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11 In Pro Per Third Party Objector

12 **SUPERIOR COURT OF CALIFORNIA**

13 **COUNTY OF CONTRA COSTA**

14 ROBERT TIERNAN, et al.,

15 Plaintiffs,

16 v.

17 DIABLO COMMUNITY SERVICES
18 DISTRICT, et al.,

19 Defendants.

Case No. MSC17-02529

**DECLARATION OF BRIAN MOORE
IN SUPPORT OF THIRD PARTIES
DAVID HAMMOND AND HAL
SEIBERT'S MOTION TO SET ASIDE
STIPULATED JUDGMENT BETWEEN
INTERVENORS AND U.S. BANK**

Date: 05/17/24

Time: 9:00am

Dept.: 18

22 AND RELATED CROSS-ACTION AND
23 ACTION IN INTERVENTION

1 I, Brian Moore, declare as follows:

2 1. I am currently a resident of the unincorporated community of Diablo, County of
3 Contra Costa. I make this Declaration based on my own personal knowledge, and if called as a
4 witness, could and would testify to the same.


5 2. I am familiar with a gravel trail approximately 100 to 125 feet in length connecting
6 Alameda Diablo and Mount Diablo Scenic Boulevard (leading to Mount Diablo State Park's
7 "South Gate" entrance ("the Easement")), which is at the southerly end of the property located at
8 2354 Alameda Diablo, Diablo, California.

9 3. My wife and I own 2626 Mount Diablo Scenic Blvd. I was aware of the Easement
10 when I purchased my property. Foot and bike access to Diablo is important to us. We pay into a
11 fund to maintain the streets in Diablo and this Easement connector is our most widely used access
12 to the main sections of Diablo. We use the Easement, often with our daughter, who lives in the
13 adjoining property, to access the Post Office and for evening neighborhood walks.

14 4. My wife and I owned 2578 Mount Diablo Scenic Blvd. for approximately 10 years.
15 This property consisted of a single-family home and three rental cottages often referred to as
16 Mary's Haven. We gifted this property to our daughter approximately two years ago. All of our
17 tenants have relied on the Easement whether on foot or on a bike to reach the town of Danville.

18 5. The recent blockage of the easement has reduced our personal safety. We have
19 only one road in and out and the Easement offered us another way to travel into the center of
20 Diablo or further into town. The blockage has impacted our quality of life for the worse and I
21 believe it has negatively impacted our property values.

22 I declare under penalty of perjury under the laws of the State of California that the
23 foregoing is true and correct. Executed on FEBRUARY 3, 2024 in ALAMO, California.

26  2/3/24
27 BRIAN MOORE