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9 Attorneys for Cross-Defendants,
10 Richard E. Landfield and Richard E. Landfield
11 as Trustee of the Richard E. Landfield Trust

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **IN AND FOR THE COUNTY OF LOS ANGELES**

14 Coordination Proceeding
15 Special Title (Rule 1550(b))

) Judicial Council Coordination
) Proceeding No. 4408

16 ANTELOPE VALLEY GROUNDWATER
17 CASES

) Santa Clara Case No. 1-05-CV-049053
) Assigned to the Honorable Jack Komar
) Department 17

18 Including Actions:

19 Los Angeles County Waterworks District No.
20 40 v. Diamond Farming Co.
21 Superior Court of California, County of Los
22 Angeles, Case No. BC 325 201

) **ANSWER OF RICHARD E. LANDFIELD**
) **AND RICHARD E. LANDFIELD AS**
) **TRUSTEE OF THE RICHARD E.**
) **LANDFIELD TRUST TO CROSS-**
) **COMPLAINT OF MUNICIPAL**
) **PURVEYORS FOR DECLARATORY**
) **AND INJUNCTIVE RELIEF AND**
) **ADJUDICATION OF WATER RIGHTS**

23 Los Angeles County Waterworks District No.
24 40 v. Diamond Farming Co.
25 Superior Court of California, County of Kern,
26 Case No. S-1500-CV-254-348

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

ROSAMOND COMMUNITY SERVICES
DISTRICT;
LOS ANGELES COUNTY WATERWORKS
DISTRICT NO. 40;
PALMDALE WATER DISTRICT;
CITY OF LANCASTER;
CITY OF PALMDALE;

LITTLEROCK CREEK IRRIGATION
DISTRICT;
PALM RANCH IRRIGATION DISTRICT;
QUARTZ HILL DISTRICT; and
CALIFORNIA WATER SERVICE
COMPANY,

Cross-Complainants,

vs.

DIAMOND FARMING COMPANY;
WM. BOLTHOUSE FARMS, INC.;
BOLTHOUSE PROPERTIES LLC; ABC
WILLIAMS ENTERPRISES LP;
ACEH CAPITAL LLC;
JACQUELINE ACKERMANN;
CENON ADVINCULA;
OLIVA M. ADVINCULA;
MASHALLAH AFSHAR;
ANTONIO U. AGUSTINES;
AIRTRUST SINGAPORE PRIVATE
LIMITED;
MARWAN M. ALDAIS;
ALLEN ALEVY;
ALLEN ALEVY AND ALEVY FAMILY
TRUST;
GEORGINE J. ARCHER;
GEORGINE J. ARCHER AS TRUSTEE FOR
THE GEORGINE J. ARCHER TRUST;
A V MATERIALS, INC.;
GUSS A. BARKS, JR.;
PETER G. BARKS;
ILDEFONSO S. BAYANI;
NILDA V. BAYANI;
BIG WEST CORP.;
RANDALL Y. BLAYNEY;
MELODY S. BLOOM;
BOLTHOUSE PROPERTIES, INC.;
DAVID L. BOWERS;
RONALD E. BOWERS;
LEROY DANIEL BRONSTON;
MARILYN BURGESS;
LAVERNE C. BURROUGHS;
LAVERNE C. BURROUGHS, TRUSTEE OF
THE BURROUGHS FAMILY
IRREVOCABLE TRUST DATED
AUGUST 1, 1995; BRUCE BURROWS;
JOHN & B. CALANDRI 2001 TRUST;
CALIFORNIA PORTLAND CEMENT
COMPANY;
CALMAT LAND CO.;
MELINDA E. CAMERON;
CASTLE BUTTE DEV CORP.;

1 CATELLUS DEVELOPMENT
CORPORATION;
2 BONG S. CHANG;
JEANNA Y. CHANG;
3 MOON S. CHANG;
JACOB CHETRIT;
4 FRANK S. CHIODO;
LEE S. CHIOU;
5 M S CHUNG;
CITY OF LOS ANGELES;
6 CAROL K. CLAYPOOL;
CLIFFORD N. CLAYPOOL;
7 W. F. CLUNEN, JR.;
W. F. CLUNEN, JR., AS TRUSTEE FOR
8 THE P C REV INTER VIVOS TRUST;
CONSOLIDATED ROCK PRODUCTS CO.;
9 COUNTY SANITATION DISTRICT NO. 14
OF LOS ANGELES COUNTY;
10 COUNTY SANITATION DISTRICT NO. 20
OF LOS ANGELES COUNTY;
11 RUTH A. CUMMING;
RUTH A. CUMMING, AS TRUSTEE OF
12 THE CUMMING FAMILY TRUST;
CATHARINE M. DAVIS;
13 MILTON S. DAVIS;
DEL SUR RANCH LLC;
14 DIAMOND FARMING COMPANY;
SARKIS DJANIBEKYAN;
15 HONG DONG;
YING X. DONG;
16 DOROTHY DREIER;
GEORGE E. DREIER;
17 EDWARDS AIR FORCE BASE, CA;
MORTEZA M. FOROUGH;
18 MORTEZA M. FOROUGH, AS TRUSTEE
OF THE FOROUGH FAMILY TRUST;
19 LEWIS FREDRICHSEN;
LEWIS FREDRICHSEN, AS TRUSTEE OF
20 THE FREDRICHSEN FAMILY TRUST;
JOAN A. FUNK;
21 EUGENE GABRYCH;
MARIAN GABRYCH;
22 AURORA P. GABUYA;
RODRIGO L. GABUYA;
23 GGF LLC;
GENUS LP;
24 BETTY GLUCKSTEIN;
JOSEPH H. GLUCKSTEIN;
25 FORREST G. GODDE;
FORREST G. GODDE, AS TRUSTEE OF
26 THE FORREST G. GODDE TRUST;
LAWRENCE A. GODDE;
27 LAWRENCE A. GODDE AND GODDE
TRUST;
28 MARIA B. GORRINDO;

1 MARIA B. GORRINDO, AS TRUSTEE FOR
2 THE M. GORRINDO TRUST;
3 WENDELL G. HANKS;
4 ANDREAS HAUKE;
5 MARILYN HAUKE;
6 HEALY ENTERPRISES, INC.;
7 WALTER E. HELMICK;
8 DONNA L. HIGELMIRE;
9 MICHAEL N. HIGELMIRE;
10 DAVIS L. AND DIANA D. HINES FAMILY
11 TRUST;
12 HOOSHPACK DEV INC.;
13 CHI S. HUANG;
14 SUCHU T. HUANG;
15 JOHN HUI;
16 HYPERICUM INTERESTS LLC;
17 DARYUSH IRANINEZHAD;
18 MINOO IRANINEZHAD;
19 ESFANDIAR KADIVAR;
20 ESFANDIAR KADIVAR, AS TRUSTEE OF
21 THE KADIVAR FAMILY TRUST;
22 A. DAVID KAGON;
23 A. DAVID KAGON, AS TRUSTEE FOR THE
24 KAGON TRUST;
25 JACK D. KAHLO;
26 CHENG LIN KANG;
27 HERBERT KATZ;
28 HERBERT KATZ, AS TRUSTEE FOR THE
KATZ FAMILY TRUST;
MARIANNE KATZ;
LILIAN S. KAUFMAN;
LILIAN S. KAUFMAN, AS TRUSTEE FOR
THE KAUFMAN FAMILY TRUST;
KAZUKO YOSHIMATSU;
BARBARA L. KEYS;
BARBARA L. KEYS, AS TRUSTEE OF THE
BARBARA L. KEYS FAMILY TRUST;
BILLY H. KIM;
ILLY KING;
ILLY KING, AS TRUSTEE OF THE ILLY
KING FAMILY TRUST;
KOOTENAI PROPERTIES, INC.;
KUTU INVESTMENT CO.;
GAILEN KYLE;
GAILEN KYLE, AS TRUSTEE OF THE
KYLE TRUST;
JAMES W. KYLE;
JAMES W. KYLE, AS TRUSTEE OF THE
KYLE FAMILY TRUST;
JULIA KYLE;
WANDA E. KYLE;
FARES A. LAHOUD;
EVA LAI;
PAUL LAI;
YING WAH;

