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 5 Tel: 415-392-5040
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 6

7 Attorneys for Plaintiff
 CARLOS BATRES
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9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
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12 CARLOS BATRES,

13 Plaintiff,

14 v.

15 CNH AMERICA LLC; and Does 1 to 20,
 16 inclusive,

17 Defendants.
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Case No.: 3:15-cv-01051-MMC

**JUDGMENT PURSUANT TO FRCP RULE
 68 (Fed. R. Civ. P. 68)**

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 21
 22 This action having been duly commenced by Plaintiff Carlos Batres (“Batres” or “Plaintiff”),
 23 and having been served by Defendant CNH Industrial America LLC’s (“CNH” or “Defendant”) with
 24 an FRCP Rule 68 offer in writing to have judgment entered against CNH in the sum of Twenty-five
 25 Thousand Dollars (\$25,000), including all costs and attorney fees otherwise recoverable in this action
 26 (See Exhibit A), and Plaintiff having duly and timely accepted Defendant’s statutory offer of
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1 judgment by notifying Defendant of such acceptance (See Exhibit B);

2 IT IS HEREBY ORDERED that Plaintiff Carlos Batres have and recover on his complaint
3 against Defendant CNH Industrial America LLC in the sum of \$25,000.
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6 Dated: December ¹¹~~10~~, 2015
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9 By:  _____
10 HON. MAXINE M. CHENEY
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EXHIBIT A

1 Joseph E. Wiley (State Bar No. 84154)
Joan Pugh Newman (State Bar No. 148562)
2 WILEY PRICE & RADULOVICH, LLP
1301 Marina Village Parkway, Suite 310
3 Alameda, California 94501
Telephone: (510) 337-2810
4 Fax: (510) 337-2811

5 Attorneys for Defendant
CNH Industrial America LLC
6
7
8

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 CARLOS BATRES,

12 Plaintiff,

13 v.

14 CNH AMERICA LLC; and Does 1 to 20,
15 inclusive,

16 Defendants.
17

Case No.: 3:15-cv-01051-MMC

OFFER OF JUDGMENT
(FRCP 68)

18 Defendant CNH Industrial America LLC ("CNH" or "Defendant") hereby offers to allow
19 entry of judgment pursuant to Rule 68 of the Federal Rules of Civil Procedure as follows:
20 Judgment in favor of Plaintiff Carlos Batres against Defendant in the sum of \$25,000, which sum
21 includes all costs and attorney fees otherwise recoverable in this action.

22 Date: November 10, 2015

WILEY PRICE & RADULOVICH, LLP

23 By: 
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JOSEPH E. WILEY
JOAN PUGH NEWMAN

25 Attorneys for Defendant
26 CNH INDUSTRIAL AMERICA LLC
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PROOF OF SERVICE

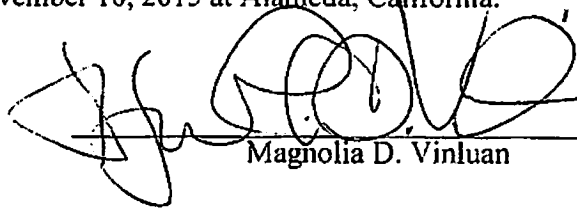
I am a citizen of the United States, employed in the County of Alameda, California, over the age of 18 years, and am not a party to the within-entitled action. My business address is 1301 Marina Village Parkway, Suite 310, Alameda, CA 94501. On the date set forth below, I served the following document(s) by the method indicated below:

OFFER OF JUDGMENT (FRCP 68)

- Facsimile by transmitting via facsimile on this date from fax number (510) 337-2811 the document(s) listed above to the fax number(s) set forth below. The transmission was completed before 5:00 p.m. and was reported complete and without error. The transmitting fax machine properly issued the transmission report, which is attached to this proof of service. Service by fax was made by agreement of the parties, confirmed in writing pursuant to California Code of Civil Procedure §1013(e). The transmitting fax machine complies with California Code of Civil Procedure §1013(e).
- First Class Mail by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Alameda, California addressed as set forth below pursuant to California Code of Civil Procedure §1013(a). I am readily familiar with the business practice at Wiley Price & Radulovich, LLP for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business.
- Messenger by placing the document(s) listed above in a sealed envelope(s) and by causing personal delivery of the envelope(s) to the person(s) at the address(es) set forth below. A signed proof of service by the process server or delivery service will be filed shortly.
- Personal Delivery by personally hand delivering the document(s) listed above in a sealed envelope(s) to the person(s) at the address(es) set forth below pursuant to California Code of Civil Procedure §1011.
- Overnight Delivery by placing the document(s) listed above in a sealed envelope(s) and consigning it to an express service carrier for guaranteed delivery on the next business day following the date of consignment to the address(es) set forth below pursuant to California Code of Civil Procedure §1013(c). A copy of the consignment slip is attached to this proof of service.

