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18 REED, and COASTAL PROTECTION  
RANGERS, INC.  
19

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

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

27 Plaintiffs,  
28

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

**EXPERT DECLARATION OF PETER  
NEUSHUL IN SUPPORT OF  
PLAINTIFFS' MOTION FOR CLASS  
CERTIFICATION**

Judge: Hon. S. James Otero  
Date: February 21, 2017  
Time: 10:00 a.m.  
Crtrm.: 10C

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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.

I, Peter Neushul, declare as follows:

1. I was a visiting history professor at the University of California, Santa Barbara (“UCSB”) for a 15-year period. I have taught a course entitled “History of Surfing” from 2008 to 2012. I wrote a book on the history of surfing entitled “The World in the Curl: An Unconventional History of Surfing” with Peter Westwick, which was published in 2013 by Crown Publishers, a division of Random House. I have written several articles on surfing, including “Aerospace and Surfing: Connecting to California Keynotes” in 2012, “1987-2015 Surfing Takes Off: The Boys (And Girls) of Summer” in 2016, “Blowing Foam and Blowing Minds: Better Surfing through Chemistry” in 2016, and “Is There Surf? Wave Forecasting and Wave Riding,” forthcoming. I have studied the history of surfing, the surf community, and contemporary issues in surfing. I am also a surfer myself, having grown up in Santa Barbara. I started surfing when I was eight years

1 old and have surfed for more than 45 years.

2 2. I am an expert on surf history generally, surf culture generally,  
3 surfing rules, and both California surf history and culture. I have studied  
4 surfing's explosion in popularity and the increased number of people who  
5 seek to surf. Related, I've studied localism and beaches known to be "for  
6 locals only."

7 3. I earned my bachelor's degree in history from UCSB in 1983, my  
8 master's degree in history from UCSB in 1986, and my doctorate degree in  
9 history from UCSB in 1993. A true and correct copy of my curriculum vitae  
10 is attached hereto as **Exhibit 1**.

11 4. Modern surfing originated in Hawaii, and it was brought to the  
12 mainland by Hawaiians. George Freeth, who was one-quarter Hawaiian,  
13 visited California beginning in 1907 to promote surfing and Hawaiian  
14 tourism. He gave surfing demonstrations as the "Hawaiian Wonder" and the  
15 "Man Who Walks On Water." Duke Kahanamoku, a native Hawaiian who  
16 grew up surfing, later brought more attention to surfing to the mainland.  
17 Kahanamoku first gained notice as a swimmer, and he won medals at the  
18 1912, 1920, and 1924 Olympics, including gold in the 100-meter freestyle in  
19 1912 and 1920. With his new fame, Kahanamoku toured the United States,  
20 giving surfing demonstrations and appearing in Hollywood movies. During  
21 this period, swimming was increasingly promoted as a form of exercise for  
22 desk-bound middle-class workers.

23 5. The evolution of the surfboard itself has roots in Southern  
24 California. The surfboards used in the early 20th century were made of  
25 redwood and could weigh over a hundred pounds, making them difficult to  
26 use. Surfers began experimenting using lighter balsa wood and drilling  
27 hollow boards. An even lighter surfboard featuring internal ribs topped by a  
28 plywood sheath is credited to Tom Blake, a surfer who moved from the

1 Midwest to Los Angeles and his connections with an engineer at the  
2 California Institute of Technology (“Caltech”). A Caltech student, Robert  
3 Simmons, later created a hybrid board using Styrofoam, balsa rails, and a  
4 plywood veneer sealed with fiberglass and resin. With the advent of  
5 cheaper, lighter polyurethane foam boards in the 1950s, surfing became  
6 more accessible to the masses.

7         6. During the 1950s and 1960s, Hollywood contributed to the  
8 growing interest in surfing and featured surfing in movies such as “Gidget”  
9 and its sequels, the “Beach Party” series with Frankie Avalon and Annette  
10 Funicello, and “The Endless Summer.” Bands including the Beach Boys  
11 also promoted the fun lifestyle associated with surfing.

