

1 AV Solar Ranch 1, LLC

2 *[INSERT NAME OF PARTY OR ATTORNEY]*

3 LATHAM & WATKINS LLP

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9 *[Insert address, phone number, fax number, and e-*
10 *mail address]*

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 COUNTY OF LOS ANGELES

13 **ANTELOPE VALLEY**
14 **GROUNDWATER CASES**

15 Included Actions:

16 Los Angeles County Waterworks District
17 No. 40 v. Diamond Farming Co.
18 Los Angeles County Superior Court
19 Case No. BC 325201

20 Los Angeles County Waterworks District
21 No. 40 v. Diamond Farming Co.
22 Kern County Superior Court
23 Case No. S-1500-CV-254-348

24 Wm. Bolthouse Farms, Inc. v. City of
25 Lancaster, Diamond Farming Co. v. City of
26 Lancaster, Diamond Farming Co. v.
27 Palmdale Water Dist.
28 Riverside County Superior Court
Consolidated actions
Case Nos. RIC 353 840, RIC 344 436, RIC
344 668

Judicial Council Coordination No. 4408

For filing purposes only:
Santa Clara County Case No. 1-05-CV-049053

Assigned to The Honorable Jack Komar

**[PROPOSED] ANSWER TO COMPLAINT
AND ALL CROSS-COMPLAINTS**

1 I hereby answer the Complaint and all Cross-Complaints which have been filed as of this
2 date, specifically those of Antelope Valley East-Kern Water Agency, Palmdale Water District &
3 Quartz Hill Water District, Rosamond Community Services District and Waterworks District No.
4 40 of Los Angeles County. I do not intend to participate at trial or other proceedings unless
5 ordered by the Court to do so, but I reserve the right to do so upon giving written notice to that
6 effect to the Court and all parties. I own the following property(ies) located in the Antelope
7 Valley:

8 SEE ATTACHED LIST

9
10 [Insert address and/or APN Number]

11
12 **GENERAL DENIAL**

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

17 **AFFIRMATIVE DEFENSES**

18 **First Affirmative Defense**

19 (Failure to State a Cause of Action)

20 2. The Complaint and Cross-Complaint and every purported cause of action
21 contained therein fail to allege facts sufficient to constitute a cause of action against Defendant
22 and Cross-Defendant.

23 **Second Affirmative Defense**

24 (Statute of Limitation)

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

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Third Affirmative Defense

(Laches)

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

Fourth Affirmative Defense

(Estoppel)

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

Fifth Affirmative Defense

(Waiver)

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

Sixth Affirmative Defense

(Self-Help)

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

Seventh Affirmative Defense

(California Constitution Article X, Section 2)

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

Eighth Affirmative Defense

(Additional Defenses)


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

1 Complaint.

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

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

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11 Dated: July 2, 2010

Signature 

Daniel P. Brunton

[Print name of party and/or attorney]

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15 *[FILE IN LA SUPERIOR COURT AND POST ON COURT WEBSITE – FOR E-FILING*
16 *INSTRUCTIONS, PLEASE GO TO WWW.SCEFILING.ORG/FAQ OR CONTACT GLOTRANS*
17 *AT (510) 208-4775.]*
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Parcel Number

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