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F I L E D

July 1, 2024

Veronica Allende, J.S.C.

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SUPERIOR COURT OF NEW JERSEY
SPECIAL CIVIL PART - SOMERSET COUNTY
DOCKET NO. SOM-DC-004564-23

JUSTINE ZIMMERMAN, ACTING)
COMMISSIONER OF THE NEW)
JERSEY DEPARTMENT OF)
BANKING AND INSURANCE,)
Plaintiff,)
v.)
GREGORY STROND,)
Defendant.)

Civil Action

**ORDER FOR FINAL JUDGMENT BY
DEFAULT**

THIS MATTER HAVING BEEN opened to the Court on the application of Matthew J. Platkin, Attorney General of New Jersey, (by Anna M. Lascurain, Deputy Attorney General, appearing), attorney for Plaintiff, Justine Zimmerman, Acting

Commissioner of the New Jersey Department of Banking and Insurance on a motion for final judgment by default; and

Defendant, Gregory Strond ("Defendant"), having been duly served with a copy of the Summons and Complaint in the above-captioned action and default having been entered for 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"), specifically N.J.S.A. 17:33A-4(a)(4)(b) and N.J.S.A. 17:33A-4(a)(5), by knowingly providing false and misleading statements on an application to Progressive Insurance Company ("Progressive") by failing to identify an additional driver and resident of the policy address;

FINAL JUDGMENT is on this **1st** day of **July**, 2024, entered in the amount of **\$6,000.00** ~~9,172.50~~ against Defendant Gregory Strond and in favor of Plaintiff, Justine Zimmerman, Acting Commissioner of the New Jersey Department of Banking and Insurance. This amount consists of: a \$5,000.00 civil penalty for one violation of the Fraud Act, pursuant to N.J.S.A. 17:33A-5(b); ~~attorneys' fees of \$3,172.50, 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; and

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

IT IS FURTHER ORDERED that service of this Order shall be deemed effectuated upon all parties upon the upload to eCourts. Pursuant to Rule 1:5-1(a), a movant shall serve a copy of this Order on all parties not served electronically within seven days of the date of this Order.



Honorable Veronica Allende, J.S.C.

This motion was:

_____ Opposed

 X Unopposed

Statement of Reasons

Plaintiff moves this court to enter default judgment against Defendant for damages and other fees in connection with this action, plus costs. Rule 6:6-3(c) provides that “if a party entitled to judgment by default fails to apply therefore within 6 months after entry of default, judgment shall not be entered except on motion to the court.” Rule 6:6-3(c) further provides that

in support of its motion for default, the moving party must have provided a certification or affidavit attesting to the following: (1) the defendant is not a minor or mentally incapacitated person (unless represented by a guardian); (2) proof of service of the motion on the defaulting party; and (3) proof showing the amount of debt is based on personal knowledge. Moreover, Rule 1:5-7 provides that a party moving for default judgment must provide a certification that the defendant is not currently serving in the military.

Plaintiff's motion is made pursuant to N.J.S.A. 17:33A-5(b). N.J.S.A. 17:33A-5(b) provides:

Any person who violates any provision of P.L.1983, c.320 (C.17:33A-1 et seq.) shall be liable, in a civil action brought by the commissioner in a court of competent jurisdiction, for a penalty of not more than \$5,000 for the first violation, \$10,000 for the second violation and \$15,000 for each subsequent violation, provided that if the person violates section 4 of P.L.1983, c.320 (C.17:33A-4) the penalty shall be \$5,000 for the first violation, \$10,000 for the second violation and \$15,000 for each subsequent violation. The penalty shall be paid to the commissioner to be used in accordance with subsection e. of this section. The court shall also award court costs and reasonable attorneys' fees to the commissioner.

Here, Plaintiff is seeking the \$5,000.00 penalty pursuant to the statute, in addition to reasonable attorneys' fees and the statutory fraud surcharge.

Here, Plaintiff's application is within six months of entry of default. Plaintiff certified that it served a copy of the motion on the defaulting party by regular and/or certified mail. Plaintiff also certified that Defendant is not a minor or mentally incapacitated person. Additionally, Plaintiff certified that their claim against Defendant is for a sum certain and based on personal knowledge. Finally, Plaintiff provided a certification, with supporting documentation, that Defendant is not currently serving in the military.

In support of its motion for final default judgment, Plaintiff submitted certifications and attached exhibits for the court's review and consideration. The court finds that Plaintiff has sufficiently demonstrated that Defendant is liable for damages. The court also finds that the amount of money and other fees, aside from reasonable attorneys' fees, is a sum certain as evidenced by the record. That total is \$6,000.00.

As to Plaintiff's request for reasonable attorneys' fees, that is denied without prejudice. Plaintiff did not provide a certification addressing the factors of RPC 1.5(a). Moreover, the invoices do not clearly demonstrate at what rate the work was performed. All that the invoices show is the work performed, the name of the employee performing that work, and the amount of hours. There is no indication of the hourly rate charged, and as such, the court is unable to assess the reasonableness of the award sought. Therefore, Plaintiff's request for reasonable attorneys' fees is denied without prejudice.

Application is granted in part and denied without prejudice in part.

The proposed form of order has been modified with additional language added in bold face and/or other proposed language stricken.