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SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – SPECIAL CIVIL PART, ATLANTIC COUNTY

NEW JERSEY TURNPIKE AUTHORITY,

Plaintiff,

v.

DEVON TYLER BARBER,

Defendant / Counterclaimant.

DOCKET NO. ATL-DC-007956-25

COVER LETTER

October 28, 2025

Hon. Dean R. Marcolongo, J.S.C.
Atlantic County Civil Courthouse
1201 Bacharach Blvd.
Atlantic City, New Jersey 08401

Via: Judiciary Electronic Document Submission (JEDS)

Re: Submission of Defendant's Discovery Requests

Barber v. New Jersey Turnpike Authority
Docket No. ATL-DC-007956-25

Dear Honorable Judge Dean R. Marcolongo:

Pursuant to this Court's **Order dated October 27, 2025**, the Defendant respectfully submits the enclosed **First Set of Interrogatories, Notice to Produce Documents, and Requests for Admissions** in the above-referenced matter.

This discovery is served in full compliance with the Court's directive permitting Defendant thirty (30) days to submit discovery requests and requires Plaintiff's responses within the timeframes set forth in the New Jersey Court Rules (R. 4:17–4:19; R. 4:22-1).

The purpose of these requests is to develop the factual record necessary to ensure that this case proceeds on a complete and accurate understanding of the administrative, contractual, and procedural matters at issue. Defendant submits this discovery packet **in the interest of justice and transparency**, so that all relevant information may be reviewed by the Court and the parties in good faith.

Respectfully submitted,

s/ Devon T. Barber

DEVON T. BARBER

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Enclosure:

**DEFENDANT'S FIRST SET OF INTERROGATORIES, NOTICE TO PRODUCE
DOCUMENTS, AND REQUESTS FOR ADMISSIONS**

(Pursuant to R. 4:17–4:19 and R. 6:4-3(f))

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DEFENDANT’S FIRST SET OF INTERROGATORIES,

NOTICE TO PRODUCE DOCUMENTS,

AND REQUESTS FOR ADMISSIONS

Including National-Security and Public-Trust Inquiries

Pursuant to the March 28, 2025 Gottheimer Letter

TO:

PLAINTIFF’S COUNSEL

GREGORY F. KOTCHICK, ESQ.
 DURKIN & DURKIN, LLC
 ATTORNEYS FOR PLAINTIFF, NEW JERSEY
 TURNPIKE AUTHORITY
 1120 BLOOMFIELD AVENUE
 WEST CALDWELL, NEW JERSEY 07006

PLAINTIFF’S INFORMATION (FOR REFERENCE)

New Jersey Turnpike Authority
 1 Turnpike Plaza
 Woodbridge, New Jersey 07095-5195
 United States of America
 Website: www.njta.com
 Publicly reported annual revenue (approx.):
 \$2.49 billion (aggregate)

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Plaintiff,

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DEVON TYLER BARBER,

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**DEFENDANT’S FIRST SET OF
INTERROGATORIES,
NOTICE TO PRODUCE DOCUMENTS,
AND REQUESTS FOR ADMISSIONS**
(*R. 4:17 – 4:19; R. 6:4-3(F)*)

PURPOSE OF DISCOVERY

Defendant / Counterclaimant seeks factual discovery concerning:

(A) The proportionality and legality of “administrative fees” that exceed the underlying toll;

(B) Whether such fees are used to fund outsourced enforcement operations or service bond debt and other financing obligations rather than to recover the Authority’s actual administrative costs;

(C) Whether motorists’ travel and personal data are being captured and shared beyond toll-collection purposes, including by foreign-owned or third-party vendors; and

(D) Whether motorists — especially those with disabilities — receive lawful notice, due process, and reasonable accommodation before penalties escalate.

This discovery directly supports Defendant’s Counterclaim (public-trust obligations, statutory-authority limits, data-security control, ADA access, and constitutional proportionality) as recognized by the Court in its Order of October 27, 2025.

PUBLIC INTEREST CONTEXT

On March 28 2025, U.S. Congressman **Josh Gottheimer**, a member of the House Permanent Select Committee on Intelligence, sent **Chairman Francis O'Connor** of the NJ Turnpike Authority a formal letter questioning the Authority's award of its E-ZPass contract to **TransCore** and raising national-security concerns about foreign ownership and data access. Congressman Gottheimer wrote:

"I am concerned that information could fall into the hands of our number one adversary."

Defendant seeks to determine whether NJTA conducted any security review or implemented data-protection safeguards in response to that letter and whether any public response exists.

