

1 MARVIN G. BURNS, STATE BAR NO. 25598
MARVIN G. BURNS, A LAW CORPORATION
2 9107 Wilshire Boulevard, Suite 800
Beverly Hills, California 90210
3 Telephone: (310) 278-6500
Facsimile: (310) 203-9608
4

5 Attorneys for Defendants
GEORGE C. STEVENS, JR. (served as Doe 161)
6 and GEORGE C. STEVENS, JR. AS TRUSTEE
OF THE GEORGE C. STEVENS, JR. TRUST
7 (served as Doe 162)

8 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES

10
11 Coordination Proceeding
Special Title (Rule 1550 (b))

Judicial Council Coordination Proceeding
No. 4408

12 **ANTELOPE VALLEY GROUNDWATER**
13 **CASES**

DEFENDANTS GEORGE C. STEVENS,
JR. AND GEORGE C. STEVENS, JR.
AS TRUSTEE ANSWER TO
COMPLAINT

14 Included Actions:

15 Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.
16 Superior Court of California
County of Los Angeles, Case No. BC 325 201

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

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

24 Defendants George C. Stevens, Jr. and George C. Stevens, Jr. as Trustee of the
25 George C. Stevens, Jr. Trust, served herein as Doe 161 and Doe 162, respectively
26 (“Stevens”), each answering for himself alone, hereby answer only the First through Seventh
27 Causes of Action of Plaintiff’s Complaint (Plaintiff’s Eighth Cause of Action not being
28 alleged against Stevens) and admit, deny, and allege as follows:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

GENERAL DENIAL

1. Stevens denies generally and specifically the allegations of the First through Seventh Causes of Action of Plaintiff’s Complaint and further denies that Stevens was responsible for, or liable for, any of the happenings or events alleged in Plaintiff’s Complaint.

FIRST SEPARATE AFFIRMATIVE DEFENSE

(Failure to State a Cause of Action)

2. All causes of action contained in Plaintiff’s Complaint and each and every allegation therein contained, fail to state facts sufficient to constitute a cause of action against Stevens. Plaintiff’s Eighth Cause of Action does not attempt to state a cause of action against Stevens.

SECOND SEPARATE AFFIRMATIVE DEFENSE

(Statutes of Limitation)

3. Plaintiff’s Causes of Action are barred, in whole or in part, by the statutes of limitation set forth in the Code of Civil Procedure §§ 315 through 318.

THIRD SEPARATE AFFIRMATIVE DEFENSE

(Right to Reasonable Use – Non-Responsibility For Acts of Others)

4. Stevens is entitled to the reasonable use of water which his property overlays. Stevens is not responsible for the extraction of groundwater by others and thereby should not suffer any loss, liability or damage by reason thereof.

FOURTH SEPARATE AFFIRMATIVE DEFENSE

(Condemnation)

5. To the extent the relief sought by Plaintiff would deprive these Defendants of the right to use and use of reasonable amounts of water, such relief is a “taking” of Defendants’ property (water and water rights) without compensation in violation of the United States and California Constitutions.

///
///

1 **FIFTH SEPARATE AFFIRMATIVE DEFENSE**

2 **(Declaratory Relief)**

3 6. These Defendants are entitled to a declaratory judgment consistent with
4 Plaintiff's representation of Defendants' contentions alleged in Paragraphs 32, 41, 49, 55, 61
5 and 66 of Plaintiff's Complaint and that these Defendants are constitutionally entitled to
6 compensation for restrictions and limitations on these Defendants' rights to use reasonable
7 quantities of water that may be imposed by any judgment herein.

8 **SIXTH SEPARATE AFFIRMATIVE DEFENSE**

9 **(Possible Additional Defenses)**

10 7. Stevens presently has insufficient knowledge or information upon which to
11 form a belief as to whether it may have additional, as yet unstated, affirmative defenses.
12 Stevens reserves the right to assert additional defenses in the event that the discovery
13 indicates they would be appropriate.

14 **WHEREFORE**, Defendant Stevens prays that:

- 15 1. Plaintiff takes nothing by this action;
- 16 2. For Declaratory Relief consistent with the above Fourth and Fifth Affirmative
17 Defenses including but not limited to compensation for the "taking" of these
18 Defendants' property inherent in the relief sought by Plaintiff;
- 19 3. Stevens be awarded costs of suit incurred herein, including but not limited to
20 Stevens' attorneys' fees, experts' fees and appraisal fees; and
- 21 4. For such other and further relief as the court deems just and proper.

