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13 CORY SPENCER, DIANA MILENA  
REED, and COASTAL PROTECTION  
14 RANGERS, INC.

15  
16 **UNITED STATES DISTRICT COURT**  
17 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
18

19 CORY SPENCER, an individual;  
DIANA MILENA REED, an  
20 individual; and COASTAL  
PROTECTION RANGERS, INC., a  
21 California non-profit public benefit  
corporation,

CASE NO. 2:16-cv-2129

**CLASS ACTION COMPLAINT AND  
JURY DEMAND**

22  
23 Plaintiffs,  
24 vs.

25 LUNADA BAY BOYS; THE  
INDIVIDUAL MEMBERS OF THE  
26 LUNADA BAY BOYS, including but  
not limited to SANG LEE, BRANT  
BLAKEMAN, ALAN JOHNSTON  
27 AKA JALIAN JOHNSTON,  
MICHAEL RAE PAPAYANS,  
28 ANGELO FERRARA. FRANK

1 FERRARA, CHARLIE FERRARA,  
2 and NICOLAS FERRARA; CITY OF  
3 PALOS VERDES ESTATES; CHIEF  
4 OF POLICE JEFF KEPLEY, in his  
5 representative capacity; and DOES  
6 1-10,

7 Defendants.

8 Plaintiffs Cory Spencer, Diana Milena Reed, and Coastal Protection  
9 Rangers, Inc. (collectively referred to as "Plaintiffs"), by and through their  
10 attorneys, allege based upon their own personal knowledge as to their own  
11 acts, upon information and belief, and upon their attorneys' investigation as  
12 to all other facts.

## 13 THE PARTIES

### 14 Plaintiffs

15 (1) Plaintiff Cory Spencer is a 45-year old resident of Norco,  
16 California, an El Segundo police officer, experienced surfer, and avid  
17 beachgoer. On behalf of himself and on behalf of a class of visiting  
18 beachgoers to the City of Palos Verdes Estates, Spencer alleges that he has  
19 been unlawfully excluded from recreational opportunities at Palos Verdes  
20 Estates parks, beaches, and access to the ocean.

21 (2) Plaintiff Diana Milena Reed is a 29-year old resident of Malibu,  
22 filmmaker, photographer, aspiring big wave surfer, and avid beachgoer. She  
23 surfs and trains extensively with the goal of becoming a competitive big  
24 wave surfer. On behalf of herself and on behalf of a class of visiting  
25 beachgoers to the City of Palos Verdes Estates, Reed alleges that she has  
26 been unlawfully excluded from recreational opportunities at Palos Verdes  
27 Estates parks, beaches, and access to the ocean.

28 (3) Plaintiff Coastal Protection Rangers, is dedicated to enforcing  
the California Coastal Act and protecting California's beaches and ensuring

1 that they are safe and accessible to all visitors. The Coastal Protection  
2 Rangers alleges that non-resident, non-local visiting beachgoers to Palos  
3 Verdes Estates have been unlawfully excluded from recreational  
4 opportunities at Palos Verdes Estates parks, beaches, and access to the  
5 ocean. Plaintiff Coastal Protection Rangers also alleges that Defendant  
6 LUNADA BAY BOYS, with the okay of Defendant PALOS VERDES  
7 ESTATES which owns the beach-park area, knowingly built and maintains  
8 an unpermitted masonry-rock-and-wood fort and seating area (“Rock Fort”)  
9 in violation of the California Coastal Act.

10 Defendants

11 (4) Defendant LUNADA BAY BOYS was, and at all times mentioned  
12 herein is, an unincorporated association within the meaning of Code of Civil  
13 Procedure § 369.5 acting by and through its respective members and  
14 associates. Defendant LUNADA BAY BOYS acts by and through its  
15 respective members, individually, collectively, and in concert, and conducts  
16 its affairs and activities in the City of Palos Verdes Estates, County of Los  
17 Angeles, State of California. Defendant LUNADA BAY BOYS claims gang  
18 territory, or “turf” within the City of Palos Verdes Estates’ Lunada Bay  
19 neighborhood (Lunada Bay) depicted in Exhibit 1, which is attached and  
20 incorporated herein.

21 (5) Defendant LUNADA BAY BOYS is, and at all times mentioned  
22 herein was, a criminal street gang as defined in California Penal Code  
23 § 186.22, subdivision (f), in as much as it is a group of three or more  
24 individuals with a common name or common symbol and whose members,  
25 individually or collectively, engage in or have engaged in a pattern of  
26 criminal gang activity, and has as one of its primary activities the  
27 commission of enumerated “predicate crimes,” including but not limited to  
28 assault, battery, vandalism, intimidation, harassment, extortion, and, upon

1 information and belief, the sale and use of illegal controlled substances.  
2 Upon information and belief, Defendant LUNADA BAY BOYS uses the  
3 unpermitted Rock Fort to conduct criminal activity.

4 (6) Defendant LUNADA BAY BOYS is, and at all times mentioned  
5 herein is, also an unincorporated association within the meaning of  
6 Corporations Code § 18035, subdivision (a), inasmuch it consists of two or  
7 more individuals joined by mutual consent for some common lawful  
8 purposes, such a attending social gatherings, and recreational events.  
9 However, notwithstanding any common lawful purpose, Defendant LUNADA  
10 BAY BOYS is a criminal gang whose members are primarily engaged in  
11 criminal and nuisance activities which constitute Bane Act violations and a  
12 public nuisance.

13 (7) Defendant LUNADA BAY BOYS is comprised of members  
14 including, but not limited to Sang Lee, Brant Blakeman, Angelo Ferrara,  
15 Frank Ferrara, Nicholas Ferrara, Charlie Ferrara, Michael Rae Papayans,  
16 Alan Johnston aka Jalian Johnston (collectively hereinafter known as  
17 “Designated Lunada Bay Boys Gang Members” or “the Individual  
18 Defendants”), each of whom has been within the Lunada Bay and is  
19 responsible in some manner for the Bane Act violations and public nuisance  
20 described in this Complaint.

21 (8) Defendant PALOS VERDES ESTATES is a general law city  
22 bound by the State’s general law. By its policies, customs, and practices,  
23 and in deliberate indifference to Plaintiffs’ rights under state and federal law,  
24 PALOS VERDES ESTATES has excluded Plaintiffs, and persons like them,  
25 from their right to recreational opportunities at Palos Verdes Estates’ parks,  
26 beaches, and access to the ocean.

27 (9) Defendant Jeff Kepley, named in his representative capacity,  
28 serves as the Chief of Police of Defendant PALOS VERDES ESTATES.

1 Defendant Kepley has failed to enforce the State's laws when it comes to  
2 crimes committed by Defendant LUNADA BAY BOYS against visiting  
3 beachgoers like Plaintiffs.

4 (10) Defendants Does 1 through 10 are individuals, the true identities  
5 of whom are presently unknown to Plaintiffs, who therefore sue these  
6 defendants by such fictitious names. The Plaintiffs will amend this complaint  
7 to allege their true names when such information is ascertained. The  
8 Plaintiffs are informed and believes that each of the defendants designated  
9 as Does 1 through 10, inclusive, as well as others to be named, is a member  
10 of Defendant Lunada Bay Boys and is responsible in some manner for the  
11 Bane Act violations and public nuisance described in this Complaint.

12 **JURISDICTION AND VENUE**

13 (11) Against Defendant PALOS VERDES ESTATES and Defendant  
14 Kepley, this Court has original jurisdiction under 42 U.S.C. § 1983. Against  
15 Defendants LUNADA BAY BOYS and certain Individual Defendants, this  
16 Court has original jurisdiction under 28 U.S.C. § 1333, and Article III, § 2 of  
17 the U.S. Constitution. *See Davis v. City of Jacksonville Beach*, 251 F.Supp.  
18 327 (MD Fla. 1965) (surfboard hitting swimmer in ocean falls under  
19 admiralty jurisdiction).

20 (12) This Court has supplemental jurisdiction for claims brought under  
21 California law that arise from the same nucleus of operative facts predicated  
22 upon 28 U.S.C. § 1367.

23 (13) The Court may grant declaratory and other relief pursuant to 28  
24 U.S.C. §§ 2201 and 2202. Money damages alone are inadequate, and  
25 Plaintiffs and class members suffer and will continue to suffer irreparable  
26 injury.

27 (14) All action complained of herein takes place within the jurisdiction  
28 of the United States District Court, Central District of California and venue is

1 invoked under 28 U.S.C. § 1391(b), (c).

2 **STATEMENT OF FACTS**

3 (15) Incorporated in 1939, Defendant PALOS VERDES ESTATES is  
4 a city of approximately 13,500 residents. Its median household income is  
5 more than \$170,000. The City's natural beauty is a unique respite from  
6 nearby Long Beach, Los Angeles, and the other Los Angeles industrialized  
7 and flatland communities. Protected by more than 40 police personnel,<sup>1</sup>  
8 residents enjoy the rugged ocean-cliff views, parklands, pathways,  
9 magnificent views of the Los Angeles Basin and Pacific Ocean, low density,  
10 rural character, and preserved open space. The beaches, shoreline, and  
11 surfing areas along the Palos Verdes Estates coastline are open to the  
12 public. But the police department of PALOS VERDES ESTATES has a long  
13 history of deliberate indifference in not investigating or otherwise policing  
14 acts of violence and vandalism against visiting beachgoers. For many  
15 decades, victims of the LUNADA BAY BOYS have complained to Defendant  
16 PALOS VERDES ESTATES police and city officials. The response is  
17 always the same: City leaders acknowledge the problem, promise to do  
18 something, and then do little or nothing. DEFENDANT PALOS VERDES  
19 ESTATES' complicity, custom, policy, and deliberate indifference amounts to  
20 illegal municipal exclusivity. Defendant PALOS VERDES ESTATES' police  
21 force tolerates the unlawful activity of the LUNADA BAY BOYS against non-  
22 local beachgoers because the 40-member police force is designed to keep  
23 PALOS VERDES ESTATES for locals only. Along with the DEFENDANT  
24 LUNADA BAY BOYS and the Individual Defendants, Defendant PALOS

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26 <sup>1</sup> In 2014, Palos Verdes Estates employed 3 different chiefs, 4 sergeants,  
27 2 captains, 3 corporals, 12 officers, 9 reserve officers, 1 traffic control officer,  
28 9 service officers, 1 police intern, and 1 police cadet.

