

1 Devon Tyler Barber, Pro Se, in proper person  
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**SUPERIOR COURT OF NEW JERSEY**

## **LAW DIVISION – SPECIAL CIVIL PART**

## ATLANTIC COUNTY

## **NEW JERSEY TURNPIKE AUTHORITY,**

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

Plaintiff,

**CIVIL ACTION  
AMENDED ANSWER AND COUNTER CLAIM**

## **DEVON TYLER BARBER,**

**Defendant / Counterclaimant.**

## INTRODUCTION

10 Defendant and Counterclaimant, Devon Tyler Barber, appearing in good faith and in proper  
11 person, submits this Counterclaim and Cross-Motion for Declaratory and Injunctive Relief under  
12 R. 4:5-4, R. 4:67, and R. 4:52.

13 This pleading is grounded in fact, law, and natural-rights principles: the NJTA is a body  
14 corporate and politic created under N.J.S.A. 27:23-3, authorized to sue and be sued, but  
15 expressly independent of the State Treasury and the State's general obligation debt structure  
16 (N.J.S.A. 27:23-17).

17 Defendant/Counterclaimant, as a sovereign individual and party to his own self-government  
18 under the Constitution of New Jersey (1947), seeks a **clear judicial declaration** of the NJTA's  
19 proper legal capacity, enforcement limits, and obligations under the State Constitution, the  
20 public-trust doctrine, and due-process principles.

21 The purpose is not to obstruct legitimate toll collection, but to ensure that such authority is  
22 exercised **strictly within statutory and constitutional bounds**, protecting the rights of all New  
23 Jersey residents to lawful, non-punitive treatment.

## 24 FACTUAL AND LEGAL GROUNDS

### 25 A. Statutory Character of NJTA

26 The NJTA is a body corporate and politic, performing essential public functions. Its  
27 revenues, bonds, and obligations are “**not debts or liabilities of the State**” (N.J.S.A.  
28 27:23-17). Consequently, NJTA initiates litigation as a statutory corporation, not as the  
29 State itself. This distinction is essential to protect the rights of individuals against ultra  
30 vires acts.

### 31 B. Transparency and Due Process

32 Plaintiff’s pleadings display the name and insignia of the “State of New Jersey.” While  
33 the NJTA is a public instrumentality, this creates confusion about whether enforcement is  
34 a **sovereign action or a civil claim under statute**. Defendant/counterclaimant requests  
35 declaratory guidance so future enforcement actions clearly identify the **true party in**  
36 **interest—the NJTA**—consistent with due-process notice requirements.

### 37 C. Statutory Limits on Administrative Fees

38 Under *N.J.S.A. 27:23-34.3* and *N.J.A.C. 19:9-9.2(b)*, administrative fees must be  
39 **reasonable** and tied to the actual cost of collection. A 24:1 ratio of fees to tolls is neither  
40 reasonable nor proportionate and therefore exceeds statutory authority. (*Redd v. Bowman*,  
41 223 N.J. 87 (2015).)

### 42 D. Constitutional Safeguards

43 Imposition of excessive financial penalties violates the **Excessive Fines Clause** of the  
44 Eighth Amendment, applied to the states in *Timbs v. Indiana*, 139 S.Ct. 682 (2019), and  
45 the **fundamental-fairness doctrine** of *Doe v. Poritz*, 142 N.J. 1 (1995).

46 Defendant/counterclaimant invokes these protections to ensure penalties remain remedial  
47 rather than punitive.

### 48 E. Public-Trust Obligations

49 Under *Neptune City v. Avon-by-the-Sea*, 61 N.J. 296 (1972), assets held for public use are  
50 subject to the **public-trust doctrine**. NJTA’s administration of toll roads must therefore  
51 conform to fiduciary standards of transparency, fairness, and lawful stewardship of public  
52 assets.

53           **F. Relief Sought Serves Public Interest**

54           Defendant/counterclaimant performs this duty not for private gain but to affirm the  
55           constitutional balance between statutory authority and individual rights, ensuring fair  
56           process for all New Jersey residents.

57           **CAUSES OF ACTION**

58           **COUNT I – DECLARATORY JUDGMENT: LEGAL STATUS AND LIMITS OF NJTA**

59           Defendant/Counterclaimant seeks a judicial declaration that the New Jersey Turnpike Authority  
60           (NJTA), while a public instrumentality, is legally distinct from the “State of New Jersey” and  
61           possesses **only those powers expressly conferred by its enabling legislation**. The Court should  
62           confirm that all toll enforcement, fee assessment, and penalty collection by NJTA must remain  
63           strictly within the statutory framework, in accordance with:

- 64           • N.J.S.A. 27:23-1 et seq.;
- 65           • The New Jersey Constitution (Art. I, Art. IV §1);
- 66           • The U.S. Constitution, including the Eighth and Fourteenth Amendments; and
- 67           • The principle that all government entities are bound by the law and cannot exceed  
68           statutory authority.

