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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
26 California non-profit public benefit
corporation,

27 Plaintiffs,
28

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

**DECLARATION OF MICHAEL
ALEXANDER GERO 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, Michael Alexander Gero, declare as follows:

1. I currently reside in Irvine, California, and have lived in Orange County for most of my life, including in Newport Beach, Irvine, and Costa Mesa. I am 33 years old, and I go by the name Alex Gero. 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 was born in Simi Valley, California. I attended Corona Del Mar High School in Newport Beach. I became a professional bodyboarder when I was 16 years old. I now work in custom home theater installation, and I am presently transferring as a student from Orange Coast College to California State University at Fullerton.

3. I started surfing and bodyboarding when I was 5 years old. Being connected to the ocean is important to me: it is a sanctuary and a place for me to clear my mind, enjoy the outdoors and nature, and get away

1 from everything. I like the surfing and bodyboarding lifestyle, and these
2 activities keep me focused and working towards positive goals.

3 4. By the time I became a professional bodyboarder, I used to surf
4 or go in the ocean to get exercise every day. At my peak, I spent more than
5 300 days per year spending at least part of my day in the ocean. My favorite
6 spots include 40th Street and the Wedge in Newport Beach. I also have a
7 favorite place in each coastal city from San Diego to Santa Barbara to surf
8 or bodyboard. As a professional bodyboarder, I have traveled to Australia,
9 Hawaii, Mexico, Costa Rica, Indonesia, China, Japan, and Chile. Now that I
10 am married and have children, I usually only surf or bodyboard on the
11 weekends. But I still get invited to contests and I'm planning to compete in
12 the 2017 Pipeline Pro contest in Hawaii in March 2017.

13 5. I have spent a lot of time in the Palos Verdes Estates area
14 because my maternal grandparents lived there. My grandfather is an
15 electrical engineer, and his company Nikolakopoulos and Associates
16 designed a lot of the infrastructure improvements on the Palos Verdes
17 Peninsula. I would often visit my grandparents' house in Palos Verdes
18 Estates on the weekends particularly because it was between Newport
19 Beach, where I lived with my dad, and Simi Valley, where my mom lived,
20 and I would see my mom there. I also visited my grandparents during the
21 holidays.

22 6. I learned about the local surf spots in and around Palos Verdes
23 Estates when I was about 8 and 9 years old since my uncle and cousins
24 were all surfers. When I was 9 years old, around 1992, I went to Lunada
25 Bay for the first time. My grandparents lived within a five-minute walk of
26 Lunada Bay, and we decided to go to Lunada Bay to walk their dog. From
27 the bluff, I saw that there were large swells in the ocean and I wanted to
28 watch them. Within three minutes of being there, I noticed we were being

1 heckled by a couple of men nearby. Even though my grandparents lived
2 nearby, because I was with my grandparents and interested in the water, the
3 men yelled at my grandparents that they shouldn't come to Lunada Bay and
4 to leave the area. They also told me not to get any ideas about telling
5 anyone that there were good waves at Lunada Bay.

6 7. I tried visiting Lunada Bay several times thereafter. The next
7 time was around 1994 when I was 11 years old and was visiting my
8 grandparents for Thanksgiving. My uncle Alex ("Bo") Nikolakopoulos and I
9 went to the bluff at Lunada Bay to watch the ocean. We parked across the
10 street from the bluff and walked to the bluff's edge to watch the waves.
11 About 15 minutes later, we heard a strange noise, like a pop. We decided to
12 leave then and discovered my uncle's vehicle had a flat tire—it had been
13 punctured. My uncle also told me he had tried surfing at Lunada Bay a
14 couple of times before but the local men were unfriendly, and he was never
15 able to do it.

16 8. In around 1997, I tried to go back to Lunada Bay with my uncle
17 Bo and two cousins during Thanksgiving when I was 14 years old. We were
18 not planning to surf. We started to hike down the trail to the beach. We
19 began to see rocks rolling by us and we thought there was a landslide. We
20 then realized there were two men throwing rocks in our direction from the
21 bluff. The rocks were about the size of softballs, and I was scared. We
22 thought that perhaps the men didn't see us on the trail, so my uncle Bo
23 yelled at them that there were kids on the trail. The men just kept looking at
24 us and throwing rocks at us. We climbed back up the hill and there was no
25 one there when we got to the top.

