LAPCEVIC: And to the extent that you made</p> <p>14 this question to you personally, to the extent that you</p> <p>15 made those determinations on your own personal --</p> <p>16 THE WITNESS: Mr. Jensen, what is the time --</p> <p>17 MR. LAPCEVIC: Listen to me, Bob. You need to</p> <p>18 listen to this. If you made those determinations on your</p> <p>19 own personally without the assistance of counsel then he's</p> <p>20 entitled to those answers. But if you looked at it and</p> <p>21 went to an attorney and talked about it and then based on</p> <p>22 that, that is not --</p> <p>23 THE WITNESS: All right. Thank you, Mark (sic).</p> <p>24 Thank you for reminding me. That's all I can answer to</p> <p>25 right now.</p>

<p style="text-align: right;">133</p> <p>1 Q. BY MR. JENSEN: Once again, my question was at 2 least in my mind clear that these were acts that you 3 undertook, you as a president of this organization in 4 2011, and you determined that there was a conflict with 5 the corporation's code, correct? 6 MR. LAPCEVIC: Personally? 7 THE WITNESS: I understand. 8 Q. BY MR. JENSEN: The answer is? 9 A. I personally researched when teleconferencing is 10 allowed in a corporate meeting -- 11 Q. Okay. 12 A. -- if the bylaws say the member has to be present 13 to vote. 14 Q. Okay. Something that you undertook in 2011, 15 correct? 16 A. I'm sorry, Mr. Jensen, I think it was more recent 17 than that. 18 Q. Okay. So that's not something that occurred as we 19 were talking about in a timeframe in 2011 that the 20 questions were aimed at were prior to the institution of 21 the proceedings here, you went and sought counsel because 22 there was some type of conflict between California law and 23 the internal operations of the Unchartered Grange. Do you 24 understand where I'm at here right now? 25 A. Oh, I hope so. I'm just a little confused over</p>	<p style="text-align: right;">135</p> <p>1 Q. Okay. How -- what type of research did you 2 undertake in those circumstances? 3 MR. LAPCEVIC: You personally without the advice 4 of counsel. 5 THE WITNESS: I understand. I reviewed the 6 Section 7000 of the corporate code and I believe I also 7 did some general research on the Internet. 8 Q. BY MR. JENSEN: Okay. Anything else? 9 A. No. 10 Q. Okay. Now, is this work that you were performing 11 also in connection with work being done by the executive 12 committee? 13 A. Yes. 14 Q. Okay. Did the executive committee have any 15 meetings to discuss conflicts of California law with the 16 internal operations of the Unchartered Grange prior to the 17 institution of legal proceedings? 18 A. I know that the executive committee or at least 19 members of the executive committee discussed this. I 20 can't recall if those took place at a meeting. 21 Q. And when you say "discussed this," are we talking 22 about discussing these two categories, the conflict with 23 the corporations code regarding the authority to remove 24 officers and the -- if changes are made to a parent 25 organization whether those are to be incorporated by a</p>
<p style="text-align: right;">134</p> <p>1 the dates that we're asking about right now. 2 Q. It's prior to the institution of this -- of this 3 dispute among the parties. 4 A. Okay. 5 Q. Okay. 6 A. I did not undertake that prior to the dispute 7 amongst the parties. I stand corrected. 8 Q. Okay. So did you take any steps, any whatsoever 9 to make a determination that there was a conflict between 10 the laws of the State of California and the internal 11 operations of the Unchartered Grange prior to the 12 institution of legal proceedings? 13 MR. LAPCEVIC: In this matter here that's 14 October 1st, 2012. 15 THE WITNESS: Yes, the two that I mentioned 16 earlier, with the exception of the teleconferencing thing 17 that I mentioned. 18 Q. BY MR. JENSEN: Okay. Once again, the two would 19 be that there was a violation with corporations code 20 regarding authority to remove officers and directors. 21 A. Yes. 22 Q. All right. And that there were changes made to 23 the rules of the parent corporation whether or not those 24 would be binding on a subordinate, correct? 25 A. Yes.</p>	<p style="text-align: right;">136</p> <p>1 subordinate? 2 A. Yes. 3 Q. Okay. Anything else? 4 A. Not that I can recall. 5 Q. Do you know if the minutes of the executive 6 committee capture any of the discussion as relates to this 7 conflict with law? 8 A. Possibly, but I don't know for sure. 9 Q. Okay. Would it be the practice of the executive 10 committee to document such conversations if they took 11 place at a meeting? 12 A. Not normally. 13 Q. Not normally. Why not? 14 A. Because these would be considered legal issues and 15 we take legal issues up in executive session. Minutes are 16 not taken during an executive session. 17 Q. Okay. All right. Going back to Article II. 18 MR. LAPCEVIC: Of Exhibit 140? 19 MR. JENSEN: Of 140. 20 Q. So we have reference there to the laws of the 21 National Grange. Do you see that? It's at the bottom. 22 It says, "So long as they do not conflict with the laws of 23 the National Grange." Do you see that language? 24 A. Yes, I do. 25 Q. You would agree with me that's making reference to</p>

<p style="text-align: right;">137</p> <p>1 the Digest of Laws, correct?</p> <p>2 MR. LAPCEVIC: If that's your understanding.</p> <p>3 Q. BY MR. JENSEN: Once again, Digest of Laws of the</p> <p>4 Order of Patrons of Husbandry so it's clear.</p> <p>5 MR. LAPCEVIC: Just lacks foundation to the extent</p> <p>6 that the paragraph in Article II has "division" and</p> <p>7 "Order," which the witness has testified --</p> <p>8 MR. JENSEN: Just make an objection, Bill, please.</p> <p>9 Just make an objection.</p> <p>10 THE WITNESS: I would assume that is what that</p> <p>11 refers to.</p> <p>12 Q. BY MR. JENSEN: Thank you. And you would agree</p> <p>13 with me that in 2011, October of 2011 when this particular</p> <p>14 document first becomes effective that the Unchartered</p> <p>15 Grange was a chartered member of the National Grange.</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And you would agree with me that the</p> <p>18 constitution of the Unchartered Grange can be amended,</p> <p>19 right?</p> <p>20 A. Yes.</p> <p>21 Q. There's a procedure to do that, right?</p> <p>22 A. Yes.</p> <p>23 Q. And turn to page 7 of Exhibit Number 140. It's</p> <p>24 Article XI.</p> <p>25 A. Um-hum, yes.</p>	<p style="text-align: right;">139</p> <p>1 THE WITNESS: The National Grange is the only</p> <p>2 organization that can issue charters for the National</p> <p>3 Grange.</p> <p>4 Q. BY MR. JENSEN: When the National Grange issues a</p> <p>5 charter, what's the organization through which the charter</p> <p>6 is granted? What's the name?</p> <p>7 A. Well, it could be a state grange.</p> <p>8 Q. For instance, at one point in time you and I can</p> <p>9 agree the Unchartered Grange was a chartered member of the</p> <p>10 Grange, right?</p> <p>11 A. Yes.</p> <p>12 Q. What did that charter actually say in terms of to</p> <p>13 whom the Unchartered Grange was a member of?</p> <p>14 MR. LAPCEVIC: Lacks foundation.</p> <p>15 Q. BY MR. JENSEN: Did you ever review the charter?</p> <p>16 A. Yes.</p> <p>17 Q. Okay.</p> <p>18 A. I don't recall the exact language as I sit here</p> <p>19 but --</p> <p>20 MR. LAPCEVIC: Don't guess.</p> <p>21 THE WITNESS: Okay. I would be guessing if I --</p> <p>22 Q. BY MR. JENSEN: Well, if you don't remember the</p> <p>23 exact language, that's fine. I'm not here to -- it's not</p> <p>24 a memory test. But if you have some understanding on the</p> <p>25 subject matter, I'm entitled to your testimony.</p>
<p style="text-align: right;">138</p> <p>1 Q. Okay. That's the provision to make amendments to</p> <p>2 the constitution of the Unchartered Grange, correct?</p> <p>3 A. I believe so.</p> <p>4 Q. So for there to be any constitution -- sorry,</p> <p>5 strike that.</p> <p>6 For there to be an amendment to the constitution</p> <p>7 of the Unchartered Grange, that procedure identified in</p> <p>8 Article XI would need to be followed, correct?</p> <p>9 MR. LAPCEVIC: Calls for a legal conclusion. To</p> <p>10 the extent you can answer that outside of what you learned</p> <p>11 from your attorneys, go ahead.</p> <p>12 THE WITNESS: Let me review this, please.</p> <p>13 Q. BY MR. JENSEN: Sure.</p> <p>14 A. (Witness reviews document.) In what time period</p> <p>15 are we speaking of, Mr. Jensen?</p> <p>16 Q. The timeframe would be October 2011 to October of</p> <p>17 2013.</p> <p>18 A. My answer to your question is yes.</p> <p>19 Q. Okay. The National Grange is the only member of</p> <p>20 the Order of Patrons of Husbandry that can issue charters,</p> <p>21 correct?</p> <p>22 MR. LAPCEVIC: Lacks foundation, calls for</p> <p>23 speculation. If you have an understanding or know, go</p> <p>24 ahead.</p> <p>25 MR. SWANSON: And may call for a legal conclusion.</p>	<p style="text-align: right;">140</p> <p>1 MR. LAPCEVIC: So the question is does he have any</p> <p>2 understanding of the language in that charter?</p> <p>3 MR. JENSEN: Sure.</p> <p>4 MR. LAPCEVIC: Do you understand that question?</p> <p>5 THE WITNESS: Yes, I do understand the question.</p> <p>6 My recollection of the charter is it's a big certificate.</p> <p>7 It's in a frame. It used to sit on our wall. It talks</p> <p>8 about it's from the National Grange. It's signed by</p> <p>9 National Grange officers. Probably the president of the</p> <p>10 National Grange. I think the secretary. The body of</p> <p>11 language in the center of the document I think has a</p> <p>12 charter date. And I just can't recall the exact language</p> <p>13 of the rest of it.</p> <p>14 Q. BY MR. JENSEN: Okay. Does that charter establish</p> <p>15 the relationship between the Unchartered Grange and the</p> <p>16 National Grange?</p> <p>17 A. Does it establish a relationship?</p> <p>18 Q. Does it establish a relationship, yes.</p> <p>19 MR. LAPCEVIC: Calls for a legal conclusion.</p> <p>20 THE WITNESS: My understanding is that it's a</p> <p>21 celebratory certificate we were proud to have when we had</p> <p>22 it. It indicates the, you know, understanding that there</p> <p>23 are other states with these charters. It indicates that</p> <p>24 family of granges that share those certificates.</p> <p>25 Q. BY MR. JENSEN: My question is a little bit</p>

<p style="text-align: right;">141</p> <p>1 different though. Does the charter establish some type of 2 relationship between the Unchartered Grange and the 3 National Grange? 4 MR. LAPCEVIC: Once again, same objections. Go 5 ahead. 6 THE WITNESS: I was trying to describe my 7 understanding of that relationship. 8 Q. BY MR. JENSEN: Okay. And is the answer yes, it 9 does? 10 A. As I described it. 11 Q. Okay. In the charter itself, there's no 12 description of relationships with other state granges, 13 right? 14 MR. LAPCEVIC: Well, lacks foundation. 15 Q. BY MR. JENSEN: Your charter, the charter that you 16 reviewed doesn't have any references to other state 17 granges, does it? 18 A. I don't think it does. 19 Q. Okay. So back to my question about chartering. 20 Can the Unchartered Grange grant charters? 21 MR. LAPCEVIC: Lacks foundation, calls for 22 speculation, calls for a legal conclusion. 23 Q. BY MR. JENSEN: You were the master of the 24 Unchartered Grange in 2012, correct? 25 A. Yes.</p>	<p style="text-align: right;">143</p> <p>1 the 2011 Digest of Laws, does it permit the Unchartered 2 Grange to issue charters? 3 MR. LAPCEVIC: Calls for speculation, calls for a 4 legal conclusion. 5 THE WITNESS: But I'm to give my understanding, 6 correct? 7 Q. BY MR. JENSEN: That's right. 8 A. I don't think it limits the California State 9 Grange from issuing charters. 10 Q. Okay. In 2012 did you in your capacity as 11 president of the Unchartered Grange issue any charters? 12 A. Not that I can recall. 13 Q. In 2013 in your capacity as president of the 14 Unchartered Grange, did you issue any charters? 15 A. Not that I recall. 16 Q. 20 -- let's see, in 2014 in your capacity as 17 president, did you issue any charters? 18 MR. LAPCEVIC: And just -- you're saying you. You 19 mean the California State Grange? 20 MR. JENSEN: No, I'm talking about his capacity 21 first as the president. We'll go through all of them. 22 Q. Go ahead. You understand that, right? I said 23 that you in your capacity as president in 2013 did you 24 issue any charters. 25 A. Understood. Following our revocation in April of</p>
<p style="text-align: right;">142</p> <p>1 Q. In 2012 could the Unchartered Grange issue 2 charters? 3 MR. LAPCEVIC: And vague as to which time in 2012. 4 Q. BY MR. JENSEN: Let's start with January. 5 A. Could you please define for me "charters"? 6 Q. The charter -- let's look right in your bylaws I 7 guess. Look at page 9 in your bylaws, Exhibit Number 140, 8 page 9, 2.2. 9 MR. LAPCEVIC: You mean in the 2011 bylaws, right? 10 MR. JENSEN: Yeah, Exhibit 140. 11 THE WITNESS: That's the one we're looking at, 12 right, 140? 13 Q. BY MR. JENSEN: Um-hum, page 9. 14 A. 2.2. 15 Q. 2.2. Um-hum. See that language there? 16 A. Yes, I do. 17 Q. It says, "The National Grange shall issue the 18 charter when it determines the organization of Junior, 19 Subordinate or Pomona Grange is completed," correct? 20 A. Yes. 21 MR. LAPCEVIC: Document speaks for itself. 22 Q. BY MR. JENSEN: I read that language correctly, 23 didn't I? 24 A. Yes, you did. 25 Q. If we're looking at this particular set of bylaws,</p>	<p style="text-align: right;">144</p> <p>1 2013 and the amendments to our bylaws removing -- 2 acknowledging and removing references to the National 3 Grange, I don't know if I would call it issuing a charter 4 because that's specific I believe to the National Grange, 5 but I did organize a junior grange. 6 Q. Okay. Which grange did you organize? 7 A. The Little Lake Junior Grange. 8 Q. Little Lake? 9 A. Little Lake Junior Grange. 10 Q. Is that the only grange that you've organized? 11 MR. LAPCEVIC: In 2013? 12 MR. JENSEN: Period. 13 MR. LAPCEVIC: Ever? 14 MR. JENSEN: Ever. 15 THE WITNESS: Oh, no, no, I've organized many 16 granges. 17 Q. BY MR. JENSEN: No, no, that's not -- is that the 18 only charter that you've issued for a grange in 2013 or 19 2014? 20 A. Yes. 21 Q. Okay. Little Lake -- 22 A. Excuse me, I want to correct that. It was not a 23 charter. 24 Q. Okay. Hold on. Let's then go back for a moment. 25 Go to Exhibit 141.</p>

<p style="text-align: right;">145</p> <p>1 A. Okay.</p> <p>2 Q. Go to Section 2.2.</p> <p>3 A. Okay.</p> <p>4 Q. Read that provision to yourself. I'll read it for</p> <p>5 the record. "2.2 Issuance of Charters - the State Grange</p> <p>6 shall issue the charter when it determines the</p> <p>7 organization of the Junior, Subordinate or Pomona Grange</p> <p>8 is completed."</p> <p>9 Do you see that language?</p> <p>10 A. Yes, I do.</p> <p>11 Q. The language is different than the previous</p> <p>12 version of the bylaws, correct?</p> <p>13 A. It must be.</p> <p>14 Q. Right. How is it different?</p> <p>15 A. Well, I think you're drawing my attention to</p> <p>16 something that I don't recall, but it -- the previous one,</p> <p>17 did it not say that it was the National Grange --</p> <p>18 Q. That's what the document says.</p> <p>19 A. -- that issued the charters?</p> <p>20 Q. That's what I believe it says.</p> <p>21 A. Well, it appears to me that we amended our 2013</p> <p>22 bylaws to give the authority to issue, quote, charters,</p> <p>23 unquote, to the State Grange.</p> <p>24 Q. That's what it appears to say. Now, when was the</p> <p>25 Little Lake Charter issued?</p>	<p style="text-align: right;">147</p> <p>1 Q. Let's see if maybe you and I can get on some</p> <p>2 common ground in terms of nomenclature. This Little Lake</p> <p>3 Grange, it did not exist in 2012, right?</p> <p>4 A. That's correct.</p> <p>5 Q. And prior to 2012 it had never existed previously,</p> <p>6 right?</p> <p>7 A. I believe so.</p> <p>8 Q. So it came into existence, right?</p> <p>9 A. Um-hum.</p> <p>10 Q. And somebody --</p> <p>11 MR. LAPCEVIC: Was that a yes?</p> <p>12 Q. BY MR. JENSEN: -- was involved in that process,</p> <p>13 right?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Who was involved in that process?</p> <p>16 A. The members of the Little Lake Grange and myself.</p> <p>17 Q. And when you say yourself, you were acting on</p> <p>18 behalf of the Unchartered Grange, right?</p> <p>19 A. I was acting on behalf of the California State</p> <p>20 Grange, right.</p> <p>21 Q. What I've defined here for purposes of the</p> <p>22 deposition today, the Unchartered Grange, right?</p> <p>23 A. Okay.</p> <p>24 Q. When did that process start?</p> <p>25 A. It was I believe -- from what I recall last fall.</p>
<p style="text-align: right;">146</p> <p>1 A. I did not issue a charter to the Little Lake</p> <p>2 Grange.</p> <p>3 Q. Okay. So there's been no charters issued from</p> <p>4 2012 all the way to present?</p> <p>5 A. Not in my understanding of the definition of</p> <p>6 charter.</p> <p>7 Q. Under Section 2.2 of the bylaws dated 2013, has</p> <p>8 there been a charter issued?</p> <p>9 A. Mr. Jensen, when you refer to a charter coming</p> <p>10 from the National Grange, to me it's something completely</p> <p>11 different than what we are now doing in California.</p> <p>12 Q. Sir, focus your attention on Section 2.2. It</p> <p>13 says, "The State Grange shall issue the charter when it</p> <p>14 determines the organization of the Junior, Subordinate or</p> <p>15 Pomona Grange is completed."</p> <p>16 Has the Unchartered Grange pursuant to that</p> <p>17 provision issued any charters?</p> <p>18 A. I have not issued a charter. I reorgan -- I</p> <p>19 organized a junior grange at the Little Lake Grange in</p> <p>20 Willits, California.</p> <p>21 Q. What was the status of the Little Lake Grange</p> <p>22 prior to its reorganization?</p> <p>23 A. I'm sorry, I misspoke when I said reorganization.</p> <p>24 I meant organization. The Little Lake -- the new junior</p> <p>25 grange, it's a new junior grange. It's not reorganized.</p>	<p style="text-align: right;">148</p> <p>1 Q. When you say "last fall," we're talking --</p> <p>2 A. 2014.</p> <p>3 Q. Okay. So do you consider the Little Lake Grange</p> <p>4 to be an active grange?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. What procedures were followed to make the</p> <p>7 Little Lake Grange an active grange?</p> <p>8 A. First of all, just for clarity, we're talking</p> <p>9 about the junior, the Little Lake Junior Grange.</p> <p>10 Q. There's only one that I'm identifying that you've</p> <p>11 talked about here today. That's what we're talking about.</p> <p>12 Little Lake Junior Grange.</p> <p>13 A. Okay. And your question was what happened to --</p> <p>14 Q. Yeah, what steps were taken for that to become an</p> <p>15 active grange?</p> <p>16 A. There was interest from the community, from</p> <p>17 younger people in the community to form a junior grange,</p> <p>18 which is kids under I believe the age of 14. And one of</p> <p>19 the -- one or a couple of the members of the parent Little</p> <p>20 Lake Grange, the adult Little Lake Grange wanted to</p> <p>21 organize a new junior grange, so they contacted me. They</p> <p>22 said would you come and officiate and make it into a</p> <p>23 ceremony. There was -- had to have been paperwork</p> <p>24 involved I believe.</p> <p>25 Q. Well, who would be involved in that?</p>

<p style="text-align: right;">149</p> <p>1 A. I would be involved in it as well as the --</p> <p>2 whoever the adult sponsors were from the Little Lake</p> <p>3 Grange.</p> <p>4 Q. Certainly the National Grange wasn't involved in</p> <p>5 that, right?</p> <p>6 A. National Grange was not involved.</p> <p>7 Q. Okay. Was there a provision of the bylaws that</p> <p>8 you were relying on when you formed the new Little Lake</p> <p>9 Grange?</p> <p>10 A. In general, this section that you've -- well, let</p> <p>11 me just take a close look at this for a second. It's --</p> <p>12 yeah, it's -- I would say partially this section 2.2 but I</p> <p>13 believe there are other sections that talk about</p> <p>14 organizing granges.</p> <p>15 Q. Was a charter issued consistent with Section 2.2?</p> <p>16 A. No.</p> <p>17 Q. There's no charter.</p> <p>18 A. My definition of charter is the actual document.</p> <p>19 Q. Okay. Is there a document that exists between --</p> <p>20 a charter document that exists between the Little Lake</p> <p>21 Grange?</p> <p>22 A. No.</p> <p>23 Q. So this particular provision of the bylaws,</p> <p>24 Section, 2.2, was it followed or not?</p> <p>25 A. If this section of the bylaws is to be followed to</p>	<p style="text-align: right;">151</p> <p>1 that has -- general terms -- the end goal is to charter</p> <p>2 one; is that not true?</p> <p>3 MR. LAPCEVIC: Assumes facts not in the record.</p> <p>4 MR. SWANSON: Object as vague.</p> <p>5 THE WITNESS: No.</p> <p>6 Q. BY MR. JENSEN: Okay. So where does it speak to</p> <p>7 organization of granges in the current bylaws of the</p> <p>8 Unchartered Grange?</p> <p>9 A. I didn't see it but I can go through and look</p> <p>10 again if you'd like.</p> <p>11 Q. I'm talking about organization.</p> <p>12 A. I understand.</p> <p>13 Q. Not chartering. You think that's referenced in</p> <p>14 the 2013 version of the bylaws?</p> <p>15 A. Well, just even looking at the table of contents</p> <p>16 here, election to membership, the section that you</p> <p>17 referred to earlier, Section 2, Article II.</p> <p>18 Q. Are you telling -- is it your testimony here today</p> <p>19 that Section 2.2 deals with organization of granges?</p> <p>20 A. Not really. It really just talks about charters.</p> <p>21 Well, it does say in 2.2 "When it determines the</p> <p>22 organization of a Junior, Subordinate or Pomona Grange is</p> <p>23 completed."</p> <p>24 Q. I see what the language says. Are you telling me</p> <p>25 your testimony here today is Section 2.2 deals with the</p>
<p style="text-align: right;">150</p> <p>1 the letter then I probably should have issued some kind of</p> <p>2 a document that they could call a charter.</p> <p>3 Q. And you didn't do that, right?</p> <p>4 A. I don't recall doing that.</p> <p>5 Q. You don't recall. Do you recall anyone in the</p> <p>6 executive committee authorizing a charter be issued to the</p> <p>7 Little Lake Grange?</p> <p>8 A. No.</p> <p>9 Q. Does the Little Lake Grange pay dues?</p> <p>10 A. Yes, they do.</p> <p>11 Q. And you would consider the Little Lake Grange to</p> <p>12 be an active grange?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Is there any other provision in the bylaws</p> <p>15 that you have in front of you, Exhibit 141, that talks</p> <p>16 about formation of a grange?</p> <p>17 MR. LAPCEVIC: Look through it.</p> <p>18 THE WITNESS: (Witness reviews document.) There</p> <p>19 are sections that talk about the dues. There's sections</p> <p>20 that talk about who is eligible for membership. And I'm</p> <p>21 speaking of junior granges now. And I thought somewhere</p> <p>22 in here, although I did not find it, there was a section</p> <p>23 that talked about the deputies also having authority to</p> <p>24 organize granges.</p> <p>25 Q. BY MR. JENSEN: When you organize a grange though,</p>	<p style="text-align: right;">152</p> <p>1 organization of a grange?</p> <p>2 MR. LAPCEVIC: Well, the document speaks for</p> <p>3 itself. If you want to read all of Article II, all</p> <p>4 subsections of the whole entire document and testify to</p> <p>5 it. Do you know?</p> <p>6 THE WITNESS: I don't see a specific -- in a</p> <p>7 limited review of this, I do not see a specific section of</p> <p>8 these California State Grange bylaws 2013 edition that</p> <p>9 gives instructions on organizing a grange.</p> <p>10 Q. BY MR. JENSEN: When you go to organize a grange</p> <p>11 as the master, where do you look in terms of guidance?</p> <p>12 A. I honestly don't look anywhere in terms of</p> <p>13 guidance. We are always looking to grow our organization.</p> <p>14 Q. There's no document that you look for to determine</p> <p>15 the process to organize a grange?</p> <p>16 A. The application that I talked about earlier is</p> <p>17 about the only document that I use when I organize a</p> <p>18 grange, and it doesn't really talk about instructions. It</p> <p>19 might talk about -- if I recall, it talks about the</p> <p>20 minimum number of members required, and then it has places</p> <p>21 where officers are to be elected, at least interim if not</p> <p>22 for longer periods of time. There's a place for the</p> <p>23 members to write down their names and contact information.</p> <p>24 And if there are any fees or -- to be paid, typically it</p> <p>25 would have that as well.</p>

