

DURKIN & DURKIN, LLC

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

1120 Bloomfield Avenue, P. O. Box 1289

West Caldwell, New Jersey 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.:

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



Court's Address and Phone Number:
ATLANTIC Special Civil Part
1201 BACHARACH BOULEVARD
ATLANTIC CITY, NJ 08401-0000
609-402-0100 ext.47770

Superior Court of New Jersey
Law Division, Special Civil Part
ATLANTIC County
Docket No: **ATL-DC-007956-25**
Civil Action
TORT-OTHER

YOU ARE BEING SUED!

Person or Business Suing You (Plaintiff)

New Jersey Turnpike Authority

Plaintiff's Attorney Information

GREGORY FRANCIS KOTCHICK
DURKIN & DURKIN, LLC
1120 BLOOMFIELD AVE P.O. BOX 1289
WEST CALDWELL, NJ 07007-1289
973-244-9969

Person or Business Being Sued (Defendant)

Devon T Barber

The Person or Business Suing You Claims You Owe the Following:

Demand Amount	\$5109.45
Filing Fee	\$.00
Service Fee	\$.00
Attorney's Fees	<u>\$0.00</u>
TOTAL	\$5109.45

FOR JUDICIARY USE ONLY

In the attached complaint, the person or business suing you briefly tells the court his or her version of the facts of the case and how much money he or she claims you owe. **If you do not answer the complaint, you may lose the case automatically and the court may give the plaintiff what the plaintiff is asking for, plus interest and court costs. You have 35 days from the date of service to file your answer or a signed agreement.** If a judgment is entered against you, a Special Civil Part Officer may seize your money, wages or personal property to pay all or part of the judgment. The judgment is valid for 20 years.

IF YOU DISAGREE WITH THE PLAINTIFF'S CLAIMS, A WRITTEN ANSWER OR SIGNED AGREEMENT MUST BE RECEIVED BY THE COURT ABOVE, ON OR BEFORE 09/30/2025, OR THE COURT MAY RULE AGAINST YOU. IF YOU DISAGREE WITH THE PLAINTIFF, YOU MUST DO ONE OR BOTH OF THE FOLLOWING:

1. ***Answer the complaint.*** An answer form that will explain how to respond to the complaint is available at any of the New Jersey Special Civil Part Offices or on the Judiciary's Internet site njcourts.gov under the section for Forms. If you decide to file an answer to the complaint made against you:
 - Fill out the Answer form AND pay the applicable filing fee by check or money order payable to: ***Treasurer, State of New Jersey.*** Include **ATL-DC-007956-25** (your Docket Number) on the check.
 - Mail or hand deliver the completed Answer form and the check or money order to the court's address listed above.
 - Hand deliver or send by regular mail a copy of the completed Answer form to the plaintiff's attorney. If the plaintiff does not have an attorney, send your completed answer form to the plaintiff by regular and certified mail. This **MUST** be done at the same time you file your Answer with the court on or before **09/30/2025**.

Please Note – If you file an Answer your case will be sent to a settlor to try to resolve your case prior to trial.

2. ***Resolve the dispute.*** Contact the plaintiff's attorney, or contact the plaintiff if the plaintiff does not have an attorney, to resolve this dispute. The plaintiff may agree to accept payment arrangements. If you reach an agreement, mail or hand deliver the **SIGNED** agreement to the court's address listed above on or before **09/30/2025**.

Please Note - You may wish to get an attorney to represent you. If you cannot afford to pay for an attorney, free legal advice may be available by contacting Legal Services at 609-348-4200. If you can afford to pay an attorney but do not know one, you may call the Lawyer Referral Services of your local County Bar Association at 609-345-3444. Notify the court now if you need an interpreter or an accommodation for a disability for any future court appearance.

/s/ Michelle M. Smith

Clerk of the Superior Court



Dirección y teléfono del tribunal
Parte Civil Especial de ATLANTIC
1201 BACHARACH BOULEVARD
ATLANTIC CITY, NJ 08401-0000
609-402-0100 ext.47770

El Tribunal Superior de Nueva Jersey
División de Derecho, Parte Civil Especial
Condado de ATLANTIC
Número del expediente ATL-DC-007956-25
Demanda de Acción Civil
NOTIFICACIÓN DE DEMANDA
TORT-OTHER

¡LE ESTÁN DEMANDANDO!

