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Attorney for Plaintiff-Intervenor:
Marlene Caride, Commissioner of the New Jersey
Department of Banking & Insurance

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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - UNION COUNTY
DOCKET NO. UNN-L-00217-18

ALLSTATE NEW JERSEY INSURANCE COMPANY, et)
al.,)

Plaintiffs,)

vs.)

SAMUEL S. DAVIT (a/k/a Merabi)
Davitiashvili), et al.)

Defendants,)

vs.)

MARLENE CARIDE, COMMISSIONER OF THE NEW)
JERSEY DEPARTMENT OF BANKING & INSURANCE,)

Plaintiff-Intervenor)

vs.)

SAMUEL S. DAVIT (a/k/a Merabi)
Davitiashvili); et al.,)

Defendants.)

) **ORDER FOR 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 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

Defendants, Kesnold Baptiste, D.C.; 21st Century Total Health Clinic, LLC; and Gemini Total Health Clinic, LLC (collectively, "Defendants"), having been duly served with a copy of the Summons and Complaint in the above-captioned action, and default having been entered for Defendants' Answer being suppressed with prejudice;

This Court now finds that Defendants violated the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to -30 ("Fraud Act");

Specifically, Defendants, while acting as a primary care provider, referred or caused the referral of no-fault patients to the Davit MRI Facility Defendants for MRIs and/or other imaging and radiological services in exchange for, either directly or indirectly, referral fees, kickbacks, and/or other unlawful compensation or consideration whether in money or "in kind," including reciprocal or corresponding referrals of clients/patients, in violation of N.J.A.C. 13:35-6.7, N.J.A.C. 13:44E-2.6, N.J.S.A. 17:33A-4(a)(1), and N.J.S.A. 17:33A-4(e); and

FINAL JUDGMENT is on this 12 day of *Jun* 2023, entered in

the amount of \$639,382.70 against Defendants, as follows:

In favor of Plaintiff, Marlene Caride, Commissioner of the New Jersey Department of Banking and Insurance:

(a) \$615,000.00 in civil penalties for forty-two (42) violations of the Fraud Act, joint and several, pursuant to N.J.S.A. 17:33A-5(b);

(b) attorneys' fees of \$21,248.00, joint and several, pursuant to N.J.S.A. 17:33A-5(b);

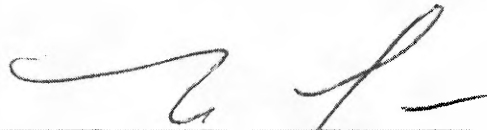
(c) costs of service in the amount of \$134.70, joint and several, pursuant to N.J.S.A. 17:33A-5(b);

(d) a statutory fraud surcharge of \$1,000.00 against Kesnold Baptiste, D.C., pursuant to N.J.S.A. 17:33A-5.1;

(e) a statutory fraud surcharge of \$1,000.00 against Gemini Total Health Clinic, LLC, pursuant to N.J.S.A. 17:33A-5.1; and

(f) a statutory fraud surcharge of \$1,000.00 against 21st Century Total Health Clinic, Inc., 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.



HONORABLE MARK CIARROCCA, P.J. Civ.

This motion was:

 Opposed X Unopposed