

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

By: Anna M. Lascurain
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SUPERIOR COURT OF NEW JERSEY
SPECIAL CIVIL PART - MONMOUTH COUNTY
DOCKET NO.: MON-DC-004219-20

MARLENE CARIDE,)
COMMISSIONER OF THE NEW)
JERSEY DEPARTMENT OF)
BANKING & INSURANCE,)
)
Plaintiff,)
)
v.)
)
LINDA HERTLING,)
)
Defendant.)

Civil Action

STIPULATION OF SETTLEMENT

The claims in this action have been settled and resolved limited to the following parties, Plaintiff Marlene Caride, Commissioner of the New Jersey Department of Banking and Insurance ("Plaintiff"), and Defendant Linda Hertling ("Defendant");

WHEREAS, for good cause shown, the Parties have reached an agreement resolving the issues in controversy, and consent to the entry of the within Stipulation of Settlement ("Stipulation") pursuant to the terms and conditions below.

1. Defendant admits that she presented false and misleading

statements to Nationwide Insurance Company for the purpose of obtaining pet insurance.

2. Such conduct constitutes a violation of the New Jersey Insurance Fraud Prevention Act N.J.S.A. 17:33A-1-30 ("Fraud Act").

3. Defendant agrees that she shall not engage in any future violations of the Fraud Act.

4. Defendant shall pay a total Settlement Amount of \$2875.00 to the Plaintiff ("Settlement Amount"). This Settlement Amount consists of \$2500.00 in civil penalties pursuant to N.J.S.A. 17:33A-5b; \$250.00 in attorneys' fees pursuant to N.J.S.A. 17:33A-5b; and \$125.00 in statutory surcharge pursuant to N.J.S.A. 17:33A-5.1.

5. Defendant shall pay the Settlement Amount upon the following terms and conditions:

a. Immediately upon execution of this Stipulation by Defendant, Defendant shall remit to the attorney for the Plaintiff a lump sum payment in the amount of \$2,875.00 by certified check, official bank check, money order, or attorney trust check made payable to the "Commissioner, New Jersey Department of Banking and Insurance" addressed as follows:

Anna M. Lascurain, Deputy Attorney General
Banking and Insurance Section
R.J. Hughes Justice Complex
25 Market Street
P.O. Box 117
Trenton, New Jersey 08625

b. All communications from any party concerning the subject matter of this Stipulation shall be addressed as follows:

If to the Department:

Anna M. Lascurain, DAG
Banking and Insurance Section
R.J. Hughes Justice Complex
25 Market Street
P.O. Box 117
Trenton, New Jersey 08625

If to Defendant:

Mr. Rahoo Patel, Esq.
Ansell Grimm & Aaron P.C.
1500 Lawrence Avenue
Ocean, New Jersey 07712

6. Should the Defendant fail to make any of the payments as set forth in Paragraph 5 above, then upon motion to the Court with notice to the Defendant, Plaintiff shall be entitled to the entry of judgment in favor of the Plaintiff and against the Defendant in the amount of \$2,875.00 less a credit to the Defendant for any amounts paid to the Plaintiff.

7. Upon receipt of the payments as set forth in Paragraph 5 above, this Stipulation shall act as a dismissal of any and all claims in Plaintiff's Complaint with prejudice as to the Defendant.

8. This Stipulation shall be governed by the laws of the State of New Jersey without regard to any conflict-of-laws principles. The Parties agree that the exclusive jurisdiction and

venue for any dispute arising between and among the Parties under the Stipulation will be the Superior Court of the State of New Jersey.

9. The penalties of this Stipulation 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.

10. To facilitate execution, this Agreement may be executed in as many counterparts as may be required. All counterparts hereof shall collectively constitute a single agreement.

CONSENTED AS TO FORM, CONTENT, AND ENTRY:

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiff

Dated:

12-29-2020

By:



Anna M. Lascurain
Deputy Attorney General

Dated: 12/21/20

By:



Rahool Patel, Esq.
Ansell Grimm and Aaron P.C.
Attorney for Defendant

Dated: 12/21/20

By: Rahool Patel
Rahool Patel, Esq.
Ansell Grimm and Aaron P.C.
Attorney for Defendant

Dated: 12/21/20

By: Linda Hertling
Linda Hertling
Defendant