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Clerk of the Superior Court
By R. Babers ,Deputy Clerk

Attorneys for Defendant City Heights
Community Development Corporation

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN DIEGO, CENTRAL DIVISION

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.

And Related Cross-Actions

Case No.: 37-2024-00027594-CU-OR-CTL
[Consolidated Case – Subordinate Case is
37-2024-00010272-CL-MC-CTL]

POINTS AND AUTHORITIES IN SUPPORT
OF MOTION TO COMPEL FURTHER
RESPONSES FROM PLAINTIFF FATIMA
ABDELRAHMAN TO DEFENDANT'S
REQUEST FOR PRODUCTION OF
DOCUMENTS, SET NO. ONE, SPECIAL
INTERROGATORIES, SET NO. ONE, AND
FORM INTERROGATORIES – GENERAL,
SET NO. ONE, AND REQUEST FOR
SANCTIONS IN THE AMOUNT OF \$5,642.50
AGAINST FATIMA ABDELRAHMAN

Date: September 12, 2025
Time: 11:00 a.m.
Dept.: C-63
Judge: Hon. Katherine A. Bacal

I. Introduction

Plaintiff Fatima Abdelrahman (“Abdelrahman”) failed to adequately respond to Request for Production of Documents and Things, Set No. One, and Special Interrogatories, Set No. One, and Form Interrogatories – General, Set No. One, propounded by defendant City Heights Community Development Corporation (“CHCDC”). The Court should grant this motion, order Abdelrahman to provide further responses, with proper and effective verifications thereof, and impose sanctions against Abdelrahman because Abdelrahman’s verifications of the responses are improper and

1 ineffective and CHCDC incurred, and anticipates to further incur, attorneys' fees and costs in the
2 amount of \$5,642.50 to address this discovery and bring this motion.

3 **II. Factual Background**

4 Plaintiff Abdelrahman filed this action on June 12, 2024. ROA #1. On August 13, 2024,
5 defendant CHCDC, through counsel, propounded discovery requests on plaintiffs consisting of
6 Requests for Production of Documents, Set No. One, Special Interrogatories, Set No. One, and Form
7 Interrogatories – General, Set No. One (“August 13 Discovery”). JDC Dec. ¶4. The Requests for
8 Production and Special Interrogatories propounded as part of the August 13 Discovery were
9 withdrawn, pursuant to agreement with plaintiffs’ counsel on September 12, 2024, with the
10 understanding that they would be redrafted and propounded again subject to certain conditions. JDC
11 Dec. ¶5. Plaintiffs provided responses to the August 13 Form Interrogatories on September 26, 2025.
12 JDC Dec. ¶6; NOL Ex. 5.

13 On December 18, 2024, defendant CHCDC, through counsel, propounded the redrafted
14 Requests for Production and Special Interrogatories on plaintiffs (“December 18 Discovery”). JDC
15 Dec. ¶7. After numerous extensions, plaintiffs provided responses to the December 18 Discovery on
16 March 14, 2025. NOL Ex. 1, 3; JDC Dec. ¶8. On April 8, 2025, CHCDC, through counsel, sent meet
17 and confer letters regarding plaintiffs’ responses to the December 18 Discovery to plaintiffs’
18 counsel. JDC Dec. ¶9. On May 1, 2025, plaintiff’s counsel responded, representing that plaintiffs
19 would provide supplemental responses by June 10, 2025. JDC Dec. ¶10. Plaintiffs’ counsel agreed
20 that CHCDC could have until July 10, 2025 to move to compel, if necessary. JDC Dec. ¶11.
21 Plaintiffs provided supplemental responses to the December 18 Discovery on June 10, 2025. JDC
22 Dec. ¶12; NOL Ex. 2, 4. On June 25, 2025, CHCDC, through counsel sent meet and confer letters
23 regarding plaintiffs’ supplemental responses. JDC Dec. ¶13. Having received no response to the
24 supplemental meet and confer letters from plaintiffs’ counsel, counsel for CHCDC requested until
25 July 15, 2025 to move to compel, if necessary. JDC Dec. ¶13. Plaintiffs’ counsel agreed. JDC Dec.
26 ¶13. On July 9, 2025, counsel for CHCDC received a response to it's June 25, 2025 meet and confer
27 letter on Abdelrahman’s responses from plaintiffs’ counsel, which indicated that the issues addressed
28 below could not be resolved. JDC Dec. ¶14.

