

1 HANSON BRIDGETT LLP  
KURT A. FRANKLIN, SBN 172715  
2 kfranklin@hansonbridgett.com  
SAMANTHA WOLFF, SBN 240280  
3 swolff@hansonbridgett.com  
CAROLINE LEE, SBN 293297  
4 clee@hansonbridgett.com  
JENNIFER ANIKO FOLDVARY, SBN 292216  
5 jfoldvary@hansonbridgett.com  
425 Market Street, 26th Floor  
6 San Francisco, California 94105  
Telephone: (415) 777-3200  
7 Facsimile: (415) 541-9366

8 HANSON BRIDGETT LLP  
TYSON M. SHOWER, SBN 190375  
9 tshower@hansonbridgett.com  
LONDON D. BAILEY, SBN 240236  
10 lbailey@hansonbridgett.com  
500 Capitol Mall, Suite 1500  
11 Sacramento, California 95814  
Telephone: (916) 442-3333  
12 Facsimile: (916) 442-2348

13 OTTEN LAW, PC  
VICTOR OTTEN, SBN 165800  
14 vic@ottenlawpc.com  
KAVITA TEKCHANDANI, SBN 234873  
15 kavita@ottenlawpc.com  
3620 Pacific Coast Highway, #100  
16 Torrance, California 90505  
Telephone: (310) 378-8533  
17 Facsimile: (310) 347-4225

18 Attorneys for Plaintiffs  
CORY SPENCER, DIANA MILENA  
19 REED, and COASTAL PROTECTION  
RANGERS, INC.  
20

21 **UNITED STATES DISTRICT COURT**  
22 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
23

24 CORY SPENCER, an individual;  
25 DIANA MILENA REED, an  
individual; and COASTAL  
26 PROTECTION RANGERS, INC., a  
27 California non-profit public benefit  
corporation,  
28

CASE NO. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF MARK SLATTEN  
IN SUPPORT OF PLAINTIFFS'  
MOTION FOR CLASS  
CERTIFICATION**

**Date:** February 21, 2017  
**Time:** 10:00 a.m.

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Plaintiffs,

v.

LUNADA BAY BOYS; THE INDIVIDUAL MEMBERS OF THE LUNADA BAY BOYS, including but not limited to SANG LEE, BRANT BLAKEMAN, ALAN JOHNSTON AKA JALIAN JOHNSTON, MICHAEL RAE PAPAYANS, ANGELO FERRARA, FRANK FERRARA, CHARLIE FERRARA, and N. F.; CITY OF PALOS VERDES ESTATES; CHIEF OF POLICE JEFF KEPLEY, in his representative capacity; and DOES 1-10,

Defendants.

**Judge:** Honorable S. James Otero  
**Ctrm.:** 10C  
1st Street Courthouse

**Complaint Filed:** March 29, 2016  
**Trial Date:** November 7, 2017

I, Mark Slatten, declare as follows:

1. I have personal knowledge of the facts set forth herein, except as to those stated on information and belief and, as to those, I am informed and believe them to be true. If called as a witness, I could and would competently testify to the matters stated herein.

2. I am the President of Plaintiff, Coastal Protection Rangers, which is a California non-profit public benefit corporation (hereafter "CPR"). Prior to incorporation, CPR was an unincorporated membership association. This is a completely volunteer position. I earn a living, however, as a licensed geologist and own a company called Clean Soils Inc. My company is hired to conduct investigations into property impacted by hazardous substances, often chlorinated solvents, and implement systems to remediate the soil and groundwater.

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1           3.     I grew up in Southern California. As a young boy, my family lived  
2 one block off Manhattan Beach, CA. I spent most days at the beach  
3 bodysurfing and enjoying the ocean. In junior high school, we moved to  
4 Palos Verdes, and I learned to surf. This is back when the surfboards were  
5 long, big and heavy. I heard through the “grapevine” to stay away from the  
6 southern side of the peninsula. I understood this to mean anything south of  
7 Bluff Cove. The “why” made no sense then, but it does now. The people who  
8 said to avoid those parts of the Peninsula were referring to the problem with  
9 localism.

10           4.     While attending the University of California, Los Angeles (UCLA)  
11 I lived in Hermosa Beach and worked in Redondo Beach. Today, I live with  
12 my wife -- about 20 miles from the beach at Carlsbad (San Diego County)  
13 and go there frequently. To me and CPR, the beach represents many things  
14 – it demonstrates the strength of nature, how small we are as humans,  
15 freedom, a place to explore, a venue to gather with friends and others, and a  
16 place where people can express themselves in activities like surfing. In  
17 sum, the beach has always given me great joy. It is a place where I can go  
18 to mediate and escape the stress of everyday life, relax and be happy.  
19 These are some of the reasons why the coastal areas must be protected  
20 from selfish, exclusion-oriented and otherwise mean people.

