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8 *City of Crescent City*

*No filing fee per Gov. Code § 6103*

10 **SUPERIOR COURT OF CALIFORNIA**  
11 **COUNTY OF DEL NORTE**

12 MAGAN L. NATHA AND SARLA M.  
13 NATHA,  
14  
15 Petitioners,  
16 v.  
17 CITY OF CRESCENT CITY, A  
MUNICIPAL CORPORATION OF THE  
18 STATE OF CALIFORNIA AND DOES 1-  
19 10,  
20 Respondents.

**Case No.: CVPT-2021-1184**

CITY OF CRESCENT CITY'S ANSWER TO  
UNVERIFIED FIRST AMENDED PETITION  
FOR REFORMATION OF CONTRACT,  
DECLARATORY RELIEF AND INJUNCTIVE  
RELIEF

21 **GENERAL DENIAL**

22 Defendant City of Crescent City ("City") answers Plaintiff's unverified Petition on file  
23 herein as follows:

24 Under and pursuant to the provision of California Code of Civil Procedure, specifically,  
25 Section 431.30(d) thereof, City generally denies each and every allegation of said unverified First  
26 Amended Petition, and the whole thereof, and each and every allegation of each and every cause of  
27 action alleged therein. In addition, without admitting any allegations contained in the unverified  
28 Petition, City asserts the following affirmative defenses:

1 **FIRST AFFIRMATIVE DEFENSE**

2 **(Laches)**

- 3 1. As a first and separate affirmative defense to the unverified First Amended Petition on file  
4 herein, City alleges that Petitioners waited an unreasonable amount of time before asserting  
5 their claims, if any, against City and is barred from asserting such claims under the doctrine  
6 of laches.

7  
8 **SECOND AFFIRMATIVE DEFENSE**

9 **(Equitable Estoppel)**

- 10 2. As a second and separate affirmative defense to the unverified First Amended Petition on file  
11 herein, City alleges that Petitioners herein, and each and every cause of action contained in  
12 the unverified Petition, is barred by reason of acts, omissions, and courses of conduct by  
13 Petitioners, by which City relied on to its detriment, thereby barring each and every cause of  
14 action under the Doctrine of Equitable Estoppel.

15  
16 **THIRD AFFIRMATIVE DEFENSE**

17 **(Full Performance)**

- 18 3. As a third and separate affirmative defense to the unverified First Amended Petition on file  
19 herein, City alleges that it has appropriately, completely, and fully performed and discharged  
20 any and all obligations and legal duties arising out of the matters alleged in Petitioners'  
21 unverified Petition.

22  
23 **FOURTH AFFIRMATIVE DEFENSE**

24 **(Discharged Duties)**

- 25 4. As a fourth and separate affirmative defense to the unverified First Amended Petition on file  
26 herein, City alleges that prior to commencement of this action, City duly satisfied and  
27 discharged all duties and obligations owed to Petitioner arising out of any and all agreements,  
28 representations, or contracts made by or on behalf of City.

1 **FIFTH AFFIRMATIVE DEFENSE**

2 **(Ratification of Acts)**

3 5. As a fifth and separate affirmative defense to the unverified First Amended Petition on file  
4 herein, City alleges that Petitioners by their own conduct and/or omissions, has ratified the  
5 acts, conduct and omissions, if any, of City; therefore, Petitioners are barred from seeking  
6 any relief from City.

7  
8 **SIXTH AFFIRMATIVE DEFENSE**

9 **(Lawful Acts)**

10 6. As a sixth and separate affirmative defense to the unverified Petition on file herein, City  
11 alleges that the unverified First Amended Petition, and each cause of action, is barred  
12 because at all relevant times, City's actions with respect to Petitioners were done in  
13 compliance with applicable law. To the extent that any discretion was available, City acted in  
14 the legitimate exercise of that discretion. City acted at all time in good faith and with due  
15 care, pursuant to applicable laws and regulations.

16  
17 **SEVENTH AFFIRMATIVE DEFENSE**

18 **(Irreparable Harm)**

19 7. As a seventh and separate affirmative defense to the unverified First Amended Petition on  
20 file herein, City alleges that Petitioners have not and will not suffer irreparable harm, making  
21 injunctive relief improper.

