

Mohamed v Almarwa Ctr. Inc.
2022 NY Slip Op 34665(U)
August 18, 2022
Supreme Court, Kings County
Docket Number: Index No. 531812/21
Judge: Lawrence S. Knipel
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DM

At a Centralized Compliance Part of the
Supreme Court of the State of New York, held
in and for the County of Kings, at the
Courthouse, located at Civic Center, Borough
of Brooklyn, City and State of New York, on the
18 day of August, 2022

PRESENT:

HON. LAWRENCE KNIPEL

Justice/JHO

CAL. NO. 42 & 43

KHALED MOHAMED,

Plaintiff(s),

INDEX NO. 531812/21

-against-

ALMARWA CENTER INC.
and MOHAMED USSMAN,
individually,

Defendant(s)

☒ ON CONSENT
☒ ON DEFAULT ORDER
☒ AFTER ORAL ARGUMENT

ORDER

The following papers number 1 to read on this motion
Notice of Motion-Order to Show Cause
and Affidavits (Affirmations) Annexed
Answering Affidavit (Affirmation)
Reply Affidavit (Affirmation)
Affidavit (Affirmation)
Pleadings-Exhibits
Stipulations-Minutes
Filed Papers

Papers Numbered

Plaintiff's cross-motion to compel defendant Mohamed Ussman to respond to interrogatories is denied as moot as counsel for defendants represents that the interrogatory responses have been provided to plaintiff.

Defendants' motion for a protective order pursuant to CPLR 3103 (ms-01) is granted to the extent that plaintiff shall pay for the cost of an interpreter at the deposition of defendant Mohamed Ussman, which deposition shall be held on or before September 30, 2022. The court finds that it is plaintiff's burden to demonstrate that translation services are unnecessary under CPLR 3114. As such, the court finds that the affidavit of plaintiff's counsel, which does not appear to be based on his personal knowledge of Ussman's language skills, is insufficient to establish that Ussman has sufficient English language proficiency to warrant a finding that a translator is unnecessary (see Matter of Cherny, 2019 NY Slip Op 33150, *3-6 [U] [Sur Ct, Bronx County 2019]; Tsui v Chou, 2019 WL 3820608, *1 [Sup Ct, New York County 2019]; cf. Ozen v Yilmaz, 181 AD2d 666, 667 [2d Dept 1992]; (continued)

For Clerk's Use Only	
MG	Retracked:
MD	☐ Standard
Motion Seq. # 1, 2	☐ Complex

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see next page

J.S.C./J.H.O.

PRINT FIRM NAME	SIGNATURE
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ATTORNEY FIRM _____	by _____ FOR DEFENDANT(S) _____
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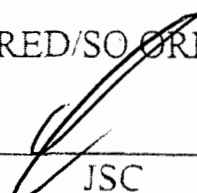
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PLAINTIFF Mohamed vs DEFENDANT Almarwa Center

Born to Build LLC, 43 Misc 3d 1213 [A], 2014 NY Slip Op 50593 [U] [Sup Ct, Nassau County 2014]). Any relief not expressly granted herein, has been considered, and is denied.

The court reminds the parties that they have a compliance conference calendared for 10/4/22.

KINGS COUNTY CLERK
FILED
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ENTERED/SO ORDERED



JSC

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