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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - ESSEX COUNTY
DOCKET NO. ESX-L-004182-21

MARLENE CARIDE,)
COMMISSIONER OF THE)
NEW JERSEY DEPARTMENT OF)
BANKING AND INSURANCE,)
)
Plaintiff,)
)
v.)
)
RICHARD HARDEN, JR. and)
RICHARD HARDEN, III,)
)
Defendants.)

Civil Action

ORDER OF FINAL JUDGMENT
BY DEFAULT

THIS MATTER HAVING BEEN opened to the Court on the application of Andrew J. Bruck, Acting Attorney General of New Jersey, (by Chandra M. Arkema, Deputy Attorney General, appearing), attorney for Plaintiff, Marlene Caride, Commissioner of the New Jersey Department of Banking and Insurance on a motion for final judgment by default; and

Defendants, Richard Harden, Jr. and Richard Harden, III ("Defendants"), having been duly served with copies 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, by falsely representing to Progressive on his application that he was the only driver of the Nissan Rogue, and failing to disclose Richard Harden, III as a regular driver, Defendant, Richard Harden, Jr., violated N.J.S.A. 17:33A-4(a)(3) and N.J.S.A. 17:33A-4(a)(4)(b); and

This Court also finds that Defendants, Richard Harden, Jr. and Richard Harden, III, conspired to falsely represent to Progressive on the application that Harden Junior was the only regular driver of the Nissan Rogue, when the Nissan Rogue was actually driven regularly by both Defendants, thereby violating N.J.S.A. 17:33A-4(b); and

This Court also finds that due to the misrepresentations of Harden Junior, falsely maintaining on his application to Progressive that he was the sole driver of the Nissan Rogue, when it was actually driven regularly by both Defendants, Harden III knowingly benefitted from the insurance policy issued and the reduced annual premium based upon those misrepresentations, in violation of N.J.S.A. 17:33A-4(c); and

FINAL JUDGMENT is on this 22nd day of October 2021,
as follows:

1. \$5,000.00 against Richard Harden, Jr., individually, for the Fraud Act violations alleged in Count 1 of the Complaint, pursuant to N.J.S.A. 17:33A-5(b);
2. \$5,000.00 against Richard Harden, Jr. and Richard Harden, III, jointly and severally, for the Fraud Act violations alleged in Count 2 of the Complaint, pursuant to N.J.S.A. 17:33A-5(b);
3. \$5,000.00 against Richard Harden, III, individually, for the Fraud Act violations alleged in Count 3 of the Complaint, pursuant to N.J.S.A. 17:33A-5(b);
4. A \$1,000 Fraud Act surcharge against Richard Harden, Jr., individually, pursuant to N.J.S.A. 17:33A-5.1;
5. A \$1,000 Fraud Act surcharge against Richard Harden, III, individually, pursuant to N.J.S.A. 17:33A-5.1;
6. Attorneys' fees in the amount of \$3,500.00 against Defendants, jointly and severally, pursuant to N.J.S.A. 17:33A-5(b);
7. Cost of service in the amount of \$80.00 against Richard Harden, Jr., individually, pursuant to N.J.S.A. 17:33A-5(b);
8. Cost of service in the amount of \$80.00 against Richard Harden, III, individually, pursuant to N.J.S.A. 17:33A-5(b);

IT IS FURTHER ORDERED, that a copy of this Order be served upon all parties ^{/counsel of record} within 7 days of the date ~~of receipt~~ hereof, per the Rules of Court.

/s/ Robert H. Gardner, J.S.C.
Hon. Robert H. Gardner, J.S.C.

This motion was:

_____ Opposed

 X _____ Unopposed