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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 CHARLES JAMES
 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, Charles James, declare as follows:

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

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

9 3. In May 2021 I was sent an email from Dave Campbell of Bike East Bay asking
10 for my memories of using the Easement. As a student at Berkeley from 1960 and a resident of
11 Contra Costa County since 1969, I have made hundreds of trips up Mount Diablo on my bicycle.
12 In the early days, Northgate Road was partially dirt or less well maintained so my preferred route
13 was up the Southern entrance (Southgate Road from Diablo). My riding group always used the
14 Easement to avoid dangerous traffic on Diablo Road

15 4. My main routine in the 1960s and 1970s was to drive from Berkeley to downtown
16 Danville and park. My cycling route was up Diablo Road to Alameda Diablo and then through
17 the Easement. In later years I would park near St Timothy's Church and ride from there, through
18 Diablo to the Easement. Diablo was always a quiet and relaxing route to begin the climb up
19 Mount Diablo. I am currently in my 80s.

20 5. In the 1970s the Easement was a narrow dirt pathway and at some point, gravel
21 was added to improve the winter traction. A stucco wall replaced the old weathered fence and
22 irrigation was added for bushes and plants that lined the connector. I never knew nor cared about
23 which property owned the Easement, just that it was always open and in recent years maintained.

24
25 I declare under penalty of perjury under the laws of the State of California that the
26 foregoing is true and correct. Executed on 2/3/, 2024 in MARTINEZ, California.

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Charles James
CHARLES JAMES

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