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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 WINSTON  
CERVANTES 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, Winston Cervantes, 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.

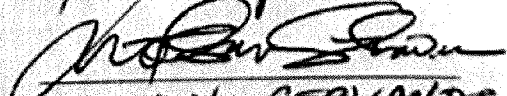
5 2. I am familiar with a gravel trail approximately 100 to 125 feet in length connecting  
6 Alameda Diablo and Mount Diablo Scenic Boulevard (leading to Mount Diablo State Park's  
7 "South Gate" entrance ("the Easement"), which is at the southerly end of the property located at  
8 2354 Alameda Diablo,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

9 3. My wife and family bought our house in Diablo in 2013, next to the Wooten parcels,  
10 adjacent to the Easement and along Mount Diablo Scenic Blvd. Part of our reason for buying in  
11 that location was the rural nature of life and the access to Mount Diablo and the club facilities at  
12 Diablo Country Club. I am an avid cyclist, riding on Mount Diablo a few times per week.

13 4. I used the Easement daily to access the Post Office and club facilities, my wife  
14 around 3 to 5 times per week and my two daughters around 3 times weekly. I say used because  
15 my wife just retired and our house is on the market and we have moved from the area.

16 5. I was the party in the cross complaint filed on behalf of the Easement property and  
17 I strongly believe that the Easement is a long held public right of way. I would not have bought  
18 my house otherwise. At what point can a few disgruntled rich people dictate public policy and  
19 public access rights to the many? There are over 30 Diablo residents who live along Mount Diablo  
20 Scenic Blvd, another 30 plus residents in Diablo Ranch also along Mount Diablo Scenic Blvd. as  
21 well as around 15 families living on campus at the Athenian School (and hundreds of school  
22 children) and the Intervenors representing 17 households are blocking our use of this Easement.  
23 It is not right and threatens public safety and our blocks our access to the rest of Diablo.

24 I declare under penalty of perjury under the laws of the State of California that the  
25 foregoing is true and correct. Executed on Feb 4, 2024 in Napa, California.

26   
27 WINSTON CERVANTES

28 DECLARATION OF WINSTON CERVANTES IN SUPPORT OF THIRD PARTIES HAMMOND AND SEIBERT'S  
MOTION TO SET ASIDE STIPULATED JUDGMENT BETWEEN INTERVENORS AND U.S. BANK