69           This declaration is necessary to **clarify the scope of NJTA authority, prevent ultra vires**  
70           **enforcement, and establish legal certainty for all New Jersey residents.**

71           **COUNT II – VIOLATION OF STATUTORY AND CONSTITUTIONAL LIMITS**

72           Defendant alleges that Plaintiff’s demand for administrative fees and penalties **grossly exceeds**  
73           **actual costs** and violates both statutory and constitutional mandates, including:

- 74           • N.J.S.A. 27:23-34.3;
- 75           • N.J.A.C. 19:9-9.2;
- 76           • The Excessive Fines Clause of the Eighth Amendment; and

- 77     • The doctrine of fundamental fairness under the New Jersey Constitution and common  
78     law.

79 Defendant requests **declaratory and injunctive relief** restraining the NJTA from continuing to  
80 assess or collect fees that are disproportionate, punitive, or unauthorized. Relief is warranted to  
81 **prevent further harm to the public and protect lawful private travel.**

82 **COUNT III – PUBLIC-TRUST AND FIDUCIARY DUTY**

83 Defendant asserts that the NJTA holds toll revenues and enforces penalties **as a fiduciary of the**  
84 **public trust.** Under the public-trust doctrine:

- 85     • All toll collection and enforcement actions must be reasonable, transparent, and  
86     proportionate;
- 87     • Revenues must be administered exclusively for the public benefit; and
- 88     • Discretionary enforcement cannot be used to generate revenue beyond what the law  
89     authorizes.

90 Defendant seeks a judicial affirmation that NJTA is **legally and ethically obligated to uphold**  
91 **the public-trust doctrine,** with declaratory and injunctive relief to ensure continued compliance.

92 **COUNT IV – PROTECTION OF PRIVATE, NON-COMMERCIAL TRAVEL**  
93 **(NEW JERSEY PRECEDENT)**

94 Defendant requests that the Court recognize and protect the rights of individuals traveling in  
95 private, non-commercial vehicles through NJTA toll facilities, **without imposition of punitive**  
96 **or excessive fees,** except as authorized by statute. This count seeks to:

- 97     • Prevent NJTA from interfering with lawful private travel;
- 98     • Establish a **new legal safeguard in New Jersey** ensuring proportional treatment of all  
99     motorists; and
- 100     • Promote public confidence that NJTA enforces only lawful tolls and fees.

101 Defendant prays for **injunctive and declaratory relief** to enforce this protection and provide a  
102 model for statewide best practices.

103 **RELIEF SOUGHT**

104 WHEREFORE, Defendant and Counterclaimant, Devon Tyler Barber, appearing in proper  
105 person, respectfully requests that this Honorable Court enter an Order granting the following  
106 relief:

107 **G. Dismissal with Prejudice.**

108 That Plaintiff's Complaint be dismissed with prejudice for lack of lawful authority, as  
109 alleged fees and penalties exceed the powers conferred by the Legislature and violate due  
110 process.

111 **H. Declaration of Authority Limits.**

112 That the Court declare the New Jersey Turnpike Authority a statutory corporation, not a  
113 sovereign entity, and affirm that its enforcement powers must comply with:

- 114 • The New Jersey Constitution (Art. I & Art. IV §1);  
115 • The U.S. Constitution, including the Eighth and Fourteenth Amendments; and  
116 • The enduring Anglo-American principle that government acts only under law.

117 **I. Enjoin Unreasonable or Punitive Charges.**

118 That the NJTA be enjoined from imposing or collecting fees, fines, or penalties that are  
119 punitive, excessive, or outside statutory authority (N.J.S.A. 27:23-34.3; N.J.A.C. 19:9-  
120 9.2).

121 **J. Protect Non-Commercial EZPass Travel.**

122 That the NJTA be enjoined from penalizing Defendant when traveling in a private, non-  
123 commercial automobile through EZPass lanes, where enforcement exceeds statutory  
124 authority or unlawfully interferes with private travel.

125 **K. Affirm Public-Trust Responsibilities.**

126 That the Court reaffirm that NJTA's toll administration and enforcement must adhere to  
127 transparency, proportionality, and faithful stewardship for the public benefit.

128 **L. Declaratory and Equitable Relief.**

129 That the Court issue all relief necessary to ensure NJTA compliance with law, prevent  
130 future ultra vires enforcement, and protect individual rights under state and federal  
131 constitutions.

## M. Costs and Further Relief.

That Defendant be awarded costs of this action and any further equitable, declaratory, or corrective relief deemed just and proper.

# **VERIFICATION AND CERTIFICATION**

I, **Devon Tyler Barber**, certify that the foregoing statements are true to the best of my knowledge, information, and belief. I understand that if any of the foregoing statements are willfully false, I am subject to punishment.

## **CERTIFICATE OF SERVICE (JEDS)**

I, **Devon Tyler Barber**, certify that on October 8<sup>th</sup>, 2025, I filed this Counterclaim and Cross-Motion for Declaratory and Injunctive Relief through the New Jersey Judiciary Electronic Document Submission (JEDS) system, which automatically serves all counsel of record, including **Durkin & Durkin, LLC**, acting on behalf of and for Plaintiff.

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

BCJ: X(+X, d16, Devon Tyler, in Good Faith.  
146 Date: October 8<sup>th</sup> 2025

Date: October 8<sup>th</sup>, 2025

Respectfully submitted,

/s/ Devon Tyler Barber

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