

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
 LANDON 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 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)

**DECLARATION OF JOHN
 CARPENTER IN SUPPORT OF
 PLAINTIFFS' MOTION FOR CLASS
 CERTIFICATION**

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

First Street Courthouse

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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, John Carpenter, declare as follows:

1. I currently reside in Murrieta, California. In May 2015, I retired from my position as the Police Captain of the City of Riverside, where I had held various law enforcement roles for 31 years. As the Police Captain, I was in charge of a number of units, including the gang, robbery, homicide, SWAT, and narcotics units. In 2007, I oversaw an injunction of a 500-member criminal gang in Riverside called the East Side Riva (ESR). I have personal knowledge of the matters stated in this declaration and, if called as a witness, I could and would testify competently as to its contents.

2. I grew up in the city of Riverside. In 1979, I graduated from Ramona High School in Riverside. After studying at the University of Wyoming for one year, I returned home to attend Riverside City College from 1980 until 1981. From 1982 until 1984, I attended California State University Fullerton. When school was in session, I lived in Fullerton.

1 During the summers, I lived with my family in Riverside. In 1984, I
2 graduated from Cal State Fullerton with a degree in Criminal Justice.

3 3. When I was a student at Cal State Fullerton, I had a girlfriend
4 named Sue Dell. Sue was from Rolling Hills Estates.

5 4. Sue and I loved to surf and scuba dive. For the two years we
6 dated, we would typically surf at least two weekends each month. We
7 surfed most frequently at Haggerty's, Malaga Cove, Indicator, Rat Beach,
8 and the Manhattan Beach Pier.

9 5. Back in the early 1980s when Sue and I dated, it was common
10 knowledge that non-locals were not allowed to surf at Lunada Bay. I knew
11 that Lunada Bay was highly localized and that the Lunada Bay Boys, a local
12 group of male surfers that acted like a gang, made it their mission to exclude
13 non-locals. Because of Lunada Bay's well-known reputation in the beach
14 community as being dangerous for outsiders, I was afraid to visit it. The
15 layout of Lunada Bay made it particularly intimidating – once you walk down
16 a steep and precarious trail from the bluffs alongside the street to the beach
17 below, the Bay Boys have the high ground and can (and do) throw rocks at
18 people below them. The Bay is almost like a garrison in this way because
19 the Bay Boys can easily assault others while protecting themselves. I have
20 friends who had rocks thrown at them when they visited Lunada Bay.

21 6. Even though Sue was from nearby Rolling Hills Estates, we
22 knew that she would be considered a non-local at Lunada Bay and would
23 therefore be harassed if we visited. This intimidated Sue and me, and
24 deterred us from attempting to surf Lunada Bay, even though we knew we
25 were missing out on great surfing.

26 7. One day in 1983 or 1984, Sue and I grew tired of avoiding
27 Lunada Bay, and decided to try to surf there. Sue thought that because she
28 was practically a local, the Lunada Bay Boys would not hassle her. We

1 drove Sue's car to the Lunada Bay neighborhood. We parked the car
2 several blocks away from the coast because we were scared that the
3 Lunada Bay Boys would vandalize the car. We also removed the surf racks
4 so the Bay Boys would not be able to identify our car as easily.

5 8. During our walk down to the beach at Lunada Bay, we did not
6 encounter many people. However, once we paddled out, we experienced
7 Lunada Bay's localized culture firsthand. There were about 6 surfers in the
8 water, all of whom were male. Almost immediately after we paddled out, the
9 other surfers started yelling at us, saying "you guys don't belong here" and
10 "get out of here." They also called us names and cursed at us. These
11 surfers also aggressively violated surf etiquette – they would drop in on my
12 waves and cut me off. This behavior was dangerous because it required me
13 to pull off a wave, which could have resulted in the waves pummeling me or
14 could have caused me to crash into the nearby shallow rock reef. The
15 experience was frustrating and dangerous because I risked getting injured
16 by a Bay Boy each time I tried to surf a wave.

17 9. After about 45 minutes of suffering from the Lunada Bay Boys'
18 harassment, Sue and I felt too uncomfortable so we decided to leave. When
19 we got back to the car, we discovered that Sue's car antenna had been
20 mangled and that someone had vandalized the car by smearing surf wax on
21 it. They wrote derogatory words about Sue being a woman. Based on my
22 friends' experiences and my 45 minutes of trying to surf at Lunada Bay, I
23 was almost positive that the Lunada Bay Boys were responsible for this
24 vandalism.

25 10. Due to this negative experience, I have not returned to surf
26 Lunada Bay.

27 11. I still love surfing. I find it to be a peaceful, solemn experience.
28 It is spiritual to be propelled by nature when I surf. I also enjoy surfing as a

1 form of exercise. I am athletic, so I look for ways to stay in shape and give
2 purpose to my workouts. Many of my friends surf, so surfing has also
3 become a way for me to connect with friends and develop fellowship over
4 common interests.

5 12. Despite living near Palos Verdes Estates and having a passion
6 for surfing, I have not returned to surf Lunada Bay since that one occasion
7 with Sue in the early 1980's. The one time I tested whether the rumors
8 about Lunada Bay were true, my experience lived up to everything I had
9 heard from friends and other surfers. The harassment and intimidation I
10 experienced has deterred me from returning to Lunada Bay.

11 13. These days, I usually surf at San Elijo State Beach in San Diego
12 County. I enjoy surfing there because it is welcoming to surfers from all
13 over, and the surfers treat each other with respect. If I felt safe to return to
14 Lunada Bay, I would probably surf there at least a few times each year.

15 14. When I recently heard that the intimidation and exclusionary
16 behavior at Lunada Bay is still occurring – more than 30 years after I
17 experienced it firsthand – I was shocked. As a law enforcement
18 professional, I know that the conduct taking place at Lunada Bay is no
19 different than criminal gang activity. Like a criminal gang, the Lunada Bay
20 Boys have taken over a public place and use intimidation tactics to scare
21 others to stay off their turf.

22 15. In response to this conduct, the City of Palos Verdes Estates'
23 police should have taken action to address the issues and treat the situation
24 like a gang injunction. For example, they should have set up cameras,
25 conducted surveillance, and prosecuted wrongdoers based on the
26 complaints they received. Instead, the City and the police ignore the
27 complaints or take down reports of aggression but then fail to follow up and
28 investigate and prosecute the wrongdoers. The City and police also

1 complaints they received. Instead, the City and the police ignore the
2 complaints or take down reports of aggression but then fail to follow up and
3 investigate and prosecute the wrongdoers. The City and police also
4 respond by warning surfers to go elsewhere or surf at their own risk. The
5 City and police department's failure to take these actions reflect their
6 deliberate indifference. Their actions serve to obstruct justice, not enforce it.

7 16. Lunada Bay is a public beach, and I hope to be able to visit it to
8 surf without fear of verbal threats, harassment, assault, and vandalism. I
9 want the aggressive Bay Boys to be barred from using this beach for a
10 sufficient time to change attitudes and assure the public that it is theirs to
11 enjoy. In short, I want to be able to visit Lunada Bay without being harassed
12 and to be safe in my person and property. And if I am harassed, I want the
13 City of Palos Verdes Estates police to take my complaints seriously and
14 follow up accordingly.

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

18 Executed in MURRIETA, California on December 28,
19 2016.

20
21 
22 JOHN CARPENTER