

Devon Tyler Barber, Pro Se, in proper person  
 C/o 325 E. Jimmie Leeds Rd., Suite 7-333  
 Galloway, New Jersey 08205 (Atlantic County)  
 (609) 665-9350 dTb33@ProtonMail.com

**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**

**CIVIL ACTION**

**AMENDED ANSWER AND COUNTER CLAIM**

**INTRODUCTION**

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

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

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

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

## FACTUAL AND LEGAL GROUNDS

### A. Statutory Character of NJTA

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

### B. Transparency and Due Process

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

### C. Statutory Limits on Administrative Fees

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

### D. Constitutional Safeguards

Imposition of excessive financial penalties violates the **Excessive Fines Clause** of the Eighth Amendment, applied to the states in *Timbs v. Indiana*, 139 S.Ct. 682 (2019), and the **fundamental-fairness doctrine** of *Doe v. Poritz*, 142 N.J. 1 (1995). Defendant/counterclaimant invokes these protections to ensure penalties remain remedial rather than punitive.

### E. Public-Trust Obligations

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

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

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

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

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

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

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

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

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

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

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

### RELIEF SOUGHT

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

**G. Dismissal with Prejudice.**

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

**H. Declaration of Authority Limits.**

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

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

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

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

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

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

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

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

**L. Declaratory and Equitable Relief.**

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

132 **M. Costs and Further Relief.**

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

135 **VERIFICATION AND CERTIFICATION**

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

139 **CERTIFICATE OF SERVICE (JEDS)**

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

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

146 *By: X(+ )X, dtb, Devon Tyler, in Good Faith.*

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

147 Respectfully submitted,

148 **/s/ Devon Tyler Barber**

149 Devon Tyler Barber, Pro Se, in proper person

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