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SUPERIOR COURT OF NEW JERSEY
SPECIAL CIVIL PART - CAMDEN COUNTY
DOCKET NO. CAM-DC-003503-24

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

Civil Action

**ORDER FOR FINAL JUDGMENT BY
DEFAULT**

**SPECIAL CIVIL PART: STATUTORY
PENALTIES**

**AMOUNT IN CONTROVERSY:
\$7,560.00**

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, Shaun Herbert ("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 reinstating his lapsed motorcycle insurance policy, falsely represented to an insurance company on a telephone call that he had not been in any accidents between the date and time his policy lapsed and the date and time he reinstated his policy when, in fact, he had been in an accident approximately one hour before he called to reinstate his policy, and so that a third-party claim would be covered, in violation of N.J.S.A. 17:33A-4(a)(4)(b); (ii) when reinstating his motorcycle insurance policy, concealed and/or knowingly failed to disclose the accident to the insurance company, in violation of N.J.S.A. 17:33A-4(a)(5); and (iii) on a telephone call with the insurance company regarding an accident claim, falsely represented that the accident occurred prior to him reinstating his motorcycle insurance policy when, in fact, it occurred approximately one hour before he called to reinstate his policy, in violation of N.J.S.A. 17:33A-4(a)(1).

Specifically, Defendant (i) on a telephone call with Progressive Garden State Insurance Company ("Progressive") on August 30, 2021 at 2:10 p.m. ("August 30 Call") to reinstate his lapsed motorcycle insurance policy ("Policy"), falsely represented to Progressive that he had not been in any accidents while driving his 2007 Honda GL 1800 Goldwing ("Motorcycle") between the date and time his Policy lapsed, August 29, 2021 at 12:01 a.m.,

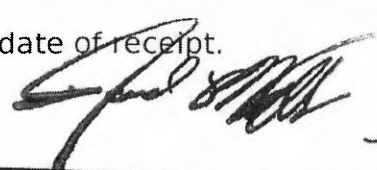
and the date and time of the August 30 Call when, in fact, he had been in an accident on August 30, 2021 at 12:54 p.m. ("Accident"), approximately one hour prior to the August 30 Call, and so a third party claim would be covered, in violation of N.J.S.A. 17:33A-4(a)(4)(b); (ii) concealed and/or knowingly failed to disclose to Progressive on the August 30 Call, during which call he reinstated his Policy, that he had been in the Accident approximately one hour prior to the August 30 Call, in violation of N.J.S.A. 17:33A-4(a)(5); and (iii) on a telephone call with Progressive on September 1, 2021 regarding his claim for damage caused to his Motorcycle from the Accident, falsely represented that not been in any prior accidents while driving his Motorcycle when, in fact, he had been in the Accident on August 30, 2021 at 12:54 p.m., in violation of N.J.S.A. 17:33A-4(a)(1); and

FINAL JUDGMENT is on this _____ day of _____ 2024, entered in the amount of \$7,560.00 against Defendant, Shaun Herbert, and in favor of Plaintiff. This amount consists of \$5,000.00 in civil penalties for three (3) violations of the Fraud Act pursuant to N.J.S.A. 17:33A-5(b); attorneys' fees of \$1,560.00 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 _____ days of the date of receipt.

"Reasons set forth On the Record"


5.28.24
Richard F. Wells, J.S.C., Ret./Rec.