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J-157639-22

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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - ESSEX COUNTY
DOCKET NO. ESX-L-000368-22

MARLENE CARIDE,)
COMMISSIONER OF THE)
NEW JERSEY DEPARTMENT OF)
BANKING AND INSURANCE,)
)
Plaintiff,)
)
v.)
)
FABRICIO DEBRITO and)
MADISON STONE CARE COMPANY,)
)
Defendants.)

Civil Action

**ORDER OF FINAL JUDGMENT
BY DEFAULT**

THIS MATTER HAVING BEEN opened to the Court on the application of Matthew J. Platkin, Acting 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

Defendants, Fabricio Debrito (“Debrito”) and Madison Stone Care Company (“Madison Stone”) (collectively, “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 Defendants (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) presented an oral statement to an insurance company in support of a claim for payment or other benefit pursuant to an insurance policy knowing that the statements contained false or misleading information concerning a fact or thing material to the claim, and so a third party claim would be paid, both in violation of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to -30 ("Fraud Act").

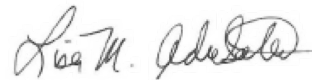
Specifically: (i) Defendants, when applying for a commercial automobile insurance policy, failed to list Debrito as a driver of vehicles insured under the policy, even though he was a driver of an insured vehicle, in violation of N.J.S.A. 17:33A-4(a)(3) and -4(a)(4)(b); (ii) Debrito, on a telephone call with an insurance company in support of Madison Stone Care's automobile insurance claim, falsely represented the identity of the driver of an insured vehicle at the time of an automobile accident, in violation of N.J.S.A. 17:33A-4(a)(1); and (iii) Debrito, on a telephone call with an insurance company in support of Madison Stone Care's automobile insurance claim, falsely represented that he was not issued a ticket at the scene of the accident, when in fact he was issued a ticket for failure to possess a driver's license, in violation of N.J.S.A. 17:33A-4(a)(1).

FINAL JUDGMENT is on this 7th day of November 2022, entered in the amount of \$15,772.00 against Defendants, and in favor of Plaintiff, Marlene Caride, Commissioner

of the New Jersey Department of Banking and Insurance. This amount consists of (i) \$10,000.00 in civil penalties against Defendants, jointly and severally, for two (2) violations of the Fraud Act pursuant to 17:33A-5(c); (ii) attorneys' fees of \$3,667.00, jointly and severally, pursuant to N.J.S.A. 17:33A-5(c); (iii) cost of service in the amount of \$105.00 against Defendants, jointly and severally, pursuant to N.J.S.A. 17:33A-5(b); (iv) a statutory fraud surcharge of \$1,000.00 against Debrito, individually, pursuant to N.J.S.A. 17:33A-5.1; and (v) a statutory fraud surcharge of \$1,000.00 against Madison Stone, individually, pursuant to N.J.S.A. 17:33A-5.1.

IT IS FURTHER ORDERED, that pursuant to N.J.S.A. 39:6A-15, Defendant Debrito's driving privileges shall be suspended for a period of one (1) year from the date of this judgment.

IT IS FURTHER ORDERED, that a copy of this Order be served upon all parties within 7 days of the date of ~~receipt~~ hereof, pursuant to R.1:5-(a).



~~J.S.C.~~

LISA M. ADUBATO, J.S.C.

This motion was:

_____ Opposed

X _____ Unopposed

The court reviewed the proofs presented by plaintiff in this unopposed application for default judgment; the request for penalties and fees is supported by N.J.S.A. 17:33A-1 et seq., including the request for attorney fee award, which was supported by a proper Affidavit of Services, and which amount requested the court finds to be reasonable.