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**Exempt from filing fee per  
Gov. Code, § 6103**

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SACRAMENTO

11 **JOHN TOS, QUENTIN KOPP, TOWN OF**  
12 **ATHERTON, a municipal corporation,**  
13 **COUNTY OF KINGS, a subdivision of the**  
14 **State of California, MORRIS BROWN,**  
15 **PATRICIA LOUISE HOGAN-GIORNI,**  
16 **ANTHONY WYNNE, COMMUNITY**  
17 **COALITION ON HIGH-SPEED RAIL, a**  
18 **California nonprofit corporation,**  
19 **TRANSPORTATION SOLUTIONS**  
20 **DEFENSE AND EDUCATION FUND, a**  
21 **California nonprofit corporation, and**  
22 **CALIFORNIA RAIL FOUNDATION, a**  
23 **California nonprofit corporation,**

Petitioners and Plaintiffs,

v.

24 **THE STATE OF CALIFORNIA,**  
25 **CALIFORNIA HIGH SPEED RAIL**  
26 **AUTHORITY, a public entity, BOARD OF**  
27 **DIRECTORS OF THE CALIFORNIA**  
28 **HIGH-SPEED RAIL AUTHORITY in their**  
**individual and official capacities, JEFF**  
**MORALES, in his official capacity as Chief**  
**Executive Officer of the California High-**  
**Speed Rail Authority, MICHAEL COHEN,**  
**in his official capacity as Director of the**  
**Department of Finance of the State of**  
**California, and DOES 2-20 inclusive,**

Respondents and  
Defendants.

Case No. 34-2016-00204740

**RESPONDENTS CALIFORNIA HIGH-  
SPEED RAIL AUTHORITY'S AND THE  
STATE OF CALIFORNIA'S AMENDED  
ANSWER TO VERIFIED SECOND  
AMENDED PETITION FOR  
PEREMPTORY WRIT OF MANDATE  
AND COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF**

Dept: 28  
Judge: Hon. Richard Sueyoshi  
Trial Date: None set  
Action Filed: December 13, 2016

1 **ANSWER**

2 Respondents the California High-Speed Rail Authority and the State of California  
3 (“Respondents”), pursuant to Code of Civil Procedure section 446, answer the Verified Second  
4 Amended Petition for Peremptory Writ of Mandate and Complaint for Declaratory and Injunctive  
5 Relief (“Petition”) as follows:

6 **FIRST DEFENSE**

7 Pursuant to Code of Civil Procedure section 431.30, subdivision (f), Respondents generally  
8 deny all allegations not expressly admitted, denied upon information or belief, or denied for lack  
9 of sufficient information or belief. Respondents reserve the right to amend the answer to assert  
10 other defenses, if necessary.

11 1. Respondents admit that this action purports to challenge the constitutionality of  
12 AB 1889. The rest of the allegations in paragraph 1 are legal conclusions which Respondents  
13 need not admit or deny.

14 2. The allegations in paragraph 2 are legal conclusions which Respondents need not  
15 admit or deny.

16 3. Respondents admit that Petitioners have asked the Court to declare AB 1889  
17 facially unconstitutional. The rest of the allegations in paragraph 3 are legal arguments and  
18 conclusions which Respondents need not admit or deny.

19 4. Respondents admit that the California High-Speed Rail Authority (the  
20 “Authority”) has approved two funding plans, which documents speak for themselves. The rest  
21 of the allegations in paragraph 4 are legal arguments and conclusions which Respondents need  
22 not admit or deny.

23 5. Respondents admit that Petitioners have asked the Court to issue a writ of mandate  
24 requiring the Authority to rescind approval of the Central Valley Segment Funding Plan (“Central  
25 Valley Funding Plan), and the San Francisco to San Jose Peninsula Corridor Funding Plan  
26 (“Peninsula Funding Plan”). The rest of the allegations in paragraph 5 are legal arguments and  
27 conclusions which Respondents need not admit or deny.  
28

1           6. Respondents admit that Petitioners have asked the Court to issue a declaratory  
2 judgment that AB 1889 is unconstitutional on its face. Respondents deny the allegations of  
3 paragraph 6 that the Authority is currently in the process of preparing and/or approving two  
4 funding plans. The rest of the allegations in paragraph 6 are legal arguments and legal  
5 conclusions which Respondents need not admit or deny.

