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17 Attorneys for Plaintiffs
CORY SPENCER, DIANA MILENA
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
California non-profit public benefit
26 corporation,

27 Plaintiffs,
28

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

**DECLARATION OF JORDAN
WRIGHT SPENCER IN SUPPORT
OF PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION**

Date: February 21, 2017
Time: 10:00 a.m.
Judge: Honorable S. James Otero
Ctrm.: 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, Jordan Wright, declare as follows:

1. I am a real estate agent who works in Malibu, California leasing and selling property. I have degrees in Film, International Relations, and French. I'm 31 years old, and a lifelong surfer who has surfed in about 13 different countries. In college, I worked at SF Surf Shop in San Francisco. 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 have lived in or near Los Angeles County most of my life. When I was young, we lived in Canoga Park in the San Fernando Valley. Ocean-related activities give me great joy; I like to exercise and express myself in these activities. From an early age, my mom and my friends' moms would drive us to spend time at the coast to escape the heat, to play,

1 and to introduce us to open space and nature. We'd visit the following
2 beaches: (a) Topanga, (b) Malibu, (c) Zuma, (d) Leo Carrillo, and (e) Zeroes.
3 I started boogie boarding by age 5, and first started surfing around 8 years
4 old. I was surfing regularly by the time I was 12 years old. A few of my
5 friends and I enjoyed the challenge of surfing big waves, and our parents
6 would take us to beaches in Oxnard, such as Silver Strand and other
7 locations in Ventura County.

8 3. As a teenager, I remember buying a book written by Bank Wright
9 called "Surfing California: A Complete Guide to the California Coast" from
10 Kennedy Surf Shop in Woodland Hills. The book charted surf spots
11 throughout California and was illustrated with hand-drawn maps and black-
12 and-white photographs. I remember the book identified Lunada Bay and
13 that it said it was the best big wave spot in Southern California. However, it
14 was a well-known fact and it was generally known in the surfing community
15 that Lunada Bay was heavily "localized." I understood that if you attempted
16 to surf a localized spot and weren't a regular from the area, you would be
17 hassled. Because the locals claimed "ownership" to a particular beach and
18 didn't want outsiders coming to "their" beach, they could simply be unfriendly
19 to you or physically harm you. At Lunada Bay, it was understood that you
20 were likely to encounter the violent side of localism, which was more
21 extreme compared to other localized surf breaks. Basically, it was
22 understood that because of localism, Lunada Bay was off-limits except to
23 those who were from the area or somehow invited in by the locals.

24 4. When I was about 16 years old, at my request, the mother of one
25 of my friends, Gay Cohen, drove her son Jiyan and me to surf Lunada Bay.
26 We parked on Camino Del Mar in front of Lunada Bay and walked to the
27 bluff overlooking the waves. The waves were good (about two feet over
28 head), there were about five or six surfers in the water, and we were excited

1 to surf. But two men in their 30s or 40s who were on the bluff walked over to
2 us and said things including: (a) “You can’t surf here;” (b) “You will have a
3 terrible time if you paddle out here;” (c) “If you try to go out, everyone will
4 drop in on you;” and (d) “You won’t catch any waves if you try to paddle out
5 here.” These men, whom I believe to be Bay Boys, followed us back to the
6 car where my friend’s mother waited, and escalated their verbal threats. I
7 did not want to leave, but Ms. Cohen believed these men posed a real threat
8 to us. She said that it was not safe for us to stay and that she was
9 uncomfortable. She drove us to a different beach called Haggerty’s in Palos
10 Verdes Estates instead. Because I didn’t like being chased off from Lunada
11 Bay, I promised myself I would come back.

