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8 Attorneys for Cross-Defendants HOOSHPACK DEV INC  
9 and RENASSIANCE PERINATAL MEDICAL GROUP  
10 PROFESSIONAL CORPORATION (ROE 2335)

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

11 ANTELOPE VALLEY GROUNDWATER	)	Judicial Council Consolidation No. 4408
12 CASES	)	
13 Included Actions:	)	For filing purposes only:
14 Los Angeles County Waterworks District No.	)	Santa Clara County Case No. 1-05-CV-049053
15 40 v. Diamond Farming Co. Los Angeles	)	
16 County Superior Court Case No. BC325201	)	<i>Assigned to Hon. Jack Komar</i>
17 Los Angeles County Waterworks District No.	)	ANSWER TO CROSS-COMPLAINT BY
18 40 v. Diamond Farming Co. Kern County	)	CROSS-DEFENDANTS HOOSHPACK DEV
19 Superior Court Case No. S-1500-CV-254-348	)	INC AND RENASSIANCE PERINATAL
20 Wm. Bolthouse Farms, Inc. v. City of	)	MEDICAL GROUP PROFESSIONAL
21 Lancaster, Diamond Farming Co. v. City of	)	CORPORATION ("ROE 2335)
22 Lancaster, Diamond Farming Co. v. Palmdale	)	
23 Water Dist,	)	
24 Riverside County Superior Court Consolidated	)	
25 Action actions Case Nos. RIC 353 840, RIC	)	
26 344 436, RIC 344 668	)	

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Cross-Defendants HOOSHPACK DEV INC (whose proper name is HOOSHPACK  
DEVELOPMENT, INC. and ROE 2335 (RENAISSANCE PERINATAL MEDICAL GROUP  
PROFESSIONAL CORPORATION, and each of them, here respond to the within Cross-  
Complaint on file herein and admit, deny and allege as follows:

1 Water District & Quartz Hill Water District, Rosamond Community Service District and  
2 Waterworks District No. 40 of Los Angeles County. We, and each of us, do not intend to  
3 participate at trial or other proceedings unless ordered by the Court to do so, but we, and each of  
4 us, reserve the right to do so upon giving written notice to that effect to the Court and all parties.  
5 We, and each of us, own the following properties located in the Antelope Valley **and as more**  
6 **fully stated on Exhibit "A" consisting of four (4) pages and identifying three (3) specific**  
7 **properties owned by Cross-Defendant Roe 2335 (Renaissance) and sixteen (16) specific**  
8 **properties owned by Cross-Defendant Hoospack, attached hereto and incorporated herein,**  
9 **in full, by this reference.**

11 **GENERAL DENIAL**

12 1. These answering defendants, and each of them, deny each of the allegations in  
13 Cross complaint's Cross-complaint on file herein, each purported cause of action, each paragraph  
14 in each purported cause of action, and each and every part thereof; and, these answering  
15 defendants, and each of them, deny that the Cross-complainant was injured or damaged in the sum  
16 or sums alleged, or to be alleged, or in any other sum or sums whatsoever, pursuant to *California*  
17 *Code of Civil Procedure* Section 431.30(d).

18 **AFFIRMATIVE DEFENSES**

19 **First Affirmative Defense**  
20 **(Failure to State a Cause of Action)**

21 2. The complaint and Cross-Complaint and every purported cause of action contained  
22 therein fails to state facts sufficient to constitute any cause of action against these  
23 answering Cross-Defendants, and each of them.

24 **Second Affirmative Defense**

25 **(Statute of Limitations)**

26 3. Each and every cause of action contained in the Cross-Complaint is barred, in whole or  
27 in part by the applicable statute of limitations, including, but not limited to, sections  
28 318, 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-

1 Complaint.

2 **Ninth Affirmative Defense**

3 10. The prescriptive claims asserted by governmental entity Cross-Complainants are  
4 *ultra vires* and exceed the statutory authority by which each entity may acquire property as set  
5 forth in 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  
16 landowner of cross-complainants' adverse and hostile claim as required by the due process clause  
17 of the 5<sup>th</sup> and 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  
26 times.

