

3/11/2025 4:47:57 PM

Clerk of the Superior Court  
By T. Automation ,Deputy Clerk

James D. Crosby (State Bar No. 110383)  
Tereza L. Callender (State Bar No. 351838)  
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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 with 37-2024-00010272-CU-MC-  
CTL]

DECLARATION OF JAMES D. CROSBY

Date: March 11, 2025  
Time: 8:45 a.m.  
Judge: Hon Katherine A. Bacal  
Dept.: C-63

I, James D. Crosby, do hereby 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 (“CHCDC”) in this action. I substituted into the action as defendant’s counsel on April 22, 2024.

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.       Plaintiffs Abdelrahman, Abdulrahman, and Kantieko were served with written  
2 discovery requests (Form Interrogatories, Special Interrogatories, and Requests for Production),  
3 through my office, on December 18, 2024. Thus, responses were initially due on January, 10, 2025.

4           4.       At Attorney Cardiff's request, my office granted plaintiffs multiple extensions of time  
5 to respond to the discovery. Defendant did not reject any timely request for extension. Pursuant to  
6 the last extension, plaintiffs' responses were due March 3, 2025. Plaintiffs did not timely seek an  
7 additional extension of that deadline.

8           5.       Plaintiffs did not serve responses or make any production of documents on March 3.  
9 The morning of March 4, 2025, Attorney Cardiff sent my office an email stating that he was  
10 "unfortunately not able to get the discovery in timely", that "[i]t is simply too much of a challenge to  
11 respond" and that "none of [his] clients ... have [] reviewed the final discovery responses  
12 regardless." Further, he stated that he "suspect[s] it will take considerable [additional] time to get  
13 through the discovery review process." A true and correct copy of that email is included within  
14 Exhibit "A", attached hereto.

15           6.       Later that same day, and only after my office had pointed out that he had waived his  
16 objections, Attorney Cardiff claimed "mistake", "inadvertence", and "computer" and/or "DropBox"  
17 difficulties. A true and correct copy of that email is included within Exhibit "A", attached hereto.

18           7.       As of this filing, plaintiffs have yet to serve the required discovery responses and  
19 document productions.

20           8.       Though my office has made multiple attempts to reach an agreement to relieve  
21 plaintiffs of Attorney Cardiff's waiver of objections, no agreement has been reached.

22           9.       My office has extended numerous professional courtesies to Attorney Cardiff and has  
23 granted every timely request for more time he has made in this matter. In response to Attorney  
24 Cardiff's April 22 email, provided in his IDC statement, I responded, indicating my willingness to  
25 consider his proposal and requested that he provide a copy of the proposed first amended complaint.  
26 Attorney Cardiff did not respond and did not provide a copy of the proposed first amended  
27 complaint until months later, on August 8. Shortly thereafter, I stipulated to its filing. Defendant,  
28 through my office, did exactly what Attorney Cardiff proposed be done in exchange for relief from

1 defendant's prior counsel's waiver of objections. Attorney Cardiff's IDC statement makes clear that  
2 he has not, and does not intend to, reciprocate with the promised relief from prior counsel's  
3 objection waiver.

4 10. On September 12, 2024, Attorney Cardiff and I entered into an agreement wherein  
5 Attorney Cardiff agreed to "waive objections based on (1) the assertion the sets should be limited to  
6 35 SROGS and 35 FROGS and (2) the assertion that all the discovery sets taken together are  
7 burdensome and harassing, as argued in [his] unsuccessful ex-parte application. In other words, [his]  
8 clients will respond substantively to each specific request in al the re-formulated FROG and SROG  
9 sets or lodge a good faith objection to any such request based on grounds specific to that request." A  
10 true and correct copy of the email in which Attorney Cardiff and I came to this agreement is  
11 included within Exhibit "B", attached hereto.

12 11. A large majority of the Special Interrogatories that Attorney Cardiff now takes issue  
13 with are all standard form contention interrogatories asking plaintiffs to provide facts, witnesses and  
14 documents supporting particular allegations of their own 29 page, 170 paragraph amended  
15 complaint. Each set of special interrogatories served on the three plaintiffs was supported by a "more  
16 than 35" declaration pursuant to CCP §2030.040. Plaintiffs did not seek a protective order under that  
17 section. Despite coming to this agreement months ago, Attorney Cardiff has now claimed that said  
18 agreement was a "tactical error." A true and correct copy of the email in which he states he made  
19 such a "tactical error", is located on Page 8 of Exhibit "A", attached hereto.

20 12. In April of 2024, my office met and conferred with Attorney Cardiff with respect to  
21 the written discovery propounded on CHCDC by plaintiff Abdelrahman in the then-limited forcible  
22 detainer case. Through these meet and confer efforts, the parties agreed that CHCDC would provide  
23 supplemental responses to specific discovery requests identified by Attorney Cardiff, including  
24 seven specific requests for production of documents. There is arguably only one attorney-client  
25 communication that even falls within the call of those seven document requests.

26 13. After a months long battle over a protective order, and after multiple reciprocal  
27 extensions, those supplemental responses were due March 3. CHCDC made a substantial document  
28 production on March 4 and served supplemental discovery responses on March 11. The

1 supplemental responses provided by CHCDC raise no objections. There were and are no objections  
2 to waive. My office has repeatedly advised Attorney Cardiff, as early as our April 2024 meet and  
3 confer efforts, that the objections asserted in prior counsel's untimely responses were withdrawn and  
4 that the supplemental responses would not raise objections.

5       14. As part of my office's extensive efforts to craft an agreement which provides  
6 plaintiffs relief from Attorney Cardiff's waiver of objections, we proposed to provide Attorney  
7 Cardiff relief from the waivers of attorney-client and work product privileges in exchange for the  
8 production of third-party communications Ashley Kuhnert ("Kuhnert") has withheld from  
9 production under the guise of attorney-client privilege by and through her alleged employment for  
10 Attorney Cardiff. The documents sought as part of our proposal were those in which we do not  
11 believe, based on the initial privilege log provided by Kuhnert's independent attorney, fall within  
12 Attorney Cardiff's attorney-client privilege protections. Our proposal would have allowed Attorney  
13 Cardiff to preserve legitimate attorney-client privilege material and provided my office relief from  
14 the obligation to bring a motion to enforce the Kuhnert subpoena. A true and correct copy of my  
15 office's proposal is contained within Exhibit "C", attached hereto.