1 LAND BUSINESS CORPORATION;
 2 RICHARD E. LANDFIELD;
 3 RICHARD E. LANDFIELD, AS TRUSTEE
 4 OF THE RICHARD E. LANDFIELD TRUST;
 5 LAWRENCE CHARLES TRUST;
 6 WILLIAM LEWIS;
 7 MARY LEWIS;
 8 PEI CHI LIN;
 9 MAN C. LO;
 10 SHIUNG RU LO;
 11 LYMAN C. MILES;
 12 LYMAN C. MILES, AS TRUSTEE FOR THE
 13 MILES FAMILY TRUST;
 14 MALLOY FAMILY PARTNERS LP;
 15 MISSION BELL RANCH DEVELOPMENT;
 16 BARRY S. MUNZ;
 17 KATHLEEN M. MUNZ;
 18 TERRY A. MUNZ;
 19 M. R. NASIR;
 20 SOUAD R. NASIR;
 21 EUGENE B. NEBEKER;
 22 SIMIN C. NEMAN;
 23 HENRY NGO;
 24 FRANK T. NGUYEN;
 25 JUANITA R. NICHOLS;
 26 OLIVER NICHOLS;
 27 OLIVER NICHOLS, AS TRUSTEE OF THE
 28 NICHOLS FAMILY TRUST;
 OWL PROPERTIES, INC.;
 PALMDALE HILLS PROPERTY LLC;
 NORMAN L. POULSEN;
 MARILYN J. PREWOZNIK;
 MARILYN J. PREWOZNIK, AS TRUSTEE
 OF THE MARILYN J. PREWOZNIK TRUST;
 ELIAS QARMOUT;
 VICTORIA RAHIMI;
 R AND M RANCH, INC.;
 PATRICIA A. RECHT;
 VERONIKA REINELT;
 REINELT ROSENLOECHER CORP. PSP;
 PATRICIA J. RIGGINS;
 PATRICIA J. RIGGINS, AS TRUSTEE OF
 THE RIGGINS FAMILY TRUST;
 EDGAR C. RITTER;
 PAULA E. RITTER;
 PAULA E. RITTER, AS TRUSTEE OF THE
 RITTER FAMILY TRUST;
 ROMAN CATHOLIC ARCHBISHOP OF
 LOS ANGELES;
 ROMO LAKE LOS ANGELES
 PARTNERSHIP;
 ROSEMOUNT EQUITIES LLC SERIES;
 ROYAL INVESTORS GROUP;
 ROYAL WESTERN PROPERTIES LLC;
 OSCAR RUDNICK;

1 REBECCA RUDNICK;
 2 SANTA MONICA MOUNTAINS
 3 CONSERVANCY;
 4 MARYGRACE H. SANTORO;
 5 MARYGRACE H. SANTORO, AS TRUSTEE
 6 FOR THE MARYGRACE H. SANTORO
 7 REV TRUST;
 8 SAN YU ENTERPRISES, INC.;
 9 DANIEL SAPARZEDEH;
 10 HELEN STATHATOS;
 11 SAVAS STATHATOS;
 12 SAVAS STATHATOS, AS TRUSTEE FOR
 13 THE STATHATOS FAMILY TRUST;
 14 SEVEN STAR UNITED LLC;
 15 MARK H. SHAFRON;
 16 ROBERT L. SHAFRON;
 17 KAMRAM S. SHAKIB;
 18 DONNA L. SIMPSON;
 19 GARETH L. SIMPSON;
 20 GARETH L. SIMPSON, AS TRUSTEE OF
 21 THE SIMPSON FAMILY TRUST;
 22 SOARING VISTA PROPERTIES, INC.;
 23 STATE OF CALIFORNIA;
 24 GEORGE C. STEVENS, JR.;
 25 GEORGE C. STEVENS, JR., AS TRUSTEE
 26 OF THE GEORGE C. STEVENS, JR. TRUST;
 27 GEORGE L. STIMSON, JR.;
 28 GEORGE L. STIMSON, JR., AS TRUSTEE
 OF THE GEORGE L. STIMSON, JR. TRUST;
 TEJON RANCHCORP;
 MARK E. THOMPSON A P C PROFIT
 SHARING PLAN;
 TIERRA BONITA RANCH COMPANY;
 TIONG D. TIU;
 BEVERLY J. TOBIAS;
 BEVERLY J. TOBIAS, AS TRUSTEE OF
 THE TOBIAS FAMILY TRUST;
 JUNG N. TOM;
 WILLIAM BOLTHOUSE FARMS, INC.;
 WILMA D. TRUEBLOOD;
 WILMA D. TRUEBLOOD, AS TRUSTEE OF
 THE TRUEBLOOD FAMILY TRUST;
 UNISON INVESTMENT CO., LLC;
 DELMAR D. VAN DAM;
 GERTRUDE J. VAN DAM;
 KEITH E. WALES;
 E C WHEELER LLC;
 ALEX WODCTHEIR;
 ELIZABETH WONG;
 MARY WONG;
 MIKE M. WU;
 MIKE M. WU, AS TRUSTEE OF THE WU
 FAMILY TRUST;
 STATE OF CALIFORNIA 50TH DISTRICT
 AND AGRICULTURAL ASSOCIATION;

1 THE UNITED STATES OF AMERICA;
2 U. S. BORAX, INC.;
3 and ROES 1 through 100,000, inclusive,
4 Cross-Defendants.

5 Come now, Cross-Defendants, **Richard E. Landfield**, an individual, and **Richard E.**
6 **Landfield as Trustee of the Richard E. Landfield Trust** (collectively "Landfield" or "these
7 Answering Cross-Defendants"), and answers the Cross-Complaint ("*Cross Complaint*") filed by
8 Cross-Complainants, **Rosamond Community Services District** ("Rosamond CSD"), **Los**
9 **Angeles County Waterworks District No. 40** ("LACWD No. 40"), **Palmdale Water District**
10 **("Palmdale WD")**, **City Of Lancaster** ("Lancaster"), **City Of Palmdale** ("Palmdale"),
11 **Littlerock Creek Irrigation District** ("Littlerock CID"), **Palm Ranch Irrigation District**
12 **("Palm Ranch ID")**, **Quartz Hill District** ("Quartz Hill"), and **California Water Service**
13 **Company** (individually "California WSD" and all collectively "Cross-Complainants"), and for
14 himself and for no others, admit, deny, and allege as follows:

15
16 **ANSWER**

17 **Preliminary Statements**

18 **A. LASC Case No. BC325201.** These Answering Cross-Defendants were previously
19 served with a *Complaint for Declaratory and Injunctive Relief and Adjudication of Water Rights*
20 (the "*Complaint*") that was filed by LACWD No. 40, in Los Angeles County Superior Court
21 Case No. BC325201. Though these Answering Cross-Defendants were thereafter informed by
22 counsel for the LACWD No. 40 that they would be receiving service of an Order re Case
23 Management Dates and Motions in which they would be directed not to answer the
24 aforementioned *Complaint*, the Order that was eventually served on him was unclear in that
25 regard. These Answering Cross-Defendants have now been served with the "Cross-Complaint"
26 in the instant action, to which their Answer is made. To the extent necessary and appropriate,
27 these Answering Cross-Defendants intend their Answer to also constitute their answer to the
28 Complaint.

1 **B. Paragraph 20 Allegations regarding Interconnected Sub-Basins.** Though not
2 alleged in the *Complaint*, Cross-Complainants now allege, in Paragraph 20 of the *Cross-*
3 *Complaint*, that the Antelope Valley Basin is divided into an unspecified number of sub-basins,
4 which Cross-Complainants allege are “sufficiently hydrologically connected to justify treating
5 them as a single source of water for purposes of adjudicating the parties’ water rights.” As these
6 Answering Cross-Defendants’ response to their specific allegation in Paragraph 20 is sufficiently
7 central to their responses to a number of other allegations in the Cross-Complaint, these
8 Answering Cross-Defendants chose to preliminarily state their responses to that specific
9 allegation at this point. These Answering Cross-Defendants are informed and believes and
10 thereon allege that some or all of said basins and sub-basins over which these Answering Cross-
11 Defendants’ Properties and water production facilities are situated may be, to some presently
12 unknown extent, separate and independent from some or all of the remaining groundwater basins
13 and sub-basins from which Cross-Complainants produce water and in which Cross-Complainants
14 store water. While these Answering Cross-Defendants admit the existence of sub-basins, they
15 lack sufficient information and belief to enable them to admit or deny the number, physical
16 locations, compositions, dimensions and hydrologic interconnections between and amongst the
17 various sub-basins, and must thereon deny the allegation that the sub-basins are sufficiently
18 hydrologically connected to justify treating them as a single source of water for purposes of
19 adjudicating the parties’ water rights. Further, Cross-Complainants have not alleged any facts
20 from which these Answering Cross-Defendants can ascertain the number and location of Cross-
21 Complainants’ production facilities, or the production capacities and histories of Cross-
22 Complainants’ wells and other production facilities, and must therefore deny that any present,
23 historic or future production from these Answering Cross-Defendants’ facilities have, are, or will
24 have, any adverse impacts on Cross-Complainants’ abilities to meet their reasonable
25 requirements from their unidentified production facilities. Finally, Cross-Complainants have not
26 alleged any facts from which these Answering Cross-Defendants can ascertain the number,
27 location, characteristics and/or capacity of the sub-basins in which Cross-Complainants allege
28 they have stored imported and other water, as well as the amounts, quality and disposition of the

1 water allegedly stored therein, and must therefore deny that any present, historic or future
2 production from these Answering Cross-Defendants' facilities have, are, or will have, any
3 adverse impacts on the waters allegedly stored by some or all of Cross-Complainants in said sub-
4 basins. These Answering Cross-Defendants further intends these responses to be applicable to
5 their responses to the other paragraphs in the Cross-Complaint, which are dependent, either in
6 whole or in part, upon their allegation in the Cross-Complaint.

