

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,

Plaintiff,

-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,

**NOTICE OF MOTION
TO DISMISS**

12 CV 02858 (VB)

Defendants.

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PLEASE TAKE NOTICE that upon the *Pro Se* Amended Complaint, and the Attorney Declaration of Rebecca Baldwin Mantello, Esq., and the accompanying Memorandum of Law in Support of the Defendants’, CHILDREN’S RIGHTS SOCIETY, INC. s/h/a/ CHILDREN’S RIGHTS SOCIETY OF ORANGE COUNTY and KIM PAVLOVIC s/h/a/ ATTY. KIM PAVLOVIC, Motion to Dismiss Plaintiff’s *Pro Se* 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 **August 10, 2012** at 10:00a.m., for an order pursuant to Fed. R. Civ. P. 12(b)(1) and (6), dismissing the *Pro Se* Amended Complaint in its entirety on the grounds 1) the Court lacks

subject matter jurisdiction under *Rooker-Feldman* over plaintiff's First and Second causes of action to the extent they seek relief from the family court proceedings and judgment; 2) Defendants are entitled to quasi-judicial immunity; 3) Defendant Pavlovic is not a state actor for purpose of liability under §1983; 4) There is no vicarious liability under §1983; 5) Plaintiff fails to state a claim of conspiracy under §1983 or §1985; 6) plaintiff fails to state a claim for negligent infliction of emotional distress, together with such other and further relief as to this Court seems just and proper.

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

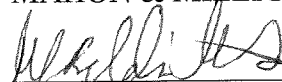
PLEASE TAKE FURTHER NOTICE that pursuant the Southern District Local Civil Rule 6.1(b), opposition papers must be served within fourteen (14) days after service of these motion papers and reply papers will be served with seven (7) days after service of such answering papers

Dated: Newburgh, New York
July 19, 2012

Respectfully submitted,

TARSHIS, CATANIA, LIBERTH,
MAHON & MILLIGRAM, PLLC

By:



Rebecca Baldwin Mantello (RM-1911)
Attorney for Defendants
CHILDREN'S RIGHTS SOCIETY, INC.
and KIM PAVLOVIC
One Corwin Court, P. O. Box 1479
Newburgh, New York 12550
Tel. No.: (845) 565-1100
Fax: (845) 565-1999
E-Mail: rmantello@tclmm.com

TO: JACOB TEITELBAUM, pro se
5 Leipnik Way #102
Monroe, New York 10950
Tel. No.: (845) 782-8995

David Darwin, Esq.
Orange County Department of Law
Municipal Law Division
15 Matthews Street, Suite 305
Goshen, New York 10924
Tel. No.: (845) 291-3150
Fax No.: (845) 291-3167
Email: 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, 9th Floor
New York, New York 10016-8013
Tel. No. 689-1113
Email: gweinstock@garbarini-scher.com