

J-165917-22

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**FILED**

**December 16, 2022**

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

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SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - MIDDLESEX COUNTY  
DOCKET NO. MID-L-001774-22

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

**Civil Action**

**ORDER OF FINAL JUDGMENT  
BY DEFAULT**

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

Defendant, Damien Simmons ("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 (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 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 a fact or thing material to the claim, 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) on an automobile insurance application, falsely represented that he resided and garaged his vehicle in New Jersey, when in fact he resided and garaged his vehicle in New York, in violation of N.J.S.A. 17:33A-4(a)(4)(a) and -4(a)(4)(b), and (ii) on a call with an insurance company in support of an insurance claim, falsely represented that he resided in New Jersey when in fact he resided in New York, in violation of N.J.S.A. 17:33A-4(a)(1).

FINAL JUDGMENT is on this                    day of                    2022, entered in the amount of \$9,198.00 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 \$3,048.00 pursuant to N.J.S.A. 17:33A-5(b); cost of service in the amount of \$150.00 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.

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.

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

*s/ Christopher D. Rafano*  
Hon. Christopher D. Rafano, J.S.C.

This motion was:

\_\_\_\_\_ Opposed  
  X   \_\_\_\_\_ Unopposed

**This Court finds the requested legal fees and costs to be reasonable.**

Having reviewed the above motion, I find it to be meritorious on its face and it is unopposed. Therefore, pursuant to R. 1:6-2, it is GRANTED substantially for the reasons set forth in the moving papers.