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FILED
May 31, 2024
Hon. Bina K. Desai, J.S.C.

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SUPERIOR COURT OF NEW JERSEY
SPECIAL CIVIL PART - MIDDLESEX COUNTY
DOCKET NO. MID-DC-005727-24

JUSTIN ZIMMERMAN, ACTING)
COMMISSIONER OF THE NEW)
JERSEY DEPARTMENT OF)
BANKING AND INSURANCE,)
)
Plaintiff,)
)
v.)
)
GYASI RAMIREZ,)
)
Defendant.)

Civil Action

**ORDER FOR FINAL JUDGMENT BY
DEFAULT**

**SPECIAL CIVIL PART: STATUTORY
PENALTIES**

**AMOUNT IN CONTROVERSY:
\$12,204.00**

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

Defendant, Gyasi Ramirez ("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) when renewing his automobile insurance policy, falsely representing in a written statement to an insurance company that he maintained a principal residence in this State when, in fact, his principal residence was in a state other than this State, in violation of N.J.S.A. 17:33A-4(a)(4)(a); (ii) when renewing his automobile insurance policy, making a written statement to an insurance company 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-(a)(4)(b); and (iii) on two telephone calls with an insurance company in support of a claim for damage to his vehicle, making oral statements to an insurance company in support of a claim for payment pursuant to an insurance policy knowing that the statements contained false information concerning material facts, in violation of N.J.S.A. 17:33A-4(a)(1);

Specifically, Defendant (i) when renewing his automobile insurance policy ("Policy") on April 16, 2020 for his 2002 Ford Explorer ("Ford"), which policy was issued by Progressive Garden State Insurance Company ("Progressive"), falsely represented to Progressive that he resided at 260 Cozy Lake Road, Jefferson, New

Jersey 07438 ("Jefferson Address") when, in fact, he resided at 3470 State Route 208, Campbell Hall, New York 10916 ("Campbell Hall Address"), in violation of N.J.S.A. 17:33A-4(a)(4)(a); (ii) when renewing his Policy, falsely represented to Progressive that he resided at the Jefferson Address when, in fact, he resided at the Campbell Hall Address, in violation of N.J.S.A. 17:33A-4(a)(4)(b); and (iii) on calls with Progressive on May 20, 2020 and May 22, 2020 in connection with a claim for damage to his Ford caused by an automobile accident, falsely represented to Progressive that he resided at the Jefferson Address when, in fact, he resided at the Campbell Hall Address, in violation of N.J.S.A. 17:33A-4(a)(1); and

IT IS on this 31st day of May, 2024;

ORDERED that FINAL JUDGMENT is ~~on this~~ day of ~~2024~~, entered in the amount of \$9,704 ~~\$12,204.00~~ against Defendant, Gyasi Ramirez, and in favor of Plaintiff. This amount consists of \$5,000 ~~\$7,500.00~~ in civil penalties for two (2) ~~three (3)~~ violations of the Fraud Act pursuant to N.J.S.A. 17:33A-5(b); attorneys' fees of \$3,704.00 pursuant to N.J.S.A. 17:33A-5(b); and a \$1,000.00 statutory fraud surcharge 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 7 days of the date of receipt.

/s Bina K. Desai

THE HONORABLE BINA K. DESAI, 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. However, the Court is satisfied that there were only two (2) independent violations of the Fraud Act, the first occurring upon Defendant's renewal on or about April 16, 2020 and the second related to a claim for a May 20, 2020 accident. While the Court recognizes that Defendant reiterated his false claims on a subsequent May 22, 2020 call the Court finds this to be a continuation of his false claim filed two days earlier. Moreover, the May 22, 2020 call was initiated by Progressive, rather than by Defendant. Thus, the Court will award only \$5,000 in penalties as reflected in the order.