Persona o entidad comercial que le está demandando (el demandante)

New Jersey Turnpike Authority

Información sobre el abogado del demandante

GREGORY FRANCIS KOTCHICK
DURKIN & DURKIN, LLC
1120 BLOOMFIELD AVE P.O. BOX 1289
WEST CALDWELL, NJ 07007-1289
973-244-9969

Persona o comercial ser demandada (el demandado)

Devon T Barber

La persona o comercial que le está demandando afirma que usted le debe lo siguiente:

Cantidad a la vista	\$5109.45
Tasa judicial	\$.00
Cargo del emplazamiento	\$.00
Honorarios del abogado	\$0.00
TOTAL	\$5109.45

PARA USO EXCLUSIVO DEL PODER JUDICIAL

En la demanda adjunta la persona o entidad comercial que le está demandando le informa brevemente al juez su versión de los hechos de la causa y la suma de dinero que afirma que usted le debe. **Si usted no responde a la demanda puede perder la causa automáticamente y el juez puede dar al demandante lo que está pidiendo más intereses y los costos legales. Usted tiene 35 días a partir de la fecha del emplazamiento para presentar su respuesta o un acuerdo firmado.** Si se dicta un fallo en su contra, un Oficial de la Parte Civil Especial puede embargar su dinero, sueldo o sus bienes muebles (personales) para pagar todo el fallo o una parte del mismo. El fallo es válido por 20 años.

SI USTED NO ESTÁ DE ACUERDO CON LAS ALEGACIONES DEL DEMANDANTE, EL TRIBUNAL TIENE QUE RECIBIR UNA RESPUESTA POR ESCRITO O UN ACUERDO FIRMADO PARA EL 09/30/2025 O ANTES DE ESA FECHA, O EL JUEZ PUEDE EMITIR UN FALLO EN SU CONTRA. SI USTED NO ESTÁ DE ACUERDO CON EL DEMANDANTE, DEBE HACER UNA DE LAS SIGUIENTES COSAS O LAS DOS:

1. ***Responder a la demanda.*** Un formulario de respuesta que le explicará cómo responder a la demanda está disponible en cualquiera de las Oficinas de la Parte Civil Especial de Nueva Jersey o en el sitio Internet del Poder Judicial njcourts.gov bajo la sección de formularios (Forms). Si usted decide presentar una respuesta a la demanda que se hizo en su contra:

- Llene el formulario de Respuesta Y pague la tasa judicial de presentación que corresponda mediante un cheque o giro bancario o postal acreditable al: "**Treasurer, State of New Jersey**" (Tesorero del Estado de Nueva Jersey). Incluya **ATL-DC-007956-25** (el número de su expediente) en el cheque.
- Envíe por correo el formulario de Respuesta llenado y el cheque o giro bancario o postal a la dirección del tribunal que figura más arriba, o entréguelos personalmente en dicha dirección.
- Entregue personalmente o envíe por correo común una copia del formulario de Respuesta llenado al abogado del demandante. Si el demandante no tiene abogado, envíe su formulario de respuesta llenado al demandante por correo común y por correo certificado. Esto SE TIENE que hacer al mismo tiempo que presente su Respuesta al tribunal a más tardar el **09/30/2025**.

Por favor tenga en cuenta que si usted presenta una Respuesta, su causa se enviará a un fideicomitente para tratar de resolver la causa antes del juicio.

2. ***Resolver la disputa.*** Comuníquese con el abogado del demandante, o con el demandante si éste no tiene abogado, para resolver esta disputa. El demandante puede estar de acuerdo con aceptar arreglos de pago. **Si llegara a un acuerdo, envíe por correo o entregue personalmente el acuerdo FIRMADO** a la dirección del tribunal que figura más arriba, o entréguelo personalmente en dicha dirección a más tardar el **09/30/2025**.

Nota - Puede que usted quiera conseguir que un abogado para que lo represente. Si usted no puede pagar a un abogado, podría obtener consejos legales gratuitos si se comunica con Legal Services (Servicios Legales) llamando al 609-348-4200. Si usted puede pagar a un abogado, pero no conoce a ninguno, puede llamar al Lawyer Referral Services (Servicios de Recomendación de Abogados) del Colegio de Abogados (Bar Association) de su condado local al 609-345-3444. Notifique al tribunal ahora si usted necesita un intérprete o un arreglo por una discapacidad para cualquier comparecencia futura en el tribunal.

/s/ Michelle M. Smith

Subsecretario(a) del Tribunal Superior