

BARBER v. NJTA — ATL-DC-007956-25
BENCH SUMMARY (DEFENDANT'S POSITION)

ISSUES PRESENTED

1. Whether Plaintiff met its burden for a protective order under **R. 4:10-3**.
2. Whether Defendant is entitled to discovery necessary to:
 - authenticate outsourced electronic toll evidence (**N.J.R.E. 901(b)(9)**);
 - assess notice/mailing procedures (**Mathews v. Eldridge**);
 - evaluate proportionality of administrative fees (**Timbs v. Indiana**);
 - confirm ADA compliance.

LEGAL DEFECTS IN PLAINTIFF'S MOTION

- No certification of burden (**R. 1:6-6**).
- No identification of specific allegedly burdensome requests.
- Reliance solely on attorney argument.
- Blanket request contrary to **R. 4:10-2's** liberal discovery policy.
- Plaintiff's own Exhibit A (Congressional oversight letter) confirms relevance of Defendant's inquiries.

WHY DISCOVERY IS REQUIRED

- All NJTA evidence is vendor-generated electronic data; authentication requires discovery.
- Mailing/notice procedures are central to due process.
- Fee structure (administrative vs punitive) necessary for proportionality analysis.
- ADA Title II requires individualized review before imposing escalating penalties.

RELIEF REQUESTED

1. Deny Plaintiff's Motion for Protective Order.
2. Compel full responses to Defendant's October 27, 2025 discovery.
3. Extend discovery as needed.
4. Order compliance within 30 days.

Submitted: 12/01/2025
/s/ Devon Tyler Barber

