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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
PRODUCTION AND RESPONSES FROM
PLAINTFF NADIA ABDULRAHMAN TO
DEFENDANT’S REQUEST FOR
PRODUCTION OF DOCUMENTS AND
THINGS, SET NO. ONE, AND FURTHER
RESPONSES TO DEFENDANT’S SPECIAL
INTERROGATORIES, SET NO. ONE AND
FORM INTERROGATORIES – GENERAL,
SET NO. ONE AND REQUEST FOR
SANCTIONS IN THE AMOUNT OF \$4,095
AGAINST NADIA ABDULRAHMAN

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

I. Introduction

Plaintiff Nadia Abdulrahman (“Abdulrahman”) failed to fully and adequately respond to Request for Production of Documents and Things, Set No. One, 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 Abdulrahman to provide further responses and production, and impose sanctions against Abdulrahman because (1) Abdulrahman’s verifications of the responses are improper and

1 ineffective; (2) the requests at issue seek documents and information within the permissible scope of
2 discovery; and (3) CHCDC incurred, and anticipates to further incur, attorneys' fees and costs in the
3 amount of \$4,095 to address this discovery and bring this motion.

4 **II. Factual Background**

5 Plaintiff Abdulrahman filed this action on June 12, 2024. ROA #1. On August 13, 2024,
6 defendant CHCDC, through counsel, propounded discovery requests on plaintiffs consisting of
7 Requests for Production of Documents, Special Interrogatories, and Form Interrogatories ("August
8 13 Discovery). JDC Dec. ¶4. The Requests for Production and Special Interrogatories propounded as
9 part of the August 13 Discovery were withdrawn, pursuant to agreement with plaintiffs' counsel on
10 September 12, 2024, with the understanding that they would be redrafted and propounded again
11 subject to certain conditions. JDC Dec. ¶5. Plaintiffs provided responses to the August 13 Form
12 Interrogatories on September 26, 2024. NOL Ex. 5; JDC Dec. ¶6.

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. NOL Ex. 7; JDC Dec. ¶9. On May 1, 2025, plaintiff's counsel responded, representing that
19 plaintiffs would provide supplemental responses on June 10, 2025, and agreed that CHCDC could
20 have until July 10, 2025 to move to compel, if necessary. NOL Ex. 8; JDC Dec. ¶10-11. Plaintiffs
21 provided supplemental responses to the December 18 Discovery on June 10, 2025. NOL Ex. 2, 4;
22 JDC Dec. ¶12. On June 25, 2025, CHCDC, through counsel, sent meet and confer letters regarding
23 plaintiffs' supplemental responses. JDC Dec. ¶13. On July 7, 2025, having received no response to
24 the supplemental meet and confer letters from plaintiffs' counsel, counsel for CHCDC requested
25 until July 15, 2025 to move to compel, if necessary. JDC Dec. ¶13. Plaintiffs' counsel agreed. JDC
26 Dec. ¶13. On July 10, 2025, counsel for CHCDC received a response to its June 25, 2025 meet and
27 confer letter on Abdulrahman's supplemental responses from plaintiffs' counsel, which indicated
28 that the issues addressed below could not be resolved. JDC Dec. ¶15.

III. Legal Authority on a 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.

California's discovery procedures are designed to minimize the opportunities for fabrication and forgetfulness, and to eliminate the need for guesswork about the other side's evidence, with all doubts about discoverability resolved in the favor of disclosure. *Glenfed Dev. Corp. v. Superior Court* (1997) 53 Cal.App.4th 1113, 1119. One of the "principal purposes of discovery [is] to do away with the sporting theory of litigation – namely, surprise at trial." *Greyhound Corp. v. Superior Court* (1961) 56 Cal.2d 355, 376.

IV. Argument

A. Abdulrahman'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. Abdulrahman's responses to the Request for Production of Documents, Set No. One, Special Interrogatories, Set No. One, and Form Interrogatories – General, Set No. One, propounded by CHCDC, were accompanied by verifications which were improper, ineffective, and render the responses useless to defendant at trial.