7 8 Introduction

9 1. Answering Paragraph 1 of the "Introduction" portion of the preliminary
10 allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, these
11 Answering Cross-Defendants acknowledge that the action purports to seek a judicial
12 determination of all rights to groundwater within an area described as the "Antelope Valley
13 Groundwater Basin (the 'Basin')"; and, except therefor, these Answering Cross-Defendants lack
14 sufficient knowledge or information to form a belief as to the truth of the remaining allegations
15 contained in said paragraph, and on that basis, deny, generally and specifically, jointly and
16 severally, each and every other allegation contained therein.

17 18 Cross-Complainants

19 2. Answering Paragraph 2 of the "Cross-Complainants" portion of the preliminary
20 allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with
21 reference to Preliminary Statement B, above, these Answering Cross-Defendants lack sufficient
22 knowledge or information to form a belief as to the truth of the allegations contained in said
23 paragraph, and on that basis, deny, generally and specifically, jointly and severally, each and
24 every allegation contained therein.

25 3. Answering Paragraph 3 of the "Cross-Complainants" portion of the preliminary
26 allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with
27 reference to Preliminary Statement B, above, these Answering Cross-Defendants admit the first
28 sentence commencing with the name "Los Angeles" on line 8 of page 8, through the word

1 “Valley” on line 11 of page 8; and, except therefore, these Answering Cross-Defendants lack
2 sufficient knowledge or information to form a belief as to the truth of the remaining allegations
3 contained in said paragraph, and on that basis, deny, generally and specifically, jointly and
4 severally, each and every other allegation contained therein.

5 4. Answering Paragraph 4 of the “Cross-Complainants” portion of the preliminary
6 allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with
7 reference to Preliminary Statement B, above, these Answering Cross-Defendants lack sufficient
8 knowledge or information to form a belief as to the truth of the allegations contained in said
9 paragraph, and on that basis, deny, generally and specifically, jointly and severally, each and
10 every other allegation contained therein.

11 5. Answering Paragraph 5 of the “Cross-Complainants” portion of the preliminary
12 allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with
13 reference to Preliminary Statement B, above, these Answering Cross-Defendants lack sufficient
14 knowledge or information to form a belief as to the truth of the allegations contained in said
15 paragraph, and on that basis, deny, generally and specifically, jointly and severally, each and
16 every other allegation contained therein.

17 6. Answering Paragraph 6 of the “Cross-Complainants” portion of the preliminary
18 allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with
19 reference to Preliminary Statement B, above, these Answering Cross-Defendants admit the
20 allegations contained therein.

21 7. Answering Paragraph 7 of the “Cross-Complainants” portion of the preliminary
22 allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with
23 reference to Preliminary Statement B, above, these Answering Cross-Defendants admit the first
24 sentence commencing with the word “The” on line 25 of page 8, through the word “uses” on line
25 27 of page 8; and, except therefore, these Answering Cross-Defendants lack sufficient
26 knowledge or information to form a belief as to the truth of the remaining allegations contained
27 in said paragraph, and on that basis, deny, generally and specifically, jointly and severally, each
28 and every other allegation contained therein.

1 8. Answering Paragraph 8 of the "Cross-Complainants" portion of the preliminary
2 allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with
3 reference to Preliminary Statement B, above, these Answering Cross-Defendants lack sufficient
4 knowledge or information to form a belief as to the truth of the allegations contained in said
5 paragraph, and on that basis, deny, generally and specifically, jointly and severally, each and
6 every other allegation contained therein.

7 9. Answering Paragraph 9 of the "Cross-Complainants" portion of the preliminary
8 allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with
9 reference to Preliminary Statement B, above, these Answering Cross-Defendants lack sufficient
10 knowledge or information to form a belief as to the truth of the allegations contained in said
11 paragraph, and on that basis, deny, generally and specifically, jointly and severally, each and
12 every other allegation contained therein.

13 10. Answering Paragraph 10 of the "Cross-Complainants" portion of the preliminary
14 allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with
15 reference to Preliminary Statement B, above, these Answering Cross-Defendants lack sufficient
16 knowledge or information to form a belief as to the truth of the allegations contained in said
17 paragraph, and on that basis, deny, generally and specifically, jointly and severally, each and
18 every other allegation contained therein.

19
20 **Cross-Defendants**

21 11. Answering Paragraph 11 of the "Cross-Defendants" portion of the preliminary
22 allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with
23 reference to Preliminary Statement B, above, these Answering Cross-Defendants admit that they
24 are the owner of the following described real properties (collectively "These Answering Cross-
25 Defendants' Properties") that are situated in that portion of the State of California that is
26 comprised of portions of the Counties of Los Angeles and Kern, as described in Paragraph 19 of
27 the *Cross-Complaint*:

28 \\

Those portions of the North ½ of the Southwest ¼ of Section 12, Township 11 North, Range 9 West, San Bernardino Base and Meridian, that is identified by Kern County Assessor Parcel Numbers 233-390-17-00-2 and 233-390-17-00-3.

Further answering said Paragraph 11, these Answering Cross-Defendants admit that they claim some right, title or interest to some of the water in the groundwater basins and/or sub-basins underlying these Answering Cross-Defendants' Properties, and to the underflow of any washes to which these Answering Cross-Defendants' Properties may be riparian, and that they claim the right to produce water from said groundwater basins and/or sub-basins and the underflow of any such washes. Further answering said Paragraph 11, these Answering Cross-Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph as to all named Cross-Defendants save and except these Answering Cross-Defendants, and on that basis, deny, generally and specifically, jointly and severally, each and every other allegation contained therein as to the other named Cross-Defendants.

12. Answering Paragraph 12 of the "Cross-Defendants" portion of the preliminary allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with reference to Preliminary Statement B, above, these Answering Cross-Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and on that basis, deny, generally and specifically, jointly and severally, each and every other allegation contained therein.

The United States is a Necessary Party to their Action

13. Answering Paragraph 13 of the "The United States is a Necessary Party to their Action" portion of the preliminary allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with reference to Preliminary Statement B, above, these Answering Cross-Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and on that basis, deny, generally and specifically, jointly and severally, each and every other allegation contained therein as to the other named Cross-Defendants.

\\

1 14. Answering Paragraph 14 of the "The United States is a Necessary Party to their
2 Action" portion of the preliminary allegations to the *Cross-Complaint* of Cross-Complainants on
3 file in the instant action, and with reference to Preliminary Statement B, above, these Answering
4 Cross-Defendants lack sufficient knowledge or information to form a belief as to the truth of the
5 allegations contained in said paragraph, and on that basis, deny, generally and specifically,
6 jointly and severally, each and every other allegation contained therein as to the other named
7 Cross-Defendants.

8 15. Answering Paragraph 15 of the "The United States is a Necessary Party to their
9 Action" portion of the preliminary allegations to the *Cross-Complaint* of Cross-Complainants on
10 file in the instant action, and with reference to Preliminary Statement B, above, these Answering
11 Cross-Defendants admit the application of 43 U.S.C. § 666 (the "McCarran Amendment"); and,
12 save and except therefor, lack sufficient knowledge or information to form a belief as to the truth
13 of the allegations contained in said paragraph, and on that basis, deny, generally and specifically,
14 jointly and severally, each and every other allegation contained therein.

15 16. Answering Paragraph 16 of the "The United States is a Necessary Party to their
16 Action" portion of the preliminary allegations to the *Cross-Complaint* of Cross-Complainants on
17 file in the instant action, and with reference to Preliminary Statement B, above, these Answering
18 Cross-Defendants admit the application of the McCarran Amendment; and, save and except
19 therefor, lack sufficient knowledge or information to form a belief as to the truth of the
20 allegations contained in said paragraph, and on that basis, deny, generally and specifically,
21 jointly and severally, each and every other allegation contained therein as to the other named
22 Cross-Defendants.

23 17. Answering Paragraph 17 of the "The United States is a Necessary Party to their
24 Action" portion of the preliminary allegations to the *Cross-Complaint* of Cross-Complainants on
25 file in the instant action, and with reference to Preliminary Statement B, above, these Answering
26 Cross-Defendants admit the application of the McCarran Amendment; and, save and except
27 therefor, lack sufficient knowledge or information to form a belief as to the truth of the
28 allegations contained in said paragraph, and on that basis, deny, generally and specifically,

1 jointly and severally, each and every other allegation contained therein as to the other named
2 Cross-Defendants.

3
4 **The History of the Antelope Valley Groundwater Basin**

5 18. Answering Paragraph 18 of "The History of the Antelope Valley Groundwater
6 Basin" portion of the preliminary allegations to the *Cross-Complaint* of Cross-Complainants on
7 file in the instant action, and with reference to and subject to their denials in Preliminary
8 Statement B, above, these Answering Cross-Defendants admit the allegations contained therein.

9 19. Answering Paragraph 19 of "The History of the Antelope Valley Groundwater
10 Basin" portion of the preliminary allegations to the *Cross-Complaint* of Cross-Complainants on
11 file in the instant action, and with reference to and subject to their denials in Preliminary
12 Statement B, above, admit that the Basin is located in an arid valley in the Mojave Desert, about
13 fifty miles northeast of the City of Los Angeles; and, save and except therefor, lack sufficient
14 knowledge or information to form a belief as to the truth of the allegations contained in said
15 paragraph, and on that basis, deny, generally and specifically, jointly and severally, each and
16 every other allegation contained therein.

