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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 NICOLA PLACE  
IN SUPPORT OF THIRD PARTIES  
DAVID HAMMOND AND HAL  
SEIBERT'S MOTION TO SET ASIDE  
STIPULATED JUDGMENT BETWEEN  
INTERVENORS AND U.S. BANK**

Date: 5/17/24  
Time: 9:00am  
Dept.: 18

20 AND RELATED CROSS-ACTION AND  
21 ACTION IN INTERVENTION

1 I, Nicola Place, 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. I have lived at 2550 Mount Diablo Scenic Blvd. with my husband since early 1999.  
10 Our property is located directly across the street from the East end of the Easement. During the  
11 first few years I ran and bicycled regularly and used the Easement to access and run on the quieter,  
12 wider, and safer Alameda Diablo and other interior Diablo roads. Many years ago my neighbor  
13 Marti Sketchley and I rode bicycles in Diablo together and used the Easement to access Alameda  
14 Diablo. I still run every couple weeks and use the Easement for the same reasons.

15 4. Since the Easement was blocked on September 28, 2023 I am forced to get in my  
16 car or to walk or ride along Mount Diablo Scenic Blvd towards the Athenian School which is less  
17 safe. The road is narrow, windy with blind corners and cars that drive too fast for the conditions.  
18 In 2019 there was a fatality in this section of Scenic.

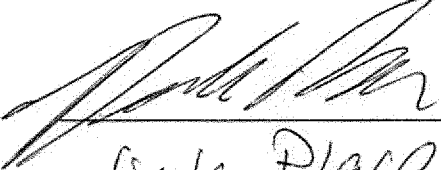
19 5. Since 1999, for 24 years I have also used the Easement to walk through the interior  
20 of Diablo to reach my Post Office box to collect daily mail. There is no U.S. Postal Service  
21 delivery along Scenic, except to the Athenian School, so all residents along Scenic have PO Boxes  
22 at the Diablo Post Office.

23 6. We also consider the Easement to be an emergency access route. In the storms of  
24 early January 2023, an overflowing culvert on Scenic led me and others to park our vehicles on  
25 Alameda Diablo and walk through the Easement to our homes. This was a precaution should the  
26 culvert collapse. This culvert continues to be a danger to those of us living along Scenic.

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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 Feb. 3, 2024 in Diablo, California.

  
\_\_\_\_\_  
Nicola Place