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SUPERIOR COURT OF NEW JERSEY  
SPECIAL CIVIL PART – MERCER COUNTY  
DOCKET NO. MER-DC-008928-25

JUSTIN ZIMMERMAN,	)	SPECIAL CIVIL PART: STATUTORY
COMMISSIONER OF THE NEW JERSEY	)	PENALTIES
DEPARTMENT OF BANKING &	)	AMOUNT IN CONTROVERSY:
INSURANCE,	)	\$16,000.00
Plaintiff,	)	<u>CivilAction</u>
v.	)	ORDER FOR FINAL JUDGMENT
KYLE C. FORD,	)	
Defendant.	)	
_____	)	
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	)	

This matter coming before the Court on the application of Matthew J. Platkin, Attorney General, (by Sean Healy, Deputy Attorney General appearing), attorney for Plaintiff, Justin Zimmerman, Commissioner of the New Jersey Department of Banking and Insurance ("Plaintiff"), for an Order of Summary Judgment against Defendant, Kyle C. Ford ("Defendant"), and the Court having considered the papers submitted, and for good cause shown; and

It is on January 30, 2026

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

ORDERED, this Court now finds that the Defendant knowingly made materially false statements to Progressive Garden State Insurance Companies in support of a clam for benefits under an insurance policy on August 17, 2021, and again on August

19, 2021, in violation of 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)(1) and -4(a)(3)(a) and (b); and

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 shall be and hereby is entered against Defendant in the total amount of \$4,405.26 pursuant to N.J.S.A. 17:33A-5(b) for three violations of the Fraud Act, plus a \$1,000.00 surcharge pursuant to N.J.S.A. 17:33A-5.1; and

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 \$3,626.00 pursuant to N.J.S.A. 17:33A-5b;

ORDERED, that Final Judgment is hereby entered in favor the Plaintiff and against the Defendant in the total amount of \$8031.26; and

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

*The party receiving this order shall serve all parties within 10 days. Attorneys are served by uploading to eCourts.*

Unopposed /s/William Anklowitz, J.S.C.

*Summary judgment must be granted "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." Judson v. Peoples Bank and Trust Company of Westfield, 17 N.J. 67, 73 (1954); R. 4:46-2. A material issue is one that is of a substantial nature. Brill v. Guardian Life Ins. Co. of America, 142 N.J. 520, 523 (1995). A disputed fact that is insubstantial does not preclude summary judgment. Prant v. Sterling, 332 N.J. Super. 369, 377 (Ch. Div. 1999).*

*Evidence submitted in support of the motion must be admissible, competent, non-hearsay evidence. Brae Asset Fund, L.P. v. Newman, 327 N.J. Super. 129, 134 (App. Div. 1999); Jeter v. Stevenson, 284 N.J. Super. 229, 233 (App. Div. 1995).*

*The court must "consider whether the competent evidential materials presented, when viewed in a light most favorable to the non-moving party in consideration of applicable evidentiary standards, are sufficient to permit a rational fact finder to resolve the allegedly disputed issue in favor of the non-moving party." Brill at 523.*

*The New Jersey Supreme Court has held that a non-moving party cannot defeat a motion for summary judgment "merely by pointing to any fact in dispute." Id. at 529. Rather, if the moving party makes the requisite prima facie showing, it is incumbent upon any opposing party to come forward with competent proofs indicating that the facts are not as the moving party asserts. Spiotta v. Wm. H. Wilson, Inc., 72 N.J. Super. 572, 581 (App. Div. 1962), certif. denied, 37 N.J. 229 (1962).*

*Defendant tried to commit fraud for \$3668 of repairs and obtain a refund in the amount of \$737.26. Those amounts plus attorneys fees of \$3626 comes to \$8031.26. That is proportional to the events of this case. There is a one year loss of driving privileges. As such, the court declines to enter judgment for the full \$15000 requested.*