21           5.     From 1970-72, I studied the geology of the Santa Monica  
22 Mountains while attending Moorpark College. During that time, I become an  
23 avid hiker. This was sparked by my interest in geology. I have hiked and  
24 enjoyed the Coastal Mountain ranges all over the State of California. My  
25 love for the natural sciences led me obtain a Master’s Degree in science in  
26 geology from University of California Riverside and Bachelor of Science,  
27 Geology with paleontology minor. I am a Professional Geologist and hold  
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1 licenses in six states including. I am also a California Certified  
2 Hydrogeologist.

3         6. I decided to start CPR in 2014 after a long discussion with a  
4 friend who is an environmental attorney. I was familiar with the Coastal Act  
5 because of some work that I was doing related to the former Halaco refinery  
6 that was built on coastal wetlands in the City of Oxnard. We discussed how  
7 the private enforcement provisions of the Coastal Act could be used to  
8 ensure existing beach access and open up beaches long denied to the  
9 public, to stop illegal developments and to protect the coastal zone. We also  
10 discussed how the California coast is one of the largest open spaces near  
11 urban areas and how surfing and exposure to beach activities could be used  
12 as a tool to help the poor generally, and specifically at-risk youths in  
13 communities that have too little access to recreation, parks, nature and the  
14 outdoors.

15         7. In addition, several of CPR's board members and/or volunteers  
16 of the organization are surfers and/or enjoy the beach and grew up in areas  
17 near Palos Verdes Estates such as Redondo Beach, Rancho Palos Verdes,  
18 Hermosa Beach and Torrance. They would have liked to have surfed, dived,  
19 taken photographs, hiked, or even just enjoyed nature and the beach at  
20 Lunada Bay but were afraid to because of the reputation that it had for  
21 localism. For example, board member Dave Leuck grew up in Redondo  
22 Beach. Having surfed since the age of 8, lived in Hawaii for two years, and  
23 having spent six months surfing Mainland Mexico, he has the skill to surf  
24 Lunada Bay on good days. Yet, he has never been able to surf there  
25 because of the problem with localism. The same is true for Ian Stenehjem  
26 who grew up in Rancho Palos Verdes just 2 miles from Lunada Bay and has  
27 surfed his entire life. Ian is a pilot for a major airline and has surfed the best  
28

1 breaks in the world for the last 20 years but has never been able to surf the  
2 break closest to where he grew up because of the locals.

3 8. Around December 2015, I read an article in The Los Angeles  
4 Times about a dispute the Coastal Commission was having with the City of  
5 Palos Verdes Estates regarding an illegal structure at Lunada Bay and the  
6 issue of localism. What was immediately apparent to me was the fact that  
7 the City seemed to be challenging the authority of the Coastal Commission.  
8 CPR's attorney and I researched bringing a private enforcement action. We  
9 looked at various things including past efforts to stop localism at Lunada Bay  
10 and other surfing spots in Palos Verdes Estates. Throughout the years, the  
11 South Bay Chapter of the Surfrider Foundation seemed dedicated to  
12 stopping localism. There are numerous articles showing the efforts made by  
13 their volunteers. Yet, the Surfrider Foundation had not been able to solve the  
14 problem. Because beach access is central to CPR's mission, the board  
15 voted to become a plaintiff in this case.

16 9. As part of the investigation in this matter, I have learned how the  
17 City of Palos Verdes Estates has not enforced laws against locals, such as  
18 the law prohibiting drinking alcohol on public beaches and laws that prohibit  
19 people from blocking access to the beach. And, I learned about historic  
20 discrimination in Palos Verdes Estates, including: (a) the Palos Verdes  
21 Homes Association and Art Jury designed to "protect this utopian landscape  
22 and future property values" that was established in 1923 as a "high-class  
23 residential suburb" limiting 90% of the property to single-family homes; (b)  
24 restrictive covenants forbade an owner to sell or rent a house to anyone not  
25 of white or Caucasian race and to not permit African-Americans on their  
26 property with the exception of chauffeurs, gardeners and domestic servants;  
27 (c) in 1960, Palos Verdes Peninsula voters voted to form a unified school  
28 district of their own, and not remain under the more diverse Los Angeles

1 Unified School District's rule (this avoided desegregation and bussing, which  
2 came in later in the 1960's and 1970's); (d) in the 1980's, disproportionately  
3 white and affluent communities persuaded the Southern California Rapid  
4 Transit District (RTD) to end direct bus service between South Central and  
5 beach-front communities to the west, increasing the amount of time it took to  
6 reach the beach and effectively deterring people of color from going to the  
7 beach at all because of the amount of time and hassle it took to get there,  
8 and that RTD granted the request of Palos Verdes Peninsula cities that  
9 buses from the inner city not climb the Palos Verdes Hill; (e) in 1991, the  
10 cities of Palos Verdes Estates, Rancho Palos Verdes, and Rolling Hills  
11 Estates formed their own small transit district called the Palos Verdes  
12 Peninsula Transit Authority (PVPTA) that only operates Monday to Friday,  
13 and does not stop at Palos Verdes Estates beaches like Lunada Bay; (f) on  
14 September 11, 2015, defendant NF in this matter served as a lookout on a  
15 crime that took place at the local liquor store where the Bay Boys buy beer,  
16 and while the police reported it as a robbery gone awry by high school age  
17 kids pulling a prank, the liquor store owner explained it as a hate crime  
18 because it happened on 9/11, he is a Pakistani/Muslim immigrant and that  
19 the boys swung a baseball bat at him breaking his arm, and the boys didn't  
20 attempt to steal anything; (g) when coastal access advocates held a Martin  
21 Luther King Day paddle out rally in 2014, several Bay Boys paddled out in  
22 blackface in front of police and told the visitors, "you don't pay enough taxes  
23 to be here"; (h) that when Plaintiff Diana Milena Reed complained about  
24 being sexually harassed at the Rock Fort, that police officers responded with  
25 words to the effect, "why would a woman want to visit a beach that only has  
26 rocks?" and that the Bay Boy's called her "that Diana bitch" in their texts;  
27 and (i) that numerous beachgoers have had the word "faggot" screamed at  
28 them by locals as they attempt to visit Lunada Bay. These protected-

