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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 TIM PARKER 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

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21
22 AND RELATED CROSS-ACTION AND
23 ACTION IN INTERVENTION
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1 I, Tim Parker, declare as follows:

2 1. I am currently a resident of the City of Walnut Creek, County of Contra Costa. I
3 make this Declaration based on my own personal knowledge, and if called as a witness, could and
4 would testify to the same.

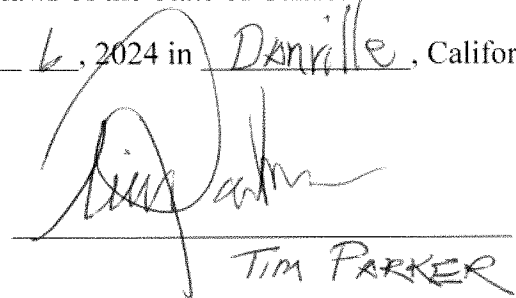
5 2. I am familiar with a gravel trail approximately 100 to 125 feet in length connecting
6 Alameda Diablo and Mount Diablo Scenic Boulevard (leading to Mount Diablo State Park's
7 "South Gate" entrance ("the Easement")), which is at the southerly end of the property located at
8 2354 Alameda Diablo, Diablo, California.

9 3. I was a local bike racer from 1971 thru 1985, I worked at California Pedaler in
10 Danville when it opened in 1978 and as a bike mechanic I interacted with hundreds and hundreds
11 of cyclists.

12 4. I used the Easement one to three times per week for training and group rides from
13 the mid to late 1970s thru the early 2000s. I often rode in groups including the Cal Pedaler
14 Thursday night rides up the mountain and the Diablo Challenge Bike Race. The Easement was
15 never blocked and I could always cross from Alameda Diablo to Mount Diablo Scenic Blvd in all
16 those years.

17 5. In the 1970s the Easement was a narrow dirt pathway and at some point, gravel was
18 added to improve the winter traction. A stucco wall replaced the old weathered fence and irrigation
19 was added for bushes and plants that lined the connector. I never knew nor cared about which
20 property owned the Easement, just that it was always open and in recent years maintained.

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22 I declare under penalty of perjury under the laws of the State of California that the
23 foregoing is true and correct. Executed on Feb 6, 2024 in Danville, California.

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TIM PARKER