

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

JACOB TEITELBAUM, individually and as father to  
CHILD A and CHILD B,

**PLAINTIFF**

**-against-**

JUDA KATZ; CHAYA KATZ; JOEL TENNENBAUM;  
BLUMA TENNENBAUM; DAVID RUBENSTEIN;  
KIRYAS JOEL COMM AMBULANCE CRP; ATTY. MARIA  
PETRIZIO; CHILDREN'S RIGHTS SOCIETY OF ORANGE  
COUNTY; ATTY. KIM PAVLOVIC; ATTY JOHN FRANCIS  
X. BURKE; CHILD PROTECTIVE SERVICES OF ORANGE  
COUNTY; DEPARTMENT OF SOCIAL SERVICES OF  
ORANGE COUNTY; CHRISTINE BRUNET; ATTY.  
STEPHANIE BAZILEOR; JOHN DOES 1 THROUGH 95;  
JANE DOES 1 THROUGH 20,

**DEFENDANTS**

**CIVIL ACTION NO.  
12 CV 02858 (VB)**

**NOTICE OF  
MOTION TO  
RECONSIDER**


PLEASE TAKE NOTICE that, upon Plaintiffs Motion to Reconsider the Memorandum and Decision dated February 11<sup>th</sup> 2013, the Plaintiff will move this Court before the Honorable Vincent L. Briccetti United States District Court Judge for the Southern District of New York, at the United States Courthouse, located at 300 Quarropas Street, White Plains, New York, 10601

on March 26, 2013 at 10:00 AM, for an Order pursuant to Fed. R. Civ. P. 50, 52, and 59, and Local Rule 6.3, reconsidering the Memorandum and Decision by this Court dated February 11<sup>th</sup> 2013, dismissing the claims against certain Defendants, and allowing Plaintiff time as needed and if necessary, to amend his Complaint against all Defendants to comport with this Court's and the law's requirements, on the grounds that (1) the Court has overlooked the basic claims in Plaintiff's initial Complaint and subsequent filings, (2) to submit newly available evidence.

PLEASE TAKE FURTHER NOTICE, that pursuant to Southern District Local Civil Rule 6.1 (b), opposition papers must be served within fourteen (14) days after service of these motion papers and reply papers will be served within seven (7) days after service of such answering papers.

Respectfully Submitted,

Dated; Monroe, New York  
February 25, 2013

  
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Jacob Teitelbaum, Plaintiff Pro Se  
c/o Ben Friedman  
5 Leipnik Way, #102  
Monroe, N.Y. 10950  
845-782-7830

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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**DEFENDANTS**

**CIVIL ACTION NO.  
12 CV 02858 (VB)**

**MOTION TO  
RECONSIDER  
PURSUANT TO  
LOCAL RULE 6.3**

PLAINTIFF JACOB TEITELBAUM, appearing Pro Se, does, herewith ask that this Honorable Court, pursuant to Local Rule 6.3 of the Southern District of New York, to reconsider its Decision of February 11, 2013, allowing the Complaint to be Dismissed against various Defendants, for the following reasons, to wit;

- 1) The Plaintiff, in his initial Complaint and subsequent filings, has not only asserted a factual basis for his claims but has shown a clear pattern of behavior on the part of the various Defendants and their minions that shows a clear factual basis for the claims asserted by the Plaintiff. The defenses raised against the various Motions to Dismiss, by the Plaintiff, have seemingly been overlooked by the Court and the Plaintiff now asks that the Court give them full consideration.
- 2) The Plaintiff should be allowed to Amend the Complaint to name Orange County and, possibly, various other state and municipal entities, so that the Complaint can comport with cases cited by the Court.
- 3) The Plaintiff asserts that, as it regards the Rooker-Feldman Doctrine, this Court, with all due respect, has misapprehended the Plaintiff's claims. When this Court considers the four elements of the Doctrine the Court's Holding is based on the incorrect position that the Plaintiff is asking this Court to review, reverse, or revisit any of the Decisions of any court or adjudicative body in the New York State Court system; this could not be further from the truth.

