

JANET K. GOLDSMITH, State Bar No. 065959
ERIC N. ROBINSON, State Bar No. 191781
KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Professional Corporation
400 Capitol Mall, 27th Floor
Sacramento, CA 95814-4416
Telephone: (916) 321-4500
Facsimile: (916) 321-4555

ROCKARD J. DELGADILLO, City Attorney
RICHARD M. BROWN, Senior Assistant
City Attorney for Water and Power
S. DAVID HOTCHKISS (Bar No. 076821)
Assistant City Attorney
JULIE A. CONBOY (Bar No. 197407)
Deputy City Attorney
111 North Hope Street, Suite 340
P. O. Box 51111
Los Angeles, California 90051-0100
Telephone: (213)367-4500
Attorneys for Defendant CITY OF LOS ANGELES

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 LOS ANGELES
COUNTY WATERWORKS DISTRICT NO.
40, ROSAMOND COMMUNITY SERVICES
DISTRICT, PALMDALE WATER
DISTRICT, CITY OF LANCASTER,
QUARTZ HILL WATER DISTRICT,
LITTLE ROCK CREEK IRRIGATION
DISTRICT AND CALIFORNIA WATER
SERVICE COMPANY**

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 County Waterworks District No. 40, Rosamond Community Services District,
4 Palmdale Water District, City of Lancaster, Quartz Hill Water District, Little Rock Creek
5 Irrigation District and California Water Service Company, collectively referred to herein as
6 "Municipal Purveyors," as follows:

7 ANSWER

8 1. Pursuant to Code of Civil Procedure section 431.30(d), defendant City of Los Angeles
9 hereby denies each and every allegation contained in the complaint and further denies that
10 Municipal Purveyors are entitled to any relief against cross-defendant.

11 AFFIRMATIVE DEFENSES

12 **First Affirmative Defense**

13 (Failure to State a Cause of Action)

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

16 **Second Affirmative Defense**

17 (Uncertainty)

18 3. The Municipal Purveyors are not entitled to any relief, as the complaint is fatally uncertain
19 as to the geographical location and extent of the Antelope Valley Groundwater Basin as to which
20 comprehensive adjudication of water rights is sought.

21 **Third Affirmative Defense**

22 (Statutes of Limitation)

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

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1 **Fourth Affirmative Defense**

2 (Laches)

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

5 **Fifth Affirmative Defense**

6 (Estoppel)

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

9 **Sixth Affirmative Defense**

10 (Waiver)

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

13 **Seventh Affirmative Defense**

14 (Unclean Hands/ Unjust Enrichment)

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

17 **Eighth Affirmative Defense**

18 (Civil Code § 1007)

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

21 **Ninth Affirmative Defense**

22 (Indispensable and/or Necessary Party)

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

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1 **Tenth Affirmative Defense**

2 (Adequate Legal Remedy)

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

7 **Eleventh Affirmative Defense**

8 (Separation of Powers)

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

12 **Twelfth Affirmative Defense**

13 (Unreasonable Use)

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

17 **Thirteenth Affirmative Defense**

18 (Additional Defenses)

19 14. The complaint does not state Municipal Purveyors' allegations with sufficient particularity
20 or clarity to enable defendant to determine what additional defenses may exist to Municipal
21 Purveyors' causes of action. Defendant therefore reserves the right to assert all defenses which
22 may pertain to the complaint once the precise nature of Municipal Purveyors' causes of action is
23 more fully ascertained.

24 WHEREFORE, defendant prays that judgment be entered against Municipal Purveyors as
25 follows:

26 1. That Municipal Purveyors take nothing and be granted no relief by reason of the
27 cross-complaint;

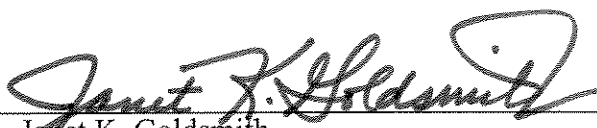
28 2. That the cross-complaint be dismissed with prejudice;

- 1 3. For defendant's attorneys' fees incurred herein;
2 4. For defendant's costs incurred herein; and
3 5. For such other and further relief as the Court deems just and proper.

4 Dated: December 29, 2006

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

7 KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
8 A Professional Corporation

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

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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 LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40,
8 ROSAMOND COMMUNITY SERVICES DISTRICT, PALMDALE WATER DISTRICT,
9 CITY OF LANCASTER, QUARTZ HILL WATER DISTRICT, LITTLE ROCK CREEK
10 IRRIGATION DISTRICT AND CALIFORNIA WATER SERVICE COMPANY via electronic
11 posting to the Santa Clara Superior Court E-Filing website,
12 <http://www.scefiling.org/cases/casehome.jsp?caseId=19> with electronic mail to the parties' email
13 addresses shown on the service list attached hereto as Exhibit "A."

