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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF LOS ANGELES**  
10

11 **ANTELOPE VALLEY**  
12 **GROUNDWATER CASES**

13 Included Actions:

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

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

20 Wm. Bolthouse Farms, Inc. v. City of  
21 Lancaster, Diamond Farming Co. v. City of  
22 Lancaster, Diamond Farming Co. v.  
Palmdale Water Dist.  
Riverside County Superior Court  
23 Consolidated actions  
Case Nos. RIC 353 840, RIC 344 436, RIC  
24 344 668

Judicial Council Coordination No. 4408

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

Assigned to the Honorable Jack Komar

**MODEL ANSWER TO COMPLAINT  
AND ALL CROSS-COMPLAINTS BY  
ANTELOPE VALLEY MOBILE  
ESTATES, LLC**

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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 ordered  
5 by the Court to do so, but I reserve the right to do so upon giving written notice to that effect to the  
6 Court and all parties. I own the following property(ies) located in the Antelope Valley:

7 the Northwest quarter of the Northwest quarter of the Southwest quarter of Section  
8 33, Township 9 North, Range 12 West, San Bernardino Base Meridian, in the  
9 unincorporated area of the County of Kern, State of California, as per to the Official  
10 Plat thereof on file in the Office of the Surveyor General. Assessor's Parcel No.:  
11 473-110-02-00

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 Cross-  
15 Complaint, and the whole thereof, and further denies that Plaintiff and Cross-Complainant are  
16 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 contained  
21 therein fail to allege facts sufficient to constitute a cause of action against Defendant and Cross-  
22 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 limitations, including, but not limited to,  
27 sections 318, 319, 321, 338, and 343 of the California Code of Civil Procedure.

1 **Third Affirmative Defense**

2 (Laches)

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

5 **Fourth Affirmative Defense**

6 (Estoppel)

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

9 **Fifth Affirmative Defense**

10 (Waiver)

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

13 **Sixth Affirmative Defense**

14 (Self-Help)

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

18 **Seventh Affirmative Defense**

19 (California Constitution Article X, Section 2)

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

23 **Eighth Affirmative Defense**

24 (Additional Defenses)

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

1 Complaint.

2 **Ninth Affirmative Defense**

3 10. The prescriptive claims asserted by governmental entity Cross-Complainants are *ultra*  
4 *vires* and exceed the statutory authority by which each entity may acquire property as set forth in  
5 Water Code sections 22456, 31040, and 55370.

6 **Tenth Affirmative Defense**

7 11. The prescriptive claims asserted by governmental entity Cross-Complainants are  
8 barred by the provisions of Article 1 Section 19 of the California Constitution.

9 **Eleventh Affirmative Defense**

10 12. The prescriptive claims asserted by governmental entity Cross-Complainants are  
11 barred by the provisions of the 5<sup>th</sup> Amendment to the United States Constitution as applied to the  
12 states under the 14<sup>th</sup> Amendment of the United States Constitution.

13 **Twelfth Affirmative Defense**

14 13. Cross-Complainants' prescriptive claims are barred due to their failure to take  
15 affirmative steps that were reasonably calculated and intended to inform each overlying landowner  
16 of Cross-Complainants' adverse and hostile claim as required by the due process clause of the 5<sup>th</sup> and  
17 14<sup>th</sup> Amendments of the United States Constitution.

18 **Thirteenth Affirmative Defense**

19 14. The prescriptive claims asserted by governmental entity Cross-Complainants are  
20 barred by the provisions of Article 1 Section 7 of the California Constitution.

21 **Fourteenth Affirmative Defense**

22 15. The prescriptive claims asserted by governmental entity Cross-Complainants are  
23 barred by the provisions of the 14<sup>th</sup> Amendment to the United States Constitution.

24 **Fifteenth Affirmative Defense**

25 16. The governmental entity Cross-Complainants were permissively pumping at all times.

