

Service of Motion to Amend Pleadings and Certify Class Action – ATL-DC-007956-25

From dtb33@pm.me <dtb33@pm.me>

To gkotchick@durkinlawfirm.com, srojas@durkinlawfirm.com, sarrigo@durkinlawfirm.com, Christopher Koos <christopher.koos@njcourts.gov>

Date Thursday, January 8th, 2026 at 1:05 PM

Dear Counsel and Mr. Koos,

Please be advised that I have today filed via **JEDS** the following in the above-captioned matter, **ATL-DC-007956-25**:

- **Motion to Amend Pleadings**
- **Motion for Class Action Certification**
- **Proposed Order**
- **Certificate of Service**

These materials are **attached to this email** for **courtesy service** and **record purposes**.

The **Motion to Amend Pleadings** and **Motion for Class Certification** seek to address the systemic issues with the New Jersey Turnpike Authority's toll collection practices and the disproportionate administrative fees that have been imposed on New Jersey residents. The **Proposed Order** and the **Certificate of Service** are also provided for your review.

Please let me know if there are any questions regarding service.

Respectfully,

/s/ **Devon Tyler Barber**

Defendant / Counterclaim Plaintiff, Pro Se

ATL-DC-007956-25

3536 Pacific Avenue, Unit A-5

Atlantic City, New Jersey 08401

(609) 862-8808

DTB33@pm.me

Sent with [Proton Mail](#) secure email.

On Tuesday, January 6th, 2026 at 3:53 PM, dtb33@pm.me <dtb33@pm.me> wrote:

Dear Counsel and Mr. Koos,

Please be advised that I have today filed via JEDS the following in the above-captioned matter, ATL-DC-007956-25:

1/8/26, 1:07 PM

Sent | dtb33@pm.me | Proton Mail

- ADA Accommodation Request
- Confidential Written Mediation Statement (submitted as an ADA accommodation, in lieu of extended oral advocacy)
- Proposed Order addressing proportional case management in the event mediation does not resolve the matter

These materials are served by this email for courtesy and record purposes.

The ADA request is submitted to ensure meaningful participation in the court-mandated mediation. The mediation statement and proposed order are submitted in good faith to facilitate efficient, proportional resolution and to conserve judicial resources.

Please let me know if there are any questions regarding service.

Respectfully,

/s/ Devon Tyler Barber
Defendant / Counterclaim Plaintiff, Pro Se
ATL-DC-007956-25
3536 Pacific Avenue, Unit A-5
Atlantic City, New Jersey 08401
(609) 862-8808
DTB33@pm.me

Sent with [Proton Mail](#) secure email.

637.95 KB 1 file attached

Motion to Amend Pleadings and Certify Class Action.pdf 637.95 KB

Barber, Devon Tyler
Pro Se, In Proper Person
Atlantic County, New Jersey
(609) 862-8808
DTB33@ProtonMail.com

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

**NEW JERSEY TURNPIKE
AUTHORITY,**
Plaintiff,

vs.

DEVON T. BARBER,
Defendant/Counterclaimant.

DOCKET NO.: ATL-DC-007956-25
CIVIL ACTION

**NOTICE OF MOTION TO AMEND
PLEADINGS AND CERTIFY CLASS
ACTION**

TO: Gregory Francis Kotchick, Esq., and others;
Durkin & Durkin, LLC
Attorneys for Plaintiff, New Jersey Turnpike Authority
1120 Bloomfield Avenue, West Caldwell, New Jersey 07006
Email: GKOTCHICK@DURKINLAWFIRM.COM
NJ Attorney ID: 027971999 (Admitted 12/15/1999, Good Standing – Active)

PLEASE TAKE NOTICE that on **January 23, 2026**, or as soon thereafter as counsel may be heard, I, **Devon Tyler Barber**, Defendant and Counterclaimant in the above-captioned matter, will move before the Honorable Court at the Atlantic County Civil Courthouse, 1201 Bacharach Boulevard, in Atlantic City, New Jersey 08401,

for an order permitting me to:

1. **Amend the Complaint** to add a **class action** claim, and
2. **Certify the class** pursuant to **Rule 4:33-1** of the New Jersey Court Rules.

The undersigned will rely on the **Motion to Amend Pleadings and Certify Class Action** and supporting documents filed concurrently, including the **Proposed Order** and supporting **certifications**. A copy of the proposed **Order** and this **Notice** are being served on all parties.

Respectfully submitted,
/s/ Devon Tyler Barber

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

**NEW JERSEY TURNPIKE
AUTHORITY,**

Plaintiff,

vs.

DEVON T. BARBER,

Defendant/Counterclaimant.

