

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

FILED

September 8, 2023

Christopher D. Rafano, J.S.C.

By: Nicholas Kant
Deputy Attorney General
NJ Attorney ID: 045942006
(609) 376-2965
Nicholas.Kant@law.njoag.gov

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MIDDLESEX COUNTY
DOCKET NO. MID-L-002768-22

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

Civil Action

**ORDER REINSTATING
PLAINTIFF'S COMPLAINT AND
ENTERING 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 Nicholas Kant, Deputy Attorney General, appearing), attorney for Plaintiff, Justin Zimmerman, Acting Commissioner of the New Jersey Department

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

of Banking and Insurance on a motion for final judgment by default;
and

Defendant, Andy Philip ("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) made a written statement intended to be presented to an insurance company for the purpose of obtaining an insurance policy knowing that the statement contained false or misleading information concerning a fact or thing material to an insurance application; (ii) made a written statement intended to be presented to an insurance company for the purpose of obtaining a motor vehicle insurance policy that Defendant maintained a principal residence in New Jersey when, in fact, Defendant's principal residence was and is in a state other than New Jersey; (iii) concealed and/or knowingly failed to disclose the occurrence of an event which affected his initial or continued right or entitlement to any insurance benefit or payment; and (iv) presented written 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, all in violation of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to -30 ("Fraud Act").

Specifically, Defendant (i) on an automobile insurance application falsely represented that he resided and garaged his vehicle in New Jersey, when in fact he resided and garaged his vehicle in New York, in violation of N.J.S.A. 17:33A-4(a)(4)(a) and -4(a)(4)(b); (ii) when changing the lien holder of the vehicle on his policy, concealed and/or knowingly failed to disclose that he resided and garaged his vehicle in New York, in violation of N.J.S.A. 17:33A-4(a)(3); and (iii) in support of an automobile insurance claim in connection with damage to his vehicle, submitted an altered water bill and a bogus residential lease falsely representing that he resided in New Jersey, when in fact he resided in New York, in violation of N.J.S.A. 17:33A-4(a)(1); and

Exceptional circumstances being shown under R. 1:13-7 supporting reinstatement of Plaintiff's Complaint;

IT IS ORDERED that Plaintiff's Complaint is reinstated as of the date of this Order; and

FINAL JUDGMENT is on this **8th** day of **September** 2023, entered in the amount of \$8,912.00 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 \$2,832.00 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 a copy of this Order be served upon all parties within 7 days of the date of receipt.

s/ Christopher D. Rafano

Hon. Christopher D. Rafano, J.S.C.

This motion was:

_____ Opposed

 X _____ Unopposed

Having reviewed the above motion, I find it to be meritorious on its face and it is unopposed. Therefore, pursuant to R. 1:6-2, it is GRANTED substantially for the reasons set forth in the moving papers.