

DEVON TYLER BARBER
Plaintiff, Pro Se
325 E. Jimmie Leeds Rd., Suite 7-333
Galloway, NJ 08205
(609) 665-9350
Tylerstead@ProtonMail.com

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – MERCER COUNTY**

DEVON TYLER BARBER,

Plaintiff,

v.

**NEW JERSEY MOTOR VEHICLE
COMMISSION,**

Defendant.

Docket No.: MER-L-002371-25

Civil Action

CERTIFICATION OF SERVICE
(R. 1:5-1; R. 1:5-2; R. 1:5-3; R. 1:4-4(b))

I, **DEVON T. BARBER**, of full age, certify and state as follows:

1. I am the **Plaintiff** in the above-captioned matter.
2. On **November 14, 2025**, I served true and correct copies of the following documents:
 - × **Notice of Motion for Leave to File Amended Verified Complaint;**
 - × **Certification of Devon Tyler Barber in Support;**
 - × **Proposed Amended Verified Complaint in Lieu of Prerogative Writs;**
 - × **Proposed Form of Order;**
 - × **This Certification of Service.**
3. Service was made upon the State of New Jersey, through the Office of the Attorney General, by **email** to:
Jennifer.Jaremback@law.njoag.gov
in accordance with **R. 1:5-1(a)** and **R. 1:5-2**.

The filing was simultaneously submitted to the Mercer County Civil Division via **JEDS**, in accordance with the Electronic Filing Rules of the New Jersey Courts.

CERTIFICATION

I, **DEVON TYLER BARBER**, certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Dated: **November 14, 2025**

Respectfully submitted,

s/ Devon T. Barber

BY: Devon Tyler Barber

Plaintiff, Pro Se

325 E. Jimmie Leeds Rd., Suite 7-333

Galloway, NJ 08205

(609) 665-9350

Tylerstead@ProtonMail.com

Service of Amended Verified Complaint (Proposed Class Action) – Mercer County Civil Part

From dTb33@pm.me <dTb33@pm.me>
To Jennifer Jaremback <Jennifer.Jaremback@law.njoag.gov>
Date Tuesday, December 23rd, 2025 at 11:08 AM

Dear Ms. Jaremback,

Please accept this email as courtesy service (/reservice) of Plaintiff's **Amended Verified Complaint**, including a proposed class action pleading, in the above-referenced matter.

The document is attached hereto as a single PDF. Formal filing with the Court will be made in accordance with applicable New Jersey Court Rules.

This correspondence is intended solely to effect service and does not seek relief by email.

Respectfully,

Devon Tyler Barber
Plaintiff, Pro Se
3536 Pacific Avenue, A5
(609) 862-8808
dTb33@PM.Me

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

774.28 KB 1 file attached

AMEND Verified Complaint CLASS ACTION PROPOSAL.pdf 774.28 KB

DEVON TYLER BARBER
Plaintiff, Pro Se
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**NEW JERSEY MOTOR VEHICLE
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Defendant.

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**VERIFIED AMENDED COMPLAINT IN
LIEU OF PREROGATIVE WRITS**

(R. 4:69-1; R. 4:9-1; N.J.S.A. 2A:16-50; N.J.S.A.
10:6-1 et seq.)

A. VERIFICATION

(1) I, Devon Tyler Barber, **certify** under penalty of perjury that the factual allegations contained in this **Amended Verified Complaint** are true and correct to the best of my knowledge, information, and belief.

s/ Devon Tyler Barber

Date: 11/14/2025

B. PARTIES

× Plaintiff

Devon Tyler Barber is a domiciled resident of Atlantic County, New Jersey, presently experiencing significant housing instability. Although temporarily without fixed shelter,

Plaintiff maintains his permanent home and legal domicile in Atlantic County. Plaintiff relies primarily on electronic communication for medical, employment, and legal matters due to the absence of stable physical housing and the inability to receive timely postal mail.

