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December 1, 2025

VIA JEDS

Clerk of the Superior Court
Special Civil Part – Atlantic County

VIA EMAIL

Gregory F. Kotchick, Esq.
Durkin & Durkin, LLC
gkotchick@durkinlawfirm.com

Re: *New Jersey Turnpike Authority v. Devon Tyler Barber*

Docket No. ATL-DC-007956-25

Submission of Opposition and Cross-Motion

To the Court and Counsel:

Please accept the enclosed **Opposition to Plaintiff's Motion for Protective Order and Cross-Motion to Compel Discovery**, filed by me as a self-represented defendant/counterclaimant.

The unified filing includes:

1. Notice of Cross-Motion & Opposition
2. Brief in Opposition and In Support of Cross-Motion
3. Certification of Devon T. Barber
4. Exhibit A – Discovery Relevance Matrix
5. Exhibit B – Personal History & Constitutional Impact Certification
6. Proposed Form of Order
7. Proof of Service

I respectfully request that the Court consider both motions on the papers pursuant to **R. 1:6-2(d)**, unless oral argument would assist the Court. Please kindly mark the motion as submitted. Thank you for your attention to this matter.

Respectfully submitted,

/s/ Devon Tyler Barber

Defendant / Counterclaimant, Pro Se

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SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – SPECIAL CIVIL PART

ATLANTIC COUNTY

NEW JERSEY TURNPIKE AUTHORITY,
Plaintiff,

v.

Docket No.: ATL-DC-007956-25

DEVON TYLER BARBER,
Defendant / Counterclaimant.

**NOTICE OF CROSS-MOTION & OPPOSITION TO
PLAINTIFF’S MOTION FOR PROTECTIVE ORDER**

TO: Counsel for Plaintiff NJTA via JEDS and Email: gkotchick@durkinlawfirm.com
Gregory F. Kotchick, Esq.
Durkin & Durkin, LLC
1120 Bloomfield Avenue
West Caldwell, NJ 07006

PLEASE TAKE NOTICE that on **December 11, 2025 at 9:00 a.m.**, or as soon thereafter as the Court may be heard, **Defendant Devon Tyler Barber, pro se**, shall:

(1) Oppose Plaintiff New Jersey Turnpike Authority’s Motion for Protective Order

pursuant to **R. 4:10-3**, as set forth in Plaintiff’s Notice of Motion and supporting materials dated November 26, 2025 (including its Letter Brief and Certification of Counsel)

(2) Cross-Move for entry of an Order:

1. **Denying** Plaintiff's Motion for Protective Order **in its entirety**;
2. **Compelling Plaintiff** to provide **full and complete responses** to Defendant's Interrogatories, Notice to Produce Documents, and Requests for Admissions served October 27, 2025
(attached previously to the Court and to Plaintiff via JEDS)
3. **Extending discovery** as necessary to allow the NJTA to respond; and
4. Granting **such other and further relief** as the Court deems just and equitable.

POSITION ON ORAL ARGUMENT (R. 1:6-2(d))

Plaintiff's Notice of Motion states that Plaintiff "waives oral argument **unless** timely opposition is filed."

Defendant expressly states the following:

- **Defendant does *not* independently request oral argument** under R. 1:6-2(d).
- Defendant **opposes Plaintiff's attempt to condition its waiver** upon whether opposition is filed.
- Defendant respectfully submits that the Court may decide both motions **on the papers**.
- **However, if the Court determines that oral argument would assist**, Defendant is prepared.

RESPECTFULLY SUBMITTED

/s/ Devon Tyler Barber

via JEDS and Email Service

DEVON TYLER BARBER, Defendant and Counterclaimant, Pro Se

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Dated: 12/01/2025

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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – SPECIAL CIVIL PART
ATLANTIC COUNTY

NEW JERSEY TURNPIKE AUTHORITY,
Plaintiff,

v.

Docket No.: ATL-DC-007956-25

DEVON TYLER BARBER,
Defendant / Counterclaimant.

**BRIEF IN OPPOSITION TO PLAINTIFF’S MOTION FOR
PROTECTIVE ORDER AND IN SUPPORT OF CROSS-MOTION
TO COMPEL DISCOVERY**

Defendant / Counterclaimant:
DEVON TYLER BARBER, Pro Se

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – SPECIAL CIVIL PART – ATLANTIC COUNTY**

NEW JERSEY TURNPIKE AUTHORITY,
Plaintiff,

v.

Docket No.: **ATL-DC-007956-25**

DEVON TYLER BARBER,
Defendant / Counterclaimant.

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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – SPECIAL CIVIL PART
ATLANTIC COUNTY

NEW JERSEY TURNPIKE AUTHORITY,
Plaintiff,

v.

Docket No.: **ATL-DC-007956-25**

DEVON TYLER BARBER,
Defendant / Counterclaimant.

