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DJ-109866-21

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SUPERIOR COURT OF NEW JERSEY
SPECIAL CIVIL PART - ATLANTIC COUNTY
DOCKET NO. ATL-DC-000546-21

MARLENE CARIDE,)
COMMISSIONER OF THE NEW)
JERSEY DEPARTMENT OF)
BANKING AND INSURANCE,)
)
Plaintiff,)
)
v.)
)
THOMAS J. TOTORO and)
TOTORO CONCRETE LLC a/k/a)
TOTORO CONCRETE INC.,)
)
Defendants.)

Civil Action

**ORDER FOR FINAL JUDGMENT BY
DEFAULT**

**SPECIAL CIVIL PART: STATUTORY
PENALTIES**

AMOUNT IN CONTROVERSY: \$9,488.00

THIS MATTER HAVING BEEN opened to the Court on the application of Gurbir S. Grewal, Attorney General of New Jersey, (by Brian R. Fitzgerald, Deputy Attorney General, appearing), attorney for Plaintiff, Marlene Caride, Commissioner of the New Jersey Department of Banking and Insurance on a motion for judgment by default; and

Defendants, Thomas J. Totoro ("Totoro") and Totoro Concrete

LLC a/k/a/ Totoro Concrete Inc. ("Totoro Concrete") (collectively, "Defendants"), having been duly served with a copy of the Summons and Complaint in the above-captioned action, and default having been entered for Defendants' failure to appear, answer, or otherwise defend;

This Court now finds that Defendants violated the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to -30 ("Fraud Act") by presenting a certificate of insurance that contained false information concerning the policy of insurance to which the certificate makes reference, in violation of the Fraud Act.

Specifically, Defendants presented to a construction company that had hired Defendants to perform work a fake certificate of liability insurance for a policy that did not exist, in violation of N.J.S.A. 17:33A-4(a)(6); and

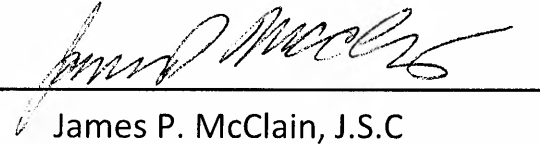
FINAL JUDGMENT is on this **10th** day of **August**, 2021, entered in the amount of \$11,731.00 against Defendants as follows:

(1) In favor of Plaintiff, Marlene Caride, Commissioner of the New Jersey Department of Banking and Insurance: (i) \$5,000.00 in civil penalties against Defendants, jointly and severally, for one (1) violation of the Fraud Act pursuant to 17:33A-5(c); (ii) attorneys' fees of \$2,488.00, jointly and severally, pursuant to N.J.S.A. 17:33A-5(c); (iii) a statutory fraud surcharge of \$1,000.00 against Totoro, individually,

pursuant to N.J.S.A. 17:33A-5.1; and (iv) a statutory fraud surcharge of \$1,000.00 against Totoro Concrete, individually, pursuant to N.J.S.A. 17:33A-5.1; and

(2) In favor of Skapaneas Construction and against Defendants jointly and severally, in the amount of \$2,243.00 pursuant to N.J.S.A. 17:33A-26.

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



James P. McClain, J.S.C

This motion was:

 Opposed X Unopposed