16       15. Attorney Cardiff rejected our proposal, claiming now that additional third-parties,  
17 who were included within some of Kuhnert's third-party communications, are working for him  
18 and/or are his clients. This is now the fourth or fifth time in this case that Attorney Cardiff has hired,  
19 or taken on as his clients, relevant third-party witnesses and has undertaken significant efforts to  
20 withhold their third-party communications pertaining to this litigation, New Roots Farm, and the  
21 plaintiffs' actions, under claims of attorney-client privilege or work product.

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16. Counsel for both parties met and conferred by phone on March 10, regarding the topics of this IDC. During that call, Attorney Cardiff claimed that discovery into communications made by relevant third-party witnesses pertaining to the New Roots Farm and this litigation are not discoverable and are not relevant because “nothing anybody said or did constitutes a defense to [CHCDC’s] actions.”

I declare under the penalty of perjury under the laws of the state of California that the foregoing is true and correct executed this 11 day of March, 2025, at San Diego, California.

  
James D. Crosby

# EXHIBIT “A”

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**RE: Abdelrahman v. CHCDC**

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**From** todd tcardiffllaw.com <todd@tcardiffllaw.com>

**Date** Tue 3/4/2025 4:51 PM

**To** Tereza Callender <tcallender@crosbyattorney.com>; James Crosby <crosby@crosbyattorney.com>

**Cc** Jaclyn Crosby <jaclyn@crosbyattorney.com>

Hi Tereza and Mr. Crosby,

I will attempt to get the discovery in as soon as possible. However, I will not be voluntarily waiving objections, and I will not be allowing Ms. Kuhnert to provide a detailed privilege log. It is simply not necessary for you to evaluate privilege in this case and is not reasonably calculated to lead to admissible evidence. Nothing that Ms. Kuhnert said or did would support a defense to your client's actions, despite your claims that she was acting nefariously in seeking to protect the legal rights of refugee farmers.

With regard to the issue of timeliness and objections, I will be moving for relief under the code. (CCP 2030.290, 2031.300.) This is an extraordinary situation. You have propounded 579 separate discovery requests, all before answering the complaint. It was clearly a tactical error to agree to respond to such abusive discovery instead of demanding that you limit the initial round of discovery to 35 SROGS per Plaintiff and a reasonable number of RFPS, and then discussing additional discovery if and when it was needed. Nevertheless, I did my best to answer each question in good faith, gather and organize the documents, label each file to extent possible by date, subject, and author, and get the documents timely served, even if I could not get the discovery responses verified.

Unfortunately, certain problems arose specifically because of the extreme amount of discovery propounded. For example, I had multiple computer glitches trying to convert large Word documents into PDFs. Renaming file folders in Dropbox, so that YOU can easily navigate the discovery documents, also became an issue, when Dropbox suddenly decided to erase all the file folder names. In addition, I discovered that my paralegal inadvertently combined certain document productions, which I was trying to remedy at the last minute. I should have requested an extension when I knew that I would be cutting it close to the midnight deadline. By the time that I realized that I could not make the deadline last night, it was well after business hours, and could not request an extension. My mistake. It was inadvertent, not intentional.

With regard to the verifications and client review of discovery, I am at the mercy of family members needed for translation whom I have no control over. Unlike an English speaking client, who can read discovery responses on their own and make corrections, the discovery responses must be read out loud, translated and then corrected. While I have met with my clients and their daughters on multiple days in gathering evidence, attempting to get raw files of various photos, video and emails with varying success, and discussing the facts, AND attempted to gather additional evidence and clarification through broken English over the telephone, the discovery responses constitute approximately 150 pages of discovery responses each. Further, each of the clients will need to go through the document production consisting of hundreds of files and thousands of pages.

Finally, I note that your client also failed to timely respond to discovery almost a year ago (discovery due April 5, 2024.) You did not seek relief from waiver of the objections. Approximately a month after the fact, you sought to assert attorney-client privilege on what you considered attorney client privileged material that you claim had been inadvertently produced. (Diana Bustos Email dated November 7, 2023 re NRG.) I would suggest that perhaps we can agree on a mutual relief of waiver of objections. By the way, where is that document production? I checked my email and I do not see any links to any sort of sharefile document production. Did I

miss your service of the documents somehow? I find it concerning that you are taking a hard line in a difficult discovery situation, while at the same time failing to comply with the Discovery Act yourself. Please consider a mutual relief from waiver of objections and extension after-the-fact.

Thank you for your consideration. I look forward to hearing from you. Please let me know when you are available for a meet and confer. I will try to set an IDC ASAP.

Todd T. Cardiff, Esq.  
LAW OFFICE OF TODD T. CARDIFF  
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**From:** Tereza Callender <tcallender@crosbyattorney.com>  
**Sent:** Tuesday, March 4, 2025 12:11 PM  
**To:** todd tcardiff@law.com <todd@tcardiff@law.com>; James Crosby <crosby@crosbyattorney.com>  
**Cc:** Jaclyn Crosby <jaclyn@crosbyattorney.com>  
**Subject:** Re: Abdelrahman v. CHCDC

Counsel,

Your clients' responses to the pending interrogatories and document requests were due yesterday, March 3. We did not receive responses, and you have confirmed that you did not serve responses. You were granted multiple extensions of time to respond to this discovery. All objections to the pending interrogatories and document requests as to all of your responding client are now waived, including objections based on privilege and work product. CCP §§ 2030.290(a) and 2031.300(a). We are willing to give you until March 18, 2025, to provide full and complete responses and productions **without objections**. If full and complete responses and productions, **without objections**, are not received by March 18, 2025, we will proceed with motions to compel.

