

United States District Court  
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KAPU GEMS and KAPU GEMS LTD.,

Plaintiffs,

v.

DIAMOND IMPORTS, INC. and YAIR  
YACHDAV,

Defendants.

No. C-15-3531 MMC

**ORDER GRANTING IN PART AND  
DENYING IN PART DEFENDANTS'  
MOTION TO DISMISS; AFFORDING  
PLAINTIFFS LEAVE TO AMEND**

Before the Court is defendants' motion to dismiss, filed September 18, 2015. Plaintiffs have filed opposition, to which defendants have replied. Having read and considered the papers filed in support of and in opposition to the motion, the Court, for the reasons stated on the record at the hearing conducted this date in conjunction with the Case Management Conference, rules as follows:


1. To the extent defendants seek dismissal on the ground that plaintiffs lack the capacity to sue, the motion is DENIED.
2. In all other respects, the motion is GRANTED, and plaintiffs are afforded leave to amend their First (Account Stated), Second (Breach of Contract), and Third (Conversion) Causes of Action.

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3. Plaintiffs' Amended Complaint shall be filed no later than February 5, 2016.

**IT IS SO ORDERED.**

Dated: January 15, 2016

  
MAXINE M. CHESNEY  
United States District Judge