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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 JENNIFER LEE
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

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I, Jennifer Lee, declare as follows:

1. I am currently a resident of the unincorporated community of Diablo, County of Contra Costa. I make this Declaration based on my own personal knowledge, and if called as a witness, could and would testify to the same.

2. I am familiar with a gravel trail approximately 100 to 125 feet in length connecting Alameda Diablo and Mount Diablo Scenic Boulevard (leading to Mount Diablo State Park’s “South Gate” entrance (“the Easement”), which is at the southerly end of the property located at 2354 Alameda Diablo, Diablo, California.

3. My family moved to 2450 Mount Diablo Scenic Blvd in August 2022 from Danville where I grew up and where our family lived for 15 years. We moved to Diablo to be closer to Mount Diablo and to enjoy a more rural setting. As an active family we relied on the Easement as our main non vehicle connection to the center of Diablo. The fence that blocked the Easement on September 28, 2023 was a shock and continues to be a frustration to our daily life.

4. My son is a middle schooler and he rides his bike everywhere including through Diablo to visit friends and even into the town of Danville. He cannot take the Easement now. Instead, he has to ride a longer and more dangerous route to connect to the center of Diablo. My daughter and I frequently walk our dog and we relied on the Easement as our connection to the Post Office or other Diablo facilities. We no longer have this option.

5. Prior to the blockage, my family used the Easement daily and, in many cases, more than once a day, depending on our activities. To say that this has disrupted our way of life is an understatement. My neighbors tell me this Easement has been open for travel between Mount Diablo Scenic Blvd and Alameda Diablo as long as they can remember. It does not seem right that what seems like a public right of way can be suddenly blocked.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on Feb 4, 2024 in Diablo, California.

