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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 EMANUEL
 BLOOM 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**

24
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 28 **DECLARATION OF EMANUEL BLOOM IN SUPPORT OF THIRD PARTIES HAMMOND AND SEIBERT'S
 MOTION TO SET ASIDE STIPULATED JUDGMENT BETWEEN INTERVENORS AND U.S. BANK**

Case No. MSC17-02529

1 I, Emanuel Bloom, declare as follows:

2 1. I am currently a resident of the City of Berkeley, 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. I am a Berkeley resident, having lived there since 1974, about the time that I first
10 used the Easement. For almost 45 years starting in the mid-1970s I rode up Diablo around 3 times
11 per month using the Easement almost exclusively. I generally rode in a small group and left from
12 Danville. In the last 5 years my use of the Easement is closer to once a month.

13 4. For around a 5-year time in the 2010 time period a friend Bart Borland led a
14 Tuesday ride up the mountain from Rudgear Park N Ride and we also used the Easement because
15 it provided a safe way to access Mount Diablo.

16 5. Until the recent metal fence was erected (September 28, 2023), I can never recall a
17 time when I could not connect between Alameda Diablo and Mount Diablo Scenic Blvd across the
18 Easement. When asked if I ever remember the Easement blocked my response was maybe funky
19 and ramshackle and muddy at times but always easily passable. I would like to add my voice to
20 those protesting this unfortunate blockage.

21
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 4, 2024 in Berkeley, California.

24
25 
26 Emanuel Bloom
27 2/4/2024
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