

MINUTE ITEM

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

In connection with presentation of Calendar Item 35 attached, Deputy Attorney General Jay L. Shavelson reported that, despite the heavy workload on other matters, such as the Long Beach Unit, and United States vs. California, everything possible was being done to expedite the Long Beach boundary determination, as it is felt this matter should be terminated as quickly as possible.

In the case of United States vs. California, the closing brief is expected the beginning of next week, after which it will be up to the Supreme Court to decide on the initial procedural matters, which will be of tremendous importance to the future of the case -- whether it is a revival of the old case, or a brand new suit, as the State contends.

In the case of United States vs. Anchor Oil Corporation, et al., the Executive Officer reported that the staff of the Commission, together with the Attorney General's office, will be in conference immediately with the Department of Finance with respect to the manner of payment of the State's share of the compromise judgment, which will come from Long Beach tidelands revenue.

Attachment

Calendar Item 35 (3 pages)

CALENDAR ITEM

INFORMATIVE

35.

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

The following information is current as of August 15, 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.)

Trial on issues other than causation was held on October 2, 1962. Oral argument on such issues has been continued to October 1, 1963. A.B. 2917, authorizing a settlement of this case, was passed unanimously by both houses of the Legislature and has been signed by the Governor.

2. Case No. 747562 (now consolidated with Case No. 646464) W.O. 2716  
People vs. City of Long Beach, et al.  
Los Angeles County Superior Court  
(Long Beach Boundary Determination, Chapter 2000/57)

This case was previously set for pretrial on September 10, 1963. The office of the Attorney General has submitted a complete proposed pretrial statement to Special Counsel for the City of Long Beach; however, due to the illness of Special Counsel, the City has requested a continuance of the pretrial date. A meeting will be held with the Judge trying the case, and every attempt will be made to minimize any delay in its trial and final determination.

INFORMATIVE CALENDAR ITEM 35. (CONTD.)

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 July 12, 1963; i.e., "Conferences between the staff and the office of the Attorney General are presently taking place concerning the further course of this litigation."

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. Appellant's Opening Brief is due August 16, 1963; Respondent's Brief will be due October 16, 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."

9234

INFORMATIVE CALENDAR ITEM 35. (CONTD.)

6. Case No. 271,707

W.O. 4708

City of Coronado and R. J. Townsend vs.  
San Diego Unified Port District, et al.  
San Diego County Superior Court  
(Formerly Case No. 528,114, 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.)

No change since report of July 12, 1963; i.e.,  
"Appeal pending."

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.)

The State of California's Opposition to United States Motion for Leave to File Supplemental Complaint or Original Complaint and Motion of the State of California to Dismiss United States vs. California, No. 5, Original, was filed by the State on July 11, 1963. The United States has sought and obtained an extension of time to and including September 4, 1963, to file a Response to the California Brief and Motion.