<p style="text-align: right;">153</p> <p>1 Q. Does the word "charter" appear anywhere in that 2 document?</p> <p>3 MR. LAPCEVIC: The document speaks for itself.</p> <p>4 MR. JENSEN: No, no, I'm referring to the 5 application that he's referring to.</p> <p>6 THE WITNESS: Yeah, I understand. I don't recall.</p> <p>7 Q. BY MR. JENSEN: Do you know if the word 8 "organization" appears anywhere in that particular 9 document? I'm referring to the application.</p> <p>10 A. Normally the applications are defined at the top 11 of the page whether it's a new organization or a 12 reorganization.</p> <p>13 Q. Okay. With respect to the Little Lake, we're 14 talking about a new one, right?</p> <p>15 A. Yes.</p> <p>16 Q. Back to that question. Is there any language in 17 the application dealing with organization?</p> <p>18 A. Not beyond what I've already stated that I recall.</p> <p>19 Q. Okay. And so when you organized the Little Lake, 20 is it a fair statement that -- that bylaws of the 21 Unchartered Grange were not your guidepost?</p> <p>22 A. I can't find anything in the bylaws. I could not 23 find anything today in the bylaws that give me any 24 guidance in that respect.</p> <p>25 Q. And during the time in which you were going</p>	<p style="text-align: right;">155</p> <p>1 A. I don't think it does.</p> <p>2 Q. Do you recall during which -- during the process 3 when you reorganized the Madonna Grange, was the Madonna 4 Grange relying on any provision of the bylaws?</p> <p>5 A. Specifically within these bylaws --</p> <p>6 Q. When you mean "these bylaws," you're referring to 7 Exhibit 141?</p> <p>8 A. Yes.</p> <p>9 Q. Okay.</p> <p>10 A. Just like the junior grange, I don't see specific 11 instructions in there. The organization or reorganization 12 of granges has -- I mean, I've never since I've been in 13 the grange followed any particular directions from either 14 the national or state bylaws perhaps because I've been 15 taught how to do that or have done it so many times that 16 I'm not aware of any objections anybody ever made nor 17 anybody questioning me about, well, did you follow the 18 rules of the bylaws. I'm just not aware of any.</p> <p>19 Q. Does the Madonna Grange currently have a charter?</p> <p>20 A. (Witness shake head.)</p> <p>21 Q. That's a no?</p> <p>22 A. No.</p> <p>23 Q. So I can use your vernacular though, it's been 24 reorganized; is that true?</p> <p>25 A. Well, you know, thinking about that I guess you</p>
<p style="text-align: right;">154</p> <p>1 through the process, you weren't referring to any 2 particular provision in the bylaws, were you?</p> <p>3 A. No.</p> <p>4 Q. Have there been any granges reorganized between 5 the time in which the charter was revoked to the present?</p> <p>6 MR. LAPCEVIC: April 2013 to the present.</p> <p>7 THE WITNESS: Yeah, I get it. Possibly the 8 Madonna Grange.</p> <p>9 Q. BY MR. JENSEN: Spell that for the record.</p> <p>10 A. Madonna, like mother, M-a-d-o-n-n-a or one N. I'm 11 only saying possibly because I'm not absolutely sure of 12 the timeframe.</p> <p>13 Q. Sure. Do you know if the Madonna Grange had had a 14 charter that was originally issued from the National 15 Grange?</p> <p>16 A. I believe it did.</p> <p>17 Q. Okay. When you reorganized the Madonna Grange, 18 did the National Grange issue a charter?</p> <p>19 A. No.</p> <p>20 Q. Did you follow any provisions of the bylaws of the 21 Unchartered Grange when you reorganized the Madonna 22 Grange?</p> <p>23 A. Again, the papers that -- the application.</p> <p>24 Q. Do you know if the application makes reference to 25 the bylaws of the Unchartered Grange?</p>	<p style="text-align: right;">156</p> <p>1 really can't say it was reorganized because reorganization 2 and thinking it through seems to indicate that it would be 3 reorganized to its original charter under the California 4 State Grange when the National Grange issued that charter, 5 being the certificate.</p> <p>6 Q. As we already have established, there is no 7 charter for that particular grange, correct?</p> <p>8 A. There is currently no charter for the Madonna 9 Grange.</p> <p>10 Q. Does the Madonna Grange pay dues to the 11 Unchartered Grange?</p> <p>12 A. I believe so.</p> <p>13 Q. Does the Madonna Grange have active members?</p> <p>14 A. Yes.</p> <p>15 MR. JENSEN: Let's take a quick break. 16 (Recess taken from 2:13 p.m. until 2:37 p.m.)</p> <p>17 MR. JENSEN: Back on. Having a conversation with 18 counsel, and he had indicated the limitation in terms of 19 time today. It's now around 2:40. And I had asked 20 counsel if there was going to be some type an application 21 of a seven-hour rule as relates to deposition time with 22 Mr. McFarland.</p> <p>23 And my position in this case has been consistent 24 throughout the course of it; that this seven-hour rule was 25 not being adhered to and that counsel would work</p>

<p style="text-align: right;">157</p> <p>1 cooperatively to complete the depositions that may result 2 in depositions taking place in excess of seven hours. 3 I have now learned that counsel intends to rely on 4 the seven-hour rule. That's my understanding. So I guess 5 that's how we're proceeding here today, right, 6 Mr. Lapcevic? 7 MR. LAPCEVIC: That is correct. 8 MR. JENSEN: So to the extent I need to reserve my 9 rights in terms of moving the Court for additional time, I 10 will do so, once again recognizing that I had produced my 11 client on multiple times with this idea in mind but 12 apparently it was falsely understood. 13 MR. LAPCEVIC: And I think that misstates the 14 record in this regard. I believe he was produced twice, 15 not as a PMK. 16 MR. JENSEN: He was produced twice individually. 17 MR. LAPCEVIC: Correct. And I believe that 18 Mr. McFarland personally noticed his deposition and so did 19 the California State Grange, and I believe they both had 20 within seven hours. 21 MR. JENSEN: We can play niceties in terms of who 22 noticed depositions, but I'm going to tell you -- 23 MR. SKINNER: As long as we're on the record -- 24 MR. JENSEN: Jeff, just hold on one second. 25 MR. SKINNER: (Unintelligible) National Grange or</p>	<p style="text-align: right;">159</p> <p>1 A. I'm sorry, was this in effect in 2011? 2 Q. Yes, sir. 3 A. Yes. 4 Q. Turn your attention to page 19. Actually, page 5 20, 14.10. Strike that. 14.8 on page 19. Here we go. 6 Have you seen that provision before, sir? 7 MR. LAPCEVIC: Go over to the next page. Read the 8 whole thing. 9 THE WITNESS: (Witness reviews document.) Okay. 10 Q. BY MR. JENSEN: Okay. It's true that you as 11 president -- sorry. Strike that. 12 You were president of the Unchartered Grange in 13 2012, correct? 14 A. Yes. 15 Q. And then a president of a subordinate grange was 16 answerable to you in 2012, correct? 17 A. I don't completely understand what the term 18 "answerable" means. 19 Q. Sure. This document provides that the master or 20 executive officers, the president was answerable to -- 21 well, the subordinate grange -- 22 A. The master of a subordinate grange. 23 Q. Yes. 24 A. Yes, that's what it says here. 25 Q. And a Pomona Grange as well; they were answerable</p>
<p style="text-align: right;">158</p> <p>1 notify the National Grange -- 2 THE REPORTER: I can't understand what he's 3 saying. 4 MR. SKINNER: So Plaintiffs in Intervention 5 reserve their right to notice Mr. McFarland's deposition. 6 The seven hours doesn't count against my rights. 7 MR. JENSEN: But at any rate, we'll move forward, 8 and the record will speak for itself in terms of my 9 client's been made available for more than -- more than 10 seven in its individual capacity. It's pretty obvious. 11 The record speaks for itself. 12 Q. All right. Exhibit Number 140, Section 12.5. 13 Sir, have you seen that section before? 14 A. 12.5, yes. 15 Q. Okay. And was this the procedure that the 16 Unchartered Grange was following with respect to the 17 conducting meetings for the executive committee in October 18 of 2012? 19 A. I believe so. 20 Q. Okay. And did the executive committee rely on 21 this provision with respect to the conduct of its meetings 22 up until the time of the bylaw change in October of 2013? 23 A. I believe so. 24 Q. That's the same provision that would have -- did 25 become effective as of October 2011, correct?</p>	<p style="text-align: right;">160</p> <p>1 to you, correct? 2 A. That's what this says. 3 Q. Okay. If you look at Exhibit Number 141, same 4 section, 14.8 -- skip to Exhibit 141, sir. 141, 14.8 B on 5 page 14. 6 A. Um-hum. 7 Q. Do you see that? 8 A. Yes. 9 Q. You will see that the language is the same, is it 10 not? 11 A. What was it? 114.1? 12 Q. It's 14.8 B in both provisions, sir. 13 A. The language is the same. 14 Q. All right. As you sit here today, you don't 15 understand the term "answerable," right? 16 A. I'm not clear on what that means. 17 Q. Do you have some understanding of what that terms 18 means? 19 A. Well, loosely it seems to indicate that to some 20 degree the subordinate or Pomona master, president, is -- 21 they can't just do anything they want and that it appears 22 to give the state master at least some authority over 23 them. 24 Q. Okay. And did that happen in practice that you as 25 the president had some authority over a subordinate</p>

<p style="text-align: right;">161</p> <p>1 master?</p> <p>2 MR. LAPCEVIC: What time period?</p> <p>3 MR. JENSEN: This is the time period during when</p> <p>4 this set of bylaws were in effect. This is from October</p> <p>5 of 2011 through October of 2013.</p> <p>6 MR. LAPCEVIC: That time period.</p> <p>7 THE WITNESS: Yeah, I don't -- other than</p> <p>8 answering questions from masters of subordinate Pomona</p> <p>9 granges, I don't recall any time where I exerted any</p> <p>10 authority over a master of a subordinate Pomona grange.</p> <p>11 Q. BY MR. JENSEN: Do you have any reason to doubt</p> <p>12 that you had the ability to exert authority, if necessary</p> <p>13 to do so, during this timeframe?</p> <p>14 A. Yes, as a matter of fact, I do.</p> <p>15 Q. Okay. What do you base that on?</p> <p>16 A. What I perceive is the will of the members of the</p> <p>17 subordinate Pomona granges and their strong sense of</p> <p>18 sovereignty in the past. For example, I've seen so-called</p> <p>19 deputies of the California State Grange under previous</p> <p>20 administrations with a what I call kick-the-door-in</p> <p>21 policy, and it doesn't work.</p> <p>22 Q. Forgive me for not tracking with you, but I don't</p> <p>23 know what "kick-the-door-in policy" means.</p> <p>24 A. In other words, heavy handedness. Kind of heavy</p> <p>25 handedness that the national master attempted to exert on</p>	<p style="text-align: right;">163</p> <p>1 Q. BY MR. JENSEN: Okay. You don't truly believe</p> <p>2 that. Is there a circumstance where the sovereignty of a</p> <p>3 Pomona grange would intersect with your authority?</p> <p>4 A. Would intersect?</p> <p>5 Q. Um-hum.</p> <p>6 MR. SWANSON: Object as vague.</p> <p>7 THE WITNESS: Mr. Jensen, I don't understand that</p> <p>8 question.</p> <p>9 Q. BY MR. JENSEN: Okay. No problem. For instance,</p> <p>10 if a grange decided -- a subordinate grange decided it was</p> <p>11 going to no longer be a part of the Unchartered Grange and</p> <p>12 they were going to take their own property, is that</p> <p>13 something that a state master could make a subordinate</p> <p>14 grange answerable for?</p> <p>15 MR. LAPCEVIC: Lacks foundation, calls for</p> <p>16 speculation, calls for a legal conclusion. If you know</p> <p>17 the answer to that outside of what we talked about, go</p> <p>18 ahead.</p> <p>19 THE WITNESS: As the state president, my response</p> <p>20 to that would be to try to work with that grange, explain</p> <p>21 to them why it's important for them to stay within the</p> <p>22 grange family. But I can tell you that here in California</p> <p>23 because of the interference of Mr. Komski and Mr. Luttrell</p> <p>24 and the disassociation of about 14 granges into the new</p> <p>25 grange of California or whatever it's called, I haven't</p>
<p style="text-align: right;">162</p> <p>1 me and the California State Grange.</p> <p>2 Q. But is there anything in these rules that we're</p> <p>3 referring to in Exhibit Number 140 that permits, for</p> <p>4 instance, as you just described it, a Pomona grange to</p> <p>5 exert sovereignty in a circumstance where the master has</p> <p>6 certain capabilities?</p> <p>7 MR. LAPCEVIC: That calls for a legal conclusion.</p> <p>8 THE WITNESS: From the time we join the Grange, it</p> <p>9 is -- it is inculcated -- is a word the rituals say --</p> <p>10 that we are a grass roots organization and that our</p> <p>11 subordinate granges, our Pomona granges and our state</p> <p>12 granges have a certain amount of sovereignty and,</p> <p>13 therefore, are due respect from masters that might be said</p> <p>14 to -- that -- from in this case a master that is -- that</p> <p>15 this bylaw seems to claim some kind of an authority over</p> <p>16 these subordinate Pomona granges. I don't know if that</p> <p>17 quite answers your question.</p> <p>18 Q. BY MR. JENSEN: I guess I'll put it to you this</p> <p>19 way. Do you believe that the authority -- strike that.</p> <p>20 Do you believe the sovereignty of a Pomona grange</p> <p>21 trumps any authority that you would have?</p> <p>22 MR. LAPCEVIC: His personal understanding?</p> <p>23 MR. JENSEN: Whatever his understanding is.</p> <p>24 THE WITNESS: No, I don't -- I don't truly believe</p> <p>25 that.</p>	<p style="text-align: right;">164</p> <p>1 been able to do anything to persuade those granges in any</p> <p>2 kind of powerful way to rejoin our organization.</p> <p>3 Q. BY MR. JENSEN: Okay. Page 22. 14.13.</p> <p>4 A. (Witness reviews document.) Okay.</p> <p>5 Q. You would agree with me that a state president</p> <p>6 pursuant to this provision could be suspended from office,</p> <p>7 correct?</p> <p>8 A. Per this --</p> <p>9 MR. SWANSON: Object as vague.</p> <p>10 MR. LAPCEVIC: And it calls for a legal</p> <p>11 conclusion.</p> <p>12 THE WITNESS: Per this section of the bylaws?</p> <p>13 Q. BY MR. JENSEN: 14.13.</p> <p>14 A. I would disagree.</p> <p>15 Q. Okay.</p> <p>16 A. I don't believe that particularly in my own</p> <p>17 situation and as it relates to the executive committee of</p> <p>18 the California State Grange that this is -- this has been</p> <p>19 demonstrated that grange trials and suspensions and so</p> <p>20 forth can take place with complete disregard for the laws</p> <p>21 of California, disregard for the sovereignty of our</p> <p>22 executive committee to govern our own activities and</p> <p>23 procedures.</p> <p>24 So in my experience, this section has been proven</p> <p>25 to be very flawed.</p>

<p style="text-align: right;">165</p> <p>1 Q. In your experience this provision has been proven 2 to be very flawed. What experience are you relying on? 3 A. I'm relying on what has been for the last two and 4 a half years a deliberate attempt to remove me from 5 office. For what reasons I don't really know. Using the 6 excuse of violations of the bylaws. The first set 7 presented to me by Mr. Luttrell, he appointed our 8 executive committee to investigate. They exonerated me 9 from those charges and yet I'm facing those charges again 10 because he did not like the findings of that 11 investigation. I'm relying on the apparent complicity of 12 our overseer Martha Stefanoni, who stands to gain by my -- 13 or stood to gain by my removal in assisting Mr. Luttrell 14 with those investigations and bringing the first set of 15 charges herself. 16 I'm relying on the second set of charges by a 17 group of three members of the California State Grange that 18 were compelled by Mr. Luttrell to bring charges against me 19 when all they asked him for was a ruling. 20 And then the third and final set of charges that 21 Mr. Luttrell brought against me, which is a repeat of the 22 charges I was already exonerated from, and new charges 23 regarding the settlement with -- the mediation of the 24 Vista Grange Hall. 25 And after reviewing this, our executive committee</p>	<p style="text-align: right;">167</p> <p>1 master -- sorry -- as president Section 1413 of the 2013 2 version of the bylaws? 3 MR. LAPCEVIC: What time? 4 Q. BY MR. JENSEN: Any time since they've become 5 effective. 6 A. No. 7 Q. Not following that provision, correct? 8 A. That's correct. 9 Q. Are there provisions that you believe you should 10 follow and provisions you believe that you shouldn't 11 follow as it relates to section -- or Exhibit 141? 12 A. I believe when the provisions of our bylaws 13 conflict with the laws of the State of California, we 14 should not follow them. 15 Q. Exhibit 141 was amended, correct? 16 A. Um-hum. 17 MR. LAPCEVIC: He's talking about 141, 2013 18 bylaws. 19 THE WITNESS: Yes, it was -- no. Well, no, it was 20 not amended. It is the same. 21 Q. BY MR. JENSEN: No. I mean, maybe I'm wrong here 22 but Exhibit 141 I believe to be an amendment of the bylaws 23 of the Unchartered Grange. 24 A. I am so terribly sorry. I was thinking of Section 25 14. So your question is again?</p>
<p style="text-align: right;">166</p> <p>1 decided not to support Mr. Luttrell's suspension of me in 2 office. I decided not to take the suspension, and we 3 relied on California law and the principals and purposes 4 of the Grange and the knowledge that Mr. Luttrell had 5 failed to bring a grangerly settlement to all of the 6 issues when he should have and could have. That's what 7 I'm relying on. 8 Q. Okay. And 14.13, can you take a look at 9 Exhibit 141. Look at Section 14.13. 10 A. Yes, I think that's the one I just looked at, 11 wasn't it? 12 Q. No, you looked at section 140. 13 A. I'm sorry. 14 Q. Exhibit 141. 15 A. Got it. 14 -- 16 Q. 14.13. 17 A. 14.13. 18 Q. You would agree with me that language in 14.13 in 19 Exhibit 141 is identical to Section 14.13 in Exhibit 140, 20 correct? 21 MR. LAPCEVIC: Put them next in each other. 22 14.13. I have 140. You have 141. Is that language the 23 same? 24 THE WITNESS: Yes, they are identical. 25 Q. BY MR. JENSEN: Okay. Are you following as</p>	<p style="text-align: right;">168</p> <p>1 Q. Exhibit 141 is an amendment to the bylaws of the 2 Unchartered Grange; is that not true? 3 A. They are amended bylaws. 4 Q. And if there were provisions that you believed 5 that were not consistent with law, how come they were not 6 revised? 7 A. They were not deliberately disregarded but the 8 amendment of our bylaws is an ongoing process as we 9 discover things that -- more things that need to be 10 changed and things that perhaps need to be added or 11 distracted -- or subtracted. 12 Q. Certainly you were aware of this provision 14.13 13 prior to the amended change in October of 2013, correct? 14 A. Yes, I am aware. 15 Q. This is the provision that I think Mr. Luttrell 16 doesn't have authority to suspend you by, correct? 17 A. Yes, partially. Part of it -- yes, part of -- 18 this being part of it, yes. 19 Q. Despite that knowledge, you've taken no steps to 20 have the bylaws for the Unchartered Grange amended, 21 correct? 22 A. We have taken steps to amend our bylaws, but in 23 any particular case you've cited a section of the amended 24 bylaws and I'm sure there are many others that we have not 25 finished amending yet.</p>