12 5. Unfortunately, Ms. Cohen relayed the experience to my parents
13 and my parents did not want me to return because they didn’t think it was
14 safe due to the localism. After being chased off from Lunada Bay as a
15 teenager, I regularly surfed north Los Angeles County and Ventura County
16 beaches and rarely surfed the South Bay area of Los Angeles. When I did
17 surf the South Bay, I usually surfed a beach called El Porto in the City of
18 Manhattan Beach. As noted below in Paragraph No. 8, I wouldn’t return to
19 Lunada for 10 years.

20 6. In 2004, I moved to the San Francisco Bay Area to attend
21 college at San Francisco State University. In San Francisco, I started
22 surfing Ocean Beach, Fort Point, and Deadman’s. I also surfed beaches in
23 San Mateo County, Santa Cruz, Monterey, and the central coast of
24 California. I also studied abroad in Europe for a year and surfed the south of
25 France, Spain, Portugal, Morocco, and Ireland. I returned from Europe in
26 2006 and moved back to San Francisco.

27 7. In 2006, I bought a surfboard from Nor Cal Surf Shop shaped by
28 Brent Hudson, which was made to surf Maverick’s—one of California’s best

1 known big-wave surf spots, which is located in San Mateo County. I first
2 paddled out at Maverick's late in the season in 2007. Over the next five
3 years, I surfed Maverick's up to 60 times and rode waves with over-40-foot
4 faces, including 30 trips in one year. I also later travelled to surf big waves
5 in Fiji, Puerto Escondido in Mexico, Punta de Lobos in Chile, and Peahi
6 ("Jaws") in Maui.

7 8. In early January 2012, I was in Los Angeles visiting my parents
8 over the holidays. I learned a large swell was forecasted, and it seemed
9 likely that Lunada Bay would be breaking. I borrowed a board from Kennedy
10 Surf Shop as my big-wave surfboards were still in San Francisco, and on
11 January 6, drove to Lunada Bay with my dad, Tui Wright, a sergeant for the
12 Los Angeles County Sheriff's Department, and Nurnur Cummings. We
13 stopped at Palos Verdes Cove to check the swell. We talked to a woman
14 leaving with a longboard, who had asked where we were headed. When we
15 told her we planned to surf Lunada Bay, she said words to the effect of "I
16 grew up in Palos Verdes. Don't go there. The Bay Boys protect that place
17 and you can't surf there." This upset Nurnur, but we decided to continue.
18 When we arrived at Lunada Bay, we walked to the bluff and were
19 approached by a person whom I believe to be a Bay Boy, who said, "It's
20 really dangerous here today, you shouldn't surf here." I responded by
21 saying, "I surf Mav's and have surfed waves twice this big. This is no
22 problem." After this, the man became more confrontational and said things
23 in a raised voice like: (a) "It's still dangerous out there, and you could get
24 hurt;" (b) "No one out there will let you catch waves if you paddle out;" and
25 (c) "If you go out, the people out there will make sure you don't have fun."
26 We went back to our car, and my dad and Nurnur were discouraged, saying
27 "Let's go somewhere else, it's not worth it." But I said, "No, it's too perfect.
28 It's triple overhead, glassy, and there are only 10 guys out. I'm getting my

