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14 **UNITED STATES DISTRICT COURT**
15
16 **CENTRAL DISTRICT OF CALIFORNIA**
17

18	TORRANCE AIRPORT)	Case No. 2:24-cv-02692-JFW
19	ASSOCIATION, CHAPTER OF)	(MRWx)
20	CALIFORNIA PILOTS)	
21	ASSOCIATION, a California Nonprofit)	RESPONDENT CITY OF
22	Public Benefit Corporation,)	TORRANCE'S ANSWER TO
23)	VERIFIED PETITION FOR
24	Petitioner,)	WRITS OF ADMINISTRATIVE
25)	MANDAMUS (CCP § 1094.5),
26	v.)	TRADITIONAL MANDATE
27)	(CCP § 1085), AND OTHER
28	CITY OF TORRANCE,)	EXTRAORDINARY RELIEF
)	
	Respondent.)	

Petition Filed: March 8, 2024

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Attorneys for Respondent City of Torrance

1 Respondent City of Torrance (City) hereby responds to the verified petition for
2 writs of administrative mandamus, traditional mandate, and other extraordinary relief
3 (Petition) filed by Petitioner Torrance Airport Association, Chapter of California
4 Pilots Association (Petitioner), as follows:

5 1. The City lacks knowledge or information sufficient to form a belief as to
6 the truth of the allegations in paragraph 1 of the Petition and on that ground denies all
7 allegations therein.

8 2. The City admits the allegations in paragraph 2 of the Petition.

9 3. The City lacks knowledge or information sufficient to form a belief as to
10 the truth of the allegations in paragraph 3 of the Petition and on that ground denies all
11 allegations therein.

12 4. The City denies the allegations in paragraph 4 of the Petition. The City
13 also affirmatively alleges that this action was removed to the United States District
14 Court for the Central District of California because it alleges federal questions
15 requiring resolution.

16 5. The City admits that the United States District Court for the Central
17 District of California has subject matter jurisdiction over this case, pursuant to
18 California Code of Civil Procedure sections 1085 and 1094.5, but denies all
19 remaining allegations in paragraph 5 of the Petition.

20 6. The City denies the allegations in paragraph 6 of the Petition. The City
21 affirmatively alleges that United States District Court for the Central District of
22 California has personal jurisdiction over each named party to this action and denies
23 all remaining allegations in paragraph 6 of the Petition.

24 7. The City admits the allegations in paragraph 7 of the Petition.

25 8. The City denies the allegations in paragraph 8 of the Petition.

26 9. The City admits the allegations in paragraph 9 of the Petition.

27 10. The City admits the allegations in paragraph 10 of the Petition.
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1 11. The City admits that in March 1948, the United States executed a deed
2 to the City for the airport, and further alleges that the deed speaks for itself, so that no
3 further response is required. Except as alleged or admitted, the City denies all other
4 and remaining allegations in paragraph 11 of the Petition.

5 12. The City admits that in March 1956, the United States executed a deed
6 to the City for the airport, and further alleges that the deed speaks for itself, so that no
7 further response is required. Except as alleged or admitted, the City denies all other
8 and remaining allegations in paragraph 12 of the Petition.

9 13. The City lacks knowledge or information sufficient to form a belief as to
10 the truth of the allegations in paragraph 13 of the Petition and on that ground denies
11 all allegations therein.

12 14. The City admits the allegations in the first sentence of paragraph 14 of
13 the Petition. In response to the remaining allegations in paragraph 14 of the Petition,
14 the City alleges that the Resolution speaks for itself, so that no further response is
15 required. Except as alleged or admitted, the City denies all other and remaining
16 allegations in paragraph 14 of the Petition.

17 15. In response to the allegations in paragraph 15 of the Petition, the City
18 alleges that the ANCLUC Report speaks for itself, so that no further response is
19 required. Except as alleged or admitted, the City denies all other and remaining
20 allegations in paragraph 15 of the Petition.

21 16. The City admits the allegations in the first sentence of paragraph 16 of
22 the Petition. Except as alleged or admitted, the City denies all other and remaining
23 allegations in paragraph 16 of the Petition.

24 17. The City admits the allegations in the first and second sentences of
25 paragraph 17 of the Petition. Except as alleged or admitted, the City denies all other
26 and remaining allegations in paragraph 17 of the Petition.

27 18. The City admits the allegations in the first sentence of paragraph 18 of
28 the Petition and further alleges that the transcript for the referenced public hearing

1 speaks for itself, so that no further response is required. Except as alleged or
2 admitted, the City denies all other and remaining allegations in paragraph 18 of the
3 Petition.

