

1 [INSERT NAME OF PARTY OR ATTORNEY]

2 [Insert address, phone number,
3 fax number, and e-mail address]

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

10 **ANTELOPE VALLEY**
11 **GROUNDWATER CASES**

) Judicial Council Coordination Proceeding No.
) 4408

12 Included Actions:

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

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

) **ANSWER TO ALL CROSS-COMPLAINTS**

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

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

25 I hereby answer the cross-complaint of Los Angeles County Waterworks No. 40 and all
26 other cross-complaints against this cross-defendant filed in the Antelope Valley Groundwater Cases.

27 I do not wish to be actively involved in this case. I own the following property(ies) located in the
28 Antelope Valley: [Insert address and/or APN Number]

1 **GENERAL DENIAL**

2 1. Pursuant to Code of Civil Procedure §§ 431.30(d), cross-defendant hereby
3 generally denies each and every allegation set forth in the Cross-Complaint, and the whole thereof, and
4 further denies that cross-complainant is entitled to any relief against cross-defendant.

5 **AFFIRMATIVE DEFENSES**

6 **First Affirmative Defense**

7 (Failure to State a Cause of Action)

8 2. The Cross-Complaint and every purported cause of action contained therein fail to
9 allege facts sufficient to constitute a cause of action against cross-defendant.

10 **Second Affirmative Defense**

11 (Statutes of Limitation)

12 3. Each and every cause of action contained in the Cross-Complaint is barred, in
13 whole or in part, by the applicable statutes of limitation, including, but not limited to, sections 318, 319,
14 321, 338, and 343 of the California Code of Civil Procedure.

15 **Third Affirmative Defense**

16 (Laches)

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

19 **Fourth Affirmative Defense**

20 (Estoppel)

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

23 **Fifth Affirmative Defense**

24 (Waiver)

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

27 **Sixth Affirmative Defense**

28 (Self-Help)

7. 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. 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 Cross-Complaint does not state its allegations with sufficient clarity to enable cross-defendant to determine what additional defenses may exist to cross-complainant's causes of action. Cross-defendant therefore reserves the right to assert all other defenses which may pertain to the Cross-Complaint.

WHEREFORE, Cross-defendant prays that judgment be entered as follows:

1. That cross-complainant take nothing by reason of its Cross-Complaint;
2. That the Cross-Complaint be dismissed with prejudice;
3. For cross-defendant's costs incurred herein; and
4. For such other and further relief as the Court deems just and proper.

Dated: _____, 2006 Signature: _____

[Print name of party and/or attorney]

[FILE IN LA SUPERIOR COURT AND POST ON COURT WEBSITE -- FOR E-FILING
INSTRUCTIONS, PLEASE GO TO WWW.SCEFILING.ORG/FAQ OR CONTACT GLOTRANS AT
(510) 208-4775.]