

MATTHEW J. PLATKIN  
ATTORNEY GENERAL OF NEW JERSEY  
Richard J. Hughes Justice Complex  
25 Market Street  
P.O. Box 117  
Trenton, New Jersey 08625-0117  
Attorney for Plaintiff

By: Brian R. Fitzgerald  
Deputy Attorney General  
NJ Attorney ID No. 024972004  
(609) 376-2965  
brian.fitzgerald@law.njoag.gov

SUPERIOR COURT OF NEW JERSEY  
SPECIAL CIVIL PART - ESSEX COUNTY  
DOCKET NO. ESX-DC-9886-21

_____	)	
	)	
MARLENE CARIDE, COMMISSIONER OF	)	<b><u>Civil Action</u></b>
THE NEW JERSEY DEPARTMENT OF	)	
BANKING AND INSURANCE,	)	<b>TRIAL VERDICT AND</b>
	)	<b>FINAL JUDGMENT FOLLOWING TRIAL</b>
Plaintiff,	)	
	)	<b>SPECIAL CIVIL PART: STATUTORY</b>
v.	)	<b>PENALTIES AND ATTORNEYS' FEES</b>
	)	<b>AMENDED TRIAL ORDER</b>
SERGEI PERMINOV,	)	
	)	
Defendant.	)	
_____	)	

This matter was tried before the court in a two-day bench trial on November 3 and 10, 2022. Appearing before the court were counsel for Plaintiff, Matthew J. Platkin, Attorney General (Brian R. Fitzgerald, Deputy Attorney General, appearing) and defendant Sergei Perminov ("Defendant"), *pro se*. The Court having considered the evidence presented at trial, and for good cause shown, entered

its decision on the record on November 10, 2022, and this trial verdict and final judgment following trial shall memorialize and accompany the court's decision on the record;

It is on this 28th day of February, 2024 , ~~xxxxxx~~

**ORDERED**, that verdict and judgment is entered in favor of Plaintiff, the Commissioner of Banking and Insurance on Count One of the Commissioner's Complaint in this action.

**IT IS FURTHER ORDERED**, that this court 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), as alleged in Count One of the Complaint, by making oral statements to an insurance company in support of a claim for payment or other benefit pursuant to an automobile insurance policy knowing that the statements contained false information concerning material facts. Specifically, Defendant falsely represented to Allstate that his automobile was damaged in an automobile accident, so that the damage would be covered under his automobile insurance policy, when in fact the damage was caused by an attempted theft, which damage was not covered under his automobile insurance policy, in violation of N.J.S.A. 17:33A-4(a)(1).

**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 in the total amount of \$5,000.00 against Defendant, which consists of a \$5,000.00 civil penalty against Defendant for his violation of N.J.S.A. 17:33A-4(a)(1), pursuant to N.J.S.A. 17:33A-5(b).

**IT IS FURTHER ORDERED** that a statutory fraud surcharge of \$1,000.00 is entered against Defendant, pursuant to N.J.S.A. 17:33A-5.1.

**IT IS FURTHER ORDERED** that after consideration of the factors relevant to the calculation of an award of reasonable attorneys' fees incurred by Plaintiff, as set forth in Rendine v. Pantzer, 141 N.J. 282 (1995), Defendant is subject to an award of reasonable attorneys' fees and court costs to the Commissioner under N.J.S.A. 17:33A-5(b) in the amount of \$ 18,550.00. This amount is for proceedings in the trial court only, and does not include any attorneys' fees for any potential appeal in this case, which fees shall be separate.

**IT IS FURTHER ORDERED**, that a copy of this Order shall be served on Defendant within 7 days of receipt by Plaintiff's counsel.

/s/ Bridget A. Stecher

---

The Honorable Bridget A. Stecher, J.S.C.

Unopposed

3

The Order of Judgment after trial in this matter has been amended following the review of the Certification of Counsel as to attorney's fees. Pursuant to Comment 2.1.3 of the NJ Court Rules, R. 6:4-1, as per Lettenmaier v. Lube Connection, Inc. 162 N.J. 134 (1999), an award of attorney fees pursuant to statutory authority, is in addition to the judgment imposed and shall not be subject to the monetary limits of the Special Civil Part.