1 VERDES ESTATES considers non-residents “riffraff.” Moreover, because of  
2 Defendant PALOS VERDES ESTATES’ complicit approval and deliberate  
3 indifference to enforcing state, federal, and local laws in crimes committed  
4 against non-residents and other visitors, Plaintiffs and similarly situated  
5 beachgoers suffer exclusion from the city’s public parks, beaches, and  
6 waters, and do not enjoy equal access to the city’s public parks, beaches,  
7 waters, and surf in the area.

8 (16) Lunada Bay is a rugged bay located on the northwest tip of the  
9 Palos Verdes Peninsula in the City of Palos Verdes Estates – between  
10 Resort Point on the south, and Palos Verdes Point on the north. It has been  
11 described as “a gleaming stretch of polished pewter spotlighted by large  
12 areas of sparkling silver,” its beach stones tumbled smooth by the sea  
13 nestled against its 100 foot cliffs.<sup>2</sup> The beach, surrounding bluffs, and  
14 access points are public and owned by Defendant PALOS VERDES  
15 ESTATES. By law, Lunada Bay is open to all. In reality, it is open to few.

16 (17) Beyond its beauty, Lunada Bay is Southern California’s premier  
17 big-wave break. It is also the State’s, and perhaps the surfing world’s, best-  
18 known area for localism.<sup>3</sup> Localism is a territorial practice whereby resident  
19 surfers attempt to exclude nonresident beachgoers and surfers through  
20 threats, intimidation, and violence.<sup>4</sup> “Lunada Bay in Southern California is  
21 generally recognized as the surfing world’s most localized break.”<sup>5</sup> In  
22

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23 <sup>2</sup> See, Michael Goodman, Los Angeles Magazine, Palos Verdes Surf Wars  
24 (June 1996, Vol. 41, No. 6). See also, Exhibits 2, 3, & 4.

25 <sup>3</sup> See, Warshaw, Matt, *The Encyclopedia of Surfing*, p. 445 (2003);  
26 Warshaw, Matt, *The History of Surfing*, p. 263 (2010).

27 <sup>4</sup> See, Warshaw, Matt, *The Encyclopedia of Surfing*, p. 340 (2003).

28 <sup>5</sup> See, Warshaw, Matt, *The Encyclopedia of Surfing*, p. 341 (2003).

1 essence, severe localism initiated by Defendant LUNADA BAY BOYS and  
2 the Individual Defendants, combined with PALOS VERDES ESTATES'  
3 historic disinterest in investigating and prosecuting crimes against visiting  
4 beachgoers, has created a private beach on public property that denies  
5 Plaintiffs and the members of the class their state and federal constitutional  
6 rights.

7 (18) On the north side of Lunada Bay nearest Palos Verdes Point, the  
8 LUNADA BAY BOYS, its members, and the Individual Defendants have built  
9 and maintain an illegal rock-masonry-and-wood fort structure at the base of  
10 the 100 foot bluff.<sup>6</sup> LUNADA BAY BOYS and the Individual Defendants  
11 congregate here to recreate, drink beer, eat, store food, and both plan and  
12 conduct illegal activity. In the middle of Lunada Bay, LUNADA BAY BOYS  
13 and the Individual Defendants have built and maintain a steep trail down the  
14 100 foot bluff called the Goat Trail.<sup>7</sup> Next, Defendant LUNADA BAY BOYS  
15 and Individual Defendants have built a campfire ring with seating in the  
16 middle of Lunada Bay, near the base of the Goat Trail.<sup>8</sup> Further, Defendant  
17 LUNADA BAY BOYS and Individual Defendants store sea kayaks, crab  
18 pots, lobster traps, coolers, and other recreational items near the base of the  
19 Goat Trail.<sup>9</sup> On the south side of Lunada Bay, there is another trail down to  
20 Lunada Bay ("South Trail"),<sup>10</sup> and additional sea kayaks and items stored in

21 ///

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23 <sup>6</sup> See, Exhibits 5, 6, 7, & 8.

24 <sup>7</sup> See, Exhibit 9.

25 <sup>8</sup> See, Exhibit 10.

26 <sup>9</sup> See, Exhibits 11, 12, 13, & 14.

27 <sup>10</sup> See, Exhibit 15.



1 this area.<sup>11</sup> DEFENDANT LUNADA BAY BOYS and its members frequently  
2 invoke the gang name “Bay Boys,” and upon information and belief wear  
3 inscribed clothing with the gang name “Bay Boys,” as they commit their  
4 criminal and nuisance activities. Upon information and belief, certain  
5 Individual Defendants of the gang sell market and use illegal controlled  
6 substances from the Lunada Bay bluffs and the Rock Fort. Upon  
7 information and belief, members of the gang use the gang’s name to  
8 confront, threaten, intimidate, and harass non-local beachgoers (surfers,  
9 boaters, sunbathers, fisherman, picnickers, kneeboarders, stand-up paddle  
10 boarders, boogie boarders, bodysurfers, windsurfers, kite surfers, kayakers,  
11 dog walkers, walkers, hikers, beachcombers, photographers, sightseers,  
12 etc.), and other individuals who work in, visit and pass through Palos Verdes  
13 Estates and Lunada Bay. On top of the 100-foot bluff, LUNADA BAY BOYS,  
14 its members, and the Individual Defendants intimidate visiting beachgoers  
15 with threats and taunts, by taking photos and video of beachgoers, and by  
16 congregating near the entrances to both the Goat Trail and South Trail.  
17 Upon information and belief, when out-of-town visitors arrive by boat to  
18 avoid the bluff side attacks, the LUNADA BAY BOYS impede boat traffic  
19 with threats and by circling the boats on surfboards, kneeboards, boogey  
20 boards, kayaks, rowboats, and other manual powered vessels. These  
21 vessels are operated in a dangerous and negligent manner. The LUNADA  
22 BAY BOYS enforce localism by targeting out-of-town beachgoers to prevent  
23 them from enjoying the local waters. Upon information and belief, their  
24 assaults (throwing rocks, running people over with surfboards, shoves,  
25 slaps, punches, etc.), thefts (wallets, wetsuits, and surfboards), vandalism to

26 \_\_\_\_\_  
27 <sup>11</sup> See, Exhibit 16.

1 vehicles and personal property, and threats are for the purpose of  
2 establishing a curtain of intimidation to drive out-of-area beachgoers, which  
3 they label ruffraff, away from the coastal area of Lunada Bay. Indeed, upon  
4 information and belief, since the early 1970s, visiting surfers and other  
5 beachgoers have had rocks thrown at them while walking down the 100-foot  
6 cliff-side Lunada trails, have been shot by pellet guns, have returned to find  
7 their car windows waxed with the word “kook” or windows broken, their tires  
8 slashed or air let out, barefoot trails covered in glass, property stolen  
9 (wallets, wetsuits, surfboards), and beach towels, backpacks, and bags  
10 dumped in the water. In the water, the LUNADA BAY BOYS dangerously  
11 disregard surfing rules when it comes to visitors, threaten visitors with  
12 violence,<sup>12</sup> run over visitors with their surfboards, push visitors, hit visitors,  
13 slap visitors, harass visitors by circling them, and hold visitors underwater.  
14 Upon information and belief, the LUNADA BAY BOYS have posted a  
15 discrete municipal-style sign at the top of the bluff that stated “Unlocals Will  
16 Be Hassled.” Upon information and belief, members of the LUNADA BAY  
17 BOYS coordinate their attacks on visitors by sharing photographs and video  
18 that they take of visitors, monitoring police and fire radios to learn if the  
19 police may start to enforce the laws or visit the bluff, communicating via  
20 walkie talkies, text message group chats, email, mobile phones, and other  
21 electronic devices.<sup>13</sup>

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<sup>12</sup> See, e.g., police reports from January 21, 2014, November 15, 2014, July 31, 2015, and August 24, 2015, attached as Exhibit 17, describing non-residents’ complaints of assault, vandalism, and criminal threats by the LUNADA BAY BOYS.

<sup>13</sup> See, Warshaw, Matt, *The Encyclopedia of Surfing* (2003); *Surfer Magazines Guide to Southern California Surf Spots*, pp. 92-96 (2006).

1 (19) On or about May 2015, a reporter, Rory Carroll and his friend  
2 Noah Smith went to Lunada Bay with a hidden video to document their  
3 experience. The video shows what happened to these to individuals as they  
4 approached the beach on this particular day. One of the LUNADA BAY  
5 BOYS, who Plaintiffs contend on information and belief, is Defendant Sang  
6 Lee. Defendant Lee made the following comments to Carrol and Smith:<sup>14</sup>

- 7 i. “You shouldn’t fucking come down here. Stay away from  
8 this area, this bay right here.”  
9  
10 ii. “The Reason there’s a lot of space is because we keep it  
11 like that. We fucking hassle people.”  
12 iii. “We’ll burn you every single wave.”  
13  
14 iv. “There’s still fights down here. People will just fucking duke  
15 it out, fucking work your car and get in fights.”

