

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL THEURICH, individually,

Plaintiff,

v.

KITSAP COUNTY, a Municipal
Corporation organized under the laws of
the State of Washington, and CONMED,
Inc., a Foreign Corporation doing
business in Kitsap, County, Washington,
and BARBARA MULL, BRUCE
KALER, M.D., OFFICER RT #1146,
ARLEN JOHNSON, and C. MCCARTY,

Defendants.

No. C15-5097 RJB

ORDER ON OFFICER TUITASI'S
MOTION FOR SUMMARY DISMISSAL

This matter comes before the Court on Officer Ray Tuitasi's (named in this lawsuit as Officer RT#1146) Motion for Summary Judgment Dismissal. Dkt. 42. The Court has reviewed the pleadings filed regarding the motion and the remaining record.

Plaintiff brings this civil rights case pursuant to 42 U.S.C. §1983 alleging that Defendants violated his Eighth and Fourteenth Amendment rights while he was in custody at the Kitsap County, Washington jail. Dkt. 1. Plaintiff alleges that the Officer Tuitasi was deliberately indifferent to Plaintiff's serious medical need while he was a pre-trial detainee. *Id.* Officer Tuitasi moved for summary dismissal of the claims against him on November 19, 2015. Dkt. 42. Plaintiff's motion to defer consideration of the motion until after Officer Tuitasi's deposition was granted. Dkt. 55. Officer Tuitasi was informed that he could renote his motion for consideration

1 after the deposition. *Id.* The deposition took place, and on January 21, 2016, Officer Tuitasi
2 renoted his motion for summary judgment. Dkt. 56.

3 Plaintiff responded to the motion for summary judgment, and concedes that the motion
4 for summary judgment should be granted. Dkt. 58.

5 Accordingly, Officer Ray Tuitasi's (named in this lawsuit as Officer RT#1146) Motion
6 for Summary Judgment Dismissal (Dkt. 42) should be granted and all claims asserted against
7 him dismissed with prejudice.
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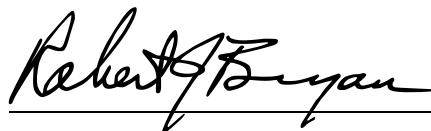
9 **I. ORDER**

10 **IT IS ORDERED:**

- 11 • Officer Ray Tuitasi's Motion for Summary Judgment Dismissal (Dkt. 42) **IS**
12 **GRANTED;** and
13 • Claims asserted against Officer Ray Tuitasi (named in this lawsuit as Officer
14 RT#1146) are dismissed **WITH PREJUDICE.**
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16 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
17 to any party appearing *pro se* at said party's last known address.

18 Dated this 8th day of February, 2016.

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21 ROBERT J. BRYAN
22 United States District Judge
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