× **Defendant**

New Jersey Motor Vehicle Commission (“MVC”) is a state agency created under New Jersey law with its principal offices at 225 E. State Street, Trenton, NJ 08666-0017. MVC is responsible for issuing suspension notices and providing adjudicatory procedures, including hearings.

C. JURISDICTION AND VENUE

(2) Jurisdiction is proper under:

- R. 4:69-1 (actions in lieu of prerogative writs)
- N.J.S.A. 2A:16-50 (declaratory judgment)
- N.J.S.A. 10:6-1 et seq. (New Jersey Civil Rights Act)
- New Jersey Constitution, Art. I (due process and equal protection)
- 42 U.S.C. § 1983 (for equitable relief only)

(3) MVC, as a state agency, is immune from damages under §1983; Plaintiff seeks equitable relief, nominal damages under NJCRA, declaratory relief, injunctive relief, and attorney's fees.

(4) Venue is proper in Mercer County because MVC's headquarters are located there and the challenged actions occurred there. R. 4:3-2(a)(2).

D. CLASS ACTION ALLEGATIONS

(5) Plaintiff brings this lawsuit individually and as a representative of a proposed class of all New Jersey motorists who:

- (a) Received suspension notices requiring “mail-only” filing;
- (b) Were not provided an email, fax, portal, or telephone option;
- (c) Were denied a meaningful opportunity to request a hearing.

(6) Class certification is proper under **R. 4:32-1** because:

- (d) the class is in the thousands (numerosity),
- (e) all members received the same defective notice (commonality),
- (f) Plaintiff’s experience is typical of the class,
- (g) Plaintiff will fairly and adequately protect class interests,
- (h) Defendant acted on grounds generally applicable to the entire class.

E. PRELIMINARY STATEMENT

(7) This action challenges the New Jersey Motor Vehicle Commission’s (“MVC”) unconstitutional suspension and hearing-request system, which relies exclusively on P.O. Box postal mail and provides no email, fax, online portal, or accessible alternative method for exercising statutory and constitutional rights. This “mail-only” procedure is not authorized by any statute or regulation, violates N.J.A.C. 13:19-1.2, and deprives motorists—especially homeless, disabled, low-income, or housing-insecure individuals—of meaningful notice and opportunity to be heard.

(8) Plaintiff never received actual notice of the suspension until October 22, 2025—nine days after MVC secretly imposed it effective October 13, 2025. Upon learning of the suspension, Plaintiff immediately attempted to invoke his rights on October 22, October 28, and again in early November 2025, through detailed email submissions and a certified-mail request. MVC acknowledged none of these filings, docketed nothing, issued no stay, and continued

enforcing the suspension. MVC then claimed that “nothing was received,” even though Plaintiff provided timestamped electronic submissions and proof of certified mailing.

(9) MVC’s conduct is not an isolated administrative oversight. It reflects a systemic, revenue-driven suspension model that (a) rapidly suspends drivers through P.O. Box mail; (b) provides no functional, accessible means to invoke hearing rights; (c) ignores or discards electronic filings; and (d) then charges mandatory “restoration fees” as a condition of reinstatement.

(10) On November 13, 2025, Deputy Attorney General Jennifer R. Jaremback emailed Plaintiff, confirming that MVC “never received” Plaintiff’s hearing request and directing Plaintiff to mail any request to the P.O. Box listed on the notice of suspension, rather than use electronic submission. A true and correct copy of this email is attached as Exhibit A.

(11) Plaintiff responded on November 13, 2025, respectfully declining an MVC administrative hearing and confirming his intent to pursue judicial relief in this action.

(12) This suspension–fee cycle operates as a revenue center, disproportionately extracting money from the poor, disabled, and homeless. The system is unconstitutional, ultra vires, and incompatible with due process, equal protection, Title II of the ADA, and New Jersey’s statutory and regulatory mandates.

