

1 This Offer of Judgment shall not be filed with the Court unless (a) accepted or (b)
2 in a proceeding to determine costs. To accept this offer, Plaintiff Maria Chavira
3 must serve written notice of acceptance within 14 days after being served. After 14
4 days from the date of service, the offer is deemed withdrawn in accordance with
5 Rule 68(b). If the Plaintiff does not accept the offer, she may become obligated to
6 pay the United States' costs incurred after making the offer.

7 (*Id.* at 4–5.) Less than fourteen days later, on November 5, 2020, plaintiff filed on the docket a
8 written notice of her acceptance of the offer of judgment along with proof of service. (*Id.*)

9 Rule 68 provides the following procedure for acceptance of an offer of judgment:

10 (a) [] At least 14 days before the date set for trial, a party defending against a claim may
11 serve on an opposing party an offer to allow judgment on specified terms, with the costs
12 then accrued. If, within 14 days after being served, the opposing party serves written
13 notice accepting the offer, either party may then file the offer and notice of acceptance,
14 plus proof of service. The clerk must then enter judgment.

15 Fed. R. Civ. P. 68(a). Because plaintiff accepted defendant's offer and because all requirements
16 of Rule 68 are met, the court will direct the Clerk of the Court to enter judgment in this matter
17 against defendant U.S. Department of Education in accordance with the parties' agreement.

18 Accordingly, and pursuant to the parties' agreement,

- 19 1. The Clerk is directed to enter a judgment against defendant U.S. Department of
20 Education in this action declaring that plaintiff Maria Chavira "is not indebted to the
21 Department of Education for any amounts." Each party to bear its own attorney fees
22 and costs. No funds shall be paid by the United States or the Department of Education
23 on account of any and all claims made in this case by Plaintiff. This is intended to
24 reflect a complete resolution of all claims presented by Plaintiff Maria Chavira
25 regarding the student loan debt referenced in the complaint and defendant U.S.
26 Department of Education;
- 27 2. The action as to claims brought against defendant U.S. Department of Education is
28 dismissed; and

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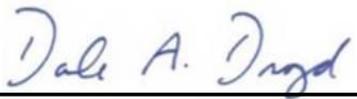
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3. This action will proceed only with respect to claims brought against defendant Immediate Credit Recovery, Inc.

IT IS SO ORDERED.

Dated: January 6, 2021


UNITED STATES DISTRICT JUDGE