

DEVON TYLER BARBER,
Plaintiff, Pro Se
3536 Pacific Avenue, Apt. A5
Atlantic City, New Jersey 08401
Telephone: (609) 862-8808
Email: dTb33@PM.Me

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

DEVON TYLER BARBER,
Plaintiff, Pro Se,

v.

TOWNSHIP OF HAMILTON, et al.,
Defendants.

Docket No.: **ATL-L-003252-25**

**CERTIFICATION OF DEVON
TYLER BARBER**

IN SUPPORT OF ORAL ARGUMENT AND
IN REPLY TO DEFENDANTS'
OPPOSITION
(ORDER TO SHOW CAUSE HEARING –
DECEMBER 22, 2025)

I, **Devon Tyler Barber**, of full age, hereby certify as follows, based upon my personal knowledge.

1. I am the Plaintiff/Movant in this matter.
2. This Certification is submitted **solely to place on the record** the substance of my **oral argument** for the **Order to Show Cause hearing scheduled for December 22, 2025**, and to respond procedurally to Defendants' opposition.
3. The attached **Written Oral Argument** is intended to reflect, in advance, the **points I will present orally to the Court** at the hearing. It is submitted in the interest of clarity, judicial efficiency, and preservation of the record.
4. This submission is **not intended to expand the evidentiary record, introduce new evidence, or waive any argument**, objection, or evidentiary deficiency. **All rights are expressly reserved.**

5. Defendants have been afforded notice of this submission and the opportunity to review it in advance of the hearing. **Any claim of prejudice** based on timing is unfounded.
6. To the extent timing is relevant, **any prejudice flows to the Movant**, who discloses his intended oral presentation in advance of the hearing, and **not to Defendants**, who retain the benefit of institutional representation and access to information uniquely within their control.
7. Defendants' opposition, as filed, consists primarily of generalized assertions and conclusions rather than sworn, fact-specific evidence. This Certification and the attached Written Oral Argument respond to that posture by directing the Court to the **procedural and evidentiary deficiencies** relevant to the Order to Show Cause.
8. This submission is made **in reply**, for purposes of enforcing the Court's Order to Show Cause and preserving a clear and accurate record of the issues presented at the December 22, 2025 hearing.
9. Nothing herein should be construed as a request for an ex parte determination or as a substitution for oral argument. The Movant intends to present the attached argument **on the record** at the scheduled hearing.

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.

Date: FRIDAY, DECEMBER 19TH, 2025

Respectfully submitted,

/s/ **Devon Tyler Barber**

Plaintiff/Movant, Pro Se

(609) 862-8808

dTb33@pm.me

**WRITTEN ORAL ARGUMENT
ORDER TO SHOW CAUSE HEARING**

May it please the Court.

This matter is before the Court on its Order to Show Cause. The issue is narrow and procedural: whether Respondents have satisfied the Court's directive by producing competent evidence justifying the force used during a traffic stop seizure.

There is no dispute as to the foundational facts. The moving party was seized during a traffic stop, constituting an investigative detention under the Fourth Amendment. There is likewise no dispute that force was used by law-enforcement officers during that seizure.

Under well-established Fourth Amendment principles, any force used during a traffic stop must be objectively reasonable in light of the specific facts known to the officers at the time. That determination is inherently fact-dependent and requires evidentiary support. It cannot be resolved through generalized assertions or conclusory characterizations.

Here, Respondents have not submitted sworn certifications from any officer involved in the incident. They have not produced contemporaneous use-of-force reports, incident reports, video recordings, medical documentation, or policy materials explaining the justification for the force used. What has been submitted consists of generalized statements and conclusions rather than admissible evidence.

In a show-cause posture, conclusions are not a substitute for proof. Assertions such as "reasonable force" or "officer safety," without sworn factual detail, do not satisfy the evidentiary burden imposed by the Court's order.

As a result, the sworn factual submissions presently before the Court remain un rebutted. The issue before the Court is not the ultimate question of civil liability, nor is it a determination of damages. The question is whether Respondents have complied with the Court's directive to justify their actions through evidence.

Respondents have appeared institutionally, through departmental leadership, rather than through sworn testimony from officers with personal knowledge of the incident. That choice leaves the Court without a testable, first-hand factual account of the force used during the seizure. In the

absence of such evidence, there has been no meaningful opportunity to assess the objective reasonableness of the conduct at issue.