27 **Sixteenth Affirmative Defense**

28 17. The request for the court to use its injunctive powers to impose a physical solution

1 seeks a remedy that is in violation of the doctrine of separation of powers set forth in Article 3  
2 section 3 of the California Constitution.

3 **Seventeenth Affirmative Defense**

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

6 **Eighteenth Affirmative Defense**

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

10 **Nineteenth Affirmative Defense**

11 20. The Cross-Complaint is defective because it fails to name indispensable parties in  
12 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  
15 or 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  
19 Groundwater basin and the Antelope Valley. Said actions are being done without complying with  
20 and contrary to the provisions of California's Environmental Quality Act (CEQA) (Pub.Res.C.  
21 2100 *et seq.*).

22 **Twenty-Second Affirmative Defense**

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

27 **Twenty-Third Affirmative Defense**

28 24. Any imposition by this court of a proposed physical solution that reallocates the

1 water right priorities and water usage within the Antelope Valley will be *ultra vires* as it will be  
2 subverting the pre-project legislative requirements and protections of California's Environmental  
3 Quality Act (CEQA) (Pub.Res.C. 2100 *et seq.*)  
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5 **WHEREFORE**, Cross-Defendants, and each of them here Answering, pray that judgment  
6 be entered as follows:

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

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13 Dated: September 28, 2015

**GREEN & MARKER**



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G. Richard Green  
Attorneys for Cross-Defendants  
Hooshpack Dev Inc  
and Renaissance Perinatal Medical Group  
Professional Corporation (Roe 2335)

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**Renaissance PMG Properties in Antelope Valley (100 percent owned)**

No	Parcel #	Address	Legal Description
1	3088-001-005	VAC/238 ST (DRT)/CA AODUCT MOUNT WATERMAN CA 93544	LOT COM AT SW COR OF SEC 27 T 5N R 8W TH, N TO A LINE PARALLEL AND CONCENTRIC WITH AND DIST S AT R/A AND RADially 30 FT FROM A LINE WHICH BEARS S 84°33'56" E, SEE MAPBOOK FOR MISSING PORTION, SEC 27 T 5N R 8W
2	3089-028-023	VAC/MIC AVE W8/238 STE BLACK BUTTE CA 93591	COM AT W 1/4 COR OF SEC 27 T 5N R 8W TH S 356.72 FT TH S 86°50'26" E 1003.82 FT TH S 84°59'08" E 1272.61 FT TH N 81°28'07" E TO E LINE OF ... SEE MAPBOOK FOR MISSING PORTION, SEC 27 T 5N R 8W
3	3033-010-050	VAC/MIC AVE U4/213 STE BLACK BUTTE CA 93591	NW 1/4 OF SW 1/4 OF NW 1/4 OF SEC 17 T 5N R 8W

**Hooshpack Development, Inc. Properties in Antelope Valley**

No	Parcel #	Address	Percent of ownership	Legal Description
1	3238-006-004	VAC/COR AVE D (PAV)/175 STW(NOG) FAIRMONT CA 93536	75	PARCEL MAP AS PER BK 176 P 1-3 OF P M, LOT 3
2	3238-006-005	VAC/COR AVE D (PAV)/175 STW(NOG) FAIRMONT CA 93536	75	PARCEL MAP AS PER BK 176 P 1-3 OF P M LOT 4
3	3238-006-006	VAC/COR AVE D (PAV)/175 STW(NOG)	75	PARCEL MAP AS PER BK 176 P 1-3 OF P

