

1 Kevin R. Brodehl (SBN 197657)  
Zachary B. Young (SBN 288553)  
2 Daniel J. Zarchy (SBN 306883)  
**PATTON SULLIVAN BRODEHL LLP**  
3 12647 Alcosta Boulevard, Suite 430  
San Ramon, California 94583  
4 925-600-1800 Phone  
925-600-1802 Fax  
5 [kbrodehl@psblegal.com](mailto:kbrodehl@psblegal.com)  
[zyoung@psblegal.com](mailto:zyoung@psblegal.com)  
6 [dzarchy@psblegal.com](mailto:dzarchy@psblegal.com)

7 Attorneys for Third Party Objector  
David Hammond

8 Hal F. Seibert (SBN 45925)  
9 1355 Willow Way, Ste. 275  
Concord, California 94520  
10 925-602-2600 Phone

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 R.  
TYLER 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 R. Tyler, declare as follows:

2 1. I am currently a resident of the City of Pleasanton, County of Alameda. I make this  
3 Declaration based on my own personal knowledge, and if called as a witness, could and would  
4 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 name is Charles Tyler and I am 95 years old and have personal experience with  
10 the Diablo community and I am quite familiar with the Easement. In the 1960s I lived on Belgian  
11 Drive in Danville. This street is next to St. Timothy's Episcopal Church inside the Green  
12 Valley/Diablo Road corner and next to Diablo Country Club. During 1964 through 1968 I was  
13 Associate Pastor of the Danville Community Presbyterian Church and I visited many parishioners  
14 in Diablo. I was a runner in those days and I used Diablo streets and connectors for my exercise.  
15 I also observed hikers who parked at St. Tim's to hike through Diablo to Mount Diablo roads and  
16 trails. I had parishioners up near the Easement and was also aware of its use by members of the  
17 public. In my opinion, that Easement always existed.

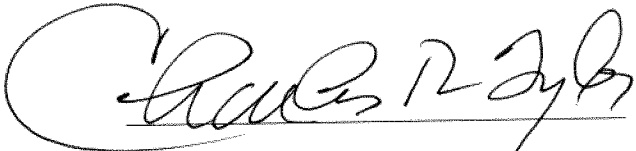
18 4. In 1978 I bought Dublin Cyclery and converted to cycling for my personal exercise.  
19 In the next 10 years my son and I expanded to owning bike shops in Walnut Creek, Concord, and  
20 Martinez. I began to use cycle across the Easement in 1978 or 1979 and always used it when  
21 riding in a group on Mount Diablo rides. When riding solo, I had two bad experiences with a dog  
22 on the way to the Easement so for a period of time in the late 1970s or early 1980s, I continued to  
23 ride solo along the dangerous curves of Diablo Road. Unfortunately, I also had a woman who  
24 harassed me, yelling "Get off the road" when I rode that route. The Easement was always the  
25 preferred route for me when riding in a group as it was safer, more relaxed, and allowed for social  
26 interaction.

27  
28

1  
 2  
 3  
 4  
 5  
 6  
 7  
 8  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28

5. My use of the Easement was mainly in the late 1970s through the 1980s but I continued to own Dublin Cyclery until 2017 and have been personally aware of cyclist use and preference for the Easement as a route to Mount Diablo. I have ridden in the 1970s and 1980s with the Valley Spokesmen Cycling Club, the Diablo Wheelman Cycling Club, and Cal Pedaler Bike Shop on groups rides and when climbing Mount Diablo, we always used the Easement.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on Feb 6, 2024 in DANVILLE California.



CHARLES R. TYLER