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ELECTRONICALLY FILED
Superior Court of California,
County of San Diego

7/15/2025 10:08:54 PM

Clerk of the Superior Court
By T. Cutts, 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]

SEPARATE STATEMENT OF ITEMS IN
DISPUTE ISO MOTION TO COMPEL
FURTHER PRODUCTION AND RESPONSES
FROM PLAINTIFF NATALINA KANTIEKO
TO DEFENDANT'S REQUEST FOR
PRODUCTION OF DOCUMENT, 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 \$4,570
AGAINST NATALINA KANTIEKO

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

SEPARATE STATEMENT OF ITEMS IN DISPUTE

Verifications

Verification of Plaintiff Kantieko's Responses to Requests for Production, Set No. One:

Plaintiff Natalina Kantieko's ("Kantieko") Responses to CHCDC's Requests for Production
of Documents ("RFP"), as well as her supplemental responses thereto, utilize the following language
to "verify" said responses:

I, Natalina Kantieko, declare: I have reviewed the above responses to discovery. I
declare under penalty of perjury under the laws of the State of California that the

1 foregoing responses are true and correct, except for statements made on
2 information and belief and as to such statements. I believe them to be true.

3 **Reasons Why Additional Response is Needed:**

4 To the extent that Kantioko's "verified" RFP responses will be utilized as evidence in trial,
5 Cal. Evid. Code §751(a) states that "[a]n interpreter shall take an oath that he or she will make a true
6 interpretation of the witness' answers to questions to counsel, court, or jury, in the English language,
7 with his or her best skill and judgment." Additionally, Cal. Evid. Code §751(c) states that "[a]
8 translator shall take an oath that he or she will make a true translation in the English language of any
9 writing he or she is to decipher or translate."

10 Plaintiffs' counsel has stated that plaintiffs (including Kantioko) cannot read or speak
11 English. Kantioko herself has also stated, in "verified" pleadings and documents, that she cannot
12 read or speak English. As such, it is unclear how Kantioko's responses to CHCDC's Requests for
13 Production, and her supplemental responses thereto, both written in English, could have been
14 reviewed by, or read or communicated to, Kantioko.

15 Kantioko's RFP responses are **evidence**. *Melendres v. Superior Court* (2013) 215 Cal.App.4th
16 1343, 1349. They are **party admissions** and can be used at trial as direct proof and for impeachment
17 purposes. Absent proper verifications, accounting for a translator that was presumably utilized, and
18 including a declaration of the certified translator utilized, describing how the discovery responses
19 were translated and stating that they were translated truthfully, there is a substantial risk that the
20 evidence will become meaningless and useless for defendant at trial. Simply stating that she
21 "reviewed" the responses written in English, when she has declared that she does not read or speak
22 English, is improper, at best.

23 Additionally, the verifications of Kantioko's RFP responses and FROG responses, addressed
24 below, are inconsistent – she was either able to review the responses, period, or she needed the
25 assistance of her daughter translating to do so. The inconsistency of the "verifications" utilized raises
26 the obvious question – if Kantioko needed her daughter's assistance in translating the FROG
27 responses, and her counsel attests that she cannot read or speak English, how can her standard
28 verification of her responses to the RFPs be deemed valid and truthful? It simply cannot.

1 If and when Kantioko's "verified" discovery responses are used as proof or for impeachment
2 purposes at trial, Kantioko can now simply say that the response being utilized was translated
3 differently to her or that she didn't understand it to mean what it says. That would effectively, and
4 unfairly, negate the fair use of such evidence by defendant at trial. There has been no evidence thus
5 far that the RFP responses were translated to Kantioko at all. Defendant will not be able to utilize
6 Kantioko's RFP responses as evidence at trial because her "verifications" are not in compliance with
7 Evidence Code §§751(a), (c).

8 The "verification" of Kantioko's RFP responses is akin to providing no verification at all as it
9 largely defeats the evidentiary purpose of providing verified responses in the first place. As such, the
10 RFP responses provided by Kantioko are tantamount to her having provided no responses at all.
11 *Steven M. Garber & Associates v. Eskandarian* (2007) 150 Cal.App.4th 813, 817, fn. 4.

