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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 AMIN AKHAVAN
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, Amin Akhavan, declare as follows:

1. Since 2001, I have resided in Palos Verdes Estates. I have lived in Palos Verdes Estates for 15 years. Prior to living in Palos Verdes Estates, I lived in Rancho Palos Verdes for 17 years. Currently, I am self-employed and support myself by buying and selling stocks and equities from my home. I use the name Alan Haven for business purposes. 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 am originally from the country of Iran. While I have an advanced degree and speak English fluently, I have a slight accent. I moved to the United States in 1976 and attended high school in Mount Pleasant, Utah. I received my bachelor's degree in electrical engineering from Texas Tech University and my master's degree in electrical engineering from University of Texas at Austin. I moved to Rancho Palos

1 Verdes after receiving my master's degree.

2 3. I go to Lunada Bay to walk my dog, a German Shepherd-golden
3 retriever mix, about two or three times a week. I usually go in the afternoon,
4 after 1 p.m., when I am done working. I enjoy the bluff top views from
5 Lunada Bay, and like looking out at the ocean. On my afternoon walks, I
6 often see other neighbors, usually women, walking. Typically, I stay on the
7 streets and bluff top and do not venture down the narrow trails to the
8 shoreline.

9 4. I am not a surfer, and I understand surfers usually visit Lunada
10 Bay early in the morning or when the conditions for surfing are good.

11 5. I went to walk my dog at Lunada Bay on October 10, 2015
12 around 10:52 a.m. On this day I drove to Lunada Bay to enjoy the peaceful
13 ocean views. But my view on this day was interrupted when I observed two
14 men having an animated argument on the bluff, with one man being the
15 aggressor and throwing punches at the other. I parked my car and decided
16 to stay in the car. I recorded their interaction on video from about 40 to 50
17 feet away using my iPhone 6.

18 6. After learning of the beachgoer lawsuit seeking open access to
19 Lunada Bay, I made an unedited true-and-correct copy of this iPhone video
20 available to the attorneys for Cory Spencer, Diana Milena Reed, and the
21 Coastal Protection Rangers. I provided this video to the lawyers for the
22 beachgoer class because I do not like seeing people intimidated and beat up
23 for no reason.

24 7. The man who was the aggressor and who was hitting the other
25 man was wearing white pants and was not wearing a shirt. He was about 30
26 to 40 years old, about six feet tall, and fit. He had short hair – almost
27 appearing to have a shaved head. The other man, who appeared to be a
28 victim, was wearing a T-shirt and shorts and carrying a backpack. He was

1 larger than the first man and about six feet two inches tall. He had a
2 surfboard with him.

3 8. When I first began video-recording, my car windows were rolled
4 up and I couldn't hear what was being said. However, I saw the aggressive
5 man punch the victim on the head. The victim did not hit him back.
6 Attached as **Exhibit 1** hereto is a true and correct copy of an image from the
7 video when the aggressive man punched the victim.

8 9. I then rolled my window down. I heard the aggressive man tell
9 the victim, "Get the fuck out of here. This is my fucking house and my
10 fucking yard." The aggressive man punched the victim on the head a
11 second time. The victim responded, "One more of those and I'll call the
12 cops." The aggressive man said, "Go ahead and call the fucking cops."

13 10. Later in the argument, the two men got close to the edge of the
14 bluff – which is steep and drops more than 100 feet to the shoreline below. I
15 heard the victim state to the aggressive man, "Are you going to throw me off
16 the cliff, you fucker? Are you that dumb? What good does this do?"

17 11. Soon after, the victim left, while saying, "I heard you. I got it."

18 12. During this entire interaction, about five men were standing
19 nearby. These men were large, sun tanned, and physically fit, too. They
20 didn't approach the pair, and they were very quiet. It appeared to me that
21 they were friends associated with, and backing up the man that was the
22 aggressor.

23 13. Seeing me record the incident with my window rolled down, one
24 of the aggressor's associates approached me in my car and told me the
25 incident was not my concern. I felt this associate's comment was intended
26 to intimidate me. At that point, the larger man who appeared to be a victim
27 was leaving the scene and I left, too.

28 14. I had not seen the victim before, and have not seen him since.

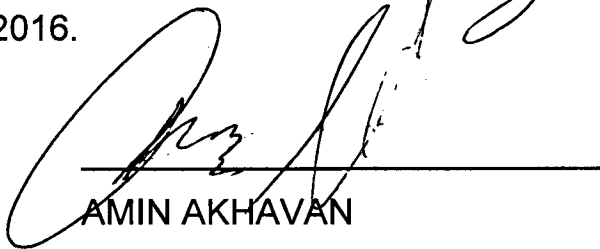
1 But I believe the aggressive man lives near Lunada Bay. While walking my
2 dog, I've seen the aggressive man hanging out at the bluff before, too.
3 While I recognize him from walking my dog in the neighborhood, I do not
4 know his name. I have not seen him since the incident. I did not inform the
5 police of this incident.

6 15. In my experience as a longtime Palos Verdes Estates resident,
7 many of my neighbors enjoy the exclusive nature of our neighborhood and
8 like it segregated. I believe that many residents do not want people coming
9 to our neighborhood.

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

Executed in Tuesday, California on December 12,
2016.



AMIN AKHAVAN

EXHIBIT 1

