

**BEFORE THE INSURANCE COMMISSIONER  
FOR THE STATE OF DELAWARE**

**IN THE MATTER OF:**

**NATIONWIDE MUTUAL INSURANCE  
COMPANY  
One Nationwide Plaza  
Columbus, OH 43215**

**NAIC #18139**

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**Docket No.: 2814-2015**

**STIPULATION AND CONSENT ORDER**

**THIS STIPULATION AND CONSENT ORDER** is entered into as of August \_\_\_\_, 2015, by and between Nationwide Mutual Insurance Company (the “Respondent”) and the State of Delaware Department of Insurance (the “Department”).

**WHEREAS**, Respondent is an OHIO domiciled insurance company which writes automobile insurance in multiple states including the State of Delaware; and

**WHEREAS**, the Department, through its examiners, conducted market conduct examination #23787-13-726 (the “Examination”) of Respondent’s affairs and practices related to Independent Medical Examinations (“IME’s”); and

**WHEREAS**, the Department, through its examiners, prepared and provided to Respondent for review and comments draft versions of a report of the Examination; and

**WHEREAS**, Respondent has reviewed and commented on such draft versions of the report of the Examination; and

**WHEREAS**, after considering Respondent’s comments, the Department, through its examiners, has prepared a final report of the Examination dated December 31, 2012 (the “Final Examination Report”); and

**WHEREAS**, among other findings contained in the Final Examination Report, the Department concluded that the Respondent's practices and procedures did not comply with (i) 18 *Del C.* §2304(16)(b) "failing to acknowledge and act reasonably promptly upon communication with respect to claims arising under insurance policies" (the "Violations"); and

**WHEREAS**, after communications with the Department, Respondent desires to resolve this matter without recourse to any administrative hearing or court action.

**NOW, THEREFORE, IT IS AGREED**, by and between Respondent and the Department as follows:

1. Respondent accepts the Final Examination Report, waives any right to a hearing thereon, and agrees that the Department may file the Final Examination Report without any further modifications.

2. Upon its execution of this Stipulation and Consent Order, Respondent shall pay to the Department an administrative penalty in the total amount of \$15,000 (the "Administrative Penalty").

3. Respondent shall make its check for the Administrative Penalty payable to the "State of Delaware."

4. Respondent further agrees to meet with Department representatives regarding consumer complaints every six months for the next year and provide reports regarding the company's handling of IME matters.

5. The Department reserves the right to issue a press release and to send a letter to the Respondent's policyholders concerning the terms of this Stipulation and Consent Order and such other related matters as the Department shall deem appropriate. Upon request by the Department, Respondent shall provide the Department with updated contact information for the

policyholders. The Department agrees to provide Respondent a copy of any such press release or policyholder letter in advance of release or mailing, so that Respondent may review them and provide any comments to the Department; provided, however, that the Department shall retain absolute discretion over the final language in any press release or letter covered by this paragraph.

6. Respondent waives any right to challenge in an administrative or court proceeding any of the terms and conditions of this Stipulation and Consent Order.

7. This Stipulation and Consent Order is the free and voluntary act of the Respondent, and its terms are binding upon the Respondent and may be admitted into evidence in any judicial or administrative proceeding against the Respondent to enforce such terms. Respondent acknowledges that it has had a full opportunity to seek and receive advice of counsel on all matters related to this Stipulation and Consent Order.

8. This Stipulation and Consent Order contains all terms and conditions agreed to by the parties and constitutes the final agreement between the Respondent and the Department.

9. No change, amendment, or modification hereto shall be effective or binding unless it is in writing, dated, and signed by the parties.

10. If the Department fails to act on any one or more defaults by the Respondent, such failure to act shall not be a waiver of any rights hereunder on the part of the Department to declare the Respondent in default and to take such action as may be permitted by this Stipulation and Consent Order or by law.

11. This Stipulation and Consent Order may be signed in duplicate, and both documents shall be considered originals. The person executing this Stipulation and Consent Order on behalf of Respondent shall acknowledge his or her signature before a Notary Public and, by executing this

Stipulation and Consent Order, certifies that he or she is duly authorized to execute this Stipulation and Consent Order on behalf of Respondent. Respondent agrees that an uncertified copy of this Stipulation and Consent Order shall be valid as evidence in any proceeding for purposes of enforcement.

12. This Stipulation and Consent Order shall survive the Respondent and be enforceable against its successors, transferors, or assigns.

**NATIONWIDE MUTUAL INSURANCE COMPANY**

**DELAWARE INSURANCE DEPARTMENT**

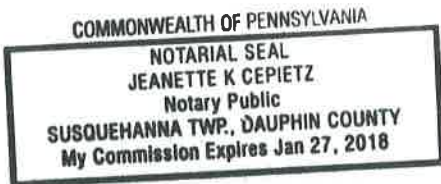
*Donald Jones*  
Name: *Donald Jones*  
Title: *Associate Vice President*  
Date: *8/22/15*

*Karen Weldin Stewart*  
Karen Weldin Stewart, CIR-ML  
Insurance Commissioner  
Date: *9/22/15*

STATE OF *Pennsylvania* )  
 ) SS.  
COUNTY OF *Dauphin* )

The foregoing instrument was acknowledged before me this *28<sup>th</sup>* day of *August* 2015, by *Donald Jones*, who is personally known to me or who has produced *drivers license* as identification, and who certified that he or she is duly authorized to execute this document on behalf of Respondent.

GIVEN under my Hand and Seal of office, the day and year aforesaid.



*Jeanette K Cepietz*  
NOTARY PUBLIC  
*Jeanette K Cepietz*  
PRINT NAME  
*January 27 2018*  
MY COMMISSION EXPIRES