DEFINITIONS

- **"NJTA"** means the New Jersey Turnpike Authority, including its Board, Commissioners, officers, employees, divisions, agents, counsel (Durkin & Durkin, LLC), contractors, and subcontractors.
- **"E-ZPass system"** means any tolling, billing, enforcement, plate-reader, roadside gantry, imaging, data-storage, back-end account servicing, or collection system operating on NJTA facilities.
- **"TransCore"** means TransCore LP / TransCore ITS / any TransCore affiliate providing toll or violation services for NJTA.
- **"ST Engineering"** means Singapore Technologies Engineering Ltd. and any related entity that holds ownership in TransCore.
- **"Temasek"** means Temasek Holdings, a sovereign-wealth entity of the Government of Singapore.

TIME SCOPE

Unless otherwise stated: January 1 2020 to present.

I. INTERROGATORIES (R. 4:17-4(a))

(A) Identify all current NJTA Board Members / Commissioners / executive officers. For each, state full name, title, date of appointment, appointing authority, term expiration, and whether they are salaried or compensated.

(B) State whether NJTA is treated, for purposes of ownership and control of assets and revenues, as: (a) a State agency; (b) a body corporate and politic; (c) a component unit; or (d) an independent public corporation. Identify all statutes or regulations you rely on (including N.J.S.A. 27:23-1 et seq.).

(C) Identify every bank account, reserve fund, sinking fund, escrow account, trust account, or bonded revenue fund into which NJTA deposits (a) toll revenue, (b) administrative fees, and/or (c) violation penalties.

(D) State the total toll revenue, total violation-penalty revenue, and total “administrative fee” revenue collected by NJTA for each fiscal year 2020-2025, and describe how each category is allocated (operations, enforcement, debt service, vendor payments, capital projects, counsel fees, etc.).

(E) Describe in detail the methodology used to determine the current “administrative fee,” including whether it is compensatory or punitive. Identify all cost studies, analyses, approvals, and legal opinions supporting that amount.

73 **(F)** Identify all outside law firms and collection vendors retained by NJTA since 1/1/2020, state
74 their fee structures, funding sources, and whether their costs are recovered through
75 “administrative fees.”

76 **(G)** Identify every contractor or vendor from 1/1/2020 to present that performs or supports any of
77 the following for NJTA: (a) E-ZPass account servicing; (b) toll-by-plate imaging; (c)
78 violation mailing or collection; (d) gantry / camera installation; (e) data storage or analytics.
79 Provide each entity’s principal place of business, parent company, and ultimate beneficial
80 owner, including any foreign sovereign ownership.

81 **(H)** Identify the E-ZPass / toll-services contract awarded on or about September 24 2024 (\approx \$1.7
82 billion). List the winning contractor, bid amount, all losing bidders, their bid amounts, and all
83 factors NJTA used to justify accepting a higher bid.

84 **(I)** State whether NJTA received any protest or appeal from Conduent or others alleging the
85 winning vendor was \$200–\$250 million more expensive or that foreign ownership posed data
86 risks; summarize NJTA’s responses and final disposition.

87 **(J)** State whether NJTA commissioned any assessment, briefing, legal opinion, security review,
88 or “National Security Agreement” regarding TransCore, ST Engineering, or Temasek;
89 identify who prepared it and summarize findings.

90 **(K)** Identify all roadside gantry, multi-camera, plate-reader, or other fixed surveillance / tolling
91 structures installed or upgraded since 1/1/2020. For each, state:

- 92 1. project name / number;
- 93 2. milepost or location;
- 94 3. prime contractor;
- 95 4. contract value;

- 96 5. funding source;
- 97 6. stated operational purpose (tolling, analytics, enforcement, etc.); and
- 98 7. statutory authority for each use and data retention or sharing.
- 99 **(L)** Explain the legal theory by which NJTA asserts authority to impose tolls and fees without a
- 100 signed contract; cite all statutes, regulations, signage, or legal opinions relied upon.
- 101 **(M)** State NJTA's position on whether E-ZPass lane use creates (a) a statutory obligation, (b)
- 102 an implied-in-fact contract, (c) a quasi-contract, or (d) other legal theory; cite supporting
- 103 authority.
- 104 **(N)** Identify each agency or entity receiving NJTA-captured vehicle data since 1/1/2020,
- 105 including any federal or private recipients.
- 106 **(O)** State NJTA's data retention policy for images and records and who may authorize extension
- 107 or disclosure.
- 108 **(P)** Identify each ADA Compliance Officer or Coordinator from 1/1/2020 to present and describe
- 109 duties.
- 110 **(Q)** Describe how a disabled motorist can request accommodation before penalties or fees are
- 111 assessed.
- 112 **(R)** Identify all audits or reviews (2020-present) addressing (a) fee proportionality, (b) Excessive
- 113 Fines Clause compliance, (c) data security and foreign ownership risk, or (d) ADA
- 114 accessibility.
- 115 **(S)** Identify any conflict-of-interest disclosure or recusal by NJTA officials relating to
- 116 TransCore, ST Engineering, Temasek, or Conduent.
- 117 **(T)** If NJTA claims information cannot be disclosed, state precisely what privilege or legal
- 118 authority is asserted.

