

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION – BURLINGTON COUNTY  
DOCKET NO. BUR-L-000836-21

MARLENE CARIDE, )  
COMMISSIONER OF THE )  
NEW JERSEY DEPARTMENT OF )  
BANKING AND INSURANCE, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
DESHAN WALKER, )  
 )  
 )  
Defendant. )

Civil Action

**ORDER OF FINAL JUDGMENT  
BY DEFAULT**

**THIS MATTER** having come before the Court upon Plaintiff’s motion for Final Judgment by Default, and the Court having reviewed the papers submitted and having received no opposition; and Defendant, having been duly served with copies 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 (a) made oral statements intended to be presented to an insurance company for the purpose of obtaining an insurance policy, knowing that the statements contained false or misleading information concerning material facts and Defendant knowingly failed to disclose an event that affected his entitlement to an insurance benefit; and (b) presented oral statements in support of a claim for payment pursuant to an insurance policy, knowing the statements contained false information concerning a fact material to the claim, all in violation of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to -30 (“Fraud Act”);

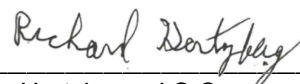
Specifically, (a) Defendant made false oral statements to Progressive Garden State Insurance Company (“Progressive”) in his application for automobile insurance that he had not been in a motor vehicle accident within the past five (5) years, concealing an accident prior to the application for insurance, in violation of N.J.S.A. 17:33A-4(a)(3) and N.J.S.A. 17:33A-4(a)(4)(b); and (b) Defendant represented to Progressive that he was in a motor vehicle accident that occurred after he obtained an automobile policy, when, in fact, the accident that damaged his motor vehicle occurred prior to the effective date of Defendant’s Progressive policy, in violation of N.J.S.A. 17:33A-4(a)(1); and

**IT IS** is on this 15<sup>th</sup> day of December , 2022, **ORDERED** that Final Judgment is hereby entered in the amount of \$9,568.00 against Defendant, and in favor of Plaintiff, Marlene Caride, Commissioner of the New Jersey Department of Banking and Insurance as follows:

1. \$5,000.00 in civil penalties for two (2) violations of the Fraud Act, pursuant to N.J.S.A. 17:33A-5(b);
2. A \$1,000.00 Fraud Act surcharge against Defendant, pursuant to N.J.S.A. 17:33A-5.1;
3. Attorneys' fees in the amount of \$3,500.00 against Defendant, pursuant to N.J.S.A. 17:33A-5(b);
4. Cost of service in the amount of \$68.00 against Defendant, pursuant to N.J.S.A. 17:33A-5(b);

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

**IT IS FURTHER ORDERED** that service of this Order shall be deemed effectuated upon all parties upon its upload to eCourts. Movant shall serve a copy of this Order on all parties not served electronically within seven (7) days of the date of this Order.



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Richard L. Hertzberg, J.S.C.