

POS-015

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Jeffrey V. Dunn/SBN 131926 Stefanie D. Hedlund/SBN 239787 Best Best & Krieger LLP 5 Park Plaza, Suite 1500, Irvine, California 92614 TELEPHONE NO: (949) 263-2600 FAX NO. (Optional): (949) 260-0972 E-MAIL ADDRESS (Optional): jeffrey.dunn@bbklaw.com ATTORNEY FOR (Name): Los Angeles County Waterworks District No. 40	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Central Branch	
PLAINTIFF/PETITIONER: LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40, et al. DEFENDANT/RESPONDENT: DIAMOND FARMING COMPANY, et al.	
<b>NOTICE AND ACKNOWLEDGMENT OF RECEIPT—CIVIL</b>	CASE NUMBER: Judicial Council Coordination Proceeding No. 4408

TO (insert name of party being served): CHOON PARK

**NOTICE**

The summons and other documents identified below are being served pursuant to section 415.30 of the California Code of Civil Procedure. Your failure to complete this form and return it within 20 days from the date of mailing shown below may subject you (or the party on whose behalf you are being served) to liability for the payment of any expenses incurred in serving a summons on you in any other manner permitted by law.

If you are being served on behalf of a corporation, an unincorporated association (including a partnership), or other entity, this form must be signed by you in the name of such entity or by a person authorized to receive service of process on behalf of such entity. In all other cases, this form must be signed by you personally or by a person authorized by you to acknowledge receipt of summons. If you return this form to the sender, service of a summons is deemed complete on the day you sign the acknowledgment of receipt below.

Date of mailing: June 10, 2009

Stefanie D. Hedlund

(TYPE OR PRINT NAME)



(SIGNATURE OF SENDER—MUST NOT BE A PARTY IN THIS CASE)

**ACKNOWLEDGMENT OF RECEIPT**

This acknowledges receipt of (to be completed by sender before mailing):

- ☐ A copy of the summons and of the complaint.
- ☒ Other (specify): Summons on First Amended Cross-Complaint, First Amended Cross-Complaint, Model Answer to Complaint and All Cross-Complaints

(To be completed by recipient):

Date this form is signed: June 19, 2009

Choon Suk Park

 TYPE OR PRINT YOUR NAME AND NAME OF ENTITY, IF ANY,  
 ON WHOSE BEHALF THIS FORM IS SIGNED



 (SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT, WITH TITLE IF  
 ACKNOWLEDGMENT IS MADE ON BEHALF OF ANOTHER PERSON OR ENTITY)

1 Choon Suk Park  
 2 [INSERT NAME OF PARTY OR ATTORNEY]

3 31500 Grape St. Apt. #4  
 4 Lake Elsinore, Ca 92532  
 5 (951) 674-6223

6  
 7 [Insert address, phone number, fax number, and e-mail address]

8  
 9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF LOS ANGELES

11  
 12 **ANTELOPE VALLEY**  
 13 **GROUNDWATER CASES**

14 Included Actions:

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

17 Los Angeles County Waterworks District  
 18 No. 40 v. Diamond Farming Co.  
 Kern County Superior Court.  
 Case No. S-1500-CV-254-348

19 Wm. Bolthouse Farms, Inc. v. City of  
 20 Lancaster, Diamond Farming Co. v. City of  
 21 Lancaster, Diamond Farming Co. v.  
 Palmdale Water Dist.  
 22 Riverside County Superior Court  
 Consolidated actions  
 23 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

**MODEL 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 VAC/COR AVE R10/145<sup>th</sup> STE Sun Village  
9 TRACT NO 8896 LOT 400

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.

1                                   **Third Affirmative Defense**

2                                   (Laches)

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

5                                   **Fourth Affirmative Defense**

6                                   (Estoppel)

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

9                                   **Fifth Affirmative Defense**

10                                  (Waiver)

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

13                                  **Sixth Affirmative Defense**

14                                  (Self-Help)

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

18                                  **Seventh Affirmative Defense**

19                                  (California Constitution Article X, Section 2)

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

23                                  **Eighth Affirmative Defense**

24                                  (Additional Defenses)

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

1 Complaint.

2 **Ninth Affirmative Defense**

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

6 **Tenth Affirmative Defense**

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

9 **Eleventh Affirmative Defense**

10 12. The prescriptive claims asserted by governmental entity Cross-Complainants are  
11 barred by the provisions of the 5<sup>th</sup> Amendment to the United States Constitution as applied to the  
12 states under the 14<sup>th</sup> Amendment of the United States Constitution.