17 20. Answering Paragraph 20 of "The History of the Antelope Valley Groundwater
18 Basin" portion of the preliminary allegations to the *Cross-Complaint* of Cross-Complainants on
19 file in the instant action, and with reference to and subject to their denials in Preliminary
20 Statement B, above, these Answering Cross-Defendants admit that the Antelope Valley
21 Groundwater Basin is divided into a number of sub-basins, but lack sufficient knowledge or
22 information to form a belief as to the truth of the allegations that the sub-basins are "sufficiently
23 hydrologically connected to justify treating them as a single source of water for purposes of
24 adjudicating the parties' water rights," and on that basis, deny, generally and specifically, jointly
25 and severally, each and every other allegation contained therein with respect to that specific
26 allegation. Further answering said Paragraph 20, these Answering Cross-Defendants are
27 informed and believes and thereon allege that some or all of said basins and sub-basins over
28 which these Answering Cross-Defendants' Properties and water production facilities are situated

1 may be, to some presently unknown extent, separate and independent from some or all of the
2 remaining groundwater basins and sub-basins from which Cross-Complainants produce water
3 and in which Cross-Complainants store water. Further answering said Paragraph 20, these
4 Answering Cross-Defendants lack sufficient knowledge or information to form a belief as to the
5 physical locations, compositions, dimensions and hydrologic interconnections between and
6 amongst the various sub-basins, and on that basis, deny, generally and specifically, jointly and
7 severally, each and every allegation contained therein with respect to that specific allegation that
8 the sub-basins are sufficiently hydrologically connected to justify treating them as a single
9 source of water for purposes of adjudicating the parties' water rights. Further answering said
10 Paragraph 20, Cross-Complainants have not alleged any facts from which these Answering
11 Cross-Defendants can ascertain the number and location of Cross-Complainants' production
12 facilities, or the production capacities and histories of Cross-Complainants' wells and other
13 production facilities, and must therefore deny that any present, historic or future production from
14 these Answering Cross-Defendants' facilities have, are, or will have, any adverse impacts on
15 Cross-Complainants' abilities to meet their reasonable water requirements from their
16 unidentified production facilities. Finally, Cross-Complainants have not alleged any facts from
17 which these Answering Cross-Defendants can ascertain the number, location, characteristics
18 and/or capacity of the sub-basins in which Cross-Complainants allege they have stored imported
19 and other water, as well as the amounts, quality and disposition of the water allegedly stored
20 therein, and must therefore deny that any present, historic or future production from these
21 Answering Cross-Defendants' facilities have, are, or will have, any adverse impacts on the
22 waters allegedly stored by some or all of Cross-Complainants in said sub-basins.

23 21. Answering Paragraph 21 of "The History of the Antelope Valley Groundwater
24 Basin" portion of the preliminary allegations to the *Cross-Complaint* of Cross-Complainants on
25 file in the instant action, and with reference to and subject to their denials in Preliminary
26 Statement B, above, these Answering Cross-Defendants lack sufficient knowledge or
27 information to form a belief as to the truth of the allegations contained in said paragraph, and on
28 that basis, deny, generally and specifically, jointly and severally, each and every other allegation

1 contained therein.

2 22. Answering Paragraph 22 of "The History of the Antelope Valley Groundwater
3 Basin" portion of the preliminary allegations to the *Cross-Complaint* of Cross-Complainants on
4 file in the instant action, and with reference to and subject to their denials in Preliminary
5 Statement B, above, these Answering Cross-Defendants admit that portion of the second
6 sentence in said Paragraph commencing with the word "urbanization" at line 24 through the
7 word "water" at line 25, all on page 13; and, save and except therefor, lack sufficient knowledge
8 or information to form a belief as to the truth of the allegations contained in said paragraph, and
9 on that basis, deny, generally and specifically, jointly and severally, each and every other
10 allegation contained therein.

11 23. Answering Paragraph 23 of "The History of the Antelope Valley Groundwater
12 Basin" portion of the preliminary allegations to the *Cross-Complaint* of Cross-Complainants on
13 file in the instant action, and with reference to and subject to their denials in Preliminary
14 Statement B, above, these Answering Cross-Defendants lack sufficient knowledge or
15 information to form a belief as to the truth of the allegations contained in said paragraph, and on
16 that basis, deny, generally and specifically, jointly and severally, each and every other allegation
17 contained therein.

18 24. Answering Paragraph 24 of "The History of the Antelope Valley Groundwater
19 Basin" portion of the preliminary allegations to the *Cross-Complaint* of Cross-Complainants on
20 file in the instant action, and with reference to and subject to their denials in Preliminary
21 Statement B, above, these Answering Cross-Defendants admit that land subsidence is the general
22 sinking of the Earth's surface and that some of the harmful effects of land subsidence can include
23 a loss of groundwater storage space, cracks and fissures in the Earth's surface and damage to real
24 property; and, save and except therefor, lack sufficient knowledge or information to form a belief
25 as to the truth of the allegations contained in said paragraph, and on that basis, deny, generally
26 and specifically, jointly and severally, each and every other allegation contained therein.

27 25. Answering Paragraph 25 of "The History of the Antelope Valley Groundwater
28 Basin" portion of the preliminary allegations to the *Cross-Complaint* of Cross-Complainants on

1 file in the instant action, and with reference to and subject to their denials in Preliminary
2 Statement B, above, these Answering Cross-Defendants admit that declining groundwater levels,
3 diminished groundwater storage and land subsidence can damage any groundwater basin; and,
4 save and except therefor, lack sufficient knowledge or information to form a belief as to the truth
5 of the allegations contained in said paragraph, and on that basis, deny, generally and specifically,
6 jointly and severally, each and every other allegation contained therein.

7
8 **Public Water Suppliers Supplement and Commingle Their**
9 **Supplemental Supply of Water With Basin Water**

10 26. Answering Paragraph 26 of the "Public Water Suppliers Supplement and
11 Commingle Their Supplemental Supply of Water With Basin Water" portion of the preliminary
12 allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with
13 reference to and subject to their denials in Preliminary Statement B, above, these Answering
14 Cross-Defendants admit that State Project water generally originates in Northern California; and
15 save and except therefor, lack sufficient knowledge or information to form a belief as to the truth
16 of the allegations contained in said paragraph, and on that basis, deny, generally and specifically,
17 jointly and severally, each and every other allegation contained therein.

18 27. Answering Paragraph 27 of the "Public Water Suppliers Supplement and
19 Commingle Their Supplemental Supply of Water With Basin Water" portion of the preliminary
20 allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with
21 reference to and subject to their denials in Preliminary Statement B, above, these Answering
22 Cross-Defendants lack sufficient knowledge or information to form a belief as to the truth of the
23 allegations contained in said paragraph, and on that basis, deny, generally and specifically,
24 jointly and severally, each and every other allegation contained therein.

25 28. Answering Paragraph 28 of the "Public Water Suppliers Supplement and
26 Commingle Their Supplemental Supply of Water With Basin Water" portion of the preliminary
27 allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with
28 reference to and subject to their denials in Preliminary Statement B, above, these Answering

1 Cross-Defendants lack sufficient knowledge or information to form a belief as to the truth of the
2 allegations contained in said paragraph, and on that basis, deny, generally and specifically,
3 jointly and severally, each and every other allegation contained therein.
4

5 **The Basin Has Been in a State of Over-Draft for Over Five Years**

6 29. Answering Paragraph 29 of "The Basin Has Been in a State of Over-Draft for
7 Over Five Years" portion of the preliminary allegations to the *Cross-Complaint* of Cross-
8 Complainants on file in the instant action, and with reference to and subject to their denials in
9 Preliminary Statement B, above, these Answering Cross-Defendants lack sufficient knowledge
10 or information to form a belief as to the truth of the allegations contained in said paragraph, and
11 on that basis, deny, generally and specifically, jointly and severally, each and every other
12 allegation contained therein.

13 30. Answering Paragraph 30 of "The Basin Has Been in a State of Over-Draft for
14 Over Five Years" portion of the preliminary allegations to the *Cross-Complaint* of Cross-
15 Complainants on file in the instant action, and with reference to and subject to their denials in
16 Preliminary Statement B, above, these Answering Cross-Defendants admit those portions of said
17 Paragraph, as to these Answering Cross-Defendants alone and no other, commencing with the
18 word "cross-defendant" on line 21 through the word "water" on line 23, all on page 15; and, save
19 and except therefor, lack sufficient knowledge or information to form a belief as to the truth of
20 the allegations contained in said paragraph, and on that basis, deny, generally and specifically,
21 jointly and severally, each and every other allegation contained therein.

