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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 JULIE NEJEDLY  
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, Julie Nejedly, 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. My husband and I bought our house in Diablo on El Nido in June 1995. We raised  
10 our family and have lived in Diablo now for over 28 years.

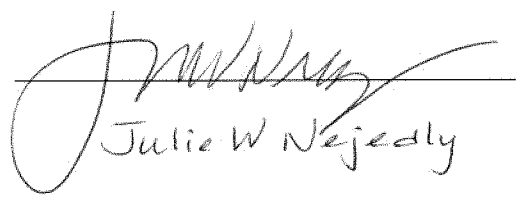
11 4. Our family has used this Easement, mostly on foot, regularly since moving to  
12 Diablo in 1995. Our children attended middle and high school at The Athenian School, so it was  
13 a convenient pathway then and we have always enjoyed walking our dog through the neighborhood  
14 via Alameda Diablo, through the Easement pathway, down Mt. Diablo Scenic Blvd., and back  
15 through the gate at Calle Los Callados, returning to the neighborhood. This is a loop that I see  
16 many Diablo residents take on a daily or weekly basis. Our family has used the Easement countless  
17 times over the years.

18 5. My husband and I regularly attend Diablo Community Services District meetings  
19 and are well aware of the small group of Diablo residents who have continued to attempt to restrict  
20 pedestrians and cyclists from using Diablo streets. I am also very familiar with the formation  
21 documents and the organization of the Diablo Community Services District which maintains our  
22 roadways with public tax revenues and that our roads are "Subject to a Public Right of Way"  
23 according to Contra Costa County. In my experience and opinion, most Diablo residents  
24 understand that the public has every right to access Mt. Diablo State Park roads and trails from  
25 Diablo's publicly maintained streets by utilizing this Easement.

26 6. The public and Diablo residents of Mt. Diablo Scenic Blvd. are also entitled to use  
27 this Easement to access the community, the Post Office, and the Country Club. Accessing Mount  
28

1 Diablo using the Easement for pedestrians and cyclists is much safer than riding or walking on the  
2 dangerous and winding Diablo Road, or dealing with the Athenian School congestion. My strong  
3 recommendation is to remove the fence and continue to honor the over 100-year-old easement for  
4 the public's and Diablo Community's enjoyment.

5 I declare under penalty of perjury under the laws of the State of California that the  
6 foregoing is true and correct. Executed on February 4, 2024 in Diablo, California.  
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10 Julie W Nejedly  
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