III. Legal Authority on Motion to Compel

Code of Civil Procedure section 2030.300 provides, in pertinent part, that:

On receipt of a response to the interrogatories, the propounding party may move for an order compelling a further response if the propounding party deems that any of the following apply:

- (1) An answer to a particular interrogatory is evasive or incomplete
- (2) An exercise of the option to produce documents under Section 2030.230 is unwarranted or the required specification of those documents is inadequate.
- (3) An objection to an interrogatory is without merit or too general.

Code of Civil Procedure section 2031.310 provides, in pertinent part, that:

On receipt of a response to a demand for inspection, copying, testing or sampling, the demanding party may move for an order compelling further response to the demand if the demanding party deems that any of the following apply:

- (1) A statement of compliance with the demand is incomplete.
- (2) A representation of inability to comply is inadequate, incomplete or evasive.
- (3) An objection in the response is without merit or too general.

IV. Argument

A. Abdelrahman's Verifications Are Improper and Ineffective

Parties to whom interrogatories and requests for production have been propounded are required to respond in writing, **under oath**. Cal. Civ. Proc. §§2030.210, 2031.250. Unverified discovery responses “are tantamount to no responses at all.” *Steven M. Garber & Associates v. Eskandarian* (2007) 150 Cal.App.4th 813, 817, fn. 4. Plaintiff Abdelrahman's responses to the Request for Production of Documents, Special Interrogatories, and Form Interrogatories propounded by CHCDC, were accompanied by verifications which were improper, ineffective, and render the responses largely useless to defendant at trial.

Abdelrahman utilized the following language to “verify” her answers to CHCDC's special interrogatories (“SROGs”) and her supplemental responses thereto:

I, Fatima Abdelrahman, declare: **I have reviewed the above responses to discovery with the help of my daughter translating.** I declare under penalty of perjury under the laws of the State of California that the foregoing responses are true and correct, except for statements made on information and belief and as to such statements, I believe them to be true.

NOL Ex. 1, 2; JDC Dec. ¶8, 12.

Yet, the following different language was utilized to “verify” her responses to the Requests for Production (“RFPs”), and her supplemental responses thereto:

1 I, Fatima Abdelrahman, declare: **I have reviewed the above responses to**
2 **discovery.** I declare under penalty of perjury under the laws of the State of
3 California that the foregoing responses are true and correct, except for statements
made on information and belief and as to such statements, I believe them to be
true.

4 NOL Ex. 3, 4 ; JDC Dec. ¶8, 12.

5 The “verification” of Abdelrahman’s Form Interrogatory (“FROG”) responses states as
6 follows:

7 I, Fatima Abdelrahman, declare: I have reviewed the above responses to
8 discovery with the help of my daughter translating. I declare under penalty of
9 perjury under the laws of the State of California that the foregoing response are
true and correct, except for statements made on information and belief and as to
such statements, I believe them to be true.

10 NOL Ex. 5; JDC Dec. ¶6. However, Abdelrahman’s FROG responses were accompanied by a
11 separate declaration by Sahar Abdalla, which states:

12 Pursuant to **Evidence Code section 751**, I declare that I am bilingual in English
13 and the Sudanese dialect of Arabic, the language spoken by the witness. I have
14 reviewed the above document and made a true interpretation of the above
15 interrogatories and the witness’s responses to such interrogatories. I declare under
the penalty of perjury, under the laws of the State of California, that the above is
true and correct interpretation of the witness’s responses using my best skill and
judgment.