We will also advise Attorney Ayers that he now must revise his position on privilege and work product objections raised by Ms. Kuhnert. Those objections were raised by Kuhnert in her claimed capacity as your paralegal. They are derivative of your work product and attorney-client privileges based on your representation of the plaintiffs. To the extent the documents/ESI Kuhnert is withholding under claims of privilege and work-product are responsive to the pending discovery to your clients, you have now waived those objections and Ms. Kuhnert, through her counsel, will have to reassess her reliance on those objections as the basis for her refusal to produce documents/ESI in response to the subpoena.

**Tereza Callender**

Associate Attorney

Law Offices of James D. Crosby

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---

**From:** todd tcardifflaw.com <[todd@tcardifflaw.com](mailto:todd@tcardifflaw.com)>

**Sent:** Tuesday, March 4, 2025 6:59 AM

**To:** Tereza Callender <[tcallender@crosbyattorney.com](mailto:tcallender@crosbyattorney.com)>; James Crosby <[crosby@crosbyattorney.com](mailto:crosby@crosbyattorney.com)>; Jaclyn Crosby <[jaclyn@crosbyattorney.com](mailto:jaclyn@crosbyattorney.com)>

**Subject:** Abdelrahman v. CHCDC

Counsel,

I was unfortunately not able to get the discovery in timely yesterday. It is simply too much of a challenge to respond to close of 600 separate discovery requests and gather documents and meet and confer with my clients. In addition, none of my clients read English, and have not reviewed the final discovery responses regardless. I suspect it will take considerable time to get through the discovery review process. The SROG responses are close to a 100 pages each. (over 100 for Fatima). And reading and translating the documents themselves will take an unbelievable amount of time.

I do note that I did not receive the anticipated documents production from your client yesterday either. I would suggest yet another week long mutual extension. Thank you for your consideration.

Todd T. Cardiff, Esq.

LAW OFFICE OF TODD T. CARDIFF

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# EXHIBIT “B”



Outlook

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**RE: Motion for a protective order**

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**From** todd tcardiffllaw.com <todd@tcardiffllaw.com>

**Date** Thu 9/12/2024 10:57 AM

**To** James Crosby <crosby@crosbyattorney.com>

**Cc** Tereza Callender <tcallender@crosbyattorney.com>; Jaclyn Crosby <jaclyn@crosbyattorney.com>

Mr. Crosby,

Agreed.

I would suggest that you wait until after Friday to serve SROGS pending review of the complaint in the meet and confer. Will discuss on a separate thread.

Todd T. Cardiff, Esq.  
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---

**From:** James Crosby <crosby@crosbyattorney.com>

**Sent:** Thursday, September 12, 2024 10:29 AM

**To:** todd tcardiffllaw.com <todd@tcardiffllaw.com>

**Cc:** Tereza Callender <tcallender@crosbyattorney.com>; Jaclyn Crosby <jaclyn@crosbyattorney.com>

**Subject:** RE: Motion for a protective order

Counsel,

Ok. Subject to your reply confirmation, deal.

You will have two weeks from today to respond to the FROGS as to each plaintiff.

We will revise the SROGS and RFPS to correlate with the FAC and re-serve. You will have 30 days from your receipt to respond to same on behalf of each plaintiff.

You have agreed to waive objections based on (1) the assertion the sets should be limited to 35 SROGS and 35 FROGS and (2) the assertion that all the discovery sets taken together are burdensome and harassing, as argued in your unsuccessful ex-parte application. In other words, your clients will respond



substantively to each specific request in all the re-formulated FROG and SROG sets or lodge a good faith objection to any such request based on grounds specific to that request.

You will take the November 22 motion off calendar.

To address one of your concerns, we will withdraw the RFPS for tax returns.

As for the RFPS for plaintiffs' communications with third parties, we will narrow them, where needed, to communications on relevant topics so as to address your concerns about breadth of these requests. I will advise you though that your stated position that all plaintiffs' communications with third parties are not discoverable has no merit whatsoever for the rather obvious reasons I have already stated. If you interpose that objection to the reformulated requests, we will move to compel and seek sanctions, and we will surely prevail. We are absolutely entitled to your clients' communications with others on issues relevant to the case. The risk your office and your clients run in communicating with third parties, and in social media, about matters relevant to the case is that your office and your clients are, in doing so, then exposed to legitimate discovery of such communications. This is a discovery battle we will fight, and surely prevail in. Please keep these comments in mind as you address and respond to the re-formulated discovery.

We are agreeing to this proposal based on our understanding that your clients will, in good faith and as to each FROG, SROG and RFP in each of the sets propounded to them, provide a substantive response or lodge a good faith specific objection.

I ask that you confirm, by reply email, your agreement to the terms stated above.

**James D. Crosby**  
**Law Offices Of James D. Crosby**  
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[crosby@crosbyattorney.com](mailto:crosby@crosbyattorney.com)  
[www.crosbyattorney.com](http://www.crosbyattorney.com)

---

**From:** todd tcardifflaw.com <[todd@tcardifflaw.com](mailto:todd@tcardifflaw.com)>

**Sent:** Thursday, September 12, 2024 9:18 AM

**To:** James Crosby <[crosby@crosbyattorney.com](mailto:crosby@crosbyattorney.com)>; Tereza Callender <[tcallender@crosbyattorney.com](mailto:tcallender@crosbyattorney.com)>; Jaclyn Crosby <[jaclyn@crosbyattorney.com](mailto:jaclyn@crosbyattorney.com)>

**Subject:** FW: Motion for a protective order

Mr. Crosby,

I have requested an extension of time to respond to discovery multiple times. The court has set a hearing for a protective order on the extension and excessive discovery. I have given you good cause for granting an extension, including 1. Four immigrant clients, three of which are non-English speaking; 2. Translator being unavailable for more than 2+ weeks; 3. 669 SROGS and RFPS, many of which are objectionable; 4. Insufficient justification for excessive discovery. In addition, I previously made you aware that I had an appellate reply brief due on August 28, 2024, which required my undivided attention. It is simply not possible to provide discovery responses today.

I have been willing to waive the excessive discovery objection, but not objections to individual discovery requests. You appear to have rejected such offer. I believe that the court would grant an extension, and to the extent that missing the deadline waives the objections, I believe the court would relieve my clients of such waiver. I would rather not take that risk, but appear to have no choice. I will be proceeding with the protective order.

