

1 Kevin R. Brodehl (SBN 197657)  
Zachary B. Young (SBN 288553)  
2 Daniel J. Zarchy (SBN 306883)  
**PATTON SULLIVAN BRODEHL LLP**  
3 12647 Alcosta Boulevard, Suite 430  
San Ramon, California 94583  
4 925-600-1800 Phone  
925-600-1802 Fax  
5 [kbrodehl@psblegal.com](mailto:kbrodehl@psblegal.com)  
[zyoung@psblegal.com](mailto:zyoung@psblegal.com)  
6 [dzarchy@psblegal.com](mailto:dzarchy@psblegal.com)

7 Attorneys for Third Party Objector  
David Hammond

8 Hal F. Seibert (SBN 45925)  
9 1355 Willow Way, Ste. 275  
Concord, California 94520  
10 925-602-2600 Phone

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 KEN GREEN 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, Ken Green, declare as follows:

2 1. I am currently a resident of the City of Calistoga, County of Napa. I make this  
3 Declaration based on my own personal knowledge, and if called as a witness, could and would  
4 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 started teaching at Diablo Valley College in 1962, commuted to work on a bike,  
10 and became the advisor to the Mountaineering, Hiking and Biking club at the college in the mid-  
11 1960s. I also helped Art Bonwell, better known as a cofounder of Save Mount Diablo, start the  
12 Diablo Wheelman Cycling Club in the late 1960s and helped grow it to hundreds of members by  
13 the early 1970s.

14 4. Between both clubs, I was involved with and rode with and raced with hundreds of  
15 young cyclists and Mount Diablo was an important training ground. A popular training ride from  
16 Pleasant Hill or Walnut Creek or Concord was up Northgate Road and down Southgate Road  
17 through Diablo and back. I rode this route and others in and around Mount Diablo hundreds of  
18 times with hundreds of other cyclists.

19 5. The first time I learned about the Easement was in the early or mid-1970s when I  
20 left on a group ride from Danville and figured I would go out fast and let them catch me. I took  
21 Diablo Road and when I got past the State Park South Gate I found I was behind the group. They  
22 had taken the Easement and got ahead of me.

23 6. I lived off Rudgear Road in Walnut Creek until 1978 and I rode Mount Diablo as a  
24 loop up Northgate and down Southgate Road and frequently used the Easement. From 1978 thru  
25 1994 I lived in San Leandro but I still met up and rode Mount Diablo pretty much weekly and the  
26 Easement was a main route we used depending on the ride and the group.

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7. I am 89 years old now and my riding days are less frequent but I still road up Mount Diablo a few years ago.

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 Calistoga, California.

Ken Green