16 NOL Ex. 5; JDC Dec. ¶6.

17 The three versions of Abdelrahman’s “verifications” are inconsistent – she was either able to
18 review the responses, period, or she needed the assistance of her daughter translating to do so.
19 Furthermore, plaintiffs’ counsel has stated, in his own declaration(s) and communications, that
20 plaintiffs (including Abdelrahman) **cannot speak or read English**. NOL Ex. 6; JDC Dec. ¶16.
21 Abdelrahman has also herself stated, in numerous “verified” pleadings and documents, that **she**
22 **cannot read or speak** English. ROA # 59, CSAC ¶¶118, 125, 132, 138; NOL Ex. 5, Pg 8 [FROG
23 2.9-2.10], JDC Dec. ¶6. As such, it is unclear how Abdelrahman’s responses to CHCDC’s requests
24 for production, **written in English**, could have been reviewed by, or read or communicated to,
25 Abdelrahman. Additionally, the inconsistency of the “verifications” utilized raises the obvious
26 question – if plaintiff Abdelrahman needed her daughter’s assistance in translating the responses to
27 SROGs and FROGs, and her counsel attests that she cannot read or speak English, how can her
28 standard verification of her responses to the RFPs be deemed valid and truthful? It simply cannot.

1 Verified responses to discovery requests are admissible evidence. *Melendres v. Superior*
2 *Court* (2013) 215 Cal.App.4th 1343, 1349 (“[T]here [are] two purposes to a verification: **first, to**
3 **ma[ke] the discovery responses admissible**; second, to provide a witness who could testify
4 concerning the sources for the discovery responses.”). To the extent that Abdelrahman’s “verified”
5 discovery responses will be utilized as evidence in trial, Cal. Evid. Code §751(a) states that “[a]n
6 interpreter shall take an oath that he or she will make a true interpretation of the witness’ answers to
7 questions to counsel, court, or jury, in the English language, with his or her best skill and judgment.”
8 Additionally, Cal. Evid. Code §751(c) states that “[a] translator shall take an oath that he or she will
9 make a true translation in the English language of any writing he or she is to decipher or translate.”

10 Cal. Rules of Court 2.890 provides that an “interpreter must accurately and **completely**
11 represent his or her certifications, training, and relevant experience.” Cal. Rule Court. 2.890(a).
12 Additionally, he or she must “be **impartial** and **unbiased** and must refrain from conduct that may
13 give an appearance of bias.” *Id*, subd. (c)(1). “An interpreter must [also] disclose to the judge and to
14 all parties any actual or apparent conflict of interest... **A conflict may exist if the interpreter is**
15 **acquainted with or related to any witness or party to the action of if the interpreter has an**
16 **interest in the outcome of the case.”** *Id.*, subd. (c)(2). Furthermore, “[a]n interpreter must maintain
17 an **impartial**, professional relationship with all court officers, attorneys, jurors, parties, and
18 witnesses.”

19 Abdelrahman’s discovery responses are **evidence**. They are **party admissions** and can be
20 used at trial as direct proof and for impeachment purposes. With respect to Abdelrahman’s RFP and
21 SROG responses, absent proper verifications, accounting for a translator that was presumably
22 utilized, including a declaration of the certified translator utilized, describing how the discovery
23 responses were translated, and stating that they were translated truthfully, there is a substantial risk
24 that the evidence will become meaningless and useless for defendant at trial. Simply stating that her
25 unidentified “daughter” “assisted” in “translating” responses, by unidentified means, is not
26 sufficient. Likewise, simply stating that she “reviewed” the responses written in English, when she
27 has declared that she does not read or speak English, is improper, at best.

1 Abdelrahman's verification of the FROG responses, and her daughter's accompanying
2 declaration thereto, are insufficient because there is no evidence that "her daughter" is a certified
3 translator or that she is unbiased or impartial. Cal. Rule Court 2.890(c)(1). In fact, there is a clear
4 conflict of interest as Sahar Abdalla is Abdelrahman's daughter. *Id.*, subd. (c)(2). The declaration by
5 Sahar Abdalla is ambiguous as it states she made a "true interpretation" of Abdelrahman's Form
6 Interrogatory responses, rather than a "translation". It is unclear how she is "interpreting" said
7 responses.

