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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 LESLIE FORMAN
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, Leslie Forman, 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 moved to Diablo from Danville in 1970 and our house is located
10 on Mount Diablo Scenic Blvd. Prior to buying our house, we boarded our horse at Haywood's
11 Southgate Farms, also along Mount Diablo Scenic Blvd. My parents also rented a log cabin from
12 Mary Silva, at Mary's Haven (just a few hundred yards up the road from our house) in the 1960s
13 and early 1970s and so I am extremely knowledgeable about Diablo roads and trail connectors to
14 Mount Diablo State Park. I am familiar with the Easement and the surrounding vacant flat land
15 from before the Easement was dedicated in 1979 and used it routinely on foot and on horseback
16 beginning in 1970-1971.

17 4. As an equestrian I never liked riding along Mount Diablo Scenic Blvd. because the
18 sight lines are poor and cars are unpredictable to a horse. I routinely rode diagonally across the
19 flat grassland essentially across the Easement and up towards the dam and trail access to the State
20 Park. Once the house and fences were built in the early 1980s, the Easement itself became only a
21 narrow pathway and my original equestrian route went away.

22 5. As a resident of Diablo but living along Mount Diablo Scenic Blvd. I have always
23 walked the Easement several times a week appreciating the ability to walk to the Post Office or
24 Country Club and enjoy a pleasant loop for a morning or evening walk. The Easement is a natural
25 part of our lifestyle as Diablo residents living along Mount Diablo Scenic Blvd. I routinely see my
26 neighbors on such walks and those of us who avoid driving to get our daily mail use the Easement,
27 in my case since 1970/1971.

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