

1 Walter J. Wilson (SBN 68040)
LAW OFFICES OF WALTER J. WILSON
2 333 West Broadway, Suite 200
Long Beach, CA 90802
3 Tel: (562) 432-3388 Fax: (562) 432-2969
Email: walterw1@aol.com

4 Attorney for Goodyork Corporation and
5 Lancaster Summit Properties, Ltd.

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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)
No. 40 v. Diamond Farming Co.)
15 Los Angeles County Superior Court)
Case No. BC 325201)
16 Los Angeles County Waterworks District)
17 No. 40 v. Diamond Farming Co.)
Kern County Superior Court)
18 Case No. S-1500-CV-254-348)
19 Wm. Bolthouse Farms, Inc. v. City of)
Lancaster, Diamond Farming Co. v. City of)
20 Lancaster, Diamond Farming Co. v.)
Palmdale Water Dist.)
21 Riverside County Superior Court)
Consolidated actions)
22 Case Nos. RIC 353 840, RIC 344 436, RIC)
344 668)
23 _____)

Judicial Council Coordination No. 4408
For filing purposes only:
Santa Clara County Case No. 1-05-CV-049053

Assigned to the Honorable Jack Komar

**ANSWER TO COMPLAINT
AND ALL CROSS-COMPLAINTS BY
GOODYORK CORPORATION AND
LANCASTER SUMMIT PROPERTIES,
LTD., JOINTLY DBA LEISURE LAKE
MOBILE ESTATES**

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1 Goodyork Corporation and Lancaster Summit Properties, Ltd. (“Defendants and Cross
2 Defendants”) hereby answer the Complaint and all Cross-Complaints which have been filed as of
3 this date, specifically those of Antelope Valley East-Kern Water Agency, Palmdale Water District
4 & Quartz Hill Water District, Rosamond Community Services District and Waterworks District No.
5 40 of Los Angeles County. Defendants and Cross Defendants do not intend to participate at trial or
6 other proceedings, except to prove up their water use, if necessary, unless otherwise ordered by the
7 Court to do so, but each reserves its right to do so. Defendants and Cross Defendants jointly own
8 real property located in the Antelope Valley, which real property is commonly referred to by Los
9 Angeles County Assessor’s Parcel Nos.:

10 3116-015-002

11 3116-015-003

12 3117-007-001

13 Defendants and Cross Defendants jointly do business as Leisure Lake Mobile Estates.

14 **GENERAL DENIAL**

15 1. Pursuant to Code of Civil Procedure section 431.30(d), Defendants and Cross
16 Defendants hereby generally deny each and every allegation set forth in the Complaint and all Cross-
17 Complaints, and the whole thereof, and further deny that Plaintiff and Cross-Complainants are
18 entitled to any relief against Defendants and Cross Defendants.

19 **AFFIRMATIVE DEFENSES**

20 **First Affirmative Defense**

21 (Failure to State a Cause of Action)

22 2. The Complaint and Cross-Complaints and every purported cause of action contained
23 therein fail to allege facts sufficient to constitute a cause of action against Defendants and Cross
24 Defendants.

25 **Second Affirmative Defense**

26 (Statute of Limitation)

27 3. Each and every cause of action contained in the Complaint and Cross-Complaints is
28 barred, in whole or in part, by the applicable statutes of limitations, including, but not limited to,

1 sections 318, 319, 321, 338, and 343 of the California Code of Civil Procedure.

2
3 **Third Affirmative Defense**

4 (Laches)

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

7 **Fourth Affirmative Defense**

8 (Estoppel)

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

11 **Fifth Affirmative Defense**

12 (Waiver)

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

15 **Sixth Affirmative Defense**

16 (Self-Help)

17 7. Defendants and Cross Defendants have, by virtue of the doctrine of self-help,
18 preserved its/their paramount overlying right to extract groundwater by continuing, during all times
19 relevant hereto, to extract groundwater and put it to reasonable and beneficial use on its property.