If you are open to a reasonable extension, I would request a 30-day extension considering the volume of discovery you have propounded. In exchange, I will drop my request for a protective order. Please let me know if you reconsider your opposition to an extension.

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---

**From:** todd tcardifflaw.com  
**Sent:** Wednesday, September 11, 2024 12:48 PM  
**To:** James Crosby <[crosby@crosbyattorney.com](mailto:crosby@crosbyattorney.com)>; Tereza Callender <[tcallender@crosbyattorney.com](mailto:tcallender@crosbyattorney.com)>; Jaclyn Crosby <[jaclyn@crosbyattorney.com](mailto:jaclyn@crosbyattorney.com)>  
**Subject:** RE: Motion for a protective order

Mr. Crosby,

I understand your concerns. However, preserving objections does not mean that you will not receive substantive responses. You previously offered to grant an extension while preserving my right to object to individual discovery. You re-iterated such offer in court today.

Further, while you have generally objected to the RFP responses, we provided you a good faith responses that included over 2700 pages of documents, photographs and video.

Todd T. Cardiff, Esq.  
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**From:** James Crosby <[crosby@crosbyattorney.com](mailto:crosby@crosbyattorney.com)>

**Sent:** Wednesday, September 11, 2024 12:34 PM

**To:** todd tcardiffllaw.com <[todd@tcardiffllaw.com](mailto:todd@tcardiffllaw.com)>; Tereza Callender <[tcallender@crosbyattorney.com](mailto:tcallender@crosbyattorney.com)>; Jaclyn Crosby <[jaclyn@crosbyattorney.com](mailto:jaclyn@crosbyattorney.com)>

**Subject:** RE: Motion for a protective order

I disagree the contention interrogatories are problematic. There is nothing wrong with any of this discovery. I would like to reach an agreement, but I don't want to put off issues to be resolved later and further delay discovery. More simply, I don't want to a deal just to have your raise a bunch of objections again.

**James D. Crosby**

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**From:** todd tcardiffllaw.com <[todd@tcardiffllaw.com](mailto:todd@tcardiffllaw.com)>

**Sent:** Wednesday, September 11, 2024 10:46 AM

**To:** James Crosby <[crosby@crosbyattorney.com](mailto:crosby@crosbyattorney.com)>; Tereza Callender <[tcallender@crosbyattorney.com](mailto:tcallender@crosbyattorney.com)>; Jaclyn Crosby <[jaclyn@crosbyattorney.com](mailto:jaclyn@crosbyattorney.com)>

**Subject:** RE: Motion for a protective order

Mr. Crosby,

Many of the contention interrogatories are problematic in that they are compound and require multiple responses to subparts. I can't just waive the objections, but, there is a limited universe of facts, documents and witnesses in this case.

Todd T. Cardiff, Esq.

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---

**From:** James Crosby <[crosby@crosbyattorney.com](mailto:crosby@crosbyattorney.com)>

**Sent:** Wednesday, September 11, 2024 10:17 AM

**To:** todd tcardiffllaw.com <[todd@tcardiffllaw.com](mailto:todd@tcardiffllaw.com)>; Tereza Callender <[tcallender@crosbyattorney.com](mailto:tcallender@crosbyattorney.com)>; Jaclyn Crosby <[jaclyn@crosbyattorney.com](mailto:jaclyn@crosbyattorney.com)>

**Subject:** RE: Motion for a protective order

Will you waive your objections to the contention interrogatories and the contention requests for production? You have asserted they are improper discovery.

**James D. Crosby**  
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**From:** todd tcardiffllaw.com <[todd@tcardiffllaw.com](mailto:todd@tcardiffllaw.com)>  
**Sent:** Wednesday, September 11, 2024 10:10 AM  
**To:** James Crosby <[crosby@crosbyattorney.com](mailto:crosby@crosbyattorney.com)>; Tereza Callender <[tcallender@crosbyattorney.com](mailto:tcallender@crosbyattorney.com)>; Jaclyn Crosby <[jaclyn@crosbyattorney.com](mailto:jaclyn@crosbyattorney.com)>  
**Subject:** RE: Motion for a protective order

Mr. Crosby,

I am not "waiving all objections". I am waiving my objections to the abusive amount of discovery in excess of 35 interrogatories and RFPS. I am preserving all my objections to individual requests.

Todd T. Cardiff, Esq.  
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**From:** James Crosby <[crosby@crosbyattorney.com](mailto:crosby@crosbyattorney.com)>  
**Sent:** Wednesday, September 11, 2024 10:04 AM  
**To:** todd tcardiffllaw.com <[todd@tcardiffllaw.com](mailto:todd@tcardiffllaw.com)>; Tereza Callender <[tcallender@crosbyattorney.com](mailto:tcallender@crosbyattorney.com)>; Jaclyn Crosby <[jaclyn@crosbyattorney.com](mailto:jaclyn@crosbyattorney.com)>  
**Subject:** RE: Motion for a protective order

Please confirm if we agree to your request, you are waiving all objections and will be providing substantive responses and productions to all the FROGS, SROGS, and to be renumbered RFPS.

**James D. Crosby**  
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---

**From:** todd tcardiffllaw.com <[todd@tcardiffllaw.com](mailto:todd@tcardiffllaw.com)>  
**Sent:** Wednesday, September 11, 2024 9:59 AM  
**To:** James Crosby <[crosby@crosbyattorney.com](mailto:crosby@crosbyattorney.com)>; Tereza Callender <[tcallender@crosbyattorney.com](mailto:tcallender@crosbyattorney.com)>; Jaclyn Crosby <[jaclyn@crosbyattorney.com](mailto:jaclyn@crosbyattorney.com)>  
**Subject:** RE: Motion for a protective order

Mr. Crosby,

I will be responding to the 669 SROGS and RFPS, despite my sincere belief that the discovery is abusive and intended to unnecessarily burden me and my paralegals. Please do not increase the amount of SROGS and RFPS.

