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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 JOHN FULTON 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, John Fulton, 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.

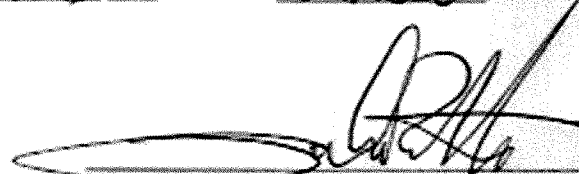
5 2. I am familiar with a gravel trail approximately 100 to 125 feet in length connecting
6 Alameda Diablo and Mount Diablo Scenic Boulevard (leading to Mount Diablo State Park's
7 "South Gate" entrance ("the Easement"), which is at the southerly end of the property located at
8 2354 Alameda Diablo, Diablo, California.

9 3. I am a trail runner and a cyclist and have used the Easement on a regular basis since
10 1989, before moving to Diablo. Since moving to Diablo 27 years ago, I have run or cycled across
11 the Easement approximately twice a week.

12 4. I actually decided to move my family to Diablo because of my running and cycling
13 trips through Diablo. We wanted the way of life that is offered by Diablo's connection to Mount
14 Diablo State Park.

15 5. With the Easement currently blocked, I need to find other less convenient and less
16 safe routes to access Mount Diablo. This is the first time that I have been blocked from using the
17 Easement since 1989.

18 I declare under penalty of perjury under the laws of the State of California that the
19 foregoing is true and correct. Executed on FEB 3, 2024 in DIABLO, California.

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22 
23 JOHN R FULTON
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