6           7. Respondents admit that Petitioners have asked the court for injunctive relief, and  
7 that the Authority has been, is, and intends to continue expending public funds. The rest of the  
8 allegations in paragraph 7 are legal arguments and legal conclusions which Respondents need not  
9 admit or deny.

10          8. In answer to paragraph 8, Respondents admit that, pursuant to Streets and  
11 Highways Code section 2704.08, subdivision (d), Respondent Michael Cohen, in his official  
12 capacity as Director of the Department of Finance of the State of California (the “Director of  
13 Finance”) issued a letter dated March 3, 2017 to Jeff Morales, Chief Executive Officer of the  
14 Authority, regarding the Central Valley Funding Plan, and that he issued a letter dated March 3,  
15 2017 to Jeff Morales, Chief Executive Officer of the Authority, regarding the Peninsula Funding  
16 Plan, which documents speak for themselves.

17          9. Respondents admit that petitioners are asking the Court for a writ of mandate.  
18 Respondents deny the rest of the allegations in paragraph 9.

19          10. Respondents admit that petitioners are asking the court for their costs of suit and  
20 attorneys’ fees. The rest of the allegations in paragraph 10 are legal conclusions which  
21 Respondents need not admit or deny.

22          11. Respondents have insufficient information to either admit or deny the allegations  
23 of paragraph 11.

24          12. Respondents admit that Tos is a landowner in Kings County who owns and/or has  
25 an interest in land in the area of the Authority’s Central Valley project, and that his lands are  
26 currently the subject of eminent domain action(s). Respondents admit that the eminent domain  
27 action may result in the acquisition of portions of his land.

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1           13. Respondents admit the allegations of the first sentence of paragraph 13.  
2 Respondents have insufficient information to either admit or deny the rest of the allegations of  
3 paragraph 13.

4           14. Respondents admit the allegations of the first sentence of paragraph 14.

5           15. Respondents admit the allegations of the first sentence of paragraph 15.

6           16. Respondents have insufficient information to either admit or deny the allegations  
7 of the first and second sentences of paragraph 16. The rest of the allegations in paragraph 16 are  
8 legal arguments and conclusions which Respondents need not admit or deny.

9           17. Respondents admit the allegations of the first sentence of paragraph 17. The rest  
10 of the allegations in paragraph 17 are legal conclusions which Respondents need not admit or  
11 deny

12           18. Respondents admit that the Legislature enacted and the Governor signed AB 1889  
13 in 2016. The rest of the allegations in paragraph 18 are legal arguments and conclusions which  
14 Respondents need not admit or deny.

15           19. Respondents admit the allegations of the first sentence of paragraph 19.  
16 Respondents admit that the Authority is composed of nine members. The rest of the allegations  
17 in paragraph 19 are legal conclusions which Respondents need not admit or deny.

18           20. The allegations in paragraph 20 are legal conclusions which Respondents need not  
19 admit or deny.

20           21. Respondents admit that the Authority has prepared and the Authority has approved  
21 a Funding Plan for constructing a grade separation at Rosecrans Avenue and Marquardt Avenue  
22 in the City of Santa Fe Springs in Los Angeles County, pursuant to Streets & Highways Code  
23 section 2704.08.

24           22. Respondents admit that Jeff Morales was the Executive Director (CEO) of the  
25 Authority during the time that the two Final Funding Plans primarily at issue in this case were  
26 being prepared and approved by the Authority. Respondents admit that Jeff Morales forwarded  
27 those two Plans and related documentation to the Director of Finance. The rest of the allegations  
28 in paragraph 22 are legal conclusions which Respondents need not admit or deny.

1           23. Respondents admit the allegations of the first sentence of paragraph 23. The rest  
2 of the allegations in paragraph 23 are legal arguments and conclusions which Respondents need  
3 not admit or deny

4           24. Respondents have insufficient information to either admit or deny the allegations  
5 of paragraph 24.

6           25. Respondents admit that a letter from Stuart Flashman on behalf of the  
7 Transportation Solutions Defense and Education Fund, the California Rail Foundation, and the  
8 Community Coalition on High-Speed Rail to the Director of Finance dated September 23, 2016 is  
9 attached as Exhibit A to the Petition, which letter speaks for itself, and admit that Stuart  
10 Flashman, counsel for petitioners, and David Schonbrunn, representing petitioner Transportation  
11 Solutions Defense and Education Fund, provided oral comments to the Authority at its meeting  
12 on December 13, 2016, the video and transcript of which speaks for themselves. The rest of the  
13 allegations in paragraph 25 are legal arguments and conclusions which Respondents need not  
14 admit or deny.

