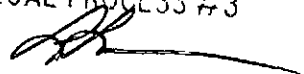


FILED
ENDORSE

13 MAY -7 PM 3: 33

LEGAL PROCESS #3



1 **PORTER | SCOTT**
2 A PROFESSIONAL CORPORATION
3 Martin N. Jensen, SBN 232231
4 Thomas L. Riordan, SBN 104827
5 350 University Ave., Suite 200
6 Sacramento, California 95825
7 TEL: 916.929.1481
8 FAX: 916.927.3706

9 Attorneys for Plaintiffs and Cross-Defendants
10 THE NATIONAL GRANGE OF THE ORDER OF PATRONS OF HUSBANDRY

11 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**

12 **IN THE COUNTY OF SACRAMENTO**

13 THE NATIONAL GRANGE OF THE
14 ORDER OF PATRONS OF HUSBANDRY, a
15 Washington, D.C. nonprofit corporation,

16 Plaintiff,

17 v.

18 THE CALIFORNIA STATE GRANGE, a
19 California nonprofit corporation, and
20 ROBERT McFARLAND, JOHN LUVVAAS,
21 GERALD CHERNOFF and DAMIAN PARR,

22 Defendants.

23 THE CALIFORNIA STATE GRANGE, a
24 California nonprofit ,

25 Cross-Complainant,

26 v.

27 THE NATIONAL GRANGE OF THE ORDER
28 OF PATRONS OF HUSBANDRY, a
Washington, D.C. nonprofit corporation, and
EDWARD L. LUTTRELL, an individual,
and ROES 1 through 10, inclusive,

Cross-Defendants.

Case No. 34-2012-00130439

NATIONAL GRANGE (D
S REPLY TO THE
CALIFORNIA STATE GRANGE'S
OPPOSITION TO THE MOTION TO
STRIKE

Date: May 14, 2013

Time: 2:00 p.m.

Dept: 53

Complaint Filed: October 1, 2012

1 The California State Grange does not address the central argument set forth in the motion to
2 strike filed by the National Grange and Edward L. Luttrell. That is to say, regardless of the court's
3 ruling on the demurrer to the Cross-Complaint, there is no conceivable basis for awarding punitive
4 damages here. The California State Grange does not set forth authority, or otherwise distinguish, the
5 cases cited by the National Grange establishing that as a matter of law punitive damages are not
6 available under the related torts of intentional interference with contract or economic relations that are
7 less formal than contracts. It does not even matter whether the National Grange is deemed a party to the
8 supposed contract (through the bylaws). Nor does the California State Grange suggest that the facts
9 alleged against the National Grange and Edward L. Luttrell regarding an internal disagreement within a
10 private nonprofit organization rise to the level of outrageousness required for punitive damages under
11 Civil Code section 3294. As such, the motion to strike punitive damages must be granted.

12 Date: May 6, 2013

PORTER SCOTT
A PROFESSIONAL CORPORATION

14 By Thomas L. Riordan
15 Martin N. Jensen
16 Thomas L. Riordan
17 Attorneys for Plaintiffs
18 and Cross-Defendants
19
20
21
22
23
24
25
26
27
28

3
4 **DECLARATION OF SERVICE**

5 I am a citizen of the United States and employed in Sacramento County, California. I am over
6 the age of eighteen years and not a party to the within above-entitled action. My business address is 350
University Avenue, Suite 200, Sacramento, California.

7 On the date indicated below, I served the following:

8 **NATIONAL GRANGE AND EDWARD LUTTRELL'S REPLY TO THE**
9 **CALIFORNIA STATE GRANGE'S OPPOSITION TO THE MOTION TO STRIKE**

10 BY MAIL. I am familiar with this Company's practice whereby the mail, after being placed in
11 a designated area, is given the appropriate postage and is deposited in a U.S. mailbox in the City
12 of Sacramento, California, after the close of the day's business.

13 BY PERSONAL SERVICE. I caused such document to be delivered by hand to the person(s)
14 listed below.

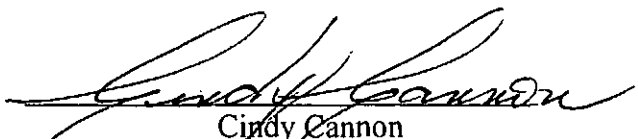
15 BY FACSIMILE TRANSMISSION AND MAIL. I caused such document to be transmitted via
16 facsimile to the numbers below, with copies following by United States mail at Sacramento,
California.

17 BY OVERNIGHT DELIVERY. I caused such document to be delivered overnight to the office
18 of the person(s) listed below.

19 **Attorneys for Defendants The California**
20 **State Grange, John Luvaas, Gerald Chernoff**
21 **and Damian Parr**
22 Robert D. Swanson
23 Daniel S. Stouder
24 BOUTIN JONES
555 Capital Mall, Suite 1500
Sacramento, CA 95814
rswanson@boutinjones.com
dstouder@boutinjones.com

Attorneys for Robert McFarland
Mark Ellis
ELLIS LAW GROUP
740 University Avenue, Suite 100
Sacramento, CA 95814
MEllis@EllisLawGrp.com

25 I hereby certify under the penalty of perjury that the foregoing is true and correct. Executed at
26 Sacramento, California on May 7, 2013.

27
28 
Cindy Cannon

3
NATIONAL GRANGE AND EDWARD LUTTRELL'S REPLY TO THE CALIFORNIA STATE
GRANGE'S OPPOSITION TO THE MOTION TO STRIKE