22 31. Answering Paragraph 31 of "The Basin Has Been in a State of Over-Draft for
23 Over Five Years" portion of the preliminary allegations to the *Cross-Complaint* of Cross-
24 Complainants on file in the instant action, and with reference to and subject to their denials in
25 Preliminary Statement B, above, these Answering Cross-Defendants admit those portions of said
26 Paragraph, as to these Answering Cross-Defendants alone and no other, commencing with the
27 word "claim" on line 26 through the word "water" on line 27, all on page 15; and, save and
28 except therefor, lack sufficient knowledge or information to form a belief as to the truth of the

1 allegations contained in said paragraph, and on that basis, deny, generally and specifically,
2 jointly and severally, each and every other allegation contained therein.

3 32. Answering Paragraph 32 of "The Basin Has Been in a State of Over-Draft for
4 Over Five Years" portion of the preliminary allegations to the *Cross-Complaint* of Cross-
5 Complainants on file in the instant action, and with reference to and subject to their denials in
6 Preliminary Statement B, above, these Answering Cross-Defendants lack sufficient knowledge
7 or information to form a belief as to the truth of the allegations contained in said paragraph, and
8 on that basis, deny, generally and specifically, jointly and severally, each and every other
9 allegation contained therein.

10 33. Answering Paragraph 33 of "The Basin Has Been in a State of Over-Draft for
11 Over Five Years" portion of the preliminary allegations to the *Cross-Complaint* of Cross-
12 Complainants on file in the instant action, and with reference to and subject to their denials in
13 Preliminary Statement B, above, these Answering Cross-Defendants lack sufficient knowledge
14 or information to form a belief as to the truth of the allegations contained in said paragraph, and
15 on that basis, deny, generally and specifically, jointly and severally, each and every other
16 allegation contained therein.

17
18 **There is a Dispute Among the Parties Regarding The Extent and**
19 **Priority of Their Respective Water Rights**

20 34. Answering Paragraph 34 of the "There is a Dispute Among the Parties Regarding
21 the Extent and Priority of Their Respective Water Rights" portion of the preliminary allegations
22 to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with reference to
23 and subject to their denials in Preliminary Statement B, above, these Answering Cross-
24 Defendants lack sufficient knowledge or information to form a belief as to the truth of the
25 allegations contained in said paragraph, and on that basis, deny, generally and specifically,
26 jointly and severally, each and every other allegation contained therein.

27 35. Answering Paragraph 35 of the "There is a Dispute Among the Parties Regarding
28 the Extent and Priority of Their Respective Water Rights" portion of the preliminary allegations

1 to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with reference to
2 and subject to their denials in Preliminary Statement B, above, these Answering Cross-
3 Defendants admit those portions of said Paragraph, as to these Answering Cross-Defendants
4 alone and no other, commencing with the word "cross-defendants" on line 18 through the word
5 "water" on line 19, all on page 16; and, save and except therefor, lack sufficient knowledge or
6 information to form a belief as to the truth of the allegations contained in said paragraph, and on
7 that basis, deny, generally and specifically, jointly and severally, each and every other allegation
8 contained therein.

9 36. Answering Paragraph 36 of the "There is a Dispute Among the Parties Regarding
10 the Extent and Priority of Their Respective Water Rights" portion of the preliminary allegations
11 to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with reference to
12 and subject to their denials in Preliminary Statement B, above, these Answering Cross-
13 Defendants admit that municipal producers generally have appropriative rights to produce water
14 for the public they serve; and, save and except therefor, lack sufficient knowledge or information
15 to form a belief as to the truth of the allegations contained in said paragraph, and on that basis,
16 deny, generally and specifically, jointly and severally, each and every other allegation contained
17 therein.

18 37. Answering Paragraph 37 of the "There is a Dispute Among the Parties Regarding
19 the Extent and Priority of Their Respective Water Rights" portion of the preliminary allegations
20 to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with reference to
21 and subject to their denials in Preliminary Statement B, above, these Answering Cross-
22 Defendants lack sufficient knowledge or information to form a belief as to the truth of the
23 allegations contained in said paragraph, and on that basis, deny, generally and specifically,
24 jointly and severally, each and every other allegation contained therein.

25 38. Answering Paragraph 38, including subparagraphs A through E, of the "There is a
26 Dispute Among the Parties Regarding the Extent and Priority of Their Respective Water Rights"
27 portion of the preliminary allegations to the *Cross-Complaint* of Cross-Complainants on file in
28 the instant action, and with reference to and subject to their denials in Preliminary Statement B,

1 above, these Answering Cross-Defendants lack sufficient knowledge or information to form a
2 belief as to the truth of the allegations contained in said paragraph, and on that basis, deny,
3 generally and specifically, jointly and severally, each and every other allegation contained
4 therein.

5 **First Cause of Action**

6 **(Declaratory Relief – Prescriptive Rights – Against All Cross-Defendants**

7 **Except the United States and Other Public Entity Cross-Defendants)**

8 39. Answering Paragraph 39 of the First Cause of Action of the *Cross-Complaint* of
9 Cross-Complainants on file in the instant action, these Answering Cross-Defendants reallege and
10 reincorporate their Preliminary Statements and their answers and allegations to Paragraphs 1
11 through 38, inclusive.

12 40. Answering Paragraph 40 of the First Cause of Action of the *Cross-Complaint* of
13 Cross-Complainants on file in the instant action, and with reference to and subject to their
14 denials in Preliminary Statement B, above, these Answering Cross-Defendants admit those
15 portions of said Paragraph commencing with the word “For” on line 7½ through the word
16 “rights” on line 8½, all on page 18; and, save and except therefor, lack sufficient knowledge or
17 information to form a belief as to the truth of the remaining allegations contained in said
18 paragraph, and on that basis, deny, generally and specifically, jointly and severally, each and
19 every other allegation contained therein.

20 41. Answering Paragraph 41 of the First Cause of Action of the *Cross-Complaint* of
21 Cross-Complainants on file in the instant action, and with reference to and subject to their
22 denials in Preliminary Statement B, above, these Answering Cross-Defendants lack sufficient
23 knowledge or information to form a belief as to the truth of the allegations contained therein, and
24 on that basis, deny, generally and specifically, jointly and severally, each and every allegation
25 contained therein.

26 42. Answering Paragraph 42 of the First Cause of Action of the *Cross-Complaint* of
27 Cross-Complainants on file in the instant action, and with reference to and subject to their
28 denials in Preliminary Statement B, above, these Answering Cross-Defendants admit the

1 allegations contained therein.

2 43. Answering Paragraph 43 of the First Cause of Action of the *Cross-Complaint* of
3 Cross-Complainants on file in the instant action, and with reference to and subject to their
4 denials in Preliminary Statement B, above, these Answering Cross-Defendants lack sufficient
5 knowledge or information to form a belief as to the truth of the allegations contained therein, and
6 on that basis, deny, generally and specifically, jointly and severally, each and every allegation
7 contained therein.

8
9 **Second Cause of Action**

10 **(Declaratory Relief – Appropriative Rights – Against All Cross-Defendants)**

11 44. Answering Paragraph 44 of the Second Cause of Action of the *Cross-Complaint*
12 of Cross-Complainants on file in the instant action, and with reference to and subject to their
13 denials in Preliminary Statement B, above, these Answering Cross-Defendants reallege and
14 reincorporate their answers and allegations to Paragraphs 1 through 43, inclusive.

15 45. Answering Paragraph 45 of the Second Cause of Action of the *Cross-Complaint*
16 of Cross-Complainants on file in the instant action, and with reference to and subject to their
17 denials in Preliminary Statement B, above, these Answering Cross-Defendants admit that
18 municipal producers generally have appropriative rights to produce water for the public they
19 serve; and, save and except therefor, lack sufficient knowledge or information to form a belief as
20 to the truth of the allegations contained therein, and on that basis, deny, generally and
21 specifically, jointly and severally, each and every other allegation contained therein.

22 46. Answering Paragraph 46 of the Second Cause of Action of the *Cross-Complaint*
23 of Cross-Complainants on file in the instant action, and with reference to and subject to their
24 denials in Preliminary Statement B, above, these Answering Cross-Defendants deny, generally
25 and specifically, jointly and severally, each and every allegation contained therein as an
26 oversimplification of the law in California concerning appropriative rights.

27 47. Answering Paragraph 47 of the Second Cause of Action of the *Cross-Complaint*
28 of Cross-Complainants on file in the instant action, and with reference to and subject to their

1 denials in Preliminary Statement B, above, these Answering Cross-Defendants generally admit
2 those portions of said paragraph commencing with the word "safe" on line 11½ through the word
3 "subsidence" on line 15½, all on page 19; and, save and except therefor, lack sufficient
4 knowledge or information to form a belief as to the truth of the remaining allegations contained
5 in said paragraph, and on that basis, deny, generally and specifically, jointly and severally, each
6 and every other allegation contained therein.

7 48. Answering Paragraph 48 of the Second Cause of Action of the *Cross-Complaint*
8 of Cross-Complainants on file in the instant action, and with reference to and subject to their
9 denials in Preliminary Statement B, above, these Answering Cross-Defendants admit that all uses
10 of water in California are subject to the "reasonable and beneficial" requirements of Article X,
11 Section 2 of the *California Constitution* and the Reasonable Use Doctrine; and, save and except
12 therefor, lack sufficient knowledge or information to form a belief as to the truth of the
13 allegations contained therein, and on that basis, deny, generally and specifically, jointly and
14 severally, each and every allegation contained therein.

