

DURKIN & DURKIN, LLC

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Attorneys for Plaintiff, New Jersey Turnpike Authority

**NEW JERSEY TURNPIKE
AUTHORITY,**

Plaintiff,

v.

DEVON TYLER BARBER,

Defendant.

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

DOCKET NO.:

CIVIL ACTION

**COMPLAINT,
DESIGNATION OF TRIAL COUNSEL;
RULE 4:5-1 CERTIFICATION**

Plaintiff, the New Jersey Turnpike Authority, by way of Complaint against the above-named Defendant, says as follows:

PARTIES

1. Plaintiff, New Jersey Turnpike Authority, (“Plaintiff” or “NJTA”) is an agency of the State of New Jersey having jurisdiction over, and responsibility for maintaining, the New Jersey Turnpike and the Garden State Parkway. The NJTA’s principal offices are located at 1 Turnpike Plaza, Woodbridge, NJ 07095.

2. Defendant, Devon Tyler Barber (“Defendant”), is an individual having a mailing address at 325 E Jimmie Leeds Road, Suite 7, Galloway, New Jersey 08205.

FACTS COMMON TO ALL COUNTS

1. Among the powers and duties of the NJTA is to collect tolls from vehicles being operated on the Garden State Parkway and the New Jersey Turnpike, at rates and in amounts

permitted by law. Toll booths have been constructed on both of said highways at which tolls may be collected, either in cash or via the use of E-ZPass transponder.

2. Pursuant to N.J.S.A. 27:23-25 vehicles and drivers traveling on roads under the NJTA's jurisdiction (the Parkway and Turnpike) are legally required to pay tolls when driving through any toll booth located on those highways (including entrance and exit ramps) in amounts lawfully designated.

3. Should a vehicle pass through a toll without paying cash, without an E-ZPass transponder or with an E-ZPass transponder whose account balance is insufficient, a photograph is automatically taken of the vehicle and its license plate, recording the date, time and toll location of the violation. Once the identity of the vehicle is verified and the name and address of the registered owner of the vehicle is verified, a Notice of Violation is issued to the registered owner by mail. The registered owner is given several options in the Notice of Violations (such as where and how to pay the toll, allowing the owner to identify a valid and properly funded E-ZPass account from which the toll should be paid or allowing the owner to file a written consent to the violation), one of which must be acted upon without a 30 day time period expressly required under the Notice.

4. If the owner fails to act on one of the options afforded within the 30-day period under a First Notice, then a Second Notice of Violation is issued. Pursuant to N.J.S.A. 27:23-34.3(a) and N.J.A.C. 19:9-9.2(b), the NJTA may assess an administrative fee of \$50 for each toll violation once a First Notice has been properly and timely responded to, which becomes due and owing along with the underlying toll.

FIRST COUNT

VIOLATION OF N.J.S.A. 27:23-34.3(a) AND N.J.A.C. 19:9-9.2(b)

1. Plaintiff repeats the foregoing allegations and incorporates them herein as if set forth in length and in full.

2. Between July 15, 2016, and December 5, 2024, vehicles registered in the name of the Defendant were operated on the Garden State Parkway, Atlantic City Expressway, Delaware River Port Authority and/ or Delaware River Joint Toll Bridge Commission on numerous occasions without paying tolls. Despite receipt of First Notices on each of these toll violations, Defendant failed to timely and properly act. Despite receiving Second Notices, Defendant continued to fail to pay the tolls and/or the administrative fees that were incurred and assessed with the Second Notices.

3. Defendant has incurred a total of \$204.45 in unpaid tolls and a total cost of \$4,905.00 in administrative fees and is thus indebted to the NJTA in the total amount of \$5,109.45 pursuant to, *inter alia*, N.J.S.A. 27:23-25 and 34.

4. Plaintiff, the NJTA, has made demand for payment of said outstanding tolls and administrative fees, but Defendant has failed and refused to pay same.

5. Damages to NJTA are ongoing. To the extent Defendant has operated on the Garden State Parkway, Atlantic City Expressway, Delaware River Port Authority and/ or Delaware River Joint Toll Bridge Commission, or other highways under the NJTA's jurisdiction without paying tolls after December 5, 2024, and subsequently failed to pay the tolls and/or administrative fees that were incurred and assessed, Defendant is thus indebted to the NJTA for such unpaid tolls and administrative fees.

WHEREFORE, Plaintiff, the NJTA, demands judgment against Defendant in the amount of \$5,109.45, together with prejudgment interest, costs, attorneys' fees and such other and further relief as the Court may deem equitable and just.

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE, that pursuant to R. 4:25-4 the Plaintiff hereby designates Gregory F. Kotchick, Esq. as trial counsel.

CERTIFICATION PURSUANT TO RULE 1:38-7(b)

I certify that confidential personal identifiers have been redacted from documents now submitted to the Court, if any, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

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

DURKIN & DURKIN, LLC
Attorneys for Plaintiff

By: /s/ *Gregory F. Kotchick*
Gregory F. Kotchick

Dated: August 19, 2025

RULE 4:5-1 CERTIFICATION

I certify that I am unaware of any other proceeding between the parties, including any arbitration proceeding or administrative action, and that all presently known indispensable parties have been joined in this action.

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

DURKIN & DURKIN, LLC
Attorneys for Plaintiff

By: /s/ *Gregory F. Kotchick*
Gregory F. Kotchick

Dated: August 19, 2025