16 (20) After receiving the harassment and threats from the LUNADA  
17 BAY BOYS, Rory Carrol and his friend reported the incident to the City of  
18 Palos Verdes Police Department.<sup>15</sup> In response to their report, the following  
19 comment was made by a Defendant PALOS VERDES ESTATE officer,  
20 transcribed in the video as follows:<sup>16</sup> Officer: “We know all of them. They  
21 are infamous around here. They are pretty much grown men in little men’s  
22

23 <sup>14</sup> The video can be viewed at [http://www.theinertia.com/surf/palos-verdes-](http://www.theinertia.com/surf/palos-verdes-police-respond-to-lunada-bay-localism/)  
24 [police-respond-to-lunada-bay-localism/](http://www.theinertia.com/surf/palos-verdes-police-respond-to-lunada-bay-localism/)

25 <sup>15</sup> [http://www.theinertia.com/surf/palos-verdes-police-respond-to-lunada-](http://www.theinertia.com/surf/palos-verdes-police-respond-to-lunada-bay-localism/)  
26 [bay-localism/](http://www.theinertia.com/surf/palos-verdes-police-respond-to-lunada-bay-localism/)

27 <sup>16</sup> [http://www.theinertia.com/surf/palos-verdes-police-respond-to-lunada-](http://www.theinertia.com/surf/palos-verdes-police-respond-to-lunada-bay-localism/)  
28 [bay-localism/](http://www.theinertia.com/surf/palos-verdes-police-respond-to-lunada-bay-localism/)

1 mindset. They don't like anyone that's not one of The Bay Boys, surfing  
2 down there. It literally is like a game with kids on a school yard to them and  
3 they don't want you playing on their swing set, but, you know, it is what it is.  
4 If you feel uncomfortable, you know, then don't do it."<sup>17</sup>

5 (21) Plaintiff Spencer has worked as a police officer for the City of  
6 Los Angeles Police Department in the South Central Division. Presently, he  
7 works as a police officer for the City of El Segundo. For more than 30 years,  
8 he has wanted to surf the waves off the coast of the City of Palos Verdes  
9 Estates – specifically Lunada Bay. But Spencer – who has worked gang-  
10 infested neighborhoods in the toughest parts of Los Angeles – had avoided  
11 Palos Verdes Estates' Lunada Bay because of fear, intimidation, vandalism,  
12 and Lunada Bay's well-known reputation for violence and beach localism.  
13 But in January 2016, Spencer worked up his courage to surf Lunada Bay  
14 during a large winter swell. To surf Lunada Bay, even though Palos Verdes  
15 Estates is an exclusive community with more than 40 police personnel,  
16 Spencer and other surfers had to pay a security guard \$100 to watch their  
17 vehicles to protect the vehicles from vandalism while they surfed. Upon  
18 arrival, members of the Defendant LUNADA BAY BOYS told him "you can't  
19 surf here kook."<sup>18</sup> Once in the water, on his second wave at Lunada Bay, a  
20 member of Defendant LUNADA BAY BOYS intentionally ran Spencer over  
21 with his surfboard and sliced open Spencer's hand. In February, Spencer  
22 returned a second time with Jordan Wright and others to observe and watch

23

24 <sup>17</sup> [http://www.theinertia.com/surf/palos-verdes-police-respond-to-lunada-](http://www.theinertia.com/surf/palos-verdes-police-respond-to-lunada-bay-localism/)  
25 [bay-localism/](http://www.theinertia.com/surf/palos-verdes-police-respond-to-lunada-bay-localism/)

26 <sup>18</sup> The word "kook" is a derogatory surfing term, generally applied to the  
27 rank beginners or any surfer thought to be in violation of surfing's codes.  
28 *See, Warshaw, Matt, The Encyclopedia of Surfing (2003).*

1 the outsiders' cars parked on the bluff. Spencer observed Defendant  
2 LUNADA BAY BOYS threaten and taunt surfers. Spencer has complained  
3 to PALOS VERDES ESTATES police officers. Later, on March 4, 2014,  
4 Spencer wrote to Defendant Chief of Police Kepley and encouraged an  
5 undercover investigation. Upon information and belief, Defendant Chief of  
6 Police Kepley did not take the complaint seriously and took no action. He  
7 said that they have considered various enforcement strategies. And, he  
8 said: "I have been down the patio on several occasions and talked with  
9 various surfers in an effort to educate them on the position we are all in, and  
10 what needs to change in terms of acceptable behavior on their part." That's  
11 it. Defendants' conduct has caused Spencer pain and suffering, loss of  
12 sleep, emotional distress, and mental anguish.

13 (22) On January 29, 2016, Plaintiff Diana Milena Reed, who is an  
14 aspiring big wave surfer, wanted to paddle out to experience the large  
15 waves found off Lunada Bay. She was accompanied by her friend Jordan  
16 Wright. Reed and Wright encountered members of the LUNADA BAY  
17 BOYS who screamed profanities at them and said words to the effect "you  
18 can't surf here." As Reed and Wright made their way down the trail, they  
19 were approached by a short, 45-50-year old man who yelled various  
20 profanities and insults at them. Reed was extremely frightened and felt  
21 endangered and in fear of assault. Never in her life had she been screamed  
22 and yelled at in such a manner. The man called her a whore. A group of  
23 men were watching, along with police in the distance. PALOS VERDES  
24 ESTATES police witnessed the harassment, but rather than take action,  
25 they approached Reed after the incident asked whether Reed and Wright

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27 ///

28 ///

1 would like to make a “citizen’s arrest.”<sup>19</sup> Reed declined to make the arrest  
2 and instead chose to file a report, having been assured by the police that the  
3 case would be handled by the District Attorney with the same result. Reed  
4 was surprised that the police did not arrest the man, especially because they  
5 had witnessed the incident.

6 (23) On or about February 5, 2016, Reed and Wright returned to  
7 Lunada Bay with a photographer and writer from *The Los Angeles Times*.  
8 There were no other surfers at Lunada Bay that day. Subsequently, the *Los*  
9 *Angeles Times* printed a newspaper story on February 13, 2016, that  
10 contained several photographs of Reed, including one that showed her in  
11 “the locals hangout fort” and stated that she was an “outsider” who had filed  
12 a police report for harassment against the LUNADA BAY BOYS. The  
13 newspaper reported that LUNADA BAY BOYS “bombard outsiders with dirt  
14 clods, slash their car tires, and assault them in the water – sometimes  
15 coordinating the attacks with walkie talkies...Surfers who say they have  
16 been victimized over the years have accused local authorities of  
17 complacency, cowardice, and even complicity.”<sup>20</sup>

18 \_\_\_\_\_  
19 <sup>19</sup> Citizens’ arrests are permitted under California Penal Code § 837. It is a  
20 process whereby a person who is not acting as a sworn law-enforcement  
21 official may arrest a person who committed a crime. The citizen tells the  
22 offender that she is making a “citizen’s arrest” and that she is holding him  
23 until police have arrived. Here, PALOS VERDES ESTATES unreasonably  
24 asked Reed to detain a known gang member – with other members of the  
25 LUNADA BAY BOYS nearby – when police were already on the scene.

26 <sup>20</sup> Garrett Therolf, *‘Bay Boys’ surfer gang cannot block access to upscale*  
27 *beach, Coastal Commission says*, L.A. Times, Feb. 12, 2016.  
28 (<http://www.latimes.com/local/california/la-me-surfer-gang-enforcement-20160211-story.html>). Defendants allege based on information and belief that this story was first published online on February 11, 2016, may have been revised on February 12, 2016, and was printed on February 13, 2016.

1 (24) Reed and Wright returned to Lunada Bay on February 13, 2016.  
2 While walking across Lunada Beach to the fort, LUNADA BAY BOYS called  
3 her a “bitch” and told “fuck you” and “you are a liar” – in reference to the *Los*  
4 *Angeles Times* article which had been printed that day. Reed was also told  
5 to “keep walking.” After arriving at the fort, Reed was approached by a  
6 brown-haired man in his late 40s or early 50s. The man started asking her  
7 various questions, including why she was there, what was her motivation,  
8 and what was her mission objective. The man told her that the LUNADA  
9 BAY BOYS were mad at her. Reed told the man that she was simply there  
10 to take photos of Wright and to watch him surf and enjoy the beach. The  
11 man eventually left the fort.

12 (25) About two hours later, certain Individual Defendants  
13 approached Reed with a case of beer and feigned celebration of the *Los*  
14 *Angeles Times* article. But they blamed Reed for unwanted attention the  
15 article brought upon the LUNADA BAY BOYS and PALOS VERDES  
16 ESTATES. In an attempt to intimidate Reed, the Individual Defendants,  
17 including Brant Blakeman and Jalian Johnston, asked Reed to drink with  
18 them. When she declined, Johnston shook up a can of beer and sprayed  
19 Reed and her camera with it, and poured beer on Reed’s arm. They filmed  
20 the incident. Reed asked them to stop filming her. They told her they  
21 thought she was “sexy,” and filmed her while they told her she “excited  
22 them.” Defendant Johnston then made comments about his penis, stating  
23 that it was big enough to “get the job done,” and he rubbed his torso and  
24 belly in a sexually-suggestive manner, telling Reed that she made him  
25 “excited” and “hard,” which made it easier for him to get into his wetsuit.  
26 Defendant Johnston briefly exposed himself to Reed while he was changing  
27 into his wetsuit before Reed quickly turned away. Defendant Charlie Ferrara  
28 witnessed the entire event from the roof of the fort. Reed attempted to

1 contact the police from her cell phone during the incident but was unable to  
2 obtain a signal. Reed had requested a police escort to the beach upon her  
3 arrival at Lunada Bay earlier that day because of her previous experiences  
4 but the police refused her request.