(13) Plaintiff does not seek an administrative hearing before MVC. Plaintiff seeks judicial relief: a declaration that MVC’s entire mail-only process is unlawful; injunctions prohibiting enforcement of suspensions issued under this unconstitutional scheme; and structural reforms compelling MVC to establish modern, accessible, ADA-compliant filing mechanisms that do not leave motorists without any meaningful avenue to contest agency action.

(14) Plaintiff further seeks classwide relief because the challenged practices have harmed, and continue to harm, thousands of New Jersey motorists in the exact same way. The unconstitutional system threatens liberty, housing, employment, safety, medical access, and basic mobility. It places vulnerable residents at risk of arrest and police harassment due to unnotified suspensions and forces drivers into payment obligations arising from unlawful procedures. This Court's intervention is required to restore constitutional governance, prevent further unlawful suspensions, and ensure that MVC conducts its operations in accordance with the **Constitution**, the **ADA**, and the regulatory framework enacted to protect the public.

(15) This Amended Complaint seeks individual relief and statewide structural reforms to end a practice that harms thousands of New Jersey drivers.

F. FACTUAL ALLEGATIONS

(16) On September 19, 2025, the New Jersey Motor Vehicle Commission (“MVC”) issued Suspension Notice **SUS S0340-00372-001558**, alleging a 180-day suspension purportedly effective **October 13, 2025**.

(17) The notice was sent exclusively by **postal mail** to a P.O. Box return address system and provided **no email address, no fax number, no portal, and no alternative accessible method** for requesting a hearing or stay.

(18) Plaintiff did **not** receive actual notice of the suspension until **October 22, 2025**—nine days after the suspension had already taken effect—leaving Plaintiff unknowingly exposed to legal risk, police harassment, and the threat of arrest for driving while suspended.

(19) At all relevant times, Plaintiff was **homeless**, lacked a stable mailing address, and relied on electronic communication (email, mobile phone, online services) for all official matters.

- (20) MVC was informed of Plaintiff's housing and medical circumstances before and during the suspension period.
- (21) Upon learning of the suspension on **October 22, 2025**, Plaintiff immediately attempted to invoke his rights by emailing a complete hearing request to MVC's designated DOT email addresses (mvcsuspensions@dot.nj.gov and mvc.correspondence@dot.nj.gov) including:
- (a) proof of homelessness;
 - (b) a request for a hearing;
 - (c) a request for a stay;
 - (d) a copy of the suspension notice;
 - (e) Plaintiff's contact information and explanation of urgency.
- (22) MVC provided **no response, no stay, no docket entry, and no acknowledgment** of the October 22 submission.
- (23) On **October 28, 2025**, Plaintiff submitted a second hearing request—this time via **certified mail**, for which Plaintiff possesses the USPS tracking receipt. Again, MVC issued **no acknowledgment, no ruling, and no stay**, and took no action to docket the submission.
- (24) In **early November 2025**, Plaintiff sent a **third email submission**, again attaching all materials and reiterating the urgent need for a stay and review. MVC ignored this submission as well.
- (25) MVC later asserted that “nothing was received,” despite Plaintiff's timestamped email transmissions, certified-mail confirmation, and supporting documentation.
- (26) MVC's refusal to acknowledge Plaintiff's filings is consistent with its long-standing practice of **discarding, ignoring, or failing to process** electronic hearing requests—even when sent to MVC's own published DOT-related email addresses.

(27) MVC's "mail-only" filing method is **not authorized** by the Motor Vehicle Act, **contradicts** N.J.A.C. 13:19-1.2's requirement for "clear notice of procedural rights," and is **incompatible** with due-process requirements under the New Jersey and United States Constitutions.

MVC's suspension and restoration process operates as a **revenue-extraction mechanism**, not as a constitutional adjudicatory system. The agency:

- (a) triggers suspensions automatically through P.O. Box mail;
- (b) provides no viable means for motorists to invoke hearing rights;
- (c) ignores electronic or certified submissions;
- (d) demands **restoration fees** as a condition of reinstatement;
- (e) disproportionately targets homeless, indigent, and disabled drivers.

