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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 CARL NIELSON
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

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22 AND RELATED CROSS-ACTION AND
23 ACTION IN INTERVENTION
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I, Carl Nielson, declare as follows:

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

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

3. I am retired now and I ride Mount Diablo often and use the Easement on a regular weekly basis. I was also a sporadic cyclist in the 1980s, including riding in the annual New Year's Day ride leaving from the California Pedaler Bike Shop in Danville from 1981 thru 1984. We rode through the Easement on the way up the mountain.

4. In April 1991 I started as a Mount Diablo State Park Ranger and I can attest to the fact that the Easement was a regular route for cyclists into the State Park.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on Feb 5th, 2024 in Danville, California.

Carl A. Nielson