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ASSIGNMENT JUDGE  
MIDDLESEX VICINAGE

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**AUG 27 2013**

TRAVIS L. FRANCIS  
ASSIGNMENT JUDGE  
MIDDLESEX VICINAGE

JOHN J. HOFFMAN  
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Division of Law  
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Attorney for Plaintiffs

By: Jeffrey Koziar  
Deputy Attorney General  
[REDACTED]

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION  
MIDDLESEX COUNTY  
DOCKET NO.: MID-C-234-12

JOHN J. HOFFMAN<sup>1</sup>, Acting Attorney General of the State of New Jersey, ERIC T. KANEFSKY, Director of the New Jersey Division of Consumer Affairs and ROBERT J. CAMPANELLI, Acting Superintendent of the State of New Jersey, Office of Weights and Measures.

Plaintiffs,

v.

PERTHAMBOYNJPO, LLC, d/b/a BP; JANE AND JOHN DOES 1-10, individually and as owners, officers, directors, shareholders, founders, managers, agents, servants, employees, representatives and/or independent contractors of PERTH AMBOY NJPO, LLC, d/b/a BP and XYZ CORPORATIONS 1-10  
Defendants.

Civil Action

**FINAL JUDGMENT AND ORDER**  
**AND PERMANENT INJUNCTION**

**WHEREAS** the Attorney General of the State of New Jersey (the "Attorney General") is charged with the responsibility of enforcing the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1

<sup>1</sup> This action was commenced on behalf of Jeffrey S. Chiesa, former New Jersey Attorney General. Pursuant to R. 4:34-4, the caption has been changed to reflect the current Acting Attorney General.

et. seq. ("CFA") and the Director of the New Jersey Division of Consumer Affairs ("Director") is charged with the responsibility of administering the CFA on behalf of the Attorney General;

**WHEREAS** the Superintendent of the New Jersey Office of Weights ("Superintendent") may recover penalties for violations of the Motor Fuels Act, N.J.S.A. 56:6-1 et seq. ("Motor Fuels Act") and the regulations promulgated thereunder, N.J.A.C. 18:19-1.1 et seq. ("Motor Fuels Regulations");

**WHEREAS** this matter opened to the Chancery Division on November 8, 2012, upon the filing of a Complaint on behalf of the plaintiffs Attorney General, Director and Superintendent (collectively "Plaintiffs") alleging that defendant Perth Amboy, NJPO, d/b/a BP ("Defendant") engaged in conduct in violation of the CFA by means of its advertisement, offer for sale, and sale of motor fuel at excessive prices during the State of Emergency declared by Governor Chris Christie on October 27, 2012, and in violation of the Motor Fuels Act and Motor Fuels Regulations by means of its failure to provide access to its books and records;

**WHEREAS** Plaintiffs, pursuant to R. 4:46-2, have moved for summary judgment against Defendant that includes a finding that its acts and omissions constitute multiple violations of the CFA, the Motor Fuels Act and Motor Fuels Regulations, an award of civil penalties and reimbursement of attorneys' fees and investigative costs;

**WHEREAS** the Court having considered the pleadings filed in this action, as well as the papers submitted in support of this motion, specifically the Statement of Material Facts Pursuant to R. 4:46-2(a), Brief, Certification of Michael Cecere, with accompanying exhibits, and Certification of Jeffrey Koziar, with accompanying exhibits;

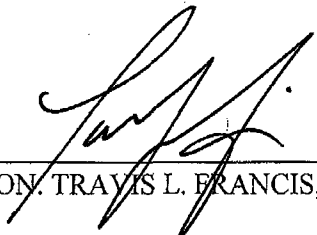
**WHEREAS** the Court being of the opinion that there exists no genuine issue of material fact and that Plaintiffs are entitled to summary judgment as a matter of law;

THEREFORE IT IS on this 27<sup>th</sup>, day of August 2013, **ORDERED AND**

**ADJUDGED** as follows:

1. Plaintiffs' <sup>unopposed</sup> motion for summary judgment is granted. <sup>Plaintiff's motion to strike the defendant's answer is denied as moot.</sup>
2. The acts and omissions of Defendant constitute multiple violations of the CFA, the Motor Fuels Act and Motor Fuels Regulations.
3. Defendant's offering for sale and/or selling of motor fuel, specifically Regular Gasoline on October 31, 2012 at a price of \$4.499 per gallon comprised an increase of 15.4% from the price prior to the State of Emergency and this was an excessive price increase in violation of the CFA, specifically N.J.S.A. 56:8-109.
4. Defendant's offering for sale and/or selling of motor fuel, specifically Premium Gasoline on October 31, 2012 and November 1, 2012 at a price of \$4.699 comprised an increase of 14.6% from the price prior to the State of Emergency and this was an excessive price increase in violation of the CFA, specifically N.J.S.A. 56:8-109.
5. Defendant's failure on November 1, 2012 and November 2, 2012 to make its books and records available for inspection comprises violations of the Motor Fuels Act, N.J.S.A. 56:6-7 and the Motor Fuels Regulations, N.J.A.C. 18:19-5.2.
6. Defendant is permanently enjoined from engaging in, continuing to engage in, or doing any acts or practices in violation of the CFA, N.J.S.A. 56:8-1 et seq.; the Motor Fuels Act, N.J.S.A. 56:6-1 et seq. and/or the Motor Fuels Regulations, N.J.A.C. 18:19-1.1 et seq., including, but not limited to, the acts and practices alleged in the Complaint,
7. Defendant shall pay to the New Jersey Division of Consumer Affairs civil penalties in the amount of \$51,859.52, in accordance with N.J.S.A. 56:8-13 and N.J.S.A. 56:6-3.

8. Defendant shall reimburse Plaintiffs for attorneys' fees incurred in the investigation and prosecution of this action, in the amount of \$15,820.00, for the use of the State of New Jersey, as authorized by N.J.S.A. 56:8-11 and N.J.S.A. 56:8-19.
9. Defendant shall reimburse Plaintiffs for their investigative costs and fees incurred in the investigation and prosecution of this matter, in the amount of \$2,250.00, for the use of the State of New Jersey, as authorized by the CFA, N.J.S.A. 56:8-11 and N.J.S.A. 56:8-19.
10. Defendant shall pay the aggregate amount of \$69,929.52, within ~~thirty~~ <sup>(30)</sup> days of the date of this Final Judgment and Order.
11. Nothing contained in this Final Judgment and Order, including the Court's determinations herein, shall bind or affect the rights of any persons not a party hereto, or preclude actions against any unnamed parties.
12. Nothing contained in this Final Judgment and Order shall bind or affect any position which any party may take in future or unrelated actions.
13. This Final Judgment and Order may be enforced only by Plaintiffs and Defendant or their successors hereto.
14. This Court retains jurisdiction for the purpose of enabling Plaintiffs or Defendant to apply to this Court for any such further orders and directions as may be necessary and appropriate for the enforcement of, or compliance with, this Final Judgment and Order.
15. A copy of this Final Judgment and Order shall be served upon all counsel of record within seven (7) days of the date of this Order.



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HON. TRAVIS L. FRANCIS, A.J.S.C.