

1 BENJAMIN B. WAGNER
2 United States Attorney
3 ALYSON A. BERG
4 Assistant United States Attorney
5 United States Courthouse
6 2500 Tulare Street, Suite 4401
7 Fresno, California 93721
8 Telephone (559) 497-4000
9 Facsimile (559) 497-4099

10 Attorneys for Defendant UNITED STATES OF AMERICA

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NATIONWIDE MUTUAL INSURANCE COMPANY,) 1:11-cv-00211 AWI/MJS
Plaintiff,) **STIPULATION TO VACATE DEFAULT**
v.) **AND DISMISS ACTION WITHOUT**
KEVIN KEMP aka KEVIN E. KEMP aka) **PREJUDICE; ORDER**
K. KEMP aka KEVIN ELDRIDGE KEMP,)
Defendant.)

)

The parties to this action, Plaintiff Nationwide Mutual Insurance Company, and Defendant United States of America, through their respective attorneys of record herein, hereby agree and stipulate to vacate the default judgment against Kevin Kemp entered in the action entitled *Nationwide Mutual Insurance Company v. Kemp, et al*, Fresno County Superior Court Case No. 10CLCL01328 on or about January 6, 2011, and to dismiss the current action without

///

///

///

///

///

///

1 prejudice to allow Plaintiff to exhaust its administrative remedies under the Federal Tort Claims
2 Act.

3 Respectfully submitted,

4 Dated: March 14, 2011

BENJAMIN B. WAGNER
United States Attorney

5
6 By: /s/Alyson A. Berg
7 ALYSON A. BERG
8 Assistant U.S. Attorney
9 Attorneys for Defendant
United States of America

10 Dated: February 21, 2011

LAW OFFICE OF JOHN B. McCARTHY, JR.

11
12 /s/Jeffrey A. Korinko
13 Jeffrey A. Korinko
14 Attorneys for Plaintiff
15 Nationwide Mutual Insurance Company

16 IT IS SO ORDERED.

17

18 Dated: March 14, 2011

19

20

21

22

23

24

25

26

27

28

2 
CHIEF UNITED STATES DISTRICT JUDGE