

and for good cause shown; and for the reasons set forth below;*

It is on this 31st day of October, 2025;

ORDERED, that Summary Judgment shall be and hereby is **GRANTED** in favor of Plaintiff and against Defendant; and

IT IS FURTHER ORDERED, this Court now finds that Defendant falsely stated to Drive New Jersey Insurance Company ("Progressive") on an automobile insurance application dated August 17, 2020 that that he resided and garaged his vehicle in Montclair, New Jersey, when in fact, he resided and garaged his vehicle in Rochester, New York, in violation of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-4(a)(4)(a) and N.J.S.A. 17:33A-4(a)(4)(b).

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), that judgment of civil penalties shall be and hereby is entered against Defendant in the amount of \$5,000.00, pursuant to N.J.S.A. 17:33A-5(b); and

IT IS FURTHER ORDERED, that a judgment of statutory surcharge shall be and hereby is entered against Defendant in the amount of \$1,000.00, pursuant to N.J.S.A. 17:33A-5.1; and

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 in the amount of \$3,381.00, pursuant to N.J.S.A. 17:33A-5b;

IT IS FURTHER ORDERED, that Final Judgment is hereby entered in favor the

Plaintiff and against the Defendant in the total amount of \$9,381.00; and

IT IS FURTHER ORDERED, that a copy of this Order be served on all parties within 7 days from the date of receipt.

Richard T. Sules, J.S.C.

~~Honorable~~ RICHARD T. SULES, J.S.C.

_____ opposed

✓ _____ unopposed

*This motion for summary judgment is unopposed. R. 4:46-2(c) provides that, on a motion for summary judgment "the judgment or order sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to a judgment or order as a matter of law." R. 6:6-1 makes the above rule applicable in the Special Civil Part. Since the motion is unopposed, the Court finds that the documents and exhibits attached to the motion, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to a judgment as a matter of law. As such, the motion is GRANTED.