II. NOTICE TO PRODUCE DOCUMENTS

(R. 4:18-1)

Plaintiff, the **New Jersey Turnpike Authority (“NJTA”)**, shall produce the following documents within **thirty-five (35) days after service** hereof, in electronic (PDF or native) format, pursuant to Rule 4:18-1(b) of the New Jersey Court Rules.

(A)

All NJTA Board agendas, meeting minutes, resolutions, recorded votes, and staff memoranda dated from **January 1, 2020 to the present** that relate in any way to:

1. Toll-rate schedules or changes;
2. Violation penalties or “administrative fees”;
3. The approval, award, protest, or reconsideration of any E-ZPass, toll-services, or enforcement contract;
4. The installation or upgrade of roadside gantries, multi-camera structures, plate readers, or other fixed tolling and surveillance infrastructure;
5. The use or pledge of toll revenues to secure bond debt; and
6. Any review, report, or discussion concerning data privacy, cybersecurity, foreign ownership, or national-security issues involving TransCore, ST Engineering, or Temasek.

(B)

All bid solicitations (RFPs/RFQs), bid submissions, tabulations, evaluator notes, scoring sheets, recommendation memoranda, award letters, notices of intent to award, executed contracts, amendments, work orders, “notice-to-proceed” documents, and acceptance or commissioning certificates for the **E-ZPass / toll-services contract awarded on or about September 24, 2024**

(approximately \$1.7 billion), together with the equivalent materials for each unsuccessful bidder, including **Conduent's** proposal.

(C)

All protest letters, appeals, bid challenges, or objection correspondence (including from Conduent) regarding the contract identified in Request (B), and all NJTA responses, analyses, or determinations relating to those protests—particularly any references to vendor ownership, cost differentials, or data-security concerns involving TransCore, ST Engineering, or Temasek.

(D)

All “national-security,” “data-security,” or “cybersecurity” reviews, risk assessments, or agreements referenced in **Congressman Josh Gottheimer's March 28, 2025** letter to Chairman Francis O'Connor, including any “National Security Agreement” with the **U.S. Department of the Treasury** or the **U.S. Department of Justice** concerning the protection of New Jersey motorists' personal data.

(E)

All contracts, subcontracts, purchase orders, change orders, scopes of work, milestone billings, pay applications, inspection or acceptance certificates, and “placed-in-service” or “substantial-completion” sign-offs relating to the installation or upgrade of gantries, plate readers, multi-camera roadside arrays, or other automated toll or surveillance structures on the **Garden State Parkway** or **New Jersey Turnpike** from **January 1, 2020 to present**, identifying for each project its location and total contract value.

161 **(F)**

162 All internal cost studies, engineering analyses, consultant reports, board packages, spreadsheets,
163 staff memoranda, white papers, and legal opinions used or relied upon by NJTA to determine or
164 justify the current “**administrative fee**,” including any documents purporting to show that the
165 fee reflects actual administrative cost or reimburses outside-counsel expenses.

166 **(G)**

167 All engagement letters, retainer agreements, amendments, invoices, payment records, and fee
168 schedules for **Durkin & Durkin, LLC** and any other law firm or collection vendor engaged by
169 NJTA since **January 1, 2020**, including documentation showing whether such expenses are
170 recovered through “administrative fees.”

171 **(H)**

172 All NJTA policies, standard-operating procedures, training manuals, customer-facing terms of
173 service, website or portal terms, and posted signage language that NJTA contends establish or
174 notify motorists of a legal obligation to pay tolls, penalties, or “administrative fees” without a
175 signed written agreement.

176 **(I)**

177 All written **ADA compliance** policies, training materials, call-center scripts, accommodation
178 request forms, grievance procedures, audit reports, consultant reviews, and compliance
179 assessments governing how motorists with disabilities may dispute toll violations, request
180 accommodations, or seek relief prior to enforcement or collection.

181 **(J)**

182 All conflict-of-interest disclosure forms, recusals, ethics statements, and screening memoranda
183 submitted since **January 1, 2020** by any NJTA Board Member, Commissioner, procurement
184 officer, or counsel relating to **TransCore, ST Engineering, Temasek, or Conduent**.