12 **Verification of Plaintiff Kantioko's Responses to Special Interrogatories, Set No. One:**

13 Plaintiff Kantioko's Responses to the Special Interrogatories, Set No. One ("SROG"),
14 propounded by CHCDC, as well as her supplemental responses thereto, utilize the following
15 language to "verify" said responses:

16 I, Natalina Kantioko, declare: I have reviewed the above responses to discovery. I
17 declare under penalty of perjury under the laws of the State of California that the
18 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.

19 **Reasons Why Additional Response is Needed:**

20 To the extent that Kantioko's "verified" SROG responses will be utilized as evidence in trial,
21 Cal. Evid. Code §751(a) states that "[a]n interpreter shall take an oath that he or she will make a true
22 interpretation of the witness' answers to questions to counsel, court, or jury, in the English language,
23 with his or her best skill and judgment." Additionally, Cal. Evid. Code §751(c) states that "[a]
24 translator shall take an oath that he or she will make a true translation in the English language of any
25 writing he or she is to decipher or translate."

26 Plaintiffs' counsel has stated that plaintiffs (including Kantioko) cannot read or speak
27 English. Kantioko herself has also stated, in "verified" pleadings and documents, that she cannot
28 read or speak English. As such, it is unclear how Kantioko's responses to CHCDC's SROGs, and her

1 supplemental responses thereto, both written in English, could have been reviewed by, or read or
2 communicated to, Kantieko.

3 Kantieko's SROG responses are **evidence**. *Melendres v. Superior Court* (2013) 215
4 Cal.App.4th 1343, 1349. They are **party admissions** and can be used at trial as direct proof and for
5 impeachment purposes. Absent proper verifications, accounting for a translator that was presumably
6 utilized, and including a declaration of the certified translator utilized, describing how the discovery
7 responses were translated and stating that they were translated truthfully, there is a substantial risk
8 that the evidence will become meaningless and useless for defendant at trial. Simply stating that she
9 "reviewed" the responses written in English, when she has declared that she does not read or speak
10 English, is improper, at best.

11 Additionally, the verifications of Kantieko's SROG responses and FROG responses,
12 addressed below, are inconsistent – she was either able to review the responses, period, or she
13 needed the assistance of her daughter translating to do so. The inconsistency of the "verifications"
14 utilized raises the obvious question – if Kantieko needed her daughter's assistance in translating the
15 FROG responses, and her counsel attests that she cannot read or speak English, how can her standard
16 verification of her responses to the SROGs be deemed valid and truthful? It simply cannot.

17 If and when Kantieko's "verified" discovery responses are used as proof or for impeachment
18 purposes at trial, Kantieko can now simply say that the response being utilized was translated
19 differently to her or that she didn't understand it to mean what it says. That would effectively, and
20 unfairly, negate the fair use of such evidence by defendant at trial. There has been no evidence thus
21 far that the SROG responses were translated to Kantieko at all. Defendant will not be able to utilize
22 Kantieko's SROG responses as evidence at trial because her "verifications" are not in compliance
23 with Evidence Code §§751(a), (c).

24 The "verification" of Kantieko's SROG responses is akin to providing no verification at all
25 as it largely defeats the evidentiary purpose of providing verified responses in the first place. As
26 such, the SROG responses provided by Kantieko are tantamount to her having provided no
27 responses at all. *Steven M. Garber & Associates v. Eskandarian* (2007) 150 Cal.App.4th 813, 817, fn.
28 4.

1 **Verification of Plaintiff Kantieko's Responses to Form Interrogatories:**

2 Plaintiff Kantieko's Responses to Form Interrogatories – General ("FROG"), utilize the
3 following language to "verify" said responses:

4 I, Natalina Kantieko, declare: I have reviewed the above responses to discovery
5 with the help of my daughter translating. I declare under penalty of perjury under
6 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.

