

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT SMITH, et al.,

Plaintiff,

v.

WASHINGTON STATE,

Defendant.

CASE NO. C14-5974 RBL-JRC

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DENYING MOTION FOR DEFAULT

[Dkt. #s 39 & 45]

THIS MATTER is before the Court on the Plaintiffs' Motion for Default [Dkt. #39] and on the Magistrate Judge Creatura's Report and Recommendation [Dkt. #45]. The Report and Recommendation addresses two Motions to Dismiss [Dkt. #s 8 & 12], and Plaintiff's Motion for Leave to Amend [Dkt. #19].

The Report and Recommendation is **ADOPTED**.

For the reasons articulated in the Report and Recommendation, Defendant Teamsters Local Union No. 117's Motion to Dismiss [Dkt. #8] is **GRANTED**. Defendant Washington Federation of State Employees' Motion to Dismiss [Dkt. #12] is **GRANTED**. Plaintiffs' Motion for Leave to Amend their Complaint [Dkt. #19] is **GRANTED**, and they shall file an Amended

1 Complaint addressing all of the defects outlined in the Report and Recommendation **within 21**
2 **days of this ORDER.**

3 The other pending Motions to Dismiss [Dkt. #s 24, 26, and 28] are **STRICKEN** as moot,
4 pending an Amended Complaint. The Moving Defendants may re-file and re-note the Motions if
5 the Amended Complaint does not cure the defects identified, or if a timely Amended Complaint
6 is not filed.

7 Plaintiffs' Motion for Default [Dkt. #39] is **DENIED**; the Defendants have timely
8 defended.

9 The pending Motion for Appointment of Counsel [Dkt. #31] is **REFERRED** to
10 Magistrate Judge Creatura.

11 IT IS SO ORDERED.

12 Dated this 6th day of **May, 2015.**

13 

14 RONALD B. LEIGHTON
15 UNITED STATES DISTRICT JUDGE