

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x 12-CV-02858 (VB)
JACOB TEITELBAUM, individually and as father to
CHILD A and CHILD B,

Plaintiff,

**AMENDED
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 9TH 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: June 12, 2013

Defendants.

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PLEASE TAKE NOTICE, that upon the Attorney Declaration and Attorney's Further
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 **12th day of June, 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; (3) plaintiff fails to state a claim for negligent infliction of emotional distress; and (4) defendant is immune from suit pursuant to Public Health Law §3013. Defendant requests that this Court grant this motion 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 22, 2013

Respectfully submitted,

SILER & INGBER, LLP

By:  _____

Jeffrey B. Siler (JS4755)

Attorney for Defendant

*KIRYAS JOEL COMMUNITY AMBULANCE
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