

**DURKIN & DURKIN, LLC**

By: Gregory F. Kotchick (NJ State Bar No.: 027971999)

**1120 Bloomfield Avenue, P. O. Box 1289**

**West Caldwell, NJ 07007 (gkotchick@durkinlawfirm.com)**

**P: (973) 244-9969 - Our File No.: 4320-73**

**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