

No. S271869

**IN THE
SUPREME COURT
OF THE
STATE OF CALIFORNIA**

COUNTY OF MONTEREY, ET AL., Appellants,

v.

CHEVRON U.S.A., INC. ET AL., Respondents.

AFTER DECISION BY THE COURT OF APPEAL
SIXTH APPELLATE DISTRICT, CASE No. H045791

APPEAL FROM THE SUPERIOR COURT OF THE COUNTY OF MONTEREY
THE HONORABLE, JUDGE THOMAS WILLS
CIVIL CASE No. 16-CV-2978 & CONSOLIDATED CASES

**CALIFORNIA RESOURCES CORPORATION'S JOINDER
AND RESPONDENT'S BRIEF**

O'MELVENY & MYERS LLP

*BARTON H. THOMPSON (S.B. #72927)	MATT KLINE (S.B. #211640)
BTHOMPSON@OMM.COM	MKLINE@OMM.COM
2795 SAND HILL ROAD,	1999 AVENUE OF THE STARS
MENLO PARK, CALIFORNIA 94025	LOS ANGELES, CALIFORNIA 90067
TELEPHONE: (650) 473-2600	TELEPHONE: (310) 553-6700
FACSIMILE: (650) 473-2601	FACSIMILE: (310) 246-6779

HEATHER WELLES (S.B. #302256)
HWELLES@OMM.COM
400 S. HOPE STREET
LOS ANGELES, CALIFORNIA 90071
TELEPHONE: (213) 430-6000
FACSIMILE: (213) 430-6407

Attorneys for Respondent California Resources Corporation

I. JOINDER IN RESPONDENTS' ANSWERING BRIEF FILED BY CHEVRON U.S.A. INC., ET AL. AND RESPONDENT'S BRIEF OF CALIFORNIA RESOURCES CORPORATION

California Resources Corporation (“CRC”) joins in the Respondents’ Answering Brief submitted by Chevron U.S.A. Inc., et al. and respectfully requests that this Court affirm for the reasons stated therein.

We submit this separate brief for a narrow purpose: to emphasize what this Court’s ruling will *not* do. The Superior Court held that if Measure Z were to go into effect, it would cause a categorical facial taking of CRC’s mineral rights in Monterey County. (31 AA 7586-87.) That is because Measure Z prohibits CRC from drilling the oil-production and wastewater-disposal wells necessary to “extract any economic value” from its property. (31 AA 7587 [citing *Lucas v. S.C. Coastal Council* (1992) 505 U.S. 1003, 1019].) The Superior Court further held that Measure Z’s political adjudication procedure—which attempted to force CRC and all other mineral rights owners to litigate their takings claims in front of the Monterey County Board of Supervisors in the first instance—violated due process. (31 AA 7581-85.)

Although Intervenors appealed those rulings, the Court of Appeal declined to reach the takings issue, instead affirming the Superior Court’s judgment on the basis that state law preempts Measure Z. (See Opn. at p. 2.) Accordingly, Intervenors did not seek further review of the Superior Court’s rulings on the takings issues.

Section 3106 of the Public Resources Code preempts Measure Z. CRC therefore respectfully requests that this Court affirm the Court of Appeal’s decision for the reasons explained in the Respondents’ Answering Brief submitted by Chevron U.S.A., Inc., et al. But this Court’s preemption decision will not affect the Superior Court’s determination that Measure Z effects a facial taking of CRC’s property. That ruling stands, and CRC also

remains entitled to relief on that basis.

Dated: June 27, 2022

O'MELVENY & MYERS LLP

By: /s/ Barton H. Thompson
Barton H. Thompson
Attorneys for Respondent California
Resources Corporation

CERTIFICATE OF WORD COUNT
(Cal. Rules of Court, Rule 8.204(c)(1))

I, Heather Welles, declare and state as follows:

1. I am an attorney duly licensed to practice law before all courts of the State of California and am a counsel with the law firm O'Melveny & Myers LLP, attorneys of record herein for California Resources Corporation.

2. I make this declaration in support of the Joinder in Respondents' Answering Brief Filed By Chevron U.S.A. Inc., et al. and Respondent's Brief of California Resources Corporation.

3. I have personal knowledge of the facts set forth in this declaration and if called as a witness, could and would testify competently to them.

4. Pursuant to California Rules of Court, Rule 8.204(c)(1), I hereby make the following certification: The text of this brief consists of 305 words as counted by the word-processing program used to generate this brief.

Executed on June 27, 2022, under the laws of the State of California at Los Angeles, California.

/s/ Heather Welles

Heather Welles

PROOF OF SERVICE

I, Heather Welles, declare:

I am employed in the County of Los Angeles, State of California. My business address is O'Melveny & Myers LLP, 400 South Hope Street, 18th Floor, Los Angeles, California 90071. I am over the age of eighteen years and not a party to the action in which this service is made.

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submitted by California Resources Corporation on the interested parties in this action as follows:

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Executed on June 27, 2022, at Los Angeles, California.