15           26. The allegations in paragraph 26 are legal conclusions which Respondents need not  
16 admit or deny.

17           27. The allegations in paragraph 27 are legal arguments and conclusions which  
18 Respondents need not admit or deny.

19           28. In answer to paragraph 28, Respondents admit that in 1996 the Legislature enacted  
20 the High Speed Rail Act, which speaks for itself.

21           29. Respondents admit that in 2008 the Legislature placed on the ballot and the voters  
22 passed Proposition 1A, which speaks for itself. Respondents have insufficient information to  
23 either admit or deny the allegations of the second sentence of paragraph 29.

24           30. The allegations in paragraph 30 are legal arguments and conclusions which  
25 Respondents need not admit or deny.

26           31. Respondents admit that the document referenced in paragraph 31 speaks for itself.  
27 The rest of the allegations in paragraph 31 are legal arguments and legal conclusions which  
28 Respondents need not admit or deny.

1           32. Respondents admit the document referenced in paragraph 32 speaks for itself. The  
2 rest of the allegations in paragraph 32 are legal arguments and conclusions which Respondents  
3 need not admit or deny.

4           33. Respondents admit that Proposition 1A speaks for itself. The rest of the  
5 allegations in paragraph 33 are legal arguments and legal conclusions which Respondents need  
6 not admit or deny.

7           34. In answer to paragraph 34, Respondents admit that Proposition 1A speaks for  
8 itself.

9           35. In answer to paragraph 35, Respondents admit that Proposition 1A speaks for  
10 itself.

11           36. In answer to paragraph 36, Respondents admit that Proposition 1A includes a  
12 definition of Phase 1 high-speed rail system corridor, and that definition speaks for itself.

13           37. In answer to paragraph 37, Respondents admit the Authority issued a 2016  
14 Business Plan, which document speaks for itself.

15           38. In answer to paragraph 38, Respondents admit that the Authority's 2016 and  
16 revised 2014 business plans speak for themselves. Respondents admit that bond funds were  
17 appropriated in 2012. Respondents deny the rest of the allegations of paragraph 38.

18           39. In answer to paragraph 39, on information and belief, Respondents admit that the  
19 Authority has commenced construction in the Central Valley, consisting of three construction  
20 packages, CP 1, CP 2-3 and CP 4, and has used federal grant funds and state matching funds on  
21 that construction. Respondents admit that CP 2-3 were initially separate packages, but were  
22 subsequently merged. Respondents admit that construction of CP 1 began in 2015, and that  
23 construction of CP 2-3 and CP 4 began in 2017, and that none of the segments has been  
24 completed.

25           40. In answer to paragraph 40, Respondents admit that the Central Valley Funding  
26 Plan speaks for itself.

27           41. In answer to paragraph 41, Respondents admit that the Central Valley Funding  
28 Plan speaks for itself.

1           42. In answer to paragraph 42, Respondents admit that the Central Valley Segment is  
2 described in the Central Valley Funding Plan and the Central Valley Funding Plan speaks for  
3 itself.

4           43. The allegations in paragraph 43 are legal arguments and conclusions which  
5 Respondents need not admit or deny.

6           44. Respondents admit that SB 1029 speaks for itself. The rest of the allegations in  
7 paragraph 44 are legal arguments and conclusions which Respondents need not admit or deny.

8           45. In answer to paragraph 45, Respondents admit that SB 1029 speaks for itself.

9           46. In answer to paragraph 46, Respondents admit that the Peninsula Corridor Joint  
10 Powers Board has certified an Environmental Impact Report for electrification of the Caltrain  
11 corridor.

12           47. Respondents admit that the Peninsula Funding Plan speaks for itself. The rest of  
13 the allegations in paragraph 47 are legal arguments and conclusions which Respondents need not  
14 admit or deny.

15           48. In answer to paragraph 48, Respondents admit that the Authority approved the  
16 Peninsula Funding Plan, which document speaks for itself.

17           49. In answer to paragraph 49, Respondents admit the existence of the lawsuit *Tos v.*  
18 *High-Speed Rail Authority*, Sacramento Superior Court case no. 35-2011-00113919, filed on  
19 November 14, 2011 (hereafter, "*Tos I*"), the pleadings in which speak for themselves.