<p style="text-align: right;">169</p> <p>1 Q. Well, I'll put it to you this way, and I think 2 you're right. 14.13 has not been amended, correct? 3 A. It is the same as Exhibit 140. 4 Q. Right. Your belief as you sit here is that 5 particular provision should not be followed; am I right? 6 MR. LAPCEVIC: Misstates testimony. 7 THE WITNESS: I believe this particular section 8 14.13 of 2013 California State Grange bylaws should not be 9 followed if it is in conflict with the laws of the State 10 of California. 11 Q. BY MR. JENSEN: And as you sit here today, do you 12 have any information to suggest that that's the case? 13 MR. LAPCEVIC: Vague and ambiguous as to what's 14 the case. 15 MR. JENSEN: That it is inconsistent with 16 California law. 17 MR. LAPCEVIC: In what set of circumstances? 18 MR. JENSEN: In any set of circumstances. 19 MR. LAPCEVIC: Lacks foundation. It's overbroad. 20 MR. JENSEN: A lot of waste of my time today. 21 THE WITNESS: Mr. Jensen, I believe that in 22 addition to a serious question of whether or not an 23 officer or a president of a grange may be suspended for 24 failure to perform his duties or her duties, failure to 25 obey the bylaws, and particularly the suspension procedure</p>	<p style="text-align: right;">171</p> <p>1 the 14.13 is unfair, right? 2 A. You know, I believe what I said is if it results 3 in a grange trial that that is unfair. 4 Q. So any result in a grange trial under any 5 circumstances, that provision is unfair? 6 MR. LAPCEVIC: Lacks foundation, calls for 7 speculation, calls for a legal conclusion. 8 THE WITNESS: In terms of a grange trial, as I 9 experienced it, using the bylaws of the National Grange 10 and the complainants and Mr. Luttrell using the bylaws of 11 the National Grange, first of all, I don't believe it's 12 constitutional to ask a defendant who has been accused to 13 have to pay for their own defense or to have to submit 14 a -- to ante up \$8,000 for the right to defend themselves 15 at a grange trial, first of all. 16 Secondly, I don't think it's fair that when a 17 witness has -- when a defendant has witnesses to present 18 that the trial panel disallows their testimony. 19 And third, I don't think it's fair that the 20 defendant's counsel does not have the right to 21 cross-examine the witnesses against him. 22 Q. BY MR. JENSEN: Now, you're talking about -- those 23 last two things you're talking about, that internal 24 procedure or the internal trial that proceeded against 25 you?</p>
<p style="text-align: right;">170</p> <p>1 if and when it includes the grange trial process is 2 probably not only illegal in terms of California State law 3 but certainly unfair and in my experience unjust. 4 Q. BY MR. JENSEN: Okay. How is it illegal? 5 A. It's my understanding that -- 6 MR. LAPCEVIC: It calls for a legal conclusion. 7 MR. JENSEN: The words came right out of his 8 mouth. 9 Q. How is it illegal? 10 A. My laymen's interpretation of the law is that the 11 master, say, of the California State Grange does not have 12 authority to remove an officer, an elected officer of the 13 state grange. 14 Q. What are you relying on for that proposition? 15 A. My limited knowledge of California corporate law. 16 Q. What corporation code section are you relying on? 17 MR. LAPCEVIC: That you learned from your own 18 personal -- 19 THE WITNESS: Understood. 20 MR. LAPCEVIC: -- review of the law. If it's not 21 something you learned from Mr. Swanson or myself or our 22 firms then you can answer that. 23 THE WITNESS: I believe it is in Section 7000 if I 24 recall correctly. 25 Q. BY MR. JENSEN: Okay. And you also mentioned that</p>	<p style="text-align: right;">172</p> <p>1 A. I'm talking about specifically in that case the 2 Springfield trial, but there's more. 3 Q. Right. You said -- 4 A. I can't believe that -- 5 Q. Hold on, sir. Hold on. You said that it's 6 unconstitutional. 7 A. I believe so. 8 Q. Okay. In what way? 9 MR. LAPCEVIC: Outside of anything you heard from 10 counsel. 11 MR. JENSEN: This is all his testimony. 12 MR. LAPCEVIC: He may have used the word but what 13 did he base it on. If he based it on something that he 14 learned from counsel then -- 15 MR. JENSEN: Just put in your objection. You're 16 wasting time. 17 THE WITNESS: It's my understanding -- 18 MR. LAPCEVIC: To the extent you can answer it 19 outside of anything you spoke to with your attorneys, go 20 ahead. 21 THE WITNESS: Thank you. It's my understanding 22 that I have a right to put on my witnesses and that I 23 should not be denied that right. It's my understanding 24 that it is unjust and probably illegal that I should be 25 charged a tariff before I can defend myself.</p>

<p style="text-align: right;">173</p> <p>1 It's -- it's at least unconscionable that the 2 trial panel would be selected by someone who is proven to 3 want to remove me from office and that the only witness 4 against me would be the -- one of the accusers who stands 5 to gain from my removal from office. Again, not being 6 able to cross-examine my witnesses or the witnesses 7 against me. That is not a fair trial under what I 8 understand to be my constitutional rights. 9 Q. BY MR. JENSEN: You voluntarily accepted your 10 suspension, didn't you, sir? 11 A. Under duress. 12 Q. Under duress? 13 A. I was given no other choice. I could either be 14 removed from office permanently or I could take a 60-day 15 suspension. 16 Q. Or you could proceed with a legal avenue, couldn't 17 you? 18 A. I could do what? 19 Q. You could proceed with a legal avenue, couldn't 20 you? 21 A. A legal avenue? 22 Q. Yeah. 23 A. I suppose that's one of the reasons we're here. 24 Q. But you had that right to pursue a legal claim at 25 that point in time, didn't you?</p>	<p style="text-align: right;">175</p> <p>1 A. It appears to be. 2 Q. Turn your attention to page 1. 1.0.9. 3 A. (Witness reviews document.) 4 Q. Let me know when you've had an opportunity to 5 review that provision, please. 6 A. (Witness reviews document.) I've reviewed it. 7 Q. Sitting here today, you have no facts to suggest 8 that the constitution was not ratified for the Unchartered 9 Grange in 1986, correct? 10 A. I do not have any facts to suggest that this was 11 not ratified in 1986 nor do I have any facts to suggest it 12 was. 13 Q. Are there any documents that you're aware of that 14 exist at the Unchartered Grange to show that it ratified 15 the changes in 1986 to the constitution? 16 A. I'm not aware of where that information would be 17 and I have not seen that information. 18 Q. Okay. Do you know if the Unchartered Grange sent 19 delegates to the national convention in 1986? 20 A. I do not. 21 Q. Are there any records at the Unchartered Grange 22 regarding that? 23 MR. LAPCEVIC: Lacks foundation. If you know. 24 THE WITNESS: I honestly don't know. 25 Q. BY MR. JENSEN: Do you know anybody at the</p>
<p style="text-align: right;">174</p> <p>1 MR. LAPCEVIC: Lacks foundation, calls for 2 speculation, calls for a legal conclusion. 3 THE WITNESS: I did pursue legal counsel. 4 Q. BY MR. JENSEN: You chose to accept the 5 suspension, correct? 6 A. No, I did not choose. 7 Q. It wasn't voluntary? 8 A. It was not voluntary. 9 Q. Those words when I see them in writings by you, it 10 says, "voluntarily accepted the suspension," those aren't 11 accurate? 12 A. When the other choice is to be removed from office 13 or accommodate an unfair trial. To remain in office and 14 serve the members who elected me, I chose to stay in 15 office, serve my suspension, continue to serve the members 16 who elected me. 17 Q. Exhibit 139. You've seen this document before, 18 right? 19 A. Yes, I have. 20 Q. This is the Digest of Laws of the Order of Patrons 21 of Husbandry, correct? 22 A. Yes. 23 Q. Okay. And you would agree with me that this is 24 the 2012 edition of the Order of -- the Digest of Laws of 25 the Order of Patrons of Husbandry, correct?</p>	<p style="text-align: right;">176</p> <p>1 Unchartered Grange who would have any information whether 2 or not the 1986 constitution was ratified? 3 A. You would have to contact I believe probably some 4 of the officers that were there in 1986. And I also 5 believe just in looking at this that in order to -- for 6 the California State Grange to ratify the constitution of 7 the National Grange dated 1986, we would also need to 8 amend our own constitution. 9 Q. Do you know if that took place? 10 A. I do not. 11 Q. Okay. So you have no information? 12 A. Oh, excuse me, I do know. It did not take place. 13 Q. So as you sit here today, you believe that there 14 was no amendment to the constitution of the Unchartered 15 Grange? 16 A. I know for a fact there wasn't. 17 Q. And you believe that that was necessary in order 18 to accept the amendment to the constitution of the Digest 19 of Laws? 20 A. From my laymen's study of the laws of the State of 21 California, that is what is required by the Secretary of 22 State. 23 Q. Okay. It's required by the Secretary of State? 24 A. I believe so. 25 Q. Okay. What are you relying on in terms of</p>

<p style="text-align: right;">177</p> <p>1 information from the Secretary of State to form that 2 basis? 3 A. Research online. 4 Q. Okay. When did you conduct that research? 5 A. Probably six months ago. 6 Q. That was on the Secretary of State's website? 7 A. It was in -- it was in reference to -- I don't 8 think it was on her site. I think it was in reference to 9 corporate code again. 10 Q. Okay. Are we talking about the corporate code now 11 as opposed to the Secretary of State research? 12 A. I don't believe -- I don't think of the two 13 exclusively. I think that this is the process required to 14 change your constitution -- our constitution. Amend our 15 constitution. 16 Q. Once again, you're referring to "this." I'm 17 not -- I'm not sure what you're referring to. 18 A. This idea that the California State Grange would 19 ratify the National Grange constitution of 1986, which 20 would require us changing our constitution in California. 21 Q. You believe that's the case, right? 22 A. Yes, sir. 23 Q. And you believe that, once again, that the 24 constitution of the Unchartered Grange was not changed in 25 1986 to reflect the amended constitution of the Order of</p>	<p style="text-align: right;">179</p> <p>1 speculation. 2 THE WITNESS: That is my understanding. 3 Q. BY MR. JENSEN: Okay. And what is the basis of 4 your understanding? 5 A. I thought I answered this question. 6 Q. You may have. 7 A. Research. 8 Q. Okay. What was that research? I want to know 9 exactly the research that you conducted to reach that 10 determination. 11 A. I researched online California law. It has to do 12 with filing for the Secretary of State. I recall that 13 much of it. And I do not recall whether it was in the 14 7000 section of the corporate code or I found it somewhere 15 else. 16 Q. You believe that there's some type of filing that 17 needs to be accomplished with the Secretary of State? Is 18 that your understanding? 19 A. Yes. 20 Q. Okay. 21 A. Well, it's -- it's effectively a change in our 22 constitution. 23 Q. Okay. What type of filing would need to be 24 accomplished with the Secretary of State to your 25 understanding?</p>
<p style="text-align: right;">178</p> <p>1 Patrons of Husbandry, correct? 2 A. I said I did not know. 3 Q. You don't know that. Okay. 4 A. No. 5 Q. But you do believe that that had to happen, i.e., 6 that the Unchartered Grange had to have an amendment to 7 the constitution, correct? 8 A. Well, I'm just a bit confused so I just want to be 9 careful here in my answer. We're talking about a grange 10 that was not unchartered at the time. We're talking 11 about -- 12 Q. I'm talking about the definition only, sir. It's 13 a definition. 14 A. All right. Could you please repeat your question? 15 Q. Sure. Does the Unchartered Grange -- did the 16 Unchartered Grange in 1986 need to amend its constitution 17 in order to accept the amended constitution of the Order 18 of Patrons of husbandry? 19 MR. LAPCEVIC: Calls for a legal conclusion. And 20 to the extent that you know that answer out of personal 21 research or something you've done on your own, not from 22 consultation with counsel or anything we've said, you can 23 answer that question. 24 THE WITNESS: That is my -- 25 MR. SWANSON: Object to the extent it calls for</p>	<p style="text-align: right;">180</p> <p>1 A. I don't specifically recall the exact filing. 2 Only that filing was required and a change to our own 3 governing documents would also be required. 4 Q. So you went back. Did you go back and take a look 5 for documents from 1986 to see whether those things took 6 place? 7 A. No. 8 Q. Okay. So you don't know sitting here today one 9 way or another what actions may have been taken in 1986? 10 A. Until I saw this in, what, request for admissions 11 or whatever it was, I was unaware that there was an issue 12 regarding the National Grange constitution of 1986. 13 MR. JENSEN: Read back my question, please. 14 (Record read as follows: "Okay. So you don't 15 know sitting here today one way or another what 16 actions may have been taken in 1986?") 17 THE WITNESS: I do not know. 18 Q. BY MR. JENSEN: Thank you. Section 1.3.1, page 2. 19 MR. LAPCEVIC: Of Exhibit 139? 20 MR. JENSEN: Yes. 21 THE WITNESS: 1.3.1. 22 Q. BY MR. JENSEN: Um-hum. You would agree with me 23 that the National Grange is the national representative of 24 the Order. 25 MR. LAPCEVIC: Calls for speculation, lacks</p>

<p style="text-align: right;">181</p> <p>1 foundation, calls for a legal conclusion. Ambiguous as to 2 the word "Order" as the witness testified about earlier. 3 Q. BY MR. JENSEN: That's referring to the Order of 4 Patrons of Husbandry, is it not? 5 MR. LAPCEVIC: If you know. Is the -- the 6 question is is the National Grange -- 7 Q. BY MR. JENSEN: The national -- 8 MR. LAPCEVIC: -- the national representative of 9 the division of the Order. That is what it -- 10 Q. BY MR. JENSEN: My question is different. Is the 11 National Grange the national representative of the Order 12 of Patrons of Husbandry? 13 MR. LAPCEVIC: Vague as to time. Same objections. 14 THE WITNESS: Just, you know, stating again that 15 I'm not certain what the term "division" means or for that 16 matter "the Order," the National Grange is the national 17 representative of the grange. They -- they represent 18 themselves. 19 Q. BY MR. JENSEN: And you would agree with me that 20 the Unchartered Grange derived its powers from the 21 National Grange? 22 MR. LAPCEVIC: Lacks foundation, calls for 23 speculation, calls for a legal conclusion. 24 MR. SWANSON: It's vague and ambiguous. 25 MR. LAPCEVIC: And to the extent you can answer</p>	<p style="text-align: right;">183</p> <p>1 Q. BY MR. JENSEN: We'll get there. 2 A. Okay. 3 Q. The bylaws outline the laws of the Unchartered 4 Grange, correct? 5 A. Our California State Grange Bylaws outline our 6 bylaws. 7 Q. You and I have gone through those. Those are 8 Exhibits 140 and 141, correct? 9 A. Yes, we have. 10 Q. And that would also include the Digest of Laws of 11 the Order of Patrons of Husbandry, Exhibit 139, correct? 12 MR. LAPCEVIC: Calls for a legal conclusion. 13 THE WITNESS: Can you be more specific when you 14 say "include"? 15 Q. BY MR. JENSEN: The laws which are to be used to 16 govern the operations of the Unchartered Grange include 17 the Digest of Laws of the Order of Patrons of Husbandry, 18 correct? 19 MR. LAPCEVIC: Vague as to time, calls for 20 speculation, and mischaracterizes his earlier testimony. 21 MR. SWANSON: And calls for a legal conclusion. 22 MR. JENSEN: I sure hope so. 23 THE WITNESS: Mr. Jensen, I did have a question 24 myself about the time we're talking about. 25 Q. BY MR. JENSEN: Talking about the timeframe of</p>
<p style="text-align: right;">182</p> <p>1 that from anything that you've learned from counsel, do 2 not. 3 THE WITNESS: I disagree. 4 Q. BY MR. JENSEN: What do you base that on? 5 A. California State Grange is its own organization. 6 We follow our own set of laws in accordance with the State 7 of California and our nation and -- 8 Q. You follow your own set of laws, right? That's 9 what you just said? 10 MR. SWANSON: Was your answer complete, 11 Mr. McFarland? 12 MR. JENSEN: I believe he stopped talking. 13 MR. SWANSON: No, he said "and" I thought. 14 THE WITNESS: And to the extent that the National 15 Grange laws or the California State Grange laws comply 16 with the laws of the State of California, that's okay. 17 Where we have conflicts is where we have these issues. 18 Q. BY MR. JENSEN: But the laws that the Unchartered 19 Grange follows comes from its articles of incorporation, 20 correct? 21 A. Mr. Jensen -- 22 MR. SWANSON: Objection. Vague. 23 THE WITNESS: Yes, I'm not sure about that. The 24 articles of incorporation to my recollection don't really 25 spell out what our bylaws are.</p>	<p style="text-align: right;">184</p> <p>1 October of 2011 through the time in which the charter was 2 revoked. Let's take that first. 3 A. The laws of the California Grange and the laws of 4 the State of California govern our organization. 5 Q. My question is those also included the Digest of 6 Laws of the Patrons of Husbandry, Exhibit 139, correct? 7 A. I disagree. 8 Q. Okay. So it doesn't at all, right? 9 A. I have always looked at the National Grange Digest 10 of Laws as a guide. 11 Q. Aspirational? 12 A. What do you mean? 13 Q. You aspire to meet those guidelines? 14 A. No, I wouldn't say that. 15 Q. Not a requirement? 16 A. Not when they conflict with the laws of the State 17 of California or our California bylaws. 18 Q. You would agree with me that the National Grange 19 has the right to regulate the affairs of the Unchartered 20 Grange up to the time in which its charter was revoked? 21 A. No. 22 MR. LAPCEVIC: Lacks foundation, calls for 23 speculation, calls a legal conclusion, and to the extent 24 that you can answer that question outside of what you 25 discussed with counsel, you may do so.</p>

<p style="text-align: right;">185</p> <p>1 MR. SWANSON: Object as vague. 2 THE WITNESS: No, Mr. Jensen. 3 Q. BY MR. JENSEN: Okay. They don't? Why don't 4 they? 5 A. Because the laws of the California State Grange 6 govern our activities and the laws of the State of 7 California. 8 Q. But you would agree with me that the laws of the 9 Unchartered Grange as illustrated in the Digest of Laws 10 made sure that they couldn't be inconsistent with the 11 Digest of Laws of the Order of Patrons of Husbandry, 12 correct? 13 MR. LAPCEVIC: It's argumentative as phrased but 14 also calls for speculation, calls for a legal conclusion. 15 It's vague as to time. 16 THE WITNESS: It is a difficult question to answer 17 because the laws of the National Digest conflict with the 18 laws of the land, and the laws of the National Digest are 19 in many ways ambiguous and left to interpretation. So, 20 again, we rely on the bylaws of the California State 21 Grange and the laws of the State of California to guide 22 our organization. 23 Q. BY MR. JENSEN: Once again, in terms of the laws 24 that conflict, do you have any personal knowledge on that 25 subject matter or is that information you solely learned</p>	<p style="text-align: right;">187</p> <p>1 little vague there -- but it says something along the 2 lines of any decision at the National Grange can be made 3 by a vote of the members unless law requires a different 4 result. And I'm paraphrasing because I don't remember 5 that one specifically. There are others that if I studied 6 it, I could -- I could point out to you. 7 Q. Okay. But you would agree with me that there was 8 a process to change grange law? Take a look at Section 9 1.3.3. 10 A. A process to change -- 11 Q. The Order of Patrons of Husbandry, you can change 12 grange law. 13 MR. LAPCEVIC: Is that a statement or is that a 14 question? 15 Q. BY MR. JENSEN: You would agree with me that's a 16 true statement that there's a process to change grange 17 law? 18 A. There is a process to amend grange law. 19 Q. And a delegate from California would have the 20 ability to be involved in that, correct? 21 A. Not in the last several years. 22 Q. Well, that's your interpretation of that. But the 23 question being if a delegate was sent from California, 24 they have the ability to be involved in the process to 25 change grange law, correct?</p>
<p style="text-align: right;">186</p> <p>1 through your counsel? 2 A. Yes, I do have some knowledge of where they 3 conflict. Is that in line with your question? 4 Q. Yeah, personal knowledge. Not something that you 5 learned from your lawyer. That is what my question was 6 asking. 7 A. Well, I wouldn't limit this because I haven't 8 thought about it. 9 Q. You have to limit it because I can't learn what 10 you learned from your lawyer. 11 A. I'm sorry. You misunderstand me. I'm meaning 12 that I may forget some things here. But the things that 13 pop into mind are the National Grange bylaws that appear 14 to give the national master the unilateral right to revoke 15 our charter. This was a -- bylaws change at the National 16 Grange level, and I understand in November of 2011 in 17 order for it to apply to California State Grange, our 18 members would have had to have adopted that bylaw. We did 19 not adopt it. 20 The other one apparently from Mr. Luttrell's 21 actions seems to be his interpretation of the National 22 Grange bylaws that he has the authority to suspend the 23 president of the California State organization 24 corporation. So I disagree there. 25 There's also a bylaw in there -- and I'm getting a</p>	<p style="text-align: right;">188</p> <p>1 MR. LAPCEVIC: Is that a hypothetical or is there 2 a time? 3 MR. JENSEN: That's a hypothetical for right now. 4 MR. LAPCEVIC: Incomplete hypothetical, lacks 5 foundation, calls for speculation, calls for a legal 6 conclusion. 7 THE WITNESS: To answer your question, Mr. Jensen, 8 first of all, it's not interpretation on my part. It's a 9 fact that we have not been invited to participate in the 10 National Grange conventions for three years I believe now. 11 Q. BY MR. JENSEN: But there has been a chartered 12 grange that did participate from the State of California. 13 MR. LAPCEVIC: Do you know that? 14 THE WITNESS: I do not know that. 15 Q. BY MR. JENSEN: Okay. So, for instance, in 2009 16 do you know if a delegate was sent from the Unchartered 17 Grange? 18 A. I represented the California State Grange in 2009. 19 Q. And you were capable of being involved in changing 20 grange law, correct? 21 A. I had a vote. 22 Q. And did you exercise the vote in 2009? 23 A. I believe I did. Well, not as it relates to the 24 changing of grange law because I can't recall any laws 25 that were being changed that year.</p>