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| <i>Mathews v. Eldridge</i> , 424 U.S. 319 (1976) | 10, 13, 14 |
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Rules

| | |
|-------------------------|------------|
| R. 4:10-3 | 4, 5, 6, 8 |
| N.J.R.E. 401 | 6, 9 |
| N.J.R.E. 901(b)(9)..... | 6, 8, 9 |
| R. 1:6-6 | 7, 8 |
| R. 4:10-2(a) | 5, 6, 9 |

Preliminary Statement

Plaintiff seeks an extraordinary remedy under **R. 4:10-3**, yet provides none of the “good cause” that Rule requires. Plaintiff’s motion asks this Court to:

1. Quash *all* interrogatories, document requests, and requests for admissions served by Defendant; and
2. Limit future discovery solely to the narrow subset of information the NJTA itself chooses to deem “relevant.”

Such a request contradicts the liberal scope of discovery under **R. 4:10-2**, which permits discovery of any non-privileged matter relevant to the claims or defenses and reasonably calculated to lead to admissible evidence.

More critically, Plaintiff’s own submission includes a **Congressional oversight letter** (Plaintiff’s Exhibit A) raising concerns about:

- vendor integrity,
- data security,
- foreign corporate ownership,
- cybersecurity protections, and
- the reliability of the toll-processing and violation-enforcement systems upon which NJTA’s claims rely.

Plaintiff labels Defendant’s discovery “speculative,” “collateral,” and “burdensome,” yet Plaintiff’s own exhibit confirms that these topics are matters of **active federal oversight** and directly implicate the **authenticity, reliability, and chain of custody** of the very electronic records NJTA intends to use as evidence.

Defendant’s discovery requests—served October 27, 2025—are narrowly tailored and directly relevant to:

1. Authenticating Plaintiff’s outsourced electronic evidence under N.J.R.E. 901;
2. **Notice and mailing procedures** relevant to due-process defenses;

3. **ADA Title II and NJLAD compliance**, including accommodations and individualized review;
4. **The statutory basis, methodology, and proportionality** of “administrative fees” that inflate \$200 in tolls to more than \$5,000; and
5. Whether NJTA has delegated statutory enforcement functions to private or foreign-owned vendors in a manner inconsistent with constitutional and statutory limits.

Given the scope of NJTA’s automated enforcement scheme, and the magnitude of penalties imposed, Defendant’s discovery is not only relevant—it is required to ensure a fair adjudication on the merits. Because Plaintiff seeks to eliminate discovery in its entirety, the burden it must meet under R. 4:10-3 is at its highest.

Procedural History

1. Plaintiff filed its Special Civil Part complaint on **August 19, 2025**, seeking **\$5,109.45** in alleged unpaid tolls and administrative fees.
2. On **October 27, 2025**, Defendant served interrogatories, requests for production, and requests for admissions.
3. On **November 26, 2025**, Plaintiff moved for a protective order under **R. 4:10-3** and attached the Congressional oversight letter that confirms the legitimacy of Defendant’s inquiries.
4. The motion is returnable **December 19, 2025**, making opposition due **December 11, 2025**.

Legal Standard

A. Broad Scope of Discovery (R. 4:10-2)

New Jersey follows a **liberal discovery philosophy**, and courts have long emphasized that discovery should be permitted whenever it may assist in the search for truth. Under **R. 4:10-2(a)**, parties may obtain discovery regarding:

“any matter, not privileged, which is relevant to the subject matter involved in the pending action.”

New Jersey courts interpret relevance in the discovery context using **N.J.R.E. 401**, which defines relevant evidence broadly as anything having a “**tendency in reason to prove or disprove any fact of consequence.**” This standard is intentionally expansive. If information has *any* rational bearing on a fact at issue, or may reasonably lead to admissible evidence, it is discoverable.

This principle is reaffirmed in **Meyers v. St. Francis Hosp., 91 N.J. Super. 377, 385 (App. Div. 1966)**, where the Appellate Division held that the discovery rules must be **liberally construed** and that discovery should be denied “**only when the inquiry is plainly improper and would serve no useful purpose.**” *Meyers* stands for the proposition that parties are entitled to explore not only direct evidence, but also materials that may illuminate credibility, reliability, or the circumstances underlying the opposing party’s claims.

Applied here, *Meyers* reinforces that Defendant is entitled to discovery into:

- the **reliability and authenticity** of NJTA’s outsourced electronic toll data;
- the **process and system** used by the Authority’s vendors (as required by **N.J.R.E. 901(b)(9)**);
- the **statutory basis, cost methodology, and proportionality** of administrative fees;
- the **accuracy of notice and mailing procedures**; and
- the **policies and accommodations** relevant to ADA and due-process defenses.

Each of these topics bears directly on the claims and defenses in this action and easily satisfies the broad relevance standard articulated in *Meyers* and embodied in **R. 4:10-2(a)** and **N.J.R.E. 401**. Because none of Defendant’s requests are “plainly improper,” and each is reasonably calculated to lead to admissible evidence, a protective order is unwarranted.

B. Protective Orders Require Particularized Good Cause (R. 4:10-3)

The burden of demonstrating “good cause” for a protective order rests **entirely with the moving party**, and that burden is a **heavy** one. In *Capital Health Sys., Inc. v. Horizon*, the New Jersey Supreme Court held that a party seeking to limit discovery must make a **particularized showing** of harm, annoyance, oppression, or undue burden, supported by **competent evidence**, not conclusory assertions. The Court emphasized that protective orders are the **exception**, not the

rule, and may not be granted unless the movant presents **specific facts** establishing the necessity of relief.