185 **(K)**

186 All current and historical **organizational charts, bylaws, charter documents, and**
187 **amendments** of NJTA in effect from **January 1, 2020 to present**.

188 **(L)**

189 All **annual financial reports, audited financial statements, and comprehensive annual**
190 **financial reports (CAFRs)** for fiscal years **2020 through 2025**.

191 **(M)**

192 All documents identifying **bond trustees, underwriters, or investors** holding NJTA debt
193 instruments during **2020 – 2025**, including offering memoranda, trust indentures, and payment
194 schedules.

195 **(N)**

196 All **contracts, memoranda of understanding, or vendor agreements** between NJTA and any
197 private entity for toll collection, camera systems, or data processing (including E-ZPass,
198 Conduent, TransCore, ST Engineering, or related affiliates).

199 **(O)**

200 All **bid solicitations, award memoranda, and procurement justifications** for the contracts
201 described in Request (N).

(P)

All **internal or external audits, reviews, or evaluations** for fiscal years **2020 through 2025** concerning toll-collection or violation-enforcement systems.

(Q)

All **communications, memoranda, or correspondence** between NJTA and the **New Jersey State Treasurer or Office of the Governor** relating to toll-rate adjustments, bond issuances, debt-service payments, or capital projects.

(R)

All **ethics filings, conflict-of-interest disclosures, and recusal records** for any NJTA officer or Board Member since **January 1, 2020**.

(S)

All **policies, procedures, and agreements** governing the **retention, sharing, sale, or external transmission** of driver, vehicle, or account data obtained through NJTA's tolling or enforcement systems.

(T)

A complete **list of all public or private entities** granted database access to NJTA's surveillance or toll-record systems and copies of all agreements or memoranda defining such access.

(U)

NJTA's complete **correspondence file** with **Congressman Josh Gottheimer** or the **U.S. House Permanent Select Committee on Intelligence** concerning the **March 28, 2025** letter to Chairman Francis O'Connor, including all drafts, internal communications, and final responses.

(V)

All **communications** between NJTA and the **Office of the Governor, NJ Department of Transportation, NJ Attorney General, U.S. Department of Transportation, U.S. Department of the Treasury, or U.S. Department of Justice** regarding foreign ownership of **TransCore / ST Engineering / Temasek** and related **data-security safeguards**.

(W)

All **board minutes, executive-session notes, or internal memoranda** reflecting any discussion, briefing, or acknowledgment of the **March 28, 2025 Gottheimer letter**.

(X)

All **risk assessments, cybersecurity evaluations, or “National Security Agreements”** referenced in the above correspondence or created in response to that letter.

III. REQUESTS FOR ADMISSIONS (R. 4:22-1)

(A) Admit that NJTA is a “body corporate and politic” created by statute.

(B) Admit that NJTA revenues are not deposited in the State Treasury general fund.

(C) Admit that NJTA issues bonds secured by toll revenues.

(D) Admit that on or about September 24 2024, NJTA awarded a \$1.7 billion E-ZPass contract to TransCore.

(E) Admit that Conduent’s proposal was approximately \$200–\$250 million lower.

(F) Admit that TransCore is owned by ST Engineering, which is controlled by Temasek Holdings.

(G) Admit that Congressman Josh Gottheimer sent NJTA a letter dated March 28 2025 raising national security and data-privacy concerns about that award.

(H) Admit that NJTA received that letter.

(I) Admit that NJTA has not issued a public written response as of the date of these Requests.

(J) Admit that NJTA holds New Jersey motorists’ personal and financial data and is responsible for its protection under U.S. law.

(K) Admit that if TransCore or its parent companies store such data, NJTA must ensure it is protected against foreign access.

(L) Admit that NJTA and/or its vendors collect and store license-plate images and travel data for toll enforcement.

(M) Admit that such data can identify a driver’s home address and travel routes.

(N) Admit that one purpose of the “administrative fee” is to generate revenue beyond the actual cost of collection.

(O) Admit that the Garden State Parkway and New Jersey Turnpike serve the traveling public, including New Jersey families using private vehicles for daily life activities.

258 **SUPERIOR COURT OF NEW JERSEY**

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(*R. 4:17 – 4:19; R. 6:4-3(F)*)

260 **CERTIFICATION OF SERVICE**

261 I certify that on October 27th, 2025 I served the foregoing Interrogatories, Notice to Produce, and
262 Requests for Admissions via the Judiciary Electronic Document Submission (JEDS) system
263 upon the Honorable Court and opposing counsel for Plaintiff, Durkin & Durkin, LLC.

264 I certify that the foregoing statements are true. I understand that if any statement is willfully
265 false, I am subject to punishment.

266 _____
267 DEVON TYLER BARBER
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