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SUPERIOR COURT OF NEW JERSEY  
SPECIAL CIVIL PART -  
SOMERSET COUNTY  
DOCKET NO. SOM-DC-005618-25

JUSTIN ZIMMERMAN, )  
COMMISSIONER OF THE ) Civil Action  
NEW JERSEY DEPARTMENT OF )  
BANKING AND INSURANCE, ) **ORDER FOR**  
 ) **FINAL JUDGMENT BY DEFAULT**  
Plaintiff, )  
 )  
v. )  
 )  
RAM SHABAZZ, )  
 )  
Defendant. )

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, Ram Shabazz ("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, it is more likely than not, that when Defendant lowered his deductible and added rental insurance to his insurance policy, his Dodge had already sustained damage to the front of the vehicle, and by not disclosing this to Progressive when he made those changes to his policy, he violated N.J.S.A. 17:33A-4(a)(3);

This Court further finds that, by falsely claiming to Progressive that the damage to his Dodge had occurred on August 2, 2022, when in fact the damage had occurred some time on or before July 29, 2022, and prior the effective date that lowered the deductible on his automobile insurance, Defendant made material oral statements to an insurance company in support of a claim for payment or other benefit pursuant to an insurance policy knowing that the statements were false, in violation of N.J.S.A. 17:33A-4(a)(1).

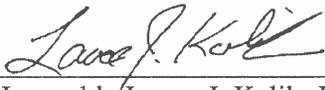
FINAL JUDGMENT is on this 22<sup>nd</sup> day of December, 2025, entered in the amount of \$9,068.00 against Defendant and in favor of Plaintiff, Justin Zimmerman, Commissioner of the New Jersey Department of Banking and Insurance. This amount consists of \$5,000.00 in civil penalties for two (2) violations of the Fraud

Act pursuant to N.J.S.A. 17:33A-5(b); attorneys' fees of \$3,068.00 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 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 Lance J. Kalik, J.S.C.

This motion was:

\_\_\_\_\_ Opposed

\_\_\_X\_\_\_ Unopposed

**Statement of Reasons**

Plaintiff filed a complaint on July 11, 2025. A summons was reserved on defendant by mail and the notice informed defendant that default would occur on October 22, 2025, if defendant did not file an answer or otherwise appear. See Rule 6:2-1. On November 19, 2025, plaintiff filed a motion for default judgment to be entered against defendant in the sum of \$9,068.00. Defendant did not file opposition to the motion.

**Violations of the Insurance Fraud Prevention Act**

Plaintiff seeks default judgment for two violations of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 to 30 (“NJIFPA”). The certification from Nicolette Salzano, an investigator with the New Jersey Department of Banking and Insurance, Bureau of Fraud Deterrence, made on personal knowledge, that was filed in support of plaintiff’s motion for default judgment, provides a detailed summary of defendant’s purported violation of the NJIFPA. In sum, Investigator Persons provides proof that defendant made material misrepresentations in connection with an application for automobile insurance from Progressive Garden State Insurance Company (“Progressive”). Progressive subsequently rescinded the policy based on those material misrepresentations.

Plaintiff’s applications also includes proof of the amounts due under the Act, as required by Rule 6:3-3(a) with respect to the amount due. Plaintiff also certified that it served a copy of the motion on the defaulting party by regular and/or certified mail, and that defendant is not a minor or mentally incapacitated person, as required by Rule 6:3-3(c). Finally, plaintiff provided a certification, with supporting documentation, that defendant is not currently serving in the military. See Rule 1:5-7.

Plaintiff submits that defendant violated N.J.S.A. 17:33A-4(a)(4)(b) and -4(a)(5) by knowingly making false and misleading statements concerning a material fact, and knowingly concealing or failing to disclose material facts, for the purpose of obtaining an insurance policy. Plaintiff’s un rebutted proofs establish that defendant has violated the NJIFPA. Violations of the NJIFPA subject the violator to a civil penalty of up to \$5,000 for the first offense, \$10,000 for the second offense, and \$15,000 for each subsequent offense. N.J.S.A. 17:33A-5(b). Plaintiff seeks \$5,000 be assessed against defendant for a first offense, and plaintiff’s request is granted. Plaintiff also seeks \$1,000 for a statutory surcharge pursuant to N.J.S.A. 17:33A-5.1, which is also granted.

**Plaintiff’s Request for Attorney’s Fees and Costs**

Plaintiff also seeks attorney’s fees and costs in the amount of \$3,068.00. Plaintiff seeks attorneys’ fees and costs pursuant to N.J.S.A. 17:33A-5 (b), which authorizes a court to award costs and reasonable attorneys’ fees to the commissioner. See Rule 4:42-9(a)(8).

