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[INSERT NAME OF PARTY OR ATTORNEY]

[Insert address, phone number, fax number, and e-mail address]

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

**ANTELOPE VALLEY
GROUNDWATER CASES**

Included Actions:

Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co.
Los Angeles County Superior Court
Case No. BC 325201

Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co.
Kern County Superior Court
Case No. S-1500-CV-254-348

Wm. Bolthouse Farms, Inc. v. City of
Lancaster, Diamond Farming Co. v. City of
Lancaster, Diamond Farming Co. v.
Palmdale Water Dist.
Riverside County Superior Court
Consolidated actions
Case Nos. RIC 353 840, RIC 344 436, RIC
344 668

Judicial Council Coordination No. 4408

For filing purposes only:
Santa Clara County Case No. 1-05-CV-049053

Assigned to The Honorable Jack Komar

**[PROPOSED] ANSWER TO COMPLAINT
AND ALL CROSS-COMPLAINTS**

1 I hereby answer the Complaint and all Cross-Complaints which have been filed as of this
2 date, specifically those of Antelope Valley East-Kern Water Agency, Palmdale Water District &
3 Quartz Hill Water District, Rosamond Community Services District and Waterworks District No.
4 40 of Los Angeles County. I do not intend to participate at trial or other proceedings unless
5 ordered by the Court to do so, but I reserve the right to do so upon giving written notice to that
6 effect to the Court and all parties. I own the following property(ies) located in the Antelope
7 Valley:

8 _____
9 _____
10 *[Insert address and/or APN Number]*
11

12 **GENERAL DENIAL**

13 1. Pursuant to Code of Civil Procedure section 431.30(d), Defendant and Cross-
14 Defendant hereby generally denies each and every allegation set forth in the Complaint and
15 Cross-Complaint, and the whole thereof, and further denies that Plaintiff and Cross-Complainant
16 are entitled to any relief against Defendant and Cross-Defendant.

17 **AFFIRMATIVE DEFENSES**

18 **First Affirmative Defense**

19 (Failure to State a Cause of Action)

20 2. The Complaint and Cross-Complaint and every purported cause of action
21 contained therein fail to allege facts sufficient to constitute a cause of action against Defendant
22 and Cross-Defendant.

23 **Second Affirmative Defense**

24 (Statute of Limitation)

25 3. Each and every cause of action contained in the Complaint and Cross-Complaint is
26 barred, in whole or in part, by the applicable statutes of limitation, including, but not limited to,
27 sections 318, 319, 321, 338, and 343 of the California Code of Civil Procedure.
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Third Affirmative Defense

(Laches)

4. The Complaint and Cross-Complaint, and each and every cause of action contained therein, is barred by the doctrine of laches.

Fourth Affirmative Defense

(Estoppel)

5. The Complaint and Cross-Complaint, and each and every cause of action contained therein, is barred by the doctrine of estoppel.

Fifth Affirmative Defense

(Waiver)

6. The Complaint and Cross-Complaint, and each and every cause of action contained therein, is barred by the doctrine of waiver.

Sixth Affirmative Defense

(Self-Help)

7. Defendant and Cross-Defendant has, by virtue of the doctrine of self-help, preserved its paramount overlying right to extract groundwater by continuing, during all times relevant hereto, to extract groundwater and put it to reasonable and beneficial use on its property.

Seventh Affirmative Defense

(California Constitution Article X, Section 2)

8. Plaintiff and Cross-Complainant's methods of water use and storage are unreasonable and wasteful in the arid conditions of the Antelope Valley and thereby violate Article X, Section 2 of the California Constitution.

Eighth Affirmative Defense

(Additional Defenses)

9. The Complaint and Cross-Complaint do not state their allegations with sufficient clarity to enable defendant and cross-defendant to determine what additional defenses may exist to Plaintiff and Cross-Complainant's causes of action. Defendant and Cross-defendant therefore reserve the right to assert all other defenses which may pertain to the Complaint and Cross-

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Complaint.

WHEREFORE, Defendant and Cross-defendant prays that judgment be entered as follows:

1. That Plaintiff and Cross-Complainant take nothing by reason of its Complaint or Cross-Complaint;
2. That the Complaint and Cross-Complaints be dismissed with prejudice;
3. For Defendant and Cross-Defendant's costs incurred herein; and
4. For such other and further relief as the Court deems just and proper.

Dated: _____, 200_ Signature _____

[Print name of party and/or attorney]

[FILE IN LA SUPERIOR COURT AND POST ON COURT WEBSITE – FOR E-FILING INSTRUCTIONS, PLEASE GO TO WWW.SCEFILING.ORG/FAQ OR CONTACT GLOTRANS AT (510) 208-4775.]

1 **PROOF OF SERVICE**

2 I, Kerry V. Keefe, declare:

3 I am a resident of the State of California and over the age of eighteen years, and
4 not a party to the within action; my business address is Best Best & Krieger LLP, 5 Park Plaza,
Suite 1500, Irvine, California 92614. On November 28, 2006, I served the within document(s):

5 **[PROPOSED] ANSWER TO COMPLAINT AND ALL CROSS-COMPLAINTS**

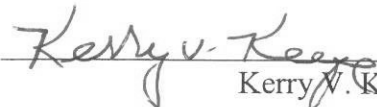
- 6 by posting the document(s) listed above to the Santa Clara County Superior Court
- 7 website in regard to the Antelope Valley Groundwater matter.
- 8 by placing the document(s) listed above in a sealed envelope with postage thereon
- 9 fully prepaid, in the United States mail at Irvine, California addressed as set forth
- 10 below.
- 11 by causing personal delivery by ASAP Corporate Services of the document(s)
- 12 listed above to the person(s) at the address(es) set forth below.
- 13 by personally delivering the document(s) listed above to the person(s) at the
- 14 address(es) set forth below.
- 15 I caused such envelope to be delivered via overnight delivery addressed as
- indicated on the attached service list. Such envelope was deposited for delivery
- by Federal Express following the firm's ordinary business practices.

16 (SEE ATTACHED SERVICE LIST)

17 I am readily familiar with the firm's practice of collection and processing
18 correspondence for mailing. Under that practice it would be deposited with the U.S. Postal
Service on that same day with postage thereon fully prepaid in the ordinary course of business. I
19 am aware that on motion of the party served, service is presumed invalid if postal cancellation
date or postage meter date is more than one day after date of deposit for mailing in affidavit.

20 I declare under penalty of perjury under the laws of the State of California that the
above is true and correct.

21 Executed on November 29, 2006, at Irvine, California.

22
23 
24 _____
Kerry V. Keefe

LAW OFFICES OF
BEST BEST & KRIEGER LLP
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