5 (26) After walking back up the cliff following this incident, Reed was in  
6 tears and visibly upset. Reed saw a police officer sitting inside a patrol car  
7 on the side of the road. The officer was completely unaware of the events  
8 occurring below the cliff in the fort and on the beach. Reed complained to  
9 Defendant PALOS VERDES ESTATES and told the police officer what  
10 happened. The police officer proceeded to take Reed's information. After  
11 approximately 30 minutes, the police officer walked down the cliff with Reed  
12 but the LUNADA BAY BOY aggressors were gone. Only Defendant Charlie  
13 Ferrara remained, but he refused to cooperate with the police and told them  
14 he did not see anything, though he apologized to Reed.

15 (27) PALOS VERDES ESTATES initially attempted to investigate the  
16 incident. A police officer identified the man who was videoing her as  
17 LUNADA BAY BOY Individual Member and Defendant Brant Blakeman, a  
18 local resident who owns a home in Palos Verdes Estates. The PALOS  
19 VERDES ESTATES police officer then offered to allow Reed to identify the  
20 other men from photos that the police kept on all the members of LUNADA  
21 BAY BOYS. But ultimately, PALOS VERDES ESTATES police showed no  
22 interest or ability in following up on Reed's complaint. They would not  
23 commit to a date to identify the other member of the LUNADA BAY BOYS  
24 who poured beer on her, and exposed himself to her, or other Individual  
25 Defendants who had harassed her. Indeed, PALOS VERDES ESTATES  
26 police detective Venegas said words to the effect, "Why would a woman  
27 want to go to that beach and the Rock Fort anyways? There are only rocks  
28 down there." When PALOS VERDES ESTATES failed to return Reed's calls



1 to set a time to identify the LUNADA BAY BOY member who poured beer on  
2 her and exposed himself to her, as well as identify the other Individual  
3 Defendants who had harassed her, she had her lawyer write a letter on  
4 March 10, 2016. Defendant PALOS VERDES ESTATES finally agreed to a  
5 meeting on March 21, 2016, in which Reed and her lawyer met with  
6 Defendant Chief of Police Kepley and Captain Tony Best. Defendant Chief  
7 of Police Kepley and Captain Best were friendly and respectful. But it  
8 appeared that Chief Kepley and Captain Best knew little about Reed's  
9 complaint and the incident; and they claimed that while they had  
10 photographs of the LUNADA BAY BOYS members, they would not permit  
11 Reed to review their photos so she could identify the man that assaulted her  
12 in the Rock Fort, stating only that they would speak to the detective in  
13 charge of the investigation. Defendant Kepley said words to the effect that  
14 there was "little we can do because we only have 25 full-time POST<sup>21</sup>  
15 certified staff," and that PALOS VERDES ESTATES could only afford to  
16 send two officers at a time to inspect Lunada Bay. While cell phones do not  
17 work well at the Rock Fort, Defendant Chief of Police Kepley and Captain  
18 Best encouraged Reed to carry a cell phone and travel in large groups.  
19 Captain Best stated that there are judges and lawyers that surf out there" –  
20 the implication being that made the situation even more difficult to remedy.  
21 Reed asked Defendant Chief Kepley: "Is it safe for me to go down there?"  
22 Defendant Chief Kepley responded with the following: "I wish it was safe,  
23 but it's not. I wouldn't even tell a man to go down there." Defendant Chief  
24 Kepley also said words to the effect, "If I could fix this, I would. I view this as

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<sup>21</sup> POST is an acronym for "Police Officer Standards and Training." It is a minimum educational requirement for law enforcement officers.

1 a long term problem.” The conduct of Defendants has caused Reed pain  
2 and suffering, loss of sleep, emotional distress, and mental anguish.

3 (28) With more than 40 police personnel and its own jail, PALOS  
4 VERDES ESTATES is aware of the LUNADA BAY BOYS’ criminal activity  
5 against visiting beachgoers, but has a policy, custom, and practice of taking  
6 no action when it involves the LUNADA BAY BOYS and the Individual  
7 Defendants.

8 (29) Upon information and belief, over the last 40 years, Plaintiffs  
9 estimate that several hundreds of beachgoers have attempted to recreate in  
10 and near Lunada Bay, and like Spencer and Reed, all have suffered similar  
11 encounters with Defendants. Upon information and belief, these persons  
12 have suffered loss of sleep, emotional distress, and mental anguish.  
13 Moreover, upon information and belief, many thousands of beachgoers want  
14 to visit Lunada Bay to enjoy its beauty and recreational activities but are  
15 afraid to do so because of Defendants’ conduct.

16 **CLASS ACTION ALLEGATIONS**

17 (30) Plaintiffs seek to maintain this action as a class action under  
18 Rule 23(b)(2) and/or Rule 23(b)(3) of the Federal Rules of Civil Procedure.  
19 The class consists of all visiting beachgoers to Lunada Bay who do not live  
20 in Palos Verdes Estates, as well as those who have been deterred from  
21 visiting Lunada Bay because of the LUNADA BAY BOYS’ actions, the  
22 Individual Defendants’ actions, PALOS VERDES ESTATES’ action and  
23 inaction, and Defendant Chief of Police Kepley’s action and inaction, and  
24 subsequently denied during the liability period, or are currently being denied,  
25 on the basis of them living outside of Palos Verdes Estates, full and equal  
26 enjoyment of rights under the state and federal constitution, to services,  
27 facilities, privileges, advantages, or recreational opportunities at Lunada  
28 Bay. For purposes of the class, visiting beachgoers includes persons who

1 do not reside in the City of Palos Verdes Estates, and who are not members  
2 of the LUNADA BAY BOYS, but want lawful, safe, and secure access to  
3 Lunada Bay to engage in recreational activities, including, but not limited to  
4 surfers, boaters, sunbathers, fisherman, picnickers, kneeboarders, stand-up  
5 paddle boarders, boogie boarders, bodysurfers, windsurfers, kite surfers,  
6 kayakers, dog walkers, walkers, hikers, beachcombers, photographers, and  
7 sightseers.

8 (31) The class identified in paragraph 30 is believed to consist of at  
9 least several thousand members who are dispersed across the State of  
10 California, as well outside California. Joinder of all of such class members in  
11 this lawsuit is impracticable.

12 (32) The Plaintiffs will fairly and adequately protect the interests of the  
13 class because they have retained counsel with extensive experience in  
14 litigation, including class action litigation, and because Plaintiffs have no  
15 interests that conflict in any way with those of the class.

16 (33) There are numerous questions of law and fact common to the  
17 class, including without limitation, the following:

18 a. Whether LUNADA BAY BOYS is a criminal street gang as  
19 defined in Penal Code § 186.22, subdivision (f).

20 b. Whether LUNADA BAY BOYS was, and at all times  
21 mentioned herein is, also an unincorporated association within the meaning  
22 of Corporations Code § 18035, subdivision (a).

23 c. Whether the Individual Defendants are members or  
24 associated with LUNADA BAY BOYS.

25 d. Whether the LUNADA BAY BOYS individually or  
26 collectively, engage in or have engaged in a pattern of criminal gang activity,  
27 and has as one of its primary activities the commission of enumerated  
28 “predicate crimes,” including but not limited to assault, battery, vandalism,

1 intimidation, harassment, and extortion, and, on information and belief, the  
2 sale and use of illegal controlled substances.

3 e. Whether the LUNADA BAY BOYS, through unlawful  
4 conduct, have claimed the Lunada Bay area as their “turf” and attempt to  
5 unlawfully dissuade beachgoers that live outside of Palos Verdes Estates  
6 from recreating in the park, bluff, beach, and ocean areas in and around  
7 Lunada Bay.

8 f. Whether the LUNADA BAY BOYS individually or  
9 collectively, have been negligent in their operation of surfboards, boats, and  
10 other vessels in the navigable waters of Lunada Bay.

11 g. Whether LUNADA BAY BOYS, and the Individual  
12 Defendants, have built and maintain the illegal Rock Fort at the base of the  
13 100-foot bluff of Lunada Bay.

14 h. Whether LUNADA BAY BOYS, and the Individual  
15 Defendants, have built and maintain illegal trails down the 100 foot bluff of  
16 Lunada Bay.

17 i. Whether LUNADA BAY BOYS, and the Individual  
18 Defendants, have illegal fires, illegally store boats and fishing equipment,  
19 and illegally drink alcohol in Lunada Bay.

20 j. Whether the LUNADA BAY BOYS, and the Individual  
21 Defendants, have illegally extorted money from beachgoers who wish to use  
22 Lunada Bay for recreational purposes.

23 k. Whether the LUNADA BAY BOYS, and the Individual  
24 Defendants, have civilly conspired in their intimidating threats, and follow  
25 through on these threats.

26 l. Whether the beaches, shoreline, bluff, park, street, and  
27 surfing areas in Palos Verdes Estates, specifically Lunada Bay, are open to  
28 the public.

1 m. Whether the beaches, shoreline, bluff, park, street, and  
2 surfing areas along Lunada Bay are owned by PALOS VERDES ESTATES.

3 n. Whether, acting under color of law, by its policies,  
4 customs, and/or longstanding practices, and in deliberate indifference  
5 towards Plaintiffs' rights under state and federal law, PALOS VERDES  
6 ESTATES has, under the laws of the United States and/or the United States  
7 Constitution, unlawfully excluded Plaintiffs, and persons like them, from their  
8 right to recreational opportunities at Palos Verdes Estates' parks, beaches,  
9 and access to the ocean.

10 o. Whether Defendant Chief of Police Kepley had final policy-  
11 making authority from PALOS VERDES ESTATES concerning  
12 investigations and policing activities related non-resident beachgoer  
13 complaints against LUNADA BAY BOYS, and the Individual Defendants.

14 p. Whether in his representative capacity, Defendant Chief of  
15 Police Kepley has failed to enforce the State's laws when it comes to crimes  
16 committed by Defendant LUNADA BAY BOYS against visiting non-resident  
17 beachgoers.

