

FILED

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ANTHONY V. D'ELIA, J.S.C.

SUPERIOR COURT OF NEW JERSEY
CIVIL DIVISION, HUDSON COUNTY
DOCKET NO. HUD-L-001019-22

JUSTIN ZIMMERMAN, ACTING
COMMISSIONER, NEW JERSEY
DEPARTMENT OF BANKING AND
INSURANCE¹,

Plaintiff,

v.

CARLOS FLORES and YAHIRA
TRUCKING, LLC,

Defendants.

Civil Action

**ORDER REINSTATING THE
COMPLAINT, ENFORCING
SETTLEMENT, AND ENTERING
JUDGMENT AGAINST DEFENDANTS**

This matter having been brought before the Court by Matthew J. Platkin, Attorney General of the State of New Jersey, Attorney for Plaintiff, Commissioner of the New Jersey Department of Banking and Insurance, (Dakar R. Ross, Deputy Attorney General, appearing), and having considered Plaintiff's motion papers and the opposition submitted, if any, thereto, and for good cause shown:

This Court now finds that on December 20, 2022, an order of dismissal was entered because Plaintiff and Defendants Carlos Flores and Yahira Trucking, LLC (collectively, "Defendants") reached an agreement of specific terms resolving the issues in

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

controversy in this matter, and

This Court further finds that Defendants, without due cause, have failed to execute the Stipulation of Settlement ("Settlement") and failed abide by the terms thereof, and

This Court further finds that, under the terms of the Settlement, Defendants admitted to having violated the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to -30 ("Fraud Act"), specifically to violating N.J.S.A. 17:33A-4(a)(3) by providing a false statement to Progressive Insurance Company on an application for automobile insurance, by failing to disclose Carlos Flores as a person who regularly operated the insured vehicles owned by Yahira Trucking when, in fact, he did regularly operate the insured vehicle prior to the inception of the insurance policy; and therefore:

IT IS ON THIS 8th **day of** November, **2023,**

ORDERED that Plaintiff's motion to reinstate the Complaint be granted and this matter be reinstated; and it is further

ORDERED that Plaintiff's motion to enforce the parties' settlement agreement reached on December 20, 2022, is also granted; and it is further

ORDERED that the following provisions of the Settlement are memorialized and enforced herein:

1. Defendants committed one violation of the New

Jersey Insurance Fraud Prevention Act ("Fraud Act"), N.J.S.A. 17:33A-1 to -30 ("Fraud Act"), specifically to violating N.J.S.A. 17:33A-4(a)(3).

2. Any future violation of the Fraud Act by Defendants, jointly or severally, shall be considered a second violation.

3. The penalties are imposed pursuant to the police powers of the State of New Jersey for the enforcement of the law and protection of the public health, safety, and welfare, and are not intended to constitute debts which may be limited or discharged in a bankruptcy proceeding.

4. Pursuant to N.J.S.A. 17:33A-10(c), a copy of this Order shall be provided to any licensing authority in this State.

5. This Order can be used in any subsequent civil or criminal proceeding; and it is further

ORDERED that Judgement be and hereby is entered in the amount of \$3,250.00 against Defendants, jointly and severally, and in favor of Plaintiff, Justin Zimmerman, Acting Commissioner of the New Jersey Department of Banking and Insurance. This amount consists of \$2,500 in civil penalties, pursuant to N.J.S.A. 17:33A-4(a)(1); \$500 in attorneys' fees, pursuant to N.J.S.A. 17:33A-5(b); and \$250 in statutory surcharges, pursuant to N.J.S.A. 17:33A-5.1; and it is further

ORDERED, that a copy of this order shall be served on all parties via Ecourts.



J.S.C.

Opposed _____

Unopposed X