Here, NJTA provides **no certification of burden, no cost estimate, no factual explanation** of why responding to discovery would be oppressive, and **no evidence** of harm. Plaintiff also fails to identify a single specific discovery request that is allegedly burdensome, which alone defeats a claim of good cause. Plaintiff's motion consists solely of **attorney argument**, which is insufficient as a matter of law. Under **R. 1:6-6**, factual assertions in support of a motion must be supplied through a sworn certification based on personal knowledge. NJTA has submitted none.

Absent a sworn showing of concrete, identifiable burden — as required by *Capital Health* — this Court cannot find “good cause,” and the motion must be denied.

C. Authentication of Outsourced Electronic Evidence (N.J.R.E. 901)

NJTA's claims rest entirely on **electronically generated violation data** produced by private, outsourced vendors. Under **N.J.R.E. 901**, the proponent of such evidence must present “evidence sufficient to support a finding that the matter is what its proponent claims,” including proof of:

- the **reliability of the process or system** that generated the data;
- the **identity and qualifications** of the persons or entities who created, maintained, or transmitted the data;
- **chain-of-custody safeguards** ensuring that the information was not altered; and
- the **error-detection and accuracy mechanisms** employed by the system.

Because NJTA does not itself generate or control the electronic toll records, the only means for Defendant to test authenticity is through discovery into:

- vendor contracts and scopes of work,
- ownership and control of the vendor entities,
- system architecture and cybersecurity safeguards,
- accuracy rates and error-detection procedures,
- data retention and audit trails, and

- policies governing access, modification, and transmission of violation data.

Without this information, Defendant cannot challenge the reliability of the automated systems on which NJTA’s case depends, and NJTA cannot meet its foundational authentication burden under **N.J.R.E. 901(b)(9)**. Accordingly, discovery into these matters is not merely relevant—it is **mandatory** to determine whether NJTA’s evidence is admissible at trial.

POINT I – Plaintiff Has Not Established “Good Cause” Under R. 4:10-3

Plaintiff’s motion relies exclusively on conclusory labels—“irrelevant,” “burdensome,” and “speculative”—without providing **any sworn certification** describing actual burden, cost, or harm. This is legally insufficient.

Under **R. 4:10-3**, a protective order may issue only upon a **particularized showing of good cause**, supported by **competent evidence**. In *Capital Health Sys., Inc. v. Horizon*, 230 N.J. 73, 80 (2017), the New Jersey Supreme Court emphasized that:

A party seeking to limit discovery must demonstrate with specificity the annoyance, embarrassment, oppression, or undue burden warranting protection; conclusory assertions or general objections do not satisfy the Rule.

Moreover, **R. 1:6-6** requires that factual allegations supporting a motion be presented by **certification based on personal knowledge**, not attorney argument.

Absent a sworn and particularized showing, the Court cannot find good cause under *Capital Health*, and the motion must be denied as a matter of law.

POINT II – Defendant’s Discovery Is Directly Relevant Under R. 4:10-2(a), N.J.R.E. 401, and N.J.R.E. 901

A. Relevance Standard

Under **R. 4:10-2(a)**, parties may obtain discovery regarding:

“any matter, not privileged, which is relevant to the subject matter involved in the pending action.”

Relevance is construed broadly consistent with **N.J.R.E. 401**, meaning any information having a **tendency in reason to prove or disprove a fact of consequence** is discoverable. In **Meyers v. St. Francis Hosp.**, the Appellate Division held that discovery should be denied **only when plainly improper**, and that parties are entitled to materials that illuminate the reliability or credibility of evidence. 91 N.J. Super. 377, 385 (App. Div. 1966).

Here, Defendant’s discovery satisfies the liberal relevance standard because it directly concerns the accuracy, legality, and proportionality of the very evidence and penalties at issue.

B. Reliability and Authentication of Electronic Evidence (N.J.R.E. 901(b)(9))

NJTA’s case rests entirely on **vendor-generated electronic violation records**, yet NJTA does not generate or control this data.

Under **N.J.R.E. 901(a)** and 901(b)(9), NJTA must authenticate these records by producing evidence describing:

- the **process or system** used,
- its **accuracy and reliability**,
- **error-detection mechanisms**,
- **data-handling procedures**, and
- **identity and qualifications** of those generating the data.

Defendant’s discovery requests seek exactly this foundational information, including vendor contracts, cybersecurity safeguards, error-rate data, access logs, and chain-of-custody controls.

Without such discovery, NJTA cannot meet its authentication burden, and Defendant cannot meaningfully contest the evidence.

C. Notice and Mailing Procedures (Due Process – Mathews v. Eldridge)

Discovery is also directed at establishing whether NJTA’s automated notices were:

- properly generated,
- actually mailed, and
- constitutionally adequate.

