

Court Prepared

MARLENE CARIDE, COMMISSIONER OF THE NEW JERSEY DEPARTMENT OF BANKING AND INSURANCE	SUPERIOR COURT OF NEW JERSEY LAW DIVISION – SPECIAL CIVIL PART ATLANTIC COUNTY DOCKET NO. ATL-DC-3357-22
Plaintiff	<i>Civil Action</i>
VS.	ORDER TO ENTER JUDGMENT
TAAHIRA STREET Defendant	

THIS MATTER having come before the Court on Plaintiff's motion to enter judgment, and the Court having reviewed the materials submitted, there having been no opposition, and for good cause shown, for the reasons set forth in the attached memorandum of decision,

IT IS on this 14th day of April, 2023, **ORDERED**, that Plaintiff's motion is **GRANTED**.

IT IS FURTHER ORDERED that judgment be and is hereby entered in favor of Plaintiff against Defendant, Taahira Street, in the amount of \$5,000.00 in civil penalties for one (1) violation of the Fraud Act, pursuant to N.J.S.A. 17:33A-5(b); reasonable attorney fees of \$1,000.00, 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; for a total final judgment of \$7,000.00.

IT IS FURTHER ORDERED that service of this Order shall be effectuated upon all parties upon its upload to eCourts and pursuant to Rule 1:5-1(a), movant shall serve a copy of this Order on all parties not served electronically within seven (7) days of the date of this Order.

April 14, 2023


 RALPH A. PAOLONE, J.S.C.

This motion was unopposed.

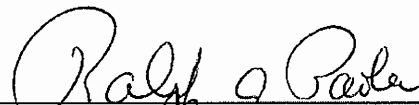
MEMORANDUM OF DECISION

N.J.S.A. 17:33A-5(b) provides that when a defendant violates N.J.S.A. 17:33A-1 et seq., in addition to civil penalties, “[t]he court shall also award court costs and reasonable attorneys’ fees to the commissioner.” (Emphasis added). In light of the statute, attorney fees will be granted. Pursuant to Rule 1.5(a) of the Rules of Professional Conduct, “A lawyer’s fee shall be reasonable.” The relevant factors the Court considers in order to determine the reasonableness of attorney fees in the case at bar include the following:

- (a) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly...
- (c) The fee customarily charged in the locality for similar legal services ...
- (d) The amount involved and the results obtained...

The Court finds Plaintiff’s request for \$10,000 in attorney fees is not reasonable in light of the fact that default was entered against Defendant on December 1, 2022, and on December 27, 2022, Judge McClain granted an Order for Defendant’s Answer to be suppressed without prejudice. Moreover, this instant motion is unopposed. Therefore, Plaintiff’s request for attorney fees shall be reduced to \$1,000.

April 14, 2023



RALPH A. PAOLONE, J.S.C.