4 19. The City denies the first and second sentences of paragraph 19 of the
5 Petition. The City admits the allegations in the third sentence of paragraph 19 of the
6 Petition. The City further alleges that the City's staff report, transcript for the
7 referenced public hearing, and all public comments and statements made before and
8 during the hearing speak for themselves, so that no further response is required.
9 Except as alleged or admitted, the City denies all other and remaining allegations in
10 paragraph 19 of the Petition.

11 20. In response to the allegations in paragraph 20 of the Petition, the City
12 alleges that the transcript for the referenced public hearing speaks for itself, so that no
13 further response is required. Except as alleged or admitted, the City denies all other
14 and remaining allegations in paragraph 20 of the Petition.

15 21. In response to the allegations in paragraph 21 of the Petition, the City
16 alleges that the transcript, minutes, and agenda for the referenced public hearing
17 speak for themselves, so that no further response is required. Except as alleged or
18 admitted, the City denies all other and remaining allegations in paragraph 21 of the
19 Petition.

20 22. The City admits the allegations in the first sentence of paragraph 22 of
21 the Petition and further alleges that the transcript for the referenced public hearing
22 and all public comments submitted before and during that hearing speak for
23 themselves, so that no further response is required. Except as alleged or admitted, the
24 City denies all other and remaining allegations in paragraph 22 of the Petition.

25 23. The City admits the allegations in the first sentence of paragraph 23 of
26 the Petition and further alleges that the City's staff report, transcript for the
27 referenced public hearing, and all public comments and statements made before and
28 during the hearing speak for themselves, so that no further response is required.

1 Except as alleged or admitted, the City denies all other and remaining allegations in
2 paragraph 23 of the Petition.

3 24. In response to the allegations in paragraph 24 of the Petition, the City
4 alleges that the transcript for the referenced public hearing and all public comments
5 and statements made before and during the hearing speak for themselves, so that no
6 further response is required. Except as alleged or admitted, the City denies all other
7 and remaining allegations in paragraph 24 of the Petition.

8 25. The City admits the allegations in the first sentence of paragraph 25 of
9 the Petition and further alleges that the transcript for the referenced public hearing
10 and all public comments and statements made before and during the hearing speak for
11 themselves, so that no further response is required. Except as alleged or admitted, the
12 City denies all other and remaining allegations in paragraph 25 of the Petition.

13 26. The City admits the allegations in paragraph 26 of the Petition.

14 27. The City admits the allegations in paragraph 27 of the Petition.

15 28. The City denies the allegations in paragraph 28 of the Petition.

16 29. In response to the allegations in paragraph 29 of the Petition, the City
17 alleges that the February 18, 2020 letter speaks for itself, so that no further response
18 is required. Except as alleged or admitted, the City denies all other and remaining
19 allegations in paragraph 29 of the Petition.

20 30. In response to the allegations in paragraph 30 of the Petition, the City
21 alleges that the August 16, 2021, and September 22, 2022, letters speak for
22 themselves, so that no further response is required. Except as alleged or admitted, the
23 City denies all other and remaining allegations in paragraph 30 of the Petition.

24 31. In response to the allegations in paragraph 31 of the Petition, the City
25 alleges that the transcript and staff report for the Transportation Committee's April
26 12, 2023, meeting speak for themselves, so that no further response is required.
27 Except as alleged or admitted, the City denies all other and remaining allegations in
28 paragraph 31 of the Petition.

1 32. The City denies the allegations in paragraph 32 of the Petition.

2 33. The City admits the allegations in paragraph 33 of the Petition.

3 34. The allegations in paragraph 34 of the Petition are legal argument and
4 conclusions, and no further response is required. Except as alleged or admitted, the
5 City denies all other and remaining allegations in paragraph 34 of the Petition.

6 35. In response to the allegations in the first sentence of paragraph 35 of the
7 Petition, the City alleges that the City Council Agenda for the November 28, 2023
8 meeting speaks for itself, so that no further response is required. Except as alleged or
9 admitted, the City denies all other and remaining allegations in paragraph 35 of the
10 Petition.

11 36. In response to the allegations in paragraph 36 of the Petition, the City
12 alleges that the City Charter speaks for itself, so that no further response is required.
13 Except as alleged or admitted, the City denies all other and remaining allegations in
14 paragraph 36 of the Petition.

15 37. In response to the allegations in paragraph 37 of the Petition, the City
16 alleges that the City Charter speaks for itself, so that no further response is required.
17 Except as alleged or admitted, the City denies all other and remaining allegations in
18 paragraph 37 of the Petition.