22 Dated: December 5, 2005

MARVIN G. BURNS
MARVIN G. BURNS, A LAW CORPORATION

23
24 By: Marvin G. Burns
25 Marvin G. Burns
26 Attorneys for Defendants
27 GEORGE C. STEVENS, JR. (served as Doe 161)
28 and GEORGE C. STEVENS, JR. AS TRUSTEE
OF THE GEORGE C. STEVENS, JR. TRUST
(served as Doe 162)

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES.

3 I am employed in the County of Los Angeles, State of California. I am over the age
4 of 18 and not a party to the within action; my business address is 9107 Wilshire Boulevard,
Suite 800, Beverly Hills, California 90210-5533.

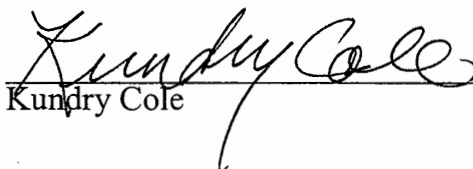
5 On December 6, 2005, I caused the foregoing document described as
6 **DEFENDANTS GEORGE C. STEVENS, JR. AND GEORGE C. STEVENS, JR. AS**
7 **TRUSTEE ANSWER TO COMPLAINT** to be served on the interested parties in this
action by placing true copies thereof enclosed in sealed envelopes addressed as follows:

8 **SEE ATTACHED SERVICE LIST**

- 9 BY ELECTRONIC SERVICE AS FOLLOWS (to parties so indicated on attached
service list): By Santa Clara Superior Court E-Filing in Complex Litigation Pursuant
10 to Clarification Order Dated October 27, 2005.
- 11 BY MAIL AS FOLLOWS (to parties so indicated on attached service list): I caused
such envelopes to be deposited in the mail at Los Angeles, California. The envelopes
12 were mailed with postage thereon fully prepaid. I am "readily familiar" with the
Firm's practice of collecting and processing correspondence for mailing with the
13 United States Postal Service. It is deposited with the U.S. Postal Service on the same
day in the ordinary course of business.
- 14 BY PERSONAL SERVICE: I delivered such envelope by hand to the addressees at
the Los Angeles Superior Court located at 111 North Hill Street, Los Angeles,
15 California 90012.
- 16 BY MESSENGER: I caused such envelope to be delivered by hand by SOUTHERN
CALIFORNIA MESSENGERS to the addressee(s).
- 17 BY OVERNIGHT COURIER: I caused the above-referenced document(s) to be
18 delivered to FEDERAL EXPRESS for delivery to the above address(es).
- 19 BY FACSIMILE MACHINE: I am "readily familiar" with the Firm's practice of
20 collecting and processing correspondence which is sent via facsimile. It is transmitted
to the recipient on the same day in the ordinary course of business.

21 Executed on December 6, 2005, at Los Angeles, California.

- 22 (State) I declare under penalty of perjury under the laws of the State of California
23 that the above is true and correct.
- 24 (Federal) I declare that I am employed in the office of a member of the bar of this
court at whose direction the service was made.

25 
26 Kundry Cole

**ANTELOPE VALLEY GROUNDWATER CASES
JCCP NO. 4408**

SERVICE LIST

BY ELECTRONIC SERVICE TO THE FOLLOWING:

	Presiding Judge of the Superior Court of California, County of Los Angeles County Courthouse 111 North Hill Street Los Angeles, CA 90012-3014	
	Chair, Judicial Council of California Administrative Office of the Court Attn: Appellate & Trial Court Judicial Services (Civil Case Coordination) 455 Golden Gate Avenue San Francisco, CA 94102-3688	
	Hon. Jack Komar Superior Court of California County of Santa Clara 191 North First Street, Dept. 17C San Jose, CA 95113	408-882-2280 (P) 408-882-2293 (F)
Bolthouse Properties, Inc.	Richard Zimmer T. Mark Smith CLIFFORD & BROWN 1430 Truxtun Avenue, Suite 900 Bakersfield, CA 93301	661-322-6023 (P) 661-322-3508 (F)
City of Lancaster	Douglas J. Evertz Jeffrey Robbins STRADLING, YOCCA, CARLSON & RAUTH 660 Newport Center Drive, Suite 1600 Newport Beach, CA 92660-6522	949-737-4720 (P) 949-725-4100 (F) 916-823-6720 (F) JRobbins@sycr.com
City of Palmdale	James L. Markman RICHARDS, WATSON & GERSHON P.O. Box 1059 Brea, CA 92822-1059 Steve R. Orr Bruce G. McCarthy RICHARDS, WATSON & GERSON 355 South Grand Avenue, 40 th Floor Los Angeles, CA 90071-3101 Wm. Matthew Ditzhazy, City Attorney CITY OF PALMDALE Legal Department 38300 North Sierra Highway Palmdale, CA 93550	714-990-0901 (P) 714-990-6230 (F) jmarkman@rwglaw.com 213-626-8484 (P) 213-626-0078 (F) sorr@rwglaw.com 805-267-5108 (P) 805-267-5178 (F) mditzhazy@cityofpalmdale.org