1 Abdulrahman utilized the following language to “verify” her responses to the Requests for
2 Production of Documents, Set No. One (“RFP”) and Special Interrogatories (“SROGs”) propounded
3 by CHCDC, as well as he supplemental responses thereto:

4 I, Nadia Abdulrahman, declare: **I have reviewed the above responses to**
5 **discovery.** I declare under penalty of perjury under the laws of the State of
6 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.

7 NOL Ex. 1, Pg. 94; Ex. 2, Pg. 17; Ex. 3, Pg. 48; Ex. 4, Pg. 21.

8 Yet, the following different language was utilized to “verify” her responses to Form
9 Interrogatories (“FROGs”):

10 I, Nadia Abdulrahman, declare: I have reviewed the above responses to discovery
11 **with the help of my daughter translating.** I declare under penalty of perjury
12 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.

13 NOL Ex. 5, Pg. 32. Abdulrahman’s FROG responses were accompanied by a separate declaration by
14 Rufaida Ahmad, which states:

15 Pursuant to Evidence Code section **751**, I declare that I am bilingual in English
16 and the Sudanese dialect of Arabic, the language spoken by the witness. I have
17 reviewed the above document and made a true **interpretation** of the above
18 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.

19 NOL Ex. 5, Pg. 32.

20 The two versions of Abdulrahman’s “verifications” are inconsistent – she was either able to
21 review the responses, period, or she needed the assistance of her daughter translating to do so.
22 Furthermore, plaintiffs’ counsel has stated, in previous declaration(s) and communications, that
23 plaintiffs (including Abdulrahman) **cannot “speak” or “read” English.** NOL Ex. 6; JDC Dec. ¶17.
24 **“In fact”,** according to plaintiffs’ counsel, **“Nadia [Abdulrahman] does not read or write in any**
25 **language...”** NOL Ex. 9; JDC Dec. ¶17. Abdulrahman has also herself stated, in numerous
26 “verified” pleadings and documents, that **she cannot read or speak English.** ROA #59 CSAC
27 ¶¶118, 125, 132, 138; NOL Ex. 5, Pg. 7 [FROG Nos. 2.9-2.10]. As such, it is unclear how
28 Abdulrahman’s responses to the RFPs and SROGs, **written in English,** could have been reviewed

1 by, or read or communicated to, Abdulrahman. Additionally, the inconsistencies between the
2 RFP/SROG “verifications” and the FROG “verifications” raise the obvious question – if
3 Abdulrahman needed her daughter’s assistance in translating FROG responses, and their counsel
4 attests that she cannot read or speak English, or read in any language, how can the standard
5 verification language utilized in her responses to the RFPs and SROGs be deemed valid and
6 truthful? It simply cannot.

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

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

24 Abdulrahman’s discovery responses are **evidence**. They are **party admissions** and can be
25 used at trial as direct proof and for impeachment purposes. With respect to Abdulrahman’s RFP and
26 SROG responses, absent proper verifications, accounting for a translator that was presumably
27 utilized, including a declaration of the certified translator utilized, describing how the discovery
28 responses were translated and stating that they were translated truthfully, there is a substantial risk

1 that the evidence will become meaningless and useless for defendant at trial. Simply stating that she
2 “reviewed” the responses written in English, when she has declared that she does not read or speak
3 English, is improper, at best.

4 Abdulrahman’s verification of the FROG responses, and her daughters accompanying
5 declaration thereto, are also insufficient because there is no evidence that “her daughter” is a
6 certified translator or that she is unbiased or impartial. Cal. Rule Court 2.890. In fact, there is a clear
7 conflict of interest as Rufaida Ahmad is Abdulrahman’s daughter. *Id.*, subd. (c)(2). The declaration
8 by Rufaida Ahmad is also ambiguous as it states she made a “true interpretation” of Abdulrahman’s
9 Form Interrogatory responses, rather than a “translation”. It is unclear how she is “interpreting” said
10 responses.

