

Filed with the Court

OCT 16 2024

Eric G. Fikry, P.J.Cv.

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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - BURLINGTON COUNTY
DOCKET NO. BUR-L-001780-21

_____)	
)	
JUSTIN ZIMMERMAN, ACTING)	<u>Civil Action</u>
COMMISSIONER OF THE NEW JERSEY)	
DEPARTMENT OF BANKING AND)	AMENDED ORDER OF
INSURANCE ¹ ,)	SUMMARY JUDGMENT
)	
Plaintiff,)	
)	
v.)	
)	
SYLVESTER MEYERS and SIMONE)	
JACKSON,)	
)	
Defendants.)	

This matter coming before the Court on the application of
Matthew J. Platkin, Attorney General, (by Chandra M. Arkema, Deputy
Attorney General appearing), attorney for Plaintiff, Justin

¹Pursuant to R. 4:34-4, the caption has been revised to reflect the current
Acting Commissioner of the Department.

Zimmerman, Acting Commissioner of the New Jersey Department of Banking and Insurance ("Commissioner"), for an Order of Summary Judgment against Defendant, Sylvester Meyers ("Defendant"), and the Court having reviewed the above-captioned motion, the court finds it to be meritorious on its face and unopposed. Pursuant to Rule 1:6-2, it therefore will be granted in part essentially for the reasons set forth in the moving papers, good cause having being shown; and

This Amended Order being filed to correct a typographical error in the prior Order, under Rule 4:42-1 and Rule 1:13-1:

It is on this 16th day of October, 2024 **ORDERED AND ADJUDGED**, that Summary Judgment shall be and hereby is **GRANTED AS UNOPPOSED** in favor of the Commissioner and against Defendant, Sylvester Meyers; and

IT IS FURTHER ORDERED, 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, Defendant, Sylvester Meyers, violated N.J.S.A. 17:33A-4(a)(4)(b) and N.J.S.A. 17:33A-4(a)(3) by falsely representing to Progressive Garden State Insurance ("Progressive") on an application for automobile insurance that he was the only driver of the Enclave and concealing the use of the Enclave by his Co-Defendant, Simone Jackson.

IT IS FURTHER ORDERED, that after consideration of the factors

relevant to the calculation of civil penalties, as set forth in Kimmelman v. Henkels & McCoy, Inc., 108 N.J. 123 (1987), that judgment shall be and hereby is entered against Defendant, Sylvester Meyers, individually, and in favor of Plaintiff, Commissioner of the New Jersey Department of Banking and Insurance, in the amount of \$7,500.00, for his violation of the Fraud Act. This amount consists of civil penalties in the amount of \$5,000.00 for one (1) violation of N.J.S.A. 17:33A-4(a)(4)(b), N.J.S.A. 17:33A-4(a)(3) and N.J.S.A. 17:33A-4(b), pursuant to N.J.S.A. 17:33A-5(b); and

IT IS FURTHER ORDERED that a statutory fraud surcharge in the amount of \$1,000.00 is imposed upon Defendant, pursuant to N.J.S.A. 17:33A-5.1, which is separate and apart from the civil penalty; and

IT IS FURTHER ORDERED, that after consideration of the factors relevant for the assessment of attorneys' fees, as set forth in Rendine v. Pantzer, 141 N.J. 292 (1995), that judgment shall be and hereby is entered against Defendant for reimbursement the Commissioner's attorneys' fees in the amount of \$1,500.00, pursuant to N.J.S.A. 17:33A-5b; and

IT IS FURTHER ORDERED, that service of this Order shall be deemed effectuated upon all parties upon its upload to eCourts. Movant shall serve a copy of this Order on any parties not served

electronically within seven (7) days of the date of this Order.

s/ Eric G. Fikry, P.J. Cv.

Eric G. Fikry, J.S.C.

_____ opposed

_____X_____ unopposed