

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PHILLIP CASTANEDA,

Plaintiff,

v.

KRAFT HEINZ FOODS COMPANY
LLC,

Defendant.

No. 1:17-cv-01538-DAD-BAM

ORDER ENTERING JUDGMENT AGAINST
DEFENDANT AND DISMISSING ACTION
WITH PREJUDICE

(Doc. Nos. 22, 23)

On October 15, 2018, plaintiff Phillip Castaneda filed a notice of acceptance of a Rule 68 offer and request for entry of judgment. (Doc. No. 23.)

Under Federal Rule of Civil Procedure 68(a), a defendant may serve an offer to allow judgment on specified terms to the opposing party at least two weeks before trial. Fed. R. Civ. P. 68(a). The opposing party must accept the offer through written notice. *Id.* Thereafter, “either party may then file the offer and notice of acceptance, plus proof of service.” *Id.*

Here, defendant served plaintiff’s counsel with a Rule 68 offer on October 10, 2018 in the amount of \$20,000, which accounts for all damages, remedies, costs, attorneys’ fees, and interest currently accrued by plaintiff. (Doc. No. 23 at 4–5.) On October 15, 2018, plaintiff’s counsel provided written acceptance of the Rule 68 offer and requested that the court enter judgment in favor of plaintiff and against defendant in the sum of \$20,000.00. (*Id.* at 1.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly,

1. The hearing on defendant’s pending motion for summary judgment (Doc. No. 22) is vacated, and that motion is terminated as having been rendered moot by this order;
2. This action is dismissed with prejudice; and
3. The Clerk of the Court is directed to enter judgment in favor of plaintiff Phillip Castaneda and against defendant Kraft Heinz Foods Company LLC in the amount of \$20,000 (Doc. No. 23) and close this case.

IT IS SO ORDERED.

Dated: October 16, 2018


UNITED STATES DISTRICT JUDGE