MINUTE ITEM

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

The attached Calendar Item 24 was presented to the Commission for information only, no Commission action being required.

Attachment
Calendar Item 24 (3 pages)

CALENDAR ITEM

INFORMATIVE

24.

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

The following information is current as of March 13, 1964:

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)

A conference was held with the Presiding Judge. The case was reassigned to Judge Otto Kaus. A preliminary meeting is set with the Judge for Monday, March 16, 1964. The Pretrial is set for April 23, 1964, with a trial date to be selected at that time.

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 January 20, 1964; i.e., the City Counsel of Hermosa Beach has recommended that the parties mutually dismiss the case without prejudice. This proposal is presently being evaluated by the office of the Attorney General and the Commission's staff.

3. Case No. 62-1344-TC Civil W.O. 4564
Lewis W. Twombley 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.)

No change since report of February 26, 1964; i.e., the case was orally argued on February 5, 1964, before the Ninth Circuit Court of Appeals, and we are awaiting their decision.

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.)

No change since report of January 20, 1964; i.e., case pending in the District Court of Appeal, Fourth District.

6. 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.)

Pursuant to the joint request of the United States and California, the United States Supreme Court fixed the following schedule: California's Answer to the Supplemental Complaint to be filed by March 2, 1964; both parties' Additional Exceptions to the Master's Report and Briefs in Support of Exceptions to be filed by April 1, 1964; and Responsive Briefs to be filed by both parties by May 15, 1964. California filed its Answer to the Supplemental Complaint on March 2, 1964.