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SUPERIOR COURT OF CALIFORNIA

COUNTRY OF CONTRA COSTA

ROBERT TIERNAN, et al,

Plaintiffs,

v.

DIABLO COMMUNITY SERVICES DISTRICT, et al.,

AND RELATED CROSS-ACTION AND ACTION IN INTERVENTION

Case No. MSC17-02529

THIRD PARTY DAVID HAMMOND'S REPLY BRIEF IN SUPPORT OF MOTION TO SET ASIDE STIPULATED JUDGMENT BETWEEN INTERVENORS AND U.S. BANK

Date: May 31, 2024
Time: 9:00 a.m.
Dept.: 18
Judge: Hon. Danielle Douglas

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I. INTRODUCTION

Party A and Party B cannot "stipulate" to extinguish Party C's legal rights.

That simple, pre-school level legal principle is not only intuitively sound and just, but also unsurprisingly well-expressed in diverse bodies of legal authority. Some authorities, including the Restatement, express the principle in basic terms, describing the "plainest case" for a judgment to be set aside as when "a judgment between others … determines interests in property in which the non-party claims an interest." Other authorities rely on the "indispensable party" doctrine, under which a judgment will be set aside if it would "injure or affect the interest of a third person not joined." Other cases rely on the Constitutional guarantee of due process, and yet others rely on the Court's inherent equitable authority. The moving papers addressed all of these – each of which provides an independent basis for the granting of this motion – and an additional body of case law applicable to judgments functionally granting quiet title relief, which are governed by strict procedural standards that were not met here.

The Opposition is long on distraction with an overdose of inapplicable straw man arguments, fails to confront the simple legal principle at issue as stated above, and pretends the authorities cited in the motion do not exist. Intervenors continue to argue against the Easement's very existence by mischaracterizing its basis as an "implied dedication," even though that theory has never been asserted by any party, and this Court has now twice opined favorably on the Easement's merits. The Opposition also absurdly contends that real property rights are somehow less worthy of protection than contractual and other rights, and thus can be extinguished at the whim of other parties. The Opposition further attempts to blame moving parties and the public for "failing" to intervene in their case earlier, despite clear law to the contrary.

Here, the Stipulated Judgment between two anti-Easement parties terminating the public's Easement is functionally equivalent to a stipulated judgment between only two private City of Martinez landowners decreeing that the land underlying the Contra Costa County Court is declared off-limits and barring the public from access through a deed restriction running with the land. Under Intervenors' deeply flawed logic, such a stipulated judgment would be perfectly lawful and immune from any challenge by the State or County. That is plainly not the law.

Accordingly, the motion should be granted on any of the multiple bases discussed below.

II. REPLY ARGUMENT

A. The Stipulated Judgment should be set aside because it injures the rights of nonparties by, in effect, extinguishing the public's long-standing Easement.

In an over-sized Opposition brief littered with factual inaccuracies and legal straw men, Intervenors first make a frivolous argument that "there is zero evidence or argument" supporting the Easement's existence. (Opp. p. 7:19.) Intervenors must have overlooked the motion, the 50 supporting Declarations, and this Court's prior rulings. This Court has addressed the merits of the Easement's existence twice before. The first was in this Court's Order denying Intervenors' motion for summary judgment against Cervantes, in which the Court expressly found triable issues of fact regarding the public's implied acceptance of the 1979 express easement dedication via recorded subdivision map, noting the voluminous evidence in favor of the Easement. (RJN Exh. F at p. 10-12.) Second, in the Court's Order on moving parties' motion for preliminary injunction in the related 2023 Action, the Court held "Plaintiffs have shown some probability of prevailing on the merits of their claim to a public easement … by an express offer of dedication that was impliedly accepted by public use." (Reply RJN, Exh. A.)[1] The voluminous evidence submitted with this motion confirms the Easement's existence yet again.[2]

As they have in every other round of briefing addressing the Easement, Intervenors duck the real issues (express dedication and implied acceptance) and instead assert a straw man argument that there can be no "implied" or "common law" dedication of the Easement. (Opp. p.

