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SUPERIOR COURT OF NEW JERSEY
SPECIAL CIVIL PART - OCEAN COUNTY
DOCKET NO. OCN-DC-008413-25

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

Plaintiff,

v.

RACHAEL GIACOLONE,

Defendant.

Civil Action

ORDER FOR SUMMARY JUDGMENT

This matter coming before the Court on the application of Matthew J. Platkin, Attorney General of New Jersey, (by Jessica Lugo, Deputy Attorney General, appearing), attorney for Plaintiff, Justin Zimmerman, Commissioner of the New Jersey Department of Banking and Insurance for an Order granting Summary Judgment against Defendant Rachael Giacolone; and the court having considered the papers submitted by counsel; and for good cause

shown;

It is on this 4th day of September
2025,

ORDERED that Summary Judgment be and is hereby **GRANTED** in favor of Plaintiff Justin Zimmerman, Commissioner of the New Jersey Department of Banking and Insurance, against Defendant Rachael Giacolone; and

IT IS FURTHER ORDERED that for the reasons stated in Plaintiff's motion papers, this Court now finds that Defendant Rachael Giacolone 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)(b) and N.J.S.A. 17:33A-4(a)(3), by making false representations to Progressive Garden State Insurance Company ("Progressive") in a Statement of No Loss wherein she represented that her insured vehicle was not involved in any motor vehicle accidents during the policy cancellation period, and concealed that her policy vehicle was involved in a motor vehicle accident during the time her insurance policy had lapsed; and

IT IS FURTHER ORDERED that for the reasons stated in Plaintiff's motion papers, this Court now finds that Defendant Rachael Giacolone violated the Fraud Act, specifically N.J.S.A. 17:33A-4(a)(1) and N.J.S.A. 17:33A-4(a)(3), by lying to Progressive and concealing the true time her policy vehicle had been involved in a motor vehicle accident, in support of a claim for insurance

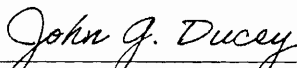
benefits, knowing that her statements contained false or misleading information concerning a fact material to the claim; and

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), monetary penalties be and are hereby entered against Defendant Rachael Giacolone in the amount of \$10,000.00, pursuant to N.J.S.A. 17:33A-5(b), plus a statutory fraud surcharge of \$1,000.00 pursuant to N.J.S.A. 17:33A-5.1;

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 Rachael Giacolone, for the payment of attorneys' fees in the amount of \$10,000.00, pursuant to N.J.S.A. 17:33A-5(b).

IT IS FURTHER ORDERED, that pursuant to N.J.S.A. 39:6A-15. Defendant Rachael Giacolone's driving privileges will be suspended for a period of one (1) year from the date of this judgment; and

IT IS FURTHER ORDERED that a copy of this Order be served upon all parties within ____7____ days of the date of receipt.



HON. JOHN G. DUCEY, J.S.C.

This motion was:

_____ Opposed

 X Unopposed