20 **Seventh Affirmative Defense**

21 (California Constitution Article X, Section 2)

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

25 **Eighth Affirmative Defense**

26 (Additional Defenses)

27 9. The Complaint and Cross-Complaints do not state their allegations with sufficient
28 clarity to enable Defendants and Cross-Defendants to determine what additional defenses may exist

1 to Plaintiff and Cross-Complainants' causes of action. Defendants and Cross-Defendants therefore
2 reserve the right to assert all other defenses which may pertain to the Complaint and Cross-
3 Complaints.

4 **Ninth Affirmative Defense**

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

8 **Tenth Affirmative Defense**

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

11 **Eleventh Affirmative Defense**

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

15 **Twelfth Affirmative Defense**

16 13. Cross-Complainants' prescriptive claims are barred due to their failure to take
17 affirmative steps that were reasonably calculated and intended to inform each overlying landowner
18 of Cross-Complainants' adverse and hostile claim as required by the due process clause of the 5th and
19 14th Amendments of the United States Constitution.

20 **Thirteenth Affirmative Defense**

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

23 **Fourteenth Affirmative Defense**

24 15. The prescriptive claims asserted by governmental entity Cross-Complainants are
25 barred by the provisions of the 14th Amendment to the United States Constitution.

26 **Fifteenth Affirmative Defense**

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

28 **Sixteenth Affirmative Defense**

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

4 **Seventeenth Affirmative Defense**

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

7 **Eighteenth Affirmative Defense**

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

10 **Nineteenth Affirmative Defense**

11 20. The Cross-Complaints are defective because each fails to name indispensable parties
12 in violation of California Code of Civil Procedure Section 389(a).

13 **Twentieth Affirmative Defense**

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

16 **Twenty-First Affirmative Defense**

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

21 **Twenty-Second Affirmative Defense**

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

26 **Twenty-Third Affirmative Defense**

27 24. Any imposition by this court of a proposed physical solution that reallocates the water
28 right priorities and water usage within the Antelope Valley will be *ultra vires* as it will be subverting

1 the pre-project legislative requirements and protections of California's Environmental Quality Act
2 (CEQA) (Pub.Res.C. 2100 *et seq.*).


3 **WHEREFORE**, Defendants and Cross-Defendants pray that judgment be entered as follows:

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

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11 Dated: August 6, 2015

Respectfully submitted,

12 LAW OFFICES OF WALTER J. WILSON

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15 _____
16 Walter J. Wilson, Attorney for Goodyork
17 Corporation and Lancaster Summit Prop-
18 erties, Ltd., jointly doing business as Leisure
19 Lake Mobile Estates

1 **PROOF OF SERVICE**

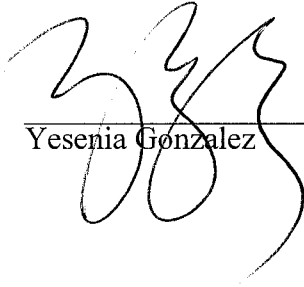
2 I am a resident of the State of California and over the age of eighteen years, and not a party
3 to the within action; my business address is 333 West Broadway, Suite 200, Long Beach, CA 90802.

4 On August 6, 2015, I served the within document(s) in the Antelope Valley Groundwater
5 Adjudication Cases, JCCP No. 4408, described as:

6 **ANSWER TO COMPLAINT AND ALL CROSS-COMPLAINTS BY GOODYORK**
7 **CORPORATION AND LANCASTER SUMMIT PROPERTIES, LTD., JOINTLY DBA**
8 **LEISURE LAKE MOBILE ESTATES**

9 on the interested parties in this action, by posting the document(s) listed above to the Santa Clara
10 County Superior Court e-filing website (<http://www.scefiling.org>) under the Antelope Valley
11 Groundwater matter pursuant to the Court's Order dated October 27, 2005.

12 I declare under penalty of perjury under the laws of the State of California that the above is
13 true and correct. Executed on August 6, 2015, at Long Beach, California.

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15 _____
16 Yesenia Gonzalez
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