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**From:** James Crosby <[crosby@crosbyattorney.com](mailto:crosby@crosbyattorney.com)>  
**Sent:** Wednesday, September 11, 2024 9:53 AM  
**To:** todd tcardiffllaw.com <[todd@tcardiffllaw.com](mailto:todd@tcardiffllaw.com)>; Tereza Callender <[tcallender@crosbyattorney.com](mailto:tcallender@crosbyattorney.com)>; Jaclyn Crosby <[jaclyn@crosbyattorney.com](mailto:jaclyn@crosbyattorney.com)>  
**Subject:** RE: Motion for a protective order

If we agree to your request, are you waiving objections and providing substantive responses and productions?

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---

**From:** todd tcardiffllaw.com <[todd@tcardiffllaw.com](mailto:todd@tcardiffllaw.com)>  
**Sent:** Wednesday, September 11, 2024 9:47 AM

**To:** James Crosby <[crosby@crosbyattorney.com](mailto:crosby@crosbyattorney.com)>; Tereza Callender <[tcallender@crosbyattorney.com](mailto:tcallender@crosbyattorney.com)>; Jaclyn Crosby <[jaclyn@crosbyattorney.com](mailto:jaclyn@crosbyattorney.com)>

**Subject:** Motion for a protective order

Mr. Crosby,

The motion for a protective order has been set for November 22, 2024 at 9:30 a.m. in Department 72, before Judge McLaughlin.

As I stated previously, it is simply not possible to respond by close of business tomorrow to the extensive discovery you have propounded. Further, I suspect that we will not be before Judge McLaughlin on November 22, 2024, which complicates matters. Here is what I would suggest. Please provide me an extension of time of two weeks to respond to the FROGS. As for the SROGS and the RFPS, the vast majority of them are aimed at the wrong paragraphs of the operative complaint. In addition, some of the allegations have changed. I would suggest that you revise the SROGS and RFPS to target the operative complaint, and allow me 30 days to respond. (Please send me the templates in Word.)

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# EXHIBIT “C”



Outlook

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**RE: Abdelrahman v. CHCDC - NOTICE OF EX PARTE**

---

**From** todd tcardiffllaw.com <todd@tcardiffllaw.com>

**Date** Fri 3/7/2025 5:10 PM

**To** Tereza Callender <tcallender@crosbyattorney.com>; James Crosby <crosby@crosbyattorney.com>; Jaclyn Crosby <jaclyn@crosbyattorney.com>

Ms. Callendar,

I don't understand your proposal below. And I don't currently have time or attention span to parse it out. I will have try to address it this weekend after I have had a chance to look at the privilege log prepared on behalf of Ms. Kuhnert.

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---

**From:** Tereza Callender <tcallender@crosbyattorney.com>

**Sent:** Friday, March 7, 2025 11:44 AM

**To:** todd tcardiffllaw.com <todd@tcardiffllaw.com>; James Crosby <crosby@crosbyattorney.com>; Jaclyn Crosby <jaclyn@crosbyattorney.com>

**Subject:** Re: Abdelrahman v. CHCDC - NOTICE OF EX PARTE

Counsel,

You have already waived all objections, including objections that the requests are compound, etc.

Consistent with the proposal offered (to retain attorney-client and work product privilege), you may redact the legitimate attorney-client privilege material from your contract with Kuhnert.

The proposal below does not request any of your attorney-client material. Kuhnert's ability to withhold documents under your attorney-client privilege extends to material that came from you or was directed to come from you.

The proposal below does not concern any of your conversations whatsoever.

As for Kuhnert's third-party communications, the proposal below would not require the production of any conversations legitimately covered by attorney-client privilege. The Kuhnert communications sought below are not privileged, even if they contain material your clients told Kuhnert, because: (1) they do not include any of your clients, (2) to the extent they include Sahar, they also include other third parties,



thereby waiving privilege, or (3) they include another attorney, and only in some cases include a client of yours, and include an unnecessary third party, also waiving privilege.

With respect to Kuhnert's communications with Sahar, the proposal below allows you to redact any information that was directed to come from you or that directly came from you. Note, that does not mean you can redact anything and everything that relates to your clients, new roots farm or CHCDC. This is consistent with our agreement to allow you to retain attorney-client privilege. Because Kuhnert operates in multiple roles in this matter (tenant advocate/paralegal/friend/witness), only those communications which directly came from you or were directed to come from you are covered by privilege because those are the communications she made in her role as a paralegal. Her communications made in her other roles are not privileged. Again, we would retain our right to move to compel if we believe your redactions are overly inclusive.

The subpoena issued to Kuhnert would be a non-issue under the proposal below. We are seeking Kuhnert's documents that are responsive to the discovery issued to your clients. However, to aid in your understanding, I have attached the privilege log provided by Kuhnert's attorney. The Kuhnert documents in yellow are those we are seeking, which we do not believe are legitimately covered by your attorney-client privilege. The Kuhnert communications with Sahar, highlighted in orange, would be subject to redaction of information that was directed to come from you or directly came from you, whether it concerned the plaintiffs or San Diego New Roots. You do "have the power to compel her to produce such documents" because (a) she is withholding them under your attorney-client privilege and (b) because they are responsive to the document requests issued to your clients.

To the extent there are responsive Kuhnert documents that were withheld from production but not provided for in the privilege log, or were a part of "condensed entries", and they fall under the categories above, we would require their production as well.

In the event you are unable to secure relief from your waivers, all of your communications with the clients will be subject to production and all of Kuhnert's communications, without redaction, will be subject to production to the extent they are responsive and would have been withheld from the production under your attorney-client privilege. Our proposal is hardly a "worse position." It seems as though your duty to your client would be better served by retaining your privileges with them directly, rather than refusing to produce Kuhnert's non-privileged documents.

We do not view that specific Bustos document as case dispositive whatsoever. However, if you believe it to be case dispositive, you may retain it as part of our proposal.

This is our final offer. Please note that, absent agreement, we do intend to bring motions to compel, and for sanctions, against both you, due to your waiver/lack of responses, and against Kuhnert for her withholding of material subject not subject to legitimate privilege claims.