15 49. Answering Paragraph 48 of the Second Cause of Action of the *Cross-Complaint*
16 of Cross-Complainants on file in the instant action, and with reference to and subject to their
17 denials in Preliminary Statement B, above, these Answering Cross-Defendants admit the
18 allegations contained in the first sentence thereof; and save and except therefor, lack sufficient
19 knowledge or information to form a belief as to the truth of the remaining allegations contained
20 in said paragraph, and on that basis, deny, generally and specifically, jointly and severally, each
21 and every other allegation contained therein.

22 50. Answering Paragraph 48 of the Second Cause of Action of the *Cross-Complaint*
23 of Cross-Complainants on file in the instant action, and with reference to and subject to their
24 denials in Preliminary Statement B, above, these Answering Cross-Defendants admit the
25 allegations contained therein.
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1 Defendants alone and to no others, and to the extent that the mechanism of a physical solution
2 has the potential for providing a practical solution if it is properly developed and implemented;
3 and excepting therefore, these Answering Cross-Defendants lack sufficient knowledge or
4 information to form a belief as to the truth of the allegations contained therein, and on that basis,
5 deny, generally and specifically, jointly and severally, each and every allegation contained
6 therein.

7 55. Answering Paragraph 55 of the Third Cause of Action of the *Cross-Complaint* of
8 Cross-Complainants on file in the instant action, and with reference to and subject to their
9 denials in Preliminary Statement B, above, these Answering Cross-Defendants lack sufficient
10 knowledge or information to form a belief as to the truth of the allegations contained therein, and
11 on that basis, deny, generally and specifically, jointly and severally, each and every allegation
12 contained therein. Further answering said Paragraph 55, these Answering Cross-Defendants
13 admit that a physical solution may, but need not, contain the factors identified in said Paragraph
14 55.

15 **Fourth Cause of Action**

16 **(Declaratory Relief – Municipal Priority – Against All Cross-Defendants)**

17 56. Answering Paragraph 56 of the Fourth Cause of Action of the *Cross-Complaint* of
18 Cross-Complainants on file in the instant action, these Answering Cross-Defendants reallege and
19 reincorporate their answers and allegations to Paragraphs 1 through 55, inclusive.
20

21 57. Answering Paragraph 57 of the Fourth Cause of Action of the *Cross-Complaint* of
22 Cross-Complainants on file in the instant action, and with reference to and subject to their
23 denials in Preliminary Statement B, above, these Answering Cross-Defendants admit those
24 portions of said Paragraph commencing with the word “It” on line 17½ through the citation to
25 “*Water Code* § 106” on line 19½, all on page 21; and, save and except therefor, lack sufficient
26 knowledge or information to form a belief as to the truth of the allegations contained therein, and
27 on that basis, deny, generally and specifically, jointly and severally, each and every allegation
28 contained therein.

1 58. Answering Paragraph 58 of the Fourth Cause of Action of the *Cross-Complaint* of
2 Cross-Complainants on file in the instant action, and with reference to and subject to their
3 denials in Preliminary Statement B, above, these Answering Cross-Defendants admit that the
4 quote is a portion of "*Water Code* § 106.5"; deny that it is the entirety of said Section 106.5; and
5 further deny that it is an accurate reflection of the will and actions of the California Legislature
6 relative to the water rights of a municipality.

7 59. Answering Paragraph 59 of the Fourth Cause of Action of the *Cross-Complaint* of
8 Cross-Complainants on file in the instant action, and with reference to and subject to their
9 denials in Preliminary Statement B, above, these Answering Cross-Defendants deny, generally
10 and specifically, jointly and severally, each and every allegation contained therein.

11 60. Answering Paragraph 60 of the Fourth Cause of Action of the *Cross-Complaint* of
12 Cross-Complainants on file in the instant action, and with reference to and subject to their
13 denials in Preliminary Statement B, above, these Answering Cross-Defendants admit those
14 portions of said Paragraph commencing with the word "An" on line 1 through the word "cross-
15 defendants" on lines 1 and 2, all on page 22; and, save and except therefor, lack sufficient
16 knowledge or information to form a belief as to the truth of the allegations contained therein, and
17 on that basis, deny, generally and specifically, jointly and severally, each and every allegation
18 contained therein.

19 61. Answering Paragraph 61 of the Fourth Cause of Action of the *Cross-Complaint* of
20 Cross-Complainants on file in the instant action, and with reference to and subject to their
21 denials in Preliminary Statement B, above, these Answering Cross-Defendants admit the
22 allegations contained therein.

23
24 **Fifth Cause of Action**

25 **(Declaratory Relief – Storage of Imported Water – Against All Cross-Defendants)**

26 62. Answering Paragraph 62 of the Fifth Cause of Action of the *Cross-Complaint* of
27 Cross-Complainants on file in the instant action, these Answering Cross-Defendants reallege and
28 reincorporate their answers and allegations to Paragraphs 1 through 61, inclusive.

1 63. Answering Paragraph 63 of the Fifth Cause of Action of the *Cross-Complaint* of
2 Cross-Complainants on file in the instant action, and with reference to and subject to their
3 denials in Preliminary Statement B, above, these Answering Cross-Defendants admit those
4 portions of said Paragraph commencing with the first word "State" on line 19½ through the word
5 "Basin" on line 20½, all on page 22; and, save and except therefor, lack sufficient knowledge or
6 information to form a belief as to the truth of the allegations contained therein, and on that basis,
7 deny, generally and specifically, jointly and severally, each and every allegation contained
8 therein.

9 64. Answering Paragraph 64 of the Fifth Cause of Action of the *Cross-Complaint* of
10 Cross-Complainants on file in the instant action, and with reference to and subject to their
11 denials in Preliminary Statement B, above, these Answering Cross-Defendants lack sufficient
12 knowledge or information to form a belief as to the truth of the allegations contained therein, and
13 on that basis, deny, generally and specifically, jointly and severally, each and every allegation
14 contained therein.

15 65. Answering Paragraph 65 of the Fifth Cause of Action of the *Cross-Complaint* of
16 Cross-Complainants on file in the instant action, and with reference to and subject to their
17 denials in Preliminary Statement B, above, these Answering Cross-Defendants lack sufficient
18 knowledge or information to form a belief as to the truth of the allegations contained therein, and
19 on that basis, deny, generally and specifically, jointly and severally, each and every allegation
20 contained therein.

21 66. Answering Paragraph 66 of the Fifth Cause of Action of the *Cross-Complaint* of
22 Cross-Complainants on file in the instant action, and with reference to and subject to their
23 denials in Preliminary Statement B, above, these Answering Cross-Defendants admit those
24 portions of said Paragraph commencing with the word "An" on line 8 through the word "cross-
25 defendants" on lines 7 and 8, all on page 23; reallege and reincorporate their answers to
26 Paragraphs 1 through 39 of the *Cross-Complaint* of Cross-Complainants on file in the instant
27 action; and, save and except therefor, lack sufficient knowledge or information to form a belief
28 as to the truth of the allegations contained therein, and on that basis, deny, generally and

1 specifically, jointly and severally, each and every allegation contained therein.

2 67. Answering Paragraph 67 of the Fifth Cause of Action of the *Cross-Complaint* of
3 Cross-Complainants on file in the instant action, and with reference to and subject to their
4 denials in Preliminary Statement B, above, these Answering Cross-Defendants admit the
5 allegations contained therein.

6
7 **Sixth Cause of Action**

8 **(Declaratory Relief – Recapture of Return Flows**

9 **from Imported Water Stored in the Basin -- Against All Cross-Defendants)**

10 68. Answering Paragraph 68 of the Sixth Cause of Action of the *Cross-Complaint* of
11 Cross-Complainants on file in the instant action, these Answering Cross-Defendants reallege and
12 reincorporate their answers and allegations to Paragraphs 1 through 67, inclusive.

13 69. Answering Paragraph 69 of the Sixth Cause of Action of the *Cross-Complaint* of
14 Cross-Complainants on file in the instant action, and with reference to and subject to their
15 denials in Preliminary Statement B, above, these Answering Cross-Defendants lack sufficient
16 knowledge or information to form a belief as to the truth of the allegations contained therein, and
17 on that basis, deny, generally and specifically, jointly and severally, each and every allegation
18 contained therein.

19 70. Answering Paragraph 70 of the Sixth Cause of Action of the *Cross-Complaint* of
20 Cross-Complainants on file in the instant action, and with reference to and subject to their
21 denials in Preliminary Statement B, above, these Answering Cross-Defendants lack sufficient
22 knowledge or information to form a belief as to the truth of the allegations contained therein, and
23 on that basis, deny, generally and specifically, jointly and severally, each and every allegation
24 contained therein.

