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DJ-51550-23

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SUPERIOR COURT OF NEW JERSEY  
SPECIAL CIVIL PART - BERGEN COUNTY  
DOCKET NO. BER-DC-008199-22

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

Civil Action

**ORDER FOR FINAL JUDGMENT BY  
DEFAULT**

**SPECIAL CIVIL PART: STATUTORY  
PENALTIES**

**AMOUNT IN CONTROVERSY:  
\$7,948.00**

THIS MATTER HAVING BEEN opened to the Court on the application of Matthew J. Platkin, Attorney General of New Jersey, (by Brian R. Fitzgerald, 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, Floyd Davis ("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 violated the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to -30 ("Fraud Act") by (i) making a written statement intended to be presented to an insurance company for the purpose of obtaining an insurance policy, knowing that the statement contained false or misleading information concerning material facts, and (ii) concealing and/or knowingly failing to disclose the occurrence of an event that affected his initial or continued right or entitlement to any insurance benefit or payment, both in violation of the Fraud Act.

Specifically, Defendant (i) falsely represented on an automobile insurance application that he was the only household driver of his insured vehicle, when in fact his son was a household driver of the vehicle, in violation of N.J.S.A. 17:33A-4(a)(4)(b), and (ii) failed to disclose on an automobile insurance application that his son was a household driver of his insured vehicle, in violation of N.J.S.A. 17:33A-4(a)(3); and

FINAL JUDGMENT is on this 18 day of April 2023, entered in the amount of \$7,948.00 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 one violation of the Fraud Act, N.J.S.A. 17:33A-5(b); attorneys' fees of \$1,948.00 pursuant to N.J.S.A. 17:33A-5(b); 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 7 days of the date of receipt.

*/s/ Joseph G. Monaghan*

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Joseph G. Monaghan, J.S.C.

This motion was:

       Opposed   <sup>x</sup>   Unopposed