The Plaintiff's claims are based on the Conspiratorial actions of the various Defendants, who, acting in concert, by their various actions have sought to deprive the Plaintiff of the various constitutional rights asserted. The Defendant's behavior, irrespective of the result below, is actionable. Nowhere in the Complaint or any of the subsequent Amendments does the Plaintiff ask this Court to revisit any of the Decisions from the various state courts.

When looked at through this lens element 1 is not satisfied. There has been no adjudication of any kind and in any other court of the Plaintiff's constitutional rights and

conspiracy claims. Neither is element 2 satisfied. The Plaintiff complains of injuries cause by the Conspiracy and Rights violations that occurred and continue to occur against the Plaintiff and by the Defendants. As it regards element 3 the Plaintiff does not and never did ask this Court to review the decisions rendered in New York State Court. And, the 4<sup>th</sup> element is of no moment here because the Plaintiff's action is not based on any state court adjudication, irrespective of the outcome. The relief sought by the Plaintiff is some form of remuneration for the past unconstitutional behavior and enjoining the Defendants from further harassing and violating the Plaintiff's Rights. At no time has this Court been asked to review or reverse any other court's action.

- 4) Defendant's Kiryas Joel and Rubenstein acted in this matter at the behest of agents of Orange County and the government of the Village of Kiryas Joel. As such, they were acting as governmental actors and are subject to claims under §1983. "Private persons, jointly engaged with state officials in the prohibited action, are acting 'under color' of law for purposes of § 1983." *Harvey v. Plains Twp. Police Dep't*, 421 F.3d 185, 195 (3<sup>rd</sup> Cir. 2005). The parties acted at the direction of state actors and as such became de facto agents of the state.

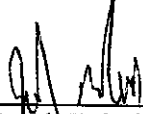
This Court has broad discretion in reviewing and reconsidering its previous order. (see generally, *In re Refco Capital Mkts., Ltd.*, 2008 U.S. Dist. LEXIS 97016, 5 (S.D.N.Y. 2008) (citing *In re Salomon Analyst Winstar Litig.*, 2006 U.S. Dist. LEXIS 8388, 2-3 (S.D.N.Y. 2006) and Fed. R. Civ. P. 59 and 60.3) The decision to grant or deny a Motion for Reconsideration is discretionary. (see *In re PCH Assocs.*, 949 F.2d 585, 592 (2d Cir. 1991)

Additionally, this Circuit, pursuant to Under Fed. R. Civ. P. 15(a), "leave [to amend] shall be freely given when justice so requires," even after entry of judgment.

*Ruotolo v. City of N.Y.*, 514 F.3d 184, 191 (2d Cir. 2008). “Where there is neither a showing of the movant’s undue delay, bad faith or dilatory motive, nor a showing of undue prejudice to the opposing party by virtue of allowance of the amendment, leave to amend should be granted.” *In re Winstar Commc’ns*, 2006 U.S. Dist. LEXIS 7618, at 4 (S.D.N.Y. 2006) (citing *Foman v. Davis*, 371 U.S. 178, 182 (1962)); *Acito v. IMCERA Grp., Inc.* 47 F.3d 47, 55 (2d Cir. 1995).

The Plaintiff asks this Court to reconsider its Decision dismissing the claims against certain Defendants and allow the Plaintiff time, as needed and if necessary, to amend his Complaint to comport with this Court’s and the law’s requirements.

Respectfully Submitted,



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Jacob Teitelbaum, Plaintiff Pro Se  
c/o Ben Friedman  
5 Leipnik Way, #102  
Monroe, N.Y. 10950  
845-782-7830

Dated; Monroe, New York  
February 25, 2013

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**-against-**

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**DEFENDANTS**

**CIVIL ACTION NO.  
12 CV 02858 (VB)**

**AFFIRMATION  
OF SERVICE**

I, JACOB TEITELBAUM, declare under penalty of perjury that I have served a copy of the  
attached **NOTICE OF MOTION TO RECONSIDER**, and **MOTION TO RECONSIDER**,

upon

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Dated; Monroe, New York  
February 26, 2013

  
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