25 71. Answering Paragraph 71 of the Sixth Cause of Action of the *Cross-Complaint* of
26 Cross-Complainants on file in the instant action, and with reference to and subject to their
27 denials in Preliminary Statement B, above, these Answering Cross-Defendants lack sufficient
28 knowledge or information to form a belief as to the truth of the allegations contained therein, and

1 on that basis, deny, generally and specifically, jointly and severally, each and every allegation
2 contained therein.

3 72. Answering Paragraph 72 of the Sixth Cause of Action of the *Cross-Complaint* of
4 Cross-Complainants on file in the instant action, and with reference to and subject to their
5 denials in Preliminary Statement B, above, these Answering Cross-Defendants admit those
6 portions of said Paragraph commencing with the word "An" on line 6 through the word "cross-
7 defendants" on lines 6 and 7, all on page 24; reallege and reincorporate their answers to
8 Paragraphs 1 through 43 of the *Cross-Complaint* of Cross-Complainants on file in the instant
9 action; and, save and except therefor, lack sufficient knowledge or information to form a belief
10 as to the truth of the allegations contained therein, and on that basis, deny, generally and
11 specifically, jointly and severally, each and every allegation contained therein.

12 73. Answering Paragraph 73 of the Sixth Cause of Action of the *Cross-Complaint* of
13 Cross-Complainants on file in the instant action, and with reference to and subject to their
14 denials in Preliminary Statement B, above, these Answering Cross-Defendants admit the
15 allegations contained therein.

16
17 **Seventh Cause of Action**

18 **(Unreasonable Use of Water – Against All Cross-Defendants**

19 **Except Public Entity Cross-Defendants)**

20 74. Answering Paragraph 74 of the Seventh Cause of Action of the *Cross-Complaint*
21 of Cross-Complainants on file in the instant action, these Answering Cross-Defendants reallege
22 and reincorporate their answers and allegations to Paragraphs 1 through 73, inclusive.

23 75. Answering Paragraph 75 of the Seventh Cause of Action of the *Cross-Complaint*
24 of Cross-Complainants on file in the instant action, and with reference to and subject to their
25 denials in Preliminary Statement B, above, these Answering Cross-Defendants admit those
26 portions of said Paragraph commencing with the first word "The" on line 20½ through the word
27 "case" on line 23½, all on page 24; and, save and except therefor, lack sufficient knowledge or
28 information to form a belief as to the truth of the allegations contained therein, and on that basis,

1 deny, generally and specifically, jointly and severally, each and every allegation contained
2 therein.

3 76. Answering Paragraph 76 of the Seventh Cause of Action of the *Cross-Complaint*
4 of Cross-Complainants on file in the instant action, and with reference to and subject to their
5 denials in Preliminary Statement B, above, these Answering Cross-Defendants deny, generally
6 and specifically, jointly and severally, each and every allegation contained therein, as for
7 themselves and for no others; and, save and except therefor, lack sufficient knowledge or
8 information to form a belief as to the truth of the allegations contained therein as to the other
9 named cross-defendants, and on that basis, deny, generally and specifically, jointly and severally,
10 each and every allegation contained therein.

11 77. Answering Paragraph 77 of the Seventh Cause of Action of the *Cross-Complaint*
12 of Cross-Complainants on file in the instant action, and with reference to and subject to their
13 denials in Preliminary Statement B, above, these Answering Cross-Defendants admit those
14 portions of said Paragraph commencing with the word "An" on line 4 through the word "cross-
15 defendants" on lines 4 and 5, all on page 25; reallege and reincorporate their answers to
16 Paragraphs 1 through 43 of the *Cross-Complaint* of Cross-Complainants on file in the instant
17 action; and, save and except therefor, lack sufficient knowledge or information to form a belief
18 as to the truth of the allegations contained therein, and on that basis, deny, generally and
19 specifically, jointly and severally, each and every allegation contained therein.

20 78. Answering Paragraph 78 of the Seventh Cause of Action of the *Cross-Complaint*
21 of Cross-Complainants on file in the instant action, and with reference to and subject to their
22 denials in Preliminary Statement B, above, these Answering Cross-Defendants admit the
23 allegations contained therein.

24
25 **Note: There are no paragraphs numbered 79 through 90 in the copies of the *Cross-***
26 ***Complaint* of Cross-Complainants on file in the instant action that were served on these**
27 **Answering Cross-Defendants.**
28

1 **Eighth Cause of Action**

2 **(Declaratory Relief re Boundaries of Basin)**

3 91. Answering Paragraph 91 of the Eighth Cause of Action of the *Cross-Complaint* of
4 Cross-Complainants on file in the instant action, these Answering Cross-Defendants reallege and
5 reincorporate their answers and allegations to Paragraphs 1 through 78, inclusive.

6 92. Answering Paragraph 92 of the Eighth Cause of Action of the *Cross-Complaint* of
7 Cross-Complainants on file in the instant action, and with reference to and subject to their
8 denials in Preliminary Statement B, above, these Answering Cross-Defendants admit those
9 portions of said Paragraph commencing with the word "An" on line 18½ through the word
10 "Basin" on line 20½, all on page 25; reallege and reincorporate their answers to Paragraphs 1
11 through 38 of the *Cross-Complaint* of Cross-Complainants on file in the instant action; and, save
12 and except therefor, lack sufficient knowledge or information to form a belief as to the truth of
13 the allegations contained therein, and on that basis, deny, generally and specifically, jointly and
14 severally, each and every allegation contained therein.

15 93. Answering Paragraph 93 of the Eighth Cause of Action of the *Cross-Complaint* of
16 Cross-Complainants on file in the instant action, and with reference to and subject to their
17 denials in Preliminary Statement B, above, these Answering Cross-Defendants admit the
18 allegations contained therein.

19
20 **AFFIRMATIVE DEFENSES**

21 As and for affirmative defenses to the causes of action purported to be set forth against
22 them in the *Cross-Complaint* of Cross-Complainants on file in the instant action, these
23 Answering Cross-Defendants allege as follows:

24
25 **FIRST AFFIRMATIVE DEFENSE**

26 **(Failure to State Cause of Action)**

27 As and for a first, separate and affirmative defense to said *Cross-Complaint*, and each
28 cause of action thereof, whether considered separately or apart, these Answering Cross-

1 Defendants allege that the *Cross-Complaint*, and each cause of action thereof, fails to state facts
2 sufficient to constitute a cause of action against these Answering Cross-Defendants upon which
3 the Court can grant relief.

4
5 **SECOND AFFIRMATIVE DEFENSE**

6 (Estoppel)

7 As and for a second, separate and affirmative defense to said *Cross-Complaint*, and each
8 cause of action thereof, whether considered separately or apart, these Answering Cross-
9 Defendants are informed and believes, and on that basis allege, that Cross-Complainants are
10 estopped from asserting each and every cause of action against these Answering Cross-
11 Defendants by reason of the facts that, there are a number of groundwater basins and sub-basins
12 situated in that portion of the State of California generally described in the *Cross-Complaint* as
13 the Antelope Valley Groundwater Basin; that the physical locations, composition, dimensions
14 and interconnections between and amongst those groundwater basins and sub-basins has not
15 been sufficiently alleged by Cross-Complainants to state a cause of action against these
16 Answering Cross-Defendants; that some or all of said basins and sub-basins over which these
17 Answering Cross-Defendants' Properties, and water production facilities are situated may be, to
18 some presently unknown extent, separate and independent from some or all of the remaining
19 groundwater basins and sub-basins; and that Cross-Complainants have failure to specifically
20 identify the locations of each and every of the wells that he alleges to have drilled, equipped,
21 operated and maintained.

22
23 **THIRD AFFIRMATIVE DEFENSE**

24 (Reasonable and Beneficial Use)

25 As and for a third, separate and affirmative defense to said *Cross-Complaint*, and each
26 cause of action thereof, whether considered separately or apart, these Answering Cross-
27 Defendants allege that Cross-Complainants' use of water, both presently and in the future, is
28 limited by the reasonable and beneficial use limitations set forth in Article X, Section 2 of the

1 *California Constitution and Water Code* § 100.

2
3 **FOURTH AFFIRMATIVE DEFENSE**

4 (Riparian Rights)

5 As and for a fourth, separate and affirmative defense to said *Cross-Complaint*, and each
6 cause of action thereof, whether considered separately or apart, these Answering Cross-
7 Defendants claim riparian rights to the underflow of any washes that flow through or adjacent to

8 Those portions of the North ½ of the Southwest ¼ of Section 12,
9 Township 11 North, Range 9 West, San Bernardino Base and
10 Meridian, that is identified by Kern County Assessor Parcel
Numbers 233-390-17-00-2 and 233-390-17-00-3,

11 consistent with the provisions of *Water Code* § 101; and to the extent that some or all of their
12 production is from said underflow of such washes; and to that extent, these Answering Cross-
13 Defendants allege that Cross-Complainants are barred from the relief sought on each and every
14 cause of action against these Answering Cross-Defendants.