Under **Mathews v. Eldridge**, 424 U.S. 319 (1976), the adequacy of administrative procedures is evaluated by considering:

1. **The private interest affected** – here, over **\$5,109.45** in penalties;
2. **The risk of erroneous deprivation** – high, given automated vendor-driven notice systems and absent individualized review; and
3. **The government’s interest** – which does not justify withholding information necessary for accuracy and fairness.

Discovery into notice systems, vendor workflows, and mailing procedures is therefore required under *Mathews*.

D. ADA Title II and NJLAD Compliance

Defendant’s requests concern whether NJTA provides reasonable accommodations to motorists with disabilities before imposing escalating penalties. These materials directly bear on due-process and equal-protection defenses and are plainly discoverable.

E. Statutory Authority and Proportionality of Administrative Fees (Timbs v. Indiana)

NJTA seeks to impose more than **\$5,109.45** in penalties stemming from approximately **\$200** in alleged tolls. The Excessive Fines Clause applies to the states through the Fourteenth Amendment. *Timbs v. Indiana*, 139 S. Ct. 682 (2019).

To determine whether NJTA’s fee regime is:

- statutorily authorized,

- cost-based and compensatory, or
- punitive in nature,

Defendant must obtain:

- fee-setting memoranda,
- cost-allocation studies,
- vendor invoices,
- and board minutes.

These documents are exclusively within NJTA's possession and directly relevant to a constitutional proportionality analysis.

F. Delegation of Enforcement and Data Handling

Discovery is also needed to determine whether NJTA has delegated core enforcement and data-processing functions to **private or foreign-owned vendors**, raising:

- ultra vires (lack of statutory authority) concerns,
- data-integrity issues,
- cybersecurity implications, and
- chain-of-custody problems.

These issues directly implicate due process and the admissibility of evidence.

POINT III – Plaintiff's Own Exhibit A Confirms the Relevance of Defendant's Discovery

Plaintiff attached a **Congressional oversight letter** raising:

- national security concerns,
- foreign ownership of toll-processing vendors,
- cybersecurity risks,
- data-handling issues,
- and integrity of tolling infrastructure.

This exhibit contradicts Plaintiff’s assertion that Defendant’s discovery is “speculative.”

It is not speculative; it is corroborated by federal oversight.

Moreover, NJTA cannot rely on vendor-generated electronic evidence while simultaneously shielding the identity, ownership, and controls governing those vendors from discovery.

POINT IV – Administrative Fees, Statutory Authority, and Proportionality

Plaintiff seeks more than **\$5,109.45** for alleged tolls approximating **\$200**.

The majority of the debt is not tolls—it is **administrative fees**, the basis for which is entirely within NJTA’s exclusive possession.

To assess:

- legality,
- proportionality,
- statutory basis, and
- method of calculation,

Defendant must obtain internal cost studies, fee analyses, board minutes, and vendor billing records.

The Excessive Fines Clause applies to civil penalties imposed by state actors.

In *Timbs v. Indiana*, 139 S. Ct. 682 (2019), the United States Supreme Court unanimously held that the Excessive Fines Clause applies to state and local government through the Fourteenth Amendment. Accordingly, NJTA’s administrative-fee regime is subject to constitutional proportionality review, and discovery into its cost basis, punitive character, and statutory authority is essential.

Discovery is necessary to determine whether the “administrative fees” are compensatory or punitive.

POINT V – Denying Discovery Would Violate Due Process

A blanket protective order would prevent Defendant from challenging:

- the authenticity of evidence,
- the accuracy of toll-processing systems,

- whether notice was constitutionally adequate,
- the proportionality of penalties, and
- the lawfulness of enforcement procedures.

Without discovery, Defendant would be deprived of the ability to defend himself meaningfully, contrary to the Fourteenth Amendment and under **Mathews v. Eldridge**, 424 U.S. 319 (1976), courts must evaluate due-process sufficiency by balancing:

1. **The private interest affected** —

Here, Defendant faces the imposition of more than **\$5,109.45** in administrative fees based on automated electronic records and without any pre-deprivation hearing. The financial burden is substantial and life-impacting.

2. **The risk of erroneous deprivation under the current procedures** —

NJTA's evidence consists entirely of outsourced vendor-generated electronic data, processed by private or foreign-owned contractors, without sworn authentication, accuracy-rate evidence, chain-of-custody documentation, or transparency into the systems used.

The risk of error is significant, particularly where notices are mailed automatically, where there is no individualized review, and where motorists historically report receiving no timely warning.

3. **The government's interest** —

While NJTA has an interest in efficient toll collection, that interest does **not** outweigh a motorist's right to challenge the reliability of the data, the proportionality of the fees, or the adequacy of notice. Routine administrative convenience cannot constitutionally justify denying a motorist access to discovery needed to test the evidence.

Under **Mathews**, these factors weigh decisively in favor of disclosure.

A blanket protective order would elevate administrative convenience above constitutional due process — something the Supreme Court expressly rejected.

POINT VI – Constitutional Compliance Is Not “Collateral”

While this is a Special Civil Part matter, NJTA remains a public authority subject to both the U.S. Constitution and the New Jersey Constitution.

