

ANDREW J. BRUCK  
ACTING ATTORNEY GENERAL OF NEW JERSEY  
Richard J. Hughes Justice Complex  
25 Market Street  
P.O. Box 117  
Trenton, New Jersey 08625-0117  
Attorney for Plaintiff

By: Telge N. Peiris  
Deputy Attorney General  
NJ Attorney ID No. 183962017  
(609)376-2965  
Telge.Peiris@law.njoag.gov - Amended by the Court.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - BURLINGTON COUNTY  
DOCKET NO. BUR-L-001291-20

_____	)	
	)	
MARLENE CARIDE, COMMISSIONER OF	)	<b><u>Civil Action</u></b>
THE NEW JERSEY DEPARTMENT OF	)	
BANKING AND INSURANCE,	)	<b>ORDER OF SUMMARY JUDGMENT</b>
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
MOMOH S. KENNETH and	)	
JULIANNA WAGGONER	)	
	)	
Defendants.	)	
_____		

This matter coming before the Court on the application of Andrew J. Bruck, Acting Attorney General, (by Telge N. Peiris, Deputy Attorney General appearing), attorney for Plaintiff, Marlene Caride, Commissioner of the New Jersey Department of Banking and Insurance ("Commissioner"), for an Order of Summary

Judgment against Defendant Momoh S. Kenneth ("Defendant Kenneth"), and the Court having considered the papers submitted, and oral argument, if any, and for good cause shown; and for the reasons set forth on the record;

It is on this 21st day of January, 2022;

**ORDERED**, that Summary Judgment shall be and hereby is **GRANTED** in favor of the Commissioner and against Defendant Kenneth as follows; and

1. Defendant Kenneth committed four violations of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to -30 ("Fraud Act"), including one violation of N.J.S.A. 17:33A-4(a)(4)(b) by concealing that one of his insured vehicles, a 2011 Honda Accord, had been involved in an automobile accident prior to applying for and obtaining insurance coverage with Progressive Garden State Insurance Company ("Progressive"), one violation of N.J.S.A. 17:33A-4(a)(1) by making a false statement for damages to the Honda Accord with Progressive, one additional violation of N.J.S.A. 17:33A-4(a)(4)(b) by failing to disclose a resident driver, Defendant Julianna Waggoner, in a subsequent application for insurance with the New Jersey Manufacturer's Insurance Company ("NJM"), and one additional violation of N.J.S.A. 17:33A-4(a)(1) by making a false statement to NJM in support of a claim for benefits in a second accident involving the Honda Accord;

**IT IS FURTHER ORDERED**, that after consideration of the factors relevant to the calculation of civil penalties, as set forth in Kimmelman v. Henkels & McCoy, Inc., 108 N.J. 123 (1987), that judgment shall be and hereby is entered in the total amount of \$24,258.75 against Defendant Kenneth including a \$20,000 civil penalty against Defendant Kenneth for four violations of the Fraud Act; a statutory fraud surcharge of \$1,000.00 pursuant to N.J.S.A. 17:33A-5.1; attorneys' fees of \$3,238.75 and cost of service of \$20.00 pursuant to N.J.S.A. 17:33A-5(b);

**IT IS FURTHER ORDERED**, that pursuant to N.J.S.A. 39:6A-15, the New Jersey driving privileges of Defendant Kenneth shall be suspended for a period of one year from the date of this judgment;

**IT IS FURTHER ORDERED**, that a copy of this Order be served on all parties within 7 days from the date of receipt.

*Sander Friedman*

\_\_\_\_\_  
The Honorable Sander D. Friedman, J.S.C.

      X       opposed

                   unopposed