1 category overtones cause me and CPR grave concern, as all beachgoers,  
2 no matter their income level, race, color, religion, gender, sexual orientation  
3 or other protected category are entitled to coastal access.

4 10. In September 2016, Gov. Jerry Brown signed legislation  
5 amending the Coastal Act which compliments CPRs core mission of open  
6 access to the coast for everyone by incorporating the concept of  
7 environmental justice into the law. The Coastal Act now explicitly refers to  
8 the statutory definition of environmental justice. "Environmental justice"  
9 means the fair treatment of people of all races, cultures, and incomes with  
10 respect to environmental laws, regulations, and policies under Government  
11 Code Section 65040.12. The governor is now required to appoint a  
12 Commissioner experienced in and dedicated to environmental justice. Every  
13 Commissioner is required to comply with and enforce the cross-cutting equal  
14 justice laws. Finally, the Act explicitly refers to state civil rights law that  
15 guarantees equal access to publicly funded resources and prohibits  
16 discrimination based on race, color, national origin, and other factors,  
17 Government Code 11135. Section 11135 applies to all state agencies and  
18 recipients of state funding.

19 11. The beaches, tide pools and surf on the Palos Verdes Peninsula  
20 and at Lunada Bay are truly unique and everyone should be able to enjoy  
21 them. On a low tide, you can see octopi, limpets, crabs, sea urchins and  
22 other aquatic life living in the tide pools. There are marine mammals such as  
23 seals that patrol the shores; occasionally, a whale can be spotted on the  
24 horizon. Standing on the bluff the kelp beds are visible- something totally  
25 unique to California. And if you grab a mask and snorkel, you will discover  
26 one of the most biologically diverse and productive zones on the planet.  
27 Exposing people to these ecological areas give life meaning and put things  
28 into perspective; everyone, especially the economically challenged and

1 people who live in poorer communities, should be able to have access to  
2 this area of the coast without fearing for his or her safety. Specifically, CPR  
3 and I believe that without intimidation, school children from poorer inland  
4 communities should be able to take field trips to Lunada Bay for educational  
5 purposes and to share these experiences with their parents, families, and  
6 friends. Everyone should be able to learn, exercise, enjoy the outdoors and  
7 otherwise express themselves in their chosen activities at Lunada Bay.

8       12. CPR and I would like the public to be able to visit Lunada Bay  
9 to surf without fear of physical and verbal attack or the hassle of dealing with  
10 the Bay Boy bullies. CPR and I would like the public to be able to visit the  
11 Lunada Bay bluff, shoreline, and water to explore and surf without fear of  
12 having their car vandalized. CPR and I want the Bay Boys and other locals  
13 to be barred from using this beach for sufficient time to change attitudes and  
14 to give access to the beach back to the public.

15       13. CPR and I want the City of Palos Verdes Estates to enforce its  
16 ordinances fairly and for it to provide signage so people will know Lunada  
17 Bay is a public beach. CPR and I want the City of Palos Verdes Estates to  
18 improve amenities in a fashion that makes it safer, provides improved  
19 access to all beachgoers, and is both consistent with this rural spot, the  
20 California Coastal Act, and state and federal law. For example, access trails  
21 to the shoreline should be clearly marked to make it safer for people visiting  
22 to navigate down to the shoreline. And no person should be allowed to  
23 block the access trails or to intimidate visitors on the bluff top, on the  
24 shoreline, or in the water. CPR and I want Palos Verdes Estates police to  
25 be available to help when people are unlawfully excluded. In short, CPR  
26 and I want all to be able to visit Lunada Bay without being harassed. And if  
27 someone is harassed, we want the City of Palos Verdes Estates police to  
28 take complaints seriously. Finally, we would like to see public transportation

1 that makes it easy for people of all walks of live to be able to experience  
2 Lunada Bay.

3 I declare under penalty of perjury under the laws of the United States  
4 of America that the foregoing is true and correct.

5 Executed on this 28th day of December, 2016, at Murrieta, California.

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MARK SLATTEN