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JS-6

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NAUTILUS INSURANCE
COMPANY,

Plaintiff,

v.

DAY TO DAY FASHION, INC.,
Defendant.

Case No. 2:17-cv-01649-AFM

FINAL JUDGMENT

In accordance with the Opinion and Order Regarding Plaintiff's Motions for Partial Summary Judgment and Defendant's Cross-Motion for Summary Judgment filed on May 26, 2020, and the Order Granting Plaintiff's Motion to Dismiss filed on August 4, 2020,

IT IS ORDERED, ADJUDGED, and DECREED that:

1. As to Plaintiff's First Cause of Action: Defendant made a material misrepresentation during the presentation and investigation of its insurance claim in violation of the concealment, misrepresentation or fraud condition in the insurance policy, resulting in voiding of the policy and entitling Plaintiff to deny coverage on Defendant's insurance claim. Judgment is entered in favor of Plaintiff and against Defendant with respect to the First Cause of Action.

1 2. As to Plaintiff's Second Cause of Action: Defendant made material
2 misrepresentations in its insurance application, entitling Plaintiff to rescind the
3 insurance policy and to deny policy benefits in connection with Defendant's
4 insurance claim. Judgment is entered in favor of Plaintiff and against Defendant
5 with respect to the Second Cause of Action.

6 3. As to Plaintiff's Third Cause of Action: Plaintiff's claim for rescission is
7 dismissed without prejudice as moot.

8 4. Plaintiff, as the prevailing party, is entitled to recover its costs of suit
9 from Defendant under Fed. R. Civ. P. 54(d)(1).

10 This judgment adjudicates all claims in the case and is the final judgment of
11 the Court in this matter.

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13 DATED: 8/4/2020



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16 ALEXANDER F. MacKINNON
17 UNITED STATES MAGISTRATE JUDGE
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