

BARBER, DEVON TYLER, **Plaintiff**, *Pro Se*
325 E. Jimmie Leeds Rd., Suite 7-333
Galloway Township, Atlantic County, New Jersey
(609) 862-8808 — Tylerstead@ProtonMail.com

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

COVER LETTER /
CORRESPONDENCE

November 25, 2025

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(201) 488-6655
Attorneys for Defendants
John W. Tumelty, Esq. and
The Law Office of John W. Tumelty

VIA JEDS FILING AND COURTESY COPY

Honorable Sarah B. Johnson, J.S.C.
Superior Court of New Jersey
Law Division – Civil Part
Atlantic County Civil Courthouse
1201 Bacharach Boulevard
Atlantic City, New Jersey 08401

Re: Barber v. Tumelty
Docket No. ATL-L-002794-25

Plaintiff's Filing of Second Amended Complaint and Brief in Opposition to Defendants' Motion to Dismiss

Dear Judge Johnson:

Please accept this correspondence together with Plaintiff's filings submitted today via JEDS, consisting of:

1. **Plaintiff's Second Amended Complaint**, with Certifications and Notice of Filing;
2. **Plaintiff's Brief in Opposition** to Defendants' Motion to Dismiss pursuant to R. 4:6-2(e), with Certifications and a Proposed Form of Order; and
3. **Plaintiff's Certification of Service**, including service of Plaintiff's withdrawal of a prior settlement proposal.

The Second Amended Complaint is filed pursuant to Rule 4:9-1 and clarifies Plaintiff's claims, including the separation of conviction-dependent allegations from independent tort, contract, fiduciary-duty, and consumer-fraud causes of action. The concurrently filed Opposition Brief explains why dismissal is improper under the liberal standard governing Rule 4:6-2(e).

Plaintiff respectfully requests that the Court deny Defendants' Motion to Dismiss, or deem the motion moot in light of the Second Amended Complaint.

Thank you for your time and consideration.

Respectfully submitted,

s/ **Devon Tyler Barber**
DEVON TYLER BARBER
Plaintiff, Pro Se

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NOTICE OF FILING:

SECOND AMENDED COMPLAINT

TO: The **Honorable** Sarah B. Johnson, **J.S.C.**
Superior Court of New Jersey, Law Division
Atlantic County

PLEASE TAKE NOTICE that Plaintiff, **Devon Tyler Barber**, hereby files the attached **Second Amended Complaint** pursuant to Rule 4:9-1. This amendment is filed as of right prior to the entry of any responsive pleading and in further response to Defendants' pending ***Motion to Dismiss*** under Rule 4:6-2(e).

The **Second Amended Complaint** clarifies and amplifies Plaintiff's factual allegations, **separates conviction-dependent claims from independent claims**, and further demonstrates that **multiple tort, contract, and consumer-fraud causes of action** remain viable regardless of any *post-conviction proceedings*.

Plaintiff respectfully requests that the Court deem the pending ***Motion to Dismiss*** moot or, in the alternative, deny the *motion* for the reasons set forth in Plaintiff's concurrently filed **Brief in Opposition**.

Respectfully submitted,

s/ Devon Tyler Barber
DEVON TYLER BARBER
Plaintiff, Pro Se
Dated: 11/25/2025

