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SUPERIOR COURT OF NEW JERSEY
SPECIAL CIVIL PART - MONMOUTH COUNTY
DOCKET NO. MON-DC-006857-22

MARLENE CARIDE,
COMMISSIONER OF THE NEW
JERSEY DEPARTMENT OF
BANKING & INSURANCE,

Plaintiff,

v.

KEVIN S. HERNANDEZ,

Defendant.

Civil Action

**ORDER FOR FINAL JUDGMENT BY
DEFAULT**

THIS MATTER HAVING BEEN opened to the Court on the application of Matthew J. Platkin, Attorney General of New Jersey, (by Richard E. Wegryn, 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

Defendant, Kevin S. Hernandez ("Defendant"), having been duly served with a copy of the Summons and Complaint in the above-captioned action and default having been entered for failure to appear, answer, or otherwise defend;

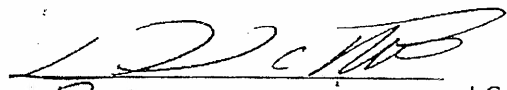
This Court now finds that Defendant violated the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to -30 ("Fraud Act"), specifically N.J.S.A. 17:33A-4(a)(1) and N.J.S.A. 17:33A-4(a)(3)(a) to (b), by falsely stating to GEICO as part of a claim filed on December 30, 2020, and again on December 31, 2020, that an accident involving the insured vehicle occurred on December 29, 2020, after the policy was reinstated, when the accident actually occurred on December 28, 2020, during the period in which the policy had lapsed; and

FINAL JUDGMENT is on this *2nd* day of *August* 2023, entered in the amount of \$10,362.50 against Defendant Kevin S. Hernandez and in favor of Plaintiff, Marlene Caride, Commissioner of the New Jersey Department of Banking and Insurance. This amount consists of: a \$5,000.00 civil penalty for one violation of the Fraud Act, pursuant to N.J.S.A. 17:33A-5(b); attorneys' fees of \$4,362.50, pursuant to N.J.S.A. 17:33A-5(b); a statutory fraud surcharge of \$1,000.00 pursuant to N.J.S.A. 17:33A-5.1; and

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 year

from the date of this judgment.

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


DAVID A. NITTI J.S.C.

⁶ The application for attorney fees and costs was reviewed and found to be reasonable in conformance with R4:42-9 and R.P.C. 1.5(a),

This motion was:

Opposed

Unopposed

The motion, which was not opposed, is GRANTED for the reasons set forth in the moving papers.