

FILED

October 7, 2022

Christopher D. Rafano, J.S.C.

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SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - MIDDLESEX COUNTY  
DOCKET NO. MID-L-006105-21

MARLENE CARIDE,  
COMMISSIONER OF THE  
NEW JERSEY DEPARTMENT OF  
BANKING & INSURANCE,

Plaintiff,

Civil Action

v.

ORDER OF FINAL JUDGEMNT  
BY DEFAULT

BRIAN M. CUBALA,

Defendant.

THIS MATTER HAVING BEEN opened to the Court on the application of Matthew J. Platkin, Acting Attorney General of New Jersey, (by Anna M. Lascurain, 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

The Court having review the Plaintiff's motion and having been satisfied that the Defendant was properly served pursuant to R. 1:5;

The Defendant, Brian M. Cubala (“Defendant”), having been duly served with a copy of the Summons and Complaint in the above-entitled action and having been defaulted for failure to appear, answer or otherwise defend;

This Court now finds that Defendant violated the New Jersey Insurance Fraud Prevention Act, specifically N.J.S.A. 17:33A-4(a)(1) and N.J.S.A. 17:33A-4(a)(3) by knowingly submitting multiple false statements to insurance carrier Progressive Insurance Company (“Progressive”) in support of a claim for benefits pursuant to an insurance policy, specifically Defendant made false statements to Progressive in an attempt to obtain coverage for physical damage to his vehicle insured through Progressive, in violation of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to -30 (“Fraud Act”).

FINAL JUDGMENT is on this 7<sup>th</sup> day of October, 2022, entered in the amount of \$10,662.50 against Defendant Brian M. Cubala, and in favor of the Plaintiff, Marlene Caride, Commissioner of the New Jersey Department of Banking and Insurance. This amount consists of \$5,000.00 in civil penalties for one violation of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to -30; attorneys’ fees of \$4,582.50 pursuant to N.J.S.A. 17:33A-5; cost of service in the amount of \$80.00 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 New Jersey driving privileges shall be suspended for a period of one year from the date of this judgment;

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/ Christopher D. Rafano*  
Hon. Christopher D. Rafano, U.S.C.

This motion was:

\_\_\_\_\_ Opposed

\_\_\_\_\_  \_\_\_\_\_ Unopposed

Having reviewed the above motion, the Court finds it to be meritorious on its face and is unopposed. Pursuant to R. 1:6-2, it therefore will be granted essentially for the reasons set forth in the moving papers.