

MINUTE ITEM

29. STATUS OF MAJOR LITIGATION - W.O.s 3019, 2716, 3863, 4564, 4600, AND 503.417.

The attached Calendar Item 27 was presented to the Commission for information only, no Commission action being required.

Attachment

Calendar Item 27 (3 pages)

CALENDAR ITEM

INFORMATIVE

27.

STATUS OF MAJOR LITIGATION - W.O.s 3019, 2716, 3863, 4564, 4600, AND 503.417.

The following information is current as of February 14, 1963:

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. This case also seeks multimillion dollar damages for alleged injury to Federal installations, principally the Long Beach Naval Shipyard.)

No change since report of January 11, 1963; i.e., "Trial on issues other than causation was held on October 2, 1962. Oral argument on such issues was continued to April 1, 1963."

2. 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 City filed its Answer about January 19, 1962. A pretrial conference is set for July 9, 1963. The case is expected to go to trial several months thereafter.

3. 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.)

No change since report of February 13, 1962; i.e., "The case is being prepared for trial."

INFORMATIVE CALENDAR ITEM 27 (CONTD.)

4. Case No. 62-1344-TC Civil W.O. 4564
Lewis W. Twombly vs. City of Long Beach,
State of California, et al.
U.S.D.C., Southern District, Central Division
(Long Beach Oil Revenues)

(To enjoin the City Auditor of the City of Long Beach and the City of Long Beach from paying oil revenues to the State. Plaintiff seeking determination that the State of California has no interest in the Long Beach tide and submerged lands, and, thus, no interest in the Long Beach oil revenues.)

Judgment in behalf of the Defendants entered on February 4, 1963.
Judgment not yet final.

5. Case No. 805548 Civil W.O. 4600
Carl Whitson vs. City Manager, City Auditor, City of Long
Beach; State Lands Commission; State of California
Los Angeles County Superior Court
(Long Beach Unit and Long Beach Oil Revenues)

(Complaint for Injunction and Declaratory Relief, praying that City Manager be enjoined from signing the proposed Long Beach Unit Agreement; that the City of Long Beach be enjoined from paying any oil or gas funds to the State of California; that it be declared that the private owners of Town Lots in the City of Long Beach are not bound by the Unit Agreement.)

State has not yet been served; however, the City Auditor of the City of Long Beach has been served. On February 13, 1963, a Motion by the City of Long Beach to transfer the case to the South District of Los Angeles Superior Court (Long Beach) was granted. Mr. Whitson stipulated that the Defendants named need not plead until ten days after receipt of written notice.

6. Case No. 528,114 W.O. 503.417
City of Coronado and R. J. Townsend vs.
San Diego Unified Port District, et al.
San Francisco County Superior Court

(Complaint for injunction and declaratory relief filed in San Francisco together with order to show cause returnable January 29, 1963, making allegations as to defective election procedures for formation of the Port District, unconstitutionality of the implementing legislation and that State is without power to revoke prior grant of tide-lands. City of Coronado alleges irreparable damage, a

INFORMATIVE CALENDAR ITEM 27 (CONTD.)

Case No. 528,114 (CONTD.)

cloud on its right to the land granted in trust for the benefit of "its inhabitants", and alteration of its tax structure.)

Motion for Change of Venue to San Diego granted January 30, 1963. Preliminary Injunction denied. Hearing held in San Diego February 4, 1963, on Coronado's Petition for Temporary Injunction restraining Port Authority from taking any action. Denied. Demurrer of Port Authority and State sustained against Plaintiff on all five-causes of action. Therefore, there will be no trial. Any further action will be by appeal.