12         7. However, surfing wasn’t encouraged for everyone, and  
13 exclusionary practices towards African-Americans extended to the beach. In  
14 Southern California, for example, cities took measures to keep African-  
15 Americans from the beach. For example, I know that the City of Palos  
16 Verdes Estates had a covenant that forbade home owners to sell or rent a  
17 house to anyone who was not white or Caucasian or to allow African-  
18 Americans on their property, with the exception of chauffeurs, gardeners,  
19 and domestic servants. Just north of Palos Verdes Estates, the City of  
20 Manhattan Beach used eminent domain to evict African-Americans from a  
21 beachfront neighborhood known as Bruce’s Beach. Given the hostility  
22 displayed towards them elsewhere, African-Americans began surfing at a  
23 polluted beach in Santa Monica, which later became known as the Ink Well.  
24 Back in the 1970s, as today, few African-Americans surf. In fact, 58 percent  
25 of African-American children do not know how to swim, compared to 31  
26 percent of white children and 56 percent of Hispanic children, according to a  
27 2008 study conducted by USA Swimming.

28

1 8. As surfing grew in overall popularity and accessibility, surfing  
2 competitions made it possible to become a professional surfer. The U.S.  
3 Open of Surfing, which is held in Huntington Beach, California every year,  
4 was first held in 1959 and continues to this day. Hawaii and Australia also  
5 host surfing competitions that draw the best international surfers. Surfing  
6 will be included for the first time as a medal sport in the Olympic Games in  
7 2020 in Tokyo, Japan.

8 9. Surfing has informal rules and protocol, which are intended to  
9 enhance safety and ensure predictability. For example, surfers waiting their  
10 turn to take a wave are formed in a “lineup,” a line of surfers parallel to the  
11 waves. Generally, the first surfer closest to the curl of the wave has the right  
12 of way. No surfer should “drop in on” another surfer taking a wave or, in  
13 other words, try to take their wave by paddling into a wave where the other  
14 surfer has the right-of-way and is already up surfing because it would be  
15 potentially dangerous for both surfers if they collide. In addition, surfers are  
16 expected to paddle around, not through, the lineup to get to and from the  
17 shore. Further, surfers paddling out should avoid getting in the way of  
18 someone already riding a wave.

19 10. Surfing etiquette dictates that surfers refrain from hogging waves  
20 and that they take turns. In particular, surfers are admonished not to  
21 “snake” or make an “S” around a surfer in the lineup in order to cut to the  
22 front of the line. Surfers are expected to show general respect for each  
23 other and to the beach.

24 11. Safety in the water is paramount. Surfers should not put other  
25 surfers in danger.

26 12. I am familiar with many of the surfing beaches in Palos Verdes  
27 Estates throughout the City’s 4.5 miles of public coastline. For Los Angeles  
28 County, many of the City’s beaches are unique in that many are rock-reef

1 point breaks. From north of Palos Verdes Estates, moving south, the better  
2 known surfing breaks on the City's shoreline are: (a) Lower Haggerty, (b)  
3 Exiles, (c) Upper Haggerty, (d) Palos Verdes Cove, (e) Ski Jump, (f) Little  
4 Reef, (g) Little Queens, (h) Middles, (i) Bone Yards, (j) Indicator, (k)  
5 Charlie's, (l) Turbos, (m) Charlie's Point, (n) Pipes, (o) TA's, (p) Ganja's, (q)  
6 Dominators, (r) Truck Drivers, (s) Lunada Bay, also known as Palos Verdes  
7 Point, or the Point, (t) Avalanche, and (u) Wally's. These beaches may be  
8 accessed by trail, by shoreline during low tides, and by boat. However, the  
9 signage to these beaches is poor or non-existent. Similarly, the pathways  
10 and trails to the beaches are not well marked.

11 13. Of these waves, Lunada Bay is one of the best known big-swell  
12 waves. It has outstanding right-breaking rock-reef point-break type waves  
13 that (a) can handle a large swell and (b) can break with a hollow tube.  
14 These make for prime surfing conditions. In addition, the sheer cliffs,  
15 pristine shoreline, and tidepool areas are known for their beauty. To access  
16 Lunada Bay, there are two main trails down cliffs that descend more than  
17 100 feet. While on City property, both are steep, but like the other beach  
18 trails in Palos Verdes Estates, they're not marked.

