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**FILED**

*10:36 am, Mar 17, 2023*

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SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - ESSEX COUNTY  
DOCKET NO. ESX-L-002383-22

MARLENE CARIDE, )  
COMMISSIONER OF THE )  
NEW JERSEY DEPARTMENT OF )  
BANKING AND INSURANCE, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
TRACEY WRIGHT, )  
 )  
 )  
Defendant. )

**Civil Action**

**ORDER REINSTATING COMPLAINT  
AND ENTERING FINAL JUDGMENT  
BY DEFAULT**

THIS MATTER HAVING BEEN opened to the Court on the application of Matthew J. Platkin, Attorney General of New Jersey, (by Nicholas Kant, Deputy Attorney General, appearing), attorney for Plaintiff, Marlene Caride, Commissioner of the New Jersey Department of Banking and Insurance (“Commissioner”) on a motion to reinstate the Complaint and for final judgment by default; and

The Commissioner having shown good cause to reinstate the Complaint; and

Defendant, Tracey Wright (“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;

This Court now finds that Defendant (i) concealed and/or knowingly failed to disclose the occurrence of an event that affected her initial or continued right or entitlement to any insurance benefit or payment, and (ii) presented oral and written statements in support of a claim for payment or other benefit pursuant to an insurance policy knowing that the statements contained false or misleading information concerning a fact or thing material to the claim, both in violation of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to -30 (“Fraud Act”).

Specifically, Defendant (i) on an application for an automobile insurance policy, failed to disclose that she had been involved in an automobile accident prior to applying for the policy, in violation of N.J.S.A. 17:33A-4(a)(3); (ii) in support of an insurance claim, falsely represented on a telephone call with an insurance company that she applied for the insurance policy prior to the accident, when in fact she applied for the policy after the accident, in violation of N.J.S.A. 17:33A-4(a)(1); and (iii) submitted a bogus e-mail in support of an insurance claim to support her false representation regarding the time she applied for and obtained an automobile insurance policy, in violation of N.J.S.A. 17:33A-4(a)(1).

IT IS is on this 17th day of March 2023, ORDERED THAT:

1. Plaintiff’s Complaint is reinstated without costs;
2. Final judgment by default is entered in the amount of \$8,792.00 against Defendant and in favor of Plaintiff, Marlene Caride, Commissioner of the New

Jersey Department of Banking and Insurance. This amount consists of \$5,000.00 in civil penalties for two (2) violations of the Fraud Act pursuant to N.J.S.A. 17:33A-5(b); attorneys' fees of \$2,692.00 pursuant to N.J.S.A. 17:33A-5(b); cost of service in the amount of \$100.00 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.

- 3. Pursuant to N.J.S.A. 39:6A-15, Defendant's driving privileges shall be suspended for a period of one (1) year from the date of this judgment.
- 4. A copy of this Order be served upon all <sup>parties/counsel of record</sup> ~~parties~~ within \_\_\_\_\_ days of the ~~date of receipt~~ within seven (7) days of the date herein, per the Rules of Court.

*15/Robert H. Gardner, J.S.C.*  
 \_\_\_\_\_  
 Hon. Robert H. Gardner, J.S.C.

This motion was:

\_\_\_\_\_ Opposed  
 \_\_\_\_\_  Unopposed