

MINUTE ITEM

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

The attached Calendar Item 38 was presented to the Commission for information only, no Commission action being required.

Attachment

Calendar Item 38 (3 pages)

CALENDAR ITEM

INFORMATIVE

38.

STATUS OF MAJOR LITIGATION - W.O.s 2716, 3863, 4564, 4600, 4701, AND 4721.

The following information is current as of May 15, 1964:

1. Case No. 747562 (now consolidated with Case No. ~~645466~~) W.O. 2716
People vs. City of Long Beach, et al.
Los Angeles County Superior Court
(Long Beach Boundary Determination, Chapter 2000/57)

Due to the need for counsel on both sides to be in Sacramento in connection with pending legislation, it was necessary to move the Pretrial date to May 26, 1964. The matter will go forward at that time unless there has been contrary indication from the Legislature.

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. 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.)

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.

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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.)

The case was argued before the District Court of Appeal on May 6, 1964, and submitted for decision. (The office of the Attorney General stressed the urgency of the matter, and hopes for a quick decision.)

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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.)

Pursuant to the request of the United States for a 30-day
extension, simultaneous Reply Briefs will be filed on
June 15, 1964. At the request of the State of California,
there will be a third round of Briefs that will be due in
August.