

MINUTE ITEM

35. STATUS OF MAJOR LITIGATION - W.O.s 2224, 2274.2, AND 503.324.

The attached Calendar Item 32 was presented to the Commission for information.

Attachment

Calendar Item 32 (1 page)

CALENDAR ITEM

INFORMATIVE

32.

STATUS OF MAJOR LITIGATION - W.O.s 2224, 2274.2, AND 503.324.

1. Case No. 683,824 W.O. 2224  
People vs. City of Long Beach  
Los Angeles County Superior Court  
(Alamitos Bay quitclaim litigation)

(Resolution of question of whether title to oil and gas is vested in City or State in lands granted to City by State and subsequently quitclaimed to State by City.)

There has been no change in the status of this case since the April meeting of the Commission; i.e., this case is at issue, and is set for trial on June 10, 1959.

2. Case No. 70717 W.O. 2274.2  
County of Orange vs. State of California, et al.  
Orange County Superior Court

(Claim by Orange County that a legislative grant to the County of tide and submerged lands in Newport Bay conveyed to the County all tide and submerged lands within the County (with the exception of a grant to the City of Newport Beach).)

Trial has not been set. Several additional depositions have been taken.

3. Case No. 105-59 Y W.O. 503.324  
Carl Whitson v. City of Long Beach, Long Beach Oil  
Development Company, and the State of California  
U.S.D.C., Southern District, Central Division  
(Taxpayer's suit)

(Plaintiff's principal contention is that the City of Long Beach has succeeded to title to tide and submerged lands by reason of the Submerged Lands Act (Public Law 31, 1953), rather than through original grants from the State, and therefore the City is entitled to all tideland revenues exclusively, contrary to Chapter 29, Statutes of 1956, 1st E.S.)

Defendants' Motion for Dismissal was granted on April 16, 1959. On April 17, 1959, plaintiff filed Notice of Motion to Set Aside the Dismissal and to have the matter assigned to a three-man court. On April 27, 1959, plaintiff's latter motion was dismissed and a Second Amended Complaint was stricken from the record. Therefore, at present plaintiff is out of court, but he has indicated that a further action will be filed.