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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FILED: KINGS COUNTY CLERK 08/25/2022	FILED: KING	S COUNTY	CLERK	08/25/2022
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NYSCEF DOC. NO. 24

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 <u>18</u> day of <u>August</u>, 2022

HON. LAWRENCE KNIPEL Justice/JHO		CAL. NO. <u>42 & 43</u>	
KHALED MOHAMED,	Plaintiff(s),	INDEX NO. <u>531812/21</u>	
-against- ALMARWA CENTER INC. and MOHAMED USSMAN, individually,	Defendant(s)	ON CONSENT ON DEFAULT ORDER AFTER ORAL ARGUMENT	
The following papers number Notice of Motion-Order to Show nd Affidavits (Affirmations) A Answering Affidavit (Affirmation) Affidavit (Affirmation) Headings-Exhibits Lipulations-Minutes iled Papers	1 to read on this motion w Cause nnexed	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 Ylmaz, 181 AD2d 666, 667 [2d Dept 1992]; (continued)

MG <u>For Clerk's Use Only</u> MD <u>Retracked:</u> MD <u>Standard</u> Motion Seq. # <u>1</u> <u>2</u> O Complex		ENTER:
		J.S.C./J.H.O.
PRINT FIRM NAM	E <u>SIGNATURE</u>	
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FILED: KINGS COUNTY CLERK 08/25/2022

PAGE 2 OF 2

531812/2021 INDEX#		DATE
Mohamed PLAINTIFF	VS	Almarwa Center DEFENDANT

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.