<p style="text-align: right;">189</p> <p>1 Q. For instance, in 2010 do you recall any changes 2 that were up for vote to change grange law? 3 MR. LAPCEVIC: Lacks foundation. 4 THE WITNESS: I do not recall. 5 Q. BY MR. JENSEN: 2011. 6 A. That would -- 7 MR. LAPCEVIC: Same objection. 8 THE WITNESS: That would be the law we're talking 9 about, which gave the national master -- broadened the 10 national master's authority to revoke a state grange. 11 Q. BY MR. JENSEN: How did you vote? 12 A. Against it. 13 Q. But it passed, right? 14 A. Yes, it did. 15 Q. Page 5, 1.1.0 -- 1.10.1. Sorry. 16 A. (Witness reviews document.) Okay. 17 Q. This section deals with the return of real 18 property when there's been a revocation of a charter, 19 correct? 20 A. That's what it says. 21 Q. Okay. And this section deals with the return of 22 personal property when there's been a revocation of a 23 charter, correct? 24 A. That is what it says. 25 Q. The unchartered California State Grange -- the</p>	<p style="text-align: right;">191</p> <p>1 A. When you say "hold title," are we talking about 2 real estate here or -- 3 Q. That's real property, yes. 4 MR. LAPCEVIC: Lacks foundation, calls for 5 speculation. If you've seen titled documents and you 6 know, go ahead. 7 Q. BY MR. JENSEN: In your capacity -- hold on. In 8 your capacity as the president of the Unchartered Grange, 9 you're aware of the real property that it owns, correct? 10 A. I believe so. 11 Q. You're provided with documents that would show you 12 which property it owns, correct? 13 A. No. 14 Q. No? There's no documents that are kept -- sorry, 15 strike that. 16 Are you aware of any documents that are kept with 17 the Unchartered Grange that show what property is owned? 18 A. I have never seen any documents that talk about 19 what properties we have under title. I am generally aware 20 that we own some property. 21 Q. Okay. For instance, the financial statements of 22 the Unchartered Grange under "Assets," does it show which 23 real property is owned? 24 A. I believe that would be on the balance sheet. 25 Q. Sure. And would outline by real property?</p>
<p style="text-align: right;">190</p> <p>1 Unchartered Grange had its charter revoked, correct? 2 A. Yes. 3 Q. Has the Unchartered Grange provided its real 4 property to the National Grange? 5 A. The National Grange did not have authority to 6 revoke our charter. 7 Q. That's not my question, sir. <u>Has the Unchartered</u> 8 <u>Grange provided its real property to the National Grange?</u> 9 A. <u>No, because the National Grange did not have the</u> 10 <u>authority to revoke our charter.</u> 11 Q. <u>Has the Unchartered Grange provided its personal</u> 12 <u>property to the National Grange after the revocation of</u> 13 <u>its charter?</u> 14 A. <u>I'm not sure what is meant by "personal property."</u> 15 <u>And I understand real property. But we have not turned</u> 16 <u>over any personal property to the National Grange.</u> 17 Q. <u>For instance, money. Money is personal property.</u> 18 <u>It can be considered personal property. Has that been</u> 19 <u>turned over to the National Grange after the revocation of</u> 20 <u>the charter?</u> 21 A. <u>No.</u> 22 Q. Okay. <u>Any computers, for instance?</u> 23 A. <u>No.</u> 24 Q. Okay. What real property does the Unchartered 25 Grange hold title to?</p>	<p style="text-align: right;">192</p> <p>1 A. I don't think it specifies -- I don't think it 2 details what -- a figure that says its property. I don't 3 think it details what those properties are. 4 Q. Did it have them itemized by property though is my 5 question. 6 A. I don't think it does. 7 Q. You just think it has the heading "Real Property?" 8 A. I think so. 9 Q. So what real property does the Unchartered Grange 10 own as we sit here today? 11 A. I believe the California State Grange owns the 12 property where our offices are located at 3831 U Street, 13 Sacramento, and that is a piece of property in the shape 14 of a triangle that has three structures on it, and I 15 believe that's it. 16 Q. Any other real property that you're aware of that 17 the Unchartered Grange holds title to? 18 A. I don't believe so. 19 Q. Any other grange halls where the charter had been 20 revoked? 21 A. In a case like that, Mr. Jensen, normally what we 22 do is we keep the property titled to that grange in the 23 hopes that we will be able to reestablish that grange at 24 sometime. 25 Q. Certainly I understand that, but are there any</p>

<p style="text-align: right;">193</p> <p>1 real properties that would fall into that category that</p> <p>2 title is held to the property by the Unchartered Grange?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Which ones?</p> <p>5 A. I would -- I would suspect all of our -- let me --</p> <p>6 let me make sure I understand your question. Are we</p> <p>7 looking for properties that are actually titled to the</p> <p>8 California State Grange or that we just more or less have</p> <p>9 custodial management of?</p> <p>10 Q. Well, if there's a difference, fine. But</p> <p>11 certainly I want to know, number one, those which title is</p> <p>12 held in the name of the Unchartered Grange.</p> <p>13 A. I'm not aware of any other properties other than</p> <p>14 our headquarters in Sacramento that we actually are on the</p> <p>15 title.</p> <p>16 Q. Okay.</p> <p>17 A. The California State Grange.</p> <p>18 Q. You believe that there's other real properties</p> <p>19 where, to use your term, you're a custodian?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Which ones are those?</p> <p>22 A. Oh, boy. The East Lake Grange in Lake County.</p> <p>23 The Scotts Valley Grange in Lake County. The Stanislaus</p> <p>24 Mountain View Grange in Stanislaus County. The Applegate</p> <p>25 Grange near Madera I think. I don't know what county that</p>	<p style="text-align: right;">195</p> <p>1 A. No.</p> <p>2 Q. Not recently at least, correct?</p> <p>3 A. Not that I'm even aware of.</p> <p>4 Q. As relates to any of these other real properties,</p> <p>5 do you know if any appraisals have been undertaken?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. For which ones?</p> <p>8 A. An unofficial appraisal on the El Camino Grange</p> <p>9 was \$45,000.</p> <p>10 Q. What's an unofficial appraisal?</p> <p>11 A. Meaning that it's a commercial property and</p> <p>12 normally you hire a commercial appraisal for that property</p> <p>13 and that would cost several thousand dollars, so we relied</p> <p>14 on a real estate agent to give us comps.</p> <p>15 Q. Okay. Did the agent provide an opinion as to</p> <p>16 value?</p> <p>17 A. That was her opinion.</p> <p>18 Q. Okay. \$45,000?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Anything else?</p> <p>21 A. The Capay Grange.</p> <p>22 Q. Okay.</p> <p>23 A. Also \$45,000.</p> <p>24 Q. Is this a similar type of a quote, unofficial</p> <p>25 appraisal?</p>
<p style="text-align: right;">194</p> <p>1 is. The Capay Grange.</p> <p>2 Q. Can you spell that for the record, please.</p> <p>3 A. C-a-p-a-y.</p> <p>4 Q. Okay.</p> <p>5 A. C-a-p-a-y, which is in Butte County I believe.</p> <p>6 And the El Camino Grange. That would be I believe Tehama</p> <p>7 County.</p> <p>8 Q. So as it relates to this list of granges, these</p> <p>9 are grange halls?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And not one of those circumstances is title</p> <p>12 actually held in the name of the Unchartered Grange?</p> <p>13 A. Not that I know of.</p> <p>14 Q. Okay. You don't know how title is held, do you?</p> <p>15 A. It should be held in the names of those individual</p> <p>16 granges.</p> <p>17 Q. That's your understanding?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Do you have a value as relates to the 3831</p> <p>20 U Street property?</p> <p>21 MR. LAPCEVIC: Lacks foundation, calls for</p> <p>22 speculation, possibly expert opinion.</p> <p>23 THE WITNESS: I honestly don't.</p> <p>24 Q. BY MR. JENSEN: Has there been any appraisals</p> <p>25 conducted on the real property?</p>	<p style="text-align: right;">196</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Same person?</p> <p>3 A. Yes.</p> <p>4 Q. Anything else?</p> <p>5 A. That's it.</p> <p>6 Q. So your testimony here today is that you were not</p> <p>7 answerable to Ed Luttrell in 2012?</p> <p>8 MR. LAPCEVIC: Mischaracterizes his testimony.</p> <p>9 THE WITNESS: Again, I don't know what the term</p> <p>10 "answerable" means. I think it's been defined in many</p> <p>11 different ways through many different administrations.</p> <p>12 Mr. Luttrell in my opinion exceeded his authority in my</p> <p>13 case and in the case of the California State Grange by</p> <p>14 directing many times the business -- or trying to direct</p> <p>15 the business of our executive committee by investigating</p> <p>16 without my knowledge or authority, using our staff and</p> <p>17 getting documents from our office. It seems like</p> <p>18 interference to me. Aligning himself with a woman who</p> <p>19 wanted to be my successor.</p> <p>20 Q. BY MR. JENSEN: Do you know that for a fact?</p> <p>21 A. I believe I do.</p> <p>22 Q. Okay. Who told you that?</p> <p>23 A. It's an accumulation of conversations and e-mails</p> <p>24 I've seen and depositions.</p> <p>25 Q. Okay. Did you ever ask her directly,</p>

<p style="text-align: right;">197</p> <p>1 "Ms. Stefenoni, do you want my position?"</p> <p>2 A. No.</p> <p>3 Q. Okay. You reviewed -- sorry. Did you review her</p> <p>4 deposition testimony in this case?</p> <p>5 A. At sometime I must have.</p> <p>6 Q. Okay. Do you recall her testimony that she didn't</p> <p>7 want that position?</p> <p>8 A. I don't recall it from her testimony.</p> <p>9 Q. Okay.</p> <p>10 A. I do recall other people telling me, relating</p> <p>11 conversations they had with her.</p> <p>12 MR. LAPCEVIC: You asked for who.</p> <p>13 MR. JENSEN: I was talking about Ms. Stefenoni</p> <p>14 only.</p> <p>15 Q. Was any of your conduct as the president of the</p> <p>16 Unchartered Grange answerable to Mr. Luttrell?</p> <p>17 MR. LAPCEVIC: Ambiguous.</p> <p>18 MR. SWANSON: Vague and ambiguous.</p> <p>19 MR. JENSEN: No problem.</p> <p>20 THE WITNESS: Again, I really have difficulty</p> <p>21 understanding what that term "answerable" means. I do not</p> <p>22 recognize that he had any kind of executive authority over</p> <p>23 me. I do not recognize that he had any authority related</p> <p>24 to my employment, although he tried to exert it.</p> <p>25 Q. BY MR. JENSEN: I think we already dealt with</p>	<p style="text-align: right;">199</p> <p>1 Q. BY MR. JENSEN: Are you answerable to Mr. Luttrell</p> <p>2 in any regard during the timeframe of October of 2001</p> <p>3 through October of 2003?</p> <p>4 MR. SWANSON: 2001 to 2003?</p> <p>5 MR. JENSEN: 2013. Sorry.</p> <p>6 THE WITNESS: Without being cute, I don't know how</p> <p>7 to answer that. I mean, you know, "Bob drive me to San</p> <p>8 Diego," okay. All right. I'll be happy to do that.</p> <p>9 Q. BY MR. JENSEN: That is being cute, but was he</p> <p>10 answer -- were you at all answerable to him from October</p> <p>11 of 2011 through October of 2013?</p> <p>12 A. Well, I shared with him the details on the Vista</p> <p>13 Grange settlement -- mediation, and I voluntarily did</p> <p>14 that. I didn't feel that I had to do that. But, of</p> <p>15 course, this was of interest to him and the National</p> <p>16 Grange. I gave him the details of that mediation in terms</p> <p>17 of that mediation. And later he either forgot them or</p> <p>18 chose to ignore them.</p> <p>19 I went to Vista Grange, and he knew this, on the</p> <p>20 mandate of our members, first of all, from our convention</p> <p>21 that year, 2009. And on the advice, consent, approval,</p> <p>22 knowledge and with a laundry list from our executive</p> <p>23 committee of what those terms should and should not be, we</p> <p>24 were able to mediate that in what I thought was an</p> <p>25 excellent conclusion.</p>
<p style="text-align: right;">198</p> <p>1 that.</p> <p>2 A. I don't --</p> <p>3 MR. LAPCEVIC: That's argumentative. If you have</p> <p>4 a question, you can ask it.</p> <p>5 THE WITNESS: -- recognize that Mr. Luttrell and I</p> <p>6 had any -- any relations outside of attempts to try to</p> <p>7 work together, for example, on tours of the granges of</p> <p>8 California, on programs to grow membership in California</p> <p>9 and provide suggestions to other granges on how to grow</p> <p>10 membership, promote the organization within and without of</p> <p>11 California, outside of California. For example, he hired</p> <p>12 me to go up to Alaska and try to start some granges up</p> <p>13 there.</p> <p>14 So when you say "answerable," not knowing what</p> <p>15 that term really means, my understanding of the</p> <p>16 responsibilities, the duties, the job -- the job of the</p> <p>17 national master is to work with the state masters.</p> <p>18 Mr. Luttrell often used the term "mentor." In my</p> <p>19 experience I didn't get a lot of mentoring. I got a lot</p> <p>20 of persecution.</p> <p>21 So answerable to Mr. Luttrell? I'm answerable to</p> <p>22 the members of the granges of California. I'm answerable</p> <p>23 to my executive committee, and I am answerable to the laws</p> <p>24 of the State of California and I'm answerable to our</p> <p>25 bylaws.</p>	<p style="text-align: right;">200</p> <p>1 We returned the grange to the organization. We</p> <p>2 returned the membership to the organization. We agreed</p> <p>3 that we would sell the grange per the rules of the</p> <p>4 organization, and we retrieved our attorney's fees all</p> <p>5 with the full consent, knowledge, and authority of our</p> <p>6 executive committee.</p> <p>7 Q. Okay. Vista Grange. Anything other than the</p> <p>8 Vista Grange during that timeframe that you were</p> <p>9 answerable to Mr. Luttrell on?</p> <p>10 A. Well, he, for example, interpreted the bylaws of</p> <p>11 the National Grange. You asked me earlier, Mr. Jensen,</p> <p>12 about being delegates to the National Grange. He</p> <p>13 interpreted the National Grange bylaws to mean that it was</p> <p>14 mandatory that you attend the National Grange convention.</p> <p>15 I don't see that in the bylaws of the National Grange.</p> <p>16 Q. So that's an example where you're not answerable</p> <p>17 to him?</p> <p>18 A. No, that's an example of where I answered him,</p> <p>19 followed his direction, even though I didn't think it was</p> <p>20 correct.</p> <p>21 Q. Okay. Anything else?</p> <p>22 A. Not that just rolls off the top of my head.</p> <p>23 Q. Do you think the Unchartered Grange could suspend</p> <p>24 the Digest of Laws?</p> <p>25 MR. SWANSON: Objection. Vague.</p>

<p style="text-align: right;">201</p> <p>1 MR. LAPCEVIC: Calls for a legal conclusion, calls 2 for speculation. 3 MR. JENSEN: That's why I'm asking him does he 4 think that. 5 MR. LAPCEVIC: And if the basis for your thought 6 is anything you discussed with counsel, the instruction is 7 not to answer. 8 THE WITNESS: Yeah. I guess I'd have to answer 9 that that depends on who is interpreting the rules and who 10 interprets when you have suspended them. 11 Q. BY MR. JENSEN: So is your answer yes then? 12 A. No, that wasn't my answer. 13 Q. Okay. It depends? 14 A. I think that's how I answered, yes. 15 Q. What does it depend on? 16 A. Well, I could give you an example. At our 2011 17 convention under Mr. Luttrell's direction, several members 18 of our executive committee, including Martha Stefenoni, 19 were interrogating delegates outside of our hall standing 20 them up against the wall and asking them questions to 21 verify their right to be there. That had never happened 22 before. The members that had been verified inside the 23 hall were livid about it. 24 A motion came to the floor that all of the 25 delegates with credentials from their granges, which these</p>	<p style="text-align: right;">203</p> <p>1 legal conclusion. 2 THE WITNESS: My answer is is that in that example 3 I did not believe we suspended the rules, but according to 4 the national master, we did. 5 Q. BY MR. JENSEN: Right. I understand that. My 6 question is what do you think? Do you think that that can 7 happen? Can the Unchartered Grange suspend the Digest of 8 Laws? 9 MR. LAPCEVIC: Calls for a legal conclusion. To 10 the extent that you know it outside of what you discussed 11 with counsel, you can answer it. 12 THE WITNESS: I would never deliberately suspend 13 the rules. 14 Q. BY MR. JENSEN: Okay. 141, please, sir. And 15 we've already established on the record that these are the 16 Unchartered Grange bylaws in existence effective October 17 of 2013, correct? 18 A. Effective October 11th, 2013. 19 Q. Thank you for that. Who prepared the document? 20 A. That's a good question. I recall that there were 21 a couple of us working on this. Jon Luvaas, myself, and 22 very likely others on our executive committee. Perhaps a 23 couple of people off of our executive committee. And then 24 it likely went back to our office where one of our staff 25 completed the document.</p>
<p style="text-align: right;">202</p> <p>1 folks all had, 20, 22 of them, should be admitted as 2 delegates to our convention. That motion came up. I 3 reviewed it with our parliamentarian. We reviewed the 4 bylaws in terms of that motion. Found it to be proper. 5 Allowed it to go forward. It was adopted nearly 6 unanimously. There were cheers from the hall. 7 And the next morning I got a message from 8 Mr. Luttrell and a prepared statement. The statement 9 asked me to admit that I had made an error due to my 10 juvenile knowledge of the grange and the grange laws and 11 that I should reverse that motion and call it out of 12 order, even though my parliamentarian had said it's within 13 order and I agreed with him. And I was accused at that 14 time of suspending the rules. 15 Now, Mr. Luttrell was not at that convention. He 16 did not hear that motion. He was not part of those 17 proceedings. So I don't know how distantly he can 18 instruct our delegates and our leadership about that 19 motion or suggest that it's suspended. 20 Q. Once again, it's your belief that that was a 21 suspension of the rules, right? 22 A. Not just my belief. 23 Q. Right. So what I'm asking you is can the 24 Unchartered Grange suspend the Digest of Laws? 25 MR. LAPCEVIC: Vague as to time. It calls for a</p>	<p style="text-align: right;">204</p> <p>1 Q. Okay. So a couple of members on the executive 2 committee other than yourself and Mr. Luvaas? 3 A. At least looking it over and making 4 recommendations. 5 Q. Okay. Do you know who those people were? 6 A. I could imagine -- no, I don't want to imagine. I 7 don't want to guess. 8 Q. I want to know what you know. I don't want 9 guesses. I don't want speculation. 10 A. I only know for a fact that Jon Luvaas and I 11 worked on this. 12 Q. That's a fine answer. And then you mentioned 13 there were some people who may have not been on the 14 executive committee that were also engaged in making this 15 document. Who were they, if you have personal knowledge 16 of them? 17 A. I believe that I can only say that there were 18 other members of the State Grange that were interested in 19 this project and volunteered to assist us, and I cannot 20 recall who those people were. 21 Q. Okay. You don't know if they actually assisted, 22 do you? 23 A. Probably limited to making suggestions and that 24 type of thing. 25 Q. Were drafts of the bylaws that look like</p>

<p style="text-align: right;">205</p> <p>1 Exhibit 141 sent out to members of the executive committee 2 prior to them becoming effective? 3 A. To members of the executive committee. I believe 4 these -- this 2013 edition was distributed to not just the 5 executive committee but to the members of the -- 6 Q. Once again my question is -- just stick with my 7 question. 8 A. All right. 9 Q. Was that -- a draft of this particular document 10 submitted to the members of the executive committee? 11 A. Yes. 12 Q. <u>Okay. Do you recall as you sit here today whether</u> 13 <u>there was a separate document which would be the -- would</u> 14 <u>be an amendment to the constitution of the bylaws of the</u> 15 <u>Unchartered Grange?</u> 16 A. <u>I do not recall and I'm -- I was a little</u> 17 <u>surprised today to see that there is not a constitution</u> 18 <u>just because of the earlier version had one. But then I</u> 19 <u>read this preamble and now I can see why there may not</u> 20 <u>have been a constitution.</u> 21 Q. <u>Well, my question was was there a document -- was</u> 22 <u>there a separate document that you recall being prepared</u> 23 <u>around the same time in 2013?</u> 24 A. I don't recall working on the constitution. 25 Q. Yeah. Right. Do you ever recall -- strike that.</p>	<p style="text-align: right;">207</p> <p>1 A. Just a general understanding that this is what we 2 would need to do. 3 Q. I don't want to know about information -- 4 A. I'm sorry. 5 Q. I want to know anyone else. Whom. 6 MR. LAPCEVIC: He's asking people, not -- 7 THE WITNESS: Members -- members of our executive 8 committee and perhaps other members of the California 9 State Grange, which their names just escape me right now. 10 Q. BY MR. JENSEN: Do you recall when you were first 11 notified by someone from Boutin Jones that those changes 12 should be made? 13 MR. SWANSON: Object to the extent that that -- 14 Q. BY MR. JENSEN: When. 15 A. Following the revocation of our charter, and I -- 16 I would say soon after the revocation of our charter. 17 Q. <u>During that time, from revocation of the charter</u> 18 <u>up to the time in which there was an amendment to the</u> 19 <u>bylaws, do you recall ever preparing an amendment to the</u> 20 <u>constitution?</u> 21 A. <u>Ever doing what to the constitution?</u> 22 Q. <u>An amendment to the constitution.</u> 23 A. <u>Not specifically.</u> 24 Q. Okay. Do you have a general recollection that 25 that occurred?</p>
<p style="text-align: right;">206</p> <p>1 Do you recall discussing making an amendment to 2 the constitution during this timeframe? 3 A. What I recall is a conversation or conversations 4 saying that we needed to amend our documents, plural, our 5 governing documents to acknowledge that we were no longer 6 affiliated with the National Grange. 7 Q. And who said that you needed to amend the 8 documents? 9 A. I can't answer that. 10 Q. The who I think you can answer. You don't -- do 11 you not know who they are or -- 12 A. I can say who it was. 13 Q. Sure. 14 A. If it doesn't break -- 15 Q. It doesn't. 16 A. Okay. 17 Q. The who, the identification of an attorney is not 18 a violation of a confidence. Who? 19 A. Dennis -- what's Dennis' last name? 20 MR. SWANSON: I'm not here to testify. 21 Q. BY MR. JENSEN: I'll help you. Somebody from the 22 Boutin Jones firm by the first name of Dennis? 23 A. Dennis Michaels I think is his name. Dennis 24 Michaels. 25 Q. Okay. Anyone else?</p>	<p style="text-align: right;">208</p> <p>1 A. As I said, we generally discussed amending any of 2 our governing documents. 3 Q. So you're just not sure whether that amendment of 4 all documents included the constitution; is that true? 5 A. That's correct. 6 Q. Okay. Sitting here today, you don't know if there 7 has been an amendment to the constitution, correct? 8 A. Not for any certainty. 9 Q. Okay. Is anybody at the California State Grange 10 going to have any knowledge on that subject matter? 11 A. Probably staff. 12 Q. Okay. Staff. Who in terms of staff members would 13 have knowledge on that subject matter? 14 A. Sara Godley or Rick Keel I would say. 15 Q. For instance, if there was a discussion amongst 16 the members of the executive committee, would that be 17 documented in the minutes as relates to any amendments to 18 the constitution? 19 A. Possibly. 20 Q. How about, for instance, if they're in session, 21 any resolutions regarding the constitution during session 22 in 2013? 23 MR. SWANSON: Can I get a clarification of what 24 you mean by "session"? 25 MR. JENSEN: Grange session in October of 2013.</p>

