

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JACOB TEITELBAUM,

Plaintiff,

- 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;  
CHRISTINE BRUNET; ATTY. STEPHANIE BAZILEOR;  
JOHN DOES 1 THROUGH 95; JANE DOES 1-20;

Defendants.

Docket No. 12-CV-2858 (VB)

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

GREGG D. WEINSTOCK, an attorney duly admitted to practice law before the courts of the State of New York and in the United States District Court for the Southern District of the State of New York, affirms the following under penalties of perjury:

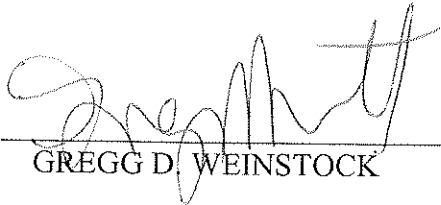
1. I am a member of the firm of GARBARINI & SCHER, P.C., attorneys for defendant MARIA A. PATRIZIO, ESQ. s/h/a ATTY. MARIA PETRIZIO (hereinafter "PATRIZIO"), and as such am fully familiar with the facts and circumstances of this case.
2. This Affirmation is submitted in opposition to plaintiff's motion for an Order to schedule inquest based upon alleged extrinsic fraud.
3. As stated in the Affirmation of counsel for co-defendant KIRYAS JOEL COMM

AMBULANCE CORPORATION, extrinsic fraud is fraud which affects the jurisdiction of the Court, and by which renders a litigant unable to obtain access to justice. *Zimmerman v. Poly Prep Country Day School*, 888 F.2d 317 (E.D.N.Y. 2012); *A.D. Julliard & Company v. Johnson*, 166 F.Supp. 577 (S.D.N.Y. 1957).

4. The elements of alleged fraud must be pleaded with particularity rather than mere conclusory allegations. F.R.C.P. 9(b); *Madonna v. United States*, 878 F.2d 62 (2d Cir. 1999). Here, the Complaint and Amended Complaints fail to allege any fraud as to PATRIZIO, nor is there any evidence of fraud to support plaintiff's motion.
5. Plaintiff's Complaint and Amended Complaints as to PATRIZIO has already been dismissed by the Court by Order dated February 11, 2013. Plaintiff's motion to dismiss the Second Amended Complaint, which we have also opposed, is pending before the Court.
6. Based upon the foregoing, plaintiff's motion as to PATRIZIO is totally devoid of merit and should be denied outright.

**WHEREFORE**, it is respectfully requested the instant motion be denied in all respects.

Dated: New York, New York  
June 12, 2013

  
\_\_\_\_\_  
GREGG D. WEINSTOCK