1 wetsuit on.” As my dad, Nurnur, and I walked to the bluff trail, men who I
2 believe are Bay Boys surrounded the entrance to the trail. They were
3 extremely aggressive and angry, and even though I had not spoken to them
4 and neither had Nurnur nor my dad, they said things about me being from
5 Maverick’s. They filmed and photographed us, and called us kooks. I saw
6 others pull out phones, and what I believed to be a walkie talkie or other type
7 of communication device, and I observed them calling and texting. At the
8 bottom of the bluff on the shoreline, different men who I believe to be Bay
9 Boys were visibly angry and approached us. They repeated the exchange
10 we had with the men at the top of the bluff, even though we had not spoken
11 with any of these men. As an example, one of them said, “Oh, you’re that
12 guy from Maverick’s, huh?” This leads me to believe the men on the bluff
13 and the men on the shoreline were coordinating their efforts. Then, the men
14 below yelled things including: (a) “It’s dangerous out here and someone
15 might get hurt!”; (b) “You should not be here!” (c) “You won’t have any fun!”;
16 (d) “It’s too crowded for you to go out!”; and (e) “Nobody is going to let you
17 catch a wave!” One of the men saw my dad’s badge around his neck and
18 said, “Oh, you’re the muscle, huh? That’s some fucking bullshit.” Then,
19 another surfer who I believe to be a Bay Boy approached me—he was less
20 overtly hostile in his tone and body language. This person had shoulder-
21 length brown hair, and said the following: “I will probably get hassled and in
22 trouble just for talking to you. I’m just out of prison and don’t like the drama
23 of the other guys. But those guys may attack you. They will drop in on you.
24 They will harass you, and you won’t get any waves. It’s the way it is.” I
25 explained that I’d surfed many different spots all over the world considered
26 localized, and asked, “If we paddle out and sit on the inside, won’t that be
27 okay? Isn’t that good enough?” The Bay Boy with the shoulder-length brown
28

1 hair responded by saying, “No. Just being here is too much. But if you
2 insist on going out, stay on the inside or there will be a fight.”

3 9. Although Nurnur and my dad didn’t want me to surf at Lunada
4 Bay that day, I was insistent about surfing because the waves were too
5 good. I paddled out, and Nurnur joined me to support me. While I was in
6 the water, I was verbally accosted by a new group of Bay Boys, who yelled
7 at me and called me a “fucking kook.” They said, “What the fuck are you
8 doing surfing here?” Any time I attempted to paddled to the main break,
9 they also said, “Get the fuck back on the inside. You can’t surf out here.” I
10 was dangerously dropped in on several times, which forced me go left
11 towards the rocks and away from the breaking waves. The Bay Boys also
12 shot their surfboards at me in an attempt to knock me off waves as I was
13 catching them. A surfboard used in this manner can very easily become a
14 deadly weapon and cause great bodily harm. Although I caught a few
15 waves that day, my surfing ability would have allowed me to catch more
16 waves if I weren’t constantly harassed and intimidated.

17 10. In April 2012, I moved back to the Los Angeles area
18 permanently.

19 11. By 2014, notwithstanding the harassment, I started surfing
20 Lunada Bay. In total, this included twice in March 2014 when we had to
21 leave because my friends didn’t want to deal with the harassment, once in
22 April 2014, twice in December 2014, once in February 2015, twice in
23 January 2016, twice in February 2016, and once in November 2016. During
24 these times, I was harassed by surfers I now know are Michael Papayans,
25 Brant Blakeman, Sang Lee, Charlie Ferrara, Alan Johnston, Mark Grieps,
26 and David Mello, among others. For safety, I started wearing a GoPro
27 camera to record my sessions in case I was threatened or hassled again.

28

1 On my GoPro, I've recorded individual Bay Boys attempting to illegally
2 dissuade me and others from surfing Lunada Bay.

3 12. On one day surfing Lunada Bay, I had been waiting my turn for
4 waves and was the deepest outside and closest to the peak when a set
5 wave came through. By regular surfing norms, I had priority. I caught the
6 10- to 12-foot-high wave and was up riding for several seconds. A person
7 whom I now understand to be Alan Johnston paddled the wrong way on this
8 wave, dropped in on me going the wrong way on the wave, and yelled, "Oh
9 no, you don't!" Dropping in on a surfer while going the wrong way is well
10 known to be against normal surf etiquette. Alan Johnston then collided with
11 me, and our leashes got tangled. After we surfaced from the collision,
12 Johnston then got close to me and yelled, "You had to fucking take that
13 wave, didn't you!" I took off my leash to get untangled as we were still in the
14 surf and held the leash close to my board. Because there was no flex in my
15 leash since I was holding it close to the board, the next wave that came
16 through then broke my leash plug and the board was carried into the rocks,
17 breaking my board up badly—essentially ruining a new board. I had to
18 swim in over rocks to get my board and cut my hands on the rocks doing so.
19 In my more than 20 years of surfing, I'm confident that Johnston was
20 attempted to purposefully injure me. What he did was extremely dangerous.

