

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiff
Richard J. Hughes Justice Complex
25 Market Street
P.O. Box 117
Trenton, New Jersey 08625-0117

FILED

OCT 30 2020

AVIS BISHOP-THOMPSON, J.S.C.

By: Brian R. Fitzgerald
Deputy Attorney General
NJ Attorney ID: 024972004
(609) 376-2965
brian.fitzgerald@law.njoag.gov

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - BERGEN COUNTY
DOCKET NO. BER-L-002386-20

MARLENE CARIDE,)
COMMISSIONER OF THE)
NEW JERSEY DEPARTMENT OF)
BANKING AND INSURANCE,)
)
Plaintiff,)
)
v.)
)
KUMAR SMITH,)
)
Defendant.)

Civil Action

**ORDER OF FINAL JUDGMENT
BY DEFAULT**

Defendant, Kumar Smith ("Defendant"), having been duly served with a copy of the Summons and Complaint in the above-captioned action, and default having been entered for Defendant's failure to appear, answer, or otherwise defend;

This Court now finds that Defendant (a) made written and oral statements in support of a claim for payment pursuant to an insurance policy knowing that the statements contained false or misleading information concerning material facts, and (b) made a

written statement that was intended to be presented to an insurance company in support of a claim for payment pursuant to an insurance policy knowing that the statement contained false information concerning material facts, both in violation of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to -30 ("Fraud Act").

Specifically, Defendant (a) falsely represented to an insurance company, orally and in writing, that his vehicle had suffered damage in an accident that did not occur, where in fact the damage occurred in a prior accident, in violation of N.J.S.A. 17:33A-4(a)(1), and (b) made a police report falsely reporting that his vehicle had suffered damage in an accident that did not occur, where in fact the damage had been caused in a prior accident, in violation of N.J.S.A. 17:33A-4(a)(2).

FINAL JUDGMENT is on this ^{30th} day of ^{October} 2020, entered in the amount of ^{13,786} ~~\$14,061~~.00 against Defendant and in favor of Plaintiff, Marlene Caride, Commissioner of the New Jersey Department of Banking and Insurance. This amount consists of \$10,000.00 in civil penalties for two (2) violations of the Fraud Act pursuant to N.J.S.A. 17:33A-5(b); attorneys' fees of ⁷⁸⁶ ~~\$2,996~~.00 pursuant to N.J.S.A. 17:33A-5(b); cost of service in the amount of \$65.00 pursuant to N.J.S.A. 17:33A-5; 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's driving privileges shall be suspended for a period of one (1) year from the date of this judgment.

IT IS FURTHER ORDERED, that a copy of this Order be served upon all parties within 7 days of the date of receipt.

Avis Bishop Thompson

This motion was:

AVIS BISHOP-THOMPSON, J.S.C.

_____ Opposed

 X _____ Unopposed

Attorney fees reduction is based upon the following:

- 1. Atty Shetton - 10/2/2019 entry (.4) appears to be duplicative of the 10/2/2019 entry. As such, \$80 was deducted.*
- 2. Atty Fitzgerald - 3/15/2020 (.1), 5/27/2020 (.1) & 6/30/2020 (.1) entries were entered in error & 4/2/2020 (.2) entry was an administrative function. As such, \$130 was deducted.*