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[1] The Court's denial of preliminary injunctive relief hinged not on the merits of the Easement's existence, but rather on evidence before it at that time (a drawing submitted by Intervenors) suggesting that the "status quo ante" was that one end of the Easement had been blocked for some time by a concrete wall – an issue not relevant here. Also, a recently obtained and far more detailed survey shows clearly that the concrete wall stopped short of the U.S. Bank property boundary; there was always a 2-3 foot gap allowing access through the Easement without stepping onto Wooten's property. (Reply Hammond Decl., ¶¶3-7; Reply DeKnoblough Decl., ¶2.) Indeed, the entire basis of the Stipulated Judgement was to curtail the public's ongoing *use of the Easement*. In any event, both the concrete wall and the new iron fence clearly encroach on the State's 60-foot road right of way on Mt. Diablo Scenic Boulevard. (RJN, Exhs. L, M, N; Hammond Decl., ¶5; Reply Hammond Decl., ¶8; Reply DeKnoblough Decl., ¶2.)

[2] As stated in the motion, the *merits* of the Easement need not be proven here; only that there is a legitimate *claim* to the Easement, which is clear. (Restatement [2d] of Judgments, §76.)

8.) As with all of Intervenors' prior efforts to evade the merits, this effort fails comically. As made clear by the case law and the Court's prior Orders, the Easement here was *expressly dedicated* via recorded subdivision map, and *impliedly accepted by the public through public use*. (*McKinney v. Ruderman* (1962) 203 Cal.App.2d 109, 115, *Biagini v. Beckham* (2008) 163 Cal.App.4th 1000, 1009-1010; *Mikkelsen v. Hansen* (2019) 31 Cal.App.5th 170, 175-176.) In the face of clear law and evidence confirming the Easement's existence, it is easy to see why Intervenors persist in distorting the issues and arguing legal theories such as "implied dedication" that have never once been asserted and do not apply.[3]

Intervenors also characterize the motion as an unfounded "general attack on the propriety of stipulated judgments." (Opp. p. 9:7-8.) That is utter nonsense. As the motion makes clear, moving parties do not challenge the general use of stipulated judgments as a means of *parties* resolving disputes *between themselves*. However, an obvious problem arises when a stipulated judgment between parties purports to *terminate the substantive rights claimed by nonparties*. The motion cited numerous authorities supporting the common-sense and widely adopted rule that a stipulated judgment cannot divest a *nonparty* of claimed property interests. (Restatement [2d] of Judgments, §76; *People ex rel. Reisig v. Broderick Boys* (2007) 149 Cal.App.4th 1506, 1516-1518; *EEOC v. Waffle House, Inc.* (2002) 534 U.S. 279, 294; *Summit Media LLC v. City of Los Angeles* (2012) 211 Cal.App.4th 921, 930-932; *Thomson v. Talbert Drainage Dist.* (1959) 168 Cal.App.2d 687; *Plaza Hollister Ltd. Partnership v. County of San Benito* (1999) 72 Cal.App.4th 1; *People v. Hy-Lond Enterprises, Inc.* (1979) 93 Cal.App.3d 734; *Villarruel v. Arreola* (1977) 66 Cal.App.3d 309; and *Babbitt v. Babbitt* (1955) 44 Cal.2d 289.) Intervenors never even bother to address this simple and controlling principle underlying the entire motion.

B. The Stipulated Judgment should be set aside because it injures the rights of nonparties who were clearly indispensable.

The motion cited to numerous cases holding that a party whose interests would be injured

[3] Intervenors also refer to a prior judgment involving Tiernan and a road not at issue here (Calle Arroyo), asserting that "logically" the prior limited ruling "would extend to *all of the private roads in Diablo*." (Opp. p. 3:13.) There is nothing "logical" about that assertion, particularly in light of this Court's prior rulings regarding the Easement. (See also Hammond Decl., ¶18.)

or effected by the requested relief is "indispensable," that an "indispensable party is not bound by a judgment in an action in which he was not joined," that any attempt to adjudicate their rights without joinder is "futile," and that such a judgment should be set aside upon the injured nonparty's motion or collateral attack. (*Thomson*, 168 Cal.App.2d at 689; *Jollie v. Superior Court* (1951) 38 Cal.2d 52, 59; *Hartman Ranch Co. v. Associated Oil Co.* (1937) 10 Cal.2d 232, 262-265; *Ranch at the Falls LLC v. O'Neal* (2019) 38 Cal.App.5th 155, 172-180; *Welch v. Bodeman* (1986) 176 Cal.App.3d 833, 840; *Sierra Club, Inc. v. Cal. Coastal Com.* (1979) 95 Cal.App.3d 495, 501-502; *Ursino v. Superior Court* (1974) 39 Cal.App.3d 611, 616-617; *Irwin v. City of Manhattan Beach* (1964) 227 Cal.App.2d 634, 636-639; *Orange County Water Dist. v. City of Riverside* (1959) 173 Cal.App.2d 137, 218-219; *Greif v. Dullea* (1944) 66 Cal.App.2d 986, 995; and 48 Cal.Jur.3d, Parties, §4.) The *Thomson* opinion, in particular, is squarely on point, yet totally ignored in the Opposition. (*Thomson*, 168 Cal.App.2d at 689.)

