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SUPERIOR COURT OF NEW JERSEY
SPECIAL CIVIL PART - MONMOUTH COUNTY
DOCKET NO. MON-DC-010186-23

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.)	
)	SPECIAL CIVIL PART: STATUTORY
OLIVER D. ROSARIO TINEO,)	PENALTIES
)	
Defendant.)	AMOUNT IN CONTROVERSY: \$9,367.00

THIS MATTER HAVING BEEN opened to the Court on the Application of Matthew J. Platkin, Attorney General of New Jersey, (by Jessica Lugo, 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, Oliver D. Rosario Tineo ("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 knowingly making false oral statements in support of an application for an insurance policy and insurance claim, in violation of the Fraud Act;

Specifically, Defendant falsely represented on an application for automobile insurance and in connection with an automobile insurance claim that he resided and garaged his vehicle in New Jersey, when in fact Defendant resided and garaged his vehicle in New York, in violation of N.J.S.A. 17:33A-4(a)(4)(a), N.J.S.A. 17:33A-4(a)(4)(b), and N.J.S.A. 17:33A-4(a)(1).

FINAL JUDGMENT is on this 9TH day of AUGUST 2024, entered in the amount of \$9,367.00 against Defendant and in favor of Plaintiff, Justin Zimmerman, Acting Commissioner of the New Jersey Department of Banking and Insurance. This amount consists of \$5,000.00 in civil penalties for two (2) violations of the Fraud Act pursuant to N.J.S.A. 17:33A-5(b); attorneys' fees of \$3,367.00 pursuant to N.J.S.A. 17:33A-5(b); and a statutory fraud surcharge of \$1,000.00 pursuant to N.J.S.A. 17:33A-5.1.

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

Gregory L. Acquaviva
Gregory L. Acquaviva, J.S.C.

This motion was:

 Opposed

 X Unopposed

Statement of Reasons

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

According to the unrebutted moving papers, Defendant falsely represented on an application for automobile insurance that he resided and garaged his vehicle in New Jersey, when in fact he resided and garaged his vehicle in New York. The facts are not disputed.

Pursuant to N.J.S.A. 17:33A-4(a)(1), (4)(a), and (4)(b), a \$5,000 civil penalty is appropriate for those material misstatements.

The State may too recover court costs and reasonable attorney's fees. N.J.S.A. 17:33A-5(b). Without belaboring the point, a review of the affidavit of services against the factors enumerated in Rule of Professional Conduct 1.5(a) demonstrates that the hours devoted to this matter and fees sought are imminently reasonable when viewed against the amount in controversy, complexity of the matter, and rates charged by similarly experienced counsel handling matters in this jurisdiction. And, again, Plaintiff was wholly successful. The court has no hesitancy finding fees and costs totaling \$3,367 reasonable in this matter.

The requested \$1,000 statutory fraud surcharge is too appropriate. N.J.S.A. 17:33A-5.1.

Accordingly, this unrebutted, unopposed request for default judgment is granted.