18 (34) The Plaintiffs' claims are typical of the claims of the members of  
19 the class. Like all other members of the class, Plaintiffs are beachgoers who  
20 do not reside in Palos Verdes Estates who want to safely visit the Lunada  
21 Bay area. Plaintiffs desire to lawfully use the Lunada Bay Area for  
22 recreational purposes, free from the assault, battery, vandalism, intimidation,  
23 harassment, and extortion by LUNADA BAY BOYS and the Individual  
24 Defendants.

25 (35) The Plaintiffs' claims are typical of the claims of the members of  
26 the class. Like all other members of the class, Plaintiffs are beachgoers who  
27 desire requisite permitting of the Rock Fort and bluff trails to Lunada Bay by  
28 the California Coastal Commission, in addition to any other equitable relief

1 appropriate to ensure access to Lunada Bay, which may include improved  
2 trails, restrooms, parking, lighting, and the installation of 24-hour video  
3 cameras.

4 (36) The Plaintiffs' claims are typical of the claims of the members of  
5 the class. Like all other members of the class, Plaintiffs are beachgoers who  
6 desire PALOS VERDES ESTATES and Chief of Police Kepley to investigate  
7 and prosecute crimes committed by the LUNADA BAY BOYS and/or the  
8 Individual Defendants against non-resident beachgoers.

9 (37) This action may be maintained as a class action pursuant to  
10 Rule 23(b)(2) because Defendants' unlawful activity is applicable to all  
11 members of the class. Therefore, an injunction requiring compliance with  
12 state and federal law is appropriate – namely access to Lunada Bay for  
13 recreational purposes – and the primary relief sought is injunctive relief.

14 (38) This action may be maintained as a class action pursuant to  
15 Rule 23(b)(3) because the many questions of law and fact that are common  
16 to class members clearly predominate over individual questions affecting  
17 members of the class. The common issues of law and fact relate to issues  
18 central to the case, such as whether LUNADA BAY BOYS and PALOS  
19 VERDES ESTATES have unlawfully denied members of the class full and  
20 equal access to the coast, and to recreate in Lunada Bay, as well as  
21 whether Defendants maintain longstanding customs, policies and practices  
22 and other measures intended to deny non-resident beachgoers full and  
23 equal access to Lunada Bay and the surrounding areas, as provided by the  
24 state and federal constitutions and laws.

25 (39) Judicial economy will be served by maintenance of this lawsuit  
26 as a class action in that it is likely to avoid the burden that would be  
27 otherwise placed upon the judicial system by the filing of numerous similar  
28 suits by beachgoers who have been denied full and equal access to Lunada

1 Bay.

2 (40) Maintaining this lawsuit as a class action will also avoid the risk  
3 of inconsistent outcomes if class members were forced to bring individual  
4 actions in various forums.

5 (41) There are no obstacles to effective and efficient management of  
6 this lawsuit as a class action by this Court.

7 (42) Plaintiffs contemplate notice to the class by news media  
8 publication, including (1) social networking sites, such as Facebook and  
9 Twitter, (2) ocean-oriented Internet sites such as Surfline.com,  
10 Magicseaweed.com, Surfingmagazine.com, Surfermagazine.com,  
11 Worldsurfleague.com, Surfertoday.com, and Sufersjournal.com; (3) a  
12 California newspaper such as *The Los Angeles Times*; and (4) a  
13 coordinated email campaign with a non-profit ocean advocacy group such  
14 as Surfrider Foundation, and Surfrider Southbay.

15 **FIRST CAUSE OF ACTION**

16 **(Bane Act – Against LUNADA BAY BOYS and the Individual**  
17 **Defendants)**

18 (43) Plaintiffs repeat, re-allege and incorporate herein by this  
19 reference each and every allegation contained in Paragraphs 1 through 42,  
20 inclusive.

21 (44) In addition to being personally victimized by Defendants' crimes  
22 and other gang-related activities, Plaintiffs, and the class members, have  
23 observed violent crimes committed against others. Throughout the Lunada  
24 Bay area, Defendants' members not only confront and attack other beach-  
25 going class members, but also confront, threaten to kill, assault, vandalize  
26 property, extort, and bring harm to other persons who live in, work in, or  
27 pass through the Lunada Bay area. Defendants' criminal and other gang-  
28 related activities against visiting beachgoers to Lunada Bay violates the

1 Bane Act. Defendants' activities create a threatening and intimidating  
2 atmosphere for visiting beachgoers, and therefore, infringe upon their  
3 constitutional right to recreate on California's public beaches.

4 (45) Defendants' activities attempt to interfere with and do interfere  
5 with Plaintiffs' and class members' constitutional rights by creating a  
6 dangerous, threatening, and intimidating environment in the Lunada Bay  
7 area. Their conduct brings potential and actual harm to the Lunada Bay  
8 area, and to the visiting beachgoers that would like to visit.

9 (46) Throughout the Lunada Bay area, Defendants, individually,  
10 collectively, and in concert, also vandalize public and private property, sell  
11 and use narcotics, loiter, and drink alcohol on the beach and bluff. These  
12 activities occur throughout the day and evening. Such activities create and  
13 foster an atmosphere of fear and intimidation. Out of fear for their safety  
14 and lives, Plaintiffs and many other visiting beachgoers travel to and from  
15 Lunada Bay in groups, rather than alone, in an effort to decrease the  
16 likelihood of becoming a victim of a gang attack. Defendants by their  
17 threatening, intimidating and coercive actions have attempted to interfere  
18 with, and do interfere with the constitutional rights of Plaintiffs and class  
19 members.

20 (47) To perpetuate their desire to unlawfully intimidate Plaintiffs and  
21 members of the class from lawfully using Lunada Bay, Defendants  
22 coordinate their efforts using lookouts, by yelling, signaling, whistling, and  
23 use of cell phones. Moreover, Defendants monitor police and fire radios, in  
24 addition to the lookouts, to warn each other of approaching law enforcement.

25 (48) Under the Bane Act (Cal. Civ. Code § 52.1(b)), any person  
26 whose exercise or enjoyment of the rights secured by the California  
27 Constitution, or the United States Constitution, has been interfered with, or  
28 attempted to be interfered with, may institute a civil action for damages,



1 injunctive relief, and other appropriate equitable relief to protect the  
2 peaceable exercise and enjoyment of rights.

3 (49) Plaintiffs and the class members have no plain, speedy, or  
4 adequate remedy at law. Many victims and witness to criminal activities  
5 committed by LUNADA BAY BOYS feel the gang's constant, pervasive, and  
6 menacing presence in Lunada Bay, and thus refuse to cooperate with law  
7 enforcement. Defendants threaten basic public order with their oppressive  
8 and widespread witness intimidation. Traditional law enforcement methods  
9 and criminal prosecution has not deterred Defendants from pursuing their  
10 criminal activities, and Plaintiffs and other visiting beachgoers to Lunada Bay  
11 are at continued risk to their safety, lives and property.

12 (50) Unless restrained by this Court, Defendant LUNADA BAY BOYS  
13 acting through their respective membership, will continue to violate the rights  
14 of Plaintiffs and members of the class, as protected by the Bane Act. Unless  
15 restrained by this Court, Defendant LUNADA BAY BOYS will continue to  
16 harass, attack, injure, and threaten visiting beachgoers to Lunada Bay.  
17 Unless restrained by this Court, Defendant LUNADA BAY BOYS will  
18 continue to intimidate visiting beachgoers from reporting and prosecuting  
19 criminal activities committed by LUNADA BAY BOYS. Unless restrained by  
20 this Court, Defendants will continue to build and maintain illegal structures in  
21 Lunada Bay, and vandalize visiting beachgoer property. Unless restrained  
22 by this Court, LUNADA BAY BOYS gang members will continue to engage  
23 in violent activities in Lunada Bay area. Unless restrained by this Court,  
24 Defendant LUNADA BAY BOYS gang members will continue to drink in  
25 public. Unless restrained by this Court, members of Defendant LUNADA  
26 BAY BOYS gang will continue to loiter in the Lunada Bay area, blocking  
27 Plaintiffs and the class of beachgoers from using the trails to gain ocean  
28 access to Lunada Bay. Unless restrained by this Court, Defendant LUNADA

1 BAY BOYS will continue to threaten, intimidate, and coerce Plaintiffs and the  
2 visiting beach-going class so that they will not exercise their state and  
3 federal rights to recreate in Lunada Bay, in a peaceful, safe, and secure  
4 environment.

5 WHEREFORE, Plaintiffs pray for relief as set forth below.

6 **CIVIL CONSPIRACY ALLEGATIONS**

7 (51) Plaintiffs repeat, re-allege and incorporate herein by this  
8 reference each and every allegation contained in Paragraphs 1 through 50,  
9 inclusive.

10 (52) Defendant LUNADA BAY BOYS is a criminal gang whose  
11 members are primarily engaged in criminal and nuisance activities which  
12 constitute Bane Act violations and a public nuisance. Defendants' members  
13 regularly confront, attack, harass and assault people attempting to access  
14 the beach, but also confront, threaten to kill, assault, vandalize property,  
15 extort, and bring harm to other persons who live in, work in, or pass through  
16 the Lunada Bay area for the primary purpose of preventing those people  
17 from accessing the beach area and for the purpose of committing torts and  
18 other wrongs on them. Defendants' criminal and other gang-related  
19 activities against visiting beachgoers to Lunada Bay violates the Bane Act  
20 and other laws. Defendants' activities create a threatening and intimidating  
21 atmosphere for visiting beachgoers, and therefore, infringe upon their rights  
22 constitutional right to recreate on California's public beaches.

