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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 RICARDO G.
PASTOR 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, Ricardo G. Pastor, declare as follows:

1. I grew up and live in Manhattan Beach, California. I have always had an address in Manhattan Beach although I traveled as a telecom technician for 15 years during the 1980s and 1990s. 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 graduated from Aviation High School in Redondo Beach in 1975 and attended some classes at El Camino College in Torrance. I worked at LAX airport as a contractor and then as a telecom technician for phone companies. I am now semi-retired.

3. I learned how to surf when I was 7 years old, and I have been surfing ever since. I enjoy the peaceful feeling out on the water, and I surfed at Malibu, Ventura County, and San Onofre State Beach.

4. I decided to visit Lunada Bay to go surfing in 1982 or 1983. I

1 had parked my van at a gas station nearby because I had heard that people
2 who parked their vehicles at Lunada Bay had their tires flattened and their
3 windshields broken. As I was walking towards the trail to access the water
4 at Lunada Bay, one man tried to stare me down. I tried to be friendly and
5 continued to walk down the trail. When I got about one third of the way
6 down the trail, I felt and saw rocks raining down on me from above. One
7 rock hit my head; other rocks hit my surfboard. When I got to the beach,
8 three men there told me to go back to the bluff. I said, "Forget that," and ran
9 for the water.

10 5. Later, when I was in the water, I paddled into the lineup to take
11 my turn at the waves. The other surfers gave me hard looks and told me to
12 leave. They called me "kook" or "gook" and other insults. One of them said,
13 "Get your fucking brown ass out of here. You're going to attract sharks.
14 You're bleeding, man." I noticed I was bleeding from my head where the
15 rock had hit me. I saw a crowd beginning to grow on the bluff and decided
16 to leave to avoid further conflict. Attached as **Exhibit 1** is a true and correct
17 copy of a photograph, which I took on or around November 20, 2016, of the
18 scar on my head that I still have from this incident.

19 6. I paddled north to avoid going back up the trail at Lunada Bay.
20 When I got to the top of the bluff, I went to the gas station where I had
21 parked my van and called the police from a pay phone. A Palos Verdes
22 Estates police officer arrived in a patrol car. I saw him pull something off his
23 chest and put it into his pocket; I believe he was removing his name tag.
24 When the police officer reached me, he asked me where I was from. I told
25 him I was from Manhattan Beach and asked what that had to do with
26 anything. The police officer responded, "Maybe you shouldn't be surfing
27 here." He then said he did not want to help me make a report because,
28 "We're not required to carry stationary."

1 7. I never went back to Lunada Bay to go surfing. Later, in 1989 or
2 1990, I went fishing out in Lunada Bay. People from the shore, perhaps 400
3 yards away, threw rocks at me. Since the people on the shore were so far
4 away, their rocks couldn't reach me, but I understood this activity as
5 intimidation.

6 8. I am informed and believe that visitors to Lunada Bay also have
7 their vehicles vandalized. I have heard that they returned to their parked
8 vehicles to find tires flattened, dog feces smeared on their vehicles, door
9 panels kicked in, windshields scored, paint damaged by keys, rocks, or a
10 board with a nail in it, and mirrors broken.

11 9. If it were safe for me to visit Lunada Bay and I were not hassled,
12 I would like to be able to go surfing there again.

13 10. Because of the actions by the Lunada Bay Boys and the City of
14 Palos Verdes Estates, I am denied access to Lunada Bay.

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1 11. I want the aggressive Bay Boys that engage in unlawful activity
2 to be barred from using this beach for sufficient time to change attitudes and
3 for this beach to be returned to the public. I want the City of Palos Verdes
4 Estates to enforce its ordinances fairly, for it to provide signage so people
5 will know Lunada Bay is a public beach, for it to provide signage marking the
6 safest trails to the shoreline, and for the police to take complaints by visiting
7 beachgoers seriously and be available to help in case non-local beachgoers
8 are assaulted or otherwise unlawfully excluded from Lunada Bay. I want to
9 be able to visit Palos Verdes Estates beaches, specifically Lunada Bay,
10 without being intimidated and to be safe in my person and property. And if I
11 am harassed, I want the City of Palos Verdes Estates police to take my
12 complaints seriously, instead of simply telling me to get along with the locals.

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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 MANHATTAN BEACH, California on December 16, 2016.



RICARDO G. PASTOR

EXHIBIT 1