**Tereza Callender**

**Associate Attorney**

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---

**From:** todd tcardiffllaw.com <[todd@tcardiffllaw.com](mailto:todd@tcardiffllaw.com)>

**Sent:** Thursday, March 6, 2025 4:10 PM

**To:** Tereza Callender <[tcallender@crosbyattorney.com](mailto:tcallender@crosbyattorney.com)>; James Crosby <[crosby@crosbyattorney.com](mailto:crosby@crosbyattorney.com)>; Jaclyn Crosby <[jaclyn@crosbyattorney.com](mailto:jaclyn@crosbyattorney.com)>

**Subject:** RE: Abdelrahman v. CHCDC - NOTICE OF EX PARTE

Tereza,

I am sorry, I don't think that I can agree to your proposal and still comply with my professional duty to my client.

First, with regard to the waiver of objections, many of the SROGS and RFPS have serious issues with being compound and containing multiple impermissible subparts. While I have responded to each SROG and RFP in good faith and as completely as possible, I cannot place my clients in a position where the failure to refer to some fact or some document responsive to one subclause of a multipart interrogatory opens them up to impeachment during trial (or deposition).

With regard to the Kuhnert contract, there is attorney-client privilege material in the contract. Pursuant to your proposal below, may I redact such information? You are correct that if the court does not relieve me of the waiver of objections, I may have to produce such contract. However, such contract will not be admissible at trial regardless of whether it is produced.

I also cannot agree to produce thousands of pages of attorney-client and work product documents even with redactions, particularly if you retain the right to seek in camera review of the documents. Even judges are not entitled to review attorney-client privileged material in many cases. Such production would be particularly problematic because I have had to rely on Sahar as my translator. In addition, Sahar was one of the officers of San Diego New Roots. I don't think I can waive its privilege, and I am currently unclear whether the entity dissolved, which would make obtaining approval for such redacted production problematic. Further, it would also take me multiple weeks to review and redact such a large volume of material.

Finally, from what I understand, there are communications between Sahar and Kuhnert entirely unrelated to the New Roots Farm. I don't believe that I have the power to compel her to produce such documents. There may be communications with other third parties that may fall within the document production, but have nothing to do with the farm. I don't have the subpoena in front of me, but if I remember correctly, the subpoena was not limited to solely communications related to New Roots Farm. I also do not have a copy of Ms. Kuhnert's privilege log, so I cannot evaluate what you are referring to.

I will inform you that I have zero third party discussions with witnesses. We have already produced all communication with third parties related to the New Roots Farm, with the exception that I have found one additional communication with the San Diego Fire Department expressing a safety concern about the security guard leaving the premises and locking farmers in. Despite my belief that communications with third parties are entirely irrelevant and outside of the scope of the litigation, we are not playing games with discovery and will produce most (but not all) such documents again.

So, in conclusion, while I appreciate the willingness to discuss a mutual release of the waiver of objections, your offer would actually place me in an even worse position than I currently am, in my opinion. I would again urge you to consider my original offer to simply relieve each other of the waiver of objections and grant me a reasonable extension to produce discovery. I think this is a reasonable offer, particularly considering the relative repercussions of not coming to an agreement. Judging by the November 7, 2023 Diana Bustos email, Maresa Talbert's communications and work-product may, very well, be dispositive of the case, and it actually pains me to give up such potential advantage.

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---

**From:** Tereza Callender <[tcallender@crosbyattorney.com](mailto:tcallender@crosbyattorney.com)>

**Sent:** Thursday, March 6, 2025 12:10 PM

**To:** todd tcardiff@law.com <[todd@tcardiff.com](mailto:todd@tcardiff.com)>; James Crosby <[crosby@crosbyattorney.com](mailto:crosby@crosbyattorney.com)>; Jaclyn Crosby <[jaclyn@crosbyattorney.com](mailto:jaclyn@crosbyattorney.com)>

**Subject:** Re: Abdelrahman v. CHCDC - NOTICE OF EX PARTE

Counsel,

We will appear on March 12.

We will be making a supplemental production this afternoon. Our supplemental written discovery responses will follow in short order. Both will be consistent with our May 28, 2024 meet and confer correspondence addressing the discovery. With respect to your current claims for production of privileged materials, we have reviewed your May 6, 2024, meet and confer as to this discovery and you made no demand for the production of privileged materials.

We will not agree to your proposal below. Rather, we propose the following:

- All objections to the subject discovery (your clients' currently pending and overdue discovery responses, and the CHCDC responses by Maresa in the forcible detainer case) are waived except for attorney-client privilege and work product protection. In other words, privilege and work-product objections retroactively apply to both. You would not be required to produce your own communications with Fatima, Nadia, Natalina, or Idzai. We would not be required to produce CHCDC's communications with Maresa.
- You produce your contract with Kuhnert. To note, if you are not granted relief from your waiver of objections, you will have to produce the contract in any event because it is responsive to these requests.
- You and/or Kuhnert produce all of Kuhnert's documents/communications with any third party that she is withholding under claims of privilege (indicated in her privilege log). This is not limited to, but would require, production of any documents/communications which, due to the inclusion of various third parties, are not subject to privilege claims (e.g. conversations between Kuhnert, an attorney, and third-party witness X). This would not include her communications with Daniel Lickel or the attorneys she has had independently representing her (Vogt, Ryanen, Ayers).
- You and/or Kuhnert produce all of Kuhnert's communications with Sahar, subject to redaction of material that directly came from you or was directed to come from you. We reserve the right to submit your redactions for in camera review if we deem your redactions to be overinclusive.

- We will grant you additional time to complete your clients' responses before bringing a motion to compel.

**Tereza Callender**

**Associate Attorney**

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---

**From:** todd tcardifflaw.com <[todd@tcardifflaw.com](mailto:todd@tcardifflaw.com)>

**Sent:** Wednesday, March 5, 2025 1:41 PM

**To:** Tereza Callender <[tcallender@crosbyattorney.com](mailto:tcallender@crosbyattorney.com)>; James Crosby <[crosby@crosbyattorney.com](mailto:crosby@crosbyattorney.com)>; Jaclyn Crosby <[jaclyn@crosbyattorney.com](mailto:jaclyn@crosbyattorney.com)>

**Subject:** RE: Abdelrahman v. CHCDC - NOTICE OF EX PARTE

Hi Tereza,

I have set an ex parte for an informal discovery conference on March 12, 2025 at 8:45 a.m. in Department 63 of the San Diego Superior Court located at 330 W. Broadway, San Diego, Ca, before Judge Bacal to discuss the matter. Please confirm your availability.

