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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 ERIC 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: 05/17/24

Time: 9:00am

Dept.: 18

22 AND RELATED CROSS-ACTION AND
23 ACTION IN INTERVENTION

1 I, Eric Johnston, declare as follows:

2 1. I am currently a resident of the City of San Ramon, County of Contra Costa. I make
3 this 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.

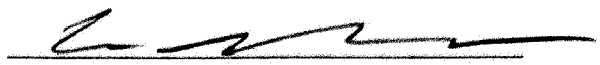
9 3. My family moved to Diablo along Mount Diablo Scenic Blvd. in 1972 and my
10 brother Bo and I rode our bikes to school across this Easement from 1980 through the early 1990s.
11 We used both this Easement and what is sometimes referred to as the Athenian Gate connector at
12 the end of Calle Los Collados although the Easement was our main route to and from school. We
13 attended Green Valley Elementary School, then Los Cerros Middle School and then Monte Vista
14 High School. I was always aware of people using this Easement, hikers and bikers and even
15 equestrians in the early days.

16 4. My mom always wanted us to take the safest route to and from school and to avoid
17 riding along Diablo Road so riding through Diablo using the Easement was always the safest route.
18 I did however get hit by a golf ball along Calle Arroyo one day on my way home from school.

19 5. I am now an avid mountain biker I have explored most trails within Mount Diablo
20 State Park as well as surrounding open spaces. Although I live in San Ramon, I am surprised at
21 how often I find myself riding back through this Easement because of the access it provides to
22 important Mount Diablo trails. Closing this Easement that I and my family have personally used
23 since the early 1970s is unacceptable. It threatens the quality of life of anyone who relies on the
24 Easement to access Mount Diablo. It also forces previous Easement users to find alternative routes
25 to the State Park at increased risk to personal safety.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on Feb 05, 2024 in San Ramon, California.


Eric Johnston

VAN
P
CA