

1 Kevin R. Brodehl (SBN 197657)  
2 Zachary B. Young (SBN 288553)  
3 Daniel J. Zarchy (SBN 306883)

4 **PATTON SULLIVAN BRODEHL LLP**  
5 12647 Alcosta Boulevard, Suite 430  
6 San Ramon, California 94583  
7 925-600-1800 Phone  
8 925-600-1802 Fax  
9 [kbrodehl@psblegal.com](mailto:kbrodehl@psblegal.com)  
10 [zyoung@psblegal.com](mailto:zyoung@psblegal.com)  
11 [dzarchy@psblegal.com](mailto:dzarchy@psblegal.com)

12 Attorneys for Third Party Objector  
13 David Hammond

14 Hal F. Seibert (SBN 45925)  
15 1355 Willow Way, Ste. 275  
16 Concord, California 94520  
17 925-602-2600 Phone

18 In Pro Per Third Party Objector

19 **SUPERIOR COURT OF CALIFORNIA**  
20 **COUNTY OF CONTRA COSTA**

21 ROBERT TIERNAN, et al.,

22 Plaintiffs,

23 v.

24 DIABLO COMMUNITY SERVICES  
25 DISTRICT, et al.,

26 Defendants.

Case No. MSC17-02529

**DECLARATION OF JILL  
APPENZELLER 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

27 AND RELATED CROSS-ACTION AND  
28 ACTION IN INTERVENTION

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I, Jill Appenzeller, declare as follows:

1. I am currently a resident of unincorporated Danville, 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.

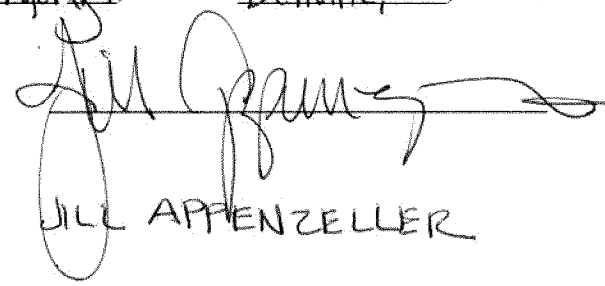
3. My parents moved to Danville on Green Valley Road in 1965 and I was in the third grade. I rode my pink Schwinn bike across the Easement, hiked across it, visited friends in Diablo using the Easement and generally considered it a part of my community. In those early days there was no development on either side of the Easement, it was all vacant rural property. I also rode my horse across the Easement in those days.

4. In 1991 my husband and I moved to Danville and during the 90s, as cyclists we both rode frequently across the Easement on our way to Mount Diablo. In 2002 we moved to Diablo Ranch along Mount Diablo Scenic Blvd. The Easement is used almost daily by our entire family for social strolling, dog walking, for cycling, and to avoid driving when walking or riding would be a better choice. As members of Diablo Country Club and as residents who maintain a Diablo Post Office Box, the Easement has always been an important link to the rest of Diablo

5. Blocking the Easement with a metal fence is negatively impacting our daily life and that of our neighbors. I consider the Easement a public connector that I have personally used for 58 years.

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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 February 4, 2024 in Denville, California.



JILL APPENZELLER