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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 JEFF EORIO 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

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22 AND RELATED CROSS-ACTION AND
23 ACTION IN INTERVENTION

1 I, Jeff Eorio, 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 bought my house in Diablo on Alameda Diablo in December 1979 and my family
10 and I have lived in Diablo now for over 44 years. I am familiar with the Easement and consider it
11 an important part of everyday life in Diablo.

12 4. I have used this Easement on foot and on a bike regularly since moving to Diablo
13 44 years ago. When my kids were small, we would walk the dog and generally loop up Calle Los
14 Collados to the Athenian gate connector (there was no gate in those days) and then down Mount
15 Diablo Scenic Blvd. to the Easement and home. This is a loop that I see many Diablo residents
16 take on a daily or weekly basis. I also have owned a mountain bike and began to use the Easement
17 to access Mount Diablo roads and trails beginning when I first moved to Diablo. I have used the
18 Easement many hundreds of times over the past 44 years either on foot or on my road or mountain
19 bike. I have even ridden my neighbor's horse, Pecos, several times on the Easement albeit over
20 25 years ago!

21 5. Prior to retiring I spent 22 years as the Director of the San Ramon Parks and
22 Community Services Department and previous to that in a similar role in Walnut Creek. I also
23 served as an elected Board member of the Diablo Community Services District so I am well aware
24 of the small group of Diablo residents who have continued to attempt to restrict pedestrians and
25 cyclists in particular from using Diablo streets. I am also very familiar with the formation
26 documents and the organization of the Diablo Community Services District which maintains our
27 roadways with public tax revenues and that our roads are "Subject to a Public Right of Way"

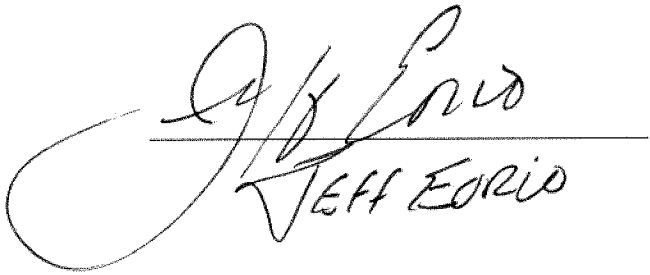
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1 according to Contra Costa County. In my experience and opinion, the vast majority of Diablo
2 residents understand that the public has every right to access Mt. Diablo State Park roads and trails
3 from Diablo publicly maintained streets and by utilizing this Easement. Accessing Mount Diablo
4 this way is much safer than riding or heaven forbid, walking on the dangerous and winding Diablo
5 Road.

6 6. The metal fence installed to purposely block the Easement on September 28, 2023
7 has reduced public safety in Diablo and for all users accessing Mount Diablo through the South
8 Gate. The Easement has always been the safest route to park roads and trails because it minimizes
9 vehicle traffic and congestion.

10 I declare under penalty of perjury under the laws of the State of California that the
11 foregoing is true and correct. Executed on Feb 5, 2024 in Diablo, California.

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JEFF EORIO