SUPERIOR COURT OF NEW JERSEY CAPE MAY – LAW DIVISION – SPECIAL CIVIL PART

Richard J. Badolato, Commissioner of the New Jersey Department of Banking and Insurance

Civil Action

Plaintiff

DOCKET No.:

Plaintiff v. CPM-DC-2143-17

Sherrina Boyd

ORDER

Defendant

THIS MATTER HAVING been brought by Plaintiff, Richard J. Badolato, Commissioner of the New Jersey Department of Banking and Insurance, against Defendant(s), Sherrina Boyd, the Court finds that Plaintiff is entitled to relief.

R. 6:6-1 provides that Part IV Rules, specifically, R. 4:42 (insofar as applicable), R. 4:43-3, R. 4:44 to 4:46, inclusive, and R. 4:48 to 4:50, inclusive, shall apply to the Special Civil Part, except that the requirements of a statement of material facts and a responding statement contained in R. 4:46-2(a) and (b) shall not apply. R. 6:6-1. Once a default has been entered against a defendant pursuant to R. 4:43-1, a plaintiff may subsequently seek to have default judgment be entered against the defendant pursuant to R. 4:43-2. If the judgment is for a "sum certain," where the appropriate proofs are submitted to the clerk, listing the items and dates of the claim, along with necessary calculations for the items, including interests, then the clerk may enter default judgment. R. 4:43-2(a). However, for all other matters, the plaintiff must file a motion to enter default judgment. R. 4:43-2(b). Either upon the request of the party, or done sua sponte by the Court, a proof hearing may be required to determine the quantum of damages. Such amount determined cannot exceed what was claimed in the initial pleading. R. 4:43-2(c).

Plaintiff submits that it investigated Plaintiff in response to a referral from Plymouth Rock Assurance Company ("PRAC"). On February 12, 2012, Plaintiff obtained an automobile insurance policy. See Exhibit A. On May 24, 2012, PRAC notified Defendant that her policy would be cancelled effective June 12, 2012 for nonpayment. See Exhibit B. On June 19, 2012, after the policy was cancelled, Defendant was involved in an automobile accident in Middle Township, New Jersey. See Exhibit C. Defendant called PRAC, inquired as to whether the policy had lapsed, and if any payment was required to reinstate the policy. See Exhibit D.

Plaintiff asserts that during this call, Defendant fraudulently informed PRAC that she had no losses during the lapse in coverage, and was granted temporary coverage pending payment. <u>Ibid.</u> One hour after her first call, Defendant called PRAC to make a payment on the policy. Later that day, she then filed a claim with PRAC for coverage of damages incurred in the accident she fraudulently stated had happened after she reinstated her policy. <u>See</u> Exhibit E. Defendant was informed that her policy had been reinstated, but with a lapse in coverage. <u>See</u> Exhibit D, p. 1. On June 20, 2012, Defendant called PRAC in order to obtain a claim number for the claim she had filed, and to discuss the comprehensive, collision, towing, and rental coverages in place under the policy for the insured vehicle at the time of the accident. <u>Ibid.</u> On June 21, 2012, Defendant made another fraudulent statement about when the accident occurred. <u>See</u> Exhibit A, p. 2. On June 26, 2012, PRAC voided Defendant's policy as of June 19, 2012 based upon Defendant's fraudulent misrepresentation of no prior losses at the time of reinstatement of the policy. <u>See</u> Exhibit F.

Default in this matter was entered on December 29, 2017. Plaintiff submits that Defendant has not answered or otherwise moved in response to this claim, nor has she moved for an extension of time in which to do so. Thus Plaintiff respectfully requests the Court enter judgment in Plaintiff's favor in the amount of \$9,198.00.

Accordingly, IT IS ON THIS 24th day of April, 2018 ORDERED THAT Plaintiff's Motion to Enter Judgment is GRANTED. Judgment is hereby entered in the amount of \$9,198.00, against Defendant, Sherrina Boyd, and in favor of the Plaintiff, Richard J. Badolato, Commissioner of the New Jersey Department of Banking and Insurance. This amount consists of \$5,000.00 in civil penalties pursuant to N.J.S.A. § 17:33A-5b for one (1) violation of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. § 17:33A-1 et seq.; attorneys' fees of \$3,198.00 pursuant to N.J.S.A. § 17:33A-5b; 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 Sherrina Boyd'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 by the moving party upon all parties or their attorneys within five (5) days.

The motion is unopposed.

. Christopher Gibson, J.S.C