Kenneth C. Absalom
George R. Nemiroff
LAW OFFICE OF KENNETH C.
ABSALOM
220 Montgomery Street, Suite 905
San Francisco, CA 94104
Telephone: (415) 392-5040
Facsimile: (415) 392-3729

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on November 10, 2015 at Alameda, California.



Magnolia D. Vinluan

EXHIBIT B

1 KENNETH C. ABSALOM (SBN 114607)
kenabsalom@333law.com
2 GEORGE R. NEMIROFF (SBN 262058)
nemiroff@333law.com
3 LAW OFFICE OF KENNETH C. ABSALOM
4 220 Montgomery Street, Suite 905
San Francisco, Ca. 94104
5 Tel: 415-392-5040
6 Fax: 415-392-3729

7 Attorneys for Plaintiff
CARLOS BATRES

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CARLOS BATRES,

Plaintiff,

v.

CNH AMERICA LLC; and Does 1 to 20,
inclusive,

Defendants.

Case No.: 3:15-cv-01051-MMC
**NOTICE OF ACCEPTANCE OF OFFER OF
JUDGMENT (Fed. R. Civ. P. 68)**

1 Plaintiff Carlos Batres hereby accepts Defendant CNH Industrial America LLC's
2 ("Defendant") statutory offer of judgment pursuant to Rule 68 of the Federal Rules of Civil
3 Procedure: Judgment in favor of Carlos Batres against Defendant in the sum of \$25,000, which sum
4 includes all costs and attorney fees otherwise recoverable in this action.
5

6
7 Dated: November 30, 2015

LAW OFFICE OF KENNETH C. ABSALOM

8
9 By: 

Kenneth C. Absalom

George R. Nemiroff

Attorneys for Plaintiff Carlos Batres

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CERTIFICATE OF SERVICE

Randy Bravo-Chavez declares as follows:

I am over 18 years of age, and not a party to the within action. I am employed at and my place of business is 220 Montgomery Street, Suite 905, San Francisco, California 94104.

On November 30, 2015 I served the document(s) below:

NOTICE OF ACCEPTANCE OF OFFER OF JUDGMENT

X (BY MAIL) by placing the original or a true copy of thereof enclosed in a sealed envelope with postage fully prepaid in the Unites States mail at San Francisco, California, addressed as set forth below. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid in the ordinary course of business.

X (BY EMAIL)

JOSEPH E. WILEY JOAN PUGH NEWMAN WILEY, PRICE & RADULOVICH 1301 Marina Village Pkwy, Suite 310 Alameda, California 94501 Telephone: (510) 337-2810 Facsimile: (510) 337-2811 jpughnewman@wprlaw.com	
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I declare under penalty of perjury under the laws of the State of California that the forgoing is true and correct. Executed at San Francisco, California on November 30, 2015.

/s/ Randy Bravo-Chavez
Randy Bravo-Chavez

PROOF OF SERVICE

1 **CERTIFICATE OF SERVICE**

2 Randy Bravo-Chavez declares as follows:

3 I am over 18 years of age, and not a party to the within action. I am employed at and
4 my place of business is 220 Montgomery Street, Suite 905, San Francisco, California 94104.

5 On December 10, 2015 I served the document(s) below:

6 **JUDGMENT PURSUANT TO FRCP RULE 68**

7 X (BY MAIL) by placing the original or a true copy of thereof enclosed in a sealed
8 envelope with postage fully prepaid in the Unites States mail at San Francisco, California,
9 addressed as set forth below. I am readily familiar with the firm's practice of collection and
10 processing of correspondence for mailing. Under that practice, it would be deposited with the
U.S. Postal Service on the same day with postage thereon fully prepaid in the ordinary course
of business.

11 X (BY EMAIL)

JOSEPH E. WILEY JOAN PUGH NEWMAN WILEY, PRICE & RADULOVICH 1301 Marina Village Pkwy, Suite 310 Alameda, California 94501 Telephone: (510) 337-2810 Facsimile: (510) 337-2811 jpughnewman@wprlaw.com	
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18 I declare under penalty of perjury under the laws of the State of California that the forgoing
19 is true and correct. Executed at San Francisco, California on December 10, 2015.

20 /s/ Randy Bravo-Chavez
21 Randy Bravo-Chavez

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27 **PROOF OF SERVICE**