7 Plaintiff Kantieko's FROG responses were accompanied by a separate declaration by Joice
8 Thomas, which states:

9 Pursuant to **Evidence Code section 751**, I declare that I am bilingual in English
10 and the Sudanese dialect of Arabic, the language spoken by the witness. I have
11 reviewed the above document and made a true interpretation of the above
12 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.

13 **Reasons Why Additional Responses is Needed:**

14 To the extent that Kantieko's "verified" discovery responses will be utilized as evidence in
15 trial, Cal. Evid. Code §751(a) states that "[a]n interpreter shall take an oath that he or she will make
16 a true interpretation of the witness' answers to questions to counsel, court, or jury, in the English
17 language, with his or her best skill and judgment." Additionally, Cal. Evid. Code §751(c) states that
18 "[a] translator shall take an oath that he or she will make a true translation in the English language of
19 any writing he or she is to decipher or translate."

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

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

7 If and when Kantieko's "verified" FROG responses are used as proof or for impeachment
8 purposes at trial, Kantieko can now simply say that the response being utilized was translated
9 differently to her or that she didn't understand it to mean what it says. That would effectively, and
10 unfairly, negate the fair use of such evidence by defendant. Utilizing her "daughter" to translate her
11 FROG responses does not comply with Cal. Rules of Court 2.890 which requires interpreters to be
12 certified and unbiased.

13 The "verification" of Kantieko's FROG responses is akin to providing no verification at all
14 as it largely defeats the evidentiary purpose of providing verified responses in the first place. As
15 such, the FROG responses provided by Kantieko are tantamount to her having provided no
16 responses at all. *Steven M. Garber & Associates v. Eskandarian* (2007) 150 Cal.App.4th 813, 817, fn.
17 4.

18 Request for Production

19 **DEMAND NO. 73:**

20 Any and all medical records for, and/or documents and/or electronically stored information
21 evidencing medical treatment received by Natalina Kantieko since January 1, 2018.

22 Response to Request For Production No. 73:

23 Objections: Invasions of Medical Privacy. Plaintiff is not seeking medical damages. Responding
24 party will not comply with such request.

25 Discovery is ongoing. Responding party reserves the right to amend the responses as additional
26 documents and information is obtained.

27 **Reasons Why Further Response is Needed:**

1 This request was narrowed to the medical records relevant to Kantieko's claims for mental
2 and emotional distress through meet and confer efforts. JDC Dec. ¶9. In the April 8, 2025, meet and
3 confer letter sent by my office, we informed plaintiffs' counsel that Kantieko had "waived privileges
4 [as] to her medical records documenting her mental and emotional distress", provided the supporting
5 case law for this proposition, identified where, when and how Kantieko had raised the issue of her
6 mental and emotional state and requested Kantieko provide those records relevant to her emotional
7 distress claim. JDC Dec. ¶9; NOL Ex. 7, Pg. 11.

8 In his May 1, 2025, responsive meet and confer letter, plaintiffs' counsel stated that "plaintiff
9 is not seeking medical damages." JDC Dec. ¶10; NOL Ex. 8, Pg. 10. Furthermore, plaintiffs' counsel
10 stated "absent something beyond the emotional distress that someone who had been kicked off their
11 farming plots that they had been cultivating for more than [sic] decade by a recently arrived non-
12 profit, without any apparent legal authority to manage the property, you are not entitled to such
13 records. (*Davis v. Superior Court* (1992) 7 Cal.App.4th 1008, 1018.) Plaintiff will not be providing
14 any medical records." JDC Dec. ¶10; NOL Ex. 8, Pg. 10. On June 25, 2025, defendant, through
15 counsel, responded to plaintiffs' counsel May 1, 2025 letter, again requesting Kantieko's medical
16 records pertaining to her alleged mental and emotional distress. JDC Dec. ¶14. As of the date of
17 filing of this motion, no such records have been produced and plaintiffs' counsel will not amend the
18 response to state that no such records exist. JDC Dec. ¶14