When a state entity:

- imposes penalties,
- collects personal data,
- uses surveillance systems,
- or delegates enforcement functions to private vendors,

courts must ensure these actions comply with due process and equal protection.

Discovery here seeks evidence necessary to determine:

- whether NJTA’s enforcement systems comport with the Fourth, Fifth, and Fourteenth Amendments;
- whether its notice and hearing procedures satisfy due process;
- whether its fee regime is proportionate;
- whether its practices discriminate or fail to accommodate under ADA Title II.

These issues are not “collateral”—they are inherent in any state enforcement action.

Conclusion

For all of the foregoing reasons, Defendant respectfully requests that the Court:

1. **Deny** Plaintiff’s Motion for Protective Order in its entirety;
2. **Compel** Plaintiff to provide full and complete responses to Defendant’s interrogatories, document requests, and requests for admissions served October 27, 2025;
3. **Extend** discovery as necessary; and
4. Grant such other relief as the Court deems just and equitable.

Respectfully submitted,

/s/ **Devon T. Barber**

Devon T. Barber

Defendant / Counterclaimant, Pro Se

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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – SPECIAL CIVIL PART
ATLANTIC COUNTY

NEW JERSEY TURNPIKE AUTHORITY,
Plaintiff,

v.

Docket No.: **ATL-DC-007956-25**

DEVON TYLER BARBER,
Defendant / Counterclaimant.

CERTIFICATION OF DEVON T. BARBER

*In Support of Opposition to Plaintiff's Motion for Protective Order
and Cross-Motion to Compel Discovery*

I, **Devon T. Barber**, of full age, hereby certify as follows:

1. I am the Defendant and Counterclaimant in the above-captioned matter. I submit this Certification in support of my Opposition to Plaintiff's Motion for Protective Order and in support of my Cross-Motion to Compel Discovery. I have personal knowledge of the facts set forth herein unless otherwise stated on information and belief.

2. On October 27, 2025, pursuant to the Court’s direction, I timely served my First Set of Interrogatories, Notice to Produce Documents, and Requests for Admissions through the Judiciary Electronic Document Submission (“JEDS”) system. A Certification of Service was filed and appears in the Court record.

3. Plaintiff’s motion mischaracterizes my discovery as irrelevant, speculative, or outside the permissible scope. In fact, the requests directly relate to core issues in this case, including:

- the proportionality and legality of administrative fees (**Interrogatory ¶20(A)**);
- foreign ownership, data-security risks, and national-security concerns expressly acknowledged in Plaintiff’s own exhibit (the Gottheimer letter attached as Exhibit A to Plaintiff’s motion);
- data retention, access, and sharing of motorists’ personal information (**Interrogatories ¶24–27**); and
- ADA accommodations, adequacy of notice procedures, and fee-escalation practices (**Interrogatories ¶26–27**).

4. Plaintiff voluntarily introduced national-security and cybersecurity concerns into this record by attaching a letter from U.S. Representative Josh Gottheimer warning that toll-vendor systems “could fall into the hands of our number one adversary.” My discovery requests respond directly to that exhibit and seek information necessary to evaluate the reliability, security, and integrity of the systems that generated the evidence Plaintiff intends to rely upon.

5. Discovery is also necessary to evaluate the Authority’s legal basis for imposing substantial administrative fees without:

- a written contract or agreement with me;
- adequate statutory or constitutional due-process protections;
- individualized ADA accommodations; or
- other procedural safeguards required under federal or state law.

6. The information sought is essential to examine due process, ADA compliance, notice and mailing procedures, authentication of electronically generated evidence, vendor authority and

chain-of-custody controls, and the legality and proportionality of the administrative fees Plaintiff seeks to impose in this matter.

7. I respectfully request that the Court deny Plaintiff's Motion for Protective Order, compel full and complete responses to my October 27, 2025 discovery requests, extend discovery as necessary, and grant such other relief as the Court deems just and equitable.

8. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

s/ Devon T. Barber

Defendant / Counterclaimant, Pro Se

Dated: 12/01/2025

DEVON TYLER BARBER, Pro Se
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SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – SPECIAL CIVIL PART

ATLANTIC COUNTY

NEW JERSEY TURNPIKE AUTHORITY,
Plaintiff,

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Docket No.: ATL-DC-007956-25

DEVON TYLER BARBER,
Defendant / Counterclaimant.

EXHIBIT A — DISCOVERY RELEVANCE MATRIX

CATEGORY A – Vendor Identity, Ownership, and Delegated Authority

| Discovery Request | Subject Matter | Relevance to Claims / Defenses |
|---------------------------------|--|--|
| Interrogatory G (§76–80) | Identify every contractor or vendor performing: E-ZPass servicing, plate-reading, violation mailing, camera/gantry installation, data storage, analytics. Include ownership (foreign/state-owned). | Required for authentication, chain of custody, foreign influence concerns , and whether NJTA delegated sovereign functions to private or foreign-linked entities. |

| Discovery Request | Subject Matter | Relevance to Claims / Defenses |
|------------------------------------|--|---|
| Interrogatory H–I (§§81–86) | Identify bidder protests, overpricing, foreign-ownership concerns in the 2024 \$1.7B contract. | Directly linked to Congressional oversight letter and reliability of evidence. |
| RFP B–C (§§136–147) | Produce bid solicitations, scoring sheets, losing bids, protests, and NJTA responses. | Shows procurement integrity, bias, cost inflation, and vendor reliability. |
| RFA D–H (§§237–244) | Admit NJTA awarded the 2024 contract to TransCore; admit foreign ownership; admit Gottheimer letter. | Establishes foreign-control concerns and need for transparency. |

