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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	RACHEL BRYANT,	No. 1:16-cv-00323-DAD-SAB
12	Plaintiff,	
13	v.	ORDER ENTERING JUDGMENT IN FAVOR OF PLAINTIFF AND AGAINST DEFENDANT F & H PIZZA INC., d/b/a LITTLE CAESAR'S PIZZA
14	PRIME PROPERTIES, a general partnership; F & H PIZZA INC., d/b/a	
15	LITTLE CAESAR'S PIZZA; HURLEY ENTERPRISES, LLC, d/b/a D's WASH &	(Doc. No. 14)
16	DRY,	(DOC. 140. 14)
17	Defendants.	
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19	On June 23, 2016, plaintiff filed a notice of acceptance of defendant F & H Pizza Inc.,	
20	d/b/a Little Caesar's Pizza's offer of judgment pursuant to Federal Rule of Civil Procedure 68(a).	
21	(Doc. No. 14.) Plaintiff attached as an exhibit to this notice defendant F & H Pizza Inc.'s offer of	
22	judgment. (Doc. No. 14-1.) The offer obligated defendant F & H Pizza Inc. to pay plaintiff	
23	\$4,450 to resolve any liability claimed in the action, including all costs of suit and attorneys' fees.	
24	(Id.) The offer of judgment was served on plaintiff on June 20, 2016. (Doc. No. 14-1, at 4.) The	
25	acceptance of the offer was served on defendant F & H Pizza Inc. on June 23, 2016. (Doc. No.	
26	14-2.) No trial date is currently scheduled in this action.	
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1 Rule 68(a) states, in relevant part: 2 At least 14 days before the date set for trial, a party defending against a claim may serve on an opposing party an offer to allow 3 judgment on specified terms, with the costs then accrued. If, within 14 days after being served, the opposing party serves written notice 4 accepting the offer, either party may then file the offer and notice of acceptance, plus proof of service. The clerk must then enter 5 judgment. 6 It is widely accepted that "[t]he [Rule 68] offer, once made, is non-negotiable; it is either 7 accepted, in which case it is automatically entered by the clerk of court, or rejected, in which case 8 it stands as the marker by which the plaintiff's results are ultimately measured." Nusom v. Comh 9 Woodburn, Inc., 122 F.3d 830, 834 (9th Cir. 1997). 10 In this matter the Rule 68 offer was made at least fourteen days before the trial date and 11 the offer was accepted within fourteen days of service. Plaintiff has since filed the offer and 12 notice of acceptance as well as a proof of service with the court. Accordingly, because the 13 procedural requirements of Rule 68 have been met: 14 1) The Clerk of the Court is directed to enter judgment in favor of plaintiff and against 15 defendant F & H Pizza Inc., d/b/a Little Caesar's Pizza; and 2) Defendant F & H Pizza Inc., d/b/a Little Caesar's Pizza is dismissed from this action as a 16 17 result of the judgment. 18 IT IS SO ORDERED. 19 Dated: **July 1, 2016** 20 UNITED STATES DISTRICT 21 22 23 24

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