15
16 **FIFTH AFFIRMATIVE DEFENSE**

17 (Appropriative Rights)

18 As and for a fifth, separate and affirmative defense to said *Cross-Complaint*, and each
19 cause of action thereof, whether considered separately or apart, these Answering Cross-
20 Defendants claim the appropriative rights to produce water from the basins and sub-basins over
21 which these Answering Cross-Defendants' Properties and water production facilities are situated;
22 and, to the extent that the basins and sub-basins over which Cross-Complainants' water
23 production facilities are situated are separate and independent from the basins and sub-basins
24 over which these Answering Cross-Defendants' Properties and water production facilities are
25 situated, these Answering Cross-Defendants allege that Cross-Complainants are barred from the
26 relief sought on each and every cause of action against these Answering Cross-Defendants.

1 **SIXTH AFFIRMATIVE DEFENSE**

2 (Waiver)

3 As and for a sixth, separate and affirmative defense to said *Cross-Complaint*, and each
4 cause of action thereof, whether considered separately or apart, these Answering Cross-
5 Defendants allege that even if the facts alleged in the *Cross-Complaint* are true, and these
6 Answering Cross-Defendants deny the same, Cross-Complainants have engaged in conduct and
7 activities that they knew or should have known that these Answering Cross-Defendants would, in
8 fact, rely on to their prejudice and detriment, sufficient to constitute a waiver of any claims and
9 demands against these Answering Cross-Defendants; and, accordingly, Cross-Complainants are
10 barred from the relief sought on each and every cause of action against these Answering Cross-
11 Defendants.

12
13 **SEVENTH AFFIRMATIVE DEFENSE**

14 (Failure to Mitigate Damages)

15 As and for a seventh, separate and affirmative defense to said *Cross-Complaint*, and each
16 cause of action thereof, whether considered separately or apart, these Answering Cross-
17 Defendants are informed and believes and on that basis allege that Cross-Complainants failed to
18 take reasonable, prudent, and necessary steps to diminish, control and/or mitigate the damages
19 allegedly suffered by Cross-Complainants, if any.

20
21 **EIGHTH AFFIRMATIVE DEFENSE**

22 (Failure to Do Equity)

23 As and for an eighth, separate and affirmative defense to said *Cross-Complaint*, and each
24 cause of action thereof, whether considered separately or apart, these Answering Cross-
25 Defendants are informed and believes and on that basis allege that Cross-Complainants' ability
26 to obtain relief as prayed in the *Cross-Complaint* is or may be limited by reason of Cross-
27 Complainants' failure to do equity in the matters alleged in the *Cross-Complaint* filed herein.

1 **NINTH AFFIRMATIVE DEFENSE**

2 (Comparative Fault)

3 As and for a ninth, separate and affirmative defense to said *Cross-Complaint*, and each
4 cause of action thereof, whether considered separately or apart, these Answering Cross-
5 Defendants are informed and believes and on that basis allege that Cross-Complainants failed to
6 exercise ordinary care, caution and prudence in connection with their water production and the
7 use of water by their customers; and that Cross-Complainants' lack of care, caution and prudence
8 was independent of and unrelated to the actions, if any, of these Answering Cross-Defendants;
9 and to that extent, Cross-Complainants' production and uses are unreasonable and beneficial, and
10 Cross-Complainants' remedies and recovery, if any, should be proportionately reduced.

11
12 **TENTH AFFIRMATIVE DEFENSE**

13 (Doctrine of Laches)

14 As and for a tenth, separate and affirmative defense to said *Cross-Complaint*, and each
15 cause of action thereof, whether considered separately or apart, these Answering Cross-
16 Defendants allege that some of Cross-Complainants' claims are barred by the doctrine of laches.

17
18 **ELEVENTH AFFIRMATIVE DEFENSE**

19 (Excuse)

20 As and for an eleventh, separate and affirmative defense to said *Cross-Complaint*, and
21 each cause of action thereof, whether considered separately or apart, these Answering Cross-
22 Defendants allege that any purported misconduct on their part, which is denied but alleged herein
23 solely for the purpose of asserting their affirmative defense, has been excused by some or all of
24 Cross-Complainants' own misconduct.

25 /////

26 /////

27 /////

28 /////

1 **TWELFTH AFFIRMATIVE DEFENSE**

2 (Justification)

3 As and for a twelfth separate and affirmative defense to said *Cross-Complaint*, and each
4 cause of action thereof, whether considered separately or apart, these Answering Cross-
5 Defendants allege that these Answering Cross-Defendants' productions and use of water is and
6 has been justified.

7
8 **THIRTEENTH AFFIRMATIVE DEFENSE**

9 (Good Faith)

10 As and for a thirteenth, separate and affirmative defense to said *Cross-Complaint*, and
11 each cause of action thereof, whether considered separately or apart, these Answering Cross-
12 Defendants allege a good faith belief that they have had the rights to produce and use water from
13 and in connection with these Answering Defendants' Properties.

14
15 **FOURTEENTH AFFIRMATIVE DEFENSE**

16 (Lack of Good Faith)

17 As and for a fourteenth, separate and affirmative defense to said *Cross-Complaint*, and
18 each cause of action thereof, whether considered separately or apart, these Answering Cross-
19 Defendants allege that some or all of Cross-Complainants failed to act in good faith and to deal
20 fairly with these Answering Cross-Defendants and on that basis, Cross-Complainants are
21 precluded from obtaining some or all of the relief sought in their *Cross-Complaint*.

22
23 **FIFTEENTH AFFIRMATIVE DEFENSE**

24 (Statute of Limitations)

25 As and for a fifteenth, separate and affirmative defense to said *Cross-Complaint*, and
26 each cause of action thereof, whether considered separately or apart, these Answering Cross-
27 Defendants allege that Cross-Complainants' claims, and each of them, are barred by the
28 applicable statute of limitation provisions of the *Code of Civil Procedure*.

1 **SIXTEENTH AFFIRMATIVE DEFENSE**

2 (Additional Affirmative Defenses)

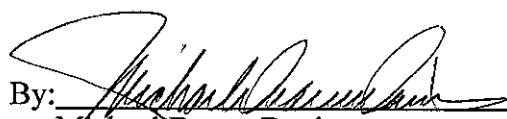
3 As and for a sixteenth, separate and affirmative defense to said *Cross-Complaint*, and
4 each cause of action thereof, whether considered separately or apart, these Answering Cross-
5 Defendants are informed and believes and on that basis allege that they may have additional
6 affirmative defenses available of which these Answering Cross-Defendants are not fully aware at
7 the present time. These Answering Cross-Defendants reserve the right to assert additional
8 affirmative defenses after the same have been ascertained.

9
10 **WHEREFORE, these Answering Cross-Defendants pray as follows:**

- 11 1. That Cross-Complainants take nothing by their *Cross-Complaint*, and that it be
12 dismissed with prejudice;
- 13 2. For attorneys' fees as authorized by law;
- 14 3. For costs of suit herein incurred; and
- 15 4. For such other and further relief as the Court deems just and proper.

16
17 Dated: November 7, 2006

GRESHAM SAVAGE NOLAN & TILDEN,
A Professional Corporation

18
19 By: 
20 Michael Duane Davis
21 Attorneys for Cross-Defendants,
22 Richard E. Landfield and Richard E. Landfield
23 as Trustee of the Richard E. Landfield Trust
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VERIFICATION

STATE OF CALIFORNIA

COUNTY OF RIVERSIDE

I have read the foregoing **ANSWER OF RICHARD E. LANDFIELD AND RICHARD E. LANDFIELD AS TRUSTEE OF THE RICHARD E. LANDFIELD TRUST TO CROSS-COMPLAINT OF MUNICIPAL PURVEYORS FOR DECLARATORY AND INJUNCTIVE RELIEF AND ADJUDICATION OF WATER RIGHTS** and know its contents.

☒ CHECK APPLICABLE PARAGRAPH

☒ 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 _____ 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.

☐ I am one of the attorneys for _____, a party to this action. Such party is absent from the aforesaid county where such attorneys have their offices, and I make this verification for and on behalf of that party 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 Nov. 11, 2006, at Placentia, California.

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


RICHARD E. LANDFIELD, individually
and AS TRUSTEE OF THE RICHARD E.
LANDFIELD TRUST

Re: *ANTELOPE VALLEY GROUNDWATER CASES*
Los Angeles County Superior Court Judicial Council Coordinated
Proceedings No. 4408; Santa Clara County Superior Court Case No. 1-05-CV-049053

On November 13, 2006, I served the foregoing document(s) described as **ANSWER OF RICHARD E. LANDFIELD AND RICHARD E. LANDFIELD AS TRUSTEE OF THE RICHARD E. LANDFIELD TRUST TO CROSS-COMPLAINT OF MUNICIPAL PURVEYORS FOR DECLARATORY AND INJUNCTIVE RELIEF AND ADJUDICATION OF WATER RIGHTS** on the interested parties in this action in the following manner:

(X) **BY MAIL** - I served a true copy of the document(s) listed above in a sealed envelope and placed for collection and mailing following the usual business practice of the Firm. I am "readily familiar" with the Firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the United States Postal Service with postage thereon fully prepaid at Riverside, California, on the same day in the ordinary course of business, addressed as follows:

Original Document(s) to be filed at this location:

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

TERI D. GALLAGHER