

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – ATLANTIC COUNTY

Devon Tyler Barber,
Plaintiff / Applicant,

v.

**HAMILTON TOWNSHIP POLICE
DEPARTMENT,
TOWNSHIP OF HAMILTON,
DIRKES TOWING,
OFFICER RUIZ (ID 0132),
OFFICER MERRITT,
JOHN DOE OFFICERS 1–10,
JANE DOE OFFICERS 1–10,**
Defendants.

DOCKET NO. **ATL-L-003252-25**

**PROPOSED ORDER GRANTING
EMERGENT RELIEF**
(IMMEDIATE RELEASE OF VEHICLE;
PRODUCTION OF RECORDS)

ORDER GRANTING EMERGENT RELIEF

(Immediate Release of Vehicle; Production of Required Impound Records)

THIS MATTER having been opened to the Court by Plaintiff, Devon Tyler Barber, by way of a Verified Supplemental Application seeking emergent relief; and the Court having reviewed the certification, exhibits, and arguments submitted; and for good cause shown:

IT IS on this ____ day of _____, 2025, **ORDERED** as follows:

1. Dirkes Towing **SHALL IMMEDIATELY RELEASE** Plaintiff’s 2019 Volkswagen Passat (F35VLP) to Plaintiff, without charge of any kind. All tow fees, storage fees, administrative fees, gate fees, surcharges, and any related charges are hereby waived.
2. The immediate release of the vehicle **SHALL NOT** be delayed, conditioned, or withheld for any reason, including but not limited to the production or review of documents, inventories, or internal records.
3. Within twenty-four (24) hours of this Order, the Hamilton Township Police Department (“HTPD”) and Dirkes Towing **SHALL** produce to Plaintiff a complete and certified set of all impound-related documentation, including:

- (a) the impound notice;
- (b) the tow-authorization form;
- (c) the full vehicle-inventory checklist;
- (d) the itemized list of personal property;
- (e) the exterior and interior condition report;
- (f) all chain-of-custody records;
- (g) tow logs and dispatch logs;
- (h) all photographs taken prior to removal; and
- (i) all written or electronic records identifying the legal authority for the seizure.

Production of these materials is a separate obligation and **SHALL NOT** delay release.

4. All towing and storage fees accruing from November 29, 2025 through the date of release are **STAYED** and **NULLIFIED** pending further Order of the Court.

5. HTPD and Dirkes Towing **SHALL IMMEDIATELY PRODUCE** all recordings and communications relating to the stop, arrest, and seizure of the vehicle, including:

- (a) all body-worn camera recordings;
- (b) all dash-camera recordings;
- (c) booking-room video;
- (d) radio transmissions;
- (e) CAD logs;
- (f) MDT queries and responses;
- (g) tow-request communications;
- (h) internal digital or written messages pertaining to the impound.

6. The continued detention of Plaintiff's vehicle, absent strict statutory and constitutional compliance, is hereby **DECLARED** unlawful and inconsistent with the protections afforded by Mathews v. Eldridge, State v. Morales, State v. Slockbower, State v. Hill, State v. Mangold, Rodriguez v. United States, and N.J. Const. Art. I, ¶¶1 and 7.

7. Upon release, Dirkes Towing **SHALL DELIVER** the vehicle to Plaintiff at his lawful residence located at 3536 Pacific Avenue, Apt. A5, Atlantic City, New Jersey, or such other safe location as Plaintiff designates.
8. All personal property stored within the vehicle **SHALL** be returned to Plaintiff at the time of release/delivery, including but not limited to tools, equipment, documents, clothing, electronic devices, and work materials.
9. No adverse inference shall be drawn against Plaintiff based on his inability to access or inspect the vehicle during the period of unlawful detention.
10. Defendants **SHALL** preserve all evidence relating to the stop, arrest, impoundment, tow request, MVC inquiry, dispatch activity, supervisory involvement, and internal-affairs identifiers associated with the incident.
11. The Hamilton Township Police Department **SHALL** be responsible for payment of any reasonable tow or storage costs asserted by Dirkes Towing in connection with the initial impoundment, as the tow arose from police direction. No fees of any kind shall be charged to Plaintiff.
12. The Court **SHALL** retain jurisdiction to enforce this Order, impose sanctions or contempt remedies for non-compliance, and grant such additional relief as may be necessary to prevent continuing injustice or irreparable harm.

IT IS SO ORDERED.

Hon. _____, J.S.C.
