

1 AKLUF AND WYSOCKI
2 JOSEPH S. AKLUF (Bar No. 68619)
3 DAVID L. WYSOCKI (Bar No. 80860)
4 3403 Tenth Street, Suite 610
5 Riverside, California 92501
6 Office - 951-682-5480
7 Fax - 951-682-2619

8 Attorneys for Defendants and Cross Defendants
9 JOHN BORUCHIN, DORA BORUCHIN, etc.,
10 ROBERT D. RANEY, SHIRLEY B. RANEY, etc.

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

13 ANTELOPE VALLEY)
14 GROUNDWATER CASES)

15 Included Actions:)

16 Los Angeles County Waterworks District)
17 No. 40 v. Diamond Farming Co.)
18 Los Angeles County Superior Court)
19 Case No. BC 325201)

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

24 Wm. Bolthouse Farms, Inc. v. City of)
25 Lancaster, Diamond Farming Co. v. City of)
26 Lancaster, Diamond Farming Co. v.)
27 Palmdale Water Dist.)
28 Riverside County Superior Court)
Consolidated actions)
Case Nos. RIC 353840, RIC 344436, RIC)
344668)

Judicial Council Coordination No. 4408

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

Assigned to The Honorable Jack Komar
Dept. 17

ANSWER TO COMPLAINT AND
ALL CROSS-COMPLAINTS BY JOHN
BORUCHIN AND DORA BORUCHIN,
AS TRUSTEES FOR THE JOHN AND
DORA BORUCHIN LIVING TRUST
DATED 1981 and ROBERT D. RANEY
AND SHIRLEY B. RANEY, TRUSTEES
OF THE ROBERT AND SHIRLEY
RANEY LIVING TRUST DATED
OCTOBER 19, 1990

Defendants and Cross-Defendants John Boruchin and Dora Boruchin, as Trustees for the
John and Dora Boruchin Living Trust Dated 1981 and Robert D. Raney and Shirley B. Raney,
Trustees of the Robert and Shirley Raney Living Trust Dated October 19, 1990 for themselves
alone, answer the Complaint and all Cross-Complaints as follows:

1. Defendants and Cross-Defendants hereby answer the Complaint and all Cross-

1 Complaints which have been filed as of this date, specifically those of Antelope Valley East-
2 Kern Water Agency, Palmdale Water District & Quartz Hill Water District, Rosamond
3 Community Services District and Waterworks District No. 40 of Los Angeles County.

4 2. Defendants and Cross-Defendants do not intend to participate at trial or other
5 proceedings unless ordered by the Court to do so, but reserve the right to do so upon giving
6 written notice to that effect to the Court and all parties.

7 3. Defendants and Cross-Defendants own the following property(ies) located in the
8 Kern County portion of the Antelope Valley:

9 Assessor's Parcel No. 315-011-34 (80 acres)

10 Assessor's Parcel No. 315-011-50 (161 acres)

11
12 GENERAL DENIAL

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

17 AFFIRMATIVE DEFENSES

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

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

23 **Second Affirmative Defense**
24 (Statute of Limitation)

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

28 ///

1 forth in Water Code sections 22456, 31040 and 55370.

2 **Ninth Affirmative Defense**
3 (No Prescription)

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

6 **Tenth Affirmative Defense**
7 (No Prescription)

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

11 **Eleventh Affirmative Defense**
12 (No Prescription)

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

17 **Twelfth Affirmative Defense**
18 (No Prescription)

19 13. 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 **Thirteenth Affirmative Defense**
22 (No Prescription)

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

25 **Fourteenth Affirmative Defense**
26 (No Prescription)

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

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Fifteenth Affirmative Defense
(Separation of Powers)

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

Sixteenth Affirmative Defense
(No Prescription)

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

Seventeenth Affirmative Defense
(Unclean Hands)

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

Eighteenth Affirmative Defense
(Indispensable Parties)

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

Nineteenth Affirmative Defense
(Inverse Condemnation)

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

Twentieth Affirmative Defense
(CEQA Violated)

21. The governmental entity Cross-Complainants are seeking to transfer water right priorities and water usage which will have significant effects on the Antelope Valley Groundwater Basin and the Antelope Valley. Said actions are being done without complying with and contrary to the provisions of California Environmental Quality Act (CEQA)

1 (Pub.Res.C. 21000 et seq.)

2 **Twenty-First Affirmative Defense**
3 (CEQA Violated)

4 22. The governmental entity Cross-Complainants seek judicial ratification of a project
5 that has had and will have a significant effect on the Antelope Valley Groundwater Basin and the
6 Antelope Valley that was implemented without providing notice in contravention of the
7 provisions of California Environmental Quality Act (CEQA) (Pub.Res.C. 21000 et seq.).

