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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MONMOUTH COUNTY
DOCKET NO. MON-L-3128-18

_____)	
)	
MARLENE CARIDE, COMMISSIONER OF)	<u>Civil Action</u>
THE NEW JERSEY DEPARTMENT OF)	
BANKING AND INSURANCE,)	ORDER OF SUMMARY JUDGMENT
)	
Plaintiff,)	
)	
v.)	
)	
IBRAHIM EL NABOULSI,)	
)	
Defendant.)	
_____)	

This matter coming before the Court on the application of Matthew J. Platkin, Attorney General, (by Chandra M. Arkema, Deputy Attorney General appearing), attorney for Plaintiff, Marlene Caride, Commissioner of the New Jersey Department of Banking and Insurance ("Commissioner"), for an Order of Summary Judgment

against Defendant, Ibrahim El-Naboulsi ("Defendant"), and the Court having considered the papers submitted, and for good cause shown; and

It is on this 4th day of May, 2023;

ORDERED, that Summary Judgment shall be and hereby is **GRANTED** in favor of the Commissioner and against Defendant; and

IT IS FURTHER ORDERED, 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"). Specifically, Defendant falsely represented to Allstate that he had incurred expenses for a rental car and that he had incurred expenses for repair to his vehicle, both in connection with an automobile insurance claim, when in fact he never paid out any expenses for a rental vehicle or car repairs, in violation of N.J.S.A. 17:33A-4(a)(1).

IT IS FURTHER ORDERED, that after consideration of the factors relevant to the calculation of civil penalties, as set forth in Kimmelman v. Henkels & McCoy, Inc., 108 N.J. 123 (1987), that judgment shall be and hereby is entered against Defendant in the total amount of \$ 11,000.00.

This amount consists of a \$ 5,000.00 civil penalty against Defendant for his violations of N.J.S.A. 17:33A-4(a)(1), and a statutory fraud surcharge of \$1,000.00 against Defendant, pursuant to N.J.S.A. 17:33A-5.1; and

IT IS FURTHER ORDERED, that after consideration of the factors relevant for the assessment of attorneys' fees, as set forth in Rendine v. Pantzer, 141 N.J. 292 (1995), that judgment shall be and hereby is entered against Defendant, in the amount of \$5,000.00, pursuant to N.J.S.A. 17:33A-5b

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 year from the date of this judgment.

IT IS FURTHER ORDERED, that a copy of this Order be served on all parties within 5 days from the date of receipt.

/s/ Owen C. McCarthy
The Honorable Owen C. McCarthy, J.S.C.

_____ opposed

✓ _____ unopposed

The Court finds the evidence is so one-sided that Plaintiff must prevail as a matter of law. The record demonstrates that the conduct of the defendant as described at length in the moving papers amounts to a violation of the Insurance Fraud Act.

The Court finds that based upon the evidence, \$5,000.00 would provide fair and reasonable compensation for the violation of the Insurance Fraud Act. The Court acknowledges the significant problems insurance fraud causes all residents of New Jersey when awarding this amount.

With regard to counsel fees requested by movant, the Court finds the proposed amount is excessive and would amount to a windfall to the State. Moreover, the purpose of counsel fees under R.P.C. 1.5 and Walker v. Giuffre, 209 N.J. 124 (2012) is to reimburse the prevailing party for actual costs associated with pursuing litigation. All of the lawyers identified by the State are salaried employees who do not submit monthly bills payable by a client.

Nevertheless, and in light of the amount of time devoted to the prosecution of this action, the Court is awarding \$5,000.00 in Counsel Fees which it finds to be fair and reasonable.