

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Suzette Eaton v. FCA US LLC

Eaton · No. 5:23-cv-01707-SRM-KSx · Decided April 23, 2025

SUMMARY

The United States District Court for the Central District of California declined to immediately enter judgment under Federal Rule of Civil Procedure 68 in a Song-Beverly Consumer Warranty Act action. The court ordered the parties to show cause why a single judgment including attorney's fees and costs should not be entered, set a deadline for resolving or briefing those issues, and warned that judgment would otherwise be entered for \$60,791.68 without fees or costs.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF
CALIFORNIA 10 11 SUZETTE EATON, C ase No. 5:23-cv-01707-SRM-KSx 12 Plaintiff, 13 v.
ORDER TO SHOW CAUSE 14 FCA US, LLC, et al., REGARDING REQUEST FOR ENTRY
OF JUDGMENT PURSUANT TO 15 Defendants. FRCP 68(A) 16 17 18 19 Plaintiff Suzette
Eaton and Defendant FCA US, LLC request that this Court enter 20 judgment under Federal Rule
of Civil Procedure 68(a).

(Dkt. 37, Req. at 1.) The parties 21 agreed to resolve this matter in its entirety and that judgment
be entered in favor of Eaton 22 and against FCA. (Id. Ex. 1.) Relevant here, FCA agreed to pay
Eaton \$60,791.68 and her 23 “attorney’s fees, costs and expenses in an amount to be determined
by noticed motion to 24 the Court.” (Id.) 25 Rule 68 provides as follows: “If, within 14 days after
being served [an offer to 26 allow judgment on specified terms], the opposing party serves written
notice accepting 27 the offer, either party may then file the offer and notice of acceptance, plus
proof of 28 service.

The clerk must then enter judgment.” See Fed. R. Civ. P. 68(a). Considering the 1 terms of the
offer and that this action was brought pursuant to the Song-Beverly 2 Consumer Warranty Act, the
Court declines to enter judgment at this time. Rather, the 3 Court is inclined to issue a single
judgment based on the Rule 68 Offer, to include both 4 the \$60,791.68 and any attorney fees and
costs awarded.

See Cal. Civ. Code § 1794(d) 5 (“If the buyer prevails in an action under this section, the buyer
shall be allowed by the 6 court to recover as part of the judgment a sum equal to the aggregate
amount of costs and 7 expenses, including attorney’s fees based on actual time expended,
determined by the 8 court to have been reasonably incurred by the buyer in connection with the 9

commencement and prosecution of such action.”) (emphasis added)); see also *Shaw v. 10 Ford Motor Co.*, 2020 WL 57273, at *6 & n.4 (C.D.

Cal. Jan. 3, 2020) (determining the 11 appropriate amount of fees and costs in a case where a Rule 68 offer had been made in 12 which the defendant offered \$15,000 in fees or for a court-determined amount of fees, 13 and the plaintiff chose the latter, with the court expressly noting that “[n]o judgment has 14 yet been entered in this case”). 15 As the Rule 68 Offer includes that Eaton may elect to have the Court determine 16 attorney’s fees, costs, and expenses recoverable in this case, including whether they are 17 recoverable and the amounts by noticed motion, the Court ORDERS as follows: 18 1.

The parties shall SHOW CAUSE as to why a single judgment that 19 includes fees and costs should not be issued; 20 2. If the parties come to an agreement on the issue of fees and costs, they 21 should file a stipulation regarding entry of judgment on or before May 22 19, 2025; 23 3. If the parties cannot agree on the issue of fees and costs, Eaton shall 24 file an appropriate motion on or before May 19, 2025; 25 4.

Failure to file an appropriate document or seek other appropriate relief 26 on or before May 19, 2025, will result in the court entering judgment 27 in favor of Eaton and against FCA in the amount of \$60,791.68 28 1 pursuant to the parties’ compromise, with no fees or costs awarded; 2 and 3 5. All deadlines and proceedings in this case shall be VACATED and 4 taken off calendar.

5 IT IS SO ORDERED. Wa 7 || Dated: April 23, 2025 8 HON. SERENA R. MURILLO 9 UNITED STATES DISTRICT JUDGE 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28