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Government Code Section 6103

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

Coordination Proceeding

Case No. 105 CV 049053

**ANTELOPE VALLEY
GROUNDWATER CASES**

Judicial Council Coordination Proceeding
No. 4408

Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co.

Hon. Jack Komar

Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co.

**ANSWER OF CITY OF LOS ANGELES
TO COMPLAINT LOS ANGELES
COUNTY WATERWORKS
DISTRICT NO. 40**

Wm. Bolthouse Farms, Inc. v. City of
Lancaster

Riverside County Superior Court
Lead Case No. RIC 344436
Case No. RIC 344668
Case No. RIC 353840

Diamond Farming Co. v. City of
Lancaster

Diamond Farming Co. v. Palmdale Water
District

Los Angeles Superior Court
Case No. BC 325201

Kern County Superior Court
Case No. S-1500-CV-254348

1 Defendant City of Los Angeles, a public entity, by and through its Department of Water
2 and Power and on behalf of its Department of Airports, hereby answers the complaint of plaintiff
3 Los Angeles County Waterworks District No. 40 as follows:

4 ANSWER

- 5 1. Pursuant to Code of Civil Procedure section 431.30(d), defendant City of Los Angeles
6 hereby denies each and every allegation contained in the complaint and further denies that
7 plaintiff is entitled to any relief against defendant.

8 AFFIRMATIVE DEFENSES

9 **First Affirmative Defense**

10 (Failure to State a Cause of Action)

- 11 2. The complaint, and each and every cause of action alleged therein, fails to state facts
12 sufficient to constitute a cause of action.

13 **Second Affirmative Defense**

14 (Uncertainty)

- 15 3. The plaintiff is not entitled to any relief, as the complaint is fatally uncertain as to the
16 geographical location and extent of the Antelope Valley Groundwater Basin as to which it
17 seeks comprehensive adjudication of water rights.

18 **Third Affirmative Defense**

19 (Statutes of Limitation)

- 20 4. Each and every cause of action is barred, in whole or in part, by applicable statutes of
21 limitation including, but not limited to, sections 318, 319, 321, 337, 338, 339, 342, and 343 of
22 the California Code of Civil Procedure

23 **Fourth Affirmative Defense**

24 (Laches)

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

27 /////

28 /////

1 **Fifth Affirmative Defense**

2 (Estoppel)

3 6. The complaint, and each and every cause of action contained therein, is barred by the
4 doctrine of estoppel.

5 **Sixth Affirmative Defense**

6 (Waiver)

7 7. The complaint, and each and every cause of action contained therein, is barred by the
8 doctrine of waiver.

9 **Seventh Affirmative Defense**

10 (Unclean Hands)

11 8. Plaintiff is barred from recovery under the complaint, and each and every cause of action
12 contained therein, by the doctrine of unclean hands.

13 **Eighth Affirmative Defense**

14 (Civil Code § 1007)

15 9. Each and every cause of action contained in the complaint is barred in whole or in part by
16 the provisions of section 1007 of the California Civil Code.

17 **Ninth Affirmative Defense**

18 (Indispensable and/or Necessary Party)

19 10. The entire complaint is barred by Code of Civil Procedure Section 389 on the ground that
20 plaintiff has failed to name and join indispensable and/or necessary parties, e.g., other
21 producers of water in the Antelope Valley Groundwater Basin.

22 **Tenth Affirmative Defense**

23 (Adequate Legal Remedy)

24 11. Without conceding that defendant has threatened to extract water in excess of its right to
25 do so, as a separate affirmative defense to plaintiff's claim for equitable relief, defendant
26 alleges that plaintiff has adequate legal remedies for its injuries, if any, resulting from the
27 actual or threatened conduct of defendant.

1 **Eleventh Affirmative Defense**

2 (Additional Defenses)

3 12. The complaint does not state plaintiff's allegations with sufficient particularity or clarity
4 to enable defendant to determine what additional defenses may exist to plaintiff's causes of
5 action. Defendant therefore reserves the right to assert all defenses which may pertain to the
6 complaint once the precise nature of plaintiff's causes of action is more fully ascertained.

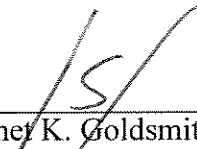
7 WHEREFORE, defendant prays that judgment be entered against plaintiff as follows:

- 8 1. That plaintiff take nothing and be granted no relief by reason of its complaint;
9 2. That the complaint be dismissed with prejudice;
10 3. For defendant's attorneys' fees incurred herein;
11 4. For defendant's costs incurred herein; and
12 5. For such other and further relief as the Court deems just and proper.

13 Dated: November 1, 2005

14 ROCKARD J. DELGADILLO, City Attorney
15 Richard M. Brown, Senior Assistant City Attorney for
Water and Power

16 KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
17 A Professional Corporation

18 By 
19 Janet K. Goldsmith
20 Attorneys for Defendant CITY OF LOS ANGELES

1 **PROOF OF SERVICE**

2 I, Lorraine Lippolis, declare:

3 I am a resident of the State of California and over the age of eighteen years, and
4 not a party to the within action; my business address is 400 Capitol Mall, 27th Floor, Sacramento,
CA 95814-4416. On November 2, 2005, I served the within documents:

5 **ANSWER OF CITY OF LOS ANGELES TO COMPLAINT LOS ANGELES COUNTY**
6 **WATERWORKS DISTRICT NO. 40**

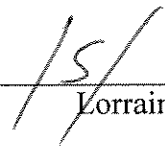
- 7 ☐ by transmitting via facsimile from (916) 321-4555 the above listed document(s)
without error to the fax number(s) set forth below on this date before 5:00 p.m. A
copy of the transmittal/confirmation sheet is attached.
- 8 ☒ by placing the document(s) listed above in a sealed envelope with postage thereon
9 fully prepaid, in the United States mail at Sacramento, California addressed as set
forth below.
- 10 ☐ by causing personal delivery by messenger of the document(s) listed above to the
11 person(s) at the address(es) set forth below.
- 12 ☐ by placing the document(s) listed above in a sealed Federal Express envelope and
13 affixing a pre-paid air bill, and causing the envelope to be delivered to a Federal
Express agent for delivery
- 14 ☐ by personally delivering the document(s) listed above to the person(s) at the
address(es) set forth below.

15
16 *Please see attached Service List*

17 I am readily familiar with the firm's practice of collection and processing
18 correspondence for mailing. Under that practice it would be deposited with the U.S. Postal
Service on that same day with postage thereon fully prepaid in the ordinary course of business. I
19 am aware that on motion of the party served, service is presumed invalid if postal cancellation
date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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

21 Executed on November 2, 2005, at Sacramento, California.

22
23 
24 _____
Lorraine Lippolis

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on behalf of Canandri/Sonrise Farms,
collectively known as the Antelope Valley
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		Water District
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