

Filed with the Court

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Eric G. Fikry, J.S.C.

EDITED BY THE COURT:

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MARLENE CARIDE,)	SUPERIOR COURT OF NEW JERSEY
COMMISSIONER OF THE)	LAW DIVISION - BURLINGTON COUNTY
NEW JERSEY DEPARTMENT OF)	DOCKET NO. BUR-L-002140-21
BANKING AND INSURANCE,)	
)	
Plaintiff,)	<u>Civil Action</u>
)	
v.)	ORDER OF FINAL JUDGMENT
)	BY DEFAULT
CARMELLE MICHEL,)	
)	
Defendant.)	

THIS MATTER HAVING BEEN opened to the Court on the application of Matthew J. Platkin, 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 final judgment by default; and

Having reviewed the above-captioned motion, the court finds it to be meritorious on its face and unopposed. Pursuant to Rule

1:6-2, it therefore will be granted essentially for the reasons set forth in the moving papers.

Defendant, Carmelle Michel ("Defendant"), having been duly served with a copy of the Summons and Complaint in the above-captioned action, and default having been entered for Defendant's failure to appear, answer, or otherwise defend;

This Court now finds that Defendant knowingly (i) made a written statement intended to be presented to an insurance company for the purpose of obtaining an insurance policy knowing that the statement contained false or misleading information concerning a fact or thing material to an insurance application; and (ii) concealed or knowingly failed to disclose the occurrence of an event which affects any person's initial or continued right or entitlement to any insurance benefit or payment or the amount of any benefit or payment to which the person is entitled, both in violation of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to -30 ("Fraud Act").

Specifically, Defendant (i) misrepresented on an application for automobile insurance that she resided and garaged her vehicle in New Jersey, when in fact she resided and garaged her vehicle in New York, in violation of N.J.S.A. 17:33A-4(a)(4)(a) and, (ii) on calls with an insurance company, knowingly failed to disclose that she resided and garaged her vehicle in New York, in violation of N.J.S.A. 17:33A-4(a)(3).

FINAL JUDGMENT is on this 4th day of **NOVEMBER** 2022, entered in the amount of \$9,500.00 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 \$3,500.00 pursuant to N.J.S.A. 17:33A-5(b); and a statutory fraud surcharge of \$1,000.00 pursuant to N.J.S.A. 17:33A-5.1.

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

s/ Eric G. Fikry, J.S.C.
HON. ERIC G. FIKRY, J.S.C.

- Opposed
- Unopposed