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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - GLOUCESTER COUNTY
DOCKET NO. GLO-L-001404-21

MARLENE CARIDE,)
COMMISSIONER OF THE)
NEW JERSEY DEPARTMENT OF)
BANKING AND INSURANCE,)
)
Plaintiff,)
)
v.)
)
EDDIE BURDEN,)
)
Defendant.)

Civil Action

**ORDER OF FINAL JUDGMENT
BY DEFAULT**

THIS MATTER HAVING BEEN opened to the Court on the application of Matthew J. Platkin, Acting 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 final judgment by default; and

Defendant, Eddie Burden ("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 (i) concealed or knowingly failed to disclose the occurrence of an event that affected his initial or continued right or entitlement to an insurance benefit or payment, and (ii) presented written and oral statements in support of a claim for payment or other benefit pursuant to an insurance policy knowing that the statements contained false or misleading information concerning a fact or thing material to the claim, and so a third party claim would be paid, in violation of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to -30 ("Fraud Act").

Specifically, Defendant (i) when applying for a new automobile insurance policy, failed to disclose that he had been involved in an automobile accident just hours before he applied for the policy, in violation of N.J.S.A. 17:33A-4(a)(3), and (ii) falsely represented that an accident occurred after the inception of an automobile insurance policy, when in fact the accident occurred prior to inception, and so a third party claim would be paid, in violation of N.J.S.A. 17:33A-4(a)(1).

FINAL JUDGMENT is on this 22d day of July 2022, entered in the amount of \$9,292.00 against Defendant and in favor of Plaintiff, Marlene Caride, Commissioner of the New Jersey Department of Banking and Insurance. This amount consists of

\$5,000.00 in civil penalties for two (2) violations of the Fraud Act pursuant to N.J.S.A. 17:33A-5(b); attorneys' fees of \$3,212.00 pursuant to N.J.S.A. 17:33A-5(b); cost of service in the amount of \$80.00 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.

Benjamin D. Morgan

Hon. Benjamin D. Morgan, J.S.C.

This motion was:

_____ Opposed
x _____ Unopposed

This is Plaintiff's motion for default judgment under R. 4:43-2. Default was entered on February 1, 2022. A certificate of non-military service has been provided along with two supporting certifications. The first certifications describes Defendant's undisputed actions in obtaining insurance and making a claim on that insurance policy for an accident that occurred before the policy was effective that Defendant claimed occurred the day after the policy was effective. The second certification describes without contest how those actions violate the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1, et seq., regarding Defendant's knowing failures to disclose and false statements. Plaintiff is seeking the minimum statutory penalty of \$5,000.00. The Court has also reviewed the attorney's fees incurred in this action and finds them to be reasonable in the time spent and the rate charged. Thus, the \$3,212.00 in attorney's fees is granted. The statutory fraud surcharge of \$1000 is also granted, N.J.S.A. 17:33a-5.1, along with the required on year suspension, N.J.S.A. 39:6A-15.