19 38. The City denies the allegations in paragraph 38 of the Petition.

20 39. The City denies the allegations in paragraph 39 of the Petition.

21 40. In response to the allegations in paragraph 40 of the Petition, the City
22 alleges that the transcript for the referenced public meeting speaks for itself, so that
23 no further response is required. Except as alleged or admitted, the City denies all
24 other and remaining allegations in paragraph 40 of the Petition.

25 41. The City denies the allegations in paragraph 41 of the Petition.

26 42. The City denies the allegations in paragraph 42 of the Petition.

1 43. The allegations in paragraph 43 of the Petition are legal argument and
2 conclusions, and no further response is required. Except as alleged or admitted, the
3 City denies all other and remaining allegations in paragraph 43 of the Petition.

4 44. The City denies the allegations in paragraph 44 of the Petition.

5 45. The City denies the allegations in paragraph 45 of the Petition.

6 46. The City denies the allegations in paragraph 46 of the Petition.

7 47. The City denies the allegations in paragraph 47 of the Petition.

8 48. In response to the allegations in paragraph 48 of the Petition, the City re-
9 alleges and incorporates by reference paragraphs 1 through 47 of this Answer.

10 49. The City denies the allegations in paragraph 49 of the Petition.

11 50. The City denies the allegations in paragraph 50 of the Petition.

12 51. The City denies the allegations in paragraph 51 of the Petition.

13 52. The City denies the allegations in paragraph 52 of the Petition.

14 53. The City denies the allegations in paragraph 53 of the Petition.

15 54. The City denies the allegations in paragraph 54 of the Petition.

16 55. The City denies the allegations in paragraph 55 of the Petition.

17 56. In response to the allegations in paragraph 56 of the Petition, the City re-
18 alleges and incorporates by reference paragraphs 1 through 55 of this Answer.

19 57. The City denies the allegations in paragraph 57 of the Petition.

20 58. The City denies the allegations in paragraph 58 of the Petition.

21 59. The City denies the allegations in paragraph 59 of the Petition.

22 60. The City denies the allegations in paragraph 60 of the Petition.

23 61. The City denies the allegations in paragraph 61 of the Petition.

24 62. The City denies the allegations in paragraph 62 of the Petition.

25 63. The City denies the allegations in paragraph 63 of the Petition.

26 **ANSWERING PRAYER FOR RELIEF**

27 1. Answering paragraph 1 of Prayer for Relief, the City requests that this
28 Court deny the relief requested therein.

2. Answering paragraph 2 of Prayer for Relief, the City requests that this Court deny the relief requested therein.

3. Answering paragraph 3 of Prayer for Relief, the City requests that this Court deny the relief requested therein.

4. Answering paragraph 4 of Prayer for Relief, the City requests that this Court deny the relief requested therein.

FIRST AFFIRMATIVE DEFENSE
(Failure to State a Claim)

1. The Petition, and each purported cause of action alleged therein, fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE
(Failure to Exhaust Administrative Remedies)

2. Without admitting any allegation in the Petition, the City alleges that Petitioner failed to exhaust existing and available administrative remedies prior to commencement of this action.

THIRD AFFIRMATIVE DEFENSE
(Failure to Exhaust Issues)

3. Without admitting any allegation in the Petition, the City alleges that the claims alleged in the Petition are barred, in whole or in part, because they were not raised at the hearing at which the City Council approved the Ordinance at issue.

FOURTH AFFIRMATIVE DEFENSE
(Statute of Limitations)

4. Without admitting any allegation in the Petition, the City alleges that Petitioner failed to file this action, and the various claims and issues alleged therein (in whole or in part), within the time permitted by law.

FIFTH AFFIRMATIVE DEFENSE
(Standing)

5. Without admitting any allegation in the Petition, the City alleges that Petitioner lacks standing in that it cannot show for itself or the public a clear, present,

1 and beneficial right to performance of the duty or duties that the City allegedly did
2 not perform.

3 **SIXTH AFFIRMATIVE DEFENSE**
4 **(Waiver/Forfeiture)**

5 6. Without admitting any allegation in the Petition, the City alleges that
6 Petitioner's action, and the claims and issues alleged therein (in whole or in part), are
7 barred by the waiver/forfeiture doctrine. The City further alleges that should
8 Petitioner's opening brief fail to raise any claim or issue alleged in the Petition, the
9 omitted claim or issue is barred by the waiver/forfeiture doctrine and that such issues
10 are deemed forfeited/abandoned.