RPC 1.5(a) mandates that “[a] lawyer’s fee shall be reasonable” and “in determining the reasonableness of a fee,” the court is to consider the following factors:

A lawyer shall not enter into an agreement for, charge, or collect an illegal or clearly excessive fee. The factors to be considered in determining the propriety of a fee include the following:

- (1) whether the fee is fixed or contingent;
- (2) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
- (3) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;

- (4) the fee customarily charged in the locality for similar legal services;
- (5) the amount involved and the results obtained;
- (6) the time limitations imposed by the client or by the circumstances;
- (7) the nature and length of the professional relationship with the client; and
- (8) the experience, reputation, and ability of the lawyer or lawyers performing the services.

"Ultimately, 'the attorney bears the burden of establishing the fairness and reasonableness of' a fee arrangement. Arbus, Maybruch & Goode, LLC v. Cohen, 475 N.J. Super. 509, 515-16 (App. Div. 2023). This burden is satisfied by a preponderance of the evidence. Kopec v. Moers, 470 N.J. Super. 133, 158 (App. Div. 2022). The court should consider the lodestar, or the number of hours reasonably expended by the party's counsel in the litigation multiplied by their reasonable hourly rate. Litton Industries Inc., v. IMO Industries, Inc., 200 N.J. 386 (2009). The lodestar amount is the most significant element in the award of a reasonable fee because that function requires the trial court to evaluate carefully and critically the aggregate hours and specific hourly rates advanced by counsel for the prevailing party to support the fee application. Rendine v. Pantzer, 141 N.J. 292, 335 (1995). The court "should not accept passively the submissions of counsel to support the lodestar amount." Id. "[T]he attorney's presentation of billable hours should be set forth in sufficient detail to permit the trial court to ascertain the manner in which the billable hours were divided among the various counsel." Id.

After evaluating the hourly rate, the court must then determine the reasonableness of the number of hours worked. Id. at 337. To determine the reasonableness of the hourly rate, the court must compute the rate to that of similar services for lawyers of reasonably comparable skill, experience, and reputation. Id. The determination of the reasonable rate need not be unnecessarily complex or protracted but the court "should satisfy itself that the assigned hourly rates are fair, realistic, and accurate, or should make appropriate adjustments." Id. Where time entries note an unreasonable number of hours expended for tasks such as "routine correspondence and preparation of routine pleadings," for example, there is a need for "critical review of the certification to be supplied by counsel." Scullion v. State Farm Ins. Co., 345 N.J. Super. 431, 441 (App. Div. 2001).

Regarding permitted costs, Rule 4:42-8(a), which applies to Special Civil Part matters pursuant to Rule 6:6-1, generally entitles a prevailing party to certain costs. Costs are permitted to a prevailing party even if there is an "incomplete success." Gallo v. Salesian Soc'y, 290 N.J. Super. 616, 660 (App. Div. 1996). "[A] prevailing party may be denied an award of costs only for 'special reasons.'" Knight v. AAA Midatlantic Ins. Co., 394 N.J. Super. 333, 337 (App. Div. 2007).

In support of its application, plaintiff's counsel submitted a certification of legal fees and costs incurred. The certification provides that attorney bills at an hourly rate is \$260.00, and that the normal hourly rate for paralegal time is \$75.00.

The hourly rates of \$260.00 charged for attorney and \$75.00 for paralegal time are reasonable and similar to rates charged in the relevant community. The National Law Journal Billing Survey for 2015 provides that the median hourly rate in New Jersey was \$400 for a partner,

\$325.00 for an of counsel, and \$298.00 for an associate. The court also notes that the survey lists the rates charged in 2015, which was seven years ago. Therefore, the court finds that the hourly rates charged by is reasonable and fall within the “prevailing market rates in the relevant community.” Rendine, 141 N.J. at 337.

In evaluating the Rule 1.5(a) factors, the fees that counsel charged plaintiff are based on the lodestar for the tasks performed.

The amount charged is fixed, and is not contingent. Rule 1.5(a)(1).

This matter began in 2024 and required the attorneys and staff to spend a significant amount of time prosecuting this case. This matter required plaintiff’s counsel to obtain proofs regarding defendant’s alleged violations of the NJIFPA.. With respect to the time spent, the total time spent by Deputy Attorney General Chandra Arkema of 10.7 hours, and Deputy Attorney General Nicholas Kant of 1.1 hours, are reasonable given the discrete tasks performed by each.

Counsel certified that Rule 1.5(a)(3) did not apply to the subject matter of this case.

As noted above, the rates charged by counsel are similar to rates customarily charged in the locality. Rule 1.5(a)(4).

The amount in dispute is \$6,000.00 in statutory penalties and charges and plaintiff was successful by default. Rule 1.5(a)(5).

Counsel certified that there was no particular time limitation involved in this matter. Rule 1.5(a)(6).

Counsel certified that each of the lawyers involved in the case have at least three years of legal experience and are skilled lawyers representing a State agency. Rule 1.5(a)(7) and (8).

Therefore, the application for attorney’s fees is granted in the amount of \$3,068.00, representing 11.8 hours times \$260 per hour.

For the reasons stated above, plaintiff’s request for attorney’s fees and costs in the amount of \$3,068.00 is granted.

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