

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JACOB TEITELBAUM,

Docket No. 12-CV-2858(VB)

Plaintiff,

AFFIDAVIT

-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 B. 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.

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

Patrick T. Burke, being duly sworn, deposes and says:

1. I am a member of the firm of Burke, Miele & Golden, LLP, attorneys for defendant John F. X. Burke, Esq., and as such am fully familiar with the facts and circumstances of this case.

2. This Affidavit is submitted in support of a motion for an Order dismissing plaintiff's Amended Complaint pursuant to F.R.C.P. 12(b)(6), with prejudice.

3. Jacob Teitelbaum, plaintiff, *pro se*, has commenced this action, alleging that the various named defendants conspired to violate his civil rights in connection with certain child neglect proceedings brought against him in the Orange County Family Court. Plaintiff alleges

that he is a member of a Hasidic, ultra-Orthodox Jewish community in Monroe, New York, and that defendants have attempted to terminate his parental rights as a result of his religious advocacy efforts. The moving defendant, John F. X. Burke, is an attorney in private practice in Orange County who was assigned by the Hon. John Bivona, Orange County Family Court Judge, to represent plaintiff in the family court neglect proceedings.

4. As demonstrated in the accompanying Memorandum of Law, this Court lacks subject matter jurisdiction over the plaintiff's federal civil rights claims under the *Rooker-Feldman* doctrine. The plaintiff's civil rights claims should be dismissed and this Court, in its discretion, should decline to exercise its supplemental jurisdiction under 28 U.S.C. § 1367 and dismiss any related state claims against John Burke, as it already has done in the cases of John Burke's attorney co-defendants.

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

Dated: Goshen, New York
February 25, 2013



Patrick T. Burke, Esq. (7471)

Sworn to before me this
25th day of February, 2013.


Notary Public

VICTORIA CALLIANO
NOTARY PUBLIC, STATE OF NEW YORK
NO. 4054719
QUALIFIED IN ROCKLAND COUNTY
COMMISSION EXPIRES AUGUST 14, 2013