21 13. On that same day, a person I identified as a Bay Boy had yelled
22 "fucking faggots" as I was getting ready to go down to surf with Ken
23 Claypool. The person who called us "faggots" later returned when I was
24 leaving and attempted to tell me how I could surf Lunada Bay: "Go early,
25 come alone, and don't bring a GoPro or you will be a target to be hassled."

26 14. In December 2014, on a day when there were only three surfers
27 out and I got in the water when it was still dark, I encountered a surfer
28 named Zen Del Rio in the water, whom I understand to be a veteran Bay

1 Boy or “one of the older boys.” He asked me my name, where I was from,
2 and where I had surfed. Zen then said words to the effect of this to me,
3 “You’re going to get dropped in on and you will be hassled, it’s the way it is.
4 But if you insist on showing up, come by yourself, come early before anyone
5 else shows up, defer waves to everyone else out here, and never drop in on
6 anyone—otherwise, you’ll have problems.”

7 15. After my encounter with Zen Del Rio, I came up with a system to
8 surf Lunada Bay: (a) I’d arrive in Palos Verdes Estates by myself before
9 sunrise; (b) I’d put my wetsuit on and get ready at Haggerty’s, put clothes in
10 my backpack, and then put on boots with my wetsuit; (c) I’d get back in my
11 car, drive to the Lunada Bay neighborhood a few blocks away from Paseo
12 Del Mar and park my car; (d) using a headlamp, I would hurry through the
13 neighborhood across the bluff and walk down the trail in the dark, and store
14 my backpack with clothes in the arroyo on the south side of the shoreline;
15 and (e) paddle out north across Lunada Bay to the point. But on one of the
16 early mornings when the waves were 10 to 12 feet high, two younger
17 surfers, who I understand to be Bay Boys, were already in the water. These
18 two were in their mid-to-late 20s. I believe one of them could have been one
19 of the younger Ferrara boys. They said words to the effect of, “You think
20 you can sneak up on us by paddling across the bay from Middles and surf
21 here? No way. You can’t surf today.” I explained that I’d talked to Zen Del
22 Rio and that he said it was okay if I came alone and came out early. They
23 said, “Don’t name-drop out here.” And then, they paddled up within a few
24 feet of me. They yelled, “We can do this the easy way—you paddle in right
25 now. Or we do it the hard way, and you paddle in with a broken nose.”
26 They raised their arms like they were going to hit me; I believed they
27 intended to carry out their threat to harm me. I paddled in because I felt they
28 would make good on their threat to cause me harm. The experience both

1 scared and humiliated me. I decided I could not go back to Lunada Bay by
2 myself. After this, I started texting friends who might want to surf Lunada
3 Bay with me.

4 16. While many of my friends are skilled surfers who would be able
5 to safely surf Lunada Bay, most are afraid to do so because of the
6 confrontations that occur. And it has been difficult for me to find people to
7 surf with at Lunada Bay because most people don't want to suffer the
8 hassle, confrontation, and humiliation. Further, people are afraid because
9 they believe the police are "in on it" when it comes to the Bay Boys and
10 keeping Palos Verdes Estates and its beaches for locals only. But, I've
11 found the following people willing to surf with me on occasion over the last
12 few years: Chris Taloa, Billy DeMartini, Noah Saltman, Diana Milena Reed,
13 Ken Claypool, Dave Sluys, Brent Durand, Cory Spencer, Chris Claypool,
14 and Ian Szielga.

15 17. I believe Zen Del Rio, Angelo Ferrara, and Frank Ferrara to be
16 among the veteran Bay Boys who made the rules on who gets to surf
17 Lunada Bay.

