



Plaintiff submits that this matter was initiated on July 7, 2017. Defendant did not answer or otherwise respond to the Complaint, and default in this matter was entered on August 18, 2017. Plaintiff submits that it moved to enter default judgment on December 12, 2017, but was unable to serve Defendant until February 19, 2018, when Defendant was located at a new address. Defendant did not answer or otherwise move, nor did he ask for an extension of time in which to do so. Thus, default was entered on March 29, 2018.

Plaintiff asserts that its claim against Defendant is for one violation of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. § 17:33A-1 to -30 ("Fraud Act"). Violations of the Fraud Act subject the violator to a civil penalty of up to \$5,000.00 for the first offense; \$10,000.00 for the second offense; and \$15,000.00 for each subsequent offense. N.J.S.A. § 17:33A-5(b). Plaintiff adds that Defendant knowingly provided false and misleading statements to GEICO Insurance Company ("GEICO") by failing to disclose the primary operators and the garaging location of the insured vehicles, in violation of N.J.S.A. § 17:33A-4(a)(4)(b). See Certification of Investigator Janet Domino-Ortega, ¶¶ 4-17.

Plaintiff seeks a single \$5,000.00 civil penalty for the material misstatements Defendant submitted to GEICO in support of his automobile insurance policy. Plaintiff adds that Court costs and reasonable attorneys' fees are mandated by the Fraud Act. N.J.S.A. § 17:33A-5(b). Further, the New Jersey Department of Law and Public Safety, Division of Law ("DOL") has established a Schedule of Attorneys' Fees that provides a uniform hourly rate of compensation for DOL legal staff. See Exhibit C. Plaintiff asserts that she has reviewed the DOL's timekeeping records related to this action; Plaintiff seeks compensation for the legal services provided by James Carey, Section Chief and Deputy Attorney General, Kristine Chichester, Paralegal, and Ms. Caride. This time consists of, among other things: preparation of written legal documents (including the Complaint, First Amended Complaint, Second Amended Complaint and various motions); preparation of discovery

responses; review of documents, including consumer complaints with supporting documentation; preparation for and taking of the deposition of [Defendant]; court appearances; meetings; telephone calls; and letters and e-mails.

Plaintiff submits that the billing rate for attorneys are as follows: (a) Paralegals - \$75 per hour; (b) Deputy Attorneys General with 0-5 years of legal experience - \$200 per hour; (c) Deputy Attorneys General with 6-10 years of legal experience - \$235 per hour; (d) Deputy/Assistant Attorneys General with 11-20 years of legal experience - \$260 per hour; and (e) Deputy/Assistant Attorneys General with more than 20 years of legal experience - \$300 per hour. Thus, the current billable rate for Section Chief James Carey is \$300.00 per hour; for Ms. Caride the current billable rate is \$200.00 per hour; and for Kristine Chichester the current billable rate is \$75 per hour. The time charge breakdown is as follows: Ms. Caride - 22.6 hours - \$4,520; James Carey - .4 hours - \$120; Kristine Chichester - 17.45 hours - \$1,308.75. Kristine Chichester spent a total of 34.9 hour in the preparation of the matter, however, Plaintiff is seeking compensation for only 17.45 hours of her time. Thus in accordance with N.J.S.A. § 17:33A-5(b), Plaintiffs seek recovery of \$5,948.75 in attorneys' fees.

Plaintiff also asserts that in addition to any penalties imposed by law, any person who is either found by a court of competent jurisdiction to have violated any provision of N.J.S.A. § 17:33A-1, *et seq.*, pertaining to automobile insurance, or been convicted of any violation of Title 2C of the New Jersey Statutes arising out of automobile insurance fraud, shall not operate a motor vehicle over the highways of this State for a period of one year from the date of judgment or conviction. N.J.S.A. § 39:6A-15. Further, pursuant to N.J.S.A. § 17:33A-5.1, in addition to any other penalty, fine or charge imposed, a person who is found in any legal proceeding to have committed insurance fraud shall be subject to a statutory fraud surcharge in the amount of \$1,000.00.

Therefore, Plaintiff respectfully requests that default in the amount of \$11,948.75 be entered against Defendant Ruiz. This amount consists of \$5,000.00 in civil penalties, pursuant to N.J.S.A. § 17:33A-5(b); attorneys' fees of \$5,948.75, pursuant to N.J.S.A. § 17:33A-5(b); and a \$1,000.00 statutory fraud surcharge, pursuant to N.J.S.A. § 17:33A-5.1. Plaintiff further respectfully requests that Defendant's driving privileges be suspended for a period of one year pursuant to N.J.S.A. § 39:6A-15.

The Court finds that Plaintiff is entitled to default judgment in this matter. Defendant has failed to answer or otherwise move in this matter, and has not requested an extension of time in which to answer. Further, pursuant to N.J.S.A. § 17:33A-5(b), Plaintiff is entitled to \$5,000.00 in civil penalties. The Court has reviewed Plaintiff's attached Certification and finds that attorneys' fees in the amount of \$5,958.75 are reasonable, and Plaintiff is entitled to same. Plaintiff is also entitled to a \$1,000.00 penalty pursuant to the statutory fraud charge under N.J.S.A. § 17:33A-5.1. And, as Defendant's violations concern his automobile insurance, the Court will suspend Defendant's driving privileges for a period of one year, pursuant to N.J.S.A. § 17:33A-5.1.

IT IS HEREBY ORDERED THAT Plaintiff's Motion to Enter Default Judgment is GRANTED.

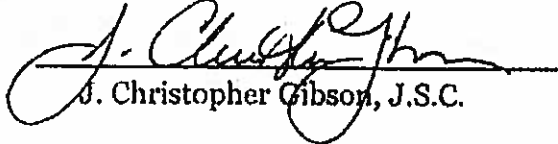
Accordingly, IT IS ON THIS 2<sup>nd</sup> day of August , 2018 ORDERED THAT Plaintiff's Motion to Enter Default Judgment is GRANTED in the amount of \$11,948.75 against Defendant Ernesto Ruiz and in favor of the Plaintiff, Marlene Caride, the Acting Commissioner of the New Jersey Department of Banking and Insurance. This amount consists of \$5,000.00 in civil penalties, pursuant to N.J.S.A. § 17:33A-5b for one violation of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. § 17:33A-1 to -30 ("Fraud Act"); attorneys' fees of \$5,948.75, pursuant to

N.J.S.A. § 17:33A-5b; and a statutory fraud surcharge of \$1,000.00, pursuant to N.J.S.A. § 17:33A-5.1.

IT IS FURTHER ORDERED THAT pursuant to N.J.S.A. § 39:6A-15, Defendant Ernesto Ruiz's driving privileges will be suspended for a period of one year from the date of this judgment.

IT IS FURTHER ORDERED THAT a copy of this Order be served by the moving party upon all parties or their attorneys within five (5) days.

The motion is unopposed.

  
J. Christopher Gibson, J.S.C.