(28) Plaintiff's inability to contest the suspension or obtain a stay caused immediate and severe harm, including:

- (a) loss of employment income (approximately \$3,400 per month);
- (b) inability to attend medical appointments;
- (c) housing instability;
- (d) fear of police confrontation or arrest due to an unnotified "active" suspension;
- (e) emotional distress and deterioration of health and safety.

(29) Multiple public records, complaints, and agency-related materials demonstrate widespread, systemic harm to motorists across New Jersey resulting from the same "mail-only" suspension system. Upon information and belief, MVC's process affects **thousands** of drivers annually.

(30) MVC's conduct constitutes **arbitrary, capricious, ultra vires**, discriminatory, and unconstitutional administrative action, and cannot be corrected through an MVC hearing. **Judicial intervention is required** to stop ongoing harm and implement structural reforms.

G. CAUSES OF ACTION

Count I — Mandamus / Prerogative Writ (R. 4:69-1)

(31) Defendant MVC has acted arbitrarily, capriciously, unreasonably, and contrary to law by enforcing a mass-suspension system that deprives motorists of meaningful procedural protections and uses a “mail-only” filing method that prevents timely invocation of rights. Plaintiff seeks an Order compelling MVC to cease enforcement of unconstitutional suspension protocols and to comply with governing law, including N.J.A.C. 13:19-1.2 and due-process guarantees.

Plaintiff does not request an MVC hearing; Plaintiff seeks judicial correction of unlawful agency conduct.

Count II — Declaratory Judgment (N.J.S.A. 2A:16-50)

(32) An actual controversy exists as to the legality of MVC's suspension mechanisms, including its reliance on P.O. Boxes, refusal to docket electronic submissions, failure to acknowledge receipt of certified-mail filings, and use of rapid automatic suspensions to generate “restoration fee” revenue.

Plaintiff seeks a judicial declaration that MVC's system is unconstitutional, unlawful, discriminatory, and void.

Count III — Injunctive Relief (R. 4:52-1; NJ Constitution)

(a) Plaintiff seeks preliminary and permanent injunctions prohibiting MVC from:

- (b) enforcing suspensions issued under the unconstitutional “mail-only” protocol;
- (c) collecting restoration fees tied to procedurally defective suspensions;
- (d) penalizing motorists for non-receipt of P.O. Box mail;
- (e) refusing reasonable electronic filing accommodations;
- (f) and requiring MVC to implement constitutionally adequate procedural safeguards statewide.

(33) Plaintiff seeks **structural judicial relief**, not an administrative hearing.

Count IV — New Jersey Civil Rights Act (N.J.S.A. 10:6-1 et seq.)

(34) MVC, acting under color of law, has deprived Plaintiff of substantive and procedural due process and equal protection guaranteed by the New Jersey Constitution.

The deprivation is ongoing and systemic, not isolated. Plaintiff seeks:

- (g) declaratory relief,
- (h) injunctive relief,
- (i) nominal constitutional damages,
- (j) attorney’s fees and costs pursuant to N.J.S.A. 10:6-2(f).

Count V — Procedural Due Process (NJ Constitution; Fourteenth Amendment)

(35) MVC’s suspension practices violate due process by:

- (1) failing to provide meaningful notice,
- (2) knowingly using a filing method inaccessible to Plaintiff and thousands of similarly situated drivers,
- (3) ignoring timely electronic and certified-mail filings,

- (4) enforcing suspensions without providing any opportunity to be heard,
- (5) leveraging suspension as a revenue-generating mechanism through mandatory “restoration fees.”

Plaintiff seeks judicial adjudication — not a remand for an MVC hearing.

Count VI — Equal Protection (NJ Const. Art. I, ¶1)

- (36) MVC’s policies disproportionately burden homeless, disabled, indigent, and housing-unstable motorists. The mail-only system serves no compelling, substantial, or rational governmental purpose, and functions primarily as a revenue trigger.
Plaintiff seeks a judicial declaration that the classification created by MVC’s system violates New Jersey’s equal-protection guarantee.