26 **Sixteenth Affirmative Defense**

27 17. The request for the court to use its injunctive powers to impose a physical solution  
28 seeks a remedy that is in violation of the doctrine of separation of powers set forth in Article 3

1 Section 3 of the California Constitution.

2 **Seventeenth Affirmative Defense**

3 18. Cross-Complainants are barred from asserting their prescriptive claims by operation  
4 of law as set forth in Civil Code sections 1007 and 1214.

5 **Eighteenth Affirmative Defense**

6 19. Each Cross-Complainant is barred from recovery under each and every cause of  
7 action contained in the Cross-Complaint by the doctrine of unclean hands and/or unjust enrichment.

8 **Nineteenth Affirmative Defense**

9 20. The Cross-Complaint is defective because it fails to name indispensable parties in  
10 violation of California Code of Civil Procedure Section 389(a).

11 **Twentieth Affirmative Defense**

12 21. The governmental entity Cross-Complainants are barred from taking, possessing or  
13 using Cross-Defendants' property without first paying just compensation.

14 **Twenty-First Affirmative Defense**

15 22. The governmental entity Cross-Complainants are seeking to transfer water right  
16 priorities and water usage which will have significant effects on the Antelope Valley Groundwater  
17 Basin and the Antelope Valley. Said actions are being done without complying with and contrary  
18 to the provisions of California's Environmental Quality Act (CEQA) (Pub.Res.C. 2100 *et seq.*).

19 **Twenty-Second Affirmative Defense**

20 23. The governmental entity Cross-Complainants seek judicial ratification of a project  
21 that has had and will have significant effect on the Antelope Valley Groundwater Basin and the  
22 Antelope Valley that was implemented without providing notice in contravention of the provisions  
23 of California's Environmental Quality Act (CEQA) (Pub.Res.C. 2100 *et seq.*).

24 **Twenty-Third Affirmative Defense**

25 24. Any imposition by this court of a proposed physical solution that reallocates the water  
26 right priorities and water usage within the Antelope Valley will be *ultra vires* as it will be subverting  
27 the pre-project legislative requirements and protections of California's Environmental Quality Act  
28 (CEQA) (Pub.Res.C. 2100 *et seq.*).

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

- 2           1.       That Plaintiff and Cross-Complainants take nothing by reason of its Complaint or  
3 Cross-Complaint;
- 4           2.       That the Complaint and Cross-Complaints be dismissed with prejudice;
- 5           3.       For Defendant and Cross-Defendant's costs incurred herein; and
- 6           4.       For such other and further relief as the Court deems just and proper.
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9 Dated: August 5, 2014

Respectfully submitted,

LAW OFFICES OF WALTER J. WILSON

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13 Walter J. Wilson, Attorney for  
14 Antelope Valley Mobile Estates, LLC

1 **PROOF OF SERVICE**

2 I, Walter J. Wilson, declare:

3 I am a resident of the State of California and over the age of eighteen years, and not a party  
4 to the within action; my business address is Law Offices of Walter J. Wilson, 333 West Broadway,  
5 Suite 200 Long Beach, CA 90802.

6 On August 5, 2014, I served the within document(s):

7 **MODEL ANSER TO COMPLAINT AND ALL CROSS-COMPLAINTS BY**  
8 **ANTELOPE VALLEY MOBILE ESTATES, LLC**

- 9  by posting the document(s) listed above to the Santa Clara County Superior Court  
10 website in regard to the Antelope Valley Groundwater matter.
- 11  by placing the document(s) listed above in a sealed envelope with postage thereon  
12 fully prepaid, in the Unites States mail at Long Beach, California addressed as set  
13 forth below.
- 14  by personally delivering the document(s) listed above to the person(s) at the  
15 address(es) set forth below.

16  
17 I am readily familiar with the firm's practice of collection and processing correspondence for  
18 mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with  
19 postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the  
20 party served, service is presumed invalid if postal cancellation dare or postage meter date is more  
21 than one day after date of deposit for mailing affidavit.

22 I declare under penalty of perjury under the laws of the State of California that the above is  
23 true and correct. Executed on August 5, 2014, at Long Beach, California.

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25 \_\_\_\_\_  
26 Walter J. Wilson

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