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FILED

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DARA AQUILA GOVAN,
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SUPERIOR COURT OF NEW JERSEY
SPECIAL CIVIL PART - UNION COUNTY
DOCKET NO. MID-DC-003636-23

_____)
)
JUSTIN ZIMMERMAN, ACTING)
COMMISSIONER OF THE NEW JERSEY)
DEPARTMENT OF BANKING AND)
INSURANCE ¹ ,)
)
Plaintiff,)
)
v.)
)
YVETTE CHESSON,)
)
Defendant.)
_____)

Civil Action
**ORDER OF SUMMARY
JUDGMENT**
**SPECIAL CIVIL PART:
STATUTORY PENALTIES**
**AMOUNT IN CONTROVERSY:
\$10,134.00**

This matter coming before the Court on the application of Matthew J. Platkin, Attorney General, (by Chandra M. Arkema, Deputy Attorney General

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

appearing), attorney for Plaintiff, Justin Zimmerman, Acting Commissioner of the New Jersey Department of Banking and Insurance (“Commissioner”), for an Order of Summary Judgment against Defendant, Yvette Chesson (“Defendant”), and the Court having considered the papers submitted, and for good cause shown; and

It is on this 27th day of November, 2023;

ORDERED, that Summary Judgment shall be and hereby is **GRANTED** in favor of the Commissioner and against Defendant; and

IT IS FURTHER ORDERED, 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, by failing to disclose J.B. as a licensed driver residing within the household on her insurance application, Defendant (a) concealed or knowingly failed to disclose the occurrence of an event which affected her initial or continued right or entitlement to any insurance benefit or the amount of any benefit to which she was entitled, in violation of N.J.S.A. 17:33A-4(a)(3); and (b) made written and oral statements 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 material facts, in violation of N.J.S.A. 17:33A-4(a)(4)(b).

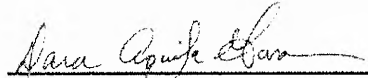
IT IS FURTHER ORDERED, that after consideration of the factors relevant to the calculation of civil penalties, as set forth in Kimmelman v. Henkels & McCoy, Inc., 108 N.J. 123 (1987), that judgment shall be and hereby is entered

in the total amount of \$10,134.00 against Defendant.

This amount consists of a \$5,000 civil penalty against Defendant for her violation of N.J.S.A. 17:33A-4(a)(3) and N.J.S.A. 17:33A-4(a)(4)(b), and a statutory fraud surcharge of \$1,000.00 against Defendant, pursuant to N.J.S.A. 17:33A-5.1; and

IT IS FURTHER ORDERED, that after consideration of the factors relevant for the assessment of attorneys' fees, as set forth in Rendine v. Pantzer, 141 N.J. 292 (1995), that judgment shall be and hereby is entered against Defendant, in the amount of \$4,134.00, pursuant to N.J.S.A. 17:33A-5b

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



Honorable Dara A. Govan, J.S.C.

_____ opposed

 x unopposed

Plaintiff has presented uncontroverted evidence that it is entitled to summary judgment. No genuine issues of fact exist. Plaintiff is entitled to judgment as a matter of law.