1	Diamond Farming Company (Defendant)	Bob H. Joyce LAW OFFICES OF LEBEAU THELEN LLP 5001 East Commercenter Drive, Suite 300 P.O. Box 12092 Bakersfield, CA 93389-2092	661-325-8962 (P) 661-325-1127 (F) bjoyce@labeauthelen.com
5	Eugene B. Nebeker on behalf of Nebeker Ranch, Inc., Bob Jones on behalf of R&M Ranch, Inc., Forrest G. Godde and Steve Godde, Gailen Kyle on behalf of Kyle & Kyle Ranch, Inc. and John Calandri on behalf of Calandri/Sonrise Farms, collectively known as the Antelope Valley Ground Water Agreement Association ("AGWA")	Michael Fife HATCH & PARENT 21 East Carrillo Street Santa Barbara, CA 93101-2782	805-963-7000 (P) 805-965-4333 (F) afavia@hatchparent.com
12	Littlerock Creek Irrigation District and Palm Ranch Irrigation District	Wayne K. Lemieux LEMIEUX & O'NEILL 2393 Townsgate Road, Suite 201 Westlake Village, CA 91361	805-495-4770 (P) 805-495-2787 (F)
15	Los Angeles County Sanitation Districts Nos. 14 and 20	Christopher M. Sanders Peter J. Kiel Anne J. Schneider ELLISON SCHNEIDER & HARRIS 2015 H Street Sacramento, CA 95814-3109	916-447-2166 (P) 916-447-3512 (F) pjk@eslawfirm.com
18		B. Richard Marsh Daniel V. Hyde LEWIS, BRISBOIS, BISGAARD & SMITH LLP 221 N. Figueroa Street, Suite 1200 Los Angeles, CA 90012	213-250-1800 (P) 213-250-7900 (F)

1 2 3 4 5 6 7 8	Los Angeles County Waterworks District No. 40 (Plaintiff)	Eric L. Garner Jeffrey V. Dunn Sandra M. Schwarzmann Jill N. Willis BEST BEST & KRIEGER LLP 5 Park Plaza, Suite 1500 Irvine, CA 92614 Raymond G. Fortner, Jr., County Counsel Frederick W. Pfaeffle, Sr. Deputy County Counsel OFFICE OF COUNTY COUNSEL COUNTY OF LOS ANGELES 500 West Temple Street Los Angeles, CA 90012	949-263-2600 (P) 949-263-2600 (P) 949-260-0972 (F) Jeffrey.Dunn@bbklaw.com 213-974-1901 (P)
9 10 11	Palmdale Water District and Quartz Hill Water District	Thomas Bunn LAGERLOF, SENECAL, BRADLEY, GOSNEY & KRUSE 301 North Lake Avenue, 10 th Floor Pasadena, CA 91101-4108	626-793-9400 (P) 626-793-5900 (F) TomBunn@Lagerlof.com
12 13 14	Tejon Ranch	Henry Weinstock NOSSAMAN, GUTHNER, KNOX & ELLIOTT 445 South Figueroa Street, 31 st Floor Los Angeles, CA 90071	213-612-7839 (P) 213-612-7801 (F) HWeinstock@ Nossaman.com

BY U.S. MAIL TO THE FOLLOWING:

17 18 19	California Water Service Company	John Tootle CALIFORNIA WATER SERVICE COMPANY 2632 West 237 th Street Torrance, CA 90505	310-379-5528 (P) 310-379-5135 (F) 310-325-4605 (F)
20 21 22	City of Los Angeles	Janet K. Goldsmith KRONICK, MOSKOWITZ, TIEDEMANN & GIRARD 400 Capitol Mall, 27 th Floor Sacramento, CA 95814-4417	916-320-4500 (P) 916-321-4555 (F)
23 24 25	Department of Water and Power	Julie A. Conboy DEPARTMENT OF WATER AND POWER 111 North Hope Street P.O. Box 111 Los Angeles, CA 90012	213-367-4513 (P) 213-367-4588 (F) 213-241-1416 (F) Julie.Conboy@ladwp.com