22  
23 **EIGHTH AFFIRMATIVE DEFENSE**

24 **(No Cause of Action)**

25 8. As an eighth and separate affirmative defense to the unverified First Amended Petition on  
26 file herein, City alleges that Petitioners' unverified Petition, in its entirety, nor any purported  
27 cause of action set forth therein, alleges facts sufficient to constitute a cause of action against  
28 City.

1 **NINTH AFFIRMATIVE DEFENSE**

2 **(Lack of Equity)**

3 9. As a ninth and separate affirmative defense to the unverified First Amended Petition on file  
4 herein, City alleges that as between City and Petitioners, the equities do not preponderate in  
5 favor of Petitioner as to grant the relief requested.

6  
7 **TENTH AFFIRMATIVE DEFENSE**

8 **(Unclean Hands)**

9 10. As a tenth and separate affirmative defense to the unverified First Amended Petition on file  
10 herein, City alleges that due to Petitioners' own conduct, Petitioners should be barred from  
11 obtaining the relief requested by the equitable doctrine of unclean hands.

12  
13 **ELEVENTH AFFIRMATIVE DEFENSE**

14 **(Collateral Estoppel)**

15 11. As an eleventh and separate affirmative defense to the unverified First Amended Petition on  
16 file herein, City alleges that some or all of the claims asserted in the unverified First  
17 Amended Petition are barred by the doctrine of collateral estoppel.

18  
19 **TWELFTH AFFIRMATIVE DEFENSE**

20 **(Res Judicata)**

21 12. As a twelfth and separate affirmative defense to the unverified First Amended Petition on file  
22 herein, City alleges that dome or all of the claims asserted in the unverified First Amended  
23 Petition are barred by the doctrine of res judicata.

24  
25 **THIRTEENTH AFFIRMATIVE DEFENSE**

26 **(Government Claims Act)**

27 13. As a thirteenth and separate affirmative defense to the unverified First Amended Petition on  
28 file herein, City asserts that any refund of "in lieu fees" is subject to the Government Claims

1 Act (Gov. Code § 900 et seq.) and Crescent City Municipal Code Chapter 1.20 and the  
2 applicable procedural requirements and statute of limitations contained therein.

3 **FOURTEENTH AFFIRMATIVE DEFENSE**

4 **(Reservation)**

5 14. As a fourteenth and separate affirmative defense to the unverified First Amended Petition on  
6 file herein City reserves its right to amend its answer to assert further affirmative defenses  
7 that are not presently known but may become known and available through further  
8 investigation and discovery.


9  
10 **PRAYER FOR RELIEF**

11 WHEREFORE, the City of Crescent City prays for judgment as follows:

- 12 1. That the Court enter judgment in favor of the City;  
13 2. That Petitioners takes nothing by way of their Petition;  
14 3. That the Court award the City its costs and attorney's fees in connection with this action; and  
15 4. For such other and further relief as the Court may deem just and proper.

16  
17 DATED: 12/20/2021

BLACK & RICE LLP

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19 \_\_\_\_\_  
20 Martha D. Rice, City Attorney  
21 City of Crescent City  
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28

**PROOF OF SERVICE**

**Case Name: Magan L. Natha and Sarla M. Natha v. City of Crescent City**

**Case Number: DNSC-CVPT-2021-1184**

I am over the age of 18 and not a party to this action. I am employed in Del Norte County, California. My business address is 710 H Street, Crescent City, CA 95531.

On \_\_\_\_\_, I served the within document(s) described as:

**CITY OF CRESCENT CITY’S ANSWER TO UNVERIFIED FIRST AMENDED  
PETITION FOR REFORMATION OF CONTRACT, DECLARATORY RELIEF  
AND INJUNCTIVE RELIEF**

I enclosed the document(s) in a sealed envelope addressed to the persons at the addresses below and deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid:

Bradford C. Floyd  
FLOYD LAW FIRM  
819 Seventh Street  
Eureka, CA 95501

Also, on \_\_\_\_\_, I sent the same via email to [bcfloyd@floydlawfirm.net](mailto:bcfloyd@floydlawfirm.net).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: \_\_\_\_\_

Andre L. Carpenter