18 18. I've seen Brant Blakeman, whom I understand to be a Bay Boy,
19 surfing Lunada Bay on many occasions. I recognize Blakeman because he
20 uses a green kneeboard and he is regularly filming visitors on land with a
21 camcorder. I believe his filming is an effort to intimidate visitors. In the
22 water, he seems to direct other Bay Boys to sit close to visiting surfers. I've
23 observed Bay Boys who seem to be assigned to visiting surfers—they'll sit
24 too close to the visitors, impede their movements, block their surfing, kick at
25 them, splash water at them, and dangerously drop in on them. On one
26 occasion, I saw people whom I believe to be Bay Boys in a boat with
27 surfboards threatening visitors. In addition to Blakeman, I've seen Michael
28

1 Papayans, Sang Lee, Alan Johnston, Charlie Ferrara, and David Mello
2 engage in this activity.

3 19. On January 29, 2016, I arrived at Lunada Bay to surf with Diana
4 Milena Reed. Others who had arrived before or with us included Dave
5 Sluys, Brent Durand, Cory Spencer, Ken Claypool, Chris Taloa, and Ian
6 Szielga. On this day, I wore a GoPro camera. I recall being harassed on
7 top of the bluff and down on the shoreline. Down below, there were a large
8 number of Bay Boys in the rock fort and on the beach area. Both Diana and
9 I were verbally intimidated by David Mello, who I believe was attempting to
10 provoke me into a fight and to get us to leave. Mello was out of control: His
11 conduct was consistent with someone who was either drunk or on drugs. I
12 could see people were drinking beer—and it was common for me to see Bay
13 Boys drinking beer and carrying beer at Lunada Bay. It was also common
14 for me to smell marijuana, too. On this day, Mello was screaming, agitated,
15 and hard to understand. But he told us we couldn't surf, it was dangerous,
16 and that Diana and I were "too poor" or "whores." Eventually, two policeman
17 who were in the rock fort interceded and asked Diana if she wanted to make
18 a report. Diana said, "Yes." But I said, "I want to surf." The two policemen
19 then said we needed to go to the top of the bluff to make a report. Then, the
20 two policemen attempted to convince me that I needed to go to the top of
21 the bluff with Diana to make the report. I did not understand why the
22 policeman couldn't take the report down on the shoreline. They said words
23 to the effect of, "We cannot guarantee your safety if you stay here." At the
24 top of the bluff, an older policeman took over. This older policeman said he
25 could not make an arrest because he didn't see what happened down
26 below. This didn't make sense to me because the two policemen below had
27 seen how David Mello was acting, saw what he was doing, and had just
28 convinced me not to surf—saying they couldn't guarantee my safety. Next,

1 the older policeman asked if Diana she wanted to make a citizen's arrest.
2 But in doing so, he warned her about the civil liability and risk she might
3 incur from making a citizen's arrest. He said something like, "These people
4 are all from the community, they're wealthy, and they can hire good
5 lawyers." The older policeman then convinced me that it was not worth
6 making a citizen's arrest, too. Eventually, he convinced Diana of this same
7 outcome. It is my understanding that they turned David Mello loose and did
8 not arrest him. No one from the police department followed up with me
9 except to return the memory card of my GoPro to me.

10 20. On February 5, 2016, I went to Lunada Bay, and Diana Milena
11 Reed decided to accompany me and photograph me surfing. Diana stood
12 on the beach taking photos of me surfing when she encountered a
13 photographer from the Los Angeles Times. They were both taking photos of
14 the ocean and the beach. On or around February 12, 2016, the L.A. Times
15 published an article entitled, "Bay Boys' surfer gang cannot block access to
16 upscale beach, Coastal Commission says." The article included
17 photographs of Diana at the beach and in the rock fort. The article was
18 published online on February 12, 2016 and in hard copy the following day,
19 February 13, 2016.