23 (53) Each Individual Member of LUNADA BAY BOYS is aware that  
24 people attempting to access the beach at Lunada Bay will be confronted,  
25 attacked, harassed, assaulted by other LUNADA BAY BOY Individual  
26 Members.

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**SECOND CAUSE OF ACTION**

**(Public Nuisance - LUNADA BAY BOYS and the Individual Defendants)**

(54) Plaintiffs repeat, re-allege and incorporate herein by this reference each and every allegation contained in Paragraphs 1 through 53, inclusive.

(55) The activities of Defendants the LUNADA BAY BOYS, acting through their respective members, and the Individual Defendants, constitute a public nuisance pursuant to Civil Code sections 3479 and 3480. Defendants, individually, collectively, and in concert, confront, threaten to kill, assault, vandalize public and private property, extort, loiter, drink alcohol in public areas and bring harm to other persons who work in, visit or pass through the Lunada Bay area. In addition, Defendants’ activities obstruct the free passage and use of the public park and ocean access.

(56) Many of the acts committed by Defendants, individually, collectively, and in concert, constitute a nuisance per se. The City of Palos Verdes Estates Municipal Code (“PVE Code”) section 8.48.015 provides that any violation of Title 8, Health and Safety, Title 12, Streets, Sidewalks and Public Places, Title 15, Building and Construction, and Title 19, Coastal Regulations, is declared a public nuisance per se and may be abated as such. Defendants, individually, collectively, and in concert, have committed numerous PVE Code violations including, but not limited to, the following: smoking in undeveloped public place (PVE Code section 8.56.020); erecting, placing, constructing, establishing, or maintaining any structure or object on public property without a permit (PVE Code section 12.04.020); making or causing to be made any excavation, cut, or fill in any public place in the city without a permit (PVE Code section 12.12.020); violating city rules and regulations governing use and enjoyment by the public of any park or grounds (PVE Code section 12.24.020); disorderly conduct in parkland,

1 including but not limited to disrobing, urinating, displaying any lewd act, and  
2 throwing stones, in any park or grounds (PVE Code section 12.24.100);  
3 violating of building codes (PVE Code section 15.08.130); and failing to  
4 obtain a coastal development permit (PVE Code section 19.020.030).

5 (57) In addition to these PVE Code violations, Defendants,  
6 individually, collectively, and in concert, obstruct the free passage and use,  
7 in the customary manner, of a navigable bay and public park, which is  
8 deemed a public nuisance per se under Civil Code section 3479.

9 (58) Defendants, individually, collectively, and in concert, annoy,  
10 harass, and confront individuals who live in, work in, and pass through  
11 Lunada Bay area, causing victims to fear for their safety and the safety of  
12 their families and friends. Because of Defendants' criminal and nuisance  
13 activities, law-abiding people are forced to avoid the Lunada Bay area and  
14 parklands, to avoid being confronted, harassed, or assaulted.  
15 Consequently, Defendants' behavior is injurious to the health, is indecent  
16 and is offensive to the sense and interferes with the free use and  
17 comfortable enjoyment of life and property by the people in the Lunada Bay  
18 area.

19 (59) Defendants, individually, collectively, and in concert, proclaim  
20 their ownership of the Lunada Bay area by coordinating their efforts to  
21 prevent public access by using lookouts, yelling, signaling, whistling, and cell  
22 phones. Defendants' activity intimidates and dissuades people from  
23 speaking out and is offensive to the senses and interferes with the  
24 comfortable enjoyment of public property for those who work in, visit and  
25 travel through the Lunada Bay Area.

26 (60) Unless restrained by this Court, Defendants will continue to  
27 cause great and irreparable damage, injury, and harm the individuals who  
28 work in, visit and pass through Lunada Bay area. Unless restrained by this

1 Court, Defendants will continue to maintain the public nuisance in the  
2 Lunada Bay area, by participating in and promoting the above-described  
3 activities, including but not limited to assault, harass, threaten, intimidate,  
4 and prevent individuals who work in, visit, and pass through Lunada Bay  
5 area. Each activity has been, and will continue to be, without the consent,  
6 against the will, and in violation of the rights of the community in the Lunada  
7 Bay area. The peace, safety, and comfortable enjoyment of the life and  
8 property by the community members in the Lunada Bay area are being, and  
9 will continue to be, disturbed and threatened, unless equitable relief in the  
10 form of an injunction as prayed for against Defendants LUNADA BAY  
11 BOYS, acting through their respective members, and the Individual  
12 Defendants is granted.

13 WHEREFORE, Plaintiffs pray for relief as set forth below.

14 **THIRD CAUSE OF ACTION**

15 **(42 U.S.C. § 1983 – Equal Protection – PALOS VERDES ESTATES and**  
16 **Defendant Chief of Police Kepley)**

17 (61) Plaintiffs repeat, re-allege and incorporate herein by this  
18 reference each and every allegation contained in Paragraphs 1 through 60,  
19 inclusive.

20 (62) By knowingly allowing the LUNADA BAY BOYS to exclude non-  
21 residents from Lunada Bay, a public beach, through violence, harassment,  
22 vandalism, threats, and intimidation, and by ignoring non-residents' and  
23 Plaintiffs' complaints of such exclusion and violence, PALOS VERDES  
24 ESTATES, as a municipality acting under color of law, has created an  
25 unlawful and irrational policy, custom, or practice of exclusion of others on  
26 the basis of their status as non-residents.

27 (63) Defendant Chief of Police Kepley, acting under color of law,  
28 enforces this fundamentally unfair policy, custom, or practice of exclusion of

1 non-residents by irrationally and arbitrarily discriminating against Plaintiffs  
2 and in favor of PALOS VERDES ESTATES and the LUNADA BAY BOYS in  
3 violation of Plaintiffs' right to equal protection of the laws.

4 (64) Defendants PALOS VERDES ESTATES and Chief of Police  
5 Kepley's acts of allowing the LUNADA BAY BOYS to threaten, intimidate,  
6 harass, and exclude non-residents from Lunada Bay bears no rational  
7 connection to public health, safety, or welfare.

8 (65) An actual controversy exists between the parties, and Plaintiffs  
9 are suffering an ongoing and irreparable harm, including loss of sleep,  
10 emotional distress, and mental anguish as a direct and proximate result of  
11 PALOS VERDES ESTATES and Defendant Chief of Police Kepley's  
12 deliberate indifference to Plaintiffs' rights under the Fourteenth Amendment.  
13 The harm will continue unless the custom, policy, or practice of exclusion is  
14 declared unlawful and enjoined by this Court.

15 WHEREFORE, Plaintiffs pray for relief as set forth below.

16 **FOURTH CAUSE OF ACTION**

17 **(42 U.S.C. § 1983 – Privileges and Immunities – PALOS VERDES**  
18 **ESTATES and Defendant Chief of Police Kepley)**

19 (66) Plaintiffs repeat, re-allege and incorporate herein by this  
20 reference each and every allegation contained in Paragraphs 1 through 65,  
21 inclusive.

22 (67) By implementing and carrying out a policy, custom or practice of  
23 prohibiting non-residents from accessing Lunada Bay, Defendants PALOS  
24 VERDES ESTATES and Chief of Police Kepley, acting under color of state  
25 law, arbitrarily and unreasonably interfere with Plaintiffs' constitutional right  
26 to enter public lands in violation of the Privileges and Immunities Clause of  
27 Article IV of the U.S. Constitution.

28 (68) Defendants PALOS VERDES ESTATES and Chief of Police

1 Kepley’s policy, custom or practice of allowing the LUNADA BAY BOYS to  
2 deny non-residents access to Lunada Bay, which is public land, bears no  
3 rational connection to public health, safety, or welfare.

4 (69) An actual controversy exists between the parties, and Plaintiffs  
5 are suffering ongoing and irreparable harm, including loss of sleep,  
6 emotional distress, and mental anguish as a direct and proximate result of  
7 PALOS VERDES ESTATES and Defendant Chief of Police Kepley’s  
8 deliberate indifference to Plaintiffs’ rights under the Privileges and  
9 Immunities Clause of the U.S. Constitution. The harm will continue unless  
10 Defendants’ policy, custom or practice of preferential treatment of residents  
11 and exclusion of non-residents is declared unlawful and enjoined by this  
12 Court.

13 WHEREFORE, Plaintiffs pray for relief as set forth below.

14 **FIFTH CAUSE OF ACTION**

15 **(Violation of California Coastal Act – All Defendants)**

16 (70) Plaintiffs repeat, re-allege and incorporate herein by this  
17 reference each and every allegation contained in Paragraphs 1 through 69,  
18 inclusive.

19 **CALIFORNIA COASTAL ACT**

20 (71) The California legislature adopted the Coastal Act in 1976 to  
21 protect and enhance California’s natural and scenic coastal resources. The  
22 California Coastal Act created the California Coastal Commission (hereafter,  
23 “the Commission”) in addition to an elaborate planning process to ensure  
24 that development in the “coastal zone” is consistent with and reflects the  
25 findings and declarations made by the Legislature as stated clearly in Public  
26 Resources Code Section 30001:

27 (a) That the California coastal zone is a distinct  
28 and valuable natural resource of vital and enduring

1 interest to all the people and exists as a delicately  
2 balanced ecosystem.

3 (b) That the permanent protection of the state’s  
4 natural and scenic resources is a paramount concern  
5 to present and future residents of the state and  
6 nation.

7 (c) That to promote the public safety, health, and  
8 welfare, and to protect public and private property,  
9 wildlife marine fisheries, and other ocean resources,  
10 and the natural environment, it is necessary to  
11 protect the ecological balance of the coastal zone  
12 and prevent its deterioration and destruction.

13 (d) That existing developed uses, and future  
14 developments that are carefully planned and  
15 developed consistent with the policies of [the Coastal  
16 Act], are essential to the economic and social well-  
17 being of the people of this state and especially to  
18 working persons employed within the coastal zone.