Count VII — ADA Title II (42 U.S.C. § 12132)

- (37) MVC is a public entity subject to Title II of the ADA.
- (38) Despite receiving documentation of Plaintiff’s homelessness and inability to use postal mail safely or reliably, MVC:
 - (1) refused to modify its communication policies,
 - (2) failed to accept email filings,
 - (3) ignored requests for a stay and hearing,
 - (4) continued enforcing a suspension issued under a process Plaintiff could not physically access.
- (39) This failure to provide reasonable accommodations violated Title II and its implementing regulations. Plaintiff seeks declaratory and injunctive relief requiring accessible, modernized procedures statewide.

Count VIII — Systemic / Classwide Relief (R. 4:32-1)

(40) MVC's conduct affects thousands of motorists statewide and constitutes uniform, classwide violations of due process, equal protection, NJCRA, ADA Title II, and N.J.A.C. 13:19-1.2. Plaintiff seeks certification of a statewide class and entry of structural, injunctive, and declaratory orders prohibiting MVC from continuing its unconstitutional suspension and revenue-generation scheme.

Count IX — Structural Constitutional Relief (Inherent Judicial Power)

(41) Given the systemic nature of the violations and MVC's established pattern of using suspension and restoration-fee cycles as a predictable revenue engine rather than a constitutionally anchored regulatory system, Plaintiff seeks structural court-ordered remedies to ensure:

- (1) **constitutional compliance,**
- (2) **ADA compliance,**
- (3) **transparent**, verifiable filing procedures,
- (4) **thorough** recordkeeping,
- (5) **elimination** of unlawful suspension-triggered revenue practices,
- (6) **publication** of accurate filing instructions on all notices,
- (7) **permanent** discontinuation of "mail-only" requirements.

(42) Plaintiff seeks **judicial authority**, not an administrative hearing.

H. PRAYER FOR RELIEF

(43) Plaintiff respectfully requests that the Court:

- (a) Issue a Writ of Mandamus and/or Order in Lieu of Prerogative Writs** compelling MVC to cease enforcement of suspensions issued under the unconstitutional “mail-only” system and to bring its suspension and notice practices into compliance with the **New Jersey Constitution, the United States of America Constitution, N.J.A.C. 13:19-1.2, the New Jersey Civil Rights Act, and Title II of the ADA.**
- (b) Declare** that MVC’s “mail-only” suspension and hearing-request process is unconstitutional, unlawful, discriminatory, **ultra vires**, and/or **null and void**.
- (c) Issue a Preliminary Injunction** barring MVC from enforcing Plaintiff’s current suspension and from collecting any restoration fee or other monetary charge arising from that suspension while this action is pending.
- (d) Issue a Permanent Injunction** prohibiting MVC from:
 - (1)** enforcing suspensions issued under the mail-only protocol;
 - (2)** requiring mail-only hearing requests;
 - (3)** collecting restoration fees tied to procedurally defective suspensions;
 - (4)** penalizing motorists based on non-receipt of P.O. Box mail;
 - (5)** refusing reasonable electronic and ADA-compliant filing options.
- (e) Declare** that MVC’s practices violate the New Jersey Civil Rights Act and Title II of the Americans with Disabilities Act.
- (f) Award** nominal constitutional damages under the New Jersey Civil Rights Act.
- (g) Award** reasonable attorney’s fees and litigation expenses (if later represented) under N.J.S.A. 10:6-2(f) and any other applicable fee-shifting provision.
- (h) Certify** the proposed class and order statewide injunctive and structural reforms to prevent further unlawful suspensions and restoration-fee practices.
- (i) Grant** such other and further relief as the Court deems just, equitable, and necessary to restore constitutional governance and protect New Jersey motorists from ongoing harm.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Respectfully submitted,
s/ Devon T. Barber , Plaintiff, Pro Se
Devon Tyler Barber
325 E. Jimmie Leeds Rd., Suite 7-333
Galloway, NJ 08205 (609) 665-9350 / Tylerstead@ProtonMail.com

