

RICHARD G. ZIMMER, ESQ., State Bar No. 107263
T. MARK SMITH, ESQ., State Bar No. 162370
CLIFFORD & BROWN
A Professional Corporation
Attorneys at Law
1430 Truxtun Avenue, Suite 900
Bakersfield, CA 93301-5230
(661) 322-6023
(661) 322-3508 - Fax

Attorneys for Plaintiff/defendant, Bolthouse Properties, LLC

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

COORDINATION PROCEEDING,
SPECIAL TITLE (Rule 1550 (b)),

) Judicial Council Coordination
) Proceeding No. 4408
)

**ANTELOPE VALLEY GROUNDWATER
CASES ,**

) CASE NO.: 1-05-CV-049053
)

) Los Angeles Superior Court Case No.
) BC325201
)

INCLUDED ACTIONS:, LOS ANGELES
COUNTY WATERWORKS DISTRICT NO.
40 v. DIAMOND FARMING COMPANY, et
al.,
Los Angeles Superior Court Case No.
BC325201,

**DEFENDANT BOLTHOUSE
PROPERTIES, LLC'S¹ DEMURRER TO
PLAINTIFF LOS ANGELES COUNTY
WATER WORKS DISTRICT NO. 40'S
COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF AND
ADJUDICATION OF WATER RIGHTS**

LOS ANGELES COUNTY WATERWORKS
DISTRICT NO. 40 v. DIAMOND FARMING
COMPANY, et al. ,
Kern County Superior Court Case No. S-1500-
CV-254348,

) DATE : December 2, 2005
) TIME : 10:00a.m.
) DEPT.: 1 Rm. 534
)

DIAMOND FARMING COMPANY, and
W.M. BOLTHOUSE FARMS, INC., v. CITY
OF LANCASTER, et al.,
Riverside Superior Court Case No. RIC
344436 [c/w case no. RIC 344668 and
353840] ,

¹ Bolthouse Properties, LLC. responds on behalf of erroneously named defendant Wm. Bolthouse Farms, Inc.

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that Defendant, BOLTHOUSE PROPERTIES, LLC hereby
3 demurs to the Complaint for Declaratory and Injunctive Relief and Adjudication of Water Rights
4 of Plaintiff, Los Angeles County Waterworks District No. 40, as follows:

5 **DEMURRER TO THE FIRST CAUSE OF ACTION**

- 6 1. The First Cause of Action, “For Declaratory Relief – Prescriptive Rights –
7 Against all Defendants Except Public Entity Defendants,” fails to state facts
8 sufficient to constitute a cause of action. (Cal. Code of Civ. Proc. § 430.10(e).)
9 2. The First Cause of Action is uncertain. (Cal. Code of Civ. Proc. § 430.10(f).)

10 **DEMURRER TO THE SECOND CAUSE OF ACTION**

- 11 1. The Second Cause of Action, “For Declaratory Relief – Appropriative Rights –
12 Against All Defendants,” fails to state facts sufficient to constitute a cause of
13 action. (Cal. Code of Civ. Proc. § 430.10(e).)
14 2. The Second Cause of Action is uncertain. (Cal. Code of Civ. Proc. § 430.10(f).)

15 **DEMURRER TO THE THIRD CAUSE OF ACTION**

- 16 1. The Third Cause of Action, “For Declaratory Relief – Physical Solution – Against
17 All Defendants,” fails to state facts sufficient to constitute a cause of action. (Cal.
18 Code of Civ. Proc. § 430.10(e).)
19 2. The Third Cause of Action is uncertain. (Cal. Code of Civ. Proc. § 430.10(f).)

20 **DEMURRER TO THE FOURTH CAUSE OF ACTION**

- 21 1. The Fourth Cause of Action, “For Declaratory Relief – Municipal Priority –
22 Against All Defendants,” fails to state facts sufficient to constitute a cause of
23 action. (Cal. Code of Civ. Proc. § 430.10(e).)
24 2. The Fourth Cause of Action is uncertain. (Cal. Code of Civ. Proc. § 430.10(f).)

25 ///

26 ///

27 ///

28 ///

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

2. The Fifth Cause of Action is uncertain. (Cal. Code of Civ. Proc. § 430.10(f).)

6

- 7
8
9
10

- 11

12

- 13
14
15

- 16

17

- 18
19
20

- 21

22

23

24

25

26

27

28