19 (72) The Coastal Act provides that the Act “shall be liberally  
20 construed to accomplish its purposes and objectives.” Cal. Pub. Resources  
21 Code §30009.

22 (73) The “Coastal Zone” is that land specified on maps identified and  
23 set forth in section 17 of Chapter 1330 of the Statutes of 1975-1976 Regular  
24 Session enacting Division 20 of the Public Resources Code and subsequent  
25 amendments. In significant coastal estuarine, habitat, and recreational areas  
26 it extends inland to the first major ridgeline paralleling the sea of five miles  
27 from the mean high tide line of the sea, whichever is less, and in developed  
28 urban areas the zone generally extends inland less than 1,000 yards. Cal.  
Pub. Resources Code § 30103(a). The section of Ocean Beach which is the  
subject of these proceedings is located within the Coastal Zone.

(74) The Coastal Act requires that “any person...wishing to perform  
or undertake any development in the coastal zone... shall obtain a coastal  
development permit.” Cal. Pub. Resources Code § 30600(a).



1 (75) The California Coastal Act defines “person” as “any person, firm,  
2 association, organization, partnership, business, trust, corporation, limited  
3 liability company, company, district, county, city and county, city, town, the  
4 state, and any of the agencies and political subdivisions of those entities,  
5 and, to the extent permitted by federal law, the United States, or any of its  
6 agencies or political subdivisions.” Cal. Pub. Resources Code § 30111.  
7 Defendants are persons under the California Coastal Act.

8 (76) The Coastal Act defines “development” as:  
9 [O]n land, in or under water, the placement or  
10 erection of any solid material or structure; discharge  
11 or disposal of any dredged material or any gaseous,  
12 liquid, solid, or thermal waste; grading, removing,  
13 dredging, mining, or extraction of any materials;  
14 change in the density or intensity of use of land,  
15 including, but not limited to, subdivision pursuant to  
16 the Subdivision Map Act... and any other division of  
17 land, including lot splits, except where the land  
18 division is brought about in the connection with the  
19 purchase of such land by a public agency for public  
20 recreational use; change in the intensity use of water,  
21 or of access thereto; construction, reconstruction,  
22 demolition, or alteration of the size of any structure,  
23 including any facility of any private, public, or  
24 municipal utility; and the removal or harvesting of  
major vegetation other than for agricultural purposes,  
kelp harvesting, and timber operations which are in  
accordance with a timber harvesting plan... As used  
in section, ‘structure’ includes, but is not limited to,  
any building, road, pipe, flume, conduit, siphon,  
aqueduct, telephone line, and electrical power  
transmission and distribution line.

25 Cal. Pub. Resources Code § 30106.

26 (77) The Municipal Code for Palos Verdes Estates defines  
27 “development” as:  
28

1 Whether lying on land outside of the water, or in or  
2 under water, each of the following shall be a  
3 'development' for purposes of this chapter:  
4 A. The placement or erecting of any solid material or  
5 structure;  
6 B. The discharge or disposal of any dredged material  
7 or any gaseous, liquid, solid or thermal waste;  
8 C. Grading, removing, dredging, mining or extraction  
9 of any materials;  
10 D. A change in density or intensity of the use of any  
11 land, including but not limited to (1) any subdivision  
12 created pursuant to the Subdivision Map Act  
13 commencing with Cal. Gov. Code § 66410, (2) any  
14 other division of land, including lot splits; provided,  
15 however, that where a land division is brought in  
16 connection with the purchase of said land by a public  
17 agency for public recreational use, such division shall  
18 not constitute a development for purposes of this  
19 chapter.

14 UNPERMITTED DEVELOPMENTS

15 (78) On the north side of Lunada Bay nearest Palos Verdes Point, the  
16 LUNADA BAY BOYS, its members, and the Individual Defendants have built  
17 and maintain an illegal rock-masonry-and-wood fort structure at the base of  
18 the 100-foot bluff. Plaintiffs are informed and believe and thereon alleged  
19 that this structure is on property owned by PALOS VERDES ESTATES.

20 (79) In the middle of Lunada Bay, LUNADA BAY BOYS and the  
21 Individual Defendants have built and maintain a steep trail down the 100-foot  
22 bluff called the Goat Trail. Plaintiffs are informed and believe and thereon  
23 alleged that this trial is on property owned by PALOS VERDES ESTATES.

24 (80) Defendant LUNADA BAY BOYS and Individual Defendants have  
25 built a campfire ring with seating in the middle of Lunada Bay, near the base  
26 of the Goat Trail. Plaintiffs are informed and believe and thereon alleged  
27 that this trail is on property owned by PALOS VERDES ESTATES.

28 (81) On the south side of Lunada Bay, there is another trail down to

1 Lunada Bay (“South Trail”). Plaintiffs are informed and believe and thereon  
2 alleged that this trail is on property owned by PALOS VERDES ESTATES.

3 BLOCKING FULL PUBLIC ACCESS TO COAST

4 (82) Defendants’ members regularly confront, attack, harass and  
5 assault people attempting to access the beach, but also confront, threaten to  
6 kill, assault, vandalize property, extort, and bring harm to other persons who  
7 work in, visit or pass through the Lunada Bay area for the primary purpose  
8 of preventing those people from accessing the beach area and for the  
9 purpose of committing torts and other wrongs on them. Defendants’ criminal  
10 and other gang-related activities against visiting beachgoers to Lunada Bay  
11 violates the Bane Act and other laws. Defendants’ activities create a  
12 threatening and intimidating atmosphere for visiting beachgoers, and  
13 therefore, infringe upon their rights constitutional right to recreate on  
14 California’s public beaches.

15 (83) By letter dated January 21, 2016, enforcement analyst Jordan  
16 Sanchez of the California Coastal Commission notified Chief Jeff Kepley of  
17 the Palos Verdes Police Department that, among other things:

18 Precluding full public use of the coastline at Palos  
19 Verdes Estates, including the waters of Lunada Bay,  
20 whether through physical devices, such as  
21 construction of a fence, or nonphysical impediments,  
22 such as threatening behavior intended to discourage  
23 public use of the coastline, represents a change of  
24 access to water, and, thus, constitutes development  
25 under the Coastal Act and the Palos Verdes Estates  
26 LPC [Local Coastal Program]. No coastal  
27 development permit has been issued to authorize  
28 this activity, therefore, it is a violation of the LCP. . . .  
We have also received reports of unpermitted  
structures, including stone forts, constructed on the  
shoreline of Lunada Bay . . . the construction of a  
structure is also development that is within the power  
of the City to address . . .

1 (Attached and incorporated herein as Exhibit 18.)

2 (Declaratory Relief)

3 (84) Pursuant to California Public Resources Code Section 30803(a),  
4 the California Coastal Act provides, in relevant part that, “any person may  
5 maintain an action for declaratory and equitable relief to restrain any  
6 violation of this division...”

7 (85) An actual controversy exists between the Plaintiffs and the  
8 Defendants in that these Defendants have violated and are violating the  
9 California Coastal Act but refuse to admit the illegal nature of their activities.

10 (86) Because of the controversy that exists among the parties, a  
11 declaration of the rights and responsibilities of the parties with respect to the  
12 California Coastal Act is necessary. Specifically, Plaintiffs seek a  
13 declaration from this Court that the Defendants’ acts as alleged herein are  
14 separate and continuing violations of the California Coastal Act.

15 (Injunctive Relief)

16 (87) Plaintiffs have no adequate remedy at law to require the  
17 Defendants to obtain a coastal development permit as alleged in this  
18 Complaint and, therefore, civil fines alone will not remedy the wrongs about  
19 which Plaintiffs complain.

20 (88) Unless this Court grants the equitable relief sought by Plaintiffs  
21 and the public generally, they will be irreparably harmed in that it will be  
22 deprived of both the aesthetic enjoyment and environmental protection of  
23 the natural resources in this part of the California Coastal Zone.

24 (89) Pursuant to California Public Resources Code Section 30803(a),  
25 the Coastal Act provides in relevant part: “...On a prima facie showing of a  
26 violation of this division, preliminary equitable relief shall be issued to  
27 restrain any further violation of the division. No bond shall be required for an  
28 action under this section.”

1 (90) As a consequence of the Defendants' activities, Plaintiffs are  
2 entitled to a temporary restraining order to prevent any further development  
3 in the affected area while the Court considers any application by Plaintiffs for  
4 preliminary and permanent injunctive relief.

5 (Civil Fines)

6 (91) Pursuant to California Public Resources Code section 30820(a),  
7 the California Coastal Act provides in relevant part for civil fines as follows:

8 Any person who violates any provision of this division  
9 may be civilly liable in accordance with this  
subdivision as follows:

10 Civil liability may be imposed by the superior court in  
11 accordance with this article on any person who  
12 performs or undertakes development that is in  
13 violation of this division ... in an amount that shall not  
14 exceed thirty thousand dollars (\$30,000) and shall  
15 not be less than five hundred dollars (\$500) . . . Civil  
liability may be imposed for any violation of this  
division other than that specified in paragraph (1) in  
an amount that shall not exceed thirty thousand  
dollars (\$30,000).

16 (92) Plaintiffs are informed and believe and on such information and  
17 belief allege that the Defendants are liable for civil fines by virtue of the fact  
18 that they have failed to obtain and comply with the terms and conditions of a  
19 Coastal Development Permit as alleged herein.

