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Attorney for Plaintiff
R.J. Hughes Justice Complex
25 Market Street
P.O. Box 117
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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - ESSEX COUNTY
DOCKET NO. ESX-L-1606-22

MARLENE CARIDE,)
COMMISSIONER, NEW JERSEY)
DEPARTMENT OF BANKING AND)
INSURANCE,)
)
Plaintiff,)
)
v.)
)
HARRY GILBERT,)
)
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, Harry Gilbert, DDS ("Defendant"), (collectively "Parties");

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 acknowledges that he submitted multiple invoices with incorrect dates of service for payment to insurance carriers in violation of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to 30 ("Fraud Act").

2. Defendant asserts that as of May 2017 when this issue was first brought to his attention, he performed an internal audit of his dental practice and has ensured that procedures are in place to prevent submission of invoices to insurance carriers with incorrect dates. In addition, Defendant has paid complete restitution to the appropriate insurance carriers for the claims at issue in this case, several years before this action was filed in June of 2022. Defendant agrees that he shall not engage in any future violations of the Fraud Act.

3. Defendant shall pay a total settlement amount of \$6,250.00 to the Plaintiff ("Settlement Amount"). This Settlement Amount consists of \$5,000.00 in civil penalties pursuant to N.J.S.A. 17:33A-5b; \$1,000.00 in attorneys' fees pursuant to N.J.S.A. 17:33A-5b; and \$250.00 in statutory surcharge pursuant to N.J.S.A. 17:33A-5.1.

4. Defendant shall pay the settlement amount upon the

following terms and conditions:

a. Immediately upon execution of this Stipulation, but no later than September 1, 2022, Defendant shall remit to the attorney for the Plaintiff a lump sum payment in the amount of \$6,250.00 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, 2nd Floor West
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:

Peter Neely Milligan, Esq.
1409 Marlton Pike E, Box 271
Cherry Hill, NJ 08034

5. Upon receipt of the payment as set forth in Paragraph 4 above, this Stipulation shall act as a dismissal of

any and all claims in Plaintiff's Complaint with prejudice as to the Defendant, provided the Defendant fully performs under the terms of the Stipulation.

6. 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.


7. 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.

8. To facilitate execution, this Stipulation 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:

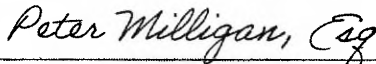
MATTHEW J. PLATKIN
ACTING ATTORNEY GENERAL OF NEW
JERSEY
Attorney for Plaintiff

Dated: ~~August~~ ^{October 3}, 2022

By: 

Anna M. Lascurain
Deputy Attorney General

Dated: August , 2022

By: 

Peter Neely Milligan, Esq.
Attorney for Defendant

Dated: August , 2022

9/28/2022

By: 

Harry Gilbert