

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT SMITH et al.,

Plaintiffs,

v.

WASHINGTON STATE et al.,

Defendants.

CASE NO. C14-5974 RBL-JRC

ORDER

THIS MATTER is before the Court on Magistrate Judge Creatura's Report and Recommendation [Dkt. #71] on Defendants' Motion to Dismiss [Dkt. #64]. Both parties objected to the Report.

It is hereby ORDERED:

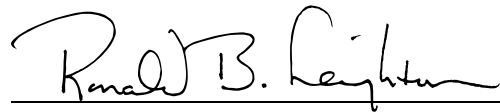
1. The Report and Recommendation [Dkt. #71] is ADOPTED;
2. Defendants' Motion to Dismiss [Dkt. #64] Plaintiffs' claim of unreasonable exposure to Environmental Tobacco Smoke against Defendants Quigley, Clayton, Strong, Dubble, Steinbach, Sziebert, Harris, and McCabe is DENIED.
3. Defendants' Motion to Dismiss [Dkt. #64] Plaintiffs' claim of unreasonable exposure to Environmental Tobacco Smoke against Defendants Ferguson, Gregoire, Coryell,

1 John Doe, and Jane Doe is GRANTED, and Plaintiff's claims against these
2 Defendants are DISMISSED WITH PREJUDICE;

3 4. Defendants' Motion to Dismiss [Dkt. #64] Plaintiffs' claims of violations of their
4 right to access the courts and right to a grievance process is GRANTED. These
5 claims are DISMISSED WITH PREJUDICE.

6 The Clerk shall direct copies of this Order to all counsel and to Magistrate Judge Creatura.
7 IT IS SO ORDERED.

8 Dated this 17th day of December, 2015.

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11 Ronald B. Leighton
12 United States District Judge
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