8 **Twenty-Second Affirmative Defense**
9 (CEQA Violated)

10 23. Any imposition by the court of a proposed physical solution that reallocates the
11 water right priorities and water usage within the Antelope Valley will be *ultra vires* as it will be
12 subverting the pre-project legislative requirements and protections of California's Environmental
13 Quality Act (CEQA) (Pub.Res.C. 21000 et seq.).

14
15 WHEREFORE, Defendants and Cross-Defendants pray that judgment be entered as
16 follows:

- 17 1. That Plaintiff and Cross-Complainants take nothing by reason of the Complaint
18 and Cross-Complaints;
- 19 2. That the Complaint and Cross-Complaints be dismissed with prejudice;
- 20 3. For Defendants and Cross-Defendants' costs incurred herein; and
- 21 4. For such other and further relief as the Court deems just and proper.

22 Dated: October 27, 2008

AKLUFI AND WYSOCKI

23
24 By 

25 JOSEPH S. AKLUFI, Attorneys for Defendants and
26 Cross-Defendants JOHN BORUCHIN AND DORA
BORUCHIN, AS TRUSTEES FOR THE JOHN AND
27 DORA BORUCHIN LIVING TRUST DATED 1981
AND ROBERT D. RANEY AND SHIRLEY B.
RANEY, TRUSTEES OF THE ROBERT AND
28 SHIRLEY RANEY LIVING TRUST DATED
OCTOBER 19, 1990

LAW OFFICES
AKLUFI AND WYSOCKI
3403 TENTH STREET, SUITE 610
RIVERSIDE, CALIFORNIA 92503
(951) 682-5480

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VERIFICATION

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I have read the foregoing ANSWER TO COMPLAINT AND ALL CROSS-COMPLAINTS BY JOHN BORUCHIN AND DORA BORUCHIN, AS TRUSTEES FOR THE JOHN AND DORA BORUCHIN LIVING TRUST DATED 1981 AND ROBERT D. RANEY AND SHIRLEY B. RANEY, TRUSTEES OF THE ROBERT AND SHIRLEY RANEY LIVING TRUST DATED OCTOBER 19, 1990 and know its contents.

____ I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.


____ I am ____ an Officer ____ a partner ____ a _____ of _____, a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. ____ I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. ____ The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

X I am one of the attorneys for John Boruchin and Dora Boruchin, as Trustees for the John and Dora Boruchin Living Trust Dated 1981 and Robert D. Raney and Shirley B. Raney, Trustees of the Robert and Shirley Raney Living Trust Dated October 19, 1990, parties to this action. Such parties are absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of the parties for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on October 27, 2008, at Riverside, California.

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

AKLUFI AND WYSOCKI

By 
JOSEPH S. AKLUFI, Attorneys for Defendants and Cross-Defendants JOHN BORUCHIN AND DORA BORUCHIN, AS TRUSTEES FOR THE JOHN AND DORA BORUCHIN LIVING TRUST DATED 1981 AND ROBERT D. RANEY AND SHIRLEY B. RANEY, TRUSTEES OF THE ROBERT AND SHIRLEY RANEY LIVING TRUST DATED OCTOBER 19, 1990

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE.

I am employed in the County of Riverside, State of California. I am over the age of 18 and not a party to the within action; my business address is: 3403 Tenth Street, Suite 610, Riverside, California 92501.

On October 27, 2008, I served the foregoing document described as: ANSWER TO COMPLAINT AND ALL CROSS-COMPLAINTS BY JOHN BORUCHIN AND DORA BORUCHIN, AS TRUSTEES FOR THE JOHN AND DORA BORUCHIN LIVING TRUST DATED 1981 AND ROBERT D. RANEY AND SHIRLEY B. RANEY, TRUSTEES OF THE ROBERT AND SHIRLEY RANEY LIVING TRUST DATED OCTOBER 19, 1990 on interested parties in this action served in the following manner:

X **BY ELECTRONIC SERVICE AS FOLLOWS** by posting the document(s) listed above to the Santa Clara website in the action of the *Antelope valley Groundwater Litigation*, Judicial Council Coordination Proceeding No. 4408, Santa Clara Case No. 1-05-CV-049053.

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

Executed on October 27, 2008, at Riverside, California.



JOSEPH S. AKLUFI

LAW OFFICES
AKLUFI AND WYSOCKI
3403 TENTH STREET, SUITE 610
RIVERSIDE, CALIFORNIA 92501
(951) 682-5480