DOCKET NO.: ATL-DC-007956-25
CIVIL ACTION

**MOTION TO AMEND PLEADINGS AND
CERTIFY CLASS ACTION**

**TO: The Honorable Court
Counsel for Plaintiff**

Defendant and Counterclaimant, Devon Tyler Barber, hereby moves the Court for an order amending the pleadings and certifying a class action in this matter.

Legal Grounds for Motion:

- Motion to Amend Pleadings:** Under **Rule 4:9-1** of the New Jersey Court Rules, a party may amend a pleading by leave of the Court at any time prior to trial. The proposed amendments are necessary to address the **discriminatory tolling practices** and **administrative fees** imposed by the **New Jersey Turnpike Authority (NJTA)** that disproportionately affect New Jersey residents.
- Class Certification:** Under **Rule 4:33-1**, the Court has the authority to certify a class action when the requirements of numerosity, commonality, typicality, and adequacy of representation are met. This motion seeks certification of a class of **New Jersey residents** who have been subjected to **NJTA's tolling practices**.

Supporting Facts and Arguments:

- Good Faith Settlement Proposal:** I have made a **good faith settlement** proposal in this case despite my **unemployed status** and **reliance on Emergency Assistance (EA)**.

2. **Discrepancies in Toll Amounts:** The **original toll amount** of **\$200** increased to **\$365**, with administrative fees surging by **\$3,000**. There has been **no clear explanation** for these increases.
3. **Data Integrity Issues:** The NJTA's **tolling data systems** are **inadequate**, and the **failure to provide accurate records** or itemized statements raises significant concerns about the validity of the toll amounts.
4. **ADA Compliance:** The NJTA's **failure to accommodate** individuals facing **financial hardship** or **disability** violates the **Americans with Disabilities Act (ADA)**.

WHEREFORE, Defendant respectfully requests that the Court:

1. **Allow the Complaint to be amended** to include a **class action** claim regarding **discriminatory tolling practices** and **administrative fees**;
2. **Certify the class** pursuant to **Rule 4:33-1**; and
3. Grant any other relief deemed just and proper.

Respectfully submitted,

/s/ **Devon Tyler Barber**

Defendant/Counterclaimant, Pro Se

ATL-DC-007956-25

3536 Pacific Avenue, Unit A-5
Atlantic City, New Jersey 08401
(609) 862-8808

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

NEW JERSEY TURNPIKE AUTHORITY, Plaintiff, vs. DEVON T. BARBER, Defendant/Counterclaimant.
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DOCKET NO.: ATL-DC-007956-25
CIVIL ACTION

**MEMORIALIZATION OF COURT-
ORDERED MEDIATION**

I write to memorialize today's **court-ordered mediation** in the matter of **ATL-DC-007956-25**. During the mediation session, I, **Devon Tyler Barber**, Defendant and Counterclaimant, proposed a **fair and reasonable settlement** to resolve the **outstanding toll principal amount** and to establish an **EZPass account** for future tolls. This proposal was intended as an alternative to the **inflated and excessive administrative fees** being demanded by the **Plaintiff, New Jersey Turnpike Authority (NJTA)**. The proposal was made in **good faith** and was specifically designed to address the **principal toll charges**, while bringing the matter to a close without unnecessary further dispute.

Unfortunately, the Plaintiff rejected my settlement proposal.

Objection to Plaintiff's Position

I must formally note that the **Plaintiff's counsel** initiated the mediation process prematurely, prior to Ms. Debra, the Mediator, entered the room, and attempted to leverage "**new violations**" to amend the original claim of **~ \$200 in tolls** to **~ \$365**, a figure that lacks **substantiation** and **clarity**. Furthermore, the original damage claim of **~ \$5,100** was inexplicably increased to over **~ \$8,000**, an adjustment which I assert is **without legal or factual merit** and cannot be justified by the circumstances of the case.

This new figure of **~ \$365**, alongside the **exorbitant administrative fee increase**, fails to account for the **disproportionate** and **unjustified nature** of the charges in relation to the toll amounts in question. As New Jersey transitions toward a **cashless, pay-by-plate toll system**, the practice of levying such **high administrative fees**, particularly the **flat \$50 fee**, is not only

misleading but also exploitative. The NJTA's failure to issue a true bill, opting instead for generic payment advisory requests, which do not offer any viable payment plan or opportunity for resolution, further exacerbates the issue.

Moreover, the NJTA has made no efforts to **accommodate residents**, particularly those facing **housing instability** or other **economic hardships**, nor does it appear to comply with the **Americans with Disabilities Act (ADA)** in providing **equitable access** to the toll payment system.

