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9 RANDALL Y. BLANEY

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES**

12 **ANTELOPE VALLEY**
13 **GROUND WATER CASES**

14 Included Actions:

15 Los Angeles County Waterworks District
16 No. 40 v. Diamond Farming Co
17 Los Angeles County Superior Court
18 Case No. BC325201

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

23 VM Bolthouse Farms, Inc. V. City of
24 Lancaster, Diamond Farming Co. V. City
25 Lancaster, Diamond Farming Co v.
26 Palmdale Water Dist.
27 Riverside County Superior Court
28 Consolidated actions
Case Nos. RIC 353 840,ric 344 436,RIC
344668

CASE NO.: 1-05-CV-049053

[Antelope Valley Groundwater Litigation
(Jccp 4408)]

Complaint Filed: September 2, 2005

**ANSWER TO COMPLAINT AND ALL
CROSS-COMPLAINTS BY DEFENDANT
AND CROSS-DEFENDANT, RANDALL
Y. BLAYNEY**

Trial Date: October 6, 2008
Place: Los Angeles Superior Court, Central
District, Department "1"

COMES NOW, defendant and cross-defendant, RANDALL Y. BLAYNEY and
hereby answer to 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 of Los Angeles County. I do not intend to participate at trial or other proceedings

1 unless ordered by the Court to do so, but I reserved the right to do so upon giving written
2 notice to that effect to the Court and all parties. I own the following property(ies) located in
3 the Antelope Valley: 5945 E Avenue Q, Palmdale, California 93591-2800.

4
5 **GENERAL DENIAL**

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

10
11 **AFFIRMATIVE DEFENSES**

12 **First Affirmative Defense**

13 (Failure to State a Cause of Action)

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

17
18 **Second Affirmative Defense**

19 (Statue of Limitation)

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

24
25 **Third Affirmative Defense**

26 (Laches)

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

1 **Fourth Affirmative Defense**

2 (Estoppel)

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

5
6 **Fifth Affirmative Defense**

7 (waiver)

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

10
11 **Sixth Affirmative Defense**

12 (Self-Help)

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

17
18 **Seven Affirmative Defense**

19 (California constitution Article X, Section 2)

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

23
24 **Eight Affirmative Defense**

25 (Additional Defenses)

26 9. The Complaint and Cross-Complaint do not state their allegations with
27 sufficient clarity to enable defendant and cross-defendant to determine what additional
28 defenses may exist to Plaintiff and Cross-Complainant's causes of action. Defendant and

1 Cross-defendant therefore reserve the right to assert all other defenses which may pertain to
2 the complaint and Cross- Complaint.

3
4 **Ninth Affirmative Defense**

5 10. The prescriptive claims asserted by governmental entity Cross-
6 Complainants are ultra vires and exceed the statutory authority by which each entity may
7 acquire property as set forth in Water Code sections 22456, 31040 and 55370.

8
9 **Tenth Affirmative Defense**

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

12
13 **Eleventh Affirmative Defense**

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

18
19 **Twelfth Affirmative Defense**

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

24
25 **Thirteenth Affirmative Defense**

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

1 **Fourteenth Affirmative Defense**

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

5
6 **Fifteenth Affirmative Defense**

7 16. The governmental entity Cross-Complaints were permissively pumping at
8 all times.

9
10 **Sixteenth Affirmative Defense**

11 17. The request for the court to use its injunctive powers to impose a physical
12 solution seeks a remedy that is in violation of the doctrine of separation of powers set
13 forth in Article 3 section 3 of the California Constitution.

14
15 **Seventeen Affirmative Defense**

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

18
19 **Eighteen Affirmative Defense**

20 19. Each Cross-Complainant is barred from recovery under each and every
21 cause of action contained in the Cross-Complaint by the doctrine of unclean hands and /or
22 unjust enrichment.

23
24 **Nineteen Affirmative Defense**

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

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28 ///

1 **Twentieth Affirmative Defense**

2 21. The governmental entity Cross-Complainants are barred from taking,
3 possession our using cross-defendant's property without first paying just compensation.
4

5 **Twentieth First Affirmative Defense**

6 22. The governmental entity Cross-Complainants are seeking to transfer water
7 right priorities and water usage which will have significant effects on the Antelope Valley
8 Groundwater basin and the Antelope Valley. Said actions are being done without complying
9 with and contrary to the provisions of California's Environmental Quality Act (CEQA)
10 (Pub.REs.C 2100 et set.).
11

12 **Twentieth-Second Affirmative Defense**

13 23. The governmental entity Cross-Complaints seek judicial ratification of a
14 project that has had and will have a significant effect on the Antelope Valley Groundwater
15 Basin and the Antelope Valley that was implemented without providing notice in
16 contravention of the provisions of California's Environmental Quality Act (CEQA)
17 (Pub.REs.C 2100 et set.).
18

19 **Twenty-Third Affirmative Defense**

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

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


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28 ///

1. That plaintiff and Cross-Complainant take nothing by reason of its Complaint or Cross Complaint;
2. That the Complaint and Cross-Complaint 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: September 12, 2008

ANDREW D. STEIN & ASSOCIATES

BY: 
ANDREW D. STEIN, ESQ.
Attorney for Defendant and Cross-
Defendant, RANDALL Y. BLAYNEY