

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](mailto:kbrodehl@psblegal.com)  
[zyoung@psblegal.com](mailto:zyoung@psblegal.com)  
6 [dzarchy@psblegal.com](mailto: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 TRE MUSCO 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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22 **AND RELATED CROSS-ACTION AND**  
23 **ACTION IN INTERVENTION**

24  
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28 **DECLARATION OF TRE MUSCO IN SUPPORT OF THIRD PARTIES HAMMOND AND SEIBERT'S  
MOTION TO SET ASIDE STIPULATED JUDGMENT BETWEEN INTERVENORS AND U.S. BANK**

1 I, Tre Musco, 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. My family including 4 children moved to Diablo 10 years ago and collectively we  
10 use the Easement 4 to 5 times per week. My son and I mountain bike and my wife walks the dog  
11 across the Easement as part of a loop. All four of our children use the Easement as a safe way to  
12 access Mount Diablo roads and trails. I consider the Easement an important part of our connection  
13 to Mount Diablo.

14 4. We always want our kids to be safe in their exploration and this Easement is the  
15 safest of three ways to access Mount Diablo Scenic Blvd and Mount Diablo. Allowing this  
16 Easement to be closed off is troublesome as it forces all previous users onto more dangerous  
17 alternatives.

18 I declare under penalty of perjury under the laws of the State of California that the  
19 foregoing is true and correct. Executed on FEB 5, 2024 in DIABLO, California.

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23 NICHOLAS (TRE) MUSCO  
24 2093 CALLE LOS CALLADOS  
25 DIABLO, CA 94528  
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