<p style="text-align: right;">209</p> <p>1 MR. SWANSON: The annual meeting?</p> <p>2 MR. JENSEN: That's right.</p> <p>3 THE WITNESS: What was the first part of your</p> <p>4 question, please?</p> <p>5 Q. BY MR. JENSEN: Were there any resolutions passed</p> <p>6 in October of 2013 to amend the constitution of the</p> <p>7 Unchartered Grange?</p> <p>8 A. I cannot say for sure. I would have to review the</p> <p>9 minutes.</p> <p>10 Q. Okay. Were Journals of Proceedings prepared for</p> <p>11 the 2013 convention?</p> <p>12 A. The last Journal of Proceedings that we produced</p> <p>13 were either 2012 or 2013. And I produced those documents</p> <p>14 so whatever documents I produced is what we have.</p> <p>15 Q. Let's see if you and I can get on the same page</p> <p>16 here. You're not certain as you sit here today whether</p> <p>17 that was a Journal of Proceedings for 2013?</p> <p>18 A. I can't recall if we did them for 2013.</p> <p>19 Q. Okay. And the same is true for 2012; you're not</p> <p>20 certain that you prepared one for 2012?</p> <p>21 A. I'm pretty sure I saw one for 2012 that I</p> <p>22 produced.</p> <p>23 Q. Okay. And that would have been produced to your</p> <p>24 lawyer, right?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">211</p> <p>1 that was voted on, correct?</p> <p>2 A. They should.</p> <p>3 Q. Okay. Now, is there a document of minutes that</p> <p>4 has been produced in this case for the 2013 meeting?</p> <p>5 A. I believe so.</p> <p>6 Q. Well, let's back it up. Were in fact minutes kept</p> <p>7 for --</p> <p>8 A. Yes.</p> <p>9 Q. -- 2013? Were in fact minutes kept for 2013?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And you believe that those have been</p> <p>12 produced?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Were minutes kept for 2012?</p> <p>15 A. Yes.</p> <p>16 Q. And you believe that those have been produced?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And, for instance, the minutes in 2013</p> <p>19 would show the specific resolutions that were passed,</p> <p>20 correct?</p> <p>21 MR. LAPCEVIC: At the annual meetings?</p> <p>22 MR. JENSEN: Yeah.</p> <p>23 THE WITNESS: They should.</p> <p>24 Q. BY MR. JENSEN: They should or they would?</p> <p>25 A. I don't want to say.</p>
<p style="text-align: right;">210</p> <p>1 Q. Any reason why there wouldn't be one for 2013?</p> <p>2 A. We got away from the -- we got away from doing</p> <p>3 Journals of Procedures. They're basically a republishing</p> <p>4 of the minutes from the executive committee meetings and</p> <p>5 the minutes of the annual session. And the only thing</p> <p>6 other than that that they include -- they might have like</p> <p>7 the master's address in there or legislative directors</p> <p>8 presentations, and perhaps a list of delegates, things</p> <p>9 like that. So it's a project to put those together. And</p> <p>10 because our staff is now very limited, we just haven't</p> <p>11 done that for the last few years.</p> <p>12 Q. Okay. But would also those Journal of Proceedings</p> <p>13 show what type of resolutions were passed by the delegates</p> <p>14 in those years?</p> <p>15 A. As would the minutes of the annual meeting.</p> <p>16 Q. I see. The minutes would also show how the</p> <p>17 delegates voted?</p> <p>18 A. As a matter of fact, that is how they would be</p> <p>19 recorded in the journal.</p> <p>20 Q. Okay.</p> <p>21 A. From the minutes.</p> <p>22 Q. Let's see if I can break it down now. Those</p> <p>23 minutes would reflect how the delegates voted, correct?</p> <p>24 A. Yes.</p> <p>25 Q. And it would reflect on each particular resolution</p>	<p style="text-align: right;">212</p> <p>1 MR. LAPCEVIC: If you know. Don't speculate.</p> <p>2 THE WITNESS: I only say they should. I'm not</p> <p>3 speculating. I only say they should because we've had</p> <p>4 some difficulty with our recording secretaries, and some</p> <p>5 have not been as good at keeping minutes as others.</p> <p>6 Q. BY MR. JENSEN: Okay. Exhibit 141, this document</p> <p>7 removed reference to the National Grange, correct?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Any other changes that you're aware of in</p> <p>10 terms of substance in revisions to bylaws, Exhibit 141?</p> <p>11 A. Yes.</p> <p>12 Q. What are they?</p> <p>13 A. The preamble.</p> <p>14 Q. Okay. What else?</p> <p>15 A. And I believe there's a section at the back of the</p> <p>16 bylaws -- oh, I think we also -- yes, page 12, lowering of</p> <p>17 the quorum requirement to 20 percent.</p> <p>18 Q. Okay.</p> <p>19 A. And then ... (Witness reviews document.) And I</p> <p>20 believe on page 25 the article entitled "Transitional</p> <p>21 Provisions."</p> <p>22 Q. Okay. And that's all you can recall as you sit</p> <p>23 here today as relates to changes, substantive changes?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And this document claims that the</p>

<p style="text-align: right;">213</p> <p>1 Unchartered Grange is independent of the National Grange, 2 correct? 3 A. It claims in the language of the preamble that we 4 are not affiliated with any national organization. It 5 does not specifically say we are -- anything about the 6 National Grange. 7 Q. Okay. Exhibit 142, have you seen this document 8 before? 9 A. Yes. 10 Q. What is it? 11 A. The Articles of Incorporation of the California 12 State Grange. 13 Q. Have there been any amendments to the Articles of 14 Incorporation to the Unchartered Grange? 15 A. There have not. 16 Q. Paragraph seven. 17 A. How do you identify paragraph seven? 18 Q. It's on page 3. 19 A. Okay. 20 Q. Let me know when you've had an opportunity to 21 review that provision. 22 A. (Witness reviews document.) Yes. 23 Q. You would agree with me that paragraph seven of 24 these articles recognize the rules of the Order of Patrons 25 of Husbandry, correct?</p>	<p style="text-align: right;">215</p> <p>1 MR. LAPCEVIC: The document speaks for itself. 2 MR. SWANSON: Argumentative. 3 MR. LAPCEVIC: And calls for a legal conclusion. 4 THE WITNESS: The question was should the 5 California State have a constitution? 6 Q. BY MR. JENSEN: Right, that provision of the 7 articles requires that the Unchartered Grange have a 8 constitution, correct? 9 MR. LAPCEVIC: Same objections. 10 THE WITNESS: Yes. 11 Q. BY MR. JENSEN: Okay. And then paragraph nine 12 requires that the Unchartered Grange is to have bylaws, 13 correct? 14 MR. LAPCEVIC: Lacks -- same objections. 15 THE WITNESS: (Witness reviews document.) Yes. 16 Q. BY MR. JENSEN: Okay. And you're familiar with 17 the Articles of Incorporation for the Unchartered Grange, 18 correct? 19 MR. LAPCEVIC: The document that we're looking at 20 right now? 21 MR. JENSEN: Yeah. 22 Q. There is only one document, right? We just 23 testified about that earlier. You're familiar with the 24 Articles of Corporation for the Unchartered Grange, 25 correct?</p>
<p style="text-align: right;">214</p> <p>1 A. No. 2 MR. LAPCEVIC: Let me get my objections out. 3 Lacks foundation, calls for speculation, calls for a legal 4 conclusion. 5 Q. BY MR. JENSEN: Go ahead. 6 A. No. 7 Q. What does the word "Order" mean in this particular 8 provision in the articles of incorporation? 9 MR. LAPCEVIC: If you have an understanding of it. 10 MR. SWANSON: Same objections. 11 THE WITNESS: I don't know for certain but I 12 believe it refers to -- 13 MR. LAPCEVIC: We don't want you to guess. You 14 either know or you don't know. 15 THE WITNESS: I don't know. 16 Q. BY MR. JENSEN: So the answer here is you don't 17 know, correct? 18 A. I don't know. 19 Q. You do not know, correct? 20 A. Correct. 21 Q. Thank you. Do you see section eight of the 22 articles, the section right below it? 23 A. Yes. 24 Q. That section demands that the Unchartered Grange 25 is to have a constitution, correct?</p>	<p style="text-align: right;">216</p> <p>1 A. In terms of how I -- in terms of studying them 2 today I am familiar. 3 Q. And you've reviewed them before today, right? 4 A. Yes. 5 Q. It's a document you've seen before, right? 6 A. Yes. 7 Q. Okay. You're familiar with them in your capacity 8 as the president of the Unchartered Grange, correct? 9 A. Yes. 10 Q. Okay. You testified a little while ago that the 11 charter was hanging on the wall. Is that your testimony? 12 A. Um-hum. Yes. 13 Q. Was it taken off the wall? 14 A. Yes. 15 Q. Where is it? 16 MR. LAPCEVIC: If you know. 17 THE WITNESS: I don't know. 18 Q. BY MR. JENSEN: Okay. Do you know who took it off 19 the wall? 20 A. I don't know. 21 Q. Do you know who has possession of the charter as 22 you sit here today? 23 MR. LAPCEVIC: Calls for speculation. 24 THE WITNESS: I don't know who has possession of 25 it.</p>

<p style="text-align: right;">217</p> <p>1 Q. BY MR. JENSEN: Okay. Was it framed?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Do you know of anyone at the Unchartered</p> <p>4 Grange who knows of the location of the charter?</p> <p>5 MR. LAPCEVIC: Calls for speculation.</p> <p>6 THE WITNESS: I would imagine the staff knows.</p> <p>7 Q. BY MR. JENSEN: Okay. Anybody in particular?</p> <p>8 A. Again, Sara Godley or Rick Keel.</p> <p>9 Q. Okay. Ed Luttrell suspended you as master of the</p> <p>10 Unchartered Grange, correct?</p> <p>11 A. No.</p> <p>12 Q. I know you disagree that he could suspend you, but</p> <p>13 he did that act; he suspended you; he sent you a letter,</p> <p>14 right?</p> <p>15 A. He sent me a letter.</p> <p>16 Q. Right. And that letter -- the contents of the</p> <p>17 letter suspended you, correct?</p> <p>18 A. Incorrect.</p> <p>19 Q. Okay. The contents of the letter did not suspend</p> <p>20 you?</p> <p>21 A. It did not suspend me.</p> <p>22 Q. Okay. Because that was an action that was taken</p> <p>23 afterwards, right? That you disagreed with the</p> <p>24 suspension, right?</p> <p>25 A. I don't recognize that I have been suspended.</p>	<p style="text-align: right;">219</p> <p>1 the meeting was called?</p> <p>2 A. The closest thing that I remember was what I would</p> <p>3 call a declaration. It was a resolution because we voted</p> <p>4 on it. It was a declaration and it had, I don't know, six</p> <p>5 or seven points in it outlining -- and I think it was</p> <p>6 addressed to Mr. Luttrell or at least the National</p> <p>7 Grange -- outlining the reasons why our executive</p> <p>8 committee would not recognize his authority to suspend me</p> <p>9 and would not abide by a suspension.</p> <p>10 Q. That happened in September of 2014, right?</p> <p>11 MR. SKINNER: Sorry to interrupt. Would it be</p> <p>12 possible to move the speaker phone closer to the witness</p> <p>13 or have him speak up?</p> <p>14 THE WITNESS: I'm sorry. I keep leaning back. It</p> <p>15 may have been September. I don't recall.</p> <p>16 MR. LAPCEVIC: Are you talking about 2014?</p> <p>17 Q. BY MR. JENSEN: Sorry. Excuse me. That happened</p> <p>18 in September of 2012, correct, the meeting of the</p> <p>19 executive committee?</p> <p>20 A. It could have been at the September meeting. I</p> <p>21 don't know when our meetings were held.</p> <p>22 Q. For instance, September 24th, 2012?</p> <p>23 A. Without looking at the minutes I can't say for</p> <p>24 certain.</p> <p>25 Q. The most accurate record as relates to when that</p>
<p style="text-align: right;">218</p> <p>1 Q. But there was an effort, a meeting that was held</p> <p>2 to deal with the suspension letter, right?</p> <p>3 A. I suppose you could call it a meeting.</p> <p>4 Q. The executive committee met on the subject matter,</p> <p>5 did it not?</p> <p>6 A. Oh, okay. The executive -- the executive</p> <p>7 committee met and discussed the matter, yes.</p> <p>8 Q. Right. So factually, just so you and I are on the</p> <p>9 same page, you received information from Mr. Luttrell that</p> <p>10 he had suspended you from your office as master, correct?</p> <p>11 A. I received a letter from Mr. Luttrell attempting</p> <p>12 to suspend me from office.</p> <p>13 Q. Sure. And thereafter, action was taken by the</p> <p>14 executive committee; is that true?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. A meeting was called, correct?</p> <p>17 A. Yes.</p> <p>18 Q. Who called the meeting?</p> <p>19 A. The day Mr. Luttrell showed up, he had Bob Clouse</p> <p>20 show up at my office and present me with this letter.</p> <p>21 There was a lot of buzz afterwards, telephone calls, so</p> <p>22 forth and so on. And I honestly can't recall who called</p> <p>23 the meeting, when it was called, or where it was called.</p> <p>24 Q. Was there any document that is maintained by the</p> <p>25 Unchartered Grange that would show the method upon which</p>	<p style="text-align: right;">220</p> <p>1 meeting took place would come from the minutes, right?</p> <p>2 A. It would have -- yes.</p> <p>3 Q. Okay. During the time between the -- let's just</p> <p>4 assume that this is true, that you received the letter</p> <p>5 from Mr. Luttrell in August. You did receive that letter,</p> <p>6 right?</p> <p>7 A. Yep.</p> <p>8 Q. Okay. And then there was a meeting, right?</p> <p>9 A. There was a meeting.</p> <p>10 Q. And let's assume that that meeting took place in</p> <p>11 September, right?</p> <p>12 A. I can't assume that.</p> <p>13 Q. Well, let's assume that for the purposes of this</p> <p>14 question, okay?</p> <p>15 A. Okay.</p> <p>16 Q. Did you continue to act as the master during that</p> <p>17 timeframe?</p> <p>18 MR. LAPCEVIC: Well, that assumes facts not in the</p> <p>19 record.</p> <p>20 MR. JENSEN: No, it doesn't.</p> <p>21 MR. LAPCEVIC: It's an incomplete hypothetical.</p> <p>22 You're asking him to --</p> <p>23 MR. JENSEN: Just object. Object.</p> <p>24 MR. LAPCEVIC: -- assume a fact that he hasn't --</p> <p>25 MR. JENSEN: Object. No more speaking objections.</p>

<p style="text-align: right;">221</p> <p>1 Just object. Object.</p> <p>2 MR. LAPCEVIC: Assumes facts -- I'm making my</p> <p>3 objection.</p> <p>4 MR. JENSEN: Hurry up.</p> <p>5 MR. LAPCEVIC: Assumes facts not in the record.</p> <p>6 Q. BY MR. JENSEN: Okay. From August upon receipt of</p> <p>7 the letter until the meeting of the executive committee,</p> <p>8 did you act as the master of the Unchartered Grange?</p> <p>9 MR. LAPCEVIC: Vague as to time. Which meeting of</p> <p>10 the executive committee?</p> <p>11 MR. JENSEN: We've already established it. Let's</p> <p>12 go.</p> <p>13 MR. LAPCEVIC: Do you understand the question?</p> <p>14 THE WITNESS: I think so. On the advice of my</p> <p>15 counsel --</p> <p>16 Q. BY MR. JENSEN: Whoa, whoa, whoa. No. I mean</p> <p>17 I've been very clear about this. I don't want to hear</p> <p>18 anything about advice that you received from a lawyer,</p> <p>19 okay. Did you act. The question was act. Did you act as</p> <p>20 the master between August after receiving the suspension</p> <p>21 letter until the time in which the executive committee met</p> <p>22 in September of 2014. Act.</p> <p>23 MR. LAPCEVIC: If you can answer that question</p> <p>24 without going outside of an attorney that you may have</p> <p>25 been consulting with at that point then do so.</p>	<p style="text-align: right;">223</p> <p>1 A. Well, first of all, the executive committee</p> <p>2 anticipated or prepared for another notice of suspension.</p> <p>3 Q. Okay. My question was when. When had the</p> <p>4 executive committee determined after receipt of the</p> <p>5 suspension letter that it was not to be followed?</p> <p>6 A. Immediately.</p> <p>7 Q. Immediately. Okay. When was -- was there a</p> <p>8 meeting?</p> <p>9 A. If there was a meeting it would have been by</p> <p>10 telephone, and I don't recall if it was that day, that</p> <p>11 evening, the following day.</p> <p>12 Q. Soon after receipt of the letter in August there</p> <p>13 was some type of meeting, correct?</p> <p>14 A. Almost immediately afterwards, yes.</p> <p>15 Q. Were minutes of this meeting taken?</p> <p>16 A. Not to my knowledge.</p> <p>17 Q. Who participated in this meeting?</p> <p>18 A. I believe -- I believe the whole executive</p> <p>19 committee participated.</p> <p>20 Q. Okay. Was a vote conducted?</p> <p>21 A. I don't recall.</p> <p>22 Q. Okay. You don't recall as you sit here today</p> <p>23 whether a vote was conducted and whether or not the</p> <p>24 suspension order from Mr. McFarland should be followed --</p> <p>25 or the suspension order of Mr. McFarland should be</p>
<p style="text-align: right;">222</p> <p>1 Q. BY MR. JENSEN: Act is the key word here.</p> <p>2 MR. LAPCEVIC: Do you understand what "act" means?</p> <p>3 THE WITNESS: Yes, I believe so. I never</p> <p>4 abandoned my duties as the president of the California</p> <p>5 State Grange.</p> <p>6 Q. BY MR. JENSEN: So from August upon receipt of the</p> <p>7 letter until the executive committee met in September of</p> <p>8 2012, you continued to act in your capacity as the master</p> <p>9 of the Unchartered Grange, correct?</p> <p>10 MR. LAPCEVIC: Assumes facts not in the record.</p> <p>11 Go ahead.</p> <p>12 THE WITNESS: Assuming that the meeting of the</p> <p>13 executive committee took place September 12th did you say?</p> <p>14 Q. BY MR. JENSEN: September 24th I think.</p> <p>15 A. September 24th. Yes.</p> <p>16 Q. Okay. The executive committee hadn't made any</p> <p>17 determination at that point in time whether or not the</p> <p>18 suspension order should be followed, correct?</p> <p>19 A. Incorrect.</p> <p>20 Q. So you're telling me after receipt of the August</p> <p>21 suspension letter, the executive committee had already</p> <p>22 determined that the suspension order should not be</p> <p>23 followed?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. When did that happen?</p>	<p style="text-align: right;">224</p> <p>1 followed -- of you should be followed? Let's try that</p> <p>2 again.</p> <p>3 MR. SWANSON: You sound like an NBA player</p> <p>4 speaking in the third person.</p> <p>5 MR. JENSEN: I like that.</p> <p>6 MR. SWANSON: Thank you.</p> <p>7 Q. BY MR. JENSEN: All right. Do you recall there</p> <p>8 being any vote taken during that meeting?</p> <p>9 A. I don't recall if a vote was taken, but at the</p> <p>10 very least the consensus of the executive committee was</p> <p>11 that I should remain in office and not accept the</p> <p>12 suspension.</p> <p>13 Q. Okay. Consensus. Did you vote?</p> <p>14 A. I may have.</p> <p>15 Q. Okay. Do you recall anyone who did not vote in</p> <p>16 favor -- strike that.</p> <p>17 Did you recall anybody who voted for the</p> <p>18 suspension order to be followed?</p> <p>19 A. No.</p> <p>20 Q. Okay. So your testimony here today is that in</p> <p>21 short order after receipt of the August suspension letter,</p> <p>22 you had received authority from the Unchartered Grange to</p> <p>23 continue to operate as master?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And there was a subsequent meeting</p>

<p style="text-align: right;">225</p> <p>1 thereafter where there were at least formal minutes that 2 were prepared, correct? 3 A. Yes. 4 Q. Okay. And that's the meeting that you and I had 5 already talked about that I think took place in September 6 of 2014? 7 A. Yes. 8 Q. Okay. And you would agree with me that the 9 Unchartered Grange had its charter suspended in September 10 of 2012? 11 MR. LAPCEVIC: Asked and answered. Calls for a 12 legal conclusion. 13 Q. BY MR. JENSEN: The act occurred, right? The 14 charter was suspended. It's a fact. You would agree with 15 me, right? 16 A. I believe that's correct. 17 Q. Yeah, I think so. 18 This might be a logical time to take a quick 19 break. 20 (Recess taken from 4:14 p.m. until 4:29 p.m.) 21 Q. BY MR. JENSEN: Exhibit 145 in the binder right in 22 front of you. 23 A. (Witness reviews document.) 24 MR. SKINNER: Hello? Is anybody there? 25 MR. JENSEN: Yeah, Jeff, we're on.</p>	<p style="text-align: right;">227</p> <p>1 A. (Witness reviews document.) Okay. 2 Q. You've seen this document before, correct? 3 A. Yes. 4 Q. That document was sent to you, correct? 5 A. I don't recall if it was sent to me before I got 6 it from someone else. 7 Q. You did receive it though, right? 8 A. I got a copy of it from somebody. 9 Q. Okay. And you received it at or around the time 10 April of 2013 correct? 11 A. I believe so. 12 Q. Okay. And this document revoked the charter of 13 the Unchartered Grange, correct? 14 MR. LAPCEVIC: The document speaks for itself, 15 calls for a legal conclusion. 16 THE WITNESS: This document proposes to revoke the 17 charter of the California State Grange. 18 Q. BY MR. JENSEN: And that in fact happened, 19 correct? 20 A. I must disagree. 21 Q. The charter wasn't revoked? 22 A. The authority that the national master used to 23 revoke the charter and suspend the charter of the 24 California State Grange depended on a change in the 25 National Grange Bylaws in November of 2011. The</p>
<p style="text-align: right;">226</p> <p>1 MR. SKINNER: I'm back. I'm ready to go whenever 2 everybody else is. 3 MR. JENSEN: We're going. There was a question 4 pending. We're waiting. 5 MR. SKINNER: That was on the record? Sorry about 6 that. 7 MR. JENSEN: No problem. You sounded good though. 8 Q. Okay. You've seen that document before, right? 9 A. Yes, I have. 10 Q. And that document suspended the charter of the 11 Unchartered Grange, correct? 12 A. It proposeS to suspend the charter of the 13 California State Grange. 14 Q. All right. <u>There's a procedure to appeal a</u> 15 <u>suspension of a charter, correct?</u> 16 A. <u>I believe the National Digest outlines a procedure</u> 17 <u>to appeal a suspension.</u> 18 Q. <u>Right. There was no appeal by the Unchartered</u> 19 <u>Grange as it relates to the suspension of its charter,</u> 20 <u>correct?</u> 21 A. <u>Correct.</u> 22 Q. And then in April of 2013, the charter of the 23 Unchartered Grange was revoked, correct? 24 A. Correct. 25 Q. Exhibit 147.</p>	<p style="text-align: right;">228</p> <p>1 California State Grange never adopted that amendment for 2 our rules. 3 Q. Okay. So there's never been an effective 4 revocation of the charter of the Unchartered Grange? 5 MR. LAPCEVIC: Ambiguous as to the word 6 "effective." 7 THE WITNESS: I would have to say that in my 8 opinion the master of the National Grange did not have the 9 authority to suspend or revoke our charter. 10 Q. BY MR. JENSEN: And you're basing that on an 11 inability of the -- sorry, not an inability. Strike that. 12 You're basing that on the failure of the 13 Unchartered Grange to adopt a specific bylaw change, 14 correct? 15 MR. SWANSON: Objection. Argumentative as to 16 "failure." 17 THE WITNESS: I would base that on the decision of 18 the California State Grange to not adopt the amendment to 19 the National Grange Bylaws. 20 Q. BY MR. JENSEN: And that occurred in 2011, 21 correct? 22 A. I believe it was probably discussed in 2013. 23 Q. No, no. Going back here. I'm guessing you 24 attended national session of 2011. That was your 25 testimony earlier, right?</p>