20           50. Respondents admit the allegations of paragraph 50.

21           51. In answer to paragraph 51, Respondents admit that the Authority approved a 2012  
22 revised business plan, which document speaks for itself.

23           52. In answer to paragraph 52, Respondents admit that the Authority approved a 2011  
24 funding plan and the 2012 revised business plan, which documents speak for themselves, and  
25 requested an appropriation of bond proceeds. Respondents admit that in 2012 the Legislature  
26 enacted Senate Bill 1029, which speaks for itself.

1           53. In answer to paragraph 53, Respondents admit the existence of *Tos I*, the orders  
2 and records of which speak for themselves. Respondents admit that a hearing in *Tos I* took place  
3 on May 31, 2013.

4           54. In answer to paragraph 54, Respondents admit the existence of the writ proceeding  
5 *California High-Speed Rail Authority v. Superior Court*, the pleadings, orders and records of  
6 which speak for themselves. Respondents admit that the Court of Appeal issued an opinion in  
7 that proceeding, *California High-Speed Rail Authority v. Superior Court* (2014) 228 Cal.App.4th  
8 676, which opinion speaks for itself.

9           55. Respondents admit that State Assembly Member Mullin authored AB 1889 and  
10 that AB 1889 underwent amendments in the Assembly and the Senate, which measure and  
11 amendments speak for themselves. Respondents have insufficient information to either admit or  
12 deny the rest of the allegations of paragraph 55.

13           56. Respondents admit that State Assembly Member Mullin authored AB 1889 and  
14 that AB 1889 underwent amendments in the Assembly and the Senate, which measure and  
15 amendments speak for themselves. The rest of the allegations in paragraph 56 are legal  
16 arguments and conclusions which Respondents need not admit or deny.

17           57. Respondents have insufficient information to either admit or deny the allegations  
18 of paragraph 57.

19           58. Respondents admit the allegations of paragraph 58.

20           59. Respondents admit that State Assembly Member Mullin authored AB 1889 and  
21 that AB 1889 underwent amendments in the Assembly and the Senate, which measure and  
22 amendments speak for themselves. Respondents have insufficient information to either admit or  
23 deny the allegations of the first sentence of paragraph 59. The rest of the allegations in paragraph  
24 59 are legal arguments and conclusions which Respondents need not admit or deny.

25           60. Respondents admit the allegations of paragraph 60.

26           61. Respondents have insufficient information to either admit or deny the allegations  
27 of paragraph 61.

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1           62. Respondents admit that AB 1889 was passed by the Legislature and signed by the  
2 Governor. Respondents have insufficient information to either admit or deny the rest of the  
3 allegations of paragraph 62.

4           63. In answer to paragraph 63, Respondents admit that the Authority prepared two  
5 Funding Plans pursuant to section 2704.08(d).

6           64. Respondents admit that in December 2013 the Authority released the Central  
7 Valley Funding Plan and the Peninsula Funding Plan, which documents speak for themselves.

8           65. Respondents admit the documents referenced in paragraph 65 speak for  
9 themselves.

10          66. Respondents deny the allegations of paragraph 66.

11          67. Respondents admit the referenced document speaks for itself. The rest of the  
12 allegations in paragraph 67 are legal arguments and conclusions which Respondents need not  
13 admit or deny.

14          68. Respondents admit the referenced document speaks for itself. The rest of the  
15 allegations in paragraph 68 are legal arguments and conclusions which Respondents need not  
16 admit or deny.

17          69. Respondents admit the referenced document speaks for itself. The rest of the  
18 allegations in paragraph 69 are legal arguments and conclusions which Respondents need not  
19 admit or deny.

20          70. Respondents admit the referenced document speaks for itself. The rest of the  
21 allegations in paragraph 70 are legal arguments and conclusions which Respondents need not  
22 admit or deny.

23          71. The allegations in paragraph 71 are legal arguments and conclusions which  
24 Respondents need not admit or deny.

25          72. In answer to paragraph 72, Respondents admit that at the meeting of the Authority  
26 on December 13, 2016, the Authority approved the Central Valley Funding Plan and the  
27 Peninsula Funding Plan effective as of January 1, 2017; and authorized the Authority's CEO to  
28 finalize and submit the funding plans to the Director of Finance and to the Joint Legislative

1 Budget Committee. The Authority admits that the Authority’s CEO did so, and that the funding  
2 plans and documentation were forwarded to the Director of Finance on or about January 3, 2017.