/s/ Heather Welles

Heather Welles

Gene Tanaka Best & Krieger 2001 North Main Street, Suite 390 Walnut Creek, CA 94596 gene.tanaka@bbklaw.com	Charles McKee County Counsel County of Monterey 168 West Alisal Street, 3rd Floor Salinas, CA 93901-2439 mckeej@co.monterey.ca.us
Catherine Engberg Kevin P. Bundy Aaron M. Stanton Shute, Mihaly & Weinberger LLP 396 Hayes Street San Francisco, CA 94102 Engberg@smwlaw.com Bundy@smwlaw.com	Deborah A. Sivas Alicia E. Thesing Environmental Law Clinic Mills Legal Clinic at Stanford Law School 559 Nathan Abbott Way Stanford, CA 94305-8610 dsivas@stanford.edu

Stanton@smwlaw.com	athesing@stanford.edu
Jason Retterer David Balch JRG Attorneys at Law 318 Cayuga Street Salinas, CA 93901 Jason@jrgattorneys.com David@jrgattorneys.com	Michael A. Geibelson Bernice Conn Lucas A. Messenger Robins Kaplan LLP 2049 Century Park East, Suite 3400 Los Angeles, CA 90067-3208 MGeibelson@robinskaplan.com BConn@robinskaplan.com LMessenger@robinskaplan.com
Donald C. Oldaker Clifford & Brown A Professional Corporation Attorneys at Law 1430 Truxtun Avenue, Suite 900 Bakersfield, CA 93301 DOldaker@clifford-brownlaw.com	Andrew A. Bassak Christopher A. Rheinheimer Manatt, Phelps & Phillips, LLP One Embarcadero Center, 30th Floor San Francisco, CA 94111 ABassak@manatt.com CRheinheimer@manatt.com
Hollin H. Kretzmann Center for Biological Diversity 1212 Broadway, Suite 800 Oakland, CA 94612 HKretzmann@biologicaldiversity.org	Jacqueline M. Zischke A Professional Corporation PO Box 1115 Salinas, CA 93902 JZischkelaw@charter.net
Edward S. Renwick Hanna and Morton LLP 444 South Flower Street, Suite 2530 Los Angeles, CA 90071 ERenwick@hanmor.com	Jeffrey D. Dintzer Matthew Wickersham Alston & Bird LLP 333 S. Hope St., 16th Fl. Los Angeles, CA 90071-3004 Jeffrey.Dintzer@alston.com Matthew.Wickersham@alston.com
Theodore J. Boutrous Dana Lynn Craig Gibson, Dunn & Crutcher LLP 333 S. Grand Ave. Los Angeles, CA 90071-3197 tboutrous@gibsondunn.com dcraig@gibsondunn.com	

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

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Case Number: **S271869**

Lower Court Case Number: **H045791**

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Dione Garlick Gibson Dunn & Crutcher 293012	dgarlick@gibsondunn.com	e-Serve	6/27/2022 10:10:13 AM
Andrew Bassak Hanson Bridgett LLP 162440	abassak@hansonbridgett.com	e-Serve	6/27/2022 10:10:13 AM
Donald Oldaker Clifford and Brown 166230	doldaker@clifford-brownlaw.com	e-Serve	6/27/2022 10:10:13 AM
Kevin Bundy Shute, Mihaly & Weinberger LLP 231686	bundy@smwlaw.com	e-Serve	6/27/2022 10:10:13 AM
Leslie Girard Monterey County Counsel	girardlj@co.monterey.ca.us	e-Serve	6/27/2022 10:10:13 AM
Gene Tanaka Best Best & Krieger LLP 101423	gene.tanaka@bbklaw.com	e-Serve	6/27/2022 10:10:13 AM
Todd Smith	tsmith@rflawllp.com	e-	6/27/2022

Ragghianti Freitas LLP		Serve	10:10:13 AM
Deborah Sivas Mills Legal Clinic at Stanford Law School 135446	dsivas@stanford.edu	e-Serve	6/27/2022 10:10:13 AM
Michael Geibelson Robins Kaplan LLP 179970	mgeibelson@robinskaplan.com	e-Serve	6/27/2022 10:10:13 AM
Hollin Kretzmann Center For Biological Diversity 290054	hkretzmann@biologicaldiversity.org	e-Serve	6/27/2022 10:10:13 AM
Jacqueline Zischke Attorney at Law 171670	jzischkelaw@charter.net	e-Serve	6/27/2022 10:10:13 AM
Jason Retterer JRG Attorneys at Law 194651	jason@jrgattorneys.com	e-Serve	6/27/2022 10:10:13 AM
Edward Renwick Hanna and Morton LLP 29325	erenwick@hanmor.com	e-Serve	6/27/2022 10:10:13 AM
Barton Thompson Attorney at Law 72927	bthompson@omm.com	e-Serve	6/27/2022 10:10:13 AM
Alison Hahm Communities for a Better Environment 336969	ahahm@cbeal.org	e-Serve	6/27/2022 10:10:13 AM
Julia Forgie NRDC 304701	jforgie@nrdc.org	e-Serve	6/27/2022 10:10:13 AM
Elizabeth Vissers Office of the County County, County of Santa Clara 321365	elizabeth.vissers@cco.sccgov.org	e-Serve	6/27/2022 10:10:13 AM
Matthew Kline O'Melveny & Myers LLP 211640	mkline@omm.com	e-Serve	6/27/2022 10:10:13 AM

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

6/27/2022

Date

/s/Court Services

Signature

Thompson, Barton H. (72927)

Last Name, First Name (PNum)

O'Melveny & Myers LLP

Law Firm
