

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-

**NOTICE OF MOTION  
TO DISMISS  
12-CV-02858 (VB)**

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,

Defendants.  
-----X

**PLEASE TAKE NOTICE** that, upon the Affidavit of David Rubenstein, the Attorney Declaration of Terence S. Hannigan, Esq., and the accompanying Memorandum of Law in Support of Defendant David Rubenstein, 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 **January 11, 2013** at 10:00 AM, for an order pursuant to Fed. R. Civ. P. 12 (b)(1), (5), (6), and Fed. R. Civ. P. 4 (m) dismissing the *pro se* Amended Complaint in its entirety against defendant on the grounds that (1) defendant 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 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: Albany, New York  
December 18, 2012

Respectfully submitted,

HANNIGAN LAW FIRM PLLC

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