

MINUTE ITEM

19. STATUS OF MAJOR LITIGATION - W.O.s 3019, 2716, 3863, 4564, 4600, 4708, AND 4721.

The Executive Officer supplemented the written report on the status of major litigation (Calendar Item 17 attached) with a report that on March 14, 1963, the United States Solicitor General requested the Supreme Court to determine the location along the California coast of a three-mile limit, which the United States contends divides California and United States jurisdiction over lands offshore of the mainland.

The Chairman, after quoting Section 6210 of the Public Resources Code of the State of California, which provides "The Commission shall represent the State in all contests between it and the United States in relation to public lands," stated that he wished to have recorded that it was the intent of the State Lands Commission to proceed fully with the defense of the interests of the State in accordance with its statutory authority.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A MOTION WAS ADOPTED AUTHORIZING AND DIRECTING THE EXECUTIVE OFFICER TO UNDERTAKE FULL IMPLEMENTATION OF THE DEFENSE OF CALIFORNIA'S INTERESTS IN CASE NO. 5 ORIGINAL IN THE UNITED STATES SUPREME COURT, UNITED STATES vs. STATE OF CALIFORNIA, RELATING TO THE LOCATION OF THE OFFSHORE BOUNDARIES BETWEEN LANDS UNDER THE PARAMOUNT JURISDICTION OF THE UNITED STATES AND LANDS OWNED BY THE STATE, FOR SUCH PURPOSES AS MINERALS.

Commissioner Champion (Director of Finance) indicated that requests for budgetary support for this defense would result in referral to the Department of Finance for appropriate action.

Attachment

Calendar Item 17 (3 pages)

CALENDAR ITEM

INFORMATIVE

17.

STATUS OF MAJOR LITIGATION - W.O.s 3019, 2716, 3863, 4564, 4600, AND 4708.

The following information is current as of March 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. 757030 (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)

No change since report of February 11, 1963; i.e., "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."

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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. Plaintiff filed Notice of Appeal to the United States Court of Appeals about March 5, 1963.

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.)

No change since report of February 14, 1963; i.e., "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. 4708
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 the State is without power to revoke prior grant of tidelands. City of Coronado alleges irreparable damage, a cloud on its right to the land granted in trust for the benefit of "its inhabitants", and alteration of its tax structure.)

INFORMATIVE CALENDAR ITEM 17. (CONTD.)

Case No. 528,114 (CONTD.)

No change; i.e., 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, without leave to amend, against Plaintiff on all five causes of action. Therefore, there will be no trial. Any further action will be by appeal. Time for filing appeal has not yet run.

7. Case No. 5 Original in the United States Supreme Court W.O. 4721
United States vs. State of California
(Relating to the location of the offshore boundaries between lands under the paramount jurisdiction of the United States and lands owned by the State, for such purposes as minerals.)

(The immediate issues raised are whether the old case of the United States vs. State of California, which has been dormant since December of 1952, is moot, or whether it can be reactivated despite the passage of the Submerged Lands Act of 1953.)

On March 15, 1963, the United States filed Motion for Leave to File Supplemental Complaint on Original Complaint. The State has 60 days in which to file Answer and Briefs in the matter.