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28E-FILED on 12/4/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MARK SHEPHERD and DELIA SHEPHERD,

Plaintiffs,

v.

S3 PARTNERS, LLC; et al.,


Defendants.

No. C-09-01405 RMW

ORDER GRANTING DEFENDANTS'
MOTION TO DISMISS WITH LEAVE TO
AMEND
[Re Docket No. 28]

The motion to dismiss by defendants S3 Partners, LLC, The Shields Foundation, Northwest Consulting Group, LLC, Livingstone Capital, Stagecoach Retail, LLC, Sonterra Retail Center, LLC, Melvin Russell Shields, and Chastan Shields came on for hearing before the court on December 4, 2009. Plaintiffs opposed the motion. The court has considered the papers submitted by the parties and the arguments of counsel at the hearing, and for the reasons stated at the hearing, the motion is granted. Plaintiffs shall have thirty days leave to amend. The case management conference is continued to January 29, 2010 at 10:30 a.m.

DATED: 12/4/09



RONALD M. WHYTE
United States District Judge

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13 **Dated:** 12/4/09

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Chambers of Judge Whyte

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