3 73. In answer to paragraph 73, Respondents admit the existence of the letters from the  
4 Director of Finance to the Authority dated March 3, 2017 regarding the Central Valley Funding  
5 Plan and the Peninsula Funding Plan, which speak for themselves.

6 74. Respondents admit the allegations of paragraph 74.

7 75. In answer to paragraph 75, Respondents admit that on or about April 28, 2017,  
8 \$1,248,070,000 in bonds were sold, and that the Authority has begun encumbering and spending  
9 those funds on construction on the project described in the Central Valley Funding Plan.

10 76. The allegations in paragraph 76 are legal arguments and conclusions which  
11 Respondents need not admit or deny.

12 77. Respondents deny the allegations of paragraph 77.

13 78. In answer to paragraph 78, Respondents admit that the Authority has approved a  
14 Funding Plan for constructing a project at Rosecrans Avenue and Marquardt Avenue in the City  
15 of Santa Fe Springs in Los Angeles County (the “Rosecrans-Marquardt Funding Plan”), which  
16 speaks for itself. Respondents admit that the Authority received from its CEO a report regarding  
17 the status of a draft funding plan for that project, which draft document speaks for itself.

18 79. Respondents deny the allegations of paragraph 79.

19 80. Respondents deny the allegations of paragraph 80.

20 81. In answer to paragraph 81, Respondents re-allege and incorporate by reference as  
21 if fully set forth herein the admissions, denials, and allegations set forth in Respondents’  
22 paragraphs 1 through 80, above.

23 82. The allegations in paragraph 82 are legal conclusions which Respondents need not  
24 admit or deny.

25 83. The allegations in paragraph 83 are legal arguments and conclusions which  
26 Respondents need not admit or deny.

27 84. The allegations in paragraph 84 are legal arguments and conclusions which  
28 Respondents need not admit or deny.

1           85. The allegations in paragraph 85 are legal arguments and conclusions which  
2 Respondents need not admit or deny.

3           86. Respondents have insufficient information to either admit or deny the allegations  
4 of paragraph 86.

5           87. In answer to paragraph 87, Respondents deny that the State as such has taken a  
6 position on the validity of AB 1889, codified at Streets and Highways Code section 2704.78.

7           88. Respondents admit the allegations of paragraph 88.

8           89. Respondents admit that the Authority has approved three funding plans, the  
9 Central Valley Funding Plan, the Peninsula Funding Plan and the Rosecrans-Marquardt Funding  
10 Plan, which documents speak for themselves. Respondents admit that the Authority will presume  
11 the validity of AB 1889 and defend the validity of the statute until such time, if ever, that a final  
12 determination to the contrary is made by the Court of Appeal or the Supreme Court. Respondents  
13 deny the rest of the allegations of paragraph 89, and specifically deny that the Authority is in the  
14 process of preparing any funding plans.

15           90. In answer to paragraph 90, Respondents admit that Petitioners are asking the Court  
16 for declaratory relief.

17           91. In answer to paragraph 91, Respondents re-allege and incorporate by reference as  
18 if fully set forth herein the admissions, denials and allegations set forth in Respondents'  
19 paragraphs 1 through 90, above.

20           92. In answer to paragraph 92, Respondents admit that public funds were expended  
21 toward the preparation and approval of the Central Valley Funding Plan, the Peninsula Funding  
22 Plan, and the Rosecrans-Marquardt Funding Plan.

23           93. In answer to paragraph 93, Respondents admit the Director of Finance issued a  
24 letter to the Authority dated March 3, 2017 regarding the Central Valley Funding Plan, which  
25 document speaks for itself.

26           94. In answer to paragraph 94, Respondents admit the State of California sold  
27 approximately \$1.25 billion in Prop 1A bond funds intended for use in construction of the project  
28 described in the Central Valley Funding Plan.

1           95. In answer to paragraph 95, Respondents admit the Authority has begun to  
2 encumber and expend Prop 1A bond funds.

3           96. The allegations in paragraph 96 are legal arguments and conclusions which  
4 Respondents need not admit or deny.

5           97. The allegations in paragraph 97 are legal arguments and conclusions which  
6 Respondents need not admit or deny.

7           98. The allegations in paragraph 98 are legal arguments and conclusions which  
8 Respondents need not admit or deny.

