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County of Santa Cruz  
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Attorneys for Defendants  
Paradise Park Masonic Club, Inc.

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SANTA CRUZ  
UNLIMITED JURISDICTION

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| <p>WILLIAM J. PARDUE; MYRON COLEMAN;<br/>LAURA CRATS; WILLIAM ECKARD; LEE<br/>HEATHORN; PAT MCDONALD; MARTY<br/>MILLER; SHARON NARAHI; KEN PYLE;<br/>ELIZABETH STIEFELMAIER; MARK<br/>TRUEGE; GEORGE TUREGANO; KEN<br/>WILSON; and ROBERT WUNCE;</p> <p style="text-align: center;">Plaintiffs,</p> <p>vs.</p> <p>KIRT LIKINS; VERDIE POLIZZI; JOE MAYO;<br/>and DOES 1 to 20;</p> <p style="text-align: center;">Defendants,</p> <p>DICK LOVELACE; HAROLD BROWN;<br/>SEVILLA GRANGER; and THE PARADISE<br/>PARK MASONIC CLUB;</p> <p style="text-align: center;">Involuntary Plaintiffs.</p> | <p>CASE NO. 21CV01005</p> <p><b>DEFENDANT PARADISE PARK MASONIC<br/>CLUB, INC.'S ANSWER TO COMPLAINT</b></p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|

Defendant THE PARADISE PARK MASONIC CLUB, erroneously sued as an  
"Involuntary Plaintiff," hereby answers the Complaint of Plaintiffs William Pardue, et al.  
("Plaintiffs") as follows:

1           1.       Defendant Paradise Park admits to the truth of the following numbered  
2 paragraphs contained in the instant Complaint: 1-3, 5, 9, 10, 12-16, 18-21, 23-25, 29,  
3 and 34.

4           2.       The following numbered paragraphs contained in the instant Complaint  
5 are not factual allegations: 4, 6-8, 11, 17.

6           3.       In answer to paragraph number 22, Defendant admits that, due to the  
7 COVID pandemic, as set forth below, the board did not hold the normal March, 2020  
8 board meeting, where Sam Cannon’s self-nomination would have been acknowledged  
9 and accepted by the nominating committee. Except as so admitted, denied.

10          4.       In answer to paragraph number 26, Defendant denies that the “old board”  
11 made the determination that the election was invalid. This was an action of the “new  
12 board” which was seated in or around June, 2020 (Exhibit A – minutes from June, 2020  
13 meeting showing welcome of new board members). The “new board” obtained legal  
14 advice and determined that the election was invalid (Exhibit B – email exchange  
15 between new board members re: this issue). All references in this paragraph to the “old  
16 board” are inaccurate. Defendant denies the legal conclusion that the old board “knew  
17 or should have known Sam Cannon had neither timely nor substantively met the  
18 requirements to be ‘self-nominated.’” The self-nomination of Sam Cannon took place  
19 during the initial stages of the COVID-19 Pandemic emergency (March – April 2020). In  
20 such circumstance, the board did not hold the normally scheduled March, 2020 board  
21 meeting. The April, 2020 board meeting would have normally been the time where the  
22 board would accept self-nominations for the election and make sure the other  
23 requirements were met by the self-nominee.

24          5.       In answer to paragraph 27, the information contained in this paragraph is  
25 a legal / rhetorical argument, not a factual allegation. Defendant denies generally the  
26 rhetorical bombast contained in this paragraph.

27          6.       In answer to paragraph 28, Defendant denies that the “old board” refused  
28 to step down at the end of the June 27, 2020 annual meeting. Defendant denies that

1 the “old board” continued to hold meetings, refused to allow the newly elected board  
2 members to act, and failed and refused to recognize the authority of the newly elected  
3 board members. Defendant denies that Sevilla Granger “was bullied, ignored, and  
4 dismissed.”

5 7. In answer to paragraph 29, Defendant denies that the votes for the new  
6 election were tallied on August 21, 2020. Defendant admits the results of this election.

7 8. In answer to paragraph 30, the information contained in this paragraph is  
8 a legal / rhetorical argument, not factual allegation. Defendant denies generally the  
9 rhetorical bombast contained in this paragraph and subsections.

