

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED: 4/29/13

PRO SE OFFICE

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

**PLAINTIFF**

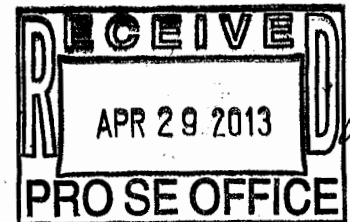
**CIVIL ACTION NO.  
12 CV 02858 (VB)**

**-against-**

**THIRD ANSWER IN  
OPPOSITION TO  
MOTION TO DISMISS**

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**



PLAINTIFF JACOB TEITELBAUM, appearing Pro Se, by way of opposition to  
Defendant John Burke's Motion to Dismiss asserts as follows:

## **STATEMENT OF FACTS**

Plaintiff Pro Se Jacob Teitelbaum is a resident of the Village of Kiryas Joel, Town of Monroe, County of Orange, in the State of New York and he brings this action on behalf of himself and his two minor children. The Plaintiff was previously involved in several State Court actions, including, but not limited to, a Neglect Proceeding as well as various actions involving Child Protective Services and other actions which are tangentially related to this Federal Court action. The totality of the various State Court actions have been discussed in great detail in both the filings of the Plaintiff and the various Defendants, as are the various claims asserted by the Plaintiff.

## **DEFENDANTS MISAPPREHEND THE APPLICABILITY OF THE *ROOKER-FELDMAN* DOCTRINE.**

1) The Plaintiffs believe that the Defendant relies on this action as an Appeal to Family Court and therefore falling under the Rooker-Feldman Doctrine.

However, this cannot be further from the truth, as Plaintiff has written many times, he is not looking to overturn any state court process, nor is Plaintiff seeking redress for injuries caused by such orders.

Rather Plaintiff brought this action to both gain protection and seek redress for injuries caused by the Defendants' conspiracy to harm and deprive Plaintiff of his protected civil rights.

Defendant, in the instant motion, is relying on this Court having dismissed other Defendants pursuant to the Rooker-Feldman Doctrine, however it is Plaintiff believe that the Court has

changed its prior position, and this is clearly the result of the Defendants having influenced this Court through the Kiryas Joel political machine.

2) Even if, arguably, this action would be looked at through the lens of the Rooker-Feldman Doctrine, should not the Defendant be subject to benefit from this same doctrine, as an attorney who has a duty and client privilege to adhere to cannot breach this duty and conspire with a state actor and then claim immunity under Rooker-Feldman doctrine?

3) Plaintiff refers to his recent filing of the Second Amended Complaint, filed on April 25<sup>th</sup> 2013, in which he clearly presented the facts and claims not falling under the Rooker-Feldman Doctrine.

## CONCLUSION

Based on the above arguments the Plaintiff respectfully prays that this Court deny the Motions to Dismiss submitted by Defendant John Burke in toto and to allow this matter to go forward to Discovery, thereby allowing the Plaintiff to move forward. The Plaintiff asserts that dismissal at this time is premature and should be denied as it regards each and every claim and as it regards each and every Defendant.

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  
April 25, 2013

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; et al.

**DEFENDANTS**

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

**AFFIRMATION  
OF SERVICE**

I, BENZION P. FRIEDMAN, declare under penalty of perjury that I have served a copy of the attached **THIRD ANSWER IN OPPOSITION TO MOTION TO DISMISS**, upon

Rebecca Baldwin Montello, Esq.  
One Corwin Court, P.O. Box 1479  
Newburgh, New York, 12550  
T - 845-565-1100  
F - 845-565-1999  
E-mail; [rmantello@tclmm.com](mailto:rmantello@tclmm.com)  
by mail

Gregg D. Weinstock, Esq.  
432 Park Avenue South, 9th Floor  
New York, NY, 10016  
T - 212-689-1113  
F - 212-725-9630  
Email; [gweinstock@garbarini-scher.com](mailto:gweinstock@garbarini-scher.com)  
by mail

David Darwin, Esq.  
Orange County Dept. of Law.  
Municipal Law Division  
15 Matthews Street, Suite 305  
Goshen, New York, 10924  
T - 845-291-3150  
F - 845-291-3167  
Email; [ddarwin@orangecountygov.com](mailto:ddarwin@orangecountygov.com)  
by mail

Siler & Ingber LLP

Jeffrey B. Siler Esq.  
Attorneys for defendant  
Kiryas Joel Comm Ambulance CRP  
301 Mincola Blvd.  
Mincola, N.Y. 11501  
T – 516-294-2666  
F – 516-294-0870  
jsiler@nylawnet.com  
by mail

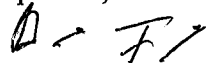
Hannigan Law Firm PLLC  
Terence S. Hannigan Esq.  
1881 Western Avenue, Suite 140  
Albany, N.Y. 12203  
T – 518-869-9911  
F – 518-869-9915  
terry@hannigan.pro  
by mail

Patrick T. Burke, Esq.  
Burke, Miele & Golden, LLP  
40 Mathews Street, Suite 209  
P.O.B. 216  
Goshen, New York, 10924  
T - 845-294-4080  
F - 845-294-7673  
by mail

Juda Katz,  
Chaya Katz  
22 Hayes Court, Unit 201  
Monroe, New York, 10950  
by mail

Joel Tennenbaum  
Bluma Tennenbaum  
16 Lizensk Boulevard, Unit 102  
Monroe, New York, 10950  
by mail

Dated: Monroe, New York  
April 29, 2013



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Benzion P. Friedman  
5 Leipnik Way, #102  
Monroe, N.Y. 10950  
845-782-7830