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Attorneys for Cross-Defendant West Valley County Water District

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY LOS ANGELES – CENTRAL DISTRICT**

**ANTELOPE VALLEY GROUNDWATER  
CASES**

Included Actions:

Los Angeles County Waterworks District No.  
40 v. Diamond Farming Co., Superior Court  
of California, County of Los Angeles, Case  
No. BC 325201;

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

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

RICHARD WOOD, on behalf of himself and  
all other similarly situated v. A.V. Materials,  
Inc., et al., Superior Court of California,  
County of Los Angeles, Case No. BC509546

**AND RELATED ACTIONS**

**Judicial Council Coordination Proceeding  
No. 4408**

**For filing purposes only:  
Santa Clara Case No. 1-05-CV-049053  
Assigned to the Honorable Jack Komar**

**MODEL ANSWER TO COMPLAINT  
AND ALL CROSS-COMPLAINTS**

I hereby answer the Complaint and all Cross-Complaints which have been filed as of this  
date, specifically those of Antelope Valley East-Kern Water Agency, Palmdale Water District &  
Quartz Hill Water District, Rosamond Community Services District and Waterworks District No. 40

1 of Los Angeles County. I do not intend to participate at trial or other proceedings unless ordered by  
2 the Court to do so, but I reserve the right to do so upon giving written notice to that effect to the  
3 Court and all parties. I own the following property(ies) located in the Antelope Valley:

4 APN 3277-007-900; APN 3279-001-900; and the District-related interests in all parcels  
5 located within the recorded boundaries and service area of the West Valley County Water  
6 District.

7  
**GENERAL DENIAL**

8 1. Pursuant to Code of Civil Procedure section 431.30(d), Defendant and Cross-  
9 Defendant hereby generally denies each and every allegation set forth in the Complaint and Cross-  
10 Complaint, and the whole thereof, and further denies that Plaintiff and Cross-Complainant are  
11 entitled to any relief against Defendant and Cross-Defendant.

12  
**AFFIRMATIVE DEFENSES**

13  
**First Affirmative Defense**  
14 **(Failure to State a Cause of Action)**

15 2. The Complaint and Cross-Complaint and every purported cause of action contained  
16 therein fail to allege facts sufficient to constitute a cause of action against Defendant and Cross-  
17 Defendant.

18  
**Second Affirmative Defense**  
19 **(Statute of Limitation)**

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

23  
**Third Affirmative Defense**  
24 **(Laches)**

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

27  
**Fourth Affirmative Defense**  
28 **(Estoppel)**

5. The Complaint and Cross-Complaint, and each and every cause of action contained

1 therein, is barred by the doctrine of estoppel.

2 **Fifth Affirmative Defense**  
3 **(Waiver)**

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

6 **Sixth Affirmative Defense**  
7 **(Self-Help)**

8 7. Defendant and Cross-Defendant has, by virtue of the doctrine of self-help, preserved  
9 its paramount overlying right to extract groundwater by continuing, during all times relevant hereto,  
10 to extract groundwater and put it to reasonable and beneficial use on its property.

11 **Seventh Affirmative Defense**  
12 **(California Constitution Article X, Section 2)**

13 8. Plaintiff and Cross-Complainant's methods of water use and storage are unreasonable  
14 and wasteful in the arid conditions of the Antelope Valley and thereby violate Article X, Section 2 of  
15 the California Constitution.

16 **Eighth Affirmative Defense**  
17 **(Additional Defenses)**

18 9. The Complaint and Cross-Complaint do not state their allegations with sufficient  
19 clarity to enable defendant and cross-defendant to determine what additional defenses may exist to  
20 Plaintiff and Cross-Complainant's causes of action. Defendant and Cross-defendant therefore reserve  
21 the right to assert all other defenses which may pertain to the Complaint and Cross-Complaint.

22 **Ninth Affirmative Defense**

23 10. The prescriptive claims asserted by governmental entity Cross-Complainants are  
24 barred by the provisions of Article 1 Section 7 of the California Constitution.  
25 Fourteenth Affirmative Defense.

26 **Tenth Affirmative Defense**

27 11. The prescriptive claims asserted by governmental entity Cross-Complainants are  
28 barred by the provisions of Article 1 Section 19 of the California Constitution.

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**Eleventh Affirmative Defense**

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

**Twelfth Affirmative Defense**

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

**Thirteenth Affirmative Defense**

14. The prescriptive claims asserted by governmental entity Cross-Complainants are barred by the provisions of Article 1 Section 7 of the California Constitution.

**Fourteenth Affirmative Defense**

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

**Fifteenth Affirmative Defense**

16. The governmental entity Cross-Complainants were permissively pumping at all times.

**Sixteenth Affirmative Defense**

17. 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.

**Seventeenth Affirmative Defense**

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

**Eighteenth Affirmative Defense**

19. 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.

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**Nineteenth Affirmative Defense**

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

**Twentieth Affirmative Defense**

21. The governmental entity Cross-Complainants are barred from taking, possessing or using cross-defendants' property without first paying just compensation.

**Twenty-First Affirmative Defense**

22. 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's Environmental Quality Act (CEQA) (pub.Res.C.21 2100 et seq.).

**Twenty-Second Affirmative Defense**

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

**Twenty-Third Affirmative Defense**

24. Any imposition by this court of a proposed physical solution that reallocates the water right priorities and water usage within the Antelope Valley will be *ultra vires* as it will be subverting the pre-project legislative requirements and protections of California's Environmental Quality Act (CEQA) (Pub.Res.C. 2100 et seq.).

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

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

Dated: August 25, 2014

**GRAHAM • VAAGE LLP**

By: 

**ARNOLD K. GRAHAM**

**ALEXEI BRENOT**

**JUSTIN A. GRAHAM**

Attorneys for Cross-Defendant

West Valley County Water District

**PROOF OF SERVICE**

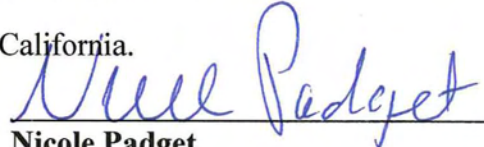
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 500 North Brand Boulevard, Suite 1030, Glendale, California 91203-1923.

On **August 25, 2014**, I served the foregoing document described as: **Model Answer to Complaint and All Cross-Complaints**, on the interested parties as follows:

X by posting the document(s) listed above to the Santa Clara County Superior Court website in regard to the Antelope Valley Groundwater matter.

Executed on **August 25, 2014**, at Glendale, California.

  
Nicole Padget