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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 JAMES SCOTT 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

20
21
22 AND RELATED CROSS-ACTION AND
ACTION IN INTERVENTION
23

1 I, James Scott, declare as follows:

2 1. I am currently a resident of the City of Alamo, County of Contra Costa. 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 dad Jim Scott owned a horse property at 2100 Blackhawk Road, at the corner
10 of Diablo/Blackhawk and Mount Diablo Scenic Blvd in the 1970s. He also grazed horses on the
11 Athenian property across from his house in those days.

12 4. During 4 or 5 years in the mid-1970s, I was an endurance equestrian rider and I
13 personally used the Easement a few times a week while training on Mount Diablo. I would ride
14 my horse a short distance on Diablo Road to Avenida Nueva and turn into Diablo and then right
15 onto Alameda Diablo and connect to Mount Diablo trails by riding across the easement. In those
16 days there was a football field sized vacant grassy area along the Easement (no houses or fences)
17 and on horseback I would ride diagonally across this property to the tip of the arrow. That was
18 my preferred equestrian route to minimize time on Mount Diablo Scenic Blvd. I also remember
19 seeing hikers or walkers along the Easement.

20 5. During this same time period I was hit by a construction worker's truck while on
21 my horse along Diablo Road, so I avoided routes with cars as much as possible. The Diablo and
22 Mount Diablo Scenic Blvd. roads are narrow and winding and especially dangerous to cyclists and
23 equestrians.

24 6. The Sherriff's Posse sponsored 50-mile endurance rides and the San Ramon
25 Horseman's Club sponsored full moon rides and a large group of riders, myself included, would
26 depart from my dad's property and we always routed our rides into Diablo and across the Easement
27 property diagonally to the State Park trails.

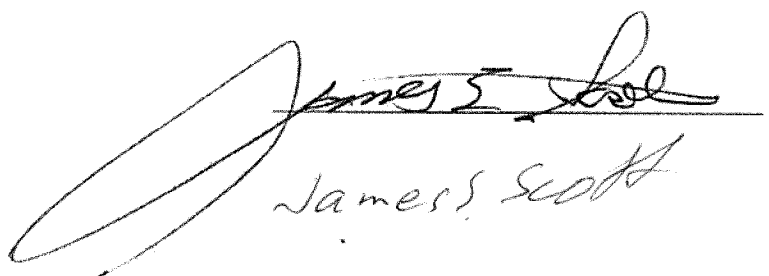
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7. My wife and I boarded our horse in Diablo until 1984 when we moved to our own horse property in Alamo. I took up road and mountain biking in the early 1990s and whenever I ride up Mount Diablo, I always use the Easement because it is the safest and most enjoyable way to access State Park roads and trails. I have been across that Easement hundreds of times since the mid-1970s.

8. When the metal fence was installed on September 28, 2023 it completely blocked the Easement and forced me and others to find other less safe routes to access Mount Diablo. Since I have used the Easement for almost 50 years, I respectfully ask the court why taking away this public right of way is allowed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on 2/3, 2024 in Alamo, California.



James Scott