Rather than address the authorities, the Opposition makes several absurd, off-point arguments. Intervenors argue that recorded real property easement rights are somehow less worthy of protection than contractual and other interests. (Opp., p. 11.) They cite no authority for this inane theory, and none exists. Real property rights are unique and worthy of *at least* as much protection as other important rights. (*Felsenthal v. Warring* (1919) 40 Cal.App. 119, 129; Cal. Prac. Guide: Civ. Proc. Before Trial [Rutter], §9:509.) Intervenors ignore that the authorities cited in the motion include cases where easement rights were directly at stake, as here. (See, e.g., *Ranch at the Falls LLC*, 38 Cal.App.5th at 172-180.)

Intervenors also confuse the standards for a trial court *dismissing an action* for lack of an indispensable party (Code Civ. Proc. §389(b)) with the relief requested in this motion (setting aside a judgment impairing the rights of an absent, indispensable third party). (Opp. p. 10, 12.) This is yet another straw man of Intervenors' creation – Intervenors are addressing a fictional "motion to dismiss" that does not exist. Starting with this faulty base, Intervenors contend that the Stipulated Judgment is immune from attack because "complete relief could be and was accorded *among those who were already parties*." (Opp. p. 10:24.) But that misses the key point underlying the motion – i.e., if the "complete relief" accorded to the "parties" *terminates*

the substantive rights of a nonparty, there is clearly a problem, as the case law confirms. (See, e.g., *Lloyd v. Los Angeles County* (1940) 41 Cal.App.2d 808, 812 [indispensable party rule "is not relaxed in actions brought to obtain declaratory relief"]; *Case v. City of Los Angeles* (1956) 142 Cal.App.2d 66, 70 [in a declaratory relief action, "the court is authorized to determine and declare *only the issues between the parties to the action*"], emphasis added.)

Intervenors similarly argue that moving parties can adequately protect their interests through the 2023 Action alone. (Opp. p.11:4.) But that only begs the question: how can effective relief (enforcing the Easement) be obtained in the 2023 Action while the Stipulated Judgment here (requiring the Easement's *permanent blockage through a recorded title restriction*) remains in effect? It cannot. Intervenors fail to even attempt to address this core and obvious question.

Intervenors attempt to rely on the *Orange County* case (*Orange County*, 173 Cal.App.2d 137) in support of their arguments (Opp. p. 12), but in that case the court followed the seminal *Thomson* opinion (*supra*) and *reversed a judgment where indispensable parties were not joined and the judgment improperly affected their rights*. The court ordered entry of new judgment between the parties whereby all portions directly or indirectly affecting the indispensable parties "must be stricken out[.]" (*Id.* at 218-219.) Intervenors attempt to argue that moving parties here are "more analogous" to other parties in the *Orange County* case who were found not to be indispensable and who could still obtain adequate relief elsewhere. But again, here moving parties *cannot* obtain effective relief elsewhere while the Stipulated Judgment remains in effect.

Intervenors cast blame on the moving parties for not intervening before the present motion. (Opp. p. 9.) However, Intervenors completely ignore the numerous authorities cited in the motion confirming that: it was the *Intervenors*' *duty* to join indispensable parties to enable this Court to render a fair adjudication of their claims seeking to extinguish the Easement; their failure to do so rendered their Stipulated Judgment vulnerable to proper collateral attack; moving parties had no affirmative obligation to attempt to intervene; and intervention by an interested party is *never mandatory*. (Code Civ. Proc. §389(a); *Inland Counties Reg. Ctr., Inc. v. Office of Admin. Hearings* (1987) 193 Cal.App.3d 700, 706; Cal. Prac. Guide: Civ. Pro Before Trial, §2:464; Cal. Judges Benchbook: Civ. Proc. Before Trial, §10.57.) The law is clear that

