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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 KEN MOZEK 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

1 I, Ken Mozek, declare as follows:

2 1. I am currently a resident of the City of Danville, County of Contra Costa. I make
3 this 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 moved to the local area in 2002 and as a cycling enthusiast and an active
10 community member, I started the San Ramon High School Mountain Biking team with 11 student
11 participants in 2008. The team exploded in size each new year and today we have over 100 riders,
12 about half are middle schoolers and half are high schoolers. We also have around 50 parent
13 coaches who ride and assist the team and supervise at events and competitions. I also helped form
14 the Monte Vista Mountain Bike Team around 2011.

15 4. Our teams practice 3 days a week, January thru May and many of the team riders
16 also ride with their parents and friends on their own. The Easement in Diablo is a critical safety
17 route for our mountain biking team and for any cyclists headed to Mount Diablo. We pride
18 ourselves on proper behavior including courtesy to others and respect for laws. Safety is
19 paramount in our minds as coaches so in training we are always seeking the best routes to fire
20 roads and trails and Mount Diablo is an important training ground.

21 5. The recent fence blocking what we consider a public Easement is dangerous to our
22 team and restricts our ability to train and practice safely. Blockage of access to the most popular
23 and widely used dirt trails up Mount Diablo is unacceptable. It threatens the very mission of our
24 organization, "The positive development and mentoring of young men and women through
25 Mountain Biking with a focus on health, fitness, leadership, and active community service."
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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 2/6, 2024 in DANVILLE, California.

