

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
zyoung@psblegal.com
6 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 MARK DEDON 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, Mark Dedon, declare as follows:

2 1. I am currently a resident of the City of Dublin, County of Alameda. 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. My wife and I were first attracted to road cycling on our 10-speed bikes since our
10 late teens, and that interest continued into the early 1970s when we lived and worked in San
11 Francisco. In the mid 1970's, we made our first ascent up Mount Diablo on our road bikes. While
12 I do not remember our exact route selection, it was through the South Gate into the Park. In my
13 opinion Mount Diablo offers a unique draw to cyclists who enjoy the beauty and challenge of the
14 climb. In 1986 we moved our family to Dublin and only cycled on easier family-oriented rides.

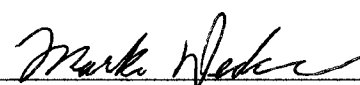
15 4. During a few years up to 2011 I served as President of the Dublin based Valley
16 Spokesman Cycling Club, an active cycling club founded in 1971 and maintaining membership of
17 around 500 cyclists. I first remember using the Easement around this time period on a New Year's
18 Day Ride up Mount Diablo since the Easement has been the club's preferred route due to the safety
19 it offers. Group rides place significant responsibility on those who know the area best and the
20 Easement was considered by far the safest way to access the South Gate of the Park and the roads
21 and trails beyond.

22 5. The September 28th installation of a metal fence completely blocking the Easement
23 has been a significant concern to the Club and I have been involved with many discussions of what
24 we can do to help reopen what I consider a long used public right of way. Our club maintains a
25 scrapbook of rides and newspaper articles and history going back to our founding in 1971 and I
26 can assure you that Mount Diablo rides are an important part of our club ride history and the
27 Easement has always been our preferred route to the South Gate of Mount Diablo.

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on February 4, 2024 in Dublin, California.



Mark Dedon