13 **Twelfth Affirmative Defense**

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

18 **Thirteenth Affirmative Defense**

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

21 **Fourteenth Affirmative Defense**

22 15. The prescriptive claims asserted by governmental entity Cross-Complainants are  
23 barred by the provisions of the 14<sup>th</sup> Amendment to the United States Constitution.

24 **Fifteenth Affirmative Defense**

25 16. The governmental entity Cross-Complainants were permissively pumping at all  
26 times.

27 **Sixteenth Affirmative Defense**

28 17. The request for the court to use its injunctive powers to impose a physical solution

1 seeks a remedy that is in violation of the doctrine of separation of powers set forth in Article 3  
2 section 3 of the California Constitution.

3 **Seventeenth Affirmative Defense**

4 18. Cross-Complainants are barred from asserting their prescriptive claims by  
5 operation of law as set forth in Civil Code sections 1007 and 1214.

6 **Eighteenth Affirmative Defense**

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

10 **Nineteenth Affirmative Defense**

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

13 **Twentieth Affirmative Defense**

14 21. The governmental entity Cross-Complainants are barred from taking, possessing  
15 or using cross-defendants' property without first paying just compensation.

16 **Twenty-First Affirmative Defense**

17 22. The governmental entity Cross-Complainants are seeking to transfer water right  
18 priorities and water usage which will have significant effects on the Antelope Valley  
19 Groundwater basin and the Antelope Valley. Said actions are being done without complying with  
20 and contrary to the provisions of California's Environmental Quality Act (CEQA) (Pub.Res.C.  
21 2100 *et seq.*).

22 **Twenty-Second Affirmative Defense**

23 23. The governmental entity Cross-Complainants seek judicial ratification of a project  
24 that has had and will have a significant effect on the Antelope Valley Groundwater Basin and the  
25 Antelope Valley that was implemented without providing notice in contravention of the  
26 provisions of California's Environmental Quality Act (CEQA) (Pub.Res.C. 2100 *et seq.*).

27 **Twenty-Third Affirmative Defense**

28 24. Any imposition by this court of a proposed physical solution that reallocates the

1 water right priorities and water usage within the Antelope Valley will be *ultra vires* as it will be  
2 subverting the pre-project legislative requirements and protections of California's Environmental  
3 Quality Act (CEQA) (Pub.Res.C. 2100 *et seq.*).

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

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

12  
13 Dated: June 19, 2009

Signature

Chon Suk Park  
[Print name of party and/or attorney]

14  
15  
16  
17 [FILE IN LA SUPERIOR COURT AND POST ON COURT WEBSITE - FOR E-FILING  
18 INSTRUCTIONS, PLEASE GO TO [WWW.SCEFILING.ORG/FAQ](http://WWW.SCEFILING.ORG/FAQ) OR CONTACT GLOTRANS  
19 AT (510) 208-4775.]

AUG 28 2006

KIRI TORRE  
Circuit Executive Officer/Clerk  
Superior Court of the County of Santa Clara  
BY *Rowena Walker* DEPUTY  
**ROWENA WALKER**

## In Re Complex Litigation Matters

ELECTRONIC FILING AND SERVICE  
STANDING ORDER

This Standing Order applies to all actions now or hereafter designated by the Court for electronic filing and service, effective September 1, 2006.

A. APPLICABILITY OF OTHER STATUTES, RULES, AND ORDERS

Except to the extent supplemented by this Order, an approved stipulation, or other order of the Court, the California Code of Civil Procedure, the California Rules of Court, and the Santa Clara County Local Civil Rules govern electronic filing and service.



2. Mailing or faxing the document in paper form to Vendor, who shall then convert it to electronic form, file it with the Court, and serve it on designated parties.

Parties choosing this method of filing will be charged an additional fee reflecting Vendor's then-current published rates for this additional service.

B. FORMAT

A document submitted for electronic filing shall be in PDF format. The document shall also comply with the rules that would apply if the document were filed in paper form.

C. MAINTENANCE OF ORIGINAL DOCUMENTS

An original of all documents filed electronically, including original signatures, shall be maintained by the party filing the document.

D. COMPLETION OF FILING

When a party transmits a document in electronic form over the Internet for filing through the Court's electronic filing system, a confirmation of receipt will be sent to the party's electronic notification address. The Court will promptly review the document and send a notice indicating whether the document has been accepted for filing or rejected.