<p style="text-align: right;">229</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And there was a change at that point in</p> <p>3 time? Your understanding there's a change at that point</p> <p>4 in time?</p> <p>5 A. That's my understanding.</p> <p>6 Q. Okay. And this particular change that was made</p> <p>7 was not adopted by the Unchartered Grange, correct?</p> <p>8 A. That's correct.</p> <p>9 Q. Did it come up for a vote at some point in time?</p> <p>10 A. I don't believe so.</p> <p>11 Q. Okay. Was it ever discussed for a vote?</p> <p>12 A. I believe it was.</p> <p>13 Q. When was that?</p> <p>14 A. Not -- not -- discussed for a vote. It was</p> <p>15 discussed.</p> <p>16 Q. Okay. It was discussed. When was that?</p> <p>17 A. I think it really rose to our attention when</p> <p>18 Luttrell suspended our charter.</p> <p>19 Q. Okay. That was the first time that you became</p> <p>20 aware of that issue?</p> <p>21 A. I believe that's the first time we really paid</p> <p>22 attention to it. It's the first time to my knowledge that</p> <p>23 it had ever been -- that that authority had ever been used</p> <p>24 by the national master.</p> <p>25 Q. When you say "that authority," are you referring</p>	<p style="text-align: right;">231</p> <p>1 Q. I understand you gave them to your lawyer. Do you</p> <p>2 know if they were actually produced to other lawyers in</p> <p>3 this case?</p> <p>4 A. I do not.</p> <p>5 Q. Okay. But you are aware -- sorry. You do believe</p> <p>6 you did, in fact, produce those to your lawyers?</p> <p>7 A. I believe so.</p> <p>8 Q. Okay. 2013 minutes of proceedings, were those</p> <p>9 provided to your lawyer?</p> <p>10 A. The minutes of the annual meeting of 2013?</p> <p>11 Q. Yes.</p> <p>12 A. I believe were produced.</p> <p>13 Q. Okay.</p> <p>14 A. To our attorneys.</p> <p>15 Q. Do you know as you sit here today whether they</p> <p>16 were actually produced to the other lawyers in this case?</p> <p>17 A. I do not know.</p> <p>18 Q. You're aware of a procedure to appeal the</p> <p>19 revocation of a charter, correct?</p> <p>20 A. Am I aware of the --</p> <p>21 Q. Of a procedure to appeal the revocation of a</p> <p>22 charter.</p> <p>23 A. I am not aware.</p> <p>24 Q. You're not aware of one?</p> <p>25 A. No, I'm not aware of one. I -- I -- I believe I</p>
<p style="text-align: right;">230</p> <p>1 to a revocation of the charter?</p> <p>2 A. Or suspension.</p> <p>3 Q. The first time that you became aware of a</p> <p>4 suspension of a charter was with the Unchartered Grange?</p> <p>5 A. Yes.</p> <p>6 Q. The first time you became aware of a revocation of</p> <p>7 a charter was with the Unchartered Grange?</p> <p>8 A. I believe so, although I did have some knowledge</p> <p>9 about either the suspension or the revocation of the</p> <p>10 Wyoming State Grange.</p> <p>11 Q. Just going back for a moment to the Journal of</p> <p>12 Proceedings that you indicated that your best estimate is</p> <p>13 that you turned over the 2012 Journal of Proceedings for</p> <p>14 production.</p> <p>15 A. I think that was the last -- yes.</p> <p>16 Q. Because 2013 it became -- it's become too</p> <p>17 burdensome to prepare it?</p> <p>18 MR. LAPCEVIC: Mischaracterizes his testimony.</p> <p>19 THE WITNESS: I think -- I think it was a decision</p> <p>20 we made based on cost, time, staff time, and available</p> <p>21 staff that we just stopped producing journals.</p> <p>22 Q. BY MR. JENSEN: Okay. And do you know as you sit</p> <p>23 here today whether or not those Journal of Proceedings for</p> <p>24 2012 were in fact produced in this lawsuit?</p> <p>25 A. I produced them the other day.</p>	<p style="text-align: right;">232</p> <p>1 received a communication from Ed Luttrell late -- I</p> <p>2 believe it was after the period that we were permitted to</p> <p>3 appeal the revocation sort of informing me because I think</p> <p>4 it said something along the lines of, oh, by the way, you</p> <p>5 can appeal this.</p> <p>6 Q. Turn your attention to Exhibit 139, Section 4.5.8,</p> <p>7 page 15.</p> <p>8 MR. SWANSON: The page one more time.</p> <p>9 MR. JENSEN: 15, 4.5.8.</p> <p>10 THE WITNESS: Okay.</p> <p>11 Q. BY MR. JENSEN: This is the provision that deals</p> <p>12 with the appeal for a revocation of a charter, correct?</p> <p>13 MR. LAPCEVIC: Calls for a legal conclusion, calls</p> <p>14 for speculation as well.</p> <p>15 THE WITNESS: It appears to deal with the appeal</p> <p>16 of the suspension or revocation of a charter.</p> <p>17 Q. BY MR. JENSEN: <u>And the State Grange took no steps</u></p> <p>18 <u>consistent with the procedure outlined in 4.5.8 to appeal</u></p> <p>19 <u>the revocation of its charter, correct?</u></p> <p>20 A. <u>We did not.</u></p> <p>21 Q. Since you mentioned it, Exhibit 149. 149.</p> <p>22 A. (Witness reviews document.) Yes.</p> <p>23 Q. That was the letter you were referring to that you</p> <p>24 received from Mr. Luttrell regarding appeal of the</p> <p>25 revocation, correct?</p>

<p style="text-align: right;">233</p> <p>1 A. Yes.</p> <p>2 Q. So you were put on notice in May of 2013 that</p> <p>3 there was a process to appeal the revocation of a charter,</p> <p>4 correct?</p> <p>5 MR. LAPCEVIC: Calls for a legal conclusion.</p> <p>6 THE WITNESS: I don't know if I would say I was</p> <p>7 put on notice because we were not under any obligation to</p> <p>8 appeal either the suspension or the revocation,</p> <p>9 particularly given the fact that we didn't recognize his</p> <p>10 authority to suspend or revoke us.</p> <p>11 Q. BY MR. JENSEN: You were being told that that was</p> <p>12 a procedure to appeal the revocation of the charter,</p> <p>13 correct?</p> <p>14 MR. LAPCEVIC: That assumes facts on the record,</p> <p>15 his state of mind at the time upon receiving the letter.</p> <p>16 MR. JENSEN: Just make your objection. Just</p> <p>17 object.</p> <p>18 THE WITNESS: I was being told --</p> <p>19 Q. BY MR. JENSEN: Yeah.</p> <p>20 A. -- that there was a process. Given all that had</p> <p>21 occurred at that time with the actions of the actual</p> <p>22 master and members of our organization under his control</p> <p>23 and the fact that it mentions a judicial process and our</p> <p>24 experience with the grange judicial process -- I believe</p> <p>25 that was in the bylaws section -- we didn't believe there</p>	<p style="text-align: right;">235</p> <p>1 Was there a meeting regarding the appeal or any</p> <p>2 appeal of the appellate process -- sorry, strike that.</p> <p>3 Was there any meeting regarding the appeal of the</p> <p>4 revocation of the charter of the Unchartered Grange with</p> <p>5 the executive committee?</p> <p>6 A. I don't recall if it was discussed at a meeting or</p> <p>7 on a teleconference or via e-mail or in executive session,</p> <p>8 but it was discussed. And it was the decision of the</p> <p>9 executive committee to not appeal the suspension or the</p> <p>10 revocation.</p> <p>11 Q. Okay. So are there meeting minutes that reflect</p> <p>12 the decision of the executive committee to not appeal the</p> <p>13 revocation of the charter?</p> <p>14 A. I am not certain but I kind of doubt it.</p> <p>15 Q. Kind of doubt that that would be -- meaning there</p> <p>16 would be meeting minutes of that type of an action kept?</p> <p>17 A. Meaning that at that point pretty much everything</p> <p>18 we were doing related to the National Grange fell under</p> <p>19 the rules of executive session. So we don't keep minutes</p> <p>20 when we have a meeting of the executive session.</p> <p>21 Q. So I guess what you're saying here is once the</p> <p>22 dispute arose between the parties, are you saying that</p> <p>23 anything that took place in executive committee was</p> <p>24 considered as relates to the National Grange executive --</p> <p>25 A. Anything --</p>
<p style="text-align: right;">234</p> <p>1 was -- we didn't feel motivated to appeal, and we didn't</p> <p>2 feel that if we -- we felt that if we appealed it, it</p> <p>3 would be just more of the same abuse.</p> <p>4 Q. Okay. You didn't feel that the appellate</p> <p>5 procedure outlined in the Digest of Laws was fair?</p> <p>6 A. I had absolutely no reason to believe it would be</p> <p>7 fair.</p> <p>8 Q. So you opted not to go through with it?</p> <p>9 A. My experience taught me that the judicial process</p> <p>10 is unfair.</p> <p>11 Q. So you opted not to go through it, correct?</p> <p>12 MR. SWANSON: Objection. Vague and ambiguous as</p> <p>13 to "you."</p> <p>14 THE WITNESS: We did not recognize the authority</p> <p>15 of Mr. Luttrell to suspend or revoke our charter, so</p> <p>16 appealing a decision that in our minds was -- in our minds</p> <p>17 he did not have the authority to make seemed a bit absurd.</p> <p>18 Q. BY MR. JENSEN: You say "we." Who are you</p> <p>19 referring to?</p> <p>20 A. Myself and the executive committee.</p> <p>21 Q. Okay. Was there a meeting on this? Meaning --</p> <p>22 when I say "this," I mean was there --</p> <p>23 A. There was --</p> <p>24 Q. Hold on just so it's clear. I want there to be a</p> <p>25 clear question.</p>	<p style="text-align: right;">236</p> <p>1 Q. Hold on. Hold on -- in executive session?</p> <p>2 A. Anything relating to the legal issues between the</p> <p>3 California State Grange and the National Grange should</p> <p>4 have been discussed in executive session.</p> <p>5 Q. Okay. You considered whether or not to appeal the</p> <p>6 revocation of the charter to be a legal issue?</p> <p>7 A. Yes.</p> <p>8 Q. Going back. I forgot to touch on this. Personal</p> <p>9 property. Personal property held by the Unchartered</p> <p>10 Grange, okay. Are you -- the Unchartered Grange has bank</p> <p>11 accounts, correct?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. What bank accounts does it have?</p> <p>14 A. We have bank accounts at Wells Fargo and Morgan</p> <p>15 Stanley.</p> <p>16 Q. Okay. Is it used plural? Are there more than one</p> <p>17 bank account -- bank accounts with Wells Fargo?</p> <p>18 A. I believe Wells Fargo has our operating account,</p> <p>19 and I think our payroll account is through Wells Fargo.</p> <p>20 And then the rest of the accounts we have are split up</p> <p>21 between Wells Fargo and Morgan Stanley. And those</p> <p>22 accounts are asset accounts, and asset accounts are</p> <p>23 accounts for a particular usage and it's oftentimes with</p> <p>24 particular restrictions, and there's a bunch of those.</p> <p>25 Q. When you say "a bunch of those" and you're</p>

<p style="text-align: right;">237</p> <p>1 referring to the asset accounts, how many are there?</p> <p>2 A. I'd be guessing.</p> <p>3 Q. Okay. More than five?</p> <p>4 A. Yes.</p> <p>5 Q. More than ten?</p> <p>6 A. Yes.</p> <p>7 Q. More than 15?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. More than 20?</p> <p>10 A. Possibly.</p> <p>11 Q. Okay. Fair estimate in the range of 20?</p> <p>12 A. Possibly more.</p> <p>13 Q. Okay. You say that they're dedicated to a</p> <p>14 particular purpose. How is that done?</p> <p>15 A. Well, for example, we might have a -- we have one</p> <p>16 account that's called the GBO account. And it is an asset</p> <p>17 account that was funded from the sale of a business the</p> <p>18 grange owned back in the 1950s and 1960s. And that money</p> <p>19 is put into a protected account. And what I mean by</p> <p>20 protected is we can only use the money with the approval</p> <p>21 of the delegates, our California State Grange delegates.</p> <p>22 That's one example.</p> <p>23 Another example might be a youth account or a</p> <p>24 junior grange account. And then we also have accounts</p> <p>25 that are in the name of individual granges.</p>	<p style="text-align: right;">239</p> <p>1 A. -- that identifies those. And in terms of whether</p> <p>2 they -- those -- those accounts belong to the individual</p> <p>3 grange or not is a question.</p> <p>4 Q. A question as to what though? That they either</p> <p>5 belong to an individual grange or not. Who else would</p> <p>6 they belong to?</p> <p>7 MR. LAPCEVIC: Calls for a legal conclusion, calls</p> <p>8 for speculation.</p> <p>9 Q. BY MR. JENSEN: One of your duties as master --</p> <p>10 sorry. One of your duties as the president is to account</p> <p>11 for assets that belong to the Unchartered Grange, right?</p> <p>12 MR. LAPCEVIC: Lacks foundation, calls for</p> <p>13 speculation.</p> <p>14 MR. JENSEN: Really?</p> <p>15 MR. LAPCEVIC: If you know.</p> <p>16 THE WITNESS: You know, yes, eventually I have</p> <p>17 responsibility. When I'm talking about the question of</p> <p>18 who those accounts belong to, it has other factors at</p> <p>19 play. Is that organization still a part of the California</p> <p>20 State Grange. Have they not dissolved their relationship</p> <p>21 with us. How was that money accumulated. If you have</p> <p>22 money accumulated, for example, in an asset account with</p> <p>23 the name of a grange that is now defunct, how do you deal</p> <p>24 with that. There's many different circumstances that</p> <p>25 affect who that asset account belongs to.</p>
<p style="text-align: right;">238</p> <p>1 Q. Those funds are held in trust, right?</p> <p>2 A. Some of them.</p> <p>3 MR. SWANSON: Calls for a legal conclusion.</p> <p>4 Q. BY MR. JENSEN: In fact, you're to report to those</p> <p>5 granges in terms of those moneys, correct?</p> <p>6 MR. LAPCEVIC: Lacks foundation, calls for</p> <p>7 speculation.</p> <p>8 THE WITNESS: There's a process where some of</p> <p>9 these accounts earn interest, and the interest is sent to</p> <p>10 those individual granges. The reporting process to those</p> <p>11 individual granges is -- to the best of my knowledge is --</p> <p>12 I think it's a quarterly report that the bookkeeper sends</p> <p>13 out. I don't think I've ever seen that report. And then</p> <p>14 there would be some reporting done on our financials</p> <p>15 probably on the balance sheet.</p> <p>16 Q. BY MR. JENSEN: As it relates to those funds that</p> <p>17 would belong to an individual grange, those are accounted</p> <p>18 for separate -- sorry, strike that.</p> <p>19 Are they identified separately on the financial</p> <p>20 statements of the Unchartered Grange, those accounts that</p> <p>21 are for an individual grange only?</p> <p>22 A. They have to be identified somewhere. And I</p> <p>23 understand there's a spreadsheet that is kept by our</p> <p>24 bookkeeper --</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">240</p> <p>1 Q. BY MR. JENSEN: But if a grange is fully</p> <p>2 operational, you would have to account for those funds</p> <p>3 that you're holding in trust for them, correct?</p> <p>4 A. If a grange was fully operational, in good</p> <p>5 standing with the California State Grange and a member of</p> <p>6 the California State Grange then I would have no problem</p> <p>7 accounting for those funds.</p> <p>8 Q. For instance, if there is a grange that's</p> <p>9 reporting directly to the Unchartered Grange -- sorry, to</p> <p>10 the Chartered Grange right now but you hold their assets</p> <p>11 in trust, are you reporting to them?</p> <p>12 A. Mr. Jensen, that's a question of law that I don't</p> <p>13 have an answer for.</p> <p>14 Q. It's a fact question. Let's just establish some</p> <p>15 basics here.</p> <p>16 A. Well, you've used the term --</p> <p>17 Q. Hold on. Hold on. Let's just establish some</p> <p>18 basics. There was a charter granted to a grange in</p> <p>19 California, correct?</p> <p>20 A. The California State Grange?</p> <p>21 Q. After your charter was revoked, a grange was</p> <p>22 granted a charter by the National Grange, correct?</p> <p>23 MR. LAPCEVIC: Calls for speculation. If you</p> <p>24 know.</p> <p>25 THE WITNESS: From what I understand, the national</p>

<p style="text-align: right;">241</p> <p>1 master chartered a new California State Grange. 2 Q. BY MR. JENSEN: And I referred to that entity for 3 purposes here today as the Chartered Grange. You remember 4 our instructions from the beginning of the day, right? 5 A. Yes, I do. 6 Q. And so if there is a subordinate grange that is 7 reporting to that grange but you're holding its assets in 8 trust, are you reporting to that grange? 9 A. We're not holding any assets in trust from the 10 newly-organized chartered grange. 11 Q. I'm not referring to any chartered grange. I'm 12 referring to any subordinate grange. 13 A. Can you repeat the question? 14 Q. Sure. For instance, if you're holding assets in 15 trust from a subordinate grange and they're choosing to 16 report to the Chartered Grange, are you reporting to them 17 your assets held in trust? 18 A. My understanding is is that those granges have 19 dissolved their relationship with our organization and I 20 don't believe I have any obligation to report California 21 State Grange assets to that grange that has decided to 22 disaffiliate with us. 23 Q. Okay. 24 MR. LAPCEVIC: You have to listen to his question. 25 And I'm going to move to strike because I believe that's</p>	<p style="text-align: right;">243</p> <p>1 not agree with it. But on day one you had their assets, 2 they're in good standing, and you're reporting to them. 3 Do you understand that? 4 A. That, yes. 5 Q. Okay. On day two they're no longer going to 6 report to you and pay dues to you, but they're going to 7 choose to pay their dues to the Chartered Grange. Do you 8 understand that? 9 A. I understand your premise. 10 Q. And those moneys are still sitting in the account. 11 They've been separately accounted for, correct? 12 A. Yes. 13 Q. Okay. Are you going to report to that particular 14 subordinate grange the goings-on with the money that 15 you're keeping on their behalf? 16 MR. LAPCEVIC: Calls for speculation, calls for a 17 legal conclusion. If you understand how to answer that 18 question and you understand the question, do it. 19 THE WITNESS: I do not have an answer for you 20 because this is an issue -- 21 MR. LAPCEVIC: Let me just interject. If you can 22 answer the question outside of what counsel has advised 23 you, that's fine. If not -- 24 THE WITNESS: Here we are again. I can't answer 25 that question.</p>
<p style="text-align: right;">242</p> <p>1 information that came from counsel. 2 MR. JENSEN: Well, it's already out. 3 Q. But let's just do this. Let's just draw a little 4 timeline here. Let's assume that we have a subordinate 5 grange. We'll call it today. Okay. Today. And they are 6 paying you dues, okay, so they're in good standing. And 7 you're holding assets that they have in trust. You would 8 report to them, right? 9 A. I would report to that grange in good standing, 10 still a member of the California State Grange, on the 11 balances of and the interest earned of assets held under 12 their name. Where I get fuzzy, Mr. Jensen, is what is -- 13 what is trust. What is a trust account. 14 Q. Let's just use your definition. It's held in 15 their name. For no other purpose right now. That money 16 is held in their name, okay? 17 A. Okay. 18 Q. So on day two they decide, okay, I'm going to now 19 report to the Chartered Grange, okay. With me? 20 A. Um-hum. 21 Q. You still have their assets held in trust that are 22 identified for them. Do you understand that? 23 A. I do not understand it because I don't agree with 24 it. 25 Q. Okay. Just follow me in the question. You may</p>	<p style="text-align: right;">244</p> <p>1 Q. BY MR. JENSEN: So in terms of responding to my 2 question, the sole repository of your information is 3 information you received from counsel? 4 A. Yes. 5 Q. Okay. How to deal with funds in trust, the sole 6 information on that subject matter as it relates to my 7 hypothetical came from counsel? 8 MR. SWANSON: Other than what he's already 9 testified to, Marty. He's already answered a number of 10 questions on this. 11 MR. JENSEN: We're talking about my hypothetical 12 right here, Bob. 13 MR. LAPCEVIC: It's an improper hypothetical. 14 MR. JENSEN: It actually isn't but that's fine. 15 You can argue with me all you want. Just make your 16 objections on the record. 17 MR. LAPCEVIC: If you're going to argue with the 18 witness, I will -- 19 MR. JENSEN: Just make your objections on the 20 record, Mr. Lapcevic. 21 MR. LAPCEVIC: If you're going to make a comment 22 I'm going to -- 23 MR. JENSEN: Yeah. And you're just going to keep 24 yapping. Stick to objections. 25 MR. LAPCEVIC: If yapping is a proper term then I</p>

<p style="text-align: right;">245</p> <p>1 will.</p> <p>2 MR. JENSEN: Yeah. That's all right. All of it</p> <p>3 will be taken up with the judge. No problem.</p> <p>4 MR. LAPCEVIC: Fair enough.</p> <p>5 Q. BY MR. JENSEN: And in terms of -- back to the</p> <p>6 Morgan Stanley accounts. There are moneys that are</p> <p>7 actually dedicated -- or let's use a better word here.</p> <p>8 Moneys in the Morgan Stanley account are held for the</p> <p>9 benefit of the Unchartered Grange, correct?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. As you sit here today, do you have an</p> <p>12 estimate as to how much that is?</p> <p>13 A. No, sir, I don't.</p> <p>14 Q. Okay. You receive documents in the course and</p> <p>15 scope of your position as president that --</p> <p>16 A. Yes.</p> <p>17 Q. Hold on -- provide that information to you.</p> <p>18 A. Yes.</p> <p>19 Q. What documents are those?</p> <p>20 A. Financial statements.</p> <p>21 Q. Okay. Do you know if any financial statements</p> <p>22 have been produced in the course and scope of this</p> <p>23 litigation?</p> <p>24 A. I don't think so.</p> <p>25 Q. Did you search for any financial statements?</p>	<p style="text-align: right;">247</p> <p>1 Q. General ledger? Do you know what a general ledger</p> <p>2 is?</p> <p>3 A. Yes, I do. I haven't ever seen one of those.</p> <p>4 Q. Okay. Do you know if you have one?</p> <p>5 A. Well, I honestly don't.</p> <p>6 Q. Okay. How do you report in terms of for taxes?</p> <p>7 A. We have a CPA.</p> <p>8 Q. I understand that. I'm sorry. That was poorly</p> <p>9 phrased. Are you a cash-based accounting or are you an</p> <p>10 accrual-based accounting?</p> <p>11 A. Accrual.</p> <p>12 Q. Okay. As you sit here today, do you have an</p> <p>13 estimate as to the amount of personal property held by the</p> <p>14 Unchartered Grange?</p> <p>15 MR. LAPCEVIC: The question is vague.</p> <p>16 THE WITNESS: I would be guessing.</p> <p>17 Q. BY MR. JENSEN: I don't want you to guess, but the</p> <p>18 best document that is held -- sorry. The best document</p> <p>19 that will show what the personal property of the</p> <p>20 Unchartered Grange is, would that be the financial</p> <p>21 statements?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And I guess we talked about this earlier.</p> <p>24 There's a contractor now who is the bookkeeper; is that</p> <p>25 true?</p>
<p style="text-align: right;">246</p> <p>1 A. I don't think I personally searched for any</p> <p>2 financial statements.</p> <p>3 Q. You could find them if you had to, right?</p> <p>4 A. I could --</p> <p>5 MR. LAPCEVIC: In your personal possession?</p> <p>6 THE WITNESS: No.</p> <p>7 Q. BY MR. JENSEN: You don't go to the office from</p> <p>8 time to time?</p> <p>9 A. So when you say "find them," Mr. Jensen, I know</p> <p>10 how to get that information.</p> <p>11 Q. You go to the office from time to time, correct?</p> <p>12 A. Yes.</p> <p>13 Q. You could get somebody to print them off for you,</p> <p>14 right?</p> <p>15 A. Yes, I could.</p> <p>16 Q. Because you actually do receive them in the course</p> <p>17 of the work that you perform as the master?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And when we say the term "financial</p> <p>20 statements," what are we talking about? We have a balance</p> <p>21 sheet, right?</p> <p>22 A. A balance sheet. Typically a balance sheet and a</p> <p>23 P & L statement.</p> <p>24 Q. Income statement, right?</p> <p>25 A. Yeah.</p>	<p style="text-align: right;">248</p> <p>1 A. Yes.</p> <p>2 Q. And is that the person who has the most knowledge</p> <p>3 regarding the kind of financial statements of the</p> <p>4 Unchartered Grange?</p> <p>5 A. Yes.</p> <p>6 Q. You don't know where that other fellow who</p> <p>7 terminated his employment went to, do you?</p> <p>8 A. I wish I did.</p> <p>9 Q. No forwarding address?</p> <p>10 A. We've tried to contact him since he's left us and</p> <p>11 we have not been successful.</p> <p>12 Q. Okay. Flew the coop?</p> <p>13 A. I don't know.</p> <p>14 Q. Exhibit 152.</p> <p>15 A. Okay.</p> <p>16 Q. Have you seen this document before?</p> <p>17 A. I believe so.</p> <p>18 Q. Okay. Do you know if this document was approved</p> <p>19 by the executive committee prior to its being filed?</p> <p>20 A. I am not an attorney, so if you -- if someone</p> <p>21 could please describe to me what this document is.</p> <p>22 Q. This looks like to be what it captioned</p> <p>23 Cross-Complaint.</p> <p>24 A. So this would be -- from the date it looks like it</p> <p>25 would be our cross-complaint after National Grange brought</p>