10 a. This allegation is speculative and at odds with the actual  
11 documents of record from the election.

12 b. This allegation is speculative and at odds with the actual  
13 documents of record from the election.

14 c. This allegation is speculative and at odds with the actual  
15 documents of record from the election.

16 d. Defendant denies that the CZU Lightning Complex Fires cut short  
17 the period available to submit ballots by voting members.

18 e. Defendant denies that Plaintiffs challenged and / or requested an  
19 audit of the ballots from the “new” election.

20 9. In answer to paragraph 31, the information contained in this paragraph is  
21 a legal / rhetorical argument, not factual allegation. Defendant denies generally the  
22 rhetorical bombast contained in this paragraph.

23 10. In answer to paragraph 32, Defendant denies these claims.

24 11. In answer to paragraph 33, Defendant denies that Kurt Likins refused to  
25 give up his position to Sevilla Granger.

26 12. In answer to paragraph 35, Defendant admits that the two removal  
27 petitions for Verdie Polizzi and Joe Mayo were processed. Defendant denies that the  
28 results of the removal petitions are finalized as Joe Mayo is challenging some of the

1 signatures on his removal petition. There were not sufficient signatures to force the  
2 removal of Verdie Polizzi. Further, the removal petitions were handled, not by the board  
3 of directors, but by the elections committee, consisting of members Winston Chavoor  
4 (committee chair), Carol Taylor, Alcinda Walters, and Denise Peterson. Neither Verdie  
5 Polizzi nor Joe Mayo were part of the elections committee (Exhibit C – records of  
6 election committee vetting recall signatures, per board policy).

7 13. In answer to paragraph 36, Defendant denies that Verdie Polizzi  
8 unilaterally removed her name from the recall ballot. Further, the removal petitions  
9 were handled, not by the board of directors, but by the elections committee, consisting  
10 of members Winston Chavoor (committee chair), Carol Taylor, Alcinda Walters, and  
11 Denise Peterson. Neither Verdie Polizzi nor Joe Mayo were part of the elections  
12 committee. Neither Verdie Polizzi nor Joe Mayo were part of the elections committee.

13 14. In answer to paragraph 37, Defendant denies any wrongdoing in  
14 connection with the processing of the removal petitions for either Verdie Polizzi or Joe  
15 Mayo. There were not enough signatures to effect removal of Verdie Polizzi. Joe Mayo  
16 is challenging some of the signatures on his removal petition and that process is  
17 underway according to the corporation bylaws. All members have been informed of this  
18 status of this situation. Further, the removal petitions were handled, not by the board of  
19 directors, but by the elections committee, consisting of members Winston Chavoor  
20 (committee chair), Carol Taylor, Alcinda Walters, and Denise Peterson. Neither Verdie  
21 Polizzi nor Joe Mayo were part of the elections committee.

22 15. In addition, Defendant The Paradise Park Masonic Club hereby asserts  
23 the following affirmative defenses:

24 **FIRST AFFIRMATIVE DEFENSE**  
25 ***Failure to State a Cause of Action***  
26 **(As to each and every cause of action)**

27 Answering Defendant is informed and believes that the Plaintiffs fail to state facts  
28 sufficient to constitute any cause of action.

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**SECOND AFFIRMATIVE DEFENSE**

***Estoppel***

**(As to each and every cause of action)**

Answering Defendant is informed and believe that the Plaintiffs through their own acts and omissions are estopped from asserting any of the claims set forth in the first amended complaint.

**THIRD AFFIRMATIVE DEFENSE**

***Unclean Hands***

**(As to each and every cause of action)**

Answering Defendant is informed and believes that the Plaintiffs are barred, in whole or in part, from the relief requested because of Plaintiffs' own wrongful acts and omissions constituting unclean hands.

**FOURTH AFFIRMATIVE DEFENSE**

***Statute of Frauds***

**(As to each and every cause of action)**

Answering Defendant is informed and believes that the Plaintiffs' claims are barred, in whole or in part, because there is no writing to substantiate their claims as required by law.