Contrary to your statement below, Ms Talbert "requested" an extension after I informed her that she missed the deadline. In fact, I pointed such fact out in one of my very first emails that I sent to Mr. Crosby identifying your client's waiver of the objections. (See attached.) I also raised the issue of waiver in my meet and confer letter sent to Mr. Crosby on May 6, 2024 (see last paragraph). If you are not willing to provide responses to the document production without objection, including attorney-client privilege material, then I will move to compel. I think the court will be receptive to such motion to compel considering the circumstances, particularly, since unlike me, you will not have sought timely relief, and therefore not entitled to relief under CCP 2031.300. I don't remember ever agreeing to relieve your client of such waiver of objections.

I respectfully request that you reconsider your opposition to a mutual relief from the waiver of objections, as I think the merits of the case are much more important than discovery disputes. It seems like a better way to proceed than wondering if the Court will find that both parties waived their objections and must produce all attorney-client privileged material. Thank you for your consideration.

Todd T. Cardiff, Esq.

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---

**From:** Tereza Callender <[tcallender@crobyattorney.com](mailto:tcallender@crobyattorney.com)>

**Sent:** Wednesday, March 5, 2025 11:47 AM

**To:** todd tcardiff@law.com <[todd@tcardiff@law.com](mailto:todd@tcardiff@law.com)>; James Crosby <[crosby@crobyattorney.com](mailto:crosby@crobyattorney.com)>; Jaclyn Crosby <[jaclyn@crobyattorney.com](mailto:jaclyn@crobyattorney.com)>

**Subject:** Re: Abdelrahman v. CHCDC

Counsel,

Respectfully, it is not a matter of choosing whether to "voluntarily waive[]" objections." The statute is clear. They have been waived by operation of law. They were waived per statute because you did not serve responses or make productions by your agreed service/production deadline. We will not relieve you and your clients of that waiver. You will need to exercise your remedies.

Frankly, we believe you will be hard-pressed to meet the statutory requirements and evidentiary burdens under CCP 2030.290 and 2031.300 to secure such relief. You were granted multiple extensions to respond to the subject discovery. As evidenced by your 7:00 a.m. email yesterday, your waiver of objections was knowing and the product of intentional choice. This is despite your contradictory after-the-fact, and post-review of the statute, justifications posited in your late afternoon email. I would also note that the client review, translation, and verifications issues you address in your afternoon (4:52 p.m.) email are the byproducts of, and case support requirements attendant to, the case you chose to take. Each of these issues have been present in this matter since its inception. You took this case and, with it, all the responsibilities and client difficulties. Make your motion. We will respond.

As for Kuhnert, she has her own attorney who has a duty to undertake his own independent analysis. Our deadline to move to compel further production from Kuhnert is March 17. We will surely include in any such motion that privileges have been waived. Further, it does not matter that you contend "[n]othing Ms. Kuhnert said or did would support a defense to your client's actions." That is not the standard for discovery. Furthermore, there is no way that we would know that to be true without conducting full and complete discovery. Kuhnert's attorney has already provided us with a privilege log and has already agreed to provide us with a more detailed one. Kuhnert has her own independent burden, as the subject of the subpoena served on her, to establish that such privileges exist. Likewise, Kuhnert's attorney has his own independent obligations here. We will move to compel based on the already provided privilege log if necessary.

You have your remedies if you take issue with the timeliness of our client's production. We have addressed that topic innumerable times before. We had agreed that we would produce on Monday. You will receive that production in short order. Our delay in production does not come with a concurrent statutory waiver of objections. As you recall, before my office appeared in the case, prior counsel Maresa Talbert sought additional time from you on CHCDC's discovery responses in the forcible detainer case. You did not grant her extension request despite the fact she had a corporate client with at least a dozen people to gather documents and information from in less than 10 days. You still maintain that she waived

all objections. We respectfully reject your proposal for a mutual relief from waiver of objection and extension after the fact. We are happy to meet and confer if that is what you wish, though I am not sure what there is to discuss. Likewise, we are happy to appear for an IDC, but again I am not sure what there is to discuss with Judge Bacal. I would note that, per code, the Court cannot grant you relief from the objection waiver on an ex-parte basis.

Please note, for scheduling purposes, that Jim will be out of the office from March 14-March 31.

**Tereza Callender**

**Associate Attorney**

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**From:** todd tcardifflaw.com <[todd@tcardifflaw.com](mailto:todd@tcardifflaw.com)>

**Sent:** Wednesday, March 5, 2025 10:33 AM

**To:** James Crosby <[crosby@crosbyattorney.com](mailto:crosby@crosbyattorney.com)>; Tereza Callender <[tcallender@crosbyattorney.com](mailto:tcallender@crosbyattorney.com)>; Jaclyn Crosby <[jaclyn@crosbyattorney.com](mailto:jaclyn@crosbyattorney.com)>

**Subject:** FW: Abdelrahman v. CHCDC

Tereza and Mr. Crosby,

I wanted to follow-up on my email below. I have a call in to the court to set an IDC on the matter. What is your position on the fact that your client failed to timely respond to discovery and also failed to produce documents on March 3, 2025 as promised? When can I expect to see such documents? Will you be producing all of your clients' attorney client privileged documents in response to the RFP that were due on April 5, 2024? I have attached your client's RFP responses served on April 29, 2024 for your review. I look forward to hearing from you. Thank you.

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**From:** todd tcardiffaw.com

**Sent:** Tuesday, March 4, 2025 4:52 PM

**To:** Tereza Callender <[tcallender@crosbyattorney.com](mailto:tcallender@crosbyattorney.com)>; James Crosby <[crosby@crosbyattorney.com](mailto:crosby@crosbyattorney.com)>

**Cc:** Jaclyn Crosby <[jaclyn@crosbyattorney.com](mailto:jaclyn@crosbyattorney.com)>

**Subject:** RE: Abdelrahman v. CHCDC

Hi Tereza and Mr. Crosby,

I will attempt to get the discovery in as soon as possible. However, I will not be voluntarily waiving objections, and I will not be allowing Ms. Kuhnert to provide a detailed privilege log. It is simply not necessary for you to evaluate privilege in this case and is not reasonably calculated to lead to admissible evidence. Nothing that Ms. Kuhnert said or did would support a defense to your client's actions, despite your claims that she was acting nefariously in seeking to protect the legal rights of refugee farmers.

