

MINUTE ITEM

19. STATUS OF MAJOR LITIGATION - W.O.s 3019, 2224, 2274.2, AND 3375.

In presenting Calendar Item 17 attached, the Executive Officer informed the Commission that subsequent to calendar preparation a report had been received from the press to the effect that American Marine Exploration Co., Inc., the principal supporter, had served notice to the Orange County Board of Supervisors of withdrawal of its support of Case No. 70717, County of Orange vs. State of California, et al. It is understood that the special counsel for the defense, Fred Forgy, Jr., also has resigned. Continuation of the case would therefore appear to depend upon whether the Orange County Board of Supervisors decides to proceed without outside financial support.

At the request of the Executive Officer, Deputy Attorney General Jay L. Shavelson explained the reasons for the State's interest in Case No. 23425, Abbot Kinney Company, et al., vs. City of Los Angeles. The decision of the District Court of Appeal was thought to be detrimental to the State's position regarding the law of accretions resulting from artificial structures. It is the State's position that title is not lost as a result of artificial accretion, as it is through natural accretion. The decision in the case was based on a contrary view. The Supreme Court, in reviewing the case at our request, has rendered a decision which upholds the State's contention that it is an indispensable party in such litigation. By virtue of having entered this case, the State has reversed a decision that would have been damaging to its position. In the future the State will be joined as a party, and will have an opportunity to protect the State's interests. The subject case is being remanded to the Trial Court for a new trial, with the State Lands Commission to be a party defendant.

Attachment

Calendar Item 17 (2 pages)

CALENDAR ITEM

INFORMATIVE

17.

STATUS OF MAJOR LITIGATION - W.O.s 3019, 2224, 2274.2, AND 3375.

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.)

No change in status since report given at meeting of October 29; i.e., 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.)

No change in status since report given at meeting of October 29; i.e., 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's 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 change in status since report given at meeting of October 29. i.e., No depositions have been taken since the time of the report made for the October 5 meeting of the Commission. The Attorney General's office is continuing preparation of the case for trial.

INFORMATIVE 17. (CONTD.)

4. Case No. 23425, 2d Civil W.O. 3375
Abbot Kinney Company, et al. vs. City of Los Angeles
Los Angeles No. 25166
Supreme Court of the State of California

(Involves title to artificially caused accretions, and also involves interpretation of Section 6308 of the Public Resources Code, which makes the State a necessary part to any action involving the title to or boundaries of tide or submerged lands granted by the Legislature in trust to cities, counties, and other political subdivisions.)

The Court has taken the matter under submission.