

FILED

1:51 pm, Aug 25, 2023

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SUPERIOR COURT OF NEW JERSEY
SPECIAL CIVIL PART - ESSEX COUNTY
DOCKET NO. ESX-DC-006683-23

JUSTIN ZIMMERMAN, ACTING)
COMMISSIONER OF THE NEW)
JERSEY DEPARTMENT OF)
BANKING AND INSURANCE,¹)
Plaintiff,)
v.)
ROSELINE RIOS,)
Defendant.)

Civil Action

**ORDER FOR FINAL JUDGMENT BY
DEFAULT**

**SPECIAL CIVIL PART: STATUTORY
PENALTIES**

**AMOUNT IN CONTROVERSY:
\$12,664.00**

THIS MATTER HAVING BEEN opened to the Court on the application of Matthew J . Platkin, Attorney General of New Jersey, (by Brian R. Fitzgerald, Deputy Attorney General, appearing), attorney for Plaintiff, Justin Zimmerman, Acting Commissioner of the New Jersey Department of Banking and Insurance on a motion for final judgment by default; and

¹ Pursuant to R. 4:34-4, the caption has been revised to reflect the current Acting Commissioner of the Department.

Defendant, Roseline Rios (“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 violated the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to -30 (“Fraud Act”) by (i) making an oral statement to an insurance company in support of a claim for payment or other benefit pursuant to an insurance policy, knowing that the statement contained false or misleading information concerning material facts, in violation of N.J.S.A. 17:33A-4(a)(1), and (ii) concealing and/or knowingly failing to disclose the occurrence of an event that affected her initial or continued right or entitlement to any insurance benefit or payment, in violation of N.J.S.A. 17:33A-4(a)(3).

Specifically, Defendant (i) falsely represented to Progressive Insurance Company (“Progressive”) that damage to her insured vehicle caused by flood occurred after the inception of her policy when, in fact, it occurred prior to the inception of her policy, in violation of N.J.S.A. 17:33A-4(a)(1), and (ii) concealed and/or knowingly failed to disclose to Progressive the prior flood damage on her application for automobile insurance, in violation of N.J.S.A. 17:33A-4(a)(3); and

FINAL JUDGMENT is on this 25th day of ^{August} 2023, entered in the amount of \$12,664.00 against Defendant, and in favor of Plaintiff, Justin Zimmerman, Acting Commissioner of the New Jersey Department of Banking and Insurance.

This amount consists of \$10,000.00 in civil penalties for two (2) violations of the Fraud Act, N.J.S.A. 17:33A-5(b); attorneys' fees of \$1,664.00 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 pursuant to N.J.S.A. 39:6A-15, Defendant's driving privileges will 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 seven (7) days of the date ^{hereof per the Rules of Court.} ~~of receipt.~~

/s/ Robert H. Gardner, J.S.C.

Hon. ROBERT H. GARDNER, J.S.C.

This motion was:

Opposed Unopposed