

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

By: Anna M. Lascurain
Deputy Attorney General
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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - OCEAN COUNTY
DOCKET NO. OCN-L-002655-23

JUSTIN ZIMMERMAN,
ACTING COMMISSIONER OF
THE NEW JERSEY
DEPARTMENT OF BANKING &
INSURANCE,

Plaintiff,

v.

JOHN G. MCDONOUGH, DMD,

Defendant.

Civil Action

STIPULATION OF SETTLEMENT

WHEREAS, Plaintiff Justin Zimmerman, Acting Commissioner of the New Jersey Department of Banking and Insurance ("Plaintiff"), and Defendant John G. McDonough, DMD ("Defendant") (collectively the "Parties") have reached an amicable agreement resolving the issues in controversy, and consented to the entry of the within

Stipulation of Settlement ("Stipulation") limited to the claims specified herein.

WHEREAS, the Parties have determined and hereby agree that settlement is in each of their best interests, and for good cause shown; and

WHEREAS, the Plaintiff is authorized under the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to -30 ("Fraud Act") to institute suit for civil penalties and other relief against any person who violates the provisions of the Fraud Act pursuant to N.J.S.A. 17:33A-5(b).

WHEREAS, the Parties consent to the entry of the within Stipulation pursuant to the terms and conditions set forth below.

1. Defendant admits that he failed to properly supervise the insurance billings submitted on his behalf which resulted in the submission of false or misleading invoices to insurance carriers for panoramic X-Rays in violation of the Fraud Act.

2. Defendant agrees that he shall not engage in any future violations of the Fraud Act. Any future violations of the Fraud Act shall be considered subsequent violations pursuant to 17:33A-5(c).

3. Defendant shall pay Plaintiff the total amount of \$11,000.00 (the "Settlement Amount"), consisting of \$10,000.00 in civil penalties pursuant to N.J.S.A. 17:33A-5b; \$500.00 in attorneys' fees pursuant to N.J.S.A. 17:33A-5.1; and a statutory

surcharge of \$500.00 pursuant to N.J.S.A. 17:33A-5.1.

4. Defendant shall pay the Settlement Amount in a lump sum no later than June 15, 2024. All payments shall be made by certified check, official bank check, or money order made payable to the "Commissioner, New Jersey Department of Banking and Insurance" and sent to:

Anna M. Lascurain, Deputy Attorney General
Banking and Insurance Section
R.J. Hughes Justice Complex
25 Market Street
P.O. Box 117
Trenton, New Jersey 08625-0117

5. No representation, inducement, promise, understanding, condition, or warranty not set forth in this Stipulation has been made to or relied upon by the Defendant in agreeing to this Stipulation. Defendant represents that this Stipulation is freely and voluntarily entered into without any degree of duress or compulsion.

6. The Parties agree that each party shall bear its own legal and other costs incurred in connection with this matter, and no additional attorneys' fees or costs shall be due, except Defendant agrees to pay Plaintiff's attorneys' fees pursuant to N.J.S.A. 17:33A-5(b) in the amount stated in Paragraph 3.

7. Upon payment in full of the Settlement Amount, Plaintiff shall file a separate Stipulation of Dismissal dismissing all claims asserted against the Defendant.

8. For purposes of construction, this Stipulation shall be deemed drafted by all Parties to this Stipulation and therefore shall not be construed against any party for that reason in any subsequent dispute.

9. The undersigned counsel and any other signatories represent and warrant that they are fully authorized to execute this Stipulation on behalf of the persons indicated below.

10. All communications from any party concerning the subject matter of this Stipulation shall be addressed as follows:

If to the Plaintiff:

Anna M. Lascurain, DAG
Banking and Insurance Section
R.J. Hughes Justice Complex
25 Market Street
P.O. Box 117
Trenton, New Jersey 08625-0117

If to the Defendant:

Mr. Harry Levin, Esq.
Levin and Associates
1358 Hooper Avenue, #265
Toms River, New Jersey 08753

11. This Stipulation may be executed in counterparts, each of which constitutes an original and all of which constitutes one and the same agreement.

12. The penalties of this Stipulation are imposed pursuant to the police powers of the State of New Jersey for the enforcement of the law and protection of the public health, safety, and welfare, and are not intended to constitute debts which may be limited or discharged in a bankruptcy proceeding.


CONSENTED AS TO FORM, CONTENT, AND ENTRY:

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiff

Dated:

June 17 2024

By:



Anna M. Lascurain
Deputy Attorney General

Dated: 6-17-24

By:



Harry Levin, Esq.

Dated:

John McDonough DMD

each of which constitutes an original and all of which constitutes one and the same agreement.

14. The penalties of this Stipulation are imposed pursuant to the police powers of the State of New Jersey for the enforcement of the law and protection of the public health, safety, and welfare, and are not intended to constitute debts which may be limited or discharged in a bankruptcy proceeding.

CONSENTED AS TO FORM, CONTENT, AND ENTRY:

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiff

Dated:

By:

Anna M. Lascurain

Deputy Attorney General

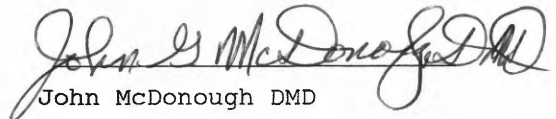
Dated:

By:

Harry Levin, Esq.

Dated:

6/12/24


John McDonough DMD

☐

CERTIFICATION

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b).

MATTHEW J. PLATKIN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiff

By: /s/ Anna M.

Lascurain

Anna M.

Lascurain

Deputy Attorney

General

Dated:

May 9, 2024

Trenton, New Jersey