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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
16 Plaintiffs,
17
18 v.
19 DIABLO COMMUNITY SERVICES
DISTRICT, et al.,
20
21 Defendants.

Case No. MSC17-02529

**DECLARATION OF THEODORE
TRAMBLEY 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, Theodore Trambley, declare as follows:

2 1. I am currently a resident of the City of Martinez, County of Contra Costa. I make
3 this 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. I graduated from high school in 1969, attended Diablo Valley Junior College and
10 immediately joined the Mountaineering, Hiking and Biking Club. I became a bike racer, joined
11 the Diablo Wheelman Bike Club (founded in 1970), where I was active in touring and racing events
12 and training. In those early days club riding was very social so rides were mostly group rides.
13 While many of my early 1970s Mount Diablo rides were up Northgate Road from Walnut Creek,
14 I began to use the Southgate Road occasionally in 1980. I know this because I had been injured in
15 1975 and only returned to cycling in 1979-80. My occasional use of the Easement continued
16 through around 1985.

17 4. I also raced and rode with the Cal Pedaler group from 1986 thru 2011 and on these
18 rides, we would leave Danville and ride to the Junction or the Summit and I/we almost always
19 rode up Diablo Road to Alameda Diablo and up to the Easement. This route was quiet, beautiful,
20 allowed for interaction between cyclists, and was significantly safer than riding up the dangerous
21 S curves of Diablo Road. I routinely rode with groups of 10-30 riders, weather being a big factor
22 in group size.

23 5. From 1986 and continuing today I can safely say I have used and continued to use
24 (until the fence blockage) the Easement once or twice a week extending back at least 38 years.
25 Less frequent use goes back even longer. It has never occurred to me to question whether this
26 Easement was recorded, accepted, or anything but a long held public right. It has always been in
27 continuous in use by the cycling community since at least the early 1970s when the Diablo
28

1 Wheelman and the Valley Spokesman Cycling Clubs were formed and growing rapidly based on
2 my personal knowledge and personal involvement. I have never been blocked from using this
3 Easement until last September when the current fence was installed. I now have to use alternative
4 and less safe routes to get into Mount Diablo State Park.

5
6 I declare under penalty of perjury under the laws of the State of California that the
7 foregoing is true and correct. Executed on Feb 3, 2024 in Menlo Park California.

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9 Theodore Trambley
10 Theodore L. Trambley
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