<p style="text-align: right;">249</p> <p>1 action against us; is that correct?</p> <p>2 Q. Yeah.</p> <p>3 A. Okay. And your question is ...</p> <p>4 Q. Did the executive committee approve this document</p> <p>5 prior to it being filed?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. How did that happen?</p> <p>8 A. This very likely would have been approved by a</p> <p>9 vote of the executive committee meeting in executive</p> <p>10 session.</p> <p>11 Q. So are you telling me that there's actually no</p> <p>12 documentation then as it relates to the vote taken to</p> <p>13 approve this particular document?</p> <p>14 A. I'd have to look at the minutes.</p> <p>15 Q. Okay. Is that the most likely outcome?</p> <p>16 A. That would -- yes.</p> <p>17 Q. Okay. Prior to this document being filed with the</p> <p>18 Court did you review it?</p> <p>19 A. I believe I did.</p> <p>20 Q. Are GIA funds considered to be dues?</p> <p>21 A. Considered to be ...</p> <p>22 Q. Dues.</p> <p>23 A. Grange Insurance Association funds are called</p> <p>24 supportive membership dues. Are they considered to be</p> <p>25 dues? If this is to be my personal opinion, I consider</p>	<p style="text-align: right;">251</p> <p>1 the Grange Insurance Association and with the contracts</p> <p>2 that I signed with the Grange Insurance Association on</p> <p>3 behalf of the California State Grange, some part of the</p> <p>4 formula that calculates the amount of money we are to</p> <p>5 receive from Grange Insurance Association has to do with</p> <p>6 membership. And if it has to do with membership then I</p> <p>7 suppose you could call them dues.</p> <p>8 That is what I believe the National Grange calls</p> <p>9 them, and I believe that is what the agreement was when</p> <p>10 they set up that program. So I'm not -- I'm not denying</p> <p>11 that they're dues. I don't have enough information to</p> <p>12 make a conclusive judgment.</p> <p>13 Q. For instance, the receipt of GIA funds are</p> <p>14 accounted for by the Unchartered Grange, right?</p> <p>15 A. Are accounted for?</p> <p>16 Q. Yes.</p> <p>17 A. Not in the last few years because the national</p> <p>18 master of the National Grange has confiscated whatever</p> <p>19 those funds are so we're not able to account for them.</p> <p>20 Q. As you sit here today, do you have any information</p> <p>21 to suggest that Ed Luttrell confiscated the GIA funds?</p> <p>22 A. Yes.</p> <p>23 Q. Where does he have them?</p> <p>24 MR. LAPCEVIC: Calls for speculation.</p> <p>25 THE WITNESS: According the information I have,</p>
<p style="text-align: right;">250</p> <p>1 them commissions.</p> <p>2 Q. Okay. You've never considered them to be dues,</p> <p>3 correct?</p> <p>4 A. They're -- it's difficult for me to answer that</p> <p>5 because I'm not aware of what the formula is that</p> <p>6 calculates what that money is.</p> <p>7 Q. Okay.</p> <p>8 A. And how it's separated.</p> <p>9 Q. Okay. In your capacity as the president of the</p> <p>10 Unchartered Grange from October of 2011 through October of</p> <p>11 2013, would you consider GIA funds to be dues?</p> <p>12 A. It's difficult for me to categorize them as dues</p> <p>13 since I don't know the formula of how they're calculated.</p> <p>14 In other words, are they calculated by an individual? Are</p> <p>15 they calculated by a policy that is sold by Grange</p> <p>16 Insurance Association? Are they calculated by the number</p> <p>17 of policies that are sold? And that's never been made</p> <p>18 clear to any of us as far as I know --</p> <p>19 Q. Okay.</p> <p>20 A. -- on how that formula is arrived at.</p> <p>21 Q. Okay. Anything else that prevented you from</p> <p>22 making a determination as to whether GIA funds from</p> <p>23 October of 2011 through October of 2013 would be</p> <p>24 considered to be dues?</p> <p>25 A. I would have to say that per our agreement with</p>	<p style="text-align: right;">252</p> <p>1 they were to be held in trust until these court issues</p> <p>2 could be decided. But the most current information I have</p> <p>3 is they were taken out of the trust.</p> <p>4 Q. BY MR. JENSEN: Are they in a bank account that he</p> <p>5 owns?</p> <p>6 A. I don't know.</p> <p>7 Q. Okay. But you said he confiscated them, right?</p> <p>8 A. Yeah.</p> <p>9 Q. Do you have any facts as you sit here today to</p> <p>10 suggest that he confiscated those funds?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Once again, tell me what those are.</p> <p>13 A. He receives the money from the Grange Insurance</p> <p>14 Association. The agreement we have with the Grange</p> <p>15 Association is that part of that money is to come to the</p> <p>16 California State Grange. Ed Luttrell confiscated our</p> <p>17 portion of that money and promised everyone that he would</p> <p>18 put them in trust and keep them there until the issues</p> <p>19 were resolved in these court cases.</p> <p>20 Q. Ed Luttrell received the GIA funds personally?</p> <p>21 A. Ed Luttrell in his capacity as the master of the</p> <p>22 National Grange receives those funds on behalf of the six</p> <p>23 or seven western states, depending on how many are still</p> <p>24 existing.</p> <p>25 Q. Okay. So he --</p>

<p style="text-align: right;">253</p> <p>1 A. I don't know which other states he may have 2 revoked. 3 Q. So he didn't receive those funds. You have no 4 information to suggest that's the case, right? 5 A. In my mind he received those funds. He's in 6 charge of the National Grange. The money was sent to the 7 National Grange. 8 Q. The money was sent to the National Grange, 9 correct? 10 A. Yes. 11 Q. Okay. 12 A. And he has proven that he has custody over those 13 funds because without the authority of his -- or advice of 14 his and his National Grange executive committee, he 15 removed that money from whatever trust fund he was holding 16 them in -- it's my understanding -- and gave them to the 17 new-chartered grange in California -- 18 Q. Um-hum. 19 A. -- for them to continue this lawsuit against us. 20 Q. All right. GIA funds. You received some of those 21 funds in 2010, for instance, correct? 22 A. Yes, I think we did. 23 Q. You received those funds in 2011, correct? 24 A. I'm not sure because I don't know if the funds are 25 paid in arrears or in advance. I'm not -- I don't recall</p>	<p style="text-align: right;">255</p> <p>1 them under "dues" and then itemizes them; these dues are 2 from the Grange Insurance Association. If he throws them 3 into the general dues category, or if he just records 4 Grange Insurance Association separately. 5 Q. And you've reviewed those financial statements, 6 correct? 7 A. Yes, I believe so. 8 Q. And you don't know as you sit here today how 9 they're allocated, correct? 10 A. I do not. 11 Q. Okay. But the documents should do that, right? 12 A. Yes. 13 Q. Okay. The GIA relationship is based on a 14 contract, correct? 15 A. Yes. 16 Q. And who are the parties to that contract? 17 A. The six or seven western states and the National 18 Grange and the Grange Insurance Association. That's my 19 understanding. 20 Q. Okay. In 2010 do you recall the Unchartered 21 Grange being a signatory to any agreement with the GIA? 22 A. I believe so. 23 Q. Okay. In 2011 do you recall the Unchartered 24 Grange being a signatory to any agreement with GIA? 25 A. I believe so.</p>
<p style="text-align: right;">254</p> <p>1 the time of year that we received those funds. At 2 sometime I believe maybe in the first quarter of the year. 3 Q. Funds are received, correct? 4 A. Funds have been received. 5 Q. How are they accounted for? 6 A. They're deposited in our bank and they go on our 7 books. 8 Q. Sure. They go on your income statement showing 9 that money comes in. 10 A. Um-hum. 11 Q. Is there an item that shows where money was 12 allocated to in terms of accounting? 13 A. I believe there is. 14 Q. Okay. Is it allocated to dues? 15 A. I don't know. 16 Q. Okay. Is there a separate line item for GIA 17 funds? 18 A. They are somehow separately accounted for. 19 Whether it's under the title of GIA or dues, I don't know. 20 Q. Well, the GIA funds are separately accounted for, 21 correct? 22 A. Yes. 23 Q. Okay. And that's different than dues, correct? 24 A. It may not be. What I'm saying is I don't know 25 how the bookkeeper accounts for those; whether he puts</p>	<p style="text-align: right;">256</p> <p>1 Q. In 2012 do you recall the Unchartered Grange being 2 a signatory to any agreement with the GIA? 3 A. I'm not sure, Mr. Jensen, after the 2011 date 4 whether we -- whether I signed the contract or it went 5 elsewhere. 6 Q. Okay. Do you keep copies of GIA contracts that 7 are with the Unchartered Grange? 8 A. Yes. 9 Q. Okay. Did you search for those documents when 10 you -- in response to the document request? 11 A. I know that I saw one of those documents produced 12 I believe to Boutin Jones. 13 Q. Do you know if that document was produced in this 14 litigation? 15 A. I believe so. 16 Q. Okay. But certainly the records are kept as it 17 relates to contracts between the Unchartered Grange and 18 GIA? 19 A. I hope so. 20 Q. No, I don't want hope. I want to know if you 21 know. 22 A. They should -- I don't know. 23 Q. Okay. 24 MR. SWANSON: Can you read the question back? 25 (Discussion off the record.)</p>

<p style="text-align: right;">257</p> <p>1 Q. BY MR. JENSEN: Are GIA contracts kept with the 2 Unchartered Grange? 3 A. They should be. I do not know for certain. And I 4 only say that because I can recall looking for those 5 contracts in our office and not being able to find them. 6 Q. Okay. That's the follow-up. And do you know if 7 the Unchartered Grange is seeking money from the National 8 Grange in its lawsuit? 9 A. I believe we are. 10 Q. Okay. Do you know how much? 11 A. I do not have a figure. 12 Q. Do you have an estimate? 13 MR. LAPCEVIC: I think it calls for speculation if 14 he hasn't seen any documents. 15 THE WITNESS: I can -- I can say that certainly we 16 would seek the return of the Grange Insurance Association 17 money owed to us. 18 Q. BY MR. JENSEN: One category. Keep going. 19 A. I would like to see the dues sent from our -- from 20 individual community granges returned to us that were sent 21 directly to the National Grange. If I was sitting on 22 Santa's lap I would like to see our attorneys fees 23 reimbursed. 24 Q. Are you aware of any provision that allows you to 25 recover attorney fees?</p>	<p style="text-align: right;">259</p> <p>1 A. I think it was 2012. 2 Q. Did you 9,100? 3 A. 9,100. 4 Q. Okay. Do you believe that you received \$9,100 5 from the National Grange in 2012? 6 A. I think so. 7 Q. Okay. 8 A. No, no. Correction. Not from the National 9 Grange. From Grange Insurance Association directly. 10 Q. They paid you directly? 11 A. Yes. 12 Q. Okay. Is that different than funds you would have 13 received under the GIA agreement? 14 A. Yes. 15 Q. Okay. What is that arrangement? 16 A. They asked us for our membership numbers for the 17 year, the total, and we sent them the total, and they sent 18 us a check \$1 per member. 19 Q. Okay. So, for instance, in 2012 you received 20 \$9,100 in exchange for providing membership lists? 21 A. That's the best of my recollection, yes. 22 Q. Is that a contract in writing? 23 A. I don't believe so. 24 Q. Okay. So that's in 2012, right? 25 A. Yes.</p>
<p style="text-align: right;">258</p> <p>1 A. I'm not aware of any provision yes or no. 2 Q. Are you aware of any contract that exists between 3 the National Grange and the Unchartered Grange that 4 permits you the recovery of attorneys fees? 5 A. I am not. 6 Q. Santa would be helpful then. 7 MR. LAPCEVIC: Move to strike the commentary, 8 Mr. Jensen. That's inappropriate. 9 THE WITNESS: It's all right. It's okay. 10 Q. BY MR. JENSEN: GIA funds, you received those 11 prior to the charter being suspended, correct? 12 A. Yes. 13 Q. Okay. And do you have an estimate of how much 14 money you would receive in GIA funds prior to the charter 15 being suspended? 16 A. I know that the last two years that we received 17 GIA money it was \$115,000 per year. 18 Q. Okay. Did you receive in 2012 some amount of GIA 19 funds? 20 A. I believe we did. I don't recall if it was the 21 115,000 or another stipend they give us, which amounts to 22 \$1 per member. That's separate from that other contract. 23 So I think we got around -- I want to say we got around 24 \$9,100. 2012 did you say? 25 Q. Yes, sir.</p>	<p style="text-align: right;">260</p> <p>1 Q. In 2013 did you receive any money from GIA? 2 A. I don't believe so. 3 Q. In 2014 did you receive any money from GIA? 4 A. I don't believe so. 5 Q. Okay. Now, the 115,000 that you talked about, I 6 was asking the question whether you received those funds 7 from the National Grange. Is that a true statement? Was 8 it the GIA funds that you -- that the Unchartered Grange 9 received? 10 A. The last two years that we received money would 11 have come from the National Grange. 12 Q. Okay. Of that \$115,000, is that inclusive of the 13 \$9,100 or is that separate? 14 A. The \$9,100 is separate. 15 Q. Right. That's a separate arrangement that you 16 have with the GIA, right? 17 A. I think it's more or less a gift from the Grange 18 Insurance Association, yeah. 19 Q. Nothing to do with National Grange, correct? 20 A. No contract that I'm aware of. 21 Q. My question is it has nothing to do with the 22 National Grange, correct? 23 A. That's correct. 24 Q. Okay. As it relates to GIA funds, the only 25 relationship that could possibly be is as relates to this</p>

<p style="text-align: right;">261</p> <p>1 contractual relationship we just defined; there's no other 2 source of money as relates between National Grange and the 3 Unchartered Grange, correct? 4 MR. SWANSON: Objection. Vague. 5 THE WITNESS: Mr. Jensen, you are specifically 6 talking about Grange Insurance Association money? 7 Q. BY MR. JENSEN: Yes, sir. 8 A. That is correct. 9 Q. Okay. Have you seen any GIA contracts for 2013? 10 A. I don't recall the date of the contract I saw in 11 Boutin Jones' office. I -- 12 Q. Okay. 13 A. Is that privileged? 14 Q. Look, the question is yes or no in terms of have 15 you seen -- let me make it very clear. I don't want to 16 get into the weeds here. Have you seen a GIA contract for 17 2013? 18 A. I don't know. 19 Q. And have you seen a GIA contract for 2014? 20 A. Not that I can recall. 21 Q. Okay. So we have GIA funds you believe the 22 National Grange owes to the California State Grange, 23 correct? 24 A. Yes, sir. 25 Q. What time frame are we talking about here?</p>	<p style="text-align: right;">263</p> <p>1 A. Done that one. I'd like to calculate the loss in 2 income that we've suffered during the course of this 3 conflict. Loss of membership, I'd like to put a value on 4 that. 5 Q. Anything else? 6 A. I'd like to investigate personal damages, not just 7 to myself but other members of the California State 8 Grange. 9 MR. SWANSON: He's asking about the 10 cross-complaint. 11 Q. BY MR. JENSEN: I'm asking about the 12 cross-complaint. The cross-complaint as far as I can read 13 is the California State Grange versus the National Grange. 14 A. Well, I'm not an attorney so I don't know what 15 kind of moneys you can recover in these kinds of things. 16 Q. Sure. Understood. You're trying to recover money 17 on behalf of the organization that you represent, right? 18 A. Yes. 19 Q. That's your goal. 20 A. Yes. 21 Q. And you've identified GIA funds. You've 22 identified dues from granges. Loss in income. Loss in 23 membership. Anything else? 24 A. I suppose I would include within the dues category 25 dues that have been paid to the newly-chartered grange.</p>
<p style="text-align: right;">262</p> <p>1 A. From the time the payments stopped coming to us to 2 current. 3 Q. Okay. Even if you weren't a party to the 4 agreement with GIA, meaning you and the Unchartered 5 Grange. 6 A. Yes. 7 Q. You indicated another area of money that you're 8 asking for from the National Grange is dues from granges. 9 Am I saying that properly? 10 A. Yes. 11 Q. Okay. Do you have an estimate for me for how much 12 that is? 13 A. I do not. 14 Q. Okay. What information would you need to provide 15 me with an estimate on that? 16 A. I would need an itemization from the National 17 Grange, which I have asked for and it has not been 18 provided. 19 Q. Okay. Any other categories of money that you're 20 looking to recover other than GIA funds and dues? 21 A. I would like to recover a few different categories 22 of money from the National Grange, but I don't know if 23 we're permitted to even ask for it or if it's like you 24 said, for example, with the attorneys fees. 25 Q. We've done that one already. What else?</p>	<p style="text-align: right;">264</p> <p>1 Q. The National Grange is responsible to pay those 2 dues that somebody else paid? 3 MR. SWANSON: Objection. Argumentative. 4 MR. LAPCEVIC: And calls for a legal conclusion. 5 THE WITNESS: I do believe they could be held 6 responsible. 7 Q. BY MR. JENSEN: Okay. Do you have anymore? 8 A. Not that I can think of right now. 9 Q. You would agree with me that these categories that 10 you've identified you would have to subtract the money 11 that the Unchartered Grange owes to the National Grange, 12 right? 13 MR. LAPCEVIC: Assumes facts not in the record. 14 It's argumentative. 15 MR. SWANSON: Argumentative. 16 Q. BY MR. JENSEN: Has the Unchartered Grange paid 17 dues to the National Grange? 18 MR. LAPCEVIC: Asked and answered. 19 MR. SWANSON: Vague. 20 THE WITNESS: I did. I thought I had answered 21 that earlier. But we have not paid dues to the National 22 Grange since either the suspension of our charter or 23 certainly the revocation of our charter. 24 Q. BY MR. JENSEN: And you would agree with me that 25 those moneys would have to be deducted from any amount</p>

<p style="text-align: right;">265</p> <p>1 that the National Grange would owe you, correct?</p> <p>2 MR. SWANSON: Calls for a legal conclusion.</p> <p>3 MR. LAPCEVIC: Join.</p> <p>4 THE WITNESS: I do not necessarily agree with you.</p> <p>5 Q. BY MR. JENSEN: So you believe that you get to</p> <p>6 keep the money that should naturally go to the National</p> <p>7 Grange?</p> <p>8 MR. SWANSON: Same objection.</p> <p>9 THE WITNESS: I can't answer that with any</p> <p>10 certainty.</p> <p>11 Q. BY MR. JENSEN: Why is that?</p> <p>12 A. Because I'm not familiar with the law. I'm not a</p> <p>13 lawyer, and I -- I trust the Court to make these</p> <p>14 decisions.</p> <p>15 Q. Okay. Those moneys are being held for the benefit</p> <p>16 of the National Grange right now by the Unchartered</p> <p>17 Grange?</p> <p>18 MR. LAPCEVIC: Is that a question?</p> <p>19 MR. JENSEN: Yeah.</p> <p>20 Q. Are they?</p> <p>21 A. No, I wouldn't say they were being held for the</p> <p>22 benefit of the National Grange.</p> <p>23 Q. Have they been separately accounted for?</p> <p>24 MR. LAPCEVIC: Which moneys are we talking about?</p> <p>25 MR. JENSEN: Dues owed to the National Grange.</p>	<p style="text-align: right;">267</p> <p>1 accounting for those dues that would go to the National</p> <p>2 Grange?</p> <p>3 A. I don't know how that would be possible when we've</p> <p>4 got granges that are so confused that they're sitting on</p> <p>5 the fence that --</p> <p>6 MR. SWANSON: You just need to answer the</p> <p>7 question, please.</p> <p>8 THE WITNESS: Pardon?</p> <p>9 MR. SWANSON: Just answer the question, please.</p> <p>10 Q. BY MR. JENSEN: It's a yes or no. Has it been</p> <p>11 accounted for, those dues that would go to the National</p> <p>12 Grange?</p> <p>13 A. No.</p> <p>14 MR. LAPCEVIC: Hey, Martin, it's 5:30. Do you</p> <p>15 want to take a little break here? How much longer do you</p> <p>16 have on this?</p> <p>17 MR. JENSEN: Well, I still have more to go. I</p> <p>18 haven't finished my seven hours. I suspect what we do</p> <p>19 here because I have more to go is that we probably -- now</p> <p>20 is as good as ever in terms of a natural breaking point</p> <p>21 and we work on new dates and bring him back.</p> <p>22 MR. LAPCEVIC: Fine with me.</p> <p>23 MR. JENSEN: So that's what we'll do.</p> <p>24 MR. KAWAR: Maybe if you're done --</p> <p>25 MR. LAPCEVIC: I was going to say if you --</p>
<p style="text-align: right;">266</p> <p>1 MR. SWANSON: Assumes facts not in evidence.</p> <p>2 MR. LAPCEVIC: And calls for a legal conclusion.</p> <p>3 THE WITNESS: At this time it is impossible in any</p> <p>4 finite way to determine what amount of money that is</p> <p>5 because, again, we don't have information from the</p> <p>6 National Grange how many dues they've received from</p> <p>7 individual granges and we don't know at this time how many</p> <p>8 of our community granges are now under the wing of the new</p> <p>9 national or the newly-organized state grange. It's going</p> <p>10 to be a bit of a nightmare to construct the -- to</p> <p>11 reconstruct all of that.</p> <p>12 Q. BY MR. JENSEN: You have granges that are</p> <p>13 reporting to you, correct?</p> <p>14 A. Yes.</p> <p>15 Q. And those granges provide you with dues, correct?</p> <p>16 A. Yes, they do.</p> <p>17 Q. Those dues include moneys that would go to the</p> <p>18 National Grange, correct?</p> <p>19 A. And before we were suspended and revoked, yes.</p> <p>20 Q. Okay. Are those accounted for?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Is there a number that has been accounted</p> <p>23 for in terms of the amount?</p> <p>24 A. No.</p> <p>25 Q. Okay. So as you sit here today, there's no</p>	<p style="text-align: right;">268</p> <p>1 MR. KAWAR: I have a few questions since I don't</p> <p>2 know when the next time might be.</p> <p>3 MR. JENSEN: Yeah.</p> <p>4 MR. LAPCEVIC: Do you know how much you probably</p> <p>5 have?</p> <p>6 MR. KAWAR: It probably depends on the answers but</p> <p>7 probably not that long.</p> <p>8 MR. LAPCEVIC: 20 minutes or so?</p> <p>9 MR. KAWAR: 20 minutes.</p> <p>10 MR. LAPCEVIC: Can we take a little five-minute</p> <p>11 break?</p> <p>12 (Recess taken from 5:28 p.m. until 5:34 p.m.)</p> <p>13 Q. BY MR. JENSEN: Are you aware of a sale of a San</p> <p>14 Marcos Grange Hall?</p> <p>15 A. No.</p> <p>16 Q. Okay. That isn't familiar to you at all?</p> <p>17 A. San Marcos, no.</p> <p>18 Q. And you don't know -- I guess not. You don't know</p> <p>19 if that's been a subject, the sale of a San Marcos grange</p> <p>20 hall, if that was the subject of any executive committee</p> <p>21 discussions?</p> <p>22 A. You are distinguishing between the Vista Grange</p> <p>23 Hall and the San Marcos?</p> <p>24 Q. San Marcos.</p> <p>25 A. I'm not aware of any conversations about the sale</p>

