SUPERIOR COURT OF NEW JERSEY

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

By: William E. Vaughan

Deputy Attorney General

(609) 376-2965

Defendant.

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LAW DIVISION - MONMOUTH COUNTY DOCKET NO. MON-L-1464-21 MARLENE CARIDE, COMMISSIONER OF THE Civil Action NEW JERSEY DEPARTMENT OF ORDER FOR FINAL JUDGMENT BY BANKING AND INSURANCE, **DEFAULT** Plaintiff, ٧. AMANDA ENGELBERG,

THIS MATTER having been opened to the Court on the application of Andrew J. Bruck, Acting Attorney General of New Jersey, (by William E. Vaughan, Deputy Attorney General, appearing), attorney for Plaintiff, Marlene Caride, Commissioner of the New Jersey Department of Banking and Insurance on a motion for judgment by default; and

Defendant, Amanda Engelberg ("Defendant"), having been duly served with a copy of the Summons and Complaint in the above-captioned action, and default having been entered for Defendant's failure to appear, answer, or otherwise defend;

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This Court now finds that Defendant violated the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to -30 ("Fraud Act") by (a) making an oral statement intended to be presented to an insurance company for the purpose of obtaining an insurance policy, knowing that the statements contained false or misleading information concerning material facts, and knowingly failed to disclose an event that affected her entitlement to an insurance benefit; and (b) presented a written statement in support of a claim for payment pursuant to an insurance policy, knowing the statements contained false information concerning a fact material to the claim;

Specifically, (a) Defendant made a false oral statement to Progressive Garden State Insurance Company ("Progressive") in her application for automobile insurance that her motor vehicle had not been in a motor vehicle accident during the lapse in her policy, concealing an accident prior to the call to reinstate, in violation of N.J.S.A. 17:33A-4(a)(3) and N.J.S.A. 17:33A-4(a)(4)(b); and (b) Defendant represented to Progressive in support of a claim for benefits that her motor vehicle was damaged in an accident that occurred after she reinstated her policy, when, in fact, the accident that damaged her motor vehicle occurred prior to Defendant reinstating her policy, in violation of N.J.S.A. 17:33A-4(a)(1);

IT IS on this 8th day of February, 2022,

**ORDERED** that final judgment via default is entered in the amount of \$9,580.00 against Defendant, and in favor of Plaintiff, Marlene Caride, Commissioner of the New Jersey Department of Banking and Insurance as follows as Plaintiff has complied with the requirements of R. 4:43-2(b):

(a) \$5,000.00 in civil penalties for two (2) violations of the Fraud Act pursuant to N.J.S.A. 17:33A-5(b);

- (b) attorneys' fees of \$3,500.00 pursuant to N.J.S.A. 17:33A-5(b);
- (c) costs of service in the amount of \$80.00 against Defendant pursuant to N.J.S.A. 17:33A-5(b); and
- (d) 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's driving privileges will be suspended for a period of one (1) year from the date of this judgment; and

IT IS FURTHER ORDERED pursuant to R. 1:5-1(a) that a copy of this Order will be served on all parties not served electronically, nor served personally in court this date, within seven (7) days of the date of this Order.

/s/ MARA ZAZZALI-HOGAN, J.S.C.

Opposed

Unopposed (X)