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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 judgment.


It is widely accepted that “[t]he [Rule 68] offer, once made, is non-negotiable; it is either accepted, in which case it is automatically entered by the clerk of court, or rejected, in which case it stands as the marker by which the plaintiff’s results are ultimately measured.” *Beauchamp v. Anaheim Union High School District*, 816 F.3d 1216, 1223 (9th Cir. 2016) (quoting *Nusom v. Comh Woodburn, Inc.*, 122 F.3d 830, 834 (9th Cir. 1997)).

In this matter the Rule 68 offer was made at least fourteen days before the trial date and was accepted within fourteen days after being made and served. Thereafter, plaintiff has since filed the offer and notice of acceptance as well as a proof of service with the court. Accordingly, because the procedural requirements of Rule 68 have been met:

- 1) The Clerk of the Court is directed to enter judgment in favor of plaintiff Maria Eva Martinez and against defendant County of Tulare according to the terms of the offer and notice (Doc. No. 23);
- 2) All future dates and hearings in the matter are hereby vacated; and
- 3) The Clerk of the Court is directed to close the case.

IT IS SO ORDERED.

Dated: January 17, 2017

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UNITED STATES DISTRICT JUDGE