

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.: ATL-DC-007956-25

CIVIL ACTION

**ANSWER TO COUNTERCLAIM AND
AFFIRMATIVE DEFENSES**

Plaintiff and Counterclaim Defendant, New Jersey Turnpike Authority, (hereinafter “Plaintiff”), by and through its attorneys Durkin & Durkin, LLC, by way of Answer to the Defendant and Counterclaimant Devon Tyler Barber’s (hereinafter “Defendant/Counterclaimant”) Counterclaim (the “Counterclaim”) states:

INTRODUCTION

The allegations contained in the “Introduction” paragraph of the Counterclaim constitute legal conclusions to which no response is required or made. To the extent a response is required, all such allegations are denied.

FACTUAL & LEGAL GROUNDS

A. The allegations contained in paragraph A of the “Factual and Legal Grounds” section of the Counterclaim constitute a legal conclusion to which no response is required or made. To the extent a response is required, all such allegations are denied.

B. The allegations contained in paragraph B of the “Factual and Legal Grounds” section of the Counterclaim are hereby denied.

C. The allegations contained in paragraph C of the “Factual and Legal Grounds” section of the Counterclaim constitute a legal conclusion to which no response is required or made. To the extent a response is required, all such allegations are denied.

D. The allegations contained in paragraph D of the “Factual and Legal Grounds” section of the Counterclaim constitute a legal conclusion to which no response is required or made. To the extent a response is required, all such allegations are denied.

E. The allegations contained in paragraph E of the “Factual and Legal Grounds” section of the Counterclaim constitute a legal conclusion to which no response is required or made. To the extent a response is required, all such allegations are denied.

F. The allegation contained in Paragraph F of the “Factual and Legal Grounds” section of the Counterclaim are hereby denied.

CAUSES OF ACTION

COUNT I – DECLARATORY JUDGMENT

1. Plaintiff denies the allegations contained in Count I of the Counterclaim.

COUNT II – VIOLATION OF STATUTORY AND CONSTITUTIONAL LIMITS

2. Plaintiff denies the allegations contained in Count II of the Counterclaim.

COUNT III – PUBLIC TRUST AND FIDUCIARY DUTY

3. Plaintiff denies the allegations contained in Count III of the Counterclaim.

COUNT IV – RIGHT TO TRAVEL

4. Plaintiff denies the allegations contained in Count IV of the Counterclaim.

WHEREFORE, the Plaintiff demands judgment against the Defendant/Counterclaimant dismissing the Counterclaim with prejudice, and awarding attorneys' fees, costs of suit, and other such relief as the court deems equitable and just.

SEPARATE DEFENSES

FIRST SEPARATE DEFENSE

Defendant/Counterclaimant is barred from recovery by virtue of the running of the Statute of Limitations.

SECOND SEPARATE DEFENSE

Defendant/Counterclaimant is barred from recovery because the Counterclaim fails to state a claim upon which relief can be granted.

THIRD SEPARATE DEFENSE

Defendant/Counterclaimant is barred from recovery by virtue of the doctrines of Res Judicata and/or Collateral Estoppel.

FOURTH SEPARATE DEFENSE

Defendant/Counterclaimant is barred from recovery by virtue of the doctrine of Unclean Hands.

FIFTH SEPARATE DEFENSE

Defendant/Counterclaimant is barred from recovery by virtue of the doctrine of Laches.

SIXTH SEPARATE DEFENSE

Defendant/Counterclaimant is barred from recovery for failure to obtain jurisdiction over the Defendant/Plaintiff on the Counterclaim.

SEVENTH SEPARATE DEFENSE

Defendant/Counterclaimant is barred from recovery for failure to exhaust administrative remedies.

EIGHTH SEPARATE DEFENSE

Defendant/Counterclaimant is barred from recovery by the Entire Controversy Doctrine.

NINTH SEPARATE DEFENSE

The Plaintiff/Counterclaim Defendant acted at all times in accordance with applicable law.

TENTH SEPARATE DEFENSE

Defendant/Counterclaimant is barred from recovery by virtue of his failure to comply with the provisions of the New Jersey Tort Claims Act (N.J.S.A. 59:1-1 et seq.)

ELEVENTH SEPARATE DEFENSE

The Plaintiff/Counterclaim Defendant reserves the right to interpose such other defenses as continuing investigation and discovery may indicate.

DURKIN & DURKIN, LLC
Attorneys for Plaintiff/Counterclaim Defendant
New Jersey Turnpike Authority

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

Dated: November 5, 2025