

to appear, answer, or otherwise defend; and the Court having considered the moving papers of the parties; and for good cause shown;

IT IS on this November 24, 2021;

ORDERED that this Court now finds that Defendant concealed or knowingly failed to disclose the occurrence of an event while applying for an automobile insurance policy that affected her initial or continued right or entitlement to any insurance benefit and also made oral statements intended to be presented to an insurance company in connection with, and in support of, a claim for payment or other benefit pursuant to an insurance policy, knowing that the statement contained false or misleading information concerning any fact or thing material to the claim in violation of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to -30 ("Fraud Act"); and it is further

ORDERED that this Court finds that Defendant failed to disclose that her vehicle was damaged by a prior collision when applying for an automobile insurance policy, violating N.J.S.A. 17:33A-4(a)(3), and also falsely represented to an insurance company that her vehicle was damaged in an accident after she applied for the automobile insurance policy, when in fact, the damage occurred before she applied, violating N.J.S.A. 17:33A-4(a)(1); and it is further

ORDERED that **FINAL JUDGMENT** is entered in the amount of \$8,368.00 against Defendant and in favor of Plaintiff, Marlene Caride, Commissioner of the New Jersey Department of Banking and Insurance. This amount consists of \$5,000.00 in civil penalties for two (2) violations of the Fraud Act pursuant to N.J.S.A. 17:33A-5(b); attorneys' fees of \$2,288.00 pursuant to N.J.S.A. 17:33A-5(b); cost of service in the amount of \$80.00 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; and 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; and it is further

ORDERED that service of this Order shall be deemed effectuated upon all counsel of record upon its upload to eCourts. Pursuant to Rule 1:5-1(a), movant shall serve a copy of this Order on all parties not served electronically within seven (7) days of the date of this Order.

s/ Christopher D. Rafano

Hon. Christopher D. Rafano, J.S.C.

Opposed
 Unopposed

Defendant filed opposition to this motion on November 19, 2021, the return date of this motion. Defendant waived oral argument in the opposition and consented to disposition on the papers. Defendant claims it was an "honest mistake" which "will not happen again." Additionally, she asks only for a payment plan, and does not dispute the statements of the Plaintiff. This Court will not order a payment plan but encourages the parties to do so. As to the counsel fees requested, this Court's review of the submissions indicates that the requested fees are reasonable. Therefore, the requested for attorneys' fees and costs is also granted.