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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NATIONWIDE MUTUAL INSURANCE
COMPANY,

Plaintiff,

v.

KEVIN KEMP akd KEVIN E. KEMP aka
K. KEMP aka KEVIN ELDRIDGE KEMP,

Defendant .

) 1:11-cv-00211 AWI/MJS

) **STIPULATION TO VACATE DEFAULT**
) **AND DISMISS ACTION WITHOUT**
) **PREJUDICE; ORDER**

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

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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

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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.

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

15 **ORDER**

16 IT IS SO ORDERED.

17 Dated: March 14, 2011

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CHIEF UNITED STATES DISTRICT JUDGE