<p style="text-align: right;">269</p> <p>1 of the San Marcos Grange.</p> <p>2 MR. JENSEN: Okay. That's all the questions I</p> <p>3 have for right now. I'm reserving my right. I'm not</p> <p>4 completed. I have several more hours to go to complete my</p> <p>5 investigation of the witness.</p> <p>6 MR. LAPCEVIC: And we talked off the record. We</p> <p>7 will be meeting and conferring about other dates when</p> <p>8 Mr. Skinner gets back from vacation and Mr. Jensen and</p> <p>9 Mr. Swanson, Mr. Kavar, if he's around. And we'll be</p> <p>10 producing Bob for further deposition. Fair enough?</p> <p>11 MR. JENSEN: Great. Yep.</p> <p>12 MR. KAWAR: And I want to say this is Ramsey Kavar</p> <p>13 for Martha Stefenoni and Shirley Baker. I'm asking a few</p> <p>14 questions tonight, but due to the lateness of the hour, I</p> <p>15 don't expect to complete them all.</p> <p>16 So just for the record, this isn't my entire scope</p> <p>17 of questioning.</p> <p>18 EXAMINATION BY MR. KAWAR</p> <p>19 Q. Mr. McFarland, good evening. First questions I</p> <p>20 want to ask you are about your damage claims against my</p> <p>21 clients. And do you know how much money you are asking</p> <p>22 from my clients in this action?</p> <p>23 A. I do not.</p> <p>24 Q. Do you recall completing some special</p> <p>25 interrogatories recently?</p>	<p style="text-align: right;">271</p> <p>1 A. The responding party states as follows:</p> <p>2 Approximately \$2,000.</p> <p>3 Q. Okay. And really the reason I'm asking you this</p> <p>4 is on the next page your response to Special Interrogatory</p> <p>5 Number 7, there's another dollar amount, \$1,000 of</p> <p>6 insurance deductible and a \$1,000 bond to secure</p> <p>7 preliminary injunction against National Grange.</p> <p>8 Do you see those -- those figures there in your</p> <p>9 response?</p> <p>10 A. Yes, I do.</p> <p>11 Q. Okay. Is the \$2,000 you identified in Special</p> <p>12 Interrogatory Number 6 basically the sum of those two</p> <p>13 numbers?</p> <p>14 A. I don't know.</p> <p>15 Q. Okay. Thank you. And your -- the questions and</p> <p>16 your responses to both Martha Stefenoni's and Shirley</p> <p>17 Baker's were identical. Would your response be identical?</p> <p>18 In other words, what we just read was Martha Stefenoni's</p> <p>19 interrogatories to you.</p> <p>20 A. And you say it's the same for --</p> <p>21 Q. For Shirley Baker. Do you want to go through</p> <p>22 those or can you assume that --</p> <p>23 A. That's all right, unless you want to go through</p> <p>24 them.</p> <p>25 Q. We can do that. I'm handing you your responses to</p>
<p style="text-align: right;">270</p> <p>1 A. I'm sure I did.</p> <p>2 Q. Maybe this will just help. Here's that. I don't</p> <p>3 think we need to mark them, do we?</p> <p>4 MR. LAPCEVIC: For the record, we're looking at</p> <p>5 Robert McFarland's Responses to Cross-Defendant Martha</p> <p>6 Stefenoni's Special Interrogatories, Set One.</p> <p>7 MR. KAWAR: All right. Thank you.</p> <p>8 Q. And can you look at your response to Special</p> <p>9 Interrogatory Number 6. Just look at that interrogatory</p> <p>10 first.</p> <p>11 MR. LAPCEVIC: The question and then the answer.</p> <p>12 MR. SWANSON: There's an e-mail from Jeff saying</p> <p>13 he needs the speaker phone on. Do you want the phone</p> <p>14 number?</p> <p>15 (Pause in the proceedings.)</p> <p>16 Q. BY MR. KAWAR: So Special Interrogatory Number 6,</p> <p>17 let me just read it to you for time's sake. It says if</p> <p>18 you attribute loss of income to any published statements</p> <p>19 identified in your response to Special Interrogatory</p> <p>20 Number 1, state the total amount of income you have lost</p> <p>21 the date and how the amount was calculated.</p> <p>22 Did I read that correctly?</p> <p>23 A. Yes.</p> <p>24 Q. What was your response in terms of the dollar</p> <p>25 amount?</p>	<p style="text-align: right;">272</p> <p>1 Shirley Baker's Special Interrogatories. Look at number</p> <p>2 6. Does your response appear to be the same to the same</p> <p>3 question?</p> <p>4 A. Yes, it does.</p> <p>5 Q. Special Interrogatory Number 7, does that appear</p> <p>6 to be the same response to the same question?</p> <p>7 A. Yes, it does.</p> <p>8 Q. All right. Now that you've looked at this</p> <p>9 discovery request and your response, do you have any</p> <p>10 additional information you want to give me as to the</p> <p>11 monetary amount you're requesting from Martha Stefenoni</p> <p>12 and Shirley Baker?</p> <p>13 MR. LAPCEVIC: Related to the loss of income or --</p> <p>14 Q. BY MR. KAWAR: No, as to all your monetary claims</p> <p>15 against Shirley Baker and Martha Stefenoni.</p> <p>16 MR. LAPCEVIC: To the extent it calls for</p> <p>17 attorney/client privilege, things that we've talked about</p> <p>18 at our firm then --</p> <p>19 Q. BY MR. KAWAR: I want to know what you're claiming</p> <p>20 against my clients in terms of money.</p> <p>21 A. I can't answer that.</p> <p>22 Q. Why not?</p> <p>23 A. Because all of the discussions I've had about that</p> <p>24 have been with my attorney.</p> <p>25 MR. KAWAR: So you're telling me you can't tell me</p>

<p style="text-align: right;">273</p> <p>1 what amount he's claiming against my client because that's 2 attorney/client privilege? 3 MR. LAPCEVIC: No, I'm telling you that he has a 4 \$2,000 damage claim and lost income and a nominal damage 5 claim component for defamation. There's also general 6 damages that are for the jury to decide. 7 Q. BY MR. KAWAR: Is that correct? It's your 8 understanding that the balance of your claim is general 9 damages? 10 A. My understanding is what -- is how my attorney 11 just described it. If that's called general damages then 12 yes. 13 Q. Okay. Why have you sued Martha Stefenoni? 14 A. She -- I believe she instigated and participated 15 in presenting unfounded charges that resulted in 16 investigations, humiliation, influenced the members of the 17 California State Grange that elected me to my office. 18 Q. Do you understand that you filed a first 19 amended -- 20 MR. LAPCEVIC: Were you done with your answer? 21 THE WITNESS: No, I really wasn't. 22 MR. LAPCEVIC: Can he finish that answer? 23 MR. KAWAR: No, let's just move ahead. 24 MR. LAPCEVIC: I mean, if you don't want the 25 answer to this question. There's more to go on there</p>	<p style="text-align: right;">275</p> <p>1 the sidelines of the California State Grange as the 2 president of our organization while she pursued a 3 relentless campaign to remove me from office in that 4 investigation. 5 And then when the investigation found -- 6 exonerated me of the charges brought against me, to come 7 out with an unauthorized improper Minority Report 8 disputing the results of the investigation by the 9 executive committee. Witnessing against me in the 10 Springfield trial. Being the only witness against me in 11 the Springfield trial. And then when I was on my 60-day 12 suspension, continuing her efforts to remove me from 13 office by denying that she had knowledge of this -- the 14 mediation of the Springfield Grange and convincing the 15 national master that these actions were taken without the 16 authority, knowledge, or consent of the executive 17 committee when they certainly were. Mediation certainly 18 did continue with the executive committee's approval and 19 full knowledge and consent. 20 MR. LAPCEVIC: You said the Springfield Grange? 21 THE WITNESS: She was the only witness against -- 22 MR. LAPCEVIC: The Springfield Grange with the 23 mediation? There's a mediation over that? 24 THE WITNESS: No, the mediation was the Vista 25 Grange. I stand corrected if I misspoke. The Springfield</p>
<p style="text-align: right;">274</p> <p>1 but -- 2 Q. BY MR. KAWAR: I don't think you understand the 3 question. Do you understand that you filed a first 4 amended complaint? 5 A. I'm not an attorney. I'm not quite sure which 6 first amended complaint that would be. And there are so 7 many amended complaints in these lawsuits, I'm a bit 8 confused. 9 Q. Okay. Let me clarify those. There's a first 10 amended complaint that you filed against Martha Stefenoni 11 and Shirley Baker. Does that help you understand which 12 one I'm referring to? 13 A. I understand you're referring to those but if -- 14 well, please continue your question. 15 Q. And you have named Martha Stefenoni in that -- in 16 that complaint, in that first amended complaint. And so 17 my question for you is -- and let me be a little more 18 clear -- do you know why you have sued her for defamation? 19 A. I thought I was answering that question. Can 20 you -- because she defamed me. 21 Q. Okay. How did she do that? 22 A. She originated, instigated, and promoted a series 23 of accusations against me that were false. Resulted in 24 trials, in charges being brought against me. Just the 25 three and a half to four months that I was made to sit on</p>	<p style="text-align: right;">276</p> <p>1 Grange was the trial where she was the only witness 2 against me. The Vista Grange was action she took while 3 she was the -- replacing me as the acting master of the 4 California State Grange. She told our office manager to 5 take me off the payroll. 6 Q. BY MR. KAWAR: Okay. Clearly some strong, strong 7 feelings there. Let me ask you this: Did Martha 8 Stefenoni disseminate the February 7th, 2012 letter from 9 Mr. Luttrell that was sent to you and the executive 10 committee? Do you know which letter I'm speaking of? 11 A. Yes. 12 Q. The witch head. 13 A. We call it the witch head letter. Did she 14 disseminate it? 15 Q. Yes, to people outside of the executive committee. 16 A. I don't know. 17 Q. Did Shirley Baker disseminate that letter outside 18 of the executive committee? 19 A. From my understanding from the depositions, the 20 testimonies from several different people she did. 21 Q. When did you first find out or when did you first 22 come to believe that she did? 23 A. From her deposition and from the deposition of Jay 24 Hartz. And then subsequent to that her admission that she 25 did.</p>

<p style="text-align: right;">277</p> <p>1 Q. Do charges -- strike that. When charges are filed 2 against a member of the grange, are those -- are those 3 made known publically? 4 A. It's my understanding that they are not supposed 5 to be made public. 6 Q. Why is that? 7 A. That's the interpretation of the national master. 8 MR. KAWAR: I have a letter dated August 1st, 9 2012. If you could maybe mark that next in line. 10 (Exhibit 156 was marked for identification.) 11 Q. BY MR. KAWAR: Do you recognize that document? 12 A. Yes, I do. 13 Q. What is it generally? 14 A. It is the last set of charges brought against me 15 by the National Master Ed Luttrell. 16 Q. Do you agree with those charges? 17 A. I do not. 18 Q. Were those charges as far as you know made public 19 when he sent this letter to you, to other members of the 20 California State Grange? 21 A. Yes, they were. 22 Q. When did that happen? 23 A. August 1st, 2012. 24 Q. And who were they sent to? 25 A. Well, he has Martha Stefenoni listed here. And I</p>	<p style="text-align: right;">279</p> <p>1 not -- in the best interest of the grange, not admitting 2 any guilt, would accept some kind of a punishment that we 3 could both agree on. And then I invited him to come out 4 to California and travel the state with me to demonstrate 5 to our members that he and I could work together. 6 Q. I understand. My question was about that being -- 7 that letter that's been marked as an exhibit being -- 8 being made public. Since you're suing my client for 9 defamation, it's a relevant question. Does that bother 10 you if that was made public? 11 A. In the case of this particular letter, Mr. Kavar, 12 I would say that in explaining to our members this latest 13 set of charges against me and the reason why I myself and 14 the executive committee were not agreeing to my suspension 15 would almost -- almost be a service to our members. 16 Q. Is that why it's on the California State Grange 17 website? 18 A. Is that why it's on the California State Grange 19 website? 20 Q. Yes. 21 A. Well, I think in the case of these charges and the 22 fact that we did not abide by Luttrell's suspension, we 23 need to explain to our members, especially as it relates 24 to these charges really having no merit, I think we have 25 to show them and explain to them that this is why we</p>
<p style="text-align: right;">278</p> <p>1 believe that these charges were -- and I don't know how 2 but I've seen these charges in the hands of other people. 3 They somehow were disseminated after they were -- after he 4 sent them August 1st. 5 Q. Is that bothersome to you? 6 A. To the extent that these charges repeated charges 7 I had already been exonerated from, most of them; to the 8 extent that they then included -- I think the only new 9 charges here related to this mediation of the Vista 10 Grange. And Mr. Luttrell clearly from reading this did 11 not have a complete understanding of what that mediation 12 was. 13 Q. Did you not want that made public? 14 A. What -- what I tried -- what I objected to in 15 these charges being made public were the charges 16 themselves. I tried when they were presented to me by 17 Mr. Luttrell and were sent to Bob Clouse to give me a set 18 of these charges. And then he got on the telephone and 19 talked to me about them for about 20 minutes. 20 I didn't feel it was in the best interest of the 21 grange to bring a new set of charges against me, many of 22 which were repeats from six months before. I thought it 23 would really damage the membership and I requested -- I 24 suggested to him that if he truly felt I violated any 25 grange law that he recommend punishment and that I would</p>	<p style="text-align: right;">280</p> <p>1 refused to accept the suspension. 2 Q. You're familiar with the report we've been calling 3 the Minority Report, correct? 4 A. Yes, sir. 5 Q. All right. That's also on the California State 6 Grange website, isn't it? 7 A. (Witness nods head.) 8 Q. Is that a yes? 9 A. I believe it probably is. 10 Q. Is the California State Grange website password 11 protected to access the documents that are relevant to 12 this litigation? 13 A. Certain parts of the California State Grange are 14 password protected. I don't know if that document is 15 password protected or not. 16 Q. So do you know whether being able to access the 17 document we just marked as Exhibit 156 is password 18 protected? 19 A. I do not. 20 Q. How about the Minority Report? 21 A. I don't. 22 Q. Do you think they should be? 23 A. There is a set of documents -- there is a 24 chronological history of all of these events and these 25 documents back up that chronologic history.</p>

<p style="text-align: right;">281</p> <p>1 Q. I understand. That's not really my question 2 though. My point is that anybody all over the world can 3 access these documents; isn't that true? 4 A. If they're not password protected that would be 5 true. 6 Q. Do you think that they should be password 7 protected? 8 A. They should be available to our members, not 9 necessarily the public at large. 10 Q. But as it stands right now, if they're accessible 11 to the public at large then you would -- you would have an 12 issue with that, wouldn't you? 13 A. Yeah, I would probably not want to make them 14 publically available. 15 Q. So right now if, say, a newspaper reporter wanted 16 to access the California State Grange website, download 17 all of these documents, find out about all of these 18 charges against you, they would be able to do that right 19 now; is that true? 20 MR. LAPCEVIC: If you know, you can answer that. 21 THE WITNESS: I don't know the answer to that. 22 Q. BY MR. KAWAR: You've mentioned a couple of times 23 being grangerly. What does that mean? 24 A. We call ourselves brothers and sisters. To me 25 that means -- I've always looked at the Grange as an</p>	<p style="text-align: right;">283</p> <p>1 enough job herself. 2 Q. BY MR. KAWAR: So can you answer? 3 A. I can't answer that. 4 Q. You can't answer that. Who is in charge of the 5 California State Grange website, the Unchartered 6 California State Grange website? 7 A. Rick Keel. 8 Q. Rick Keel? 9 A. Um-hum. 10 MR. KAWAR: Nothing further. 11 (The deposition adjourned at 5:58 p.m.) 12 --o0o-- 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">282</p> <p>1 organization that fosters goodwill and brotherhood and 2 fellowship, and charity is one of our mottos. These are 3 all things to me that indicate we should raise ourselves 4 above -- a little above, you know, what our normal 5 behavior might be and try to conduct ourselves with 6 respect to our other brothers and sisters. And it's -- we 7 become a family so we -- I would like us to deal with each 8 other as if we were a family. 9 Q. Are you aware that your counsel served my clients 10 with your cross-complaint after taking their depositions? 11 A. After taking their depositions? 12 Q. In our profession it's a courtesy to inform people 13 before they're about to be sued so that they can retain 14 counsel before the deposition. In this case they were 15 deposed first and then handed their complaints at the very 16 end. Is that grangerly do you think? 17 MR. LAPCEVIC: You know what? Objection. That's 18 argumentative. 19 MR. KAWAR: I think it's perfectly valid. 20 MR. LAPCEVIC: That is not and it's not a standard 21 in the profession, especially if somebody is dodging 22 service, Counsel, like your client was. So you don't have 23 to answer that. 24 MR. KAWAR: Please don't insult my client. 25 MR. LAPCEVIC: Oh, please. She's done a good</p>	<p style="text-align: right;">284</p> <p>1 Please be advised that I have read the foregoing 2 deposition. I hereby state that there are: 3 (check one) 4 5 ----- NO CORRECTIONS 6 7 ----- CORRECTIONS ATTACHED 8 9 10 ----- 11 ROBERT MCFARLAND 12 13 ----- 14 Date Signed 15 16 Case Title: National Grange v. CA State Grange, et al. 17 Date of Deposition: Monday, February 2, 2015 18 Job No: 40486LR 19 20 --o0o-- 21 22 23 24 25</p>

<p style="text-align: right;">285</p> <p>1 DEPONENT'S CHANGES OR CORRECTIONS</p> <p>2 Note: If you are adding to your testimony, print the exact words you want to add. If you are deleting from</p> <p>3 your testimony, print the exact words you want to delete. Specify with "Add" or "Delete" and sign this form.</p> <p>4</p> <p>5 DEPOSITION OF: ROBERT MCFARLAND</p> <p>6 CASE: National Grange v. CA State Grange, et al.</p> <p>7 DATE OF DEPOSITION: Monday, February 2, 2015</p> <p>8</p> <p>9 I -----, have the following</p> <p>10 corrections to make to my deposition:</p> <table border="1"> <thead> <tr> <th>11 PAGE</th> <th>12 LINE</th> <th>13 ADD/CHANGE/DELETE</th> </tr> </thead> <tbody> <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>	11 PAGE	12 LINE	13 ADD/CHANGE/DELETE	14	-----	-----	15	-----	-----	16	-----	-----	17	-----	-----	18	-----	-----	19	-----	-----	20	-----	-----	21	-----	-----	22	-----	-----	23	-----	-----	<p style="text-align: right;">287</p> <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 February 3, 2015</p> <p>6 Robert McFarland</p> <p>7 c/o Ellis Law Group, LLP</p> <p>8 Attn: William A. Lapcevic, Esq.</p> <p>9 740 University Ave., Suite 100</p> <p>10 Sacramento, CA 95825</p> <p>11 Re: National Grange v. CA State Grange, et al.</p> <p>12 Date Taken: February 2, 2015</p> <p>13</p> <p>14 Dear Mr. McFarland:</p> <p>15</p> <p>16 Your deposition is now ready for you to read, correct and</p> <p>17 sign. The original will be held in our office for 35 days</p> <p>18 from the date of this letter.</p> <p>19</p> <p>20 If you are represented by counsel, you may wish to discuss</p> <p>21 with him/her the reading and signing of your deposition.</p> <p>22 If your attorney has purchased a copy of your deposition,</p> <p>23 you may review that copy. If you choose to read your</p> <p>24 attorney's copy, please fill out, sign and submit to our</p> <p>25 office the DEPONENT'S CHANGE SHEET located in the back of</p> <p>your deposition.</p> <p>If you do not wish to read your deposition, please sign</p> <p>below and return within 35 days of the date of this</p> <p>letter.</p> <p>ROBERT MCFARLAND DATE</p> <p>Sincerely,</p> <p>MELISSA LYNN HILL, CSR. No. 9613</p> <p>Phillips Legal Services</p> <p>Job No: 40486LR</p> <p>cc: All Counsel</p>
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<p style="text-align: right;">286</p> <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 3rd day of February, 2015.</p> <p>15</p> <p>16 <i>Melissa Lynn Hill</i></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>	<p style="text-align: right;">288</p> <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 PORTER SCOTT</p> <p>6 Attn: Martin N. Jensen, Attorney At Law</p> <p>7 350 University Avenue, Suite 200</p> <p>8 Sacramento, CA 95825</p> <p>9 Re: National Grange v. CA State Grange, et al.</p> <p>10 Deposition of: ROBERT MCFARLAND</p> <p>11 Date Taken: February 2, 2015</p> <p>12 Dear Mr. Jensen:</p> <p>13</p> <p>14 We wish to inform you of the disposition of this original</p> <p>15 transcript. The following procedure is being taken by our</p> <p>16 office:</p> <p>17 ----- The witness has read and signed the</p> <p>18 deposition. (See attached.)</p> <p>19 ----- The witness has waived signature</p> <p>20 ----- The time for reading and signed has</p> <p>21 expired</p> <p>22 ----- The sealed original deposition is</p> <p>23 being forwarded to your office.</p> <p>24 ----- Other:</p> <p>25</p> <p>Sincerely,</p> <p>PHILLIPS LEGAL SERVICES</p> <p>Ref. No. 40486LR</p>																																	

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