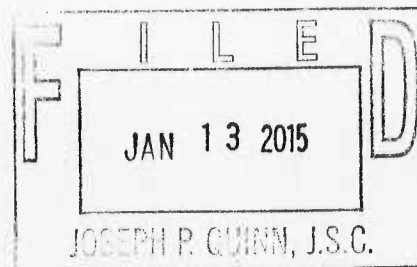


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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MONMOUTH COUNTY
DOCKET NO. MON-L-1801-12

COMMISSIONER, NEW JERSEY)
DEPARTMENT OF BANKING AND)
INSURANCE,)

Civil Action

Plaintiff,)

ORDER OF
SUMMARY JUDGMENT

v.)

DIANE GARCIA, PH.D.,)
MICHELLE DICUBELLIS,)
L.C.S.W. AND FIRESPIRIT,)

Defendants.

This matter coming before the Court on the application of John J. Hoffman, Acting Attorney General, by Richard E. Wegryn, Jr., Deputy Attorney General, attorney for plaintiff, Commissioner of the New Jersey Department of Banking and Insurance ("Plaintiff"), for an Order of Summary Judgment against the defendants, Diane Garcia, Ph.D., Michelle

DiCubellis, L.C.S.W., and FireSpirit, Inc. (collectively "Defendants"), and the Court having considered the papers submitted, and for good cause shown;

IT IS on this 13 day of JAN, 2015;

ORDERED that Summary Judgment be and is hereby **GRANTED** in favor of Plaintiff, and against Defendants, Diane Garcia, Ph.D., Michelle DiCubellis, L.C.S.W., and FireSpirit, Inc.; and

IT IS FURTHER ORDERED that defendant, Diane Garcia, Ph.D., is adjudged liable for _____ violations of N.J.S.A. 17:33A-1 et seq., the New Jersey Insurance Fraud Prevention Act; and

IT IS FURTHER ORDERED that defendant, Michelle DiCubellis, L.C.S.W. is adjudged liable for _____ violations of N.J.S.A. 17:33A-1 et seq., the New Jersey Insurance Fraud Prevention Act; and

IT IS FURTHER ORDERED that defendant, FireSpirit, Inc., is adjudged liable for _____ violations of N.J.S.A. 17:33A-1 et seq., the New Jersey Insurance Fraud Prevention Act; and

IT IS FURTHER ORDERED that judgment be and is hereby entered against defendant, Diane Garcia, Ph.D., in the amount of \$ _____, which consists of civil penalties in the amount of \$ _____ individually for _____ violations of the Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 et seq.;

attorneys' fees in the amount of \$_____ to be paid jointly and severally by the Defendants, pursuant to N.J.S.A. 17:33A-5b; cost of service of process in the amount of \$35.00 individually pursuant to N.J.S.A. 17:33A-5b; plus a \$1,000.00 statutory surcharge individually pursuant to N.J.S.A. 17:33A-5.1; and

IT IS FURTHER ORDERED that judgment be and is hereby entered against defendant, Michelle DiCubellis, L.C.S.W., in the amount of \$_____, which consists of civil penalties in the amount of \$_____ individually for _____ violations of the Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 et seq.; attorneys' fees in the amount of \$_____ to be paid jointly and severally by the Defendants, pursuant to N.J.S.A. 17:33A-5b; cost of service of process in the amount of \$119.95 individually pursuant to N.J.S.A. 17:33A-5b; plus a \$1,000.00 statutory surcharge individually pursuant to N.J.S.A. 17:33A-5.1; and


IT IS FURTHER ORDERED that judgment be and is hereby entered against defendant, FireSpirit, Inc., in the amount of \$_____, which consists of civil penalties in the amount of \$_____ individually for _____ violations of the Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 et seq.; attorneys' fees in the amount of \$_____ to be paid jointly and severally by the Defendants, pursuant to N.J.S.A. 17:33A-5b; cost of service of process in the amount of \$35.00 individually

pursuant to N.J.S.A. 17:33A-5b; plus a \$1,000.00 statutory surcharge individually pursuant to N.J.S.A. 17:33A-5.1.

IT IS FURTHER ORDERED that Defendants are ordered to pay restitution to New Jersey Horizon Blue Cross Blue Shield in the amount of \$92,001.11 plus interest, pursuant to N.J.S.A. 17:33A-26 (or any balance due, if partial restitution has already been paid).

IT IS FURTHER ORDERED that a copy of this Order be served upon all parties within 10 days of the date of this Order.

See Attached Statement of Reasons under R 1:6-2(b)


Hon. Joseph P. Quinn, J.S.C.

X opposed Judgment is entered in favor of the Plaintiff AND AGAINST the defendants for Restitutive Damages of \$92,001.11 under NJSA 17:33A-5A

_____ unopposed Judgment is entered for STATUTORY DAMAGES of \$1,000 AGAINST each defendant under NJSA 17:33A-5.1

Judgment is entered for COSTS AND attorney fees under NJSA 17:33A-5b to be determined by a Certificate from Counsel and Plaintiff's shall HAVE 10 DAYS to object

AS TO Civil Penalties under NJSA 17:33A-5 the Court will reserve its determination as to the AMOUNT pending a hearing.