

MINUTE ITEM

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

The attached Calendar Item 49 was presented to the Commission for information only, no Commission action being required.

Attachment

Calendar Item 48 (3 pages)

CALENDAR ITEM

INFORMATIVE

48.

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

The following information is current as of July 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)

A meeting has been set with the Judge for September 2, 1964, to consider the stipulation required by Ch. 138, Stats. of 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.)

The Decision came down in the United States Court of Appeals on June 25, 1964, upholding the position of the State and denying the contention of the Plaintiff that the City of Long Beach obtained title free of the public trust by virtue of the Submerged Lands Act of 1953. Plaintiff has until July 24, 1964, to file a Petition for Rehearing before the United States Court of Appeals; Mr. Whitson, who appeared as Amicus Curiae, has filed a Petition for Rehearing.

INFORMATIVE CALENDAR ITEM 48. (CONTD.)

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.)

The State was served with an Amended Complaint. The parties have agreed that the State will have until August 14, 1964, to Answer. The City of Long Beach has demanded that Mr. Whitson post \$400 as security for bringing the action.

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.)

On May 26, 1964, the District Court of Appeal filed its Decision, upholding the establishment of the San Diego Unified Port District and the State's title to the tidelands. The Court upheld the legislative determination that there should be a regrant of the tidelands by all municipalities to the San Diego Unified Port District. The City of Coronado filed a Petition for Rehearing in the Supreme Court. The San Diego Unified Port Authority is filing an Answer, and the State also will file an Answer to the Petition for Rehearing.

INFORMATIVE CALENDAR ITEM 48. (CONTD.)

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.)

Pursuant to the request of the United States for a 30-day extension, simultaneous Reply Briefs were filed. At the request of the State of California, there will be a third round of Briefs that is due the end of July. The parties have filed a Joint Request for Oral Argument early in the October Term of the United States Supreme Court, and each side has been given two hours to argue the case.