

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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

12-CV-02858 (VB)

Plaintiff,

**NOTICE OF MOTION**

-against-

JUDA KATZ; CHAYA KATZ; JOEL TENNENBAUM;  
BLUMA TENNENBAUM; DAVID RUBENSTEIN;  
KIRYAS JOEL COMM AMBULANCE CRP; DISTRICT  
FAMILY COURT OF ORANGE COUNTY 9<sup>TH</sup> JUDICIAL  
DISTRICT; HON. ANDREW P. BIVONA; 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,

Return Date: May 29, 2013

Defendants.  
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***PLEASE TAKE NOTICE***, that upon the Attorney Declaration of Jeffrey B. Siler, Esq., and the accompanying Memorandum of Law in Support of the Defendants', KIRYAS JOEL COMMUNITY AMBULANCE CORPORATION s/h/a KIRYAS JOEL COMM AMBULANCE CRP, Motion to Dismiss Plaintiff's Second Amended Complaint, and upon all prior pleadings and proceedings heretofore had herein, the undersigned will move this Court before the Hon. Vincent Briccetti, United States District Judge for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, New York, New York 10007 on the 29<sup>th</sup> day of May, 2013, at 10:00 AM, for an order pursuant to Fed. R. Civ. P. 15(b)(2), Fed. R. Civ. P. 15(d), and Fed. R. Civ. P. 12 (b)(6), dismissing Plaintiff's Amended Complaint in its entirety on the grounds that (1) defendant KIRYAS JOEL COMMUNITY AMBULANCE CORPORATION is not a state actor for

purposes of liability under 42 U.S.C. § 1983; (2) plaintiff fails to state a claim of conspiracy under 42 U.S.C. § 1983 or 42 U.S.C. § 1985; and (3) plaintiff fails to state a claim for negligent infliction of emotional distress, together with such other and further relief as this honorable Court seems just and proper.

***PLEASE TAKE FURTHER NOTICE*** that the undersigned does not request oral argument.

***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.

Dated: Mineola, New York  
May 17, 2013

Respectfully submitted,

SILER & INGBER, LLP

By: 

Jeffrey B. Siler (JS4755)

*Attorney for Defendant*

*KIRYAS JOEL COMMUNITY AMBULANCE  
CORPORATION s/h/a KIRYAS JOEL COMM  
AMBULANCE CRP*

301 Mineola Blvd.  
Mineola, NY 11501  
Tel: 516-294-2666  
Fax: 516-294-0870  
Email: [jsiler@nylawnet.com](mailto:jsiler@nylawnet.com)

TO: JACOB TEITELBAUM  
Pro Se Plaintiff  
5 Leipnik Way #102  
Monroe, NY 10950

DAVID DARWIN, ESQ.  
Orange County Department of Law  
Municipal Law Division  
15 Matthews Street, Suite 305

Goshen, NY 10924  
Tel.: (845) 291-3150  
Fax: (845) 291-3167  
Email: [ddarwin@orangecountygov.com](mailto:ddarwin@orangecountygov.com)

GARBARINI & SCHER, P.C.  
Attn: Gregg D. Weinstock, Esq.  
*Attorneys for Defendant*  
*Maria A. Patrizio, Esq. s/h/a Maria Petrizio*  
432 Park Avenue South, 9<sup>th</sup> Floor  
New York, NY 10016-8013  
Tel.: 212-689-1113  
Email: [gweinstock@garbarini-scher.com](mailto:gweinstock@garbarini-scher.com)

HANNIGAN LAW FIRM PLLC  
*Attorneys for Defendant*  
*David Rubenstein*  
1881 Western Avenue, Suite 140  
Albany, NY 12203  
Tel: 518-869-9911

Bluma Tennenbaum  
16 Lizensk, Unit 102  
Monroe, NY 10950

Joel Tennenbaum  
16 Lizensk, Unit 102  
Monroe, NY 10950

Chaya Katz  
22 Hayes Court, Unit 201  
Monroe, NY 10950

Juda Katz  
22 Hayes Court, Unit 201  
Monroe, NY 10950