

MINUTE ITEM

33. STATUS OF MAJOR LITIGATION - W.O.s 3019, 2224, 2274.2, AND 503.324.

The attached Calendar Item 23 was presented to the Commission for information.

Attachment

Calendar Item 23 (2 pages)

CALENDAR ITEM

INFORMATIVE

23.

STATUS OF MAJOR LITIGATION - W.O.'s 3019, 2224, 2274.2, AND 503.324.

1. Case No. 800-58 WM Civil W.O. 3019  
U.S. vs. Anchor Oil Corporation, et al.  
U.S.D.C., Southern District, Los Angeles County  
(Long Beach Subsidence Matter)

(Request by U. S. for court order to shut down Wilmington Field if satisfactory subsurface repressuring programs for land surface subsidence alleviation are not put into operation.)

Points and Authorities and Affidavits were filed in behalf of Defendant State of California on February 24, 1959. On March 10, 1959, pursuant to Motion by Plaintiff United States of America, the Plaintiff's Motion for Preliminary Injunction, previously scheduled for hearing on March 24, 1959, was ordered off calendar by the Federal Court, subject to being reset for hearing upon 45 days' notice.

In its Motion asking the Federal Court to place the Preliminary Hearing off calendar, the United States, in part, stated as follows:

"2. Since the filing of the motion for a preliminary injunction, and particularly since the hearing on this matter on November 17-18, 1958, the plaintiff has been pleased to observe the manner in which some of the defendants (including most of the principal producers in the field) have been working to establish and place into effect programs designed to prevent the further sinking of the surface lands. The plaintiff has been particularly interested in the programs toward this end that the major defendants report that they will be able to accomplish at specific times in the immediate and near future, as shown by their documents filed with the Court on about February 24, 1959, pursuant to order. It is the present belief of the plaintiff, based upon the best information now available to it, that if the defendants accomplish on schedule all of the subsidence abatement activities outlined in their recent submissions to the Court, with reasonable and necessary extensions of those activities into the future, the problem of further subsidence probably will have been solved. The plaintiff therefore believes that it would be appropriate that the defendants be given an opportunity voluntarily to perform in accordance with their protestations."

2. Case No. 683,824 W.O. 2224  
People vs. City of Long Beach  
Los Angeles County Superior Court  
(Alamitos Bay Quitclaim Litigation)

INFORMATIVE 23. (CONTD.)

(Resolution of question whether title to oil and gas is vested in City or State in lands granted to City by State and subsequently quitclaimed to State by City.)

This case is at issue. The trial date has been continued to and now is set on June 10, 1959.

3. Case No. 70717 W.O. 2274.2  
County of Orange vs. State of California, et al.  
Orange County Superior Court

(Claim by Orange County that a legislative grant to the County of tide and submerged lands in Newport Bay conveyed to the County all tide and submerged lands within the County (with the exception of a grant to the City of Newport Beach).)

As was reported at the last meeting of the Commission, Counsel for the County of Orange is examining the files and records of the Commission and causing certain copies to be made, consistent with a Court Order and Stipulation. Mr. Fred Forgy, Special Counsel for the County, was authorized to employ assistants to aid in the search of the State's records, and Henry Moore, Jr., of the firm of Moore & Trinkaus, Attorneys for Intervener American Marine Exploration Co., Inc., has been employed to assist. The County has served on the State notices of taking of depositions of all members of the Board of Supervisors, and a Notice of Motion to Seek Answers to Additional Interrogatories. The notices are set for various times and places.

4. Case No. 105-59 Y W.O. 503.324  
Carl Whitson v. City of Long Beach, Long Beach Oil  
Development Company, and the State of California  
U.S.D.C., Southern District, Central Division  
(Taxpayer's suit)

(Plaintiff's principal contention is that the City of Long Beach has succeeded to title to tide and submerged lands by reason of the Submerged Lands Act (Public Law 31, 1953), rather than through original grants from the State, and therefore the City is entitled to all tideland revenues exclusively, contrary to Chapter 29, Statutes of 1956, 1st E.S.)

The original Complaint was served February 5, 1959, with the Answer due 20 days after service. Subsequently, thirty days' additional time was granted to all defendants, including the State, in which to answer, or until March 26, 1959. On March 5 the State received an Amendment to the original Complaint.

On February 28, 1959, the State was served with a Notice of Motion for Preliminary Injunction, the effect of which, if granted, could have been to restrain the State from spending any of the monies received from Long Beach. This Motion was Noticed for Hearing on March 9, on which date the State appeared and opposed the Application for Injunction, and the Application was denied.