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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)

**DECLARATION OF JOHN W. INNIS  
IN SUPPORT OF PLAINTIFFS'  
MOTION FOR CLASS  
CERTIFICATION**

Judge: Hon. S. James Otero  
Date: February 21, 2017  
Time: 10:00 a.m.  
Crtrm.: 10C. 1st Street Courthouse

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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.

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

I, John W. Innis, declare as follows:

1. I have lived in Hermosa Beach, California for more than 30 years. I have personal knowledge of the matters stated in this declaration and, if called as a witness, could and would testify competently as to its contents.

2. I attended Santa Monica College and obtained my associate's degree in Electronic Engineering Technology in 1977. I currently work as a Contract Engineer for Northrup Grumman.

3. I enjoy visiting the beach, surfing, and being outdoors. Surfing is a great sport and much more physical than one might think. The sport of surfing is a lot of fun. I have surfed in Hawaii, Bluff Cove at Palos Verdes Estates, and other great surf locations.

4. In 1998, I had a verbal altercation with a man while visiting Lunada Bay. I was seated on the bluff at Lunada Bay, trying to take pictures

1 of the surf. I had my tripod on the bluff, and I could have been mistaken for  
2 a professional photographer based on the size of the lens. As I was  
3 positioning my camera towards the water, my view-finder suddenly went  
4 black. There was a man standing right in front of my lens, deliberately  
5 blocking my view, even though there was no one around on either side of  
6 us. The man told me that I should not be taking pictures of local surfers. I  
7 did not like the way he had blocked my camera or his hostile tone when he  
8 spoke to me. I told him that I had a right to be there. After a 2 to 3 minute  
9 argument between myself and the man, I packed up my gear and left  
10 Lunada Bay rather than getting into a physical altercation with him. I did not  
11 want the argument to escalate further, nor did I want my property to get  
12 damaged. Even though the man did not attack me physically, I believed it  
13 was clear that he was trying to intimidate me.

14 5. I was so incensed after the exchange that I drove to the nearest  
15 pay phone to call the police. I drove just up the road from Lunada Bay to the  
16 local gas station to call the sheriff to make a report. However, before I could  
17 get my change into the pay phone to make the call, the same man who  
18 harassed me on the bluff drove up the hill in a white pickup truck with a  
19 second man in the passenger seat and they exited their vehicle. They  
20 stared me down in the phone booth as they went into the liquor store that is  
21 adjacent to the gas station, trying to further intimidate me. Rather than call  
22 the police from that location, I decided to get leave. I drove straight from the  
23 gas station to the police station.

24 6. I went to the Palos Verdes Estates police station to file a  
25 complaint. The police acted indifferent to my story. They said they were not  
26 going to send someone out to the beach for that type of behavior, but I could  
27 fill out a complaint. I filed Complaint Number 980329026 on March 29,  
28 1998. Officer Dave P. Blitz took my statement. After I filed the complaint,

1 the police never called me to follow up on it. It was not until years later  
2 when I personally requested a copy of the police report that I learned that  
3 the police followed up with the aggressor from the bluff. The Palos Verdes  
4 Estates Police never notified me that they had investigated my complaint, or  
5 that they had spoken to the man regarding his behavior.

6 7. Since the incident in 1998, I have returned to Lunada Bay and I  
7 have not had any further altercations with the men there. It is my belief that I  
8 have not been harassed because I limit my visits to the bluffs, rather than  
9 going down to the beach to surf. The men I believe are known as Bay Boys  
10 seem to hang out near the trailhead entrance, so whenever I visit I try to  
11 avoid the trailhead altogether. I would not even contemplate walking down  
12 that trail to the beach for fear of being harassed or assaulted.

13 8. I am informed that the men's behavior is supposed to be getting  
14 better at Lunada Bay in this last year or so, but I do not believe it. It is my  
15 belief that any improved behavior is only because people are scrutinizing  
16 them now. Another reason that I do not believe it is getting better is  
17 because people that are hassled do report every incident, i.e., they go  
18 somewhere else rather than report it to the police. Perhaps it has gotten  
19 better, but coincidentally the same year that I filed my complaint with the  
20 police in 1998, Easy Reader magazine claimed there had been "no  
21 incidents" at Lunada Bay that year. I know that to be untrue because I filed  
22 a complaint with the Palos Verdes Estates police department that year.  
23 Therefore, it is my belief that either my complaint did not show up in the  
24 police files, or the magazine chose not to report the complaint.

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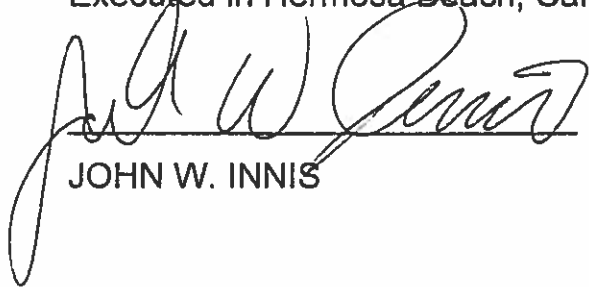
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1           9. I hope to one day see Lunada Bay be a place where people can  
2 visit freely without fear of harassment. Unfortunately, the Bay Boys'  
3 behavior has gone unchecked for so long that it is not safe for visitors to go  
4 there without fear of harm to themselves or their property. Perhaps there is  
5 a very bold person who would be willing to take their chances by going down  
6 the trail that leads to the beach and getting into the water at Lunada Bay.  
7 But knowing how the Bay Boys act, I would not be the person to volunteer to  
8 try it out.

