

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 08625-0117

**FILED**

**JAN 29 2024**

**Hon. Bina K. Desai, J.S.C.**

By: Brian R. Fitzgerald  
Deputy Attorney General  
NJ Attorney ID: 024972004  
(609) 376-2965  
brian.fitzgerald@law.njoag.gov

DJ-20166-24

SUPERIOR COURT OF NEW JERSEY  
SPECIAL CIVIL PART - MIDDLESEX COUNTY  
DOCKET NO. MID-DC-008504-23

JUSTIN ZIMMERMAN, ACTING )  
COMMISSIONER OF THE NEW )  
JERSEY DEPARTMENT OF )  
BANKING AND INSURANCE, )  
 )  
Plaintiff, )  
 )  
 v. )  
 )  
ARIEL CASTRO, )  
 )  
Defendant. )

Civil Action

**ORDER FOR FINAL JUDGMENT BY  
DEFAULT**

**SPECIAL CIVIL PART: STATUTORY  
PENALTIES**

**AMOUNT IN CONTROVERSY:  
\$13,762.00**

THIS MATTER HAVING BEEN opened to the Court on the application of Matthew J . Platkin, Attorney General of New Jersey, (by Brian R. Fitzgerald, 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, Ariel Castro ("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 (i) on an application for an automobile insurance policy, falsely representing that he resided and garaged his vehicle in New Jersey when, in fact, he resided and garaged his vehicle in New York, in violation of N.J.S.A. 17:33A-4(a)(4)(a) and -4(a)(4)(b); (ii) on an application for an automobile insurance policy, concealing and/or knowingly failing to disclose that he resided and garaged his vehicle in New York, in violation of N.J.S.A. 17:33A-4(a)(5); and (iii) on telephone calls with an insurance company in support of a claim for damage to his vehicle that was caused by an accident, falsely representing that he resided in New Jersey when, in fact, he resided in New York, in violation of N.J.S.A. 17:33A-4(a)(1) and -4(a)(3)(a) and (b).

Specifically, Defendant (i) on an application for an automobile insurance policy ("Application") with Drive New Jersey Insurance Company, whose ultimate parent is Progressive Insurance Corporation ("Progressive"), falsely represented that he resided and garaged his 2021 BMW X7 ("BMW") at 286 Tyler Avenue, Trenton, New Jersey 08609 ("New Jersey Address") when, in fact, he resided and garaged his BMW at the New York Address, in violation of

N.J.S.A. 17:33A-4(a)(4)(a) and -4(a)(4)(b); (ii) on the Application, concealed and/or knowingly failed to disclose to Progressive that he resided and garaged his BMW at the New York Address, in violation of N.J.S.A. 17:33A-4(a)(5); and (iii) on telephone calls with Progressive on September 21 and 24, 2021 in support of a claim for damage to his BMW that was caused by an accident ("Claim"), falsely represented that he resided at the New Jersey Address when, in fact, he resided at the New York Address, and falsely represented that he had been living at the New Jersey Address for three years, in violation of N.J.S.A. 17:33A-4(a)(1) and -4(a)(3)(a) and (b); and

FINAL JUDGMENT is on this 29<sup>th</sup> day of Januy 2024, entered in the amount of \$13,762.00 against Defendant, Ariel Castro, and in favor of Plaintiff. This amount consists of \$10,000.00 in civil penalties for four (4) violations of the Fraud Act pursuant to N.J.S.A. 17:33A-5(b); attorneys' fees of \$2,762.00 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 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 a copy of this Order be served upon all parties within 7 days of the date of receipt.

*Bina K Desai*

Hon. Bina K. Desai, J.S.C.

This motion was:

           Opposed   *γ*   Unopposed

"Having reviewed the above motion, I find it to be meritorious on its face and is unopposed. Pursuant to R.1:6-2, it therefore will be granted essentially for the reasons set forth in the moving papers."