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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MONMOUTH COUNTY
DOCKET NO. MON-L-2901-23

JUSTIN ZIMMERMAN, ACTING)	
COMMISSIONER OF THE)	<u>Civil Action</u>
NEW JERSEY DEPARTMENT OF)	
BANKING AND INSURANCE,)	ORDER FOR FINAL JUDGMENT
)	BY DEFAULT
Plaintiff,)	
)	
v.)	
)	
MARGUERITE KAFUTI MBUTU)	
)	
)	
Defendant.)	

THIS MATTER HAVING BEEN opened to the Court on the Application of Matthew J. Platkin, Attorney General of New Jersey, (by William E. Vaughan, 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 Defendant, Marguerite Kafuti Mbutu ("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; and

This Court now finds that Defendant knowingly made false statements to an insurance company in support of an automobile insurance application and in connection with an automobile insurance claim, in violation of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to -30 ("Fraud Act"); and

Specifically, Defendant misrepresented in an application for automobile insurance and in connection with a claim for automobile insurance benefits, that she resided and her vehicle were garaged in Freehold, New Jersey when, in fact, Defendant resided and her vehicle was garaged in Jamaica, New York, in violation of N.J.S.A. 17:33A-4(a)(1), N.J.S.A. 17:33A-4(a)(3), N.J.S.A. 17:33A-4(a)(4)(a), and N.J.S.A. 17:33A-4(a)(4)(b).

FINAL JUDGMENT is on this 10th day of May 2024, entered in the amount of \$22,107.66 against Defendant and in favor of Plaintiff, Justin Zimmerman, Acting Commissioner of the New Jersey Department of Banking and Insurance. This amount consists of:

- a. \$5,000.00 in civil penalties for two (2) violations of the Fraud Act pursuant to N.J.S.A. 17:33A-5(b);
- b. attorneys' fees of \$3,500.00 pursuant to N.J.S.A. 17:33A-5(b);

Statement of Reasons

Defendant is in default. As such, the pled facts are deemed admitted. Heimbach v. Mueller, 229 N.J. Super. 17 (App. Div. 1988).

According to the complaint, Defendant misrepresented in an application for automobile insurance and in connection with a claim for benefits that she resided in and that her vehicle was garaged in Freehold when, in fact, she resided in and the vehicle was garaged in Jamaica, New York. Such misrepresentation violated myriad provisions of N.J.S.A. 17:33A, et. seq. (Fraud Act).

Violations of the Fraud Act subject the violator to a civil penalty of up to \$5,000 for the first offense and \$10,000 for the second offense. Plaintiff seeks to impose a violation of \$5,000 for two offenses for her oral and written misrepresentations.

Court costs and reasonable fees are too recoverable. N.J.S.A. 17:33A-5(b). Without belaboring the point, the affidavit of services accompanying this unrebutted motion demonstrates that the \$3,500 in fees sought here are imminently reasonable when compared to the Rule of Professional Conduct 1.5(a) factors. So too are the costs of service.

The \$1,000 statutory fine is too appropriate. N.J.S.A. 17:33A-5.1. So too is restitution to Liberty Mutual of \$12,452.66 relating to claims on a New Jersey policy that never should have been issued.

Finally, revocation of driving privileges for a period of one year is too appropriate. N.J.S.A. 39:6A-15.

In the absence of opposition, this unopposed, well-supported, and well-documented motion for default judgment is granted.