

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 WENDY MOORE  
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  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I, Wendy Moore, declare as follows:

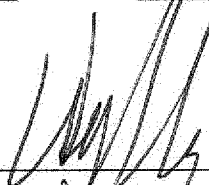
1. I am currently a resident of the unincorporated community of Diablo, County of Contra Costa. I make this Declaration based on my own personal knowledge, and if called as a witness, could and would testify to the same.

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

3. I have lived at 2644 Mount Diablo Scenic Blvd since 2003, for over 20 years. I have used this Easement for walking to the Post Office inside Diablo, to retrieve my mail. I also use this Easement to get exercise as I am a walker and the Easement gives me safe passage to and from my home.

4. I have never been unable to use the Easement, it has always been available to me as a resident along Mount Diablo Scenic Blvd. until the metal fence was installed to block access last fall.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on February 4, 2024 in Diablo, California.

  
\_\_\_\_\_  
Wendy J Moore