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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 TIMOTHY ROBERTSON,

9 Plaintiff,

10 v.

11 KITSAP COUNTY, CONMED, INC.,  
12 ARLEN JOHNSON, BARBARA  
13 MULL, SUE STEVENS, BRUCE  
14 KALER,

15 Defendants.

CASE NO. 3:15-CV-05422-RBL-DWC

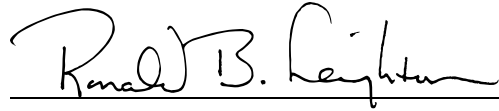
ORDER ADOPTING REPORT AND  
RECOMMENDATION

16 The Court, having reviewed the Report and Recommendation of Magistrate Judge David  
17 W. Christel, objections to the Report and Recommendation, if any, and the remaining record,  
18 does hereby find and ORDER:

- 19 (1) The Court adopts the Report and Recommendation.
- 20 (2) Defendants' Motion to Dismiss is granted-in-part and denied-in-part. Plaintiff's  
21 Fifth and Eighth Amendment claims are dismissed. All other claims remain.
- 22 (3) Defenses to the Fourteenth Amendment claim largely appear to be factual and  
23 may be the subject of subsequent motions.
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1 (4) The Clerk is directed to send copies of this counsel for both parties and to the  
2 Hon. David W. Christel.

3 **DATED** this 8<sup>th</sup> day of December, 2015.  
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7 Ronald B. Leighton  
8 United States District Judge  
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