

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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; 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

**CIVIL ACTION NO.
12 CