

1 **LEWIS BRISBOIS BISGAARD & SMITH LLP**
DANA ALDEN FOX, SB# 119761
2 E-Mail: Dana.Fox@lewisbrisbois.com
EDWARD EARL WARD JR. SB#249006
3 E-Mail: Edward.Ward@lewisbrisbois.com
ERIC Y. KIZIRIAN, SB# 210584
4 E-Mail: Eric.Kizirian@lewisbrisbois.com
TERA A. LUTZ, SB# 305304
5 E-Mail: Tera.Lutz@lewisbrisbois.com
633 West 5th Street, Suite 4000
6 Los Angeles, California 90071
Telephone: 213.250.1800
7 Facsimile: 213.250.7900

8 Attorneys for Defendant, SANG LEE

9

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

12

13 CORY SPENCER, an individual;
DIANA MILENA REED, an
14 individual; and COASTAL
PROTECTION RANGERS, INC., a
15 California non-profit public benefit
corporation,

16 Plaintiffs,

17 vs.

18 LUNADA BAY BOYS; THE
19 INDIVIDUAL MEMBERS OF THE
LUNADA BAY BOYS, including but
20 not limited to SANG LEE, BRANT
BLAKEMAN, ALAN JOHNSTON
21 AKA JALIAN JOHNSTON,
MICHAEL RAE PAPAYANS,
22 ANGELO FERRARA, FRANK
FERRARA, CHARLIE FERRARA;
23 and N.F. ; CITY OF PALOS
VERDES ESTATES; CHIEF OF
24 POLICE JEFF KEPLEY, in his
representative capacity; and DOES
25 1-10,

26 Defendants.

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

Assigned District Judge Hon. S. James
Otero, Courtroom 10C

Discovery Assigned to Magistrate Judge
Hon. Rozella A. Oliver

**DECLARATION OF TERA A.
LUTZ IN SUPPORT OF
DEFENDANT SANG LEE'S
MOTION FOR PARTIAL
SUMMARY JUDGMENT**

*[Filed concurrently with Notice,
Motion, Memorandum of Points and
Authorities; Separate Statement of
Uncontroverted Facts/Evidence;
Notices of Lodging; [Proposed]
Statement of Uncontroverted Facts; and
[Proposed] Order lodged herewith]*

Date: August 21, 2017
Time: 10:00 a.m.
Ctrm: 10C

Complaint filed: March 29, 2016
Trial Date: None Set

28

DECLARATION OF TERA A. LUTZ

I, Tera A. Lutz, declare as follows:

1. I am an attorney duly admitted to practice in all of the courts of the State of California and I am an associate with Lewis Brisbois Bisgaard & Smith LLP, attorneys of record for Defendant SANG LEE herein. The facts set forth herein are of my own personal knowledge, and if sworn I could and would competently testify thereto.

2. Please find attached hereto as Exhibit "A" true and correct copies of select excerpts and exhibits from Plaintiff Cory Eldon Spencer's October 11, 2016 Deposition.

3. Please find attached hereto as Exhibit "B" true and correct copies of select excerpts from Plaintiff Diana Milena Reed's October 24, 2016 Deposition.

4. Please find attached hereto as Exhibit "C" true and correct copies of select excerpts from Plaintiff Diana Milena Reed's October 25, 2016 Deposition.

5. Please find attached hereto as Exhibit "D" a true and correct copy of the United States Court of Appeals for the Ninth Circuit denying Plaintiffs' Petition for Permission to Appeal.

6. Pursuant to Local Rule 7-3, on June 19, 2017, I met in person with Plaintiff's counsel Victor Otten and discussed the substance of this motion and any potential resolution of this matter.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed on July 21, 2017, at Los Angeles, California.

/s/ Tera A. Lutz
Tera A. Lutz