With regard to the issue of timeliness and objections, I will be moving for relief under the code. (CCP 2030.290, 2031.300.) This is an extraordinary situation. You have propounded 579 separate discovery requests, all before answering the complaint. It was clearly a tactical error to agree to respond to such abusive discovery instead of demanding that you limit the initial round of discovery to 35 SROGS per Plaintiff and a reasonable number of RFPS, and then discussing additional discovery if and when it was needed. Nevertheless, I did my best to answer each question in good faith, gather and organize the documents, label each file to extent possible by date, subject, and author, and get the documents timely served, even if I could not get the discovery responses verified.

Unfortunately, certain problems arose specifically because of the extreme amount of discovery propounded. For example, I had multiple computer glitches trying to convert large Word documents into PDFs. Renaming file folders in Dropbox, so that YOU can easily navigate the discovery documents, also became an issue, when Dropbox suddenly decided to erase all the file folder names. In addition, I discovered that my paralegal inadvertently combined certain document productions, which I was trying to remedy at the last minute. I should have requested an extension when I knew that I would be cutting it close to the midnight deadline. By the time that I realized that I could not make the deadline last night, it was well after business hours, and could not request an extension. My mistake. It was inadvertent, not intentional.

With regard to the verifications and client review of discovery, I am at the mercy of family members needed for translation whom I have no control over. Unlike an English speaking client, who can read discovery responses on their own and make corrections, the discovery responses must be read out loud, translated and then corrected. While I have met with my clients and their daughters on multiple days in gathering evidence, attempting to get raw files of various photos, video and emails with varying success, and discussing the facts, AND attempted to gather additional evidence and clarification through broken English over the telephone, the discovery responses constitute approximately 150 pages of discovery responses each. Further, each of the clients will need to go through the document production consisting of hundreds of files and thousands of pages.

Finally, I note that your client also failed to timely respond to discovery almost a year ago (discovery due April 5, 2024.) You did not seek relief from waiver of the objections. Approximately a month after the fact, you sought to assert attorney-client privilege on what you considered attorney client privileged material that you claim had been inadvertently produced. (Diana Bustos Email dated November 7, 2023 re NRG.) I would suggest that perhaps we can agree on a mutual relief of waiver of objections. By the way, where is that document production? I checked my email and I do not see any links to any sort of sharefile document production. Did I

miss your service of the documents somehow? I find it concerning that you are taking a hard line in a difficult discovery situation, while at the same time failing to comply with the Discovery Act yourself. Please consider a mutual relief from waiver of objections and extension after-the-fact.

Thank you for your consideration. I look forward to hearing from you. Please let me know when you are available for a meet and confer. I will try to set an IDC ASAP.

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**From:** Tereza Callender <[tcallender@crosbyattorney.com](mailto:tcallender@crosbyattorney.com)>  
**Sent:** Tuesday, March 4, 2025 12:11 PM  
**To:** todd tcardifflaw.com <[todd@tcardifflaw.com](mailto:todd@tcardifflaw.com)>; James Crosby <[crosby@crosbyattorney.com](mailto:crosby@crosbyattorney.com)>  
**Cc:** Jaclyn Crosby <[jaclyn@crosbyattorney.com](mailto:jaclyn@crosbyattorney.com)>  
**Subject:** Re: Abdelrahman v. CHCDC

Counsel,

Your clients' responses to the pending interrogatories and document requests were due yesterday, March 3. We did not receive responses, and you have confirmed that you did not serve responses. You were granted multiple extensions of time to respond to this discovery. All objections to the pending interrogatories and document requests as to all of your responding client are now waived, including objections based on privilege and work product. CCP §§ 2030.290(a) and 2031.300(a). We are willing to give you until March 18, 2025, to provide full and complete responses and productions **without objections**. If full and complete responses and productions, **without objections**, are not received by March 18, 2025, we will proceed with motions to compel.

We will also advise Attorney Ayers that he now must revise his position on privilege and work product objections raised by Ms. Kuhnert. Those objections were raised by Kuhnert in her claimed capacity as your paralegal. They are derivative of your work product and attorney-client privileges based on your representation of the plaintiffs. To the extent the documents/ESI Kuhnert is withholding under claims of privilege and work-product are responsive to the pending discovery to your clients, you have now waived those objections and Ms. Kuhnert, through her counsel, will have to reassess her reliance on those objections as the basis for her refusal to produce documents/ESI in response to the subpoena.

**Tereza Callender**

Associate Attorney

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**From:** todd tcardifflaw.com <[todd@tcardifflaw.com](mailto:todd@tcardifflaw.com)>

**Sent:** Tuesday, March 4, 2025 6:59 AM

**To:** Tereza Callender <[tcallender@crosbyattorney.com](mailto:tcallender@crosbyattorney.com)>; James Crosby <[crosby@crosbyattorney.com](mailto:crosby@crosbyattorney.com)>; Jaclyn Crosby <[jaclyn@crosbyattorney.com](mailto:jaclyn@crosbyattorney.com)>

**Subject:** Abdelrahman v. CHCDC

Counsel,

I was unfortunately not able to get the discovery in timely yesterday. It is simply too much of a challenge to respond to close of 600 separate discovery requests and gather documents and meet and confer with my clients. In addition, none of my clients read English, and have not reviewed the final discovery responses regardless. I suspect it will take considerable time to get through the discovery review process. The SROG responses are close to a 100 pages each. (over 100 for Fatima). And reading and translating the documents themselves will take an unbelievable amount of time.

I do note that I did not receive the anticipated documents production from your client yesterday either. I would suggest yet another week long mutual extension. Thank you for your consideration.

Todd T. Cardiff, Esq.

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