

MINUTE ITEM

20. STATUS OF MAJOR LITIGATION - W.C.s 3019, 2224, 2716, 3863, AND 3657.

The attached Calendar Item 15 was presented to the Commission for information.

Attachment

Calendar Item 15 (2 pages)

CALENDAR ITEM

INFORMATIVE

15.

STATUS OF MAJOR LITIGATION - W.O.s 3019, 2224, 2716, 3863, AND 3657.

The following information is current as of May 9, 1961:

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, 1959; i.e., a copy of the plaintiff United States' reply to State's counterclaim was received on August 12, 1959. Discovery proceedings have commenced. Plaintiff United States has served written interrogatories on various co-defendants but not on defendant State of California. It is anticipated that defendants will serve written interrogatories on the Federal Government. (On February 28, 1961, the Motion of the United States to dismiss approximately 120 private defendants was granted.)

2. Case No. 683824 W.O. 2224
People vs. City of Long Beach
Los Angeles County Superior Court
(Alamitos Bay Quitclaim Litigation)

(Settlement of question as to 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.)

Record on Appeal has been filed. Appellant State's opening brief was filed May 5, 1961.

3. Case No. 747562 (now consolidated with Case No. 646466) W.O. 2716
People vs. City of Long Beach, et al.
Los Angeles County Superior Court
(Long Beach Boundary Determination, Chapter 2000/57)

The Motion of the City of Long Beach to transfer the case to the Long Beach Branch of the Los Angeles County Superior Court has been denied. The parties have stipulated that Judge Clarence L. Kincaid may hear all aspects of the litigation. Also, pursuant to stipulation, Case No. 747562 has been consolidated with Case No. 646466. The City of Long Beach is expected to Answer or Demur to the State's Complaint within the next few days.

INFORMATIVE CALENDAR ITEM 15. (CONTD.)

4. Case No. 757030 W.O. 3863
City of Hermosa Beach vs. State of California,
State Lands Commission, et al.
Los Angeles County Superior Court
(An action filed by the City for declaratory relief and
for instructions to Trustee.)

The Attorney General has informed the City that the State would stipulate that if the City expended itself on monies for purposes which it alleged to be trust purposes and the Court ultimately upholds the City's position, the City may reimburse itself out of trust monies for such expenditures. The office of the Attorney General is required to plead in this case by May 15.

5. Case No. 251089 W.O. 3657
People vs. Coronado Beach, Inc.
San Diego County Superior Court
(Action filed by the State to affirm the State's sovereign ownership of accreted lands waterward of the Ordinary High Water Mark established by the Commission's survey of June 1941, bounding uplands owned by Coronado Beach, Inc., on the ocean side of Silver Strand, San Diego County.)

The State filed Complaint to Quiet Title. Defendant answered, denying State's interest, and asserting title in the Defendant. Cause was tried in Department 9. State offered evidence in support of its contention that the accretions resulted from dredged bay deposits which came to rest by reason of structures and other artificial causes. Defendant produced testimony to the contrary. The Court upheld Defendant's contention, noting that the evidence was conflicting. The State will object to findings proposed by Defendant, and will move for a new trial.