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

Date:
Time:
Dept.:

22 AND RELATED CROSS-ACTION AND
23 ACTION IN INTERVENTION

1 I, Tim Rei, declare as follows:

2 1. I am currently a resident of the City of San Ramon, 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 grew up in Diablo, moving there as a child with my family in 1959, and I am
10 familiar with the Easement. I first used the Easement in the 1966 through 1968 time period when
11 I had a paper route and rode my bike throughout the community to deliver my papers. Some of
12 my deliveries were to Diablo residences along Mount Diablo Scenic Blvd so I used the Easement
13 to access those homes. From my own recollections, this dirt/grass path just always existed.

14 4. I began to train competitively as a cyclist and first began to ride the Easement on
15 training rides in 1979. I know these dates because I was training for a Yosemite ride and had just
16 gotten a new Motobecane bike. This led to my getting my racing license in 1982 and becoming a
17 bike racer. I took second in the first Diablo Challenge in 1982 (a race and fund ride from Athenian
18 School to the Summit) and second again the following year in 1983. In those years, 1979 thru the
19 1989, I was riding multiple times a week up Mount Diablo, always using the Easement. During
20 the 1980s I frequently joined the Cal Pedaler rides up the mountain and our group of 20-30 riders
21 always used the Easement.

22 5. While I no longer live in Diablo or ride my bike, choosing to play tennis instead, I
23 am in the insurance business and I have many Diablo clients and I am well aware of the continuing
24 effort on the part of a few Diablo residents who want to restrict public access to Diablo streets and
25 connectors. My family moved to Diablo to be close to Mt. Diablo State Park and Diablo has
26 always been a welcoming gateway to park users as far as I am concerned.

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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 February 6, 2024 in Danville, California.