9           99. On information and belief, Respondents admit that the Authority has spent public  
10 funds in connection with the preparation and approval of the Central Valley Funding Plan and the  
11 Peninsula Funding Plan. The rest of the allegations in paragraph 99 are legal conclusions which  
12 Respondents need not admit or deny

13           100. The allegations in paragraph 100 are legal conclusions which Respondents need  
14 not admit or deny.

15           101. Respondents have insufficient information to either admit or deny the allegations  
16 of paragraph 101.

17           102. Respondents have insufficient information to either admit or deny the allegations  
18 of paragraph 102.

19           103. The allegations in paragraph 103 are legal arguments and conclusions which  
20 Respondents need not admit or deny.

21           104. The allegations in paragraph 104 are legal conclusions which Respondents need  
22 not admit or deny.

23           105. In answer to paragraph 105, Respondents admit that petitioners sought this Court's  
24 temporary restraining order, preliminary injunction and permanent injunction, and that  
25 Respondents' demurrer to this cause of action was sustained without leave to amend.

26           106. In answer to paragraph 106, Respondents admit that petitioners filed a request for  
27 dismissal dismissing the allegations in paragraph 106.

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1           107. In answer to paragraph 107, Respondents re-allege and incorporate by reference as  
2 if fully set forth herein the admissions, denials and allegations set forth in Respondents'  
3 paragraphs 1 through 106, above.

4           108. The allegations in paragraph 108 are legal arguments and conclusions which  
5 Respondents need not admit or deny.

6           109. The allegations in paragraph 109 are legal arguments and conclusions which  
7 Respondents need not admit or deny.

8           110. Respondents admit the referenced document speaks for itself. The rest of the  
9 allegations in paragraph 110 are legal conclusions which Respondents need not admit or deny.

10           111. Respondents admit the referenced document speaks for itself. The rest of the  
11 allegations in paragraph 111 are legal arguments and conclusions which Respondents need not  
12 admit or deny.

13           112. The allegations in paragraph 112 are legal arguments and conclusions which  
14 Respondents need not admit or deny.

15           113. Respondents admit the referenced document speaks for itself. The rest of the  
16 allegations in paragraph 113 are legal arguments and conclusions which Respondents need not  
17 admit or deny.

18           114. Respondents admit the referenced document speaks for itself. The rest of the  
19 allegations in paragraph 114 are legal arguments and conclusions which Respondents need not  
20 admit or deny.

21           115. Respondents admit the referenced document speaks for itself. The rest of the  
22 allegations in paragraph 115 are legal arguments and conclusions which Respondents need not  
23 admit or deny.

24           116. The allegations in paragraph 116 are legal arguments and conclusions which  
25 Respondents need not admit or deny.

26           117. In answer to paragraph 117, Respondents re-allege and incorporate by reference as  
27 if fully set forth herein the admissions, denials and allegations set forth in Respondents'  
28 paragraphs 1 through 116, above.



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**SEVENTH DEFENSE**

There is no liability against Respondents for any injury or damages resulting from an exercise of discretion and judgment vested in Respondents, whether or not such discretion be abused.

**EIGHTH DEFENSE**

Petitioners Town of Atherton and County of Kings lack standing to bring the Petition and each cause of action therein.

**NINTH DEFENSE**

Even if declaratory relief might otherwise be appropriate, the Court in the exercise of its discretion should deny relief because the declaration or determination sought by petitioners is not necessary or proper at this time under all of the circumstances.

**TENTH DEFENSE**

Even if declaratory relief might otherwise be appropriate, the Court in the exercise of its discretion should deny relief because the declaration or determination sought by petitioners would cause severe harm to the public, while providing no substantial benefit to petitioners.

**ELEVENTH DEFENSE**

Because the Petition is couched in conclusory terms, all affirmative defenses that may be applicable to the within action cannot be fully anticipated. Accordingly, Respondents reserve the right to assert additional affirmative defenses, if and to the extent such affirmative defenses are applicable.

WHEREFORE, Respondents the State of California and the California High-Speed Rail Authority pray as follows:

1. That judgment be entered in favor of Respondents and against Petitioners;
2. That Petitioners take nothing by their Petition;
3. That Respondents be awarded attorneys' fees and costs of suit incurred herein; and
4. That Respondents be awarded such other and further relief as the Court may deem just and proper.

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Dated: April \_\_\_, 2018

Respectfully Submitted,  
XAVIER BECERRA  
Attorney General of California  
PAUL STEIN  
Supervising Deputy Attorney General

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SA2016104863