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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 MARK MUSCO 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 Musco, 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 family and I moved to Diablo in 2010. We live on Calle Arroyo, one of two
10 main cyclist routes to the Easement and to Mount Diablo roads and trails. My wife and I are avid
11 cyclists, we are both physicians and community minded. We also have a son who has participated
12 in mountain biking club events in the past and is also an active cyclist enjoying Mount Diablo at
13 least every week.

14 4. Our family uses the Easement on an almost daily basis and we consider it an
15 important part of rural daily life in Diablo. The recent blockage of the easement (September 28,
16 2023) is a danger to the State Park user community, to Diablo residents directly, and to public
17 safety in general. We bought our house in Diablo in large part because of the proximity to Mount
18 Diablo roads and trails.


19 5. My earliest use of the Easement to access Mount Diablo dates back to the mid-
20 1980s when I would cycle or hike up the mountain when I was in high school.

21 6. I am personally acquainted with Mr. Hammond and Mr. Seibert and urge the Court
22 to protect what my family considers a long used public Easement that is currently blocked by a
23 metal fence. Blockage of the Easement has impacted our family negatively and forced us to use
24 less safe routes to Mount Diablo roads and trails.

25 I declare under penalty of perjury under the laws of the State of California that the
26 foregoing is true and correct. Executed on 2 5, 2024 in Diablo, California.

27  MARK MUSCO

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MARK MUSCO