

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,

-against-

**AFFIRMATION IN  
OPPOSITION TO  
PLAINTIFF'S MOTION  
FOR EXTRINSIC FRAUD  
INQUEST**

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: July 3, 2013

Defendants.  
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**JEFFREY B. SILER**, an attorney duly admitted to practice law before the United States District Court for the Southern District of New York, declares the following to be true and correct under penalties of perjury pursuant to 28 U.S.C. § 1746:

1. I am a partner in the Law firm of SILER & INGBER, LLP, the attorneys for Defendant, KIRYAS JOEL COMMUNITY AMBULANCE CORPORATION s/h/a KIRYAS JOEL COMM AMBULANCE CRP, (hereinafter "defendant"). I am fully familiar with the prior proceedings and papers filed in this action.

2. This affirmation is submitted in opposition to the within motion that plaintiff has filed for an Inquest due to Extrinsic Fraud. For the reasons outlined below, this motion is meritless, and unsupported by any evidence in this matter.


3. Extrinsic fraud is fraud which affects the jurisdiction of the court which prevents a party from having a trial or from presenting all of his case to the court or which operates not upon the judgment but upon the manner in which it was procured so that there was not a fair submission of a controversy to a court. See, A.D. Julliard and Company v. Johnson, 166 F. Supp. 577 (SDNY 1957). Extrinsic fraud is fraud which affects the jurisdiction of the court, and by which renders a litigant unable to attain access to justice. See, Zimmerman v. Polly Prep Country Day School, 888 F.2d 317 (EDNY 2012).

4. Fraud in the inducement is one example of extrinsic fraud. See, Fireman's Fund Insurance Company v. Kapralos, 942 F. Supp. 836 (EDNY 1996). However, in this case, as the court is well aware, the plaintiff has filed complaints and motions for amended complaints. The court has already ruled on the initial complaint, dismissing it as against these movants. A motion to dismiss the plaintiff's second amended complaint is also pending before Your Honor at this time.

5. It is axiomatic to state that the within motion is completely meritless.

Dated: Mineola, New York

SILER & INGBER, LLP

By:  \_\_\_\_\_

Jeffrey B. Siler (JS4755)

*Attorney for Defendant*

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CORPORATION s/h/a KIRYAS JOEL COMM  
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