

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiff
Richard J. Hughes Justice Complex
25 Market Street
P.O. Box 117
Trenton, New Jersey 08625-0117

F I L E D

August 7, 2025

Veronica Allende, J.S.C.

By: Dakar Ross
Deputy Attorney General
NJ Attorney ID No. 042171987
(609) 376-2965
Dakar.Ross@law.njoag.gov

SUPERIOR COURT OF NEW JERSEY
SPECIAL CIVIL PART - SOMERSET COUNTY
DOCKET NO. SOM-DC-002560-23

JUSTIN ZIMMERMAN ¹ ,)
COMMISSIONER OF THE) <u>Civil Action</u>
NEW JERSEY DEPARTMENT OF)
BANKING AND INSURANCE,) ORDER FOR FINAL JUDGMENT
) BY DEFAULT
Plaintiff,)
)
v.)
)
KANIKA A. WILLIAMS,)
)
Defendant.)

THIS MATTER HAVING BEEN opened to the Court on the Application of Matthew J. Platkin, Attorney General of New Jersey, (by Dakar Ross, Deputy Attorney General, appearing), attorney for Plaintiff, Justin Zimmerman, Commissioner of the New Jersey Department of

¹ Pursuant to R. 4:34-4, the caption has been revised to reflect the current Commissioner of the Department.

Banking and Insurance on a motion for final judgment by default;
and

Defendant, Kanika A. Williams ("Defendant"), having been duly served with a copy of the Summons and Complaint in the above-captioned action, and Defendant's answer having been suppressed with prejudice, and default having been entered against Defendant.

This Court now finds that Defendant committed one (1) violation of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to -30 ("Fraud Act").

Specifically, Defendant filed a loss claim with Progressive Insurance Company that falsely reported that the insured vehicle had suffered engine damage on March 21, 2018 when, in fact, said damage occurred on or about February 28, 2018, which was prior to Defendant reducing the deductible under her Progressive automobile insurance policy, in violation of N.J.S.A. 17:33A-4(a)(1).

FINAL JUDGMENT is on this 7th day of August, 2025, entered in the amount of \$9,500.00 against Defendant and in favor of Plaintiff, Justin Zimmerman, Commissioner of the New Jersey Department of Banking and Insurance. This amount consists of \$5,000.00 in civil penalties for one (1) violation of the Fraud Act pursuant to N.J.S.A. 17:33A-5(b); attorneys' fees of \$3,500.00 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 a copy of this Order be served upon all parties within _____ days of the date of receipt.~~

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.



Honorable Veronica Allende, J.S.C.

This motion was:

☒ Opposed

☐ 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.

Defendant filed an opposition on the grounds that the address listed in Plaintiff's filing is incorrect, Defendant was not properly served at her actual residence, and that she did not receive notice about the pending motion. Additionally, Defendant argues that she is not the individual who should be held liable in this matter and was inadvertently brought into this legal action due to improper service at an address at which she has never lived. In support of her opposition, Defendant provides supporting documentation in the form of a copy of her residential lease confirming her proper address, and a copy of her Social Security award letter confirming her disability status.

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 \$3,500 in attorneys' fees pursuant to N.J.S.A. 17:33A-5(b), and 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 over 65 hours were spent on this case, and the attorneys’ fees incurred to prosecute the matter total \$14,946.00, but Plaintiff only seeks a total of \$3,500 in reasonable fees for legal services. 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.

Application is granted for the reasons set forth in this order as well as those stated after oral argument was heard on August 7, 2025.

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