E. DATE OF FILING

A document may be electronically transmitted to the Court's electronic filing system at any time on any day. If the document is accepted for filing, the date of filing will be the date on which the document was transmitted, provided that the transmission occurred prior to 5:00 pm pacific time on a court day. Otherwise, the date of filing will be the next court day.

F. SYSTEM OR USER FILING ERRORS

If a document is rejected because of (1) an error in the transmission of the document to the Vendor which was unknown to the transmitting party, or (2) a failure to process the electronic transmission, the Court may enter an order permitting the document to be filed nunc pro tunc.

1       B.     DESIGNATED ACTIONS

2       All actions provisionally designated as complex pursuant to CRC 1800(c), and all actions  
3       classified by the Complex Litigation Judge as Complex Litigation are designated for electronic  
4       filing and service unless exempted by order of the Complex Litigation Judge for good cause..

5       C.     ELECTRONIC FILING SERVICE PROVIDER (VENDOR)

6       The Court has contracted with an electronic filing service provider (Vendor) to furnish and  
7       maintain an electronic filing system for the Court. The Court's Electronic Filing Website  
8       address is <http://www.sccfiling.org>. The Court's Vendor is:

9       Andy Jamieson  
10       Glotrans  
11       2915 McClure St., Oakland, CA 94609  
12       Telephone: 510-208-4775  
13       Email: [ajam@glotrans.com](mailto:ajam@glotrans.com)

14       II.    REGISTRATION AND DESIGNATION OF ELECTRONIC NOTIFICATION  
15       ADDRESS

16       Each party who appears in an action designated for electronic filing and service must promptly  
17       register with Vendor and provide an electronic notification address at which the party agrees to  
18       accept service. Vendor will assign the party a confidential login and password to the Court's  
19       electronic filing system.

20       III.   ELECTRONIC FILING OF PLEADINGS AND OTHER DOCUMENTS.

21       Except as expressly provided herein, or as expressly authorized by the Court, all pleadings,  
22       motions, memoranda of law, declarations, orders, or other documents filed in the above-entitled  
23       case shall be filed through the Court's electronic filing system.

24       A.     METHODS OF FILING

25       A document may be filed by:

1.       Using the confidential login and password provided by the Vendor to transmit the  
document in electronic form over the Internet; or

1 **IV. ELECTRONIC SUMMONS**

2 On electronic filing of a complaint, a petition, or another document that must be served with a  
3 summons, the party shall electronically transmit the summons together with the document.

4 **V. ELECTRONIC SERVICE OF PLEADINGS AND OTHER DOCUMENTS**

5 All parties shall make service upon other parties through the Court's electronic filing system.  
6 Parties, or their designated counsel, shall receive all documents electronically filed and served  
7 upon them via access to the Court's electronic filing system. However, a Motion for  
8 Determination of Good Faith Settlement may alternatively be served pursuant to Code of Civil  
9 Procedure section 877.6 (a)(2).

10 **A. EFFECT OF ELECTRONIC SERVICE**

11 The electronic service of a pleading or other document shall be considered as valid and effective  
12 service on all participants and shall have the same legal effect as an original paper document.

13 **B. SERVICE OF ELECTRONICALLY FILED DOCUMENTS**

14 The Vendor will provide electronic service for all documents requiring service, including those  
15 which are not filed with the Court.

16 **C. SYSTEM OR USER SERVICE ERRORS**

17 If electronic service on a party does not occur because of (1) an error in the transmission of the  
18 document to a party which error was unknown to the serving party or Vendor, (2) a failure to  
19 process the electronic filing for service when received by the Vendor, or (3) the party was  
20 erroneously excluded from the service list, the party to be served, in the absence of extraordinary  
21 circumstances, shall be entitled to an order extending the date for any response or the period  
22 within which any right, duty or other act must be performed.

23 **VI. CONVENTIONAL FILING OF DOCUMENTS**

24 Parties otherwise subject to an electronic filing order may be excused from filing a particular  
25 document electronically if it is not available in electronic format and it is not feasible for the filer

1 to convert it to electronic format by scanning it to PDF. Such a document may be manually filed  
2 with the Clerk of Court and served upon the parties in accordance with the applicable provisions  
3 of the Code of Civil Procedure and the California Rules of Court for filing and service of non-  
4 electronic documents. Parties manually filing a document shall file electronically a Notice of  
5 Manual Filing setting forth the reason(s) why the document cannot be filed electronically.

