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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - GLOUCESTER COUNTY
DOCKET NO. GLO-L-000510-20

MARLENE CARIDE,)
COMMISSIONER OF THE)
NEW JERSEY DEPARTMENT OF)
BANKING AND INSURANCE,)
)
Plaintiff,)
)
v.)
)
NADARA HINTON, a/k/a)
NARDARA HINTON,)
)
Defendant.)

Civil Action

ORDER OF FINAL JUDGEMNT
BY DEFAULT

The Defendant, Nadara Hinton a/k/a Nardara Hinton, ("Defendant"), having been duly served with a copy of the Summons and Complaint in the above-entitled action and having been defaulted for failure to appear, answer or otherwise defend;

This Court now finds that Defendant violated the New Jersey Insurance Fraud Prevention Act ("Fraud Act"), specifically

N.J.S.A. 17:33A-4a(1), and N.J.S.A. 17:33A-4(a)(4)(b), by knowingly providing false and misleading statements to New York Life Insurance Company ("NY Life") in support of a fraudulent application for life insurance and claim made on the policy for payment.

IT is on is on this 5 day of February 2021; ORDERED that FINAL JUDGMENT is entered in the amount of \$14,565.00 against Defendant Nadara Hinton a/k/a Nardara Hinton, and in favor of the Plaintiff, Marlene Caride, Commissioner of the New Jersey Department of Banking and Insurance. This amount consists of \$10,000.00 in civil penalties for two violations of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to -30, for causing to be presented a false statements to NY Life during both an application for life insurance in the name of another individual and for making false written and oral statements during the subsequent claim made for payment, violating the Fraud Act; attorneys' fees of \$3,500.00 pursuant to N.J.S.A. 17:33A-5; cost of service in the amount of \$65.00 pursuant to N.J.S.A. 17:33A-5; and a statutory fraud surcharge of \$1,000.00 pursuant to N.J.S.A. 17:33A-5.1.

IT IS FURTHER ORDERED that a copy of this Order be served upon all parties within _____ days of the date of receipt. upon being uploaded via eCourts.

1st Samuel J. Ragonese

SAMUEL J. RAGONESE , J.S.C.

This motion was:

_____ Opposed
 X Unopposed

N.J. Dept. of Banking and Ins. v. Hinton

GLO-L-510-20

Motion to Enter Judgment**Basis**

On May 13, 2020 Defendant was personally served a Complaint. Defendant did not answer or otherwise respond to the Commissioner's Complaint, nor did he ask for an extension of time to do so. Thus, the Clerk of the Court entered default against Defendant on November 17, 2020.

Pursuant to R. 4:43-1, on November 13, 2020, a true and exact copy of the filed Request for Entry of Default was sent to Defendant by regular mail at her current address. The ordinary mailing sent to Defendant was not returned to Plaintiff's office. Pursuant to R. 4:43-2, Plaintiff has no actual knowledge that Defendant's address has changed since service of the Complaint.

The Commissioner's claim against Defendant is for two violations of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to -30 ("Fraud Act"), for providing false and misleading information to the New York Life Insurance Company ("NY Life"). Defendant violated the Fraud Act by knowingly making and causing to be presented false and misleading oral and/or written statements to NY life on multiple dates. Specifically, by knowingly presenting and causing to be presented false and misleading statements concerning a material fact in support of both an application for insurance and a subsequent claim made for payment, in violation of N.J.S.A. 17:33A-4(a)(4)(b) and N.J.S.A. 17:33A-4(a)(1).

The Commissioner seeks only two violations of the Fraud act for the fraudulent application and subsequent claim made, and as such Defendant is subject to the civil penalty in the amount of \$15,000.00. However, the Commissioner seeks to assess a civil penalty in the amount of \$10,000.00.

Court costs and reasonable attorneys' fees are mandated by the Fraud Act. N.J.S.A. 17:33A-5(b). Pursuant to the Schedule of Attorneys' Fees provided by the Department of Law and Public Safety, Division of Law (DOL), the Commissioner seeks \$3,500.00 in fees. Additionally, the Fraud Act provides for court costs pursuant to N.J.S.A. 17:33A-5(b). Commissioner seeks the reimbursement of the cost of service of the Complaint and Summons in this matter in the amount of \$65.00.

Pursuant to R. 4:43-2, it is requested that default judgment in the amount of \$14,565.00 be entered against Defendant Nardara Hinton a/k/a Nadara Hinton. This amount consists of \$10,000.00 in civil penalties for two violations of the Fraud Act, pursuant to N.J.S.A. 17:33A-1 to -30; attorney's fees of \$3,500.00 pursuant to N.J.S.A. 17:33A-5(b); cost of service in the amount of \$65.00 pursuant to N.J.S.A. 17:33A-5(b); and a \$1,000.00 statutory fraud surcharge, pursuant to N.J.S.A. 17:33A-5.1.

Opposition

No Opposition has been filed.

Determination

- (X) Granted, as per form of order submitted
- () Granted, as revised by court
- () Denied

Reasoning

R. 4:43-2 states, in pertinent part, “[a]fter a default has been entered in accordance with R. 4:43-1, except as otherwise provided by R. 4:64 (foreclosure), but not simultaneously therewith, a final judgment may be entered . . .”

Here, Defendant failed to file an Answer within the time permitted. Default has been entered. Accordingly, pursuant to R. 4:43-2, final judgment may now be entered. Further, there has been no opposition filed regarding the amount requested by Plaintiff in the Motion papers. Therefore, without opposition, the Motion is granted.