

FILED

February 5, 2021

Hon. Jeffrey B. Beacham, J.S.C.

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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - ESSEX COUNTY
DOCKET NO. ESX-L-003619-20

MARLENE CARIDE,)
COMMISSIONER OF THE)
NEW JERSEY DEPARTMENT OF)
BANKING AND INSURANCE,)
)
Plaintiff,)
)
v.)
)
CARMEN DE LA ROSA,)
)
Defendant.)

Civil Action

**ORDER OF FINAL JUDGMENT
BY DEFAULT**

GRANTED

THIS MATTER HAVING BEEN opened to the Court on the application of Gurbir S. Grewal, 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 judgment by default; and

Defendant, Carmen De La Rosa ("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 (a) 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 and misleading information concerning material facts; (b) concealed and/or knowingly failed to disclose the occurrence of an event that affected her continued right or entitlement to an insurance benefit and (c) made oral statements to an insurance company in support of a claim for payment pursuant to an insurance policy knowing that the statements contained false information concerning material facts, all in violation of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to -30 ("Fraud Act").

Specifically, Defendant (a) disclosed only herself and failed to disclose on an application for automobile insurance that her husband and adult children resided with her, in violation of N.J.S.A. 17:33A-4(a)(4)(b) and N.J.S.A. 17:33A-4(a)(3); (b) concealed and/or failed to disclose to an insurance company that her adult children were driving insured vehicles, in violation of N.J.S.A. 17:33A-4(a)(3); and (c) falsely represented that her adult children were not drivers of insured vehicles, in support of

getting the insurance company to pay her accident claim, in violation of N.J.S.A. 17:33A-4(a)(1). **GRANTED**

FINAL JUDGMENT is on this **5TH** day of **February** 2021, entered in the amount of \$16,146.00 against Defendant and in favor of Plaintiff, Marlene Caride, Commissioner of the New Jersey Department of Banking and Insurance. This amount consists of \$10,000.00 in civil penalties for three (3) violations of the Fraud Act pursuant to N.J.S.A. 17:33A-5(b); attorneys' fees of \$5,081.00 pursuant to N.J.S.A. 17:33A-5(b); cost of service in the amount of \$65.00 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 5 days of the date of receipt.

JB Beach

Jeffrey B. Beacham, J.S.C.

This motion was:

_____ Opposed

x _____ Unopposed