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

Date: " fl U 3/4U U x ~
Time: R - " " GT
Dept.: 3/4L

22 AND RELATED CROSS-ACTION AND
23 ACTION IN INTERVENTION

1 I, David Johnston, declare as follows:

2 1. I am currently a resident of the City of Walnut Creek, County of Contra Costa. I
3 make this Declaration based on my own personal knowledge, and if called as a witness, could
4 and 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. I have been using the Easement since 1980, so 44 years. I think cyclists being hit
10 by cars on Diablo Road prove that the Easement and Diablo streets are the only safe way for
11 cyclists like myself to access Mount Diablo roads and trails.

12 5. I attended Monte Vista High School, grew up on El Pintado Road in Danville
13 after moving to the area in 1978. I mostly ride during the week and everyone is very friendly. I
14 have not had any issues during my time on Diablo roads. I also cannot recall any restrictions to
15 using the Easement during the 44 years I have been using it, until last fall when the metal fence
16 blocked usage. The Easement had always been available to cyclists or hikers as far back as I can
17 remember.

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19 I declare under penalty of perjury under the laws of the State of California that the
20 foregoing is true and correct. Executed on Feb 4, 2024 in Walnut Creek, California.

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