1 nonparties who were not joined by the plaintiff and whose rights are impaired by a judgment
2 may attack it through a separate action, by motion to set aside in the case in which the judgment
3 was entered, *or both*. (*Broderick Boys*, 149 Cal.App.4th at 1516-1518; *Baker v. Baker* (1933)
4 217 Cal. 216, 217 ["The remedies are distinct and cumulative."].)[4] Intervenors also grossly
5 overstate moving party's prior tangential involvement in this action. Seibert was Cervantes'
6 *attorney*, and never a party. Hammond, also never a party, only began helping with Cervantes'
7 legal bills after Cervantes' claims had been pending for a full year, and the Intervenors and
8 Cervantes dismissed their claims against each other *more than eight months before Intervenors*
9 *secretly obtained the Stipulated Judgment*. (Hammond Decl., ¶8.) Seibert and Hammond's
10 continuing interest in the case as members of the public did not impose any obligation to actively
11 intervene, and a person's actual or constructive notice of a proceeding is no substitute for being
12 properly joined and served with summons. (*Inland Counties*, 193 Cal.App.3d at 706; *Ruttenberg*
13 *v. Ruttenberg* (1997) 53 Cal.App.4th 801, 808.) Further, moving parties filed their 2023 Action
14 *within two weeks* after learning of Intervenors' erection of the iron fence across the U.S. Bank
15 property in September 2023 – more than a month before the Stipulated Judgment was entered.
16 Intervenors complain that application of the indispensable party doctrine here would be
17 "arbitrary and burdensome." (Opp, p. 10:1.) However, it would not have been "burdensome"
18 for Intervenors to comply with their statutory obligation under section 389(a) to name any well-
19 known Easement user or advocate as a party in their action before seeking relief that would
20 effectively *terminate the Easement*. Intervenors certainly knew that dozens of members of the
21 public (including Hammond) were interested enough to submit declarations supporting
22 Cervantes' successful opposition to Intervenors' prior motion for summary judgment.
23 Intervenors also unquestionably knew of moving parties' substantial interests in the Easement
24 after moving parties filed the 2023 Action on October 11, 2023 – *almost a full month before*
25
26 [4] Intervenors accuse moving parties of not "substituting out" U.S. Bank and "naming" the new
property owner. They are confusing the 2023 Action with this case. In the 2023 Action, U.S.
27 Bank will not be substituted out due to its role in blocking the Easement before any Stipulated
Judgment authorized such, but the new owner might be added. In *this* action, moving parties are
28 nonparties and have no claims or pleadings to "add" the new owner to.

Intervenors obtained their Stipulated Judgment from the Court purportedly terminating the Easement – but Intervenors did nothing to join or even notify anyone.

C. The Stipulated Judgment injuring the rights of nonparties should be set aside for lack of notice and due process.

The motion cited numerous authorities in which judgments harming nonparties' rights were set aside as void due to lack of notice and due process. (*Broderick Boys*, 149 Cal.App.4th at 1519-1528; *Villarruel*, 66 Cal.App.3d at 317; *Ursino*, 39 Cal.App.3d at 617; Cal. Const. Art. 1, §7.) Intervenors' simplistic response ignores the obvious due process issues and contends the owners of the Easement – the public – had no "clearly defined right" and were not indispensable. (Opp. p. 13.) Both of those assertions have been thoroughly dismantled above. Intervenors also contend that the public – the Easement's owner – "is not entitled to service of summons and complaint." That position is directly at odds with the authorities cited in the motion confirming that the public's interest in the Easement is tangible, and any member of the public has standing to enforce the Easement. (*Marks v. Whitney* (1971) 6 Cal.3d 251, 261-263; *Water for Citizens of Weed Cal. v. Churchwell White LLP* (2023) 88 Cal.App.5th 270, 284.)

The public's interest in and continuous use of the Easement was no secret. The Easement was expressly dedicated by a recorded subdivision map, providing constructive notice to all. The Stipulated Judgment itself acknowledged that the Easement was being used by "tens of thousands of members of the general public, on an annual basis" to access Mt. Diablo. (RJN, Exh. O, at p. 3.) Further, members of the public using and advocating for the Easement were not some unknown, amorphous group. Many (including Hammond) were well known to the Intervenors from their declarations filed in support of Cervantes' successful opposition to the Intervenors' motion for summary judgment almost *two years* before the Stipulated Judgment. This Court previously expressed grave concerns as to whether the public's interest in the Easement was adequately represented, and Intervenors directly acknowledged the public's interest. (RJN, Exhs. D, E.) Yet, after Cervantes – the lone *party* championing the Easement – left the case, Intervenors failed to ensure due process by joining any of the other known indispensable parties, or to name a generic "All Persons Interested" defendant. (Code Civ. Proc.

