

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 REBECCA
 MAKAROVA 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

28

1 I, Rebecca Makarova, 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
6 connecting Alameda Diablo and Mount Diablo Scenic Boulevard (leading to Mount Diablo State
7 Park's "South Gate" entrance ("the Easement")), which is at the southerly end of the property
8 located at 2354 Alameda Diablo, Diablo, California.

9 3. I am reaching out to talk about our use of the Easement near our home at 2439
10 Mount Diablo Scenic Blvd. Our family of six, including four kids aged 10 thru 16, moved to the
11 neighborhood in August 2023 and this Easement has been a lifeline for us. We've used it every
12 day to walk our dog, make trips to the Post Office and visit friends in the center of Diablo. The
13 Easement was an essential part of our daily routine until shortly after we moved in and suddenly
14 it was blocked by a metal fence.

15 4. Our four kids initially made friends, we made friends and we relied on the
16 Easement as our connection to the rest of the Diablo community. We have worked hard to make
17 our new house feel like a home and the Easement had been a big part of that. It's where we've
18 taken our dog on countless adventures, and it's the route we've taken to meet friends for
19 impromptu gatherings. Losing access to it feels like losing a part of our home.

20 5. We truly believe that our family's happiness and well-being have been impacted
21 by the Easement being blocked. We also believe that restoring access to the Easement will help
22 us continue to thrive in this wonderful community.

23 I declare under penalty of perjury under the laws of the State of California that the
24 foregoing is true and correct. Executed on February 3, 2024 in Contra Costa County, California.

25
26 
27 Rebecca Makarova
28