**FIFTH AFFIRMATIVE DEFENSE**

***Failure to Mitigate Damages***

**(As to each and every cause of action)**

Answering Defendant is informed and believes that the Plaintiffs failed to take reasonable steps to mitigate their alleged harms, if any.

**SIXTH AFFIRMATIVE DEFENSE**

***Lack of Damages***

**(As to each and every cause of action)**

Answering Defendant is informed and believes that the Plaintiffs have not suffered any legally cognizable damages as a result of the matters alleged in their first amended complaint.

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**SEVENTH AFFIRMATIVE DEFENSE**  
***Statute of Limitations***  
**(As to each and every cause of action)**

Answering Defendant is informed and believes, and thereon alleges that each cause of action alleged by Plaintiffs is barred, in whole or in part, by the applicable statute of limitations, including but not limited to, Code of Civil Procedure sections 343, 335.1, 337, 337(a), 338, 338(c), 338(d), 339, and 339(1).

**EIGHTH AFFIRMATIVE DEFENSE**  
***Waiver***  
**(As to each and every cause of action)**

Answering Defendant is informed and believes that the Plaintiffs through their representations and actions waived any right to assert claims against these Defendants.

**NINTH AFFIRMATIVE DEFENSE**  
***Ratification***  
**(As to each and every cause of action)**

Answering Defendant is informed and believes that the Plaintiffs' claims are barred, in whole or in part, because Plaintiffs approved all acts and conduct of answering Defendant.

**TENTH AFFIRMATIVE DEFENSE**  
***Laches***  
**(As to each and every cause of action)**

Answering Defendant is informed and believe that the Plaintiffs are barred, in whole or in part, from the relief requested because Plaintiffs unreasonably delayed bringing their claims.

**ELEVENTH AFFIRMATIVE DEFENSE**  
***Additional Defenses***  
**(As to each and every cause of action)**

Discovery is ongoing and answering Defendant is reserving the right to amend its answer with additional affirmative defenses as new facts become known.

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**TWELFTH AFFIRMATIVE DEFENSE**

***Mootness***

**(As to each and every cause of action)**

Answering Defendant is informed and believes that Plaintiffs' causes of action and relief requested in the instant complaint should be barred for mootness.

**THIRTEENTH AFFIRMATIVE DEFENSE**

***Lack of Evidence***

**(As to each and every cause of action)**

Answering Defendant is informed and believes that Plaintiffs' causes of action and relief requested in the instant complaint are not supported by competent evidence; specifically in the complaint on file in this action, the substantive paragraphs and allegations are alleged on information and belief only (see Complaint, at ¶ 11).

**FOURTEENTH AFFIRMATIVE DEFENSE**

***Ripeness***

**(As to each and every cause of action)**

Answering Defendant is informed and believes that Plaintiffs' causes of action and relief requested in the instant complaint are not yet ripe due to Plaintiffs' failure to participate in mandatory mediation before bringing any action, in contravention of the Paradise Park Masonic Club bylaws (Article III, § 30).

**FIFTEENTH AFFIRMATIVE DEFENSE**

***Mis designation of Parties / Failure to Include Necessary Parties***

**(As to each and every cause of action)**

Answering Defendant is informed and believes that Plaintiffs complaint fails to properly designate named parties to the action as Plaintiffs or Defendants, and further, that the instant complaint fails to include parties necessary to the resolution of this dispute.

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**WHEREFORE**, Defendant the Paradise Park Masonic Club requests judgment against Plaintiffs as follows:

1. For a judicial determination that the “old election” held in or around June 2020 was invalid, and should be considered void and of no legal effect; and,

2. For a judicial determination that the “new election” held in or around August, 2020 was valid, proper, and should be considered binding upon the Corporation and its members; and,

3. For a judicial determination that the current board of directors of the Corporation are: Kurt Likins, Verdie Polizzi, Joe Mayo, Dick Lovelace, and Harold Brown; and

4. For a judicial determination that the processing of the recall petitions against Verdie Polizzi and Joe Mayo have been, and are currently, being handled properly according to the bylaws of the Paradise Park Masonic Club; and