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

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

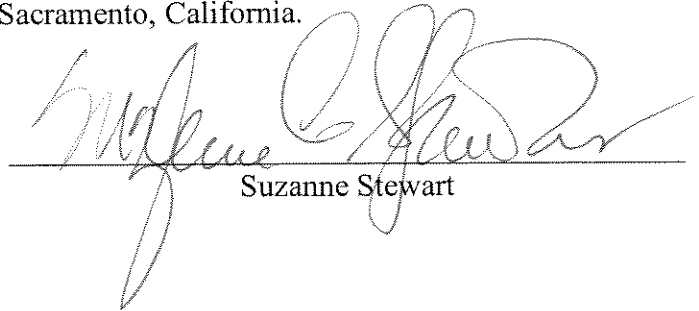
17 
18 _____
19 Suzanne Stewart
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EXHIBIT "A"

Robert H. Joyce
Law Offices of Lebeau Thelen, LLP
5001 East Commerce Center Drive,
Suite 300
P.O. Box 12092
Bakersfield, CA 93389-2092
bjoyce@lebeauthelen.com,
DLuis@lebeauthelan.com

Attorneys for Diamond Farming Company

Douglas J. Evertz
Stradling, Yocca, Carlson & Rauth
660 Newport Center Drive, Suite 1600
Newport Beach, CA 92660-6522
devertz@sycr.com

Attorneys for City of Lancaster

James L. Markman
Richards Watson & Gershon
P.O. Box 1059
Brea, CA 92822-1059
jmarkman@rwglaw.com

Attorneys for City of Palmdale

Steve R. Orr
Bruce G. McCarthy
Richards Watson & Gershon
355 South Grand Avenue, 40th Floor
Los Angeles, CA 90071-3101
sorr@rwglaw.com

Attorneys for City of Palmdale

Michael Fife
Hatch and Parent
21 East Carrillo Street
Santa Barbara, CA 93101-2782
mfife@hatchparent.com

Attorneys for Eugene B. Nebeker on behalf
of Nebeker Ranch, Inc., Bob Jones on behalf
of R&M Ranch, Inc., Forrest G. Godde and
Steve Godde, Gailen Kyle on behalf of
Kyle & Kyle Ranch, Inc. and John Calandri
on behalf of Canandri/Sonrise Farms,
collectively known as the Antelope Valley
Groundwater Agreement Association
("AGWA")

Richard Zimmer
Clifford & Brown
1430 Truxtun Avenue, Suite 900
Bakersfield, CA 93301
rzimmer@clifford-brownlaw.com

Attorneys for Bolthouse Properties, Inc.

Julie A. Conboy
Department of Water and Power
111 North Hope Street
P.O. Box 111
Los Angeles, CA 90012
Julie.Conboy@ladwp.com

Attorneys for Department of Water and
Power

1	Wayne K. Lemieux Lemieux & O'Neill 2393 Townsgate Road, Suite 201 Westlake Village, CA 91361 Wayne@Lemieux-oneill.com	Attorneys for Littlerock Creek Irrigation District and Palm Ranch Irrigation District
4	Thomas Bunn Lagerlof, Senecal, Bradley, Gosney & Kruse 301 North Lake Avenue, 10th Floor Pasadena, CA 91101-4108 TomBunn@lagerlof.com	Attorneys for Palmdale Water District and Quartz Hill Water District
7	Henry Weinstock Nossaman, Guthner, Knox, Elliott LLP 445 South Figueroa Street, 31st Floor Los Angeles, CA 90071 hweinstock@nossaman.com ffudacz@nossaman.com	Attorneys for Tejon Ranch
11	John Tootle California Water Service Company 3625 Del Amo Boulevard, Suite 350 Torrance, CA 90503 jtootle@calwater.com	Attorneys for City of Palmdale Attorneys for California Water Service Company
14	Eric Garner Best, Best & Krieger, LLP P.O. Box 1028 Riverside, CA 92502-1028 ELGarner@bbklaw.com Lynda.Serwy@bbklaw.com JVDunn@bbklaw.com kkeefe@bbklaw.com	Attorneys for Los Angeles County Waterworks District No. 40 and Rosamond Community Services District and on behalf of City of Palmdale, City of Lancaster, Palmdale Water District and Quartz Hill Water District
19	Raymond G. Fortner, Jr. County Counsel Frederick W. Pfaeffle, Sr. Deputy Counsel Office of County Counsel County of Los Angeles 500 West Temple Street Los Angeles, CA 90012 fpfaeffle@counsel.co.la.ca.us	
24	Chair, Judicial Council of California Administrative Office of the Courts Attn: Appellate & Trial Court Judicial Services (Civil Case Coordination) 455 Golden Gate Avenue San Francisco, CA 94102	

1 Honorable Jack Komar
2 Judge of the Superior Court of California,
3 County of Santa Clara
4 191 North First Street, Dept. 17C
5 San Jose, CA 95113

6 Daniel V. Hyde
7 Lewis, Brisbois, Bisgaard & Smith, LLP
8 221 N. Figueroa Street, Suite 1200
9 Los Angeles, CA 90012
10 hyde@lbbslaw.com

11 Lee Leininger
12 Environment and Natural Resources Division
13 Attorneys for Edwards Air Force Base,
14 United States Department of the Air Force
15 Department of Justice
16 999 – 18th Street, Suite 945
17 Denver, CO 80202
18 Lee.leininger@usdoj.gov
19 Judy.Tetreault@usdoj.gov

20 Debra W. Yang
21 United States Attorney's Office
22 Central District of California
23 300 North Los Angeles Street
24 Los Angeles, CA 90012

25 Alberto Gonzales
26 United States Attorney General
27 Department of Justice
28 950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

John Slezak, Esq.
Iverson, Yoakum, Papiano & Hatch
One Wilshire Boulevard., 27th Floor
624 S. Grand Avenue
Los Angeles, CA 90017
Jslezak@iyph.com

Attorneys for City of Los Angeles
Department of Water and Power

Janet K. Goldsmith
Kronick, Moskovitz, Tiedemann & Girard
400 Capitol Mall, 27th Floor
Sacramento, CA 95814-4417
jgoldsmith@kmtg.com

Attorneys for City of Los Angeles
Department of Water and Power