

MINUTE ITEM

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

The attached Calendar Item 33 was presented to the Commission for information only, no Commission action being required.

Attachment

Calendar Item 33 (3 pages)

CALENDAR ITEM

INFORMATIVE

33.

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

The following information is current as of April 16, 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 Pretrial Conference previously set for April 23, 1964, was continued to May 11, 1964, over the opposition of the Attorney General's Office. The basis for the continuance was the unavailability of Special Counsel for the City of Long Beach due to his duties on the Warren Commission investigating the Presidential assassination.

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.)

All parties have filed their Briefs. Motion has been made to advance the hearing date. It is expected that the case will be heard either May 5 or 6, 1964, in the District Court of Appeals.

INFORMATIVE CALENDAR ITEM 33. (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 and the United States filed their  
Amended Exceptions to the Special Master's Report of  
January 1953, and their Briefs in support of these exceptions,  
on April 1, 1964. Responsive Briefs are due May 15, 1964,  
and such Brief for the State is presently being prepared in  
the Office of the Attorney General.