19 As was made clear to plaintiffs' counsel, a plaintiff may not withhold information relating to
20 any medical condition they have put at issue by bringing a lawsuit. *Britt v. Superior Court* (1978) 20
21 Cal.3d 844, 863-864. Litigants are only entitled to retain the confidentiality of unrelated medical or
22 psychotherapeutic treatment. *Id.* A plaintiff puts his or her mental and emotion state in controversy
23 by alleging a defendant has caused him to suffer mental and emotional distress. *Vinson v. Superior*
24 *Court* (1987) 43 Cal.3d 833, 839-840. A "[p]laintiff cannot be allowed to make her very serious
25 allegation without affording defendants an opportunity to put their truth to the test." *Id.* at p. 842.
26 When a plaintiff has put her physical and mental condition at issue, medical records documenting the
27 plaintiff's health issues are directly relevant to causation and damages. See *Britt v. Superior Court*,
28 *supra*, 20 Cal.3d at 849 (in seeking recovery for physical and mental injuries, plaintiff

1 “unquestionably waived” privileges as to “all information concerning the medical **conditions** which
2 they have put in issue.”) Where a defendant is accused of causing a plaintiff’s “mental and emotional
3 ailments”, and the defendant denies those charges, “the existence and extent of [the plaintiff’s]
4 mental injuries is indubitably in dispute. *Vinson, supra*, 43 Cal.3d at 839-840. “In addition, by
5 asserting a causal link between [plaintiff’s] mental distress and defendants’ conduct, plaintiff
6 implicitly claims it was not caused by a preexisting mental condition, thereby raising the question of
7 alternative sources for the distress.” *Id.* at 840. In such a scenario, the plaintiff’s “mental state is in
8 controversy.” *Id.* Furthermore, where “the truth of these claims is relevant to plaintiff’s cause of
9 action and justifying facts have been shown with specificity... defendants must be allowed to
10 investigate the continued existence and severity of plaintiff’s alleged damages.”¹ *Id.* at 840-841.

11 Kantieko has brought a claim for, and seeks damages for, intentional infliction of emotional
12 distress. ROA #59, CSAC ¶¶ 77, 80-97. Plaintiff Kantieko alleged “CHCDC’s actions... were
13 intended to and **did cause extreme emotional distress** on... Kantieko... Plaintiffs **are entitled to**
14 **general and specific damages for the intentional infliction of emotional distress.**” ROA #59,
15 CSAC ¶¶94-95. The California Civil Jury Instruction No. 1600, for Intentional Infliction of Emotion
16 Distress, requires plaintiff to **prove**: “That [Kantikeo] suffered **severe emotional distress.**” Whether
17 or not Kantieko has experienced or suffered severe emotional distress has been put directly at issue
18 by her own pleadings. Furthermore, to the extent that Kantieko has in fact suffered severe emotional
19 distress, whether or not said emotional distress was caused by defendant, or some other alternative
20 source, has also “implicit[ly]” been put at issue by Kantieko’s claims. *Vinson, supra*, 43 Cal.3d at
21 839-840.

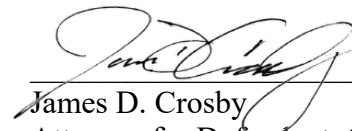
22 In addition to the claims in the CSAC, Kantieko’s Form Interrogatory Responses also make
23 the following claims: (1) “Plaintiff experienced significant stress, anxiety, anger, humiliation,
24 sadness, frustration, and resentment. The plaintiff suffered somatic manifestations of stress,
25 including increased back and hand pain” NOL Ex. 5, Pg. 8-9 [FROG 6.2]; (2) “Plaintiff suffered

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 that subjecting a plaintiff to a mental examination.

1 severe emotional distress from being locked out of New Roots Farm and being deprived of access to
2 her plots and crops, and her access was not restored until on or after April 16, 2024. Thereafter,
3 Plaintiff Natalina Kantieko continued to suffer stress and anxiety by the presence and surveillance of
4 City Heights CDC's security guards." NOL Ex. 5, Pg. 16 [FROG 10.3].

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

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14 Date: July 15, 2025

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17 James D. Crosby
18 Attorney for Defendant, City Heights
19 Community Development Corporation
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