Additionally, months prior to the seizure underlying this matter, OPRA requests were submitted seeking municipal insurance and indemnification information related to law-enforcement conduct. Those requests remain unanswered. Where the municipality has elected to speak institutionally rather than through individual officers, that information is now directly relevant to institutional responsibility and the scope of the Court's remedial authority.

Accordingly, the moving party respectfully requests that the Court enforce its prior order by requiring Respondents to meet their evidentiary burden. That relief may take the form of requiring sworn certifications from officers with personal knowledge, compelling disclosure of relevant municipal insurance and indemnification coverage, or enforcing the Court's order based on the unrebutted record presently before it.

This request is grounded not in speculation or punishment, but in procedure. The integrity of the Court's orders depends on compliance supported by evidence, not conclusions.

Thank you, Your Honor.

Respectfully submitted,
/s/ Devon Tyler Barber
Devon Tyler Barber
Plaintiff/Movant, Pro Se
Dated: December 19, 2025

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Docket No.: ATL-L-003252-25

CERTIFICATION OF SERVICE

I, **Devon Tyler Barber**, hereby certify that on **December 19, 2025**, a true and correct copy of the foregoing **Plaintiff's Certification in Support of Oral Argument and in Reply to Defendants' Opposition**, together with the attached **Written Oral Argument**, was served upon counsel for Defendants by electronic mail, addressed as follows:

Kenneth M. Warren Jr., Esq.
Leonard, Warren & Leonard, L.L.C.
Ken@LeonardWarrenLeonard.com

Service was made in advance of the **Order to Show Cause hearing scheduled for December 22, 2025**. 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.

Dated: **December 19, 2025**

/s/ **Devon Tyler Barber**
Devon Tyler Barber
Plaintiff, Pro Se

Service of Plaintiff Certification and Written Oral Argument

From dTb33@pm.me <dTb33@pm.me>

To Kenneth Warren<ken@leonardlawgroup.com>

Date Friday, December 19th, 2025 at 8:25 PM

Mr. Warren,

Pursuant to service requirements and in advance of the Order to Show Cause hearing scheduled for December 22, 2025, please find attached the unified PDF titled:

Plaintiff Certification Support Oral Argument Reply Opposition

This filing consists of Plaintiff's Certification in Support of Oral Argument and in Reply to Defendants' Opposition, together with the attached Written Oral Argument.

This submission is served for notice and record purposes only and does not seek additional briefing.

Regards,

Devon Tyler Barber

Plaintiff, Pro Se

(609) 862-8808

dTb33@pm.me

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

On Friday, December 19th, 2025 at 7:06 PM, dTb33@pm.me <dTb33@pm.me> wrote:

Good evening Mr. Warren,

Acknowledged receipt of Defendants' courtesy copy.

Please find attached Plaintiff's **Limited Reply Brief** and **Proposed Order**, filed today in advance of the Order to Show Cause scheduled for December 22, 2025.

This correspondence is provided for service and record purposes only. All rights, objections, and remedies are expressly reserved.

Respectfully,

Devon Tyler Barber

Plaintiff, pro se

3536 Pacific Avenue, Apt. A5

Atlantic City, New Jersey 08401

dTb33@PM.Me

(609) 862-8808

On Friday, December 19th, 2025 at 5:43 PM, Kenneth Warren <ken@leonardlawgroup.com> wrote:

Good Afternoon,

12/19/25, 8:28 PM

Sent | dTb33@pm.me | Proton Mail

Please be advised that my office represents the Hamilton Township Police Department. Would you kindly find attached a courtesy copy of the filed Response to Plaintiff's OTSC scheduled for Monday, December 22nd.

Thank you,

Kenneth M. Warren Jr., Esq.

Partner

Leonard, Warren & Leonard, L.L.C.

1200 Atlantic Avenue, Second Floor

Atlantic City, New Jersey 08401

Office: (609) 345-5800

Fax: (609) 345-5870

Ken@LeonardWarrenLeonard.com

<http://www.leonardwarrenleonard.com>

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405.41 KB 1 file attached

Plaintiff Certification Oral Argument OTSC.pdf 405.41 KB