

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

COLONY INSURANCE COMPANY,

Plaintiff,

v.

CIVIL NO. 1:12-cv-00722
(NLH/AMD)

KWASNIK, KANOWITZ &
ASSOCIATES, P.C. et. al,
Defendants.

ORDER

HILLMAN, District Judge

For the reasons set forth in the accompanying Opinion, it is on this 27th day of June, 2014, hereby

ORDERED that Plaintiff's combined Motion [Doc. No. 80] for Summary Judgment and Default Judgment is **GRANTED IN PART and DENIED WITHOUT PREJUDICE IN PART**; and it is further

ORDERED that judgment shall be entered in favor of Plaintiff Colony Insurance Company ("Colony") on its claim to rescind the lawyer's professional liability insurance policy as to Defendants Michael Kwasnik ("Kwasnik") and Kwasnik, Kanowitz, & Associates, P.C. ("KKA"); and it is further

ORDERED that judgment shall be entered in favor of Colony on its claim alleging violations of the New Jersey Insurance Fraud Prevention Act ("IFPA") by Kwasnik and KKA; and it is further

ORDERED that Colony's request for damages pursuant to the IFPA is **DENIED WITHOUT PREJUDICE**, and that Colony is **GRANTED** leave to submit a motion for costs, expenses, and attorneys' fees pursuant to Federal Rule of Civil Procedure 54 and in accordance with the specifications in the accompanying Opinion; and it is further

ORDERED that Count III of Colony's Complaint [Doc. No. 1] is **DISMISSED AS MOOT**; and it is further

ORDERED that crossclaimants Kwasnik, Howard Kanowitz, and Robert Keltos shall show cause within ten (10) days of entry of this Order why the Court should not dismiss their respective Crossclaims [Doc. No. 6, 9, 11], in accordance with Local Civil Rule 41.1(a), for failure to prosecute.

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.

At Camden, New Jersey