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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

**DAVID JOHN PATTY and  
SHEILA RENEE KIRCHNER,**

Plaintiffs,

v.

**FCA US LLC, a Delaware Limited  
Liability Company; and DOES 1  
through 10, inclusive,**

Defendants.

Case No.: 2:16-cv-01332-MCE-CKD

**NOTICE OF ACCEPTANCE  
WITH OFFER OF JUDGMENT**

Honorable Morrison C. England, Jr.

1 **TO THE COURT, ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 WHEREAS, Plaintiffs David John Patty and Sheila Renee Kirchner filed their  
3 Complaint on May 19, 2016, and Defendant FCA US LLC, through their counsel, allows  
4 entry of judgment to be taken against it;

5 WHEREAS, Defendant FCA US LLC served their Amended Offer of Judgment  
6 Pursuant to Rule 68 of the Federal Rules of Civil Procedure (“Offer of Judgment”) on  
7 Plaintiffs’ counsel on May 4, 2018;


8 WHEREAS, Plaintiffs David John Patty and Sheila Renee Kirchner have accepted  
9 Defendant FCA US LLC’s Offer of Judgment on May 16, 2018, a true and correct copy  
10 of which is attached as Exhibit A to the Notice of Acceptance with Offer of Judgment at  
11 ECF No. 30.

12 NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that:

- 13 1. Plaintiffs David John Patty and Sheila Renee Kirchner shall recover the sum  
14 of \$99,000.00 as the total amount to be paid by Defendant FCA US LLC on  
15 account of any liability claimed in this action, plus a sum of equal to the  
16 aggregate amount of costs and expenses, including attorney’s fees based on  
17 actual time reasonably incurred in connection with the commencement and  
18 prosecution of this action pursuant to Civil Code Section 1794(d), to be  
19 determined by the Court if the parties cannot agree;
- 20 2. Not later than thirty (30) days following the date this Order is electronically  
21 filed, Plaintiffs are directed to file any motion for attorneys’ fees and costs.
- 22 3. In the meantime, the Clerk of the Court is directed to enter judgment in favor  
23 of Plaintiffs.

24 IT IS SO ORDERED.

25 Dated: June 5, 2019

26   
27 MORRISON C. ENGLAND, JR.  
28 UNITED STATES DISTRICT JUDGE