11 **SEVENTH AFFIRMATIVE DEFENSE**
12 **(Laches)**

13 7. Without admitting any allegation in the Petition, the City alleges that
14 Petitioner unreasonably delayed the commencement and prosecution of this action to
15 the prejudice of the City, whereby the Petition, and each cause of action presented
16 therein, is barred by the doctrine of laches.

17 **EIGHTH AFFIRMATIVE DEFENSE**
18 **(Lawful Exercise of Discretion and Compliance with Law)**

19 8. Without admitting any allegation in the Petition, the City alleges that the
20 Petition, and the claims and issues alleged therein (in whole or in part), are barred
21 because the City lawfully exercised its discretion and complied with all applicable
22 laws.

23 **NINTH AFFIRMATIVE DEFENSE**
24 **(Collateral Estoppel)**

25 9. Without admitting any allegation in the Petition, the City alleges that the
26 Petition, and the claims and issues alleged therein (in whole or in part), are barred by
27 the collateral estoppel doctrine.
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TENTH AFFIRMATIVE DEFENSE
(Res Judicata)

10. Without admitting any allegation in the Petition, the City alleges that the Petition, and the claims and issues alleged therein (in whole or in part), are barred by the res judicata doctrine.

ELEVENTH AFFIRMATIVE DEFENSE
(Unclean Hands)

11. Without admitting any allegation in the Petition, the City alleges that Petitioner's claims are barred, in whole or in part, by the doctrine of unclean hands.

TWELFTH AFFIRMATIVE DEFENSE
(Estoppel)

12. Without admitting any allegation in the Petition, the City alleges that Petitioner by its conduct and/or that of its agents, are estopped to assert or enforce all or any part of the claims alleged in the Petition.

THIRTEENTH AFFIRMATIVE DEFENSE
(Notice)

13. The causes of action in the Petition are barred by Petitioner's failure to give timely notice to the California Attorney General.

FOURTEENTH AFFIRMATIVE DEFENSE
(Attorney's Fees)

14. Petitioner does not qualify for an award of attorneys' fees because they, and each of them, are suing for their personal benefit.

FIFTEENTH AFFIRMATIVE DEFENSE
(Separation of Powers)

15. The City alleges that the relief requested by Petitioner is barred because it would require the Court to substitute its judgment for that of the City to engage in land use planning in violation of the principles of separation of powers and/or engage in continuous judicial supervision over governmental affairs.

**SIXTEENTH AFFIRMATIVE DEFENSE
(Mootness)**

16. Without admitting any allegation in the Petition, the City alleges that the Petition, and each of its causes of actions and claims alleged therein, are barred because the Petition, and each of its causes of actions and claims alleged therein, are moot.

**SEVENTEENTH AFFIRMATIVE DEFENSE
(Other Defenses)**

17. Without admitting any allegation in the Petition, the City alleges that the City may have other separate and additional defenses of which it is not presently aware and hereby reserve the right to raise such defenses by amendment of this Answer, or by their opposition briefs in this action.

PRAYER FOR RELIEF

WHEREFORE, the City prays that:

1. Petitioner's request for relief, in all respects, be denied and Petitioner take nothing by this action;
2. Judgment be entered denying the Petition and each cause of action therein;
3. Reasonable attorney's fees incurred by the City be awarded, if authorized;
4. Costs of suit incurred by the City be awarded; and
5. The Court grant such other relief as may be just and proper.

November 12, 2024

GATZKE DILLON & BALLANCE LLP

By: /s/ Mark J. Dillon
Mark J. Dillon
Attorneys for City of Torrance

1 November 12, 2024

OFFICE OF CITY ATTORNEY

2 By: /s/ Patrick Q. Sullivan

3 Patrick Q. Sullivan

4 Attorney for City of Torrance

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VERIFICATION

I, Mark Dillon, am the attorney for Respondent City of Torrance (City) in the above-captioned action. The City is not located in San Diego County, California, where I have my office, and I make this verification for and on behalf of the City for that reason. I am informed and believe and, on that ground, allege that the matters stated in the foregoing document are true.

I declare under penalty of perjury under the laws of the United States that the above is true and correct and that I executed this verification on November 12, 2024, in Carlsbad, California.

/s/ Mark J. Dillon

Mark J. Dillon

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CERTIFICATE OF SERVICE

I certify that counsel of record who are deemed to have consented to electronic service are being served on November 12, 2024 with a copy of this document via the Court’s CM/ECF system pursuant to Local Rule 5-3.2.

/s/ Mark J. Dillon