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UNITED STATES DISTRICT COURT  
For the Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

THE ESTATE OF MOHAMMED SHAH et al.,            No. C 13-04516 LB

Plaintiffs,

v.

ORDER GRANTING MOTION TO  
DISMISS WITH LEAVE TO AMEND


CITY OF HAYWARD et al.,

[Re: ECF No. 7]

Defendants.

Plaintiffs Mohammed and Janifer Shaw are the parents of decedent Mohammed Shaw, and Plaintiff C.E.W. is decedent Shaw's sole biological son. Complaint, ECF No. 1, ¶ 3. Plaintiffs filed this lawsuit against the City of Hayward and Doe police officers, alleging that police officers shot Mr. Shaw wrongfully in violation of federal and state law. *Id.* at 1-12. Defendants moved to dismiss on the grounds that (1) Plaintiffs did not establish that they were successors in interest under California Code of Civil Procedure § 377.32, and (2) the parents lack standing to pursue the wrongful death claims (claims one and five). Motion, ECF No. 7-1 at 4-6. Plaintiffs concede that the claims as pled are assigned to the wrong parties, say they can remedy the issues easily, and ask to file an amended complaint. Opposition, ECF No. 11. Under the circumstances, the court **GRANTS** the motion to dismiss with leave to amend. Plaintiffs must file an amended complaint within 21 days. This disposes of ECF No. 7.

DATED: November 15, 2013

  
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LAUREL BEELER  
United States Magistrate Judge