

MINUTE ITEM

19. STATUS OF MAJOR LITIGATION - W.O.s 3019, 2224, 2274.2, AND 2716.5.

The attached Calendar Item 12 was presented to the Commission for information.

Attachment

Calendar Item 12 (2 pages)

CALENDAR ITEM

12.

STATUS OF MAJOR LITIGATION - W.O.s 3019, 2224, 2274.2, AND 2716.5.

1. Case No. 800-58 WM Civil W.O. 3019
U.S. vs. Anchor Oil Corporation, et al.
U.S.D.C., Southern District, Los Angeles County
(Long Beach Subsidence Matter)

(Request by U.S. for court order to shut down Wilmington Field if satisfactory subsurface repressuring programs for land-surface-subsidence alleviation are not put into operation.)

A copy of the plaintiff United States' reply to the State's Counterclaim was received August 12, 1959. Discovery proceedings have commenced. Plaintiff United States has served written interrogatories on various codefendants but not on defendant State of California. It is anticipated that defendants will serve written interrogatories on the Federal government.

2. 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.)

Trial of this case is now set for November 24, 1959.

3. 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).)

No depositions have been taken since the time of the last report. The Attorney General's office is continuing preparation of the case for trial.

4. Case No. 23425 2D Civil W.O. 2716.5
Abbot Kinney Company, et al. v. City of Los Angeles
Los Angeles No. 25166

This case was initially instituted without naming the State of California as a party defendant. One of the issues of the case is whether title to certain property situated in Santa Monica Bay belongs to the littoral owner by reason of gradual and

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imperceptible accretions caused both by artificial and natural agencies. The trial court found that the accreted lands were the property of the littoral owner and the defendant, City of Los Angeles, moved for a new trial which was granted. The District Court of Appeal sustained the trial court finding on this issue. The Attorney General's office filed an amicus curiae brief in the Supreme Court of the State of California, and oral arguments were heard before that court on October 19, 1959. The State's argument was based upon two propositions. First, that the trial court lacked jurisdiction to hear the matter without joinder of the State of California because Section 6308 of the Public Resources Code makes the State an indispensable party to an action involving the title to, or the boundaries of tide or submerged lands. The second argument of the State was that the finding that mixed artificial and natural accretions inure to the benefit of the littoral owner is contrary to the prior existing California case law. The questions are being considered by the court and in the event the State is sustained on either of its arguments, the matter will be returned for a new trial, at which time the State will undoubtedly be joined as a defendant.