20 21. On February 13, 2016, I went to Lunada Bay with Dave Sluys,
21 Brent Durand, and Diana Milena Reed. While I was in the water, I could
22 hear yelling coming from the rock fort from Alan Johnston, whom I could see
23 gesticulating and waving his hands. This lasted about 20 minutes.
24 Eventually, I could see Diana was upset and she was standing in the middle
25 on the shoreline towards the middle of Lunada Bay, south of the rock fort.
26 Diana reported what happened to her to the Palos Verdes Estates Police.

27 22. I believe the police are part of the problem at Lunada Bay
28 because they do not enforce the no-drinking laws and they don't take

1 complaints from outsiders seriously. I believe they purposefully make it hard
2 to file reports and they ignore complaints. For example, I understand my
3 dad who is a sergeant in the Los Angeles County Sheriff's Department wrote
4 Palos Verdes Estates Police Chief Jeff Kepley regarding his first-hand
5 experience of harassment at Lunada Bay and possible solutions, and my
6 dad was ignored. One time I called the police to let them know I was on my
7 way to surf Lunada Bay and that I had been harassed there in the past. I
8 asked whether they could send patrols to Lunada Bay that morning. I was
9 told by the dispatcher that they could not because they were too busy doing
10 traffic control in the rain. It was mind-blowing to me that they would brush
11 me off when localism at Lunada Bay is one of the City's most pressing public
12 safety issues and their decision to ignore it is a dereliction of their mandate
13 to protect public safety. If a law is broken, the City should issue citations
14 and make arrests. Instead, because I complained, I understand someone
15 within the City suggested they investigate me for wrongdoing rather than
16 investigate my concerns. Further, I understand the police have called the
17 problem of the Bay Boys an "urban legend." Instead of blaming the victim
18 and placing extra suspicion on visitors like me, I want the police to take
19 complaints about beach access from outsiders seriously. Moreover, I want
20 the City to improve trail access, to install appropriate signage to identify trail
21 access points so it is safer, to install signage to indicate it's a public beach,
22 and to add seating, trash cans, and similar improvements to the shoreline
23 and bluff to make the City's coastal open space more inviting to visitors. I
24 would like to see cameras on Paseo Del Mar to capture images of cars and
25 license plates, and pointed at the surf zones, so that Bay Boys do not
26 operate in anonymity. Next, instead of making only one reference on the
27 City's website about surfing Lunada Bay and other City beaches that is a
28 deterrent (i.e., you might get hassled and experience localism in Palos

1 Verdes Estates), I would like to see the City welcome visitors to its shoreline
2 by providing maps describing the City's beaches, access points, and surfing
3 locations and by describing Lunada Bay as the world-class surf spot that it
4 is. In addition, I would like the City to encourage use of its beaches and
5 bluffs by visitors for things other than surfing, too, such as body boarding,
6 kayaking, sailing, fishing, tide pooling, sun bathing, dog walking, and biking,
7 as I believe, with more eyes on the shoreline, it will encourage better
8 behavior by the local surfers.

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1 23. While the experiences discussed here were the most egregious
2 examples of what happened to me at Lunada Bay, every time that I visit
3 Lunada Bay, I am harassed and I now expect this harassment. Every time I
4 know I'm going to Lunada Bay, I have trouble sleeping the night before, and
5 the excitement of the quality of the wave I know I'll surf the next day is
6 tempered by the knowledge that I'll be subject to harassment, intimidation,
7 and aggression. As I stated prior, I have surfed all over the world, in 13
8 countries, and all over the United States. I have never in my surfing life
9 experienced such a virulent form of localism anywhere else in the world.
10 The situation at Lunada Bay is very unique in its severity, its organization,
11 and its consistency. Big wave surfing is dangerous enough without any of
12 these issues; the addition of violence, intimidation, and in-water surf tactics
13 that violate surf etiquette are a recipe for an extremely elevated sense of
14 danger.

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

17 Executed on this 23 day of December, 2016, at Los Angeles,
18 California.



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JORDAN WRIGHT