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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	MARIA EVA MARTINEZ,	No. 1:16-cv-01140-DAD-SKO
12	Plaintiff,	
13	v.	ORDER ENTERING JUDGMENT IN FAVOR OF PLAINTIFF MARIA EVA MARTINEZ
14	TULARE COUNTY, SAN DIEGO COUNTY, and DOES 1-100,	AND AGAINST DEFENDANT COUNTY OF TULARE
15	Defendants.	(Doc. No. 23)
16	Defendants.	(Doc. No. 23)
17	In a notice dated January 4, 2017, plaintiff Maria Eva Martinez accepted defendant	
18	County Tulare's offer of judgment pursuant to Federal Rule of Civil Procedure 68(a). (Doc. No.	
19	23.) Plaintiff attached as an exhibit to this notice defendant County of Tulare's offer of judgment	
20	to resolve any liability claimed in the action by obligating the County of Tulare to pay plaintiff	
21	\$50,000, which includes all costs of suit and attorneys' fees, and to provide specified non-	
22	monetary relief. (Doc. No. 23 at 3–5.) The offer of judgment was dated December 21, 2016. (<i>Id.</i>	
23	at 5) On January 9, 2017, plaintiff filed the offer and notice of acceptance as well as a proof of	
24	service. (Doc. Nos. 23 and 23-1.) Trial is currently scheduled for September 19, 2017. (Doc.	
25	No. 21.)	
26	Rule 68(a) states, in relevant part:	
2728	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 judgment on specified terms, with the costs then accrued. If, within	
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1 14 days after being served, the opposing party serves written notice accepting the offer, either party may then file the offer and notice of acceptance, plus proof of service. The clerk must then enter 2 judgment. 3 It is widely accepted that "[t]he [Rule 68] offer, once made, is non-negotiable; it is either 4 accepted, in which case it is automatically entered by the clerk of court, or rejected, in which case 5 it stands as the marker by which the plaintiff's results are ultimately measured." Beauchamp v. 6 Anaheim Union High School District, 816 F.3d 1216, 1223 (9th Cir. 2016) (quoting Nusom v. 7 Comh Woodburn, Inc., 122 F.3d 830, 834 (9th Cir. 1997)). 8 In this matter the Rule 68 offer was made at least fourteen days before the trial date and 9 was accepted within fourteen days after being made and served. Thereafter, plaintiff has since 10 filed the offer and notice of acceptance as well as a proof of service with the court. Accordingly, 11 because the procedural requirements of Rule 68 have been met: 12 1) The Clerk of the Court is directed to enter judgment in favor of plaintiff Maria Eva 13 Martinez and against defendant County of Tulare according to the terms of the offer and 14 notice (Doc. No. 23); 15 2) All future dates and hearings in the matter are hereby vacated; and 16 3) The Clerk of the Court is directed to close the case. 17 18 IT IS SO ORDERED. 19 Dated: **January 17, 2017** 20 21 22 23 24 25 26 27

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