6 **A. DOCUMENTS FILED UNDER SEAL**

7 A motion to file documents under seal shall be filed and served electronically. However,  
8 documents lodged with the Court conditionally under seal, as provided in CRC 243.2(d), shall be  
9 submitted in paper form, pending hearing on a motion to seal.

10 **B. EXHIBITS AND REAL OBJECTS**

11 Exhibits to declarations that are real objects, i.e., construction materials, core samples, etc. or  
12 other documents, i.e., plans, manuals, etc. which otherwise may not be comprehensively viewed  
13 in an electronic format may be filed and served conventionally, in paper form.

14 **C. LODGMENTS**

15 Documents attached to a Notice of Lodgment may be lodged and served conventionally in paper  
16 form. However, the actual document entitled "Notice of Lodgment" shall be filed electronically.

17 **VII. COLLECTION OF FEES**

18 **A. COURT FEES**

19 Statutory filing fees shall be paid to Vendor for electronic transfer to the Court.. Parties shall  
20 pay filing fees to Vendor by credit card at the time of the electronic filing.

21 **B. VENDOR FEES**

22 Fees charged by Vendor to parties or attorneys for access to and electronic transmission of  
23 documents are solely the property of Vendor and are in addition to any charges associated with  
24 statutory filing fees of the Superior Court.

25 **VIII. SERVICE OF ELECTRONIC FILING ORDER ON NEW PARTIES**

1 Any litigant filing a complaint or adding a party to a case by filing of an amended complaint,  
2 cross-complaint, complaint in intervention, interpleader or other initiating document shall serve  
3 this Standing Order at the same time the pleading is served.

4 **IX. ELECTRONIC FILING AND SERVICE OF ORDERS AND OTHER PAPERS**

5 The Court may issue, file, and serve notices, orders, and other documents electronically, subject  
6 to the provisions of this Standing Order. No paper service will be made by the Court.

7 **X. PUBLIC ACCESS AND PRIVACY**

8 **A. PERSONAL IDENTIFIERS**

9 Except as provided in CRC 2070 through 2077, an electronically filed document is a public  
10 document at the time it is filed unless it is sealed under CRC 243.2(b) or made confidential by  
11 law. [See CRC 2054(d)]. In order to promote electronic access to case files while also protecting  
12 personal privacy and other legitimate interests, parties must refrain from including, or must  
13 redact where inclusion is necessary, the following personal data identifiers from all pleadings  
14 and other papers filed with the Court, including exhibits thereto, whether filed electronically or  
15 in paper, unless otherwise ordered by the Court.

- 16 (a) **Social Security numbers.** If an individual's social security number must be  
17 included in a pleading or other paper, only the last four digits of that number  
18 should be used.
- 19 (b) **Names of minor children.** If the involvement of a minor child must be  
20 mentioned, only the initials of that child should be used.
- 21 (c) **Dates of birth.** If an individual's date of birth must be included in a pleading  
22 or other paper, only the year should be used.
- 23 (d) **Financial account numbers.** If financial account numbers are relevant, only  
24 the last four digits of these numbers should be used.  
25

1 B. RELEVANT EVIDENCE CONTAINING PRIVILEGED OR CONFIDENTIAL INFORMATION

2 No party shall intentionally include within pleadings, nor attach as exhibits, any other matter  
3 that the party knows to be properly subject to a claim of privilege or confidentiality.

4 C. FILING OF SENSITIVE DOCUMENTS

5 A party wishing to file a document containing the personal data identifiers listed above, or  
6 material known to be subject to a claim of privilege, may file an unredacted document under  
7 seal as provided herein. The party must file a redacted copy for the public file.

8 D. RESPONSIBILITY FOR REDACTION

9 The responsibility for redacting personal identifiers and privileged or confidential information  
10 rests solely with counsel and the parties. The Clerk will not review each pleading or other paper  
11 for compliance. The Court may impose sanctions for violation of these requirements.

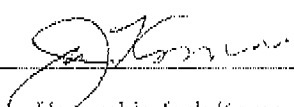
12 **XI. SIGNATURES**

13 The requirements for signatures on documents are set forth in CRC 2057.

14 **XII. HARD COPY DOCUMENTS**

15 The Court will maintain the hard copy file as the official Court record. Filers will be required to  
16 provide two hard copies of documents electronically filed within three court days of receiving  
17 notice of acceptance for filing.

18  
19 Dated: **AUG 28 2006**

20   
21 Honorable Jack Komar  
22 Judge of the Superior Court  
23  
24  
25