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Exempt from Filing Fee Pursuant to  
Government Code Section 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

Coordination Proceeding

**ANTELOPE VALLEY  
GROUNDWATER CASES**

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

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

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

Diamond Farming Co. v. City of  
Lancaster

Diamond Farming Co. v. Palmdale Water  
District

Case No. 105 CV 049053  
Judicial Council Coordination Proceeding

No. 4408

Hon. Jack Komar

**ANSWER OF CITY OF LOS ANGELES TO  
CROSS-COMPLAINT OF COUNTY  
SANITATION DISTRICTS NOS. 14 AND 20  
OF LOS ANGELES COUNTY**

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

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 cross-complaint of  
3 Los Angeles Sanitation Districts Nos. 14 and 20 (herein referred to as "Districts") 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 Districts are entitled to any relief against cross-defendant.

8 AFFIRMATIVE DEFENSES

9 **First Affirmative Defense**

10 (Failure to State a Cause of Action)

11 2. The cross-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 Districts are 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  
17 comprehensive adjudication of water rights is sought.

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 the  
22 California Code of Civil Procedure

23 **Fourth Affirmative Defense**

24 (Laches)

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

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**Fifth Affirmative Defense**

(Estoppel)

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

**Sixth Affirmative Defense**

(Waiver)

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

**Seventh Affirmative Defense**

(Unclean Hands/ Unjust Enrichment)

8. Districts are barred from recovery under the complaint, and each and every cause of action contained therein, by the doctrine of unclean hands and/or unjust enrichment..

**Eighth Affirmative Defense**

(Civil Code § 1007)

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

**Ninth Affirmative Defense**

(Indispensable and/or Necessary Party)

10. The cross-complaint is barred by Code of Civil Procedure Section 389 on the ground that Districts have failed to name and join indispensable and/or necessary parties, e.g., other producers of water in the Antelope Valley Groundwater Basin.

**Tenth Affirmative Defense**

(Adequate Legal Remedy)

11. Without conceding that defendant has extracted or has threatened to extract water in excess of its right to do so, as a separate affirmative defense to Districts' claim for equitable relief, defendant alleges that Districts have adequate legal remedies for their injuries, if any, resulting from the actual or threatened conduct of cross-defendant.

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1 **Eleventh Affirmative Defense**

2 (Separation of Powers)

3 12. The injunctive remedy sought of a physical solution ordered by the Court is not available  
4 due to the doctrine of separation of powers set forth in Article III, section 3 of the California  
5 Constitution.

6 **Twelfth Affirmative Defense**

7 (Unreasonable Use)

8 13. Cross-complainants' methods of water use and storage are unreasonable and wasteful in  
9 the arid conditions of Antelope Valley, violate California Constitution Article X section 2, and  
10 therefore do not give rise to any right to the water claimed.

11 **Thirteenth Affirmative Defense**

12 (Additional Defenses)

13 14. The complaint does not state Districts' allegations with sufficient particularity or clarity to  
14 enable defendant to determine what additional defenses may exist to Districts' causes of action.  
15 Defendant therefore reserves the right to assert all defenses which may pertain to the complaint  
16 once the precise nature of Districts' causes of action is more fully ascertained.

17 WHEREFORE, defendant prays that judgment be entered against Districts as follows:

- 18 1. That Districts take nothing and be granted no relief by reason of the cross-  
19 complaint;  
20 2. That the cross-complaint be dismissed with prejudice;  
21 3. For defendant's attorneys' fees incurred herein;  
22 4. For defendant's costs incurred herein; and

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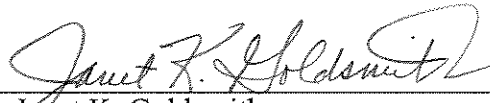
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5. For such other and further relief as the Court deems just and proper.

Dated: December 29, 2006

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

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD  
A Professional Corporation

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

1 **PROOF OF SERVICE**

2 I, Suzanne Stewart, declare:

3 I am a citizen of the United States and employed in Sacramento County, California. I am  
4 over the age of eighteen years and not a party to the within-entitled action. My business address  
5 is 400 Capitol Mall, 27th Floor, Sacramento, California 95814. On December 29, 2006, I served  
6 a copy of the within document(s): ANSWER OF CITY OF LOS ANGELES TO CROSS-  
7 COMPLAINT OF COUNTY SANITATION DISTRICTS NOS. 14 AND 20 OF LOS ANGELES  
8 COUNTY via electronic posting to the Santa Clara Superior Court E-Filing website,  
9 <http://www.scefiling.org/cases/casehome.jsp?caseId=19> with electronic mail to the parties' email  
10 addresses shown on the service list attached hereto as Exhibit "A."

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

13 Executed on December 29, 2006, at Sacramento, California.

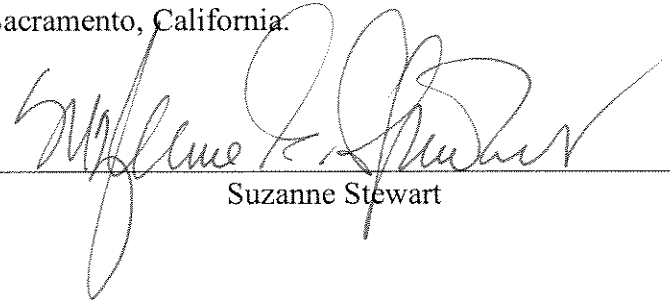
14   
15  
16 Suzanne Stewart

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