26 9. The next time I went to Lunada Bay was around 1999. I was 16
27 years old and my friend Aaron Zide and I brought our boogie boards. We
28 parked our Chevrolet Blazer across the street from Lunada Bay and left all

1 our gear in the vehicle so we could take a look at the waves first. Three
2 men came out of nowhere. At first, they stood about 10 feet to the left of us
3 and started listening in our conversation. They told us, “You guys aren’t
4 going down there, are you?” Then one of the men came over, invaded my
5 personal space in an attempt to provoke me, and literally stood nose to nose
6 to me. He had a moustache and shaggy, dirty blond hair. He was between
7 5’11” and 6’1” tall and muscular, and he looked to be in his mid-20s. He
8 said, “If you plan on going down there, don’t plan on coming back up. We’re
9 going to fuck your life up beyond what you can even imagine.” I didn’t back
10 down, and he started nudging me with his shoulders. I was 5’11” at the
11 time, but only 145 pounds. I told him we were just going to go surfing. The
12 man stared down at me and said, “No, you’re not. You’re not going to do
13 anything.” Another one of the men had a softball-sized rock in his hand and
14 he was playing with it like he was going to do something with it. It was clear
15 that this was a scare tactic. This man was between 5’8” and 5’11” tall, had
16 short dark hair, and also appeared to be in his mid-20s.

17 10. These men said things to us like, “You don’t have the right to
18 fucking be here,” “You piece of little shit,” and “Don’t even come back to the
19 city.” Aaron and I decided to leave, but when I walked away, one of the men
20 threw something at me and hit the back of my right calf, causing me to fall
21 down.

22 11. Aaron and I got to the car and began processing what had just
23 happened. But the three men followed us, joined by a fourth. They
24 surrounded our car; they were angry and out of control. Two men stood in
25 front of the car hitting the hood, and two men were in the back hitting the
26 trunk. While hitting the car, they were yelling things like, “Get the fuck out of
27 here!” I had a cell phone at the time, so I cracked the window and told them
28 I was going to call the police. The men backed off, but one threw a bar of

1 surf wax at my window and another said, “You’re fucking lucky.”

2 12. I didn’t inform the police of this incident because I had heard the
3 police weren’t effective, were part of the problem, and did not meaningfully
4 look into complaints made about the locals. I understood they would show
5 up to the scene an hour or two later, and if they made a report, nothing
6 would ever come of it. I also didn’t want to involve the police because I was
7 16 years old and just getting my professional career started. I didn’t want to
8 get a reputation as a snitch because I knew I would then get blocked from
9 other surf spots and it would hurt my career.

10 13. I didn’t make an effort to go back to Lunada Bay for a long time
11 after that, but over the years, I learned about other visitors getting heckled,
12 having rocks thrown at them, and getting pushed around.

13 14. My friend Chris Taloa tried to encourage me to go back to
14 Lunada Bay two and three years ago. He would call me first thing in the
15 morning and tell me the waves were good but that the Bay Boys were
16 around. Because of my past experiences, I declined to go and wished him
17 luck. Knowing the local bullies were there dissuaded me from enjoying the
18 waves at Lunada Bay. I have limited time to enjoy the beach today because
19 of work and family obligations. When I do go to the beach, I want it to be a
20 positive experience. Because the Bay Boys control Lunada Bay and the
21 police and City have done nothing to stop them, I didn’t think it would be a
22 positive experience.

23 15. If it were safe for me to visit Lunada Bay and I were not hassled,
24 I would like to surf or bodyboard there. It is a unique wave with Hawaiian-
25 style waves that break over a rock reef. To have a similar experience, I
26 would need to travel a long distance by car or by plane. Because it is right
27 here in Southern California, I would love to have access to Lunada Bay. It
28 would be an amazing place to surf, and I’d like to enjoy the ocean there and

1 check it off the list of places that I've surfed.

2 16. I want the aggressive Bay Boys who engage in unlawful activity

3 to be barred from using this beach for sufficient time to change attitudes and

4 for this beach to be returned to the public. I want the City of Palos Verdes

5 Estates and its police department, including Chief Kepley, to enforce its

6 ordinances fairly, for it to provide signage so people will know Lunada Bay is

7 a public beach, for it to provide signage marking the safest trails to the

8 shoreline, and for the police to take complaints by visiting beachgoers

9 seriously and be available to help in case non-local beachgoers are

10 assaulted or otherwise unlawfully excluded from Lunada Bay. I want to be

11 able to visit Palos Verdes Estates beaches without being intimidated and to

12 be safe. And if I am harassed, I want the City of Palos Verdes Estates

13 police to take my complaints seriously, to take steps to identify any people

14 who harass me, and to give citations or arrest people who have broken the

15 law.

16

17 I declare under penalty of perjury under the laws of the United States

18 of America that the foregoing is true and correct.

19 Executed in IRVINE, California on December 28,

20 2016.

21 

22 _____

23 MICHAEL ALEXANDER GERO