Opposition to Long v. NJTA and Proposal for Class Action

It is my belief that the **Plaintiff's reliance on Long v. NJTA**, 2023 WO 3362859, is **misguided** and fails to appropriately address the relevant issues in this case. In **Long**, the matter concerned a **vacationer**, which differs significantly from the position of **New Jersey residents** like myself. The application of outdated precedent in **Long** does not take into account the broader implications of this case, particularly the **systemic issues** at play with the NJTA's **toll collection practices** and the **unreasonable administrative fees** that have been imposed on **New Jersey residents**, who are merely trying to comply with the toll system, not evade it.

The **Long case** should not set precedent here, as it fails to recognize the **unique challenges** faced by **residents**, particularly those in situations of **financial hardship**, **housing instability**, and other **personal difficulties**. The approach taken in **Long** cannot be applied to all toll violators and residents under these circumstances. The **toll system**, as applied to **residents of New Jersey**, should consider their **ability to pay** and the broader **economic implications** of imposing **disproportionate administrative fees** that far exceed the actual toll amounts owed. The **Long precedent**, therefore, should not be applied to this case as it fails to account for the **equitable treatment** of all individuals within the tolling system.

As such, I **reserve the right** to amend my operative pleading to include a **proposed class action** that would encompass all similarly situated **New Jersey residents** who have been adversely affected by the **NJTA's aggressive tolling practices**, including **disproportionate administrative fees**, **unclear toll assessments**, and lack of consideration for residents' **financial stability** or **personal hardships**. The shift to **cashless tolling**, without a corresponding reduction in these **exorbitant fees**, presents a **new class-wide issue** that needs to be addressed in a manner

consistent with the rights of **New Jersey citizens** and in compliance with the principles of **fairness** and **proportionality**.

Enjoining NJ MVC and Further Relief

In light of the above concerns, I further request that the **New Jersey Motor Vehicle Commission (NJ MVC)** be **enjoined** in this matter, as the toll collection practices and administrative fee structures may be the result of **inadequate oversight** by the MVC, which directly impacts the **fairness** of tolling practices throughout the state.

It is critical to establish that these **toll collection mechanisms** are not merely punitive but need to be recalibrated to ensure they are **equitable and reasonable**, particularly as **New Jersey residents** are transitioning toward a fully automated toll system. The tolling practices must be reflective of the **residents' actual ability to pay**, their **circumstances**, and the inherent **fairness** that should guide state-run systems.

Conclusion

In light of these facts, I respectfully request that the court take note of the **unfair and unjust toll collection practices** and provide the necessary relief, including the **opportunity to amend my pleading** and introduce a **class action**. The current **administrative fees** and the **toll collection system's lack of oversight and fairness** must be reexamined in the context of **New Jersey residents' rights**.

Sincerely,
/s/ **Devon Tyler Barber**
Defendant/Counterclaimant
ATL-DC-007956-25

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

**NEW JERSEY TURNPIKE
AUTHORITY,**
Plaintiff,

vs.

DEVON T. BARBER,
Defendant/Counterclaimant.

DOCKET NO.: ATL-DC-007956-25
CIVIL ACTION

**ORDER GRANTING MOTION TO
AMEND PLEADINGS AND CERTIFY
CLASS ACTION**

This matter having been brought before the Court by **Devon Tyler Barber**, Defendant and Counterclaimant, upon the motion to amend the pleadings and certify a class action, and the Court having considered the submissions and being satisfied that the motion should be granted;

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

1. The **Defendant's Motion to Amend** the Complaint is **GRANTED**, and the amended complaint is hereby accepted as filed.
2. The **motion to certify the class** is **GRANTED**, and the class of **New Jersey residents** subject to the tolling practices of the **New Jersey Turnpike Authority** is hereby **certified**.
3. Any further relief deemed just and proper is also **GRANTED**.

Honorable _____ **Judge** of the Superior Court

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

**NEW JERSEY TURNPIKE
AUTHORITY,**
Plaintiff,
vs.

DEVON T. BARBER,
Defendant/Counterclaimant.

DOCKET NO.: ATL-DC-007956-25
CIVIL ACTION

CERTIFICATE OF SERVICE

I hereby certify that on **January 8, 2026**, I served a copy of the **Notice of Motion, Motion to Amend Pleadings, Proposed Order**, and this **Certificate of Service** upon the following counsel for the Plaintiff:

Gregory Francis Kotchick, Esq., and others;
Durkin & Durkin, LLC
Attorneys for Plaintiff, New Jersey Turnpike Authority
1120 Bloomfield Avenue, West Caldwell, New Jersey 07006
Email: GKOTCHICK@DURKINLAWFIRM.COM
NJ Attorney ID: 027971999 (Admitted 12/15/1999, Good Standing – Active)

Respectfully submitted,

/s/ **Devon Tyler Barber**
Defendant/Counterclaimant, Pro Se
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