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

NEW JERSEY TURNPIKE AUTHORITY,

Docket No.: **ATL-DC-007956-25**

Plaintiff / Counterclaim Defendant,

v.

ADA Accommodation Request

DEVON TYLER BARBER,

Defendant / Counterclaim Plaintiff.

Re: ATL-DC-007956-25 — Court-Mandated Mediation

Dear Civil Division / Mediation Staff,

I respectfully request a reasonable accommodation under the **Americans with Disabilities Act (ADA)** in connection with the court-mandated mediation in **ATL-DC-007956-25**.

Due to documented cognitive and neurological effects stemming from prior confinement and injury, prolonged real-time oral advocacy places me at a substantial disadvantage. To ensure meaningful participation in mediation, I request permission to submit a **written mediation statement** in advance and to rely primarily on that statement during the mediation session, with limited oral supplementation if necessary.

This accommodation will not prejudice any party and will assist the mediator in efficiently understanding the issues and facilitating resolution.

Thank you for your consideration.

Respectfully submitted,
/s/ Devon Tyler Barber
Defendant / Counterclaim Plaintiff, Pro Se

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

CONFIDENTIAL — SUBMITTED FOR MEDIATION PURPOSES ONLY

Submitted as ADA Accommodation; Not a Motion

NEW JERSEY TURNPIKE AUTHORITY,

Plaintiff / Counterclaim Defendant,

v.

DEVON TYLER BARBER,

Defendant / Counterclaim Plaintiff.

Docket No.: **ATL-DC-007956-25**

Confidential Mediation Statement

(ADA Accommodation;

In Lieu of Oral Argument)

I. Purpose of Statement

This confidential mediation statement is submitted to facilitate efficient, good-faith resolution of this matter. It is provided pursuant to the Court's mediation directive and as a reasonable ADA accommodation, in lieu of extended oral advocacy.

II. Narrow Issue Presented

This case is not a dispute over whether tolls may ever be owed.

It is a dispute over whether **administrative penalties and fees exceeding the alleged toll principal by more than twenty-five times** may be enforced where:

- notice was not meaningfully received,
- penalties were allowed to compound automatically,
- and litigation was initiated without proportionality or good-faith mitigation.

III. Concessions for Purposes of Resolution

For purposes of mediation, Defendant / Counterclaim Plaintiff acknowledges:

- toll obligations may exist in some amount; and

- the New Jersey Turnpike Authority cites authority permitting an administrative notice fee.

These concessions are made to narrow the dispute and do not waive any defenses or counterclaims unless and until a final resolution is reached.

IV. Due Process and Fundamental Fairness (As-Applied)

Even assuming administrative notice fees are facially permitted, **their application here violated due process and fundamental fairness.**

During the relevant period, notices were mailed to an address I could not reliably access due to documented housing instability. Notice that is merely sent — but not reasonably calculated to be received — is **illusory rather than meaningful.**

Despite repeated non-response and escalating balances, the Authority continued automated fee generation without mitigation, verification of receipt, or alternative outreach, allowing penalties to eclipse the underlying toll obligation by orders of magnitude.

Administrative enforcement that functions this way ceases to be remedial and becomes **punitive and disproportionate**, raising serious concerns under principles of fundamental fairness and good-faith enforcement.

V. Distinguishing the Authority's Cited Case Law

The appellate authority relied upon by the New Jersey Turnpike Authority does not control this matter.

That case involved a defendant who received notice at a stable address and had a meaningful opportunity to respond. It did not address housing instability, inaccessible mail, or the compounding of administrative penalties untethered from actual notice.

Accordingly, the cited decision does not resolve the **as-applied due-process failure** present here.

VI. Bad-Faith Enforcement Concerns

This matter escalated not because of refusal to pay tolls, but because of:

- automated penalty accumulation,
- absence of proportional safeguards,
- and pursuit of litigation rather than early resolution.

Discovery and litigation in a low-value toll matter, where penalties vastly exceed principal, create the appearance of **coercive fee enforcement rather than neutral collection**.

VII. Resolution Proposal

I am willing to consider dismissal of this matter on proportional and equitable terms; however, any resolution of toll principal must account for financial hardship and the disputed notice practices identified in discovery.

Absent agreed terms providing offset, deferment, or installment payment without penalties, I respectfully request that the Court enter an order:

- (a) staying enforcement of administrative penalties and fees;
- (b) limiting discovery to issues of notice, fee accumulation, and good-faith enforcement as applied in this case; and
- (c) directing the parties to engage in further mediation or settlement discussions following such limited discovery.

Such relief would preserve due process, promote proportional resolution, and avoid unnecessary motion practice or punitive escalation.

This proposal reflects proportionality, good faith, and finality, while conserving judicial resources.

VIII. Closing

This dispute does not require further litigation to resolve. It requires proportionality, fairness, and closure. I submit this statement in good faith to assist the mediator and to avoid unnecessary motion practice.

Date: 01/06/2026

Respectfully submitted,
/s/ Devon Tyler Barber
Defendant / Counterclaim Plaintiff, Pro Se
ATL-DC-007956-25

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

NEW JERSEY TURNPIKE AUTHORITY,

Docket No.: ATL-DC-007956-25

Plaintiff / Counterclaim Defendant,

v.

DEVON TYLER BARBER,

Defendant / Counterclaim Plaintiff.

[PROPOSED] ORDER

THIS MATTER having come before the Court in connection with court-mandated mediation and Defendant / Counterclaim Plaintiff's request for proportional and equitable case management; and

THE COURT having considered the procedural posture of the matter and the interests of judicial economy and fundamental fairness; and

FOR GOOD CAUSE SHOWN;

IT IS on this ____ day of _____, 2026, **ORDERED** that:

1. Enforcement and accrual of administrative penalties and fees are **STAYED**

pending further order of the Court.

2. Discovery, if any, shall be **LIMITED** to issues concerning:

- (a) notice practices;
- (b) administrative fee accumulation; and
- (c) good-faith enforcement as applied in this case.

3. The parties shall **ENGAGE IN FURTHER MEDIATION** or settlement discussions following such limited discovery, if necessary.

4. No waiver of claims or defenses is implied by this Order.

Hon. _____ J.S.C.