**EXHIBIT "A" TO HOOSHPACK & RENAISSANCE (ROE 2335) ANSWER TO CROSS-COMPLAINT**

		FAIRMONT CA 93536		M LOT 5
4	3238-006-011	VAC/COR AVE D (PAV)/175 STW(NOG) FAIRMONT CA 93536	75	PARCEL MAP AS PER BK 176 P 1-3 OF P M LOT 10
5	3238-006-012	VAC/COR AVE D (PAV)/175 STW(NOG) FAIRMONT CA 93536	75	PARCEL MAP AS PER BK 176 P 1-3 OF P M LOT 11
6	3238-006-013	VAC/COR AVE D (PAV)/175 STW(NOG) FAIRMONT CA 93536	75	PARCEL MAP AS PER BK 176 P 1-3 OF P M LOT 12
7	3116-020-055	VAC/SIERRA HWY/MIC AVE E12 CALICHE CA 93534	100	E 1/2 OF NW 1/4 OF SW 1/4 OF SW 1/4 AND THAT POR W OF SIERRA HWY OF NE 1/4 OF SW 1/4 OF SW 1/4 OF SEC 27 T 8N R 12W
8	3039-003-001	VAC/AVE T(PAV)/MIC LONGVIEW RD SUN VILLAGE CA 93543	100	W 1/2 OF SW 1/4 OF SEC 1 T 5N R 10W
9	3039-003-002	VAC/AVE T(PAV)/MIC LONGVIEW RD SUN VILLAGE CA 93543	100	E 1/2 OF SW 1/4 OF SEC 1 T 5N R 10W
10	3039-022-057	VAC/AVE T/MIC 136TH STE SUN VILLAGE CA 93543	100	NE 1/4 OF NW 1/4 OF NW 1/4 (EX OF ST) OF SEC 12 T 5N R 10W
11	3081-011-001	VAC/195 STE/MIC AVE T8 BLACK BUTTE	100	SW 1/4 OF NW 1/4 OF

**EXHIBIT "A" TO HOOSHPACK & RENAISSANCE (ROE 2335) ANSWER TO CROSS-COMPLAINT**



		CA 93591		SEC 12 T 5N R 9W
12	3033-010-040	VAC/223 STE(DRT)/VIC AVE T BLACK BUTTE CA 93591	100	NE 1/4 OF SEC 8 T 5N R 8W
13	3033-010-046	VAC/VIC AVE U4/213 STE BLACK BUTTE CA 93591	100	LOT COM AT NE COR OF SE 1/4 OF SEC 18 T 5N R 8W TH W ON E AND W C/L OF SD SEC TO A LINE PARALLEL WITH AND DIST NE AT R/A 50 FT FROM A LINE WHICH BEARS S 78 $\phi$ ... SEE MAPBOOK FOR MISSING PORTION ... SEC 18 T 5N R 8W
14	3033-010-054	VAC/COR LARGO VISTA (DRT)/AVE U (D BLACK BUTTE CA 93591	100	*LOT COM AT SE COR OF NE 1/4 OF SEC 18 T 5N R 8W TH W ON E AND W C/L OF SD SEC TO A LINE PARALLEL WITH AND DIST NE AT R/A 50 FT FROM A LINE WHICH BEARS S 78 $\phi$ ... SEE MAPBOOK FOR MISSING PORTION ...

**EXHIBIT "A" TO HOOSHPACK & RENAISSANCE (ROE 2335) ANSWER TO CROSS-COMPLAINT**

				SEC 18 T 5N R 8W
15	3033-023-057	VAC/223 STE (DRT)/VIC AVE T BLACK BUTTE CA 93591	100	NE 1/4 OF SEC 8 T 5N R 8W
16	3033-023-058	VAC/VIC AVE T/213 STE BLACK BUTTE CA 93591	100	NW 1/4 AND THAT PART N OF A LINE PARALLEL WITH AND DIST N AT R/A 330 FT FROM N LINE OF EASE DESC IN OR16690-302,OR16446- 132,OR16481-366 ... SEE MAPBOOK FOR MISSING PORTION ...SEC 8 T 5N R 8W

**EXHIBIT "A" TO HOOSHPACK & RENAISSANCE (ROE 2335) ANSWER TO CROSS-COMPLAINT**