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Superior Court of California,  
County of San Diego

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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]

DECLARATION OF JAMES D. CROSBY IN  
SUPPORT OF MOTION TO COMPEL  
FURTHER PRODUCTION AND RESPONSES  
FROM PLAINTIFF NATALINA KANTIEKO  
TO DEFENDANT'S REQUEST FOR  
PRODUCTION OF DOCUMENTS, 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

I, James D. Crosby, declare and state:

1. I am an attorney licensed, and in good standing, to practice before all courts of the State of California and am a counsel of record for defendant City Heights Community Development Corporation in this action.

2. I have personal knowledge of the facts stated in this declaration. If called upon I could, and would, competently and with personal knowledge testify to the facts stated in this declaration.

1       3. Defendant CHCDC seeks an order compelling plaintiff Natalina Kantieko to provide further  
2 production and responses to Request for Production, Set No. One, and further responses to Special  
3 Interrogatories, Set No. One, and Form Interrogatories – General, Set No. One, with proper and  
4 effective verifications thereof, and requests sanctions in the amount of \$4,570 against Kantieko.

5       4. On August 13, 2024, CHCDC, through my office, propounded discovery requests on  
6 plaintiffs Fatima Abdelrahman, Nadia Abdulrahman, and Natalina Kantieko (collectively  
7 “Plaintiffs”) consisting of Requests for Production of Documents, Set No. One, Special  
8 Interrogatories, Set No. One, and Form Interrogatories – General, Set No One (“August 13  
9 Discovery”).

10       5. The Requests for Production (“RFP”) and Special Interrogatories (“SROG”) propounded as  
11 part of the August 13 Discovery were withdrawn, pursuant to agreement with plaintiffs’ counsel on  
12 September 12, 2024, with the understanding that they would be redrafted and propounded again  
13 subject to certain conditions.

14       6. Plaintiffs provided responses to the August 13 Form Interrogatories on September 26, 2024.  
15 A true and correct copy of Kantieko’s Form Interrogatory Responses are attached to the Notice of  
16 Lodgment as Exhibit 5.

17       7. On December 18, 2024, CHCDC, through my office, propounded the redrafted Request for  
18 Production, Set No. One, and Special Interrogatories, Set No. One, on plaintiffs (“December 18  
19 Discovery”).

20       8. After numerous extensions, plaintiffs provided responses to the December 18 Discovery on  
21 March 14, 2025. A true and correct copy of Kantieko’s SROG responses are attached to the Notice  
22 of Lodgment as Exhibit 1. A true and correct copy of Kantieko’s RFP responses are attached to the  
23 Notice of Lodgment as Exhibit 3.

24       9. On April 8, 2025, my office sent meet and confer letters regarding plaintiffs’ responses to the  
25 December 18 Discovery to plaintiffs’ counsel. In this meet and confer letter, RFP No. 73, requesting  
26 “any and all medical records for, and/or documents and/or electronically stored information  
27 evidencing medical treatment received by Natalina Kantieko since January 1, 2018 was narrowed to  
28 request only those medical records relevant to Kantieko’s claims for mental and emotional distress.

1 In this letter, my office informed plaintiffs' counsel that Kantieko had "waived privileges [as] to her  
2 medical records documenting her mental and emotional distress", provided the supporting case law  
3 for this proposition, identified where, when and how Kantieko had raised the issue of her mental and  
4 emotional state, and requested Kantieko provide those records relevant to her emotional distress  
5 claim. A true and correct copy of this meet and confer letter is attached to the Notice of Lodgment as  
6 Exhibit 7.

7 10. On May 1, 2025, plaintiffs' counsel responded, representing that plaintiffs would provide  
8 supplemental responses to certain requests by June 10, 2025. In this meet and confer letter,  
9 plaintiff's counsel stated that "plaintiff is not seeking medical damages." Plaintiffs' counsel also  
10 stated, "absent something beyond the emotional distress that someone who had been sicked 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.4<sup>th</sup> 1008, 1018.) Plaintiff will not be providing  
14 any medical records." A true and correct copy of Kantieko's May 10, 2025 meet and confer letter is  
15 attached to the Notice of Lodgment as Exhibit 8.

16 11. Plaintiffs' counsel agreed that CHCDC could have until July 10, 2025, to move to compel, if  
17 necessary.

18 12. Plaintiffs provided supplemental responses to the December 18 Discovery on June 10, 2025.  
19 A true and correct copy of Kantieko's supplemental SROG responses is attached to the Notice of  
20 Lodgment as Exhibit 2. A true and correct copy of Kantieko's supplemental RFP responses is  
21 attached to the Notice of Lodgment as Exhibit 4.

22 13. On June 25, 2025, my office sent supplemental meet and confer letters to plaintiffs' counsel  
23 regarding plaintiffs' supplemental responses. Having received no response to the supplemental meet  
24 and confer letters, my office requested until July 15, 2025, to move to compel, if necessary.  
25 Plaintiffs' counsel agreed.

26 14. The June 25, 2025 supplemental meet and confer letter sent by my office to plaintiffs'  
27 counsel concerning Kantieko's supplemental responses requested Kantieko's medical records  
28 pertaining to her mental and emotional distress in response to RFP No. 73. As of the date of filing of

1 this motion, no such records have been produced and plaintiffs' counsel will not amend the response  
2 to state that no such records exist.

