

STIPULATION OF SETTLEMENT BETWEEN THE COMMISSIONER OF THE NEW JERSEY DEPARTMENT OF BANKING AND INSURANCE AND MORRIS ANTEBI, M.D., SEASHORE AMBULATORY SURGERY CENTER AND PAIN SPECIALISTS, P.A.

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| RICHARD J. BADOLATO, | : | |
| COMMISSIONER OF THE NEW JERSEY | : | |
| DEPARTMENT OF BANKING | : | <u>CIVIL ACTION</u> |
| AND INSURANCE, | : | |
| | : | |
| Plaintiff, | : | |
| | : | SUPERIOR COURT OF NEW JERSEY |
| v. | : | LAW DIVISION: ATLANTIC COUNTY |
| | : | DOCKET NO. ATL-L-2321-15 |
| MORRIS ANTEBI, M.D., SEASHORE | : | |
| AMBULATORY SURGERY CENTER and | : | |
| PAIN SPECIALISTS, P.A., | : | |
| | : | |
| Defendants. | : | |

THIS ACTION having been settled and resolved by the parties, plaintiff, Richard J. Badolato, Commissioner of the New Jersey Department of Banking and Insurance ("Commissioner"), and defendants, Morris Antebi, M.D. ("Antebi"), Seashore Ambulatory Surgery Center ("SASC"), and Pain Specialists, P.A. ("PSPA") (collectively "Defendants") enter into this Stipulation of Settlement ("Stipulation") and hereby stipulate and agree as follows:

IT IS HEREBY STIPULATED AND ACKNOWLEDGED that the Commissioner filed a Complaint against the Defendants alleging that the Defendants committed violations of the New Jersey

Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 et seq. ("Fraud Act"), specifically N.J.S.A. 17:33A-4a(1), 4a(2), 4a(3), 4a(5), 4b and 4c, in relation to 99 separate claims submitted to New Jersey Manufacturers Insurance Company ("NJM") and Liberty Mutual Insurance Company ("Liberty Mutual") between February 9, 2004, and April 20, 2009 (the "Claims"); and

IT IS HEREBY STIPULATED AND AGREED that pursuant to N.J.S.A. 17:33A-5(d), with no admission of liability, fault or wrongdoing, the Defendants agree to make a payment to the Commissioner in the amount of \$150,000.00 in full settlement of the Claims and in release of all potential claims for civil penalties under the Fraud Act, including restitution, fines, surcharge and attorney's fees, by the Commissioner against the Defendants which relate to all activity known to have occurred on or before the date of the Stipulation (the "Settlement Amount"); and

IT IS FURTHER STIPULATED AND AGREED that the Defendants shall pay the Settlement Amount in full to counsel for the Commissioner no later than December 11, 2017, by check payable to "Commissioner, New Jersey Department of Banking and Insurance" and "BFD #07-21374-02" shall appear on the check; and

IT IS FURTHER HEREBY STIPULATED AND AGREED that, in the event that counsel does not timely receive a check and funds

constituting the Settlement Amount in full, this Stipulation is null and void; and

IT IS FURTHER HEREBY STIPULATED AND AGREED, that this Stipulation has been jointly negotiated and drafted by all parties, and shall not be construed against any party; and

IT IS FURTHER HEREBY STIPULATED AND AGREED, that this Stipulation may be executed in counterparts; and

IT IS FURTHER HEREBY STIPULATED AND AGREED, that upon receipt of the funds constituting the Settlement Amount, the Commissioner shall execute and file a Stipulation of Dismissal with Prejudice of the Complaint.

CHRISTOPHER S. PORRINO
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiff

Dated: December 13, 2017

By:

Richard E. Wegrzyn, Jr.
Richard E. Wegrzyn, Jr.
Deputy Attorney General

MORRIS ANTEBI, M.D.

Dated: December 7, 2017

By:

Morris Antebi, M.D.
Morris Antebi, M.D.

SEASHORE AMBULATORY SURGERY
CENTER, INC.

Dated: December 7, 2017 By: [Signature]
[Authorized representative of
Seashore]
[print name below]

PAIN SPECIALISTS, P.A.

Dated: December 7, 2017 By: [Signature]
[Authorized representative of Pain
Specialists]
[print name below]

BRACH EICHLER

Dated: December 11, 2017 By: [Signature]
Richard Robins, Esquire
Attorneys for Morris Antebi, M.D.,
Seashore Ambulatory Surgery
Center, Inc., and Pain
Specialists, P.A.