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Plaintiff, Pro Se
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(R. 1:5-1; R. 1:5-2; R. 1:5-3; R. 1:4-4(b))

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CERTIFICATION

I, **DEVON TYLER BARBER**, certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Dated: **November 14, 2025**

Respectfully submitted,

s/ Devon T. Barber

BY: Devon Tyler Barber

Plaintiff, Pro Se

325 E. Jimmie Leeds Rd., Suite 7-333

Galloway, NJ 08205

(609) 665-9350

Tylerstead@ProtonMail.com

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Defendant.

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**EXHIBIT A – Email from Deputy Attorney
General Jennifer R. Jaremback Confirming
MVC Did Not Receive Plaintiff’s Hearing
Request**

This Exhibit consists of a true and correct copy of an email sent to Plaintiff by Deputy Attorney General Jennifer R. Jaremback on November 13, 2025, in which the State acknowledges that:

1. **MVC never received Plaintiff’s hearing request**, despite Plaintiff submitting it to a State-managed DOT email address;
2. The DOT address Plaintiff used is, itself, an official government address; and
3. MVC relies exclusively on a **mail-only** method of receiving hearing requests, without electronic alternatives and without any published rule, regulation, or formal notice directing motorists to use postal mail only.

This correspondence is material because it corroborates Plaintiff’s allegation that:

- **Plaintiff attempted to submit a hearing request**, but MVC’s internal routing practices prevented proper receipt;
- **MVC’s administrative process is non-transparent**, non-published, and lacks the procedural safeguards that due process requires;
- **Plaintiff was deprived of meaningful notice and opportunity to be heard**, satisfying the elements of a prerogative-writ and constitutional challenge.

A true copy of, including DAG Jaremback’s full signature block, is attached hereto as **Exhibit A**.

11/14/25, 1:29 PM

(9) Inbox | dTb33@pm.me | Proton Mail

MER-L-002371-25 Devon Tyler Barber v. New Jersey Motor Vehicle Commission

From Jennifer Jaremback
To Tylerstead@ProtonMail.com
Date Thursday, November 13th, 2025 at 5:31 PM

Good evening Mr. Barber.

I am the Deputy Attorney General that has been assigned to represent the New Jersey Motor Vehicle Commission (NJMVC) in the above matter. I have received your Verified Complaint and Order to Show Cause. It appears that you are interested in obtaining an administrative hearing to challenge the suspension and a stay of the suspension pending the outcome of that hearing. MVC never received your hearing request. It looks like you emailed it to a DOT email address rather than mailing it to the correct address at the NJMVC. If indeed you are interested in a hearing and stay please mail your request to the address listed on the notice of suspension, which I have placed below. Also, please let me know if you are willing to resolve the complaint if MVC give you the administrative hearing and stay of the suspension.

Motor Vehicle Commission, Hearing Unit
PO Box 166
Trenton, NJ 08666-0166

Thank you. I look forward to hearing from you soon.

Jennifer R. Jaremback
Deputy Attorney General, Division of Law
New Jersey Department of Law & Public Safety
Richard J. Hughes Justice Complex

<https://mail.proton.me/u/14/inbox/anyslrKtjeAOVyNx4n78P1tTxERWxP0E2xz9kEjDPiYHK3W-BU3R666O2mEPGR9x2lQgTggadbVn7LDHaCvRIA==>

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11/14/25, 1:29 PM

(9) Inbox | dTb33@pm.me | Proton Mail

25 Market Street

PO Box 112

Trenton, NJ 08625-0112

T: (609)376-3300

E-Mail: Jennifer.Jaremback@law.njoag.gov

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<https://mail.proton.me/u/14/inbox/anyslrKtjeAOVyNx4n78P1tTxERWxP0E2xz9kEjDPiYHK3W-BU3R666O2mEPGR9x2lQgTggadbVn7LDHaCvRIA==>

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