3 15. On July 10, 2025, my office receive a response to our June 25, 2025, meet and confer letters  
4 on Natalina Kantieko's supplemental responses from plaintiffs' counsel. This meet and confer letter  
5 indicated that the issues addressed in this motion could not be resolved.

6 16. I have put plaintiffs' counsel on notice of the deficiencies of the utilized verifications as  
7 written on multiple occasions, yet, plaintiffs' counsel continues to utilize said verifications. The  
8 Court has on at least two occasions noted to plaintiffs' counsel the deficiencies in the utilized  
9 verifications.

10 17. Plaintiffs' counsel has stated, in his own declaration and communications, that plaintiffs  
11 (including Kantieko) do not read or speak English. A true and correct copy of one plaintiffs'  
12 counsel's declarations, in which he made this statement, is attached to the Notice of Lodgment as  
13 Exhibit 6. A true and correct copy of an email from plaintiffs' counsel, in which he makes said  
14 statement, is attached to the Notice of Lodgment as Exhibit 9.

15 18. Defendant CHCDC seeks an award of sanctions in this matter in the amount of \$4,570. The  
16 fees sought as sanctions do not represent, and are far less than, the fees actually incurred on the issue  
17 of Natalina Kantieko's discovery requests, calculated as follows:

- 18 - Attorney Callender time incurred on meet and confer efforts on plaintiff Kantieko's first and  
19 supplemental responses to Request for Production, Set No. One, Special Interrogatories, Set  
20 No. One, and Form Interrogatories – General, Set No. One: 6.78 hours at \$250/hr for total of  
21 \$1,695.
- 22 - Attorney Callender time incurred preparing defendant CHCDC's Motion to Compel Further  
23 Production and Responses to Request for Production, Set No. One, and Further Responses to  
24 Special Interrogatories, Set No. One, and Form Interrogatories – General, Set No. One from  
25 Kantieko: 4 hours at \$250/hr for total of \$1,000.
- 26 - Attorney Crosby time incurred reviewing, editing, and finalizing on the Motion to Compel  
27 Further Production and Responses to Request for Production, Set No One, and Further  
28

1 Responses to Special Interrogatories, Set No. One, and Form Interrogatories – General, Set  
2 No. One propounded by defendant CHCDC: 1.5 hours at \$550/hr for total of \$825.  
3 - Attorney Callender anticipated time to be incurred assessing opposition and preparing reply:  
4 2 hours at \$250/hr for total of \$500; and  
5 - Attorney Crosby anticipated time to be incurred preparing and appearing at hearing on the  
6 Motion to Compel Further Production and Responses to Request for Production, Set No.  
7 One, and Further Responses to Special Interrogatories, Set No. One, and Form  
8 Interrogatories – General, Set No. One propounded by defendant CHCDC: 1 hours at \$550/hr  
9 for total of \$550


10 The fees in each of the categories above do not represent, and are far less than, the fees actually  
11 incurred on each category.

12 19. I am a civil litigator and trial attorney. I have 42 years' experience litigating and trying cases  
13 in state and federal courts. I have an active civil litigation and trial practice. I represent entities and  
14 individuals, both plaintiffs and defendants, in complex and general business, commercial, contract,  
15 intellectual property, unfair competition, securities, real property, and business tort litigation in state  
16 and federal courts. I have represented clients throughout California as well as in New Your, Nevada,  
17 New Jersey, North Carolina, South Dakota, and Puerto Rico. I have tried numerous jury and non-  
18 jury cases in state and federal courts, represented clients in countless private arbitrations and  
19 mediations, represented pro-bono clients in a variety of civil rights and political asylum cases, and  
20 represented a client in a NAFTA arbitration against Mexico conducted under the UNCITRAL  
21 Arbitration Rules. I am a Master of the Louis M. Welsh Inn of Court, and an Adjunct Professor at  
22 the University of San Diego School of Law teaching trial advocacy. In 2022, I was honored to  
23 receive San Diego County Bar Association's (SDBCA) "Outstanding Attorney of the Year" award.  
24 This is a "legacy award to recognize prolonged service to the San Diego legal community." The  
25 award recognizes "[a]n exemplary attorney who, over the course of their career: (1) has  
26 demonstrated significant legal expertise; (2) served as a model of civility and professionalism in the  
27 practice of law; and (3) has made an outstanding contribution to the legal profession, the justice  
28 system, or the public."

20. I am aware of the rates charged by attorneys in San Diego County in the broad range of practice areas described above and have made numerous fee requests based on that knowledge and my legal experience in such matters. The rate of \$550/hr is on the lower end of the range of hourly rates charged by attorneys in San Diego with my level of experience.

21. Tereza Callender is a second-year lawyer and an associate attorney with the law practice. She is a graduate of the University of San Diego School of Law and has worked for my practice as a law clerk and now a lawyer for over three years. The rate of \$250/hr is fairly within the range of hourly rates charged for attorneys in San Diego with Ms. Callender's level of experience.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed this 15 day of July, 2025 at San Diego, California.

  
James D. Crosby