

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.