19 14. Localism can be a problem at certain surf spots. The issue is  
20 that surfers ideally like to ride each wave by themselves to the exclusion of  
21 visitors whom they do not know. When there are a limited number of waves,  
22 but large crowds of surfers want to ride them, some will be left frustrated.  
23 Even though a complicated set of informal rules and hierarchies govern the  
24 order in which surfers can take a wave, some surfers get impatient and  
25 greedy. These local surfers might act out by giving hard-and-threatening  
26 looks intended to encourage people to leave and/or verbally harass non-  
27 locals. But localism can escalate to include illegal activity like blocking trail  
28 access, vandalizing non-locals' vehicles, or, on certain occasions, throwing

1 rocks at non-locals or getting into physical alterations. Further, locals may  
2 act out in the water by dropping in on visiting surfers putting them in danger,  
3 attempting to run over visiting surfers, blocking visiting surfers from catching  
4 waves, pulling the leg ropes (leashes) of visiting surfers so they will miss  
5 waves, shooting surfboards at visiting surfers, fighting visiting surfers,  
6 provoking visiting surfers to engage in a fight, and threatening visiting  
7 surfers' safety.

8 15. Localism and surf gangs are known to exist throughout the  
9 world, including Maroubra, near Sydney, Australia where the Bra Boys are  
10 known to harass visitors and the North Shore of Oahu, Hawaii, the historical  
11 home of Da Hui, the "North Shore mafia" or "Black Shorts."

12 16. Throughout the surf community, the City of Palos Verdes Estates  
13 has the reputation of not taking complaints against the Bay Boys seriously  
14 and allowing its beaches to become too exclusive for locals' use only. By  
15 reputation, the City of Palos Verdes Estates allows illegal exclusivity and  
16 has done nothing to stop the Bay Boys for decades.

17 17. Today, Lunada Bay in Palos Verdes Estates is known as one of  
18 the most localized surf spots in the world. Lunada Bay is home to one of the  
19 few big-wave spots in Southern California and can have waves of up to 20-  
20 feet-high. Particularly when the swells get big, which is generally from  
21 November to March, the locals known as Bay Boys threaten visiting  
22 beachgoers who try to go to Lunada Bay. A 1995 lawsuit against a Bay Boy  
23 resulted in a restraining order and City promises to police the area and  
24 protect it for visitors. But, several years later, the Bay Boys were back to  
25 assaulting non-local surfers.

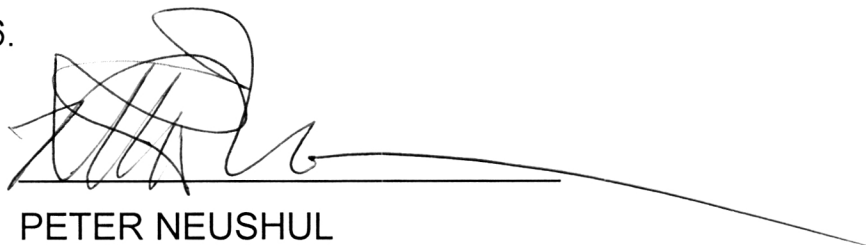
26 18. Because of its reputation, most non-City-residents and visiting  
27 surfers avoid Lunada Bay. This is because the Bay Boys' efforts to  
28 discourage visitors from coming to Lunada Bay is a deterrent. Indeed, while

1 | it's a prized wave, Lunada Bay is known to only have a few surfers using it.

2 | 19. I have long known of the reputation of the Bay Boys as a  
3 | longtime resident of Southern California, surfer, and a surf historian. The  
4 | locals at Lunada Bay have also harassed my family members, including my  
5 | brother, Stephen Neushul. See Declaration of Stephen Neushul.

6 |  
7 | I declare under penalty of perjury under the laws of the United States  
8 | of America that the foregoing is true and correct.

9 | Executed in SANTA BARBARA, California on December 23,  
10 | 2016.

11 |   
12 | \_\_\_\_\_  
13 | PETER NEUSHUL