20 (Daily Fines)

21 (93) Pursuant to California Public Resources Code section 30820(b),  
22 the California Coastal Act provides in relevant part for additional civil fines as  
23 follows:

24 Any persons who performs or undertakes  
25 development that is in violation of this division ...  
26 when that person intentionally and knowingly  
27 performs or undertakes the development in violation  
28 of this division ... may, in addition to any other  
penalties, be civilly liable in accordance with this  
subdivision. Civil liability may be imposed by the  
superior court in accordance with this article for a  
violation as specified in this subdivision in an amount

1 which shall not be less than one thousand dollars  
2 (\$1,000.00), nor more than fifteen thousand dollars  
3 (\$15,000.00), per day for each day in which the  
4 violation persists.

5 (94) Plaintiffs are informed and believe and on such information and  
6 belief allege that the Defendants, by virtue of their knowing, intentional, and  
7 continuing violation(s) of the California Coastal Act, are liable for daily fines  
8 of up to \$15,000.00 for each day in which the alleged violations(s) have  
9 occurred and continue without abatement.

10 WHEREFORE, Plaintiffs pray for relief as set forth below

11 **SIXTH CAUSE OF ACTION**

12 **(Assault - LUNADA BAY BOYS and the Individual Defendants)**

13 (95) Plaintiffs repeat, re-allege and incorporate herein by this  
14 reference each and every allegation contained in Paragraphs 1 through 94,  
15 inclusive.

16 (96) At all relevant times the LUNADA BAY BOYS and the Individual  
17 Defendants acted with the intent to cause harmful and/or offensive contact  
18 to Plaintiffs and the class members.

19 (97) Plaintiffs reasonably believed that they were about to be touched  
20 in a harmful offensive manner. It reasonably appeared to Plaintiffs that the  
21 LUNADA BAY BOYS and the Individual Defendants were about to carry out  
22 the threat.

23 (98) Plaintiffs did not consent to the LUNADA BAY BOYS and the  
24 Individual Defendants' conduct.

25 WHEREFORE, Plaintiffs pray for relief as set forth below.

26 **SEVENTH CAUSE OF ACTION**

27 **(Battery - LUNADA BAY BOYS and the Individual Defendants)**

28 (99) Plaintiffs repeat, re-allege and incorporate herein by this  
reference each and every allegation contained in Paragraphs 1 through 98,

1 inclusive.

2 (100) As set forth previously, the LUNADA BAY BOYS and the  
3 Individual Defendants at various different times touched Plaintiffs and  
4 various class members with the intent to harm or offend.

5 (101) Plaintiffs and various class members did not consent to the  
6 touching and were harmed and/or offended by the LUNADA BAY BOYS and  
7 its Individual Defendants' conduct. A reasonable person in Plaintiff's'  
8 situation would have been offended by the touching.

9 **EIGHTH CAUSE OF ACTION**

10 **(Negligence - LUNADA BAY BOYS and the Individual Defendants)**

11 (102) Plaintiffs repeat, re-allege and incorporate herein by this  
12 reference each and every allegation contained in Paragraphs 1 through 101,  
13 inclusive.

14 (103) Defendants LUNADA BAY BOYS and the Individual Defendants  
15 breached their legal duty by acting as heretofore alleged. As described  
16 herein and alleged above, Defendants failed to exercise ordinary and  
17 reasonable care in complying with the aforementioned statutorily imposed  
18 duties, and, therefore, breached the same, proximately resulting in general  
19 and special damages to Plaintiffs according to proof.

20 (104) It was reasonably foreseeable that Defendants' conduct, as  
21 herein alleged, would give rise to Plaintiffs' severe emotional distress  
22 because Defendants had actual knowledge of the conditions and the  
23 consequences to Plaintiffs but nevertheless disregarded the rights, health  
24 and safety of Plaintiffs.

25 (105) At the time Defendants acted as heretofore alleged, Defendants  
26 knew, or reasonably should have known, that Plaintiffs would suffer extreme  
27 mental distress, embarrassment, frustration, annoyance, inconvenience,  
28 anger, shame, physical pain and discomfort, and grief. Plaintiffs suffered

1 extreme emotional distress, anger, frustration, fear and inconvenience all  
2 based on Defendants' negligent conduct.

3 (106) As a direct and proximate result of Defendants' negligent  
4 conduct, Plaintiffs suffered actual, general, and special damages including  
5 extreme emotional distress as set forth herein.

6 WHEREFORE, Plaintiffs pray for relief as set forth below.

7 **RELIEF**

8 WHEREFORE, Plaintiffs respectfully request:

- 9 1. That this Court assume jurisdiction.
- 10 2. That this Court certify the class identified in paragraph 30.
- 11 3. That this Court certify that Plaintiffs Spencer and Reed are  
12 representative of this class.
- 13 4. That this Court declare LUNADA BAY BOYS to be a criminal  
14 street gang as defined in California Penal Code § 186.22(f), and an  
15 unincorporated association within the meaning of California Corporations  
16 Code § 18035(a). Further, that this Court declare the Individual Defendants  
17 are members or associated with LUNADA BAY BOYS. And, that this Court  
18 declare LUNADA BAY BOYS and the Individual Defendants have engaged  
19 in predicate crimes under California Civil Code § 52.1.
- 20 5. That this Court issue an injunction under California Civil Code  
21 § 52.1, ordering LUNADA BAY BOYS and the Individual Defendants to  
22 refrain from the unlawful conduct and activities described in this action,  
23 further enjoining LUNADA BAY BOYS and the Individual Defendants from  
24 congregating, recreating (including but not limited to any beachgoer activity)  
25 or otherwise using the Lunada Bay area between Resort Point to the south  
26 and Palos Verdes Point to the north, including the Rock Fort, the ocean,  
27 beach, bluff, and street areas surrounding Lunada Bay.
- 28 6. That this Court award minimum statutory damages, defined as



1 \$4,000 per incident of under California Civil Code §§ 52.1(b), and 52(a) to  
2 each Plaintiff and member of the proposed class for violations of their rights  
3 under state law, as well as any other damages that may be appropriate.

4 7. That this Court declare PALOS VERDES ESTATES, and Chief  
5 of Police Kepley in his representative capacity, to have has engaged in  
6 unlawful municipal exclusion under 42 U.S.C. § 1983 by their policies,  
7 customs, and/or longstanding practices, and in deliberate indifference  
8 towards Plaintiffs' rights under the laws of the United States and/or the  
9 United States Constitution unlawfully excluded Plaintiffs, and persons like  
10 them, from their right to recreational opportunities at Palos Verdes Estates'  
11 parks, beaches, and access to the ocean on the basis of their status as non-  
12 residents.

13 8. That this Court issue an injunction requiring PALOS VERDES  
14 ESTATES and Chief of Police Kepley to investigate complaints against the  
15 LUNADA BAY BOYS and the Individual Defendants, and prosecute these  
16 complaints as appropriate, if the LUNADA BAY BOYS and/or the Individual  
17 Defendants harass, attack, injure, threaten, intimidate, extort, or coerce  
18 visiting beachgoers to Lunada Bay.

19 9. For an award of general damages against the LUNADA BAY  
20 BOYS and the Individual Defendants.

21 10. For an award of special damages against the LUNADA BAY  
22 BOYS and the Individual Defendants.

23 11. For an award of exemplary damages against the LUNADA BAY  
24 BOYS and the Individual Defendants.

25 12. With respect to the Fifth Cause of Action, for a declaration of the  
26 rights and responsibilities of the parties with respect to the California Coastal  
27 Act. Specifically, Plaintiffs seek a declaration from the Court that the  
28 Defendants' actions as set forth in this Complaint are separate and

1 continuing violations of the California Coastal Act.

2 13. With respect to the Fifth Cause of Action, for preliminary and  
3 permanent injunctive relief mandating the Defendants to refrain from any  
4 further activities in the affected area without first complying with the  
5 provisions of the Coastal Act and for a permanent injunction requiring the  
6 Defendants to obtain a lawfully issued Coastal Development Permit.

7 14. With respect to the Fifth Cause of Action, for a civil fine of up to  
8 \$30,000.00 against each Defendant for each act authorizing or engaging in  
9 or performing activities in violation of the California Coastal Act.

10 15. With respect to the Fifth Cause of Action, for a civil fine of up to  
11 \$15,000.00 per day against each Defendant for each day from the  
12 commencement of the violation(s) of the California Coastal Act to the date  
13 each Defendant complies with the requirements of the California Coastal  
14 Act.

15 16. For costs and attorney's fees incurred by Plaintiffs in prosecuting  
16 the instant action as allowed by Code of Civil Procedure section 1021.5  
17 and/or any other applicable provision(s) of law.

18 17. That this Court award Plaintiffs' reasonable attorneys' fees and  
19 costs pursuant to federal and California law.

20 18. That this Court award such additional or alternative relief as may  
21 be just, proper and equitable.

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**DEMAND FOR JURY TRIAL**

Plaintiffs demand a jury on all issues which can be heard by a jury.

DATED: March 29, 2016

HANSON BRIDGETT LLP

Bv:           /s/ Kurt A. Franklin            
KURT A. FRANKLIN

DATED: March 29, 2016

OTTEN LAW. PC

Bv:           /s/ Victor Otten            
VICTOR OTTEN

Attorneys for Plaintiffs  
CORY SPENCER, DIANA MILENA  
REED, and COASTAL PROTECTION  
RANGERS, INC.

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**L.R. 5-4.3.4(A)(2) ATTESTATION**

I, Kurt A. Franklin, am the ECF User whose ID and password are being used to file the following: **Class Action Complaint and Jury Demand**. In compliance with Civil L.R. 5-4.3.4(a)(2), I hereby attest that I have obtained concurrence in this filing and authorization to file from co-counsel, Victor Otten.

DATED: March 29, 2016

HANSON BRIDGETT LLP

Bv:           /s/ Kurt A. Franklin            
KURT A. FRANKLIN

Attorneys for Plaintiffs  
CORY SPENCER, DIANA MILENA  
REED, and COASTAL PROTECTION  
RANGERS, INC.