CATEGORY B – System Reliability, Accuracy, and Data Integrity

| Discovery Request | Subject Matter | Relevance |
|----------------------------------|--|--|
| Interrogatory J (§§87–89) | Identify any cybersecurity review, security audit, or assessment related to the EZ-Pass/TransCore contract. | Essential for N.J.R.E. 901 authentication of electronic toll records. |
| Interrogatory K (§§90–97) | Identify every gantry/camera installation, funding source, purpose, statutory authority. | Shows whether systems are lawful, accurate, and properly authorized. |
| RFP F (§§161–165) | Produce internal cost studies, engineering analyses, white papers regarding system operations & administrative fees. | Crucial to determine accuracy, legitimacy, and proportionality . |
| RFP P (§§202–204) | Produce internal or external audits of toll systems (2020–2025). | Establishes error rates , maintenance, and data reliability. |

CATEGORY C – Notice, Mailing Practices, and Address Verification

| Discovery Request | Subject Matter | Relevance |
|--|---|---|
| Interrogatory C (¶63–64) | Identify accounts and funds into which tolls, fees, and penalties are deposited. | Shows how fees are processed, but also ties into mailing/notice processes via financial flows. |
| Interrogatory N/A – mailing is embedded in multiple interrogatories | (Your discovery packet integrates mailing issues throughout, especially in ADA & notice context.) | Establishes due process , sufficiency of notice, and whether Defendant reasonably received violations. |
| RFP A (¶134–135) | Produce all documents referring to vendor ownership, national security issues, or related concerns. | Includes references to foreign data handling and mailing systems. |

CATEGORY D – Administrative Fees, Penalty Structure, Excessive-Fines Analysis

| Discovery Request | Subject Matter | Relevance |
|---------------------------------|--|--|
| Interrogatory E (¶70–71) | State basis for administrative fees and whether they are punitive or compensatory. | Key to Timbs v. Indiana (Excessive Fines Clause). |
| Interrogatory D (¶66–68) | Identify annual toll revenues and violation-fee revenues (2020–2025). | Shows whether fees are excessive, revenue-driven, or disproportionate. |
| RFP F (¶161–165) | Produce fee justification studies. | Determines whether fees match actual admin cost. |
| RFA N (¶254– | Admit administrative fee exceeds cost | Directly supports excessive-fines |

| Discovery Request | Subject Matter | Relevance |
|-------------------|----------------|-----------|
| 255) | of collection. | argument. |

CATEGORY E – ADA / NJLAD Compliance

| Discovery Request | Subject Matter | Relevance |
|---|--|---|
| Interrogatory D (¶66–72) | (Fee justification touches disabilities accommodations in context of due process.) | Demonstrates whether NJTA considered disability impact. |
| RFP I (¶176–179) | All ADA compliance policies, training materials, grievance forms, reviews, consultant reports. | Essential for ADA Title II analysis. |
| Interrogatory D + RFP I together | Combined basis for ADA defense. | Shows failure to provide accommodations when notice was impaired. |

CATEGORY F – Defendant’s State of Mind, Good-Faith Basis, Pattern of System Issues

| Discovery Request | Subject Matter | Relevance |
|--|--|--|
| Interrogatory J, K, H, I (¶87–97) | Vendor reliability, cybersecurity, protests. | Supports Defendant’s good-faith concerns about system integrity. |
| RFP U–X (¶219–233) | All communications with federal/state authorities about foreign ownership. | Shows Defendant’s concerns were documented , not speculative. |

CATEGORY G – Legal Authority, Ultra Vires Conduct, and Corporate-Politic Structure

| Discovery Request | Subject Matter | Relevance |
|---------------------------------|---|--|
| Interrogatory B (¶59–61) | State whether NJTA is: (a) State agency; (b) body corporate & politic; (c) component unit; (d) independent corporation. | Crucial to your argument that NJTA cannot be both sovereign AND corporate. |
| Interrogatory C (¶63–64) | Identify revenue funds (toll, fee, penalty). | Shows whether NJTA acts like a corporate entity. |
| RFP K (¶185–186) | Produce bylaws, charter documents, organizational charts. | Establishes NJTA’s true legal nature. |
| RFA B, C (¶235–237) | Admit revenues don’t go to State Treasury; admit reliance on bonds. | Shows NJTA is not functioning like a standard state agency. |

CATEGORY H – Data Retention, Privacy, and Information Sharing

| Discovery Request | Subject Matter | Relevance |
|-----------------------------------|---|---|
| Interrogatory J–K (¶87–97) | Descriptions of systems, installations, and authority. | Central to privacy, retention, data handling. |
| RFP S–T (¶212–218) | Produce policies governing retention, sharing, sale, or external transmission of data; list all entities with access. | Shows where Defendant’s data goes & whether foreign access is possible. |
| RFA L (¶251–252) | Admit NJTA/vendor collect and store plate images and travel data. | Establishes data-collection scope & constitutional implications. |

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SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – SPECIAL CIVIL PART

ATLANTIC COUNTY

NEW JERSEY TURNPIKE AUTHORITY,
Plaintiff,

v.

