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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - SALEM COUNTY
DOCKET NO. SLM-L-000125-22

MARLENE CARIDE,)
COMMISSIONER OF THE)
NEW JERSEY DEPARTMENT OF)
BANKING & INSURANCE,)
)
Plaintiff,)
)
v.)
)
DASHAWN ANDERSON)
)
)
Defendant.)

Civil Action

ORDER OF FINAL JUDGEMNT
BY DEFAULT

THIS MATTER HAVING BEEN opened to the Court on the application of Matthew J. Platkin, Attorney General of New Jersey, (by William B. Puskas, Jr., 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

The Defendant, Dashawn Anderson ("Defendants"), having been duly served with a copy of the Summons and Complaint in the above-entitled action and having been defaulted for failure to appear, answer or otherwise defend;

This Court now finds that Defendant violated the New Jersey Insurance Fraud Prevention Act, specifically N.J.S.A. 17:33A-4(a)(1), N.J.S.A. 17:33A-4(a)(2) and N.J.S.A. 17:33A-4(a)(3)(a) and (b), by knowingly making false written and oral statements to Travelers Property and Casualty Insurance Company ("Travelers") on or about November 28, 2018, in support of a claim for payment or other benefit, in violation of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to -30 ("Fraud Act").

FINAL JUDGMENT is on this 23rd day of June 2023, entered in the amount of \$10,080.00 against Defendant Dashawn Anderson, and in favor of the 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 violations of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to -30; attorneys' fees of \$3,930.00 pursuant to N.J.S.A. 17:33A-5; costs of service of process in the amount of \$150.00 pursuant to N.J.S.A. 17:33A-5(b); and a statutory fraud surcharge of \$1,000.00 pursuant to N.J.S.A. 17:33A-5.1.

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

Benjamin D. Morgan

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

This motion was:

_____ Opposed

xxx _____ Unopposed

This is Plaintiff's motion for final default judgment pursuant to R. 4:43-2. The court entered default against the defendant on January 4, 2023. Plaintiff submitted an appropriate affidavit of service and proof of non-military service. Plaintiff has also provided a certification stating the basis for the amount sought on default judgment, which the court finds to be appropriate. As such, for the following reasons, default judgment is hereby granted in favor of the plaintiff.

The facts of this matter are relatively straightforward. Defendant injured his foot during a basketball game on August 25, 2018, as shown by the medical records. He stated there were no prior injuries. However, plaintiff subsequently submitted claims to the insurance company stating his foot was injured while working. Upon investigation of the claim, the insurance company denied the claim. Plaintiff now seeks statutory penalties for insurance fraud.

N.J.S.A. 17:33A-5(b) subjects a violator of the NJ Insurance Fraud Prevention Act to of up to \$5,000 for the first offense, \$10,000 for the second offense, \$15,000 for subsequent offenses. Attorney's fees and court costs are permitted under N.J.S.A. 17:33A-5(b). N.J.S.A. 17:33A-5.1 also requires a statutory fraud surcharge in the amount of \$1000.

Defendant has not denied he intentionally submitted fraudulent claims for insurance coverage regarding his foot injury, both himself and subsequently through his attorney. As such, a civil penalty of \$5,000 is appropriate. Plaintiff has also submitted attorney's fees claims of \$3,930. The court has reviewed the timesheets submitted and the basis of the fees under RPC 1.5. The

court finds the rates charged to be reasonable and commensurate with others in the field with similar experience. The court does not find this matter to be overly complex, but does find the fixed fees charged to be reasonable. Therefore, the court finds the \$3,930 be appropriate. The court also finds the court costs of \$150 to be appropriate for judgment. Lastly, the court finds the statutory fraud surcharge to be available to plaintiff in this matter and will add the \$1000 to the judgment. These numbers total a final default judgment in the amount of \$10,080.00.

Motion granted.