

MARLENE CARIDE, COMMISSIONER OF
THE NEW JERSEY DEPARTMENT OF
BANKING AND INSURANCE;

Plaintiff(s),

v.

JERMAINE MORRIS;

Defendant(s),

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MONMOUTH COUNTY

Docket No: MON-L-686-21

Civil Action

ORDER

THIS MATTER having been opened to the Court with on the application of the Attorney General of New Jersey, (by Chandra M. Arkema, Deputy Attorney General, appearing) for Plaintiff and Defendant Jermaine Morris, self-represented, the Court having considered the moving and supporting papers submitted in connection therewith, for other good cause shown;

IT IS, on this 27th day of August, 2021;

ORDERED that Plaintiff's request to enter final judgment in the amount of \$12,947.00 against Defendant and in favor of Plaintiff is **GRANTED**; and it is further

ORDERED that Plaintiff's request to suspend Defendant's driving privileges for a period of one (1) year from the date of this judgment, pursuant to N.J.S.A. 39:6A-15 is **GRANTED**; and it is further

ORDERED that that a copy of this order shall be served within seven (7) days of the date of this Order.

/s/ Gregory L. Acquaviva
HON. GREGORY L. ACQUAVIVA, J.S.C.

Statement of Reasons

On February 26, 2021, a complaint was filed by Plaintiff, Commissioner of Banking and Insurance Marlene Caride (hereinafter “DOBI”), against Defendant for violations of the New Jersey Insurance Fraud Prevention Act N.J.S.A. 17:33A-1 to -30 (“Fraud Act”). Default was entered against Defendant on April 9, 2021. In this unopposed motion, DOBI now seeks a default judgment against Defendant.

Plaintiff sets forth \$10,000 in civil penalties for violations of the Fraud Act– the identical figure asserted in the complaint. Such is supported by claim details. Plaintiff further recounts costs and fees incurred in pursuing this matter - \$1,872.00 in attorney’s fees, \$75.00 in service costs, and \$1,000.00 constituting the statutory fraud surcharge pursuant to N.J.S.A. 17:33A-5.1. These fees are reasonable and customary, and supported by legal authority and the credible, un rebutted documentation submitted in and with the moving certification.

To be sure, Defendant could seek civil penalties totaling \$15,000 for the two violations which relate to his concealment and knowing failure to disclose information while applying for automobile insurance. More specifically, Defendant failed to disclose that his vehicle was damaged in an accident when applying for insurance and falsely represented to his insurer that the vehicle was damaged when another vehicle backed in to him after he applied for insurance when the damage occurred before he applied for same. Nevertheless, DOBI has chosen to seek only \$10,000 in penalties. N.J.S.A. 17:33A-5(b).

As to counsel fees, the polestar is reasonableness. See Rule 4:42-9; Rule of Professional Conduct 1.5(a). Factors to be considered include: time and labor required, novelty and difficulty of questions involved, and requisite skill necessary; likelihood of preclusion of other work; fee customarily charged; amount involved and results obtained; time limitations; nature and length

of relationship; experience, reputation, and ability of lawyers; and fixed or contingent nature of the fee.

Here, DOBI was fully successful. The Department of Law and Public Safety has established a schedule of attorney's fees providing for uniform hourly rates. The time sheets submitted herewith show a reasonable amount of time devoted by skilled lawyers of high repute in advancing this successful litigation. The quantum of hours was imminently reasonable, and so is the hourly rate which is below what private sector counsel would charge for similar services – even for a straightforward matter such as this. The other factors are not applicable or do not change the balance. At day's end, the requested fee is imminently reasonable.

As to court costs, such are reimbursable pursuant to N.J.S.A. 17:33A-5(b). The costs sought to be reimbursed here are appropriate and reasonable, as is the statutory surcharge of \$1,000 pursuant to N.J.S.A. 17:33A-5.1.

Plaintiff also seeks to suspend Defendant's driving privileges for a period of one year, pursuant to N.J.S.A. 39:6A-15. The statutory prohibition is mandatory, stating that "any person who is [] found by a court of competent jurisdiction to have violated any provision of N.J.S.A. 17:33A-1" such as Defendant here, "shall not operate a motor vehicle over the highways of this State for a period of one year from the date of judgment" As such, the Court is constrained to impose this statutorily mandated prohibition.

Accordingly, in the absence of any opposition and based on the unrebutted, moving certification and attachments thereto, default judgment is entered consistent with the accompanying order.