Docket No.: ATL-DC-007956-25

DEVON TYLER BARBER,
Defendant / Counterclaimant.

**EXHIBIT B — PERSONAL HISTORY & CONSTITUTIONAL
IMPACT CERTIFICATION**

*(Personal History, Background, and Constitutional Impact)
In Support of Opposition to NJTA's Motion for Protective Order*

CERTIFICATION OF DEVON TYLER BARBER

I, **Devon Tyler Barber**, of full age, hereby certify as follows:

1. I was raised in Galloway Township, New Jersey, by a stepfather who served as a police chief. From a young age, I was taught that public authority must operate within **constitutional limits**, and that government power requires **transparency, restraint, and accountability**. These beliefs form the foundation of how I interpret my responsibilities as a citizen and how I respond to government processes.

2. As I entered adulthood, I often witnessed situations where enforcement systems operated through automated or policy-driven mechanisms that did not appear to account for **individual circumstances**. This shaped my perspective and made me more cautious about the **accuracy and fairness** of automated accusations, administrative penalties, or systems that lack individualized review. I offer this background solely to explain my worldview, *not* to advance any legal theory based on commercial status or similar concepts.
3. Earlier in my life, a civil dispute with a former employer escalated into criminal charges based on a **false narrative**. I accepted a plea under significant pressure and fear. The consequences of that process continue to affect me today, including limiting my ability to obtain certain jobs or work in positions requiring routine background checks. This history contributes to my concern that administrative systems can produce **serious consequences without meaningful procedural safeguards**.
4. Because of these employment limitations, I live on a **very tight financial margin**. My ability to maintain stable housing, employment, and transportation is highly sensitive to unexpected penalties or escalating fees. When agencies impose **substantial administrative costs**—such as the fees at issue in this case—the impact on my daily life is immediate and significant. This makes **accurate notice, transparent procedures, and reliable evidence** especially important to me.
5. Throughout my adult life, I have developed a sincere interest in understanding how public institutions operate, particularly where government functions are outsourced to **private or foreign-linked vendors**. When I learned—through Plaintiff’s own Exhibit A—that NJTA’s toll-processing vendor raised **national-security concerns** for federal lawmakers, it heightened my need to understand who controls the data, how that data is handled, and whether the systems used are reliable and secure.
6. My concerns are not political. They arise from lived experience. In New Jersey, I have often felt that automated processes **escalate penalties faster than they evaluate facts**, and that agencies may impose significant financial burdens without the opportunity for individualized

explanation or correction. These experiences affect my mental health and create anxiety about whether the systems I am subject to are **accurate, fair, and lawfully operated**.

7. These personal experiences inform my state of mind and my need for clarity in this litigation. They help explain why I seek discovery into the **identity, ownership, and operation** of NJTA's toll-processing vendors; how electronic records are generated; and what safeguards exist to ensure accuracy. These issues are central to whether the evidence against me is **authentic and reliable**, and whether the administrative fees sought are **lawful and proportionate**.

8. The New Jersey Turnpike Authority functions as both a **public authority** and a **corporate body**. This dual structure makes it difficult for an ordinary citizen to understand how enforcement decisions are made, who profits from administrative fees, and who is responsible for **data accuracy and oversight**. My discovery requests seek only to clarify these matters so that I can meaningfully defend myself.

9. Everything I have lived through—my upbringing, my past legal experience, my financial vulnerability, and my concerns about the reliability of outsourced enforcement systems—contributes to my **good-faith need for discovery** in this case. My intention is not to burden Plaintiff or the Court. My intention is to understand the truth behind the violations alleged, the evidence used, and the penalties imposed, and to ensure that any enforcement action complies with **constitutional and statutory safeguards**.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

s/ **Devon Tyler Barber**

Date: 12/01/2025

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – SPECIAL CIVIL PART
ATLANTIC COUNTY

NEW JERSEY TURNPIKE AUTHORITY,
Plaintiff,

v.

Docket No.: ATL-DC-007956-25

DEVON TYLER BARBER,
Defendant / Counterclaimant.

[PROPOSED FORM OF ORDER]

**ORDER DENYING PLAINTIFF’S MOTION FOR PROTECTIVE ORDER
AND COMPELLING DISCOVERY**

THIS MATTER having been opened to the Court on Plaintiff’s Motion for Protective Order and Defendant’s Opposition and Cross-Motion, and the Court having reviewed all papers submitted, and for good cause shown,

IT IS on this _____ day of _____ 2025 **ORDERED** that:

1. **Plaintiff’s Motion for Protective Order is DENIED;**
2. **Defendant’s Cross-Motion to Compel Discovery is GRANTED;**
3. Plaintiff shall provide full and complete responses to Defendant’s **Interrogatories, Notice to Produce Documents, and Requests for Admissions** dated October 27, 2025 within **30 days** of this Order;
4. Failure to comply may result in sanctions pursuant to **R. 4:23-1 to 4:23-2**; and
5. The parties shall proceed with discovery in good faith per **R. 4:10-2**.

