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P.O. Box 117
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FILED
Superior Court of New Jersey

FEB 09 2016
CIVIL CASE MANAGEMENT
UNION COUNTY

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| ALLSTATE NEW JERSEY INSURANCE | : | SUPERIOR COURT OF NEW JERSEY |
| COMPANY, et al., | : | LAW DIVISION - UNION COUNTY |
| | : | DOCKET NO. UNN-L-4091-08 |
| Plaintiffs, | : | |
| | : | |
| v. | : | |
| | : | |
| GREGORIO LAJARA, et al., | : | <u>CIVIL ACTION</u> |
| | : | |
| Defendants. | : | STIPULATION OF SETTLEMENT FOR |
| | : | DEFENDANTS MILEYDIS T. DIAZ |
| | : | AND PRESTIGE MEDICAL |
| | : | SUPPLIES, LLC |

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| COMMISSIONER, NEW JERSEY | : | |
| DEPARTMENT OF BANKING & INSURANCE, | : | |
| | : | |
| Plaintiff-Intervenor, | : | |
| | : | |
| v. | : | |
| | : | |
| GREGORIO LAJARA, et al., | : | |
| | : | |
| Defendants. | : | |

The claims in this action having been settled and resolved limited to the following parties: Plaintiff-Intervenor, Commissioner of the New Jersey Department of Banking & Insurance

("Commissioner"), Defendant Mileydis T. Diaz, and Defendant Prestige Medical Supplies, LLC ("Prestige"):

WHEREAS, Defendant Prestige is a New Jersey Limited Liability Corporation and is a "person" as defined by N.J.S.A. 17:33A-3; and

WHEREAS, Defendant Diaz is the Registered Agent and Officer, Director, and/or Member of Defendant Prestige; and

WHEREAS, Defendant Diaz was the office manager of Co-Defendants Advanced Spinal Care, P.C., Millennium Total Health, P.C., Aleve Chiropractic, P.C., and In-Line Chiropractic, P.C.

WHEREAS, the Commissioner and Defendants Diaz and Prestige, have reached an amicable agreement resolving the allegations in controversy as raised in the Commissioner's January 6, 2012 Intervenor-Complaint ("Intervenor-Complaint") against Defendants Diaz and Prestige, and have consented to the entry of the within Stipulation of Settlement; and

WHEREAS, Defendants Diaz and Prestige agree to testify truthfully and provide full cooperation to the Commissioner in this matter; and

WHEREAS, pursuant to N.J.S.A. 17:33A-5d, Defendants Diaz and Prestige neither admit nor deny the allegations as stated in the Intervenor-Complaint, but consent to the settlement as indicated below; and

IT IS STIPULATED AND AGREED, that Defendant Diaz shall pay a sum of \$6,125.00 to the Commissioner of the New Jersey Department of Banking and Insurance, which consists of civil penalties in the amount of \$5,000.00, pursuant to N.J.S.A. 17:33A-5b; \$1,000.00 in attorneys' fees, pursuant to N.J.S.A. 17:33A-5b; and a \$125.00 statutory surcharge, pursuant to N.J.S.A. 17:33A-5.1; and

IT IS FURTHER STIPULATED AND AGREED, that, upon Defendants' execution of this Stipulation of Settlement, Defendant Diaz shall remit to the attorney for the Commissioner of the New Jersey Department of Banking and Insurance full payment in the amount of \$500.00, by certified check, official bank check, or money order, made payable to "Commissioner, New Jersey Department of Banking & Insurance" and sent to:

Kristina Cretella, Deputy Attorney General
Banking and Insurance Section
R.J. Hughes Justice Complex
25 Market Street
P.O. Box 117
Trenton, New Jersey 08625-0117

IT IS FURTHER STIPULATED AND AGREED, that Defendant Diaz shall then remit the remaining balance of said Settlement Payment, \$5,625.00, in monthly installment payments of \$50.00, to be paid on the first day of every month, beginning January 1, 2016, by certified check, official bank check, or money order

made payable to the "Commissioner, New Jersey Department of Banking and Insurance" and sent to:

Rose V. McGill, Collections Department
New Jersey Department of Banking and Insurance
20 Wept State Street, loth Floor
P.Q. Box 325
Trenton, New Jersey 08625

IT IS FURTHER STIPULATED AND AGREED, that in conjunction with the execution of this Stipulation of Settlement, Defendant Diaz shall also enter into a Consent Judgment for the entire amount of \$6,125.00; and

IT IS FURTHER STIPULATED AND AGREED, that in conjunction with the execution of this Stipulation of Settlement, Defendant Prestige shall also enter into a Consent Judgment for the entire amount of \$618,561.00, which consists of civil penalties in the amount of \$585,000.00, pursuant to N.J.S.A. 17:33A-5b; \$4,311.00 in attorneys' fees, pursuant to N.J.S.A. 17:33A-5b; and a \$29,250.00 statutory surcharge, pursuant to N.J.S.A. 17:33A-5.1; and

IT IS FURTHER STIPULATED AND AGREED that pursuant to N.J.S.A. 17:33A-10c, a copy of this Stipulation of Settlement shall be provided to any appropriate licensing authority; and

IT IS FURTHER HEREBY STIPULATED AND AGREED, that this Stipulation of Settlement can be used in any subsequent civil or criminal proceeding; and


IT IS FURTHER HEREBY STIPULATED AND AGREED, that if Defendants fail to make any payment, Plaintiff may, upon notice to Defendants, declare the entire balance outstanding to be immediately due and payable. Thereafter, plaintiff may take any action available under the laws of this State to collect the amount outstanding at that time, including post-judgment interest from the date of the judgment, attorneys' fees and other remedies available under the law.

IT IS FURTHER STIPULATED AND AGREED that the penalties of this Stipulation of Settlement 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.

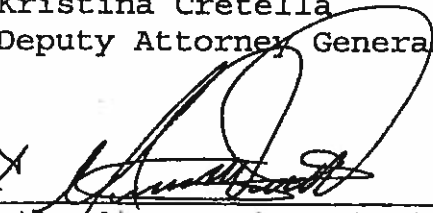
CONSENTED AS TO FORM, CONTENT AND ENTRY OF ORDER:

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiff-Intervenor

Dated: 1/14/16

By: 
Kristina Cretella
Deputy Attorney General

Dated: 1/14/16

By: 
Mileydis T. Diaz, individually,
and as the Registered Agent and
Officer, Director, and/or Member
of Prestige Medical Supplies, LLC