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F I L E D

August 18, 2025

Veronica Allende, J.S.C.

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SUPERIOR COURT OF NEW JERSEY
SPECIAL CIVIL PART - SOMERSET COUNTY
DOCKET NO. SOM-DC-003210-25

JUSTIN ZIMMERMAN,
COMMISSIONER OF THE
NEW JERSEY DEPARTMENT OF
BANKING AND INSURANCE,

Plaintiff,

v.

TODD BARKSDALE,

Defendant.

)
) Civil Action
)
) **ORDER FOR FINAL JUDGMENT**
) **BY DEFAULT**
)
)
) **SPECIAL CIVIL PART: STATUTORY**
) **PENALTIES**
) **AMOUNT IN CONTROVERSY: \$18,082.00**
)

THIS MATTER HAVING BEEN opened to the Court on the Application of Matthew J. Platkin, Attorney General of New Jersey, (by Chandra M. Arkema, Deputy Attorney General, appearing), attorney for Plaintiff, Justin Zimmerman, Commissioner of the New Jersey Department of Banking and Insurance on a motion for final judgment by default; and

Defendant, Todd Barksdale, ("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"), specifically N.J.S.A. 17:33A-4(a)(4)(a), N.J.S.A. 17:33A-4(a)(3), and N.J.S.A. 17:33A-4(a)(4)(b), when he falsely represented to Progressive on an application for automobile insurance that he lived in Somerset, New Jersey, and garaged the policy vehicle there, when in fact he lived in Brooklyn, New York, where the insured vehicle was actually kept.

This Court further finds that Defendant violated N.J.S.A. 17:33A-4(a)(1) and N.J.S.A. 17:33A-4(a)(3) when he failed to disclose his true address and falsely claimed to Progressive on July 5, 2023, in support of a claim for damages, that he resided in New Jersey, where the policy vehicle was also primarily garaged, when in fact Defendant resided in New York, where the policy vehicle was actually garaged.

FINAL JUDGMENT is on this 18th day of August, 2025, entered in the amount of \$13,082.00 against Defendant and in favor of Plaintiff, Justin Zimmerman, Commissioner of the New Jersey Department of Banking and Insurance. This amount consists of \$10,000.00 in civil penalties for two (2) violations of the Fraud Act pursuant to N.J.S.A. 17:33A-5(b); attorneys' fees of \$2,082.00

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 pursuant to N.J.S.A. 39:6A-15, Defendant's driving privileges will be suspended for a period of one (1) year from the date of this judgment.

IT IS FURTHER ORDERED that service of this Order shall be deemed effectuated upon all parties upon the upload to eCourts. Pursuant to Rule 1:5-1(a), a movant shall serve a copy of this Order on all parties not served electronically within seven days of the date of this Order.

~~IT IS FURTHER ORDERED, that a copy of this Order be served upon all parties within _____ days of the date of receipt.~~


Honorable Veronica Allende, J.S.C.

This motion was:

_____ Opposed

____X____ Unopposed

Statement of Reasons

Plaintiff moves this court to enter default judgment against Defendant for damages and other fees in connection with this action, plus costs. Rule 6:6-3(c) provides that "if a party entitled to judgment by default fails to apply therefore within 6 months after entry of default, judgment

shall not be entered except on motion to the court.” Rule 6:6-3(c) further provides that in support of its motion for default, the moving party must have provided a certification or affidavit attesting to the following: (1) the defendant is not a minor or mentally incapacitated person (unless represented by a guardian); (2) proof of service of the motion on the defaulting party; and (3) proof showing the amount of debt is based on personal knowledge. Moreover, Rule 1:5-7 provides that a party moving for default judgment must provide a certification that the defendant is not currently serving in the military.

Here, Plaintiff’s application is not within six months of entry of default. Plaintiff certified that it served a copy of the motion on the defaulting party by regular and/or certified mail. Plaintiff also certified that Defendant is not a minor or mentally incapacitated person. Additionally, Plaintiff certified that their claim against Defendant is for a sum certain and based on personal knowledge. Finally, Plaintiff provided a certification, with supporting documentation, that Defendant is not currently serving in the military.

In support of its motion for final default judgment, Plaintiff submitted certifications and attached exhibits for the court’s review and consideration. The court finds that Plaintiff has sufficiently demonstrated that Defendant is liable for damages. The court also finds that the amount of money and other fees is a sum certain as evidenced by the record.

Additionally, Plaintiff requests an award of \$2,082.00 in attorneys’ fees pursuant to N.J.S.A. 17:33A-5(b), and \$1,000 in statutory attorneys’ fees pursuant to N.J.S.A. 17:33A-5.1. Plaintiff certified that court costs and reasonable attorneys’ fees are mandated by the Fraud Act. Plaintiff also certified that the New Jersey Department of Public Safety, Division of Law (“DOL”) has established a Schedule of Attorney Fees that provides a uniform hourly rate of compensation for DOL legal staff, and that these uniform rates are reasonable based on prevailing market rates

and the level and years of experience of attorneys who performed legal work in this case. Plaintiff also certified that 13.7 hours were spent on this case, and the attorneys' fees incurred to prosecute the matter total \$2,082.00. The court finds that, pursuant to N.J.S.A. 17:33A-5(b) and N.J.S.A. 17:33A-5.1, Plaintiff is entitled to an award of reasonable attorneys' fees and statutory fees, as the court finds that the requested amount is reasonable and related to the instant matter.

The proposed form of order has been modified with additional language added in bold face and/or other proposed language stricken.