5. For an award of costs of suit and reasonable attorney fees as allowed by law; and,

6. For such other and further relief as the court may deem just and proper.

Respectfully Submitted,

Date: April 29, 2021

*Aaron J. Mohamed*  
**BRERETON, MOHAMED, & TERRAZAS, LLP**  
By: Aaron J. Mohamed, Esq.  
Attorneys for Defendant The Paradise Park  
Masonic Club



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**VERIFICATION**

I am the Secretary for Defendant Paradise Park Masonic Club in the above-entitled action. The matters stated in the foregoing document are true of my own knowledge, except those matters stated on information or belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Dated: 4/29/2021

*Verdie Polizzi*  
Verdie Polizzi

# EXHIBIT A

#3/4

Paradise Park Masonic Club, Inc.  
Annual Meeting  
June 27<sup>th</sup>, 2020  
1:00 p.m. Via Zoom

The Call to Order was made at 1:03 p.m. by Board Member Kurt Likins in the Paradise Park Conference room. The Meeting was being held via Zoom due to the Covid19 pandemic restrictions. All Board Members present except for Clara Johnston-Director at Large.

The invocation was read by Mark Gienger followed by the leading of the Pledge of Allegiance.

The Paradise Park Necrology was read by Verdie Polizzi.

The report of Attendance was given by Manager Steve Polizzi reporting that there were 60 Members logged onto the Zoom meeting. No quorum was reached.

Acting President Kurt Likins hopeful for a more positive year ahead and encouraging more support for the Board of Directors.

CFO Verdie Polizzi also hopeful for the coming year. Board to look at the fiscal standing of the Park and address needs.

Committee Reports:

Bylaws- As reported by Dick Lovelace

The committee submitted several activities, bylaws, and changes but none have been voted on due to the Pandemic restrictions. The committee will have several items on the agenda, right out of the gate for the new Board year.

ERT-As reported by Dick Lovelace

Dick reporting that the ERT is the strongest that it has been in years. The entire team is participating in monthly meetings which helps immensely. Dick proud of the outcome.

Staking Committee- No report

Long Range Planning- No report

Orientation- No report

Recreation- No report

Tree Committee- No report

New Members, Associates and Alternate Associate Members were read by Mark Gienger

The President's coin will be given to Past President Joe Mayo when received.

Verdie Polizzi informing all that this Years Golden Trowel recipient is Kayla Johnson. Kayla is always eager to help out with Park cleanups and created this year's "Shelter in Place" organization which helped Park Members that weren't able to leave the Park due to Covid19 concerns. Thank you to Kayla and her family for all that they do! Paradise Park is lucky to have her.

Election results- Explained by Winston Chavoor, the Election Committee Chairman.

Winston thanking the Committee of Carol Taylor, Denise Peterson, and Alcinda Walter as well as Winston, for their hard work in counting all the votes.

The Results were as follows:

7<sup>th</sup> place- with 62 Votes- Mark Gienger

- 6<sup>th</sup> Place- with 86 Votes- Sam Cannon
- 5<sup>th</sup> Place- with 108 Votes- Bill Pardue
- 4<sup>th</sup> Place- with 110 Votes- Kurt Likins
- 3<sup>rd</sup> Place- wit 120 Votes- Harold Brown
- 2<sup>nd</sup> Place- with 126 Votes- Dick Lovelace
- 1<sup>st</sup> Place – with 137 Votes- Sevilla Granger

The 2020 new Board Members are Sevilla Granger, Dick Lovelace, and Harold Brown. They will now join existing Board Members, Verdie Polizzi and Joe Mayo to form the 2020-2021 Board of Directors. Congratulations to all.

At this point in the meeting the new Board Members were asked in to participate in the rest of the meeting. Kurt Likins and Mark Gienger wishing all success.

The Board is to decide later in the day who will hold what positions.

Open Microphone Portion-

Verdie explaining to all the process.

- Member Donna Sorenson 396 Hiram  
Congratulated the new Board and asked if there was going to be an All Wheels Parade this year?

Answer- Verdie- Board had already sent an email encouraging parade to happen, yes.

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Answer- Sevilla Granger- New Board to look at now, cannot speak for the old Board.

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# EXHIBIT B

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# EXHIBIT C















































































































