

MINUTE ITEM

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

The attached Calendar Item 10 was presented to the Commission for information only, no Commission action being required.

Attachment

Calendar Item 10 (2 pages)

CALENDAR ITEM

INFORMATIVE

10.

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

The following information is current as of August 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 substantial 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. Plaintiff has taken deposition of L. W. Brock, Principal Petroleum Engineer, Petroleum Division, Long Beach Harbor Department, on June 7 and June 14, 1961.

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. Respondent City's Reply Brief was filed July 11, 1961. The matter is still pending before the District Court of Appeals.

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)

On May 15, 1961, the City filed a General and Special Demurrer, with Points and Authorities in Support Thereof, to the State's Complaint. The State's Points and Authorities in opposition to the City's Demurrer were filed on June 23, 1961, and the Closing Points and Authorities of the City are expected within the next week or so. The hearing before Judge Kincaid on the Demurrer, which originally was expected to take place during the month of August, will probably take place during the month of September.

INFORMATIVE CALENDAR ITEM 10. (CONTD.)

4. Case No. 75730

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 State filed a Special Demurrer, seeking clarification of the City's Complaint, which was heard by Judge Praeger on June 5, 1961, at which time the Demurrer was sustained in part and overruled in part. The City has filed its Amended Complaint, and the State has filed an Answer and Cross-Complaint, raising an issue as to the validity of the City's anti-drilling ordinance as applied to tide and submerged lands held in trust for the State. The City filed its Answer to the State's Cross-Complaint on July 24, 1961. The Shell and Continental Oil Companies have given notice to the City that they are exercising their option to withdraw from the Drilling and Operating Contract with the City of Hermosa Beach. The case is being prepared for trial.