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

22 Counsel for plaintiff will presumably claim that his clients are “indigent” and that requiring a
23 certified translator would “close the doors” to the Court for litigants similarly situated to his clients,
24 as he has stated multiple times. However, the California Rules of Court were not written to apply
25 only to litigants with financial means to hire a translator. This issue has been before the Court on a
26 number of occasions and plaintiffs’ counsel has never once included in any declaration that he has
27 sought assistance, from the Court or otherwise, in obtaining a certified translator for his clients. This
28 translator issue is simply a byproduct of, and case support requirement attendant to, the case

1 plaintiffs' counsel chose to take. It has been an issue present in this matter since its inception.
2 Plaintiffs' counsel took this case and, with it, all the accompanying responsibilities and client
3 difficulties. He should not be heard to complain about the burdens of a burdensome case he chose to
4 take.

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

13 B. Abdulrahman's Medical Records Relevant to Her Emotional Distress Claims

14 A plaintiff may not withhold information relating to any medical condition they have put at
15 issue by bringing a lawsuit. *Britt v. Superior Court* (1978) 20 Cal.3d 844, 863-864. Litigants are
16 only entitled to retain the confidentiality of **unrelated** medical or psychotherapeutic treatment. *Id.* A
17 **plaintiff puts his or her mental and emotional state in controversy by alleging a defendant has**
18 **caused him to suffer mental and emotional distress.** *Vinson v. Superior Court* (1987) 43 Cal.3d
19 833, 839-840. A "[p]laintiff cannot be allowed to make her very serious allegation without affording
20 defendants an opportunity to put their truth to the test." *Id.* at p. 842. When a plaintiff has put her
21 physical and mental condition at issue, medical records documenting the plaintiff's health issues are
22 **directly relevant to causation** and damages. See *Britt v. Superior Court, supra*, 20 Cal.3d at 849 (in
23 seeking recovery for physical and mental injuries, plaintiff "**unquestionably waived**" privileges as
24 to "all information concerning the medical conditions which they have put in issue.") Where a
25 defendant is accused of causing a plaintiff's "mental and emotional ailments", and the defendant
26 denies those charges, "the existence and extent of [the plaintiff's] mental injuries is indubitably in
27 dispute." *Vinson, supra*, 43 Cal.3d at 839-840. "In addition, by asserting a causal link between
28 [plaintiff's] mental distress and defendants' conduct, plaintiff implicitly claims it was not caused by

1 a preexisting mental condition, thereby raising the question of alternative sources for the distress.”
2 *Id.* at 840. In such a scenario, the plaintiff’s “mental state is in controversy.” *Id.* Furthermore, where
3 “the truth of these claims is relevant to plaintiff’s cause of action and justifying facts have been
4 shown with specificity... defendants must be allowed to investigate the continued existence and
5 severity of plaintiff’s alleged damages.”¹ *Id.* at 840-841.

6 Abdulrahman has brought a claim for, and seeks damages for, intentional infliction of
7 emotional distress. ROA #59, CSAC ¶¶ 77, 80-97. Abdulrahman alleged “CHCDC’s actions... were
8 intended to and **did cause extreme emotional distress** on... Abdulrahman... Plaintiffs **are entitled**
9 **to general and specific damages for the intentional infliction of emotional distress.**” ROA #59,
10 CSAC ¶¶94-95. The California Civil Jury Instruction No. 1600, for Intentional Infliction of Emotion
11 Distress, requires plaintiff to **prove**: “That [Abdulrahman] suffered **severe emotional distress.**”
12 Whether or not Abdulrahman has experienced or suffered severe emotional distress has been put
13 directly at issue by her own pleadings. Furthermore, to the extent that Abdulrahman has in fact
14 suffered severe emotional distress, whether or not said emotional distress was caused by defendant,
15 or some other alternative source, has also “implicit[ly]” been put at issue by Abdulrahman’s claims.
16 *Vinson, supra*, 43 Cal.3d at 839-840.

