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SUPERIOR COURT OF NEW JERSEY SPECIAL CIVIL PART - BERGEN COUNTY DOCKET NO. BER-DC-012276-22

MARLENE CARIDE, COMMISSIONER OF THE NEW JERSEY DEPARTMENT OF) <u>Civil Action</u>
BANKING & INSURANCE,	ORDER FOR FINAL JUDGMENT BY DEFAULT
Plaintiff,) }
V.	
AMY PESTANO,)
Defendant.))

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

Defendant, Amy Pestano ("Defendant"), having been duly served with a copy of the Summons and Complaint in the above-captioned action and default having been entered for 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"), specifically N.J.S.A. 17:33A-4(a)(1), N.J.S.A. 17:33A-4(a)(3), N.J.S.A. 17:33A-4(a)(4)(b), and N.J.S.A. 17:33A-4(a)(5), by falsely stating to Progressive Garden State Insurance Company ("Progressive") in a Statement of No Loss on February 5, 2021, and in a subsequent claim for benefits on February 6, 2023, that no household member or insured vehicle had been involved in a motor vehicle accident during the period in which the policy had lapsed, when in fact her husband had been involved in a motor vehicle accident during the policy lapse period; and

FINAL JUDGMENT is on this ⁶ day of July 2023, entered in the amount of \$7,865.00 against Defendant Amy Pestano and in favor of Plaintiff, Marlene Caride, Commissioner of the New Jersey Department of Banking and Insurance. This amount consists of: a \$5,000.00 civil penalty for one violation of the Fraud Act, pursuant to N.J.S.A. 17:33A-5(b); attorneys' fees of \$1,865.00, pursuant to N.J.S.A. 17:33A-5(b); a statutory fraud surcharge of \$1,000.00 pursuant to N.J.S.A. 17:33A-5.1; and

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Defendant is found to have violated a provision of the Fraud Act pertaining to

automobile insurance fraud based on a claim for damages arising out of a

motor vehicle accident, and shall not operate a motor vehicle over the

highways of this State for a period of one year from the date of this

judgment.

IT IS FURTHER ORDERED, that a copy of this Order be served

upon all parties within $\underline{}^7$ days of the date of receipt.

/S/Joseph G. Monaghan

J.S.C. Joseph G. Monaghan

This motion was:

_____ Opposed

x Unopposed

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