Hon. Dean R. Marcolongo, J.S.C.

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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – SPECIAL CIVIL PART
ATLANTIC COUNTY

NEW JERSEY TURNPIKE AUTHORITY,
Plaintiff,

v.

Docket No.: **ATL-DC-007956-25**

DEVON TYLER BARBER,
Defendant / Counterclaimant.

PROOF OF SERVICE

CERTIFICATION OF SERVICE

I, **Devon T. Barber**, certify that on the first day of the Twelfth month in the year 2025, I served the following documents:

- **Notice of Opposition and Cross-Motion,**
- **Brief in Opposition,**
- **Certification of Devon T. Barber,**
- **Exhibits A and B, and**
- **Proposed Form of Order,**

via JEDS upon the Superior Court of New Jersey, and **via e-mail** upon counsel for Plaintiff at:

Gregory F. Kotchick, Esq.

Durkin & Durkin, LLC

gkotchick@durkinlawfirm.com

I certify that the foregoing statements made by me are true. I am aware that if any statement is willfully false, I am subject to punishment.

/s/ Devon T. Barber

Defendant / Counterclaimant, Pro Se

Dated: 12/01/2025

Service of Opposition, Cross-Motion, and Courtesy Bench Summary — Barber v. NJTA (ATL-DC-007956-25)

From dTb33@pm.me <dTb33@pm.me>

To gkotchick@durkinlawfirm.com

Date Monday, December 1st, 2025 at 10:00 AM

Attachments:

- *Barber Opposition and Cross Motion to Compel Discovery.pdf*
 - *Bench Summary.pdf*
-

Counsel,

Pursuant to **R. 1:5-2** and **R. 1:5-4**, please accept service of Defendant's complete motion filing in the matter:

New Jersey Turnpike Authority v. Devon Tyler Barber

Docket No. ATL-DC-007956-25

Return date: **December 11, 2025**

The following documents, attached as a unified PDF titled "*Barber Opposition and Cross Motion to Compel Discovery.pdf*," were **filed today via JEDS**:

1. Cover Letter to the Court
2. Notice of Opposition and Cross-Motion
3. Brief in Opposition and In Support of Cross-Motion
4. Certification of Devon T. Barber
5. Exhibit A – Discovery Relevance Matrix
6. Exhibit B – Personal History & Constitutional Impact Certification
7. Proposed Form of Order
8. Proof of Service

Additionally, I am serving a **separate Courtesy Bench Summary** (attached as *Bench Summary.pdf*), which was also submitted to the Court via JEDS as an "Additional / Supporting Document."

This summary is provided solely as a **courtesy reference for the Court** and is not a supplemental brief or new argument.

Please confirm receipt for the record.

12/1/25, 10:01 AM

Sent | dTb33@pm.me | Proton Mail

Respectfully,

/s/ Devon Tyler Barber

Defendant / Counterclaimant, Pro Se

3536 Pacific Avenue, Unit A-5

Atlantic City, NJ 08401

(609) 862-8808

DTB33@pm.me

Sent with [Proton Mail](#) secure email.

1.40 MB 2 files attached

Bench Summary.pdf 151.50 KB

Barber Opposition and Cross Motion to Compel Discovery.pdf 1.25 MB

**BARBER v. NJTA — ATL-DC-007956-25
BENCH SUMMARY (DEFENDANT'S POSITION)**

ISSUES PRESENTED

1. Whether Plaintiff met its burden for a protective order under **R. 4:10-3**.
2. Whether Defendant is entitled to discovery necessary to:
 - authenticate outsourced electronic toll evidence (**N.J.R.E. 901(b)(9)**);
 - assess notice/mailing procedures (**Mathews v. Eldridge**);
 - evaluate proportionality of administrative fees (**Timbs v. Indiana**);
 - confirm ADA compliance.

LEGAL DEFECTS IN PLAINTIFF'S MOTION

- No certification of burden (**R. 1:6-6**).
- No identification of specific allegedly burdensome requests.
- Reliance solely on attorney argument.
- Blanket request contrary to **R. 4:10-2's** liberal discovery policy.
- Plaintiff's own Exhibit A (Congressional oversight letter) confirms relevance of Defendant's inquiries.

WHY DISCOVERY IS REQUIRED

- All NJTA evidence is vendor-generated electronic data; authentication requires discovery.
- Mailing/notice procedures are central to due process.
- Fee structure (administrative vs punitive) necessary for proportionality analysis.
- ADA Title II requires individualized review before imposing escalating penalties.

RELIEF REQUESTED

1. Deny Plaintiff's Motion for Protective Order.
2. Compel full responses to Defendant's October 27, 2025 discovery.
3. Extend discovery as needed.
4. Order compliance within 30 days.

Submitted: 12/01/2025
/s/ Devon Tyler Barber