

RECEIVED

DEC 15 2017

**SUPERIOR COURT
CLERK'S OFFICE**

CHRISTOPHER S. PORRINO
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiff
Richard J. Hughes Justice Complex
P.O. Box 117
Trenton, New Jersey 08625

By: Anna M. Lascurain
Deputy Attorney General
(609)984-8469
Anna.lascurain@dol.lps.state.nj.us
Attorney ID No. 006211994

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION BERGEN COUNTY
DOCKET NO. BER-L-1495-16

RICHARD J. BADOLATO,
COMMISSIONER OF THE NEW
JERSEY DEPARTMENT BANKING
BANKING & INSURANCE,

Plaintiff,

v.

ANTOUN ATTAL, and
CUSTOM AUTO BODY,
INC.

Defendants.

Civil Action

STIPULATION OF SETTLEMENT

BFD No. 12-53493-04

WHEREAS, Richard J. Badolato, Commissioner of the New Jersey Department of Banking & Insurance ("Plaintiff" or "Commissioner"), and Attoun Attal and Custom Auto Body, Inc. ("Defendants") have reached an amicable agreement resolving the

issues in controversy and consent to the entry of the within Stipulation of Settlement; and

IT IS HEREBY STIPULATED AND AGREED that Defendants jointly and severally allegedly made material false or misleading statements to High point Insurance Company by committing an act of theft by deception by creating a false impression that repairs to a Mercedes Benz were valued at \$16,117 when the cost of repairs were in fact less;

IT IS HEREBY STIPULATED AND AGREED that Defendants jointly and severally allegedly made material false or misleading statements to Allstate Insurance by charging for the replacement of a new door panel when in fact he had hand repaired the old one;

AND IT IS FURTHER STIPULATED AND AGREED that Defendants made material false or misleading statements to Progressive Insurance Company when they made claims for insurance benefits for a vehicle with a seized engine allegedly resulting from a New Jersey accident when, in fact, the damage to the engine occurred in an prior out-of-state accident.

AND IT IS FURTHER AGREED that these incidents are in violation of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 et seq. ("Fraud Act"), as alleged in the above-captioned matter; and

IT IS FURTHER STIPULATED AND AGREED that any future violation of the Fraud Act by Defendants will be considered a subsequent violation; and

IT IS FURTHER STIPULATED AND AGREED that Defendants shall pay a total sum of \$15,000.00 to the Plaintiff consisting of:

1. Civil penalties of \$10,000.00 for Defendants Attal and Custom Auto Body, Inc. jointly and severally, pursuant to N.J.S.A. 17:33A-5b;
2. Attorneys' fees of \$3,400.00 fees for Defendants Attal and Custom Auto Body, Inc. jointly and severally, pursuant to N.J.S.A. 17:33A-5b;
3. Insurance surcharge of \$500.00 for Defendant Attal individually, pursuant to N.J.S.A. 17:33A-5.1;
4. Insurance surcharge of \$500.00 for Defendant Custom Auto Body, Inc. individually, pursuant to N.J.S.A. 17:33A-5.1;
5. Restitution to Allstate Insurance Company in the amount of \$600.00;

IT IS FURTHER STIPULATED AND AGREED that defendants shall pay the total sum of \$15,000.00 upon the following terms and conditions:

1. Upon execution of the Stipulation of Settlement, Defendants shall remit to the attorney for the

Commissioner, \$15,000.00 by certified checks, bank checks or money orders made payable as follows:

-14,400.00 made payable to the "Commissioner, New Jersey Department of Banking and Insurance."

-\$600.00 made payable to the "Allstate Insurance Company."

The payment shall be sent to:

Anna M. Lascurain, Deputy Attorney General
Division of Law-R.J. Hughes Justice Complex
P.O. Box 117
25 Market Street
Trenton, NJ 08625

2. Restitution payments shall be sent directly to Allstate Insurance Company with a copy of the check and cover letter sent to DAG Anna M. Lascurain at the above address.

IT IS FURTHER STIPULATED AND AGREED that this Stipulation of Settlement resolves all issues in controversy between Plaintiff and Defendants related only to civil penalties for alleged violations of the Fraud Act for all of the claims alleged in the complaint by Plaintiff.

IT IS FURTHER STIPULATED AND AGREED that pursuant to N.J.S.A. 17:33A-10c, a copy of this Stipulation of Settlement shall be provided to any appropriate licensing authority and

this settlement shall not in any way otherwise bind any State or Federal agency;

IT IS FURTHER HEREBY STIPULATED AND AGREED that the penalties of this Stipulation of Settlement and Consent Judgment are imposed pursuant to the police powers of the State of New Jersey for the enforcement of the law and protection of the public health, safety and welfare, and are not intended to constitute debts which may be limited or discharged in a bankruptcy proceeding.

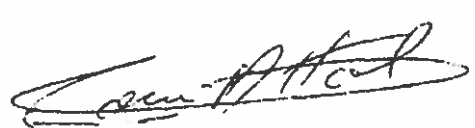
CONSENTED AS TO FORM, CONTENT AND ENTRY:

CHRISTOPHER S. PORRINO
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiff

Dated: 12-14-2017

By: 

Anna M. Lascurain
Deputy Attorney General


Attorn Attal, individually
and on behalf of Custom Auto
Body, Inc., Defendants

Dated: 12-6-17


[Name], Esq.

Dated: 11/07/17