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Superior Court of California,
County of San Diego

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Clerk of the Superior Court
By N. Lopez, Deputy Clerk

Attorneys for Cross-Defendant CITY OF SAN DIEGO

Exempt from fees per Gov't Code § 6103
To the benefit of the City of San Diego

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

FATIMA ABDELRAHMAN, an individual;
NADIA ABDULRAHMAN, an individual;
NATALINA KANTIEKO, an individual, and
IDZAI MUBAIWA, an individual,

Plaintiffs,

v.

CITY HEIGHTS COMMUNITY
DEVELOPMENT CORPORATION, a
California Non-Profit Corporation; and DOES 1-
50, inclusive,

Defendants.

Case No. 37-2024-00027594-CU-OR-CTL

**DECLARATION OF BENJAMIN P.
SYZ IN SUPPORT OF CITY OF SAN
DIEGO'S DEMURRER TO CITY
HEIGHTS COMMUNITY
DEVELOPMENT CORPORATION'S
CROSS-COMPLAINT FOR
DECLARATORY RELIEF AND
EQUITABLE INDEMNITY**

I/C Judge: Hon. Katherine A. Bacal
Dept.: 63
Date: August 1, 2025
Time: 11:00 a.m.

Complaint filed: June 12, 2024
Trial: Not Set

CITY HEIGHTS COMMUNITY
DEVELOPMENT CORPORATION, a
California Non-Profit Corporation

Cross-Complainant,

v.

THE CITY OF SAN DIEGO, a California
municipality; FATIMA ABDELRAHMAN, an
individual; NADIA ABDULRAHMAN, an
individual; NATALINA KANTIEKO, an
individual, and, ROES 1 through 25, inclusive,

Cross-Defendants.

1 I, Benjamin P. Syz, hereby declare:

2 1. I am an attorney licensed to practice law before all courts in the State of
3 California. I am a Senior Deputy City Attorney (DCA) with the City of San Diego City
4 Attorney's office. I am the DCA assigned to defend the City in the above-entitled case. I provide
5 this declaration based on my personal knowledge. If called to do so, I could and would
6 competently testify to the contents of this declaration.

7 2. On April 29, 2025, I sent an email to James Crosby, City Heights Community
8 Development Corporation's (CHCDC) counsel, informing him that it was the City's position that
9 the First and Second Causes of Action in the Cross-Complaint were subject to demurrer. I
10 requested that CHCDC dismiss the entire Cross-Complaint with prejudice.

11 3. On May 1, 2025, I spoke with Mr. Crosby on the telephone and he informed me
12 that he was preparing for trial and would not have the opportunity to adequately meet and confer
13 on the issues raised by the City before the May 8, 2025 deadline for the City file a responsive
14 pleading.

15 4. Mr. Crosby agreed to extend the City's response date to file a responsive pleading
16 to May 30, 2025 to allow for the parties to meet and confer.

17 5. On May 21, 2025, Mr. Crosby and I corresponded by email and determined that
18 further efforts to meet and confer would not be productive.

19 6. Based on my personal knowledge and belief, the parties are unable to resolve the
20 issues raised in the City's demurrer.

21 I declare under penalty of perjury of the laws of the state of California that the foregoing
22 is true and correct.

23 Executed this 30th day of May 2025, in San Diego, California.

24 
25 Benjamin P. Syz

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