

DEVON TYLER BARBER,

Plaintiff,

v.

JOHN W. TUMELTY and THE LAW
OFFICE OF JOHN W. TUMELTY,
Defendant(s).

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: ATLANTIC COUNTY

DOCKET NO.: ATL-L-002794-25

Civil Action

[PROPOSED] ORDER DENYING
DEFENDANTS' MOTION TO
DISMISS

THIS MATTER having been opened to the Court by Defendants, John W. Tumelty, Esq. and the Law Office of John W. Tumelty, by way of a Motion to Dismiss Plaintiff's First Amended Complaint pursuant to **R. 4:6-2(e)**, and the Court having considered the written submissions of the parties, and for good cause shown;

IT IS on this ____ day of _____, 2025,

ORDERED that Defendants' Motion to Dismiss is hereby **DENIED**; and

IT IS FURTHER ORDERED that Defendants shall file and serve an Answer within **35 days** of the entry of this Order, pursuant to **R. 4:6-1**; and

IT IS FURTHER ORDERED that any conviction-dependent malpractice allegations, to the extent deemed premature, shall be handled separately as a matter for **case-management scheduling**, without prejudice to Plaintiff's independent claims for breach of fiduciary duty, breach of contract, consumer fraud, fraud in the inducement, and all other non-malpractice causes of action.

HON. SARAH B. JOHNSON, J.S.C.