§763.010.) Instead, they extinguished the Easement via the Stipulated Judgment in complete secrecy, without notice to anyone other than the two anti-Easement parties who agreed to it.

D. The Stipulated Judgment injuring the rights of nonparties should be set aside based on the Court's inherent equitable authority.

The motion highlighted the breadth of the Court's equitable authority to set aside a judgment injuring the rights of nonparties. An injured nonparty generally must show only that his or her rights were injured by the judgment. (*Luckenbach v. Laer* (1923) 190 Cal. 395, 398; *Henry M. Lee Law Corp. v. Superior Court* (2012) 204 Cal.App.4th 1375, 1382.) Some cases refer to judgments injuring a nonparty's rights as tainted by "fraud against the interests" of the nonparty simply because the nonparty had no role in the proceedings. (*Villarruel*, 66 Cal.App.3d at 317-318; *Babbitt*, 44 Cal.2d at 293; Restatement [1st] of Judgments, §91.) Whether the motion involves a party or nonparty, the essence of the Court's inherent equitable authority to set aside a judgment "is based upon the absence of a fair, adversary trial in the original action." (*Olivara v. Grace* (1942) 19 Cal.2d 570, 575.) That is clearly the case here.

The Opposition cites only to inapposite cases featuring disgruntled *parties* attempting to challenge an earlier order or judgment, and most of the cases feature the Court's narrow authority under Code of Civil Procedure section 473 – a statute not directly at issue in this motion. (See, e.g., *In re David H*. (1995) 33 Cal.App.4th 368 [moving party – birth father of minor – appeared during earlier court proceedings regarding termination of parental rights and later filed motion to vacate order; held Wel. & Inst. Code §366.26(i) expressly prohibited vacation of order]; *City and County of San Francisco v. Cartagena* (1995) 35 Cal.App.4th 1061 [man determined to be minor's father who was named in and participated in earlier proceedings sought to vacate his *own stipulated paternity judgment* due to alleged fraud; opinion did not rule on the motion, but rather a preliminary issue]; *Sporn v. Home Depot USA, Inc.* (2005) 126 Cal.App.4th 1294 [store moved to set aside default judgment after store was *properly served with summons and complaint*, alleging "extrinsic fraud" under Code Civ. Proc. §473]; *Hopkins & Carley v. Gens* (2011) 200 Cal.App.4th 1401 [party who was *properly served and fully participated in the proceedings* unsuccessfully sought to set aside the judgment under Code Civ.

Proc. §473; held that moving party "had every opportunity to raise his newly discovered defense at an earlier time" during his active involvement as a party, "but simply neglected to do so"]; *Parage v. Couedel* (1997) 60 Cal.App.4th 1037 [court held moving cousins seeking to recover escheated property were not entitled to vacate judgment under Code Civ. Proc. §473 or on equitable grounds because they were charged with constructive notice of the action under the special notice procedures for escheated property set forth in Code Civ. Proc. §1355].) Those cases cited by Intervenors have no relevance whatsoever to this motion. Here there was no "fair, adversary trial" leading to the Stipulated Judgment. There was, in fact, no trial at all – only a stipulation between the two anti-Easement *parties* extinguishing the rights of *nonparties*.

Intervenors also re-play their tired contention that it was somehow moving parties' duty to intervene, and that moving parties waited "many months" after the entry of the Stipulated Judgment to object. (Opp. p. 14:14.) That bogus argument has already been discussed and defeated above. The law is clear that moving parties had no duty to intervene, and in any event, they promptly filed their 2023 Action seeking to enforce the Easement less than *two weeks* after learning of Intervenors' erection of the iron fence across the U.S. Bank property in September 2023 (a month *before the Stipulated Judgment was even entered*), and filed their initial Motion to Set Aside in this action less than *two weeks* after the Stipulated Judgment was entered. After the Intervenors and Cervantes dismissed their claims against each other, and until the Stipulated Judgment was already *fait accompli*, there was no indication that the Easement's merits would – or *could* – be adjudicated in the case given the absence of any pro-Easement party.

E. The Stipulated Judgment is, in substance, a void quiet title decree, and also void due to the lack of any justiciable controversy between the parties to it.