8 If and when Abdelrahman's "verified" discovery responses are used as proof or for
9 impeachment purposes at trial, Abdelrahman can now simply say that the response being utilized
10 was translated differently to her or that she didn't understand it to mean what it says. That would
11 effectively, and unfairly, negate the fair use of such evidence by defendant. There has been no
12 evidence thus far that the RFP responses have been translated at all, that the SROG responses have
13 been translated truthfully, how they have been translated, to and from what language, and by whom
14 they have been translated. Defendant will be unable to utilize Abdelrahman's responses as evidence
15 at trial because her "verifications" are not in compliance with the relevant provisions of the Evidence
16 code. Furthermore, utilizing her "daughter" to translate her FROG responses does not comply with
17 Cal. Rules of Court 2.890 which requires interpreters to be certified and unbiased.

18 Counsel for plaintiff will presumably claim that his clients are "indigent" and that requiring a
19 certified translator would "close the doors" to the Court for litigants similarly situated to his clients,
20 as he has stated multiple times. However, the California Rules of Court were not written to apply
21 only to litigants with financial means to hire a translator. This issue has been before the Court on a
22 number of occasions and plaintiffs' counsel has never once proffered in any declaration that he has
23 sought assistance, from the Court or otherwise, in obtaining a certified translator for his clients. This
24 translator issue is simply a byproduct of, and case support requirement attendant to, the case
25 plaintiffs' counsel chose to take. It has been an issue present in this matter since its inception.
26 Plaintiffs' counsel took this case and, with it, all the accompanying responsibilities and client
27 difficulties. He should not be heard to complain about the burdens of a burdensome case he chose to
28 take.

1 The “verifications” utilized in Abdelrahman’s discovery responses are akin to providing no
2 verification at all as they largely defeat the evidentiary purpose of providing verified responses in the
3 first place. As such, the responses provided by Abdelrahman are tantamount to her having provided
4 no responses at all. *Steven M. Garber & Assosicates, supra*, 150 Cal.App.4th at 817, fn. 4.
5 Abdelrahman should be compelled to provide responses to CHCDC’s RFPs, SROGs, and FROGs
6 supported by adequate and effective verifications, accompanied by the declaration of an unbiased
7 certified translator who has truthfully and completely translated each request and response to her.

8 **V. Sanctions Are Appropriate**

9 Unless this court that Abdelrahman acted with substantial justification in providing
10 inadequate responses to CHCDC’s discovery requests, or in opposing this motion, this court must
11 impose sanctions. Cal. Civ. Proc. Code §2031.310(h). Abdelrahman failed to provide compliant
12 **verified** responses to discovery which was either standard or directly relevant to the numerous
13 factual allegations Abdelrahman has made “under oath” in her “verified” complaint and various
14 declarations. Plaintiffs’ counsel has been put on notice of the deficiency of the utilized verifications
15 as written, yet, he continues to utilize said verifications. JDC Dec. ¶15. The Court has on at least two
16 occasions noted to plaintiffs’ counsel the deficiencies in, and ramifications of, the utilized
17 verifications. JDC Dec. ¶15.

18 Even assuming Abdelrahman provides properly verified responses prior to the hearing on this
19 motion, Abdelrahman should not be permitted to avoid the consequences of her misuse of the
20 discovery process which cost CHCDC time and expense in filing this motion. The Court may award
21 sanctions “even though no opposition to the motion was filed, or opposition to the motion was
22 withdrawn, or the requested discovery was provided to the moving party after the motion was filed.”
23 Cal. Rules of Court 3.1348(a).

24 In meeting and conferring on this discovery and preparing this motion to compel, and for
25 additional anticipated expenses, CHCDC has incurred or reasonably will incur fees and expenses in
26 the amount of \$5,642.50. JDC Dec. ¶17.

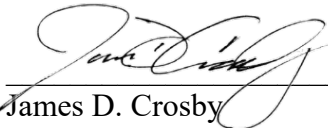
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1 **VI. Conclusion**

2 Based on the foregoing, CHCDC respectfully requests that this Court order plaintiff
3 Abdelrahman to forthwith provide full, complete and adequately verified responses to CHCDC's
4 Request for Production, Set No. One, Special Interrogatories, Set No. One, and Form Interrogatories
5 – General, Set No. One, and to pay sanctions to CHCDC in the amount of \$5,642.50.

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7 Date: July 15, 2025

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11 James D. Crosby
12 Attorney for Defendant, City Heights
13 Community Development Corporation
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