17 In addition to the claims in the CSAC, Abdulrahman’s Form Interrogatory Responses also
18 claim: (1) that Abdulrahman attributes “[e]motional injuries including severe emotional pain, fear,
19 humiliation, depression, despair, anxiety, loss of enjoyment of life, and emotional pain and despair
20 from marginalization, loss of friendships, discrimination, and ostracization. Plaintiff displays
21 symptoms of heightened post-traumatic stress disorder as a result of the conduct of Defendants”
22 NOL Ex. 5, Pg. 8-9 [FROG 6.2]; (2) Abdulrahman attributes “[c]ontinuing anxiety, fear, and
23 depression”, which is “becoming worse” to defendant’s alleged actions NOL Ex. 5, Pg. 9 [FROG
24 6.3]; and claims that “the threat and actual removal from the farm, being surveilled by Defendant’s
25 agents, loss of friends and support system, and being questioned by Defendant’s guard about her

27 ¹ While *Vinson* case examined the appropriateness of a mental examination, the cited portions of this case are still
28 applicable to written discovery seeking a plaintiff’s medical records, especially considering production of such records
are arguably less intrusive than subjecting a plaintiff to a mental examination.

1 immigration status and whether she had proper identification/documentation made Plaintiff's trauma
2 much worse and brought on new trauma and pain" NOL Ex. 5, Pg. 16 [FROG 10.2].

3 Abdulrahman has put her mental and emotional state directly at issue. To succeed on her
4 intentional infliction of emotional distress claim, Abdulrahman must prove that she actually suffered
5 severe emotional distress and that the alleged emotional distress was caused by defendant CHCDC.
6 CACI 1600. Defendant CHCDC is "entitled" to conduct discovery to investigate the existence, or
7 continued existence, of Abdulrahman's alleged mental and emotional distress. Abdulrahman should
8 be compelled to produce all medical records relevant to those claims. If no medical records
9 supporting her claims for mental and emotional distress exist, Abdulrahman should be compelled to
10 so state, especially considering Abdulrahman is seeking "specific" damages. ROA #59, CSAC ¶95.

11 **V. Sanctions Are Appropriate**

12 Unless this court determines that Abdulrahman acted with substantial justification in
13 providing inadequate responses to CHCDC's discovery requests, or in opposing this motion, this
14 court **must** impose sanctions. Cal. Civ. Proc. Code §2031.310(h). Abdulrahman failed to provide
15 compliant verified responses to discovery which was standard or directly relevant to the numerous
16 factual allegations Abdulrahman has made "under oath" in her "verified" compliant and various
17 declarations. Plaintiff's counsel has been put on notice numerous times of the deficiency of the
18 verifications as written, and yet he continues to utilize them. JDC Dec. ¶15. Additionally,
19 Abdulrahman refuses to produce her medical records which are directly related to her claims of
20 mental and emotional distress.

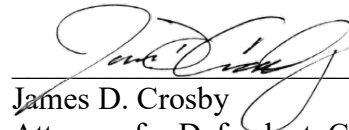
21 Even assuming Abdulrahman provides properly verified responses, and produces her relevant
22 medical records, prior to the hearing on this motion, Abdulrahman should not be permitted to avoid
23 the consequences of her misuse of the discovery process which cost CHCDC time and expense in
24 filing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

1 In meeting and conferring on this discovery and preparing this motion to compel, and for
2 additional anticipated expenses, CHCDC has incurred or reasonably will incur fees and expenses in
3 the amount of \$4,095. JDC Dec., ¶18.

4 **VI. Conclusion**

5 Based on the foregoing, CHCDC respectfully requests that this Court order Abdulrahman to
6 forthwith provide full, complete and adequately verified responses to the RFPs, SROGs, and FROGs
7 propounded by CHCDC, to produce the medical records relevant to her claims of emotional distress,
8 and to pay sanctions to CHCDC in the amount of \$4,095.

9 Date: July 15, 2025

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