The motion established that the Stipulated Judgment here, while facially granting only "declaratory" relief to the parties, was in *substance* a quiet title judgment imposing a deed restriction burdening the land and effectively terminating and clouding title to the public's Easement. (*Machado v. Myers* (2019) 39 Cal.App.5th 779, 789; *North Star Reins. Corp. v. Superior Court* (1992) 10 Cal.App.4th 1815, 1826; *Paterra v. Hansen* (2021) 64 Cal.App.5th 507, 532; *Robin v. Crowell* (2020) 55 Cal.App.5th 727, 740.) Due to Intervenors' complete failure to

comply with any of the statutory safeguards required for the quiet title relief they obtained – including naming all persons having an interest in the Easement – the Stipulated Judgment must be set aside. (Code Civ. Proc. §§762.010, 762.060(b); 389(a); *Ranch at the Falls LLC*, 38 Cal.App.5th at 172; *Paterra*, 64 Cal.App.5th at 529-540.)

The Opposition does not even mention those authorities. Ignoring the obvious quiet title substantive nature of the relief they obtained, Intervenors argue only that the Court has broad jurisdiction to enter stipulated judgments and "declare the rights of the *parties*," and that the "*parties* voluntarily consented to personal jurisdiction." (Opp. p. 16-17.) That misses the point of the entire motion, which addresses the rights of *nonparties* impacted by a stipulated judgment. The Court clearly never had personal jurisdiction over *nonparties*, nor did it have subject matter jurisdiction to terminate *nonparties'* substantive rights.

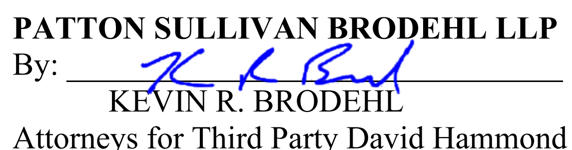
The motion also established that there was no "actual controversy" between the parties to confer subject matter jurisdiction even for limited declaratory relief *between the parties* because U.S. Bank and Intervenors were transparently aligned – they were *burdened by* (U.S. Bank) and *aggrieved by* (Intervenors) the Easement. As such, there was no justiciable controversy supporting the entry of the Stipulated Judgment – even if it injured no nonparty's rights and even if it was really only for declaratory, and not quiet title, relief. (*Wilson & Wilson v. City Council of Redwood City* (2011) 191 Cal.App.4th 1559, 1582; *Housing Group v. United Nat. Ins. Co.* (2001) 90 Cal.App.4th 1106, 1111-1115; *Gillette v. Gillette* (1932) 122 Cal.App. 640, 642; *Deming v. Communist Party of U.S.* (1944) 64 Cal.App.2d 35, 39-40.) Again, the Opposition fails to address these authorities. The Judgment made no declaration at all as to the Easement's existence and did not label it a nuisance; yet without foundation it mandated a blocking fence.

III. CONCLUSION

For all of the foregoing reasons, the Court cannot allow the Stipulated Judgment between Intervenors and U.S. Bank filed November 3, 2023 to stand. The motion should be granted.

Dated: May 23, 2024

PATTON SULLIVAN BRODEHL LLP

By: 
KEVIN R. BRODEHL
Attorneys for Third Party David Hammond

1
Robert Tiernan, et al v. Diablo Community Services District; et al.

2
Contra Costa County Superior Court No. MSC17-02529

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PROOF OF SERVICE

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I, Jennifer Ann Harvey, declare:

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I am over 18 years of age and not a party to this action. My business address is Patton Sullivan Brodehl LLP, 12647 Alcosta Blvd., Suite 430, San Ramon, California 94583. On the
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date set forth below, I served the within:

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THIRD PARTY DAVID HAMMOND'S REPLY BRIEF IN SUPPORT OF MOTION TO SET ASIDE STIPULATED JUDGMENT BETWEEN INTERVENORS AND U.S. BANK
8

on the parties in this action as listed below:
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Melissa Robbins Coutss, Esq. Crystal R. Davieau, Esq. McCarthy & Holthus, LLP 2763 Camino Del Rio S, Suite 100 San Diego, CA 92108 Tel.: (619) 685-4800 E-mail: cdavieau@mccarthytholthus.com cdouangchanh@mccarthyholthus.com	*Defendant* U.S. Bank National Association, as Trustee for Master Adjustable Rate Mortgages Trust 2007-2 Mortgage Pass-Through Certificates, Series 2007-2

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[X] (By Email) Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic
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notification addresses listed above.

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I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on May 23, 2024 at San Ramon, California.

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JENNIFER ANN HARVEY
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