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**FILED**  
**SEP 24, 2021**  
**JOSEPH A. TURULA, P.J. Cv.**

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SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - HUDSON COUNTY  
DOCKET NO. HUD-L-001245-21

MARLENE CARIDE, )  
COMMISSIONER OF THE )  
NEW JERSEY DEPARTMENT OF )  
BANKING AND INSURANCE, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
YAMIL O. AYALA, SR. and )  
GIOVANNI L. AYALA, )  
 )  
Defendants. )

Civil Action

**ORDER OF FINAL JUDGMENT  
BY DEFAULT**

**X** Granted

THIS MATTER HAVING BEEN opened to the Court on the application of Andrew J. Bruck, Acting Attorney General of New Jersey, (by Chandra M. Arkema, Deputy Attorney General, appearing), attorney for Plaintiff, Marlene Caride, Commissioner of the New Jersey Department of Banking and Insurance on a motion for final judgment by default; and

Defendants, Yamil O. Ayala, Sr. and Giovanni L. Ayala ("Defendants"), having been duly served with copies of the Summons and Complaint in the above-captioned action, and default having been entered for Defendants' failure to appear, answer, or otherwise defend;

This Court now finds that, by falsely representing to Progressive on his application that the BMW was garaged in New Jersey, and concealing the actual garaging location of Philadelphia, Pennsylvania, Defendant, Yamil O. Ayala, Sr., violated N.J.S.A. 17:33A-4(a)(4)(a) and (b) and N.J.S.A. 17:33A-4(a)(3); and

This Court also finds that Defendants, Yamil O. Ayala, Sr. and Giovanni L. Ayala, violated N.J.S.A. 17:33A-4(a)(1) by falsely representing to Progressive that they lived and garaged the BMW in Harrison, New Jersey, when Giovanni actually lived and garaged the BMW in Philadelphia, in support of the claim for payment pursuant to an insurance policy; and

This Court also finds that Defendants conspired to falsely represent to Progressive on the application, and as part of the insurance claim, that the BMW was garaged in New Jersey, when it was actually garaged in Philadelphia, Pennsylvania, thereby violating N.J.S.A. 17:33A-4(b); and

This Court also finds that Defendant, Giovanni L. Ayala, knowingly benefitted from the insurance policy issued based

upon the misrepresentations of Yamil O. Ayala, Sr. on his application to Progressive, that the BMW was garaged in New Jersey, when it was actually garaged in Philadelphia, Pennsylvania; and

FINAL JUDGMENT is on this 24th day of September 2021, as follows:

1. \$5,000.00 against Yamil O. Ayala, Sr., individually, for the Fraud Act violations alleged in Count 1 of the Complaint, pursuant to N.J.S.A. 17:33A-5(b);
2. \$5,000.00 against Yamil O. Ayala, Sr. and Giovanni L. Ayala, jointly and severally, for the Fraud Act violations alleged in Count 2 of the Complaint, pursuant to N.J.S.A. 17:33A-5(b);
3. \$5,000.00 against Yamil O. Ayala, Sr. and Giovanni L. Ayala, jointly and severally, for the Fraud Act violations alleged in Count 3 of the Complaint, pursuant to N.J.S.A. 17:33A-5(b);
4. \$5,000.00 against Giovanni L. Ayala, individually, for the Fraud Act violations alleged in Count 4 of the Complaint, pursuant to N.J.S.A. 17:33A-5(b);
5. A \$1,000 Fraud Act surcharge against Yamil O. Ayala, Sr., individually, pursuant to N.J.S.A. 17:33A-5.1;
6. A \$1,000 Fraud Act surcharge against Giovanni L. Ayala, individually, pursuant to N.J.S.A. 17:33A-5.1;

7. Attorneys' fees in the amount of \$3,500.00 against Defendants, jointly and severally, pursuant to N.J.S.A. 17:33A-5(b);

8. Cost of service in the amount of \$68.00 against Yamil O. Ayala, Sr., individually, pursuant to N.J.S.A. 17:33A-5(b);

9. Cost of service in the amount of \$444.00 against Giovanni L. Ayala, individually, pursuant to N.J.S.A. 17:33A-5(b);

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

  
JOSEPH A. TURULA, P.J.Cv., J.S.C.

This motion was:

\_\_\_\_\_ Opposed  
  X   Unopposed