

MINUTE ITEM

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

The Executive Officer supplemented Calendar Item No. 44 attached with an oral report on United States vs. State of California, Case No. 5 Original in the United States Supreme Court, stating that oral arguments had been presented the previous week to the United States Supreme Court by the Special Assistant Attorney General and by Deputies Attorney General. The case is now under submission and subject to decision by the United States Supreme Court, with no accurate prediction available as to when the Court will rule other than that a decision would be rendered prior to the expiration of the October Term, i.e., June 1965. A decree by the Court might require the appointment of a Special Master. In this event, determining the practical effect of a judgment of the Court could require extended time.

Attachment

Calendar Item 44 (2 pages)

CALENDAR ITEM

INFORMATIVE

44.

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

The following information is current as of December 9, 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 second agreement required by the City of Long Beach Under the terms of Ch. 138/64, 1st E.S., was filed on or about October 20, 1964. Further action in these proceedings will await final consummation of the Contractors' Agreement relating to the City's portion of the offshore area in the Long Beach Unit.

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 Petition for Writ of Certiorari was denied by the Supreme Court, and therefore the State's interest in the Long Beach tidelands has been upheld.

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.

10,830

INFORMATIVE CALENDAR ITEM 44. (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.)

Notice of Appeal to the Supreme Court of the United States was filed by the City of Coronado and served on the State October 15, 1964, and included a designation of the record required. Cross designation of additional portions of the record, for transmission to the Supreme Court of the United States, was filed by the Port Authority. The District Court of Appeal forwarded the entire record to the U.S. Supreme Court on December 7, 1964. Jurisdictional Statement will be filed by the City of Coronado by December 15, 1964, after which the State will have 30 days in which to file Motion to Dismiss Appeal or Motion to Affirm Decision of California Court.

5. Case No. 5 Original in the United States Supreme Court  
United States vs. State of California

W.O. 4721

(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.)

(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.)

This case was argued by Special Assistant Attorney General Richard Keatinge on December 7 and 8, 1964. The matter is now under submission, awaiting a decision by the United States Supreme Court.