

MINUTE ITEM

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

The attached Calendar Item 14 was presented to the Commission for information only, no Commission action being required.

Attachment

Calendar Item 14 (3 pages)

CALENDAR ITEM

INFORMATIVE

14.

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

The following information is current as of December 5, 1963:

1. 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)

This matter is presently set for pretrial conference on January 13, 1964, and the target date for trial is in April 1964.

2. 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."

3. Case No. 62-1344-TC Civil W.O. 4564
Lewis W. Twonbley 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 has been filed. Brief of Carl Whitson as amicus curiae filed November 7, 1963. Respondent's Brief filed December 7, 1963.

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4. 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."

5. 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.)

State has been served with copy of Plaintiffs' Appellate Brief. State preparing Respondent's Answer.

Appeal is still pending. Appellant's Opening Briefs have been filed, and the Respondent's Briefs are being prepared for filing.

INFORMATIVE CALENDAR ITEM 14. (CONTD.)

6. 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.)

W.O. 4721.

(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. On September 4, 1963, the United States filed a Response to the California Brief and Motion.

On December 2, 1963, the Supreme Court granted permission to the United States to file a Supplemental Complaint in the pending case of United States vs. State of California. The State was given sixty days in which to file an Answer to the Supplemental Complaint, and to file any additional exceptions it may have to the Report of the Special Master, and to brief such exceptions. The Attorney General's office, in cooperation with the State Lands Commission's staff, is preparing to meet this deadline.