

## 1.2 CLAIMS AND DEFENSES

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2 To help you follow the evidence, I will give you a brief summary of the positions of the parties  
3 at trial. This is a civil lawsuit. On October 5, 2012, Mohammed Shah was shot and killed by City  
4 of Hayward Police Officer Allen Neula while Mr. Shah was sitting in the driver's seat of a parked  
5 Honda that Officer Neula's onboard computer indicated was a reported stolen car. The plaintiffs  
6 are the estate of Mohammed Shaw, the mother of Mohammad Shah (Janifer Shah), and the minor  
7 son of Mr. Shah (C.E.W. through his guardian ad litem Valerie Weaver). The plaintiffs bring four  
8 claims against Allen Neula.

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10 One, the estate of Mohammed Shaw (through his son C.E.W.) claims that when Allen Neula  
11 shot Mohammed Shah, he used excessive force, which violated Mohammed Shah's rights under  
12 the Fourth Amendment of the Constitution.

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14 Two, C.E.W. and Janifer Shah claim that when Allen Neula shot Mohammed Shah, he  
15 deprived them of their substantive-due-process interest in a familial relationship under the  
16 Fourteenth Amendment of the Constitution.

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18 Three, the estate of Mohammed Shaw (through his son C.E.W.) claims that when Allen Neula  
19 shot Mohammed Shah, he negligently caused the wrongful death of Mohammed Shah.

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21 Four, the estate of Mohammed Shaw (through his son C.E.W.) claims that Allen Neula used  
22 threats, intimidation, and coercion to interfere with Mohammed Shah's right to be free from  
23 excessive force in violation of the Fourth Amendment and the laws of the state of California and  
24 therefore violated California's Bane Act.

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26 The plaintiffs have the burden of proving these claims.

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28 The defendant denies these claims and contends that Allen Neula's use of force was  
objectively reasonable under the circumstances, his actions were not negligent, and he did not  
interfere with the exercise of rights by threats, intimidation, or coercion.