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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 EMILY MOORE
 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

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

1 I, Emily Moore, declare as follows:


2 1. I am currently a resident of the unincorporated community of Diablo, County of
3 Contra Costa. I make this Declaration based on my own personal knowledge, and if called as a
4 witness, could and would 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 own 2578 Mount Diablo Scenic Blvd. often referred to as Mary's Haven. This
10 property consists of my home and three rental cabins. My husband and I have used the Easement
11 referred to above on practically a daily basis. This use began approximately 2 years ago when my
12 parents gifted me this property. We have used the Easement to access the rest of Diablo, to walk
13 our dog, to ride our bikes to the town of Danville and as a primary means of getting our mail at the
14 Diablo Post Office.

15 4. We also rely on the Easement as an emergency route in case of fire or blockage of
16 Mount Diablo Scenic Blvd. I pay into a fund that provides maintenance and security for the streets
17 of Diablo and do not believe this Easement can be blocked since it has been so widely used for
18 years. The metal fence that was installed on September 28th 2023 has negatively impacted our
19 daily life and that of our tenants.

20 I declare under penalty of perjury under the laws of the State of California that the
21 foregoing is true and correct. Executed on Feb 07, 2024 in DIABLO, California.

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25 EMILY MOORE
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