9  
10           I declare under penalty of perjury under the laws of the United States  
11 of America that the foregoing is true and correct.

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13           Executed in Hermosa Beach, California on December 21, 2016.

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16           JOHN W. INNIS

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**EXHIBIT 1**

**PALOS VERDES ESTATES POLICE DEPARTMENT CA0195100  
MISCELLANEOUS REPORT**

**980329026**

**DR 980199**

OFFENSE		F/M	DISPOSITION	VICTIM		OV	HATE	FORCE		
MISC MISCELLANEOUS REPORT		P	P			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
REPORTED DATE & TIME		LOCATION OF OCCURRENCE			EARLY DATE & TIME OF OCCURRENCE					
Sunday 03/29/1998 at 10:36		2100 BLK PASEO DEL MAR			Sunday 03/29/1998 at 10:36					
		RD			LATE DATE & TIME OF OCCURRENCE					
		701			Sunday 03/29/1998 at 10:36					
PRIMARY ROLE	NAME	RACE	SEX	AGE	DATE OF BIRTH					
INVOLVED-1			M							
PRIMARY ROLE	NAME	RACE	SEX	AGE	DATE OF BIRTH					
REPORTING PARTY-1	INNIS, JOHN WARREN		M							
VEHICLE INFORMATION										
VEHICLE STATUS	YEAR	MAKE	MODEL	BODY	COLOR 1	COLOR 2	LICENSE	STATE	EXPIRES	VIN
		TOYT	TK	PK	SIL			CA	/	
VEHICLE ACTION	VALUE	RECOVERED VALUE						REGISTERED OWNER		

**NARRATIVE**

**SOURCE:** On 3/29/98 at approximately 1100 Hours, I was detailed to the station lobby regarding a report call of a suspected surfer incident.

**REPORTING PARTY'S STATEMENT:** RP/Innis reported the following incident that had occurred on this date at approximately 1015 hours. While standing on the upper bluff in the 2500 block of Paseo Del Mar taking pictures with a tripod mounted camera, an unidentified Subject stood in front of his camera to block the camera lens. RP/Innis looked up from his camera and asked the subject if he could move out of the way. Upon doing so, the subject told RP/Innis that he should not be taking pictures of the local surfers. After approximately 2-3 minutes of argumentative conversation, the unidentified Subject walked over and entered a parked vehicle that was described as a small import pickup truck silver or grey in color with a triangle shaped decal on the rear camper shell window. RP/Innis stated that he then packed up his equipment and drove to the Police station to report the incident. RP/Innis stated that while he was never threatened by the subject, he felt that a minimal amount of intimidation had occurred and he resented it. RP/Innis described the Subject as a Male white, approximately 25 years old, medium length brown hair wearing khaki cut off shorts, white t-shirt with tan work boots.

**OFFICER'S STATEMENT:** I informed RP/Innis that I would document the non-criminal incident and that I would attempt to locate the Subject to investigate further. After providing RP/Innis with a report number, I drove to the location where the Subject was last seen in an attempt to identify him. Upon my arrival in the area, I located the described unoccupied vehicle. After contacting approximately 8 unidentified surfers standing nearby, they all stated that the registered owner of the above vehicle was probably down on the beach. Due to the above,

**REDACTED**

**PALOS VERDES ESTATES POLICE DEPARTMENT CA0195100  
MISCELLANEOUS REPORT**

**980329026**

**DR 980199**

I left my business card on the window of the truck that was registered to [redacted]. Later in the day while off duty, I/ [redacted] called the station to discuss the incident. On 3/30/98 at approximately 0700 Hours, after paging I/ [redacted] he returned my call and agreed to discuss the reported incident. I/ [redacted] acknowledged that he had a conversation with another person regarding the taking of pictures in Lunada Bay. I/ [redacted] reported the incident as follows: While walking past RP/Innis' camera, I/Innis became angry that he had walked past the front of his camera. I/ [redacted] stated that RP/Innis became very hostile while telling him to move away from his camera equipment. After discussing the differing versions of the incident, I was able to get I/ [redacted] to acknowledge that he was the one who had purposely initiated the confrontation. I reminded I/ [redacted] that he did not have the legal right to discourage other individuals from being in the area and that the area was not reserved exclusively for so called "Locals". I/ [redacted] agreed that it would be unproductive to engage in these types of confrontations in the future.

**REDACTED**

ADDITIONAL INFORMATION: Prior to this reported incident, I/ [redacted] had no previous contacts with our agency in any similar incidents.

CASE PENDING				
REPORTED ON:	3/29/1998	AT 10:36	BY 710	CPL. DAVE P. BLITZ 710
RECORDED ON:	3/29/1998	AT 10:36	BY 710	CPL. DAVE P. BLITZ 710
REVIEWED ON:	3/30/1998	AT	BY 712	MARK A. VELEZ 712