

MINUTE ITEM

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

The attached Informative Calendar Item 34 was presented to the Commission for information only, no Commission action being required.

Attachment

Calendar Item 34 (2 pages)

CALENDAR ITEM

INFORMATIVE

34.

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

The following information is current as of October 8, 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)

The first of two Stipulations required by Ch. 138/64, 1st E.S., was filed on or about September 16, 1964. The second Stipulation will be filed on or about October 20, 1964.

2. 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.)

Petition for Writ of Certiorari in the U.S. Supreme Court was filed September 21, 1964, and the Attorney General's Office is presently preparing a response in opposition to the Petition, to be filed on or about October 20, 1964.

3. 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 July 16, 1964; i.e., the State was served with an Amended Complaint. The parties have agreed that the State will have until January 15, 1965, to Answer.

INFORMATIVE CALENDAR ITEM 34. (CONTD.)

4. 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 September 15, i.e., an Answer was filed by the State on behalf of the State Lands Commission to the City of Coronado's Petition for Hearing in the California Supreme Court. The Supreme Court denied the City of Coronado's Petition for Hearing, affirming the Decision of the District Court of Appeal in behalf of the State and the San Diego Unified Port Authority. The Attorney General's Office was informed September 15, 1964, that Coronado has directed its counsel to seek appellate review in the U.S. Supreme Court. However, State has not been served with any pleadings in this matter as yet.

5. 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.)

No change since report of September 15; i.e., both the State of California and the United States have filed the third round of Briefs referred to in the calendar item for the meeting of July 28, 1964. Argument is tentatively set for December 7, 1964, or later.