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F I L E D

January 28, 2025

Veronica Allende, J.S.C.

SUPERIOR COURT OF NEW JERSEY
SPECIAL CIVIL PART - SOMERSET COUNTY
DOCKET NO. SOM-DC-000834-24

JUSTIN ZIMMERMAN,
COMMISSIONER OF THE NEW
JERSEY DEPARTMENT OF
BANKING AND INSURANCE,

Plaintiff,

v.

KAMILLAH BROWN,

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 Sean Healy, Deputy Attorney General, appearing), attorney for Plaintiff, Justin Zimmerman, Commissioner of the New Jersey Department of Banking and Insurance on a motion for final judgment by default; and

Defendant, Kamillah Brown ("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"), specifically N.J.S.A. 17:33A-4(a)(1), N.J.S.A. 17:33A-4(a)(3)(a) and (b), N.J.S.A. 17:33A-4(a)(4)(b) and N.J.S.A. 17:33A-4(a)(5), by making a false oral statement to Plymouth Rock Assurance ("Plymouth Rock") in support of the reinstatement of her automobile insurance policy, and by falsely representing to Plymouth Rock the time that her insured vehicle had been involved in an accident in support of claim for reimbursement of damages from the reinstated policy; and

FINAL JUDGMENT is on this 28th day of January, 2025, entered in the amount of \$8,500 against Defendant, and in favor of Plaintiff, Justin Zimmerman, Commissioner of the New Jersey Department of Banking and Insurance. This amount consists of \$5,000 in civil penalties for two violations of the Fraud Act pursuant to N.J.S.A. 17:33A-5(b); attorneys' fees of \$2,500 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 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 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.

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

Veronica Allende

Honorable Veronica Allende, J.S.C.

This motion was:

_____ Opposed ☒ X _____ Unopposed

Statement of Reasons

Default Judgment

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.

Here, Plaintiff's application is not 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 is a sum certain as evidenced by the record.

Default judgment is granted in the amount of \$6,000.

Plaintiff's Request for Attorney's Fees and Costs Incurred as Part of this Judicial Proceeding

In support of their application for attorney's fees incurred, Plaintiff's counsel submitted a certification stating that Plaintiff's attorneys spent 24.5 hours on this action. Thus, Plaintiff seeks to recover \$2,500 in attorney's fees. RPC 1.5(a) provides that:

A lawyer shall not enter into an agreement for, charge, or collect an illegal or clearly excessive fee. The factors to be considered in determining the propriety of a fee include the following:

- (1) whether the fee is fixed or contingent;
- (2) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
- (3) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;
- (4) the fee customarily charged in the locality for similar legal services;
- (5) the amount involved and the results obtained;
- (6) the time limitations imposed by the client or by the circumstances;
- (7) the nature and length of the professional relationship with the client;
- and
- (8) the experience, reputation, and ability of the lawyer or lawyers performing the services.

In determining reasonableness, the threshold issue is whether the party seeking the fee prevailed in the litigation. Litton Industries Inc., v. IMO Industries, Inc., 200 N.J. 386 (2009). "Fee determinations by trial courts will be disturbed only on the rarest occasions, and then only because of a clear abuse of discretion." Rendine v. Pantzer, 141 N.J. 292, 317 (1995).

To determine the reasonableness of the hourly rate, the court must compute the rate to that of similar services for lawyers of reasonably comparable skill, experience, and reputation. "[A]buse of discretion is demonstrated if the discretionary act was not premised upon consideration of all relevant factors, was based upon consideration of irrelevant or inappropriate factors, or amounts to a clear error in judgment." Masone v. Levine, 382 N.J. Super. 181, 193 (App. Div. 2005). The court should consider the lodestar, or the number of hours reasonably expended by the party's counsel in the litigation multiplied by their reasonable hourly rate. Litton, 200 N.J. at 386. The lodestar amount is the most significant element in the award of a reasonable fee because that function requires the trial court to evaluate carefully and critically the aggregate hours and specific hourly rates advanced by counsel for the prevailing party to support the fee application. Rendine, 141 N.J. at 335. The court "should not accept passively the submissions of counsel to support the lodestar amount." Id. "[T]he attorney's presentation of billable hours should be set forth in sufficient detail to permit the trial court to ascertain the manner in which the billable hours were divided among the various counsel." Id.

After evaluating the hourly rate, the court must then determine the reasonableness of the number of hours worked. Id. at 337. To determine the reasonableness of the hourly rate, the court must compute the rate to that of similar services for lawyers of reasonably comparable skill, experience, and reputation. Id. The determination of the reasonable rate need not be unnecessarily complex or protracted but the court “should satisfy itself that the assigned hourly rates are fair, realistic, and accurate, or should make appropriate adjustments.” Id. Where time entries note an unreasonable number of hours expended for tasks such as “routine correspondence and preparation of routine pleadings,” for example, there is a need for “critical review of the certification to be supplied by counsel.” Scullion v. State Farm Ins. Co., 345 N.J. Super. 431, 441 (App. Div. 2001).

A. Reasonableness of the Hourly Rate Charged

The certification provided that the 24.5 hours were billed at the following rate(s) by the following attorney(s):

- Paralegal hourly rate - \$75.00
- Law Assistant hourly rate - \$150.00
- Deputy Attorney General hourly rate (0-5 years of legal experience) - \$200.00
- Deputy Attorney General hourly rate (6-10 years of legal experience) - \$235.00
- Deputy/Assistant Attorney General hourly rate (11-20 years of legal experience) - \$260.00
- Deputy/Assistant Attorney General hourly rate (more than 20 years of legal experience) - \$300.00

This court finds that the hourly rate(s) charged by Plaintiff’s counsel to be reasonable and similar to rates charged in the locality. The National Law Journal Billing Survey for 2015 provides that the median hourly rate in New Jersey was \$400 for a partner, \$325.00 for an of counsel, and \$298.00 for an associate. The court also notes that the survey lists the rates charged in 2015, which was seven years ago. Therefore, the court finds that the hourly rate(s) charged by Plaintiff’s counsel to be reasonable and calculated according to the “prevailing market rates in the relevant community.” Rendine, 141 N.J. at 337.

B. Reasonableness of the Number of Hours Billed

Plaintiff’s counsel certified that the 24.5 hours were billed as part of Plaintiff’s efforts to pursue this litigation. Plaintiff attached a detailed line-by-line invoice that indicated the number of hours billed for each task, a description of the task, and the individual who performed the task. The court has reviewed each billing entry in Plaintiff’s counsel’s invoice to assess the reasonableness of the number of hours billed. Overall, the court awards the amount sought and it finds this amount reasonable and related to the instant matter.

C. RPC 1.5(a) Factors

In assessing the reasonable number of hours Plaintiff’s counsel expended on each task, the court took into consideration the novelty and difficulty of the issue involved. The court

adjusted the number of hours billed Plaintiff is entitled to recover from Defendant based on the difficulty of the matter and the skill required.

As stated above, the court also found that the hourly rate charged by each counsel was reasonable in light of the experience of each attorney and the customarily charged rate in the locality. Moreover, Plaintiff obtained a favorable result in this proceeding.

4. Total Award

For the reasons stated above, the court finds good cause to award Plaintiff attorneys' fees in the amount of \$2,500. The amount represents the court's determination of the reasonable numbers of hours Plaintiff's attorneys expended for each task related to this action multiplied by the reasonable hourly rate for the attorney who performed the task.

The court thus awards Plaintiff \$2,500 in attorneys' fees.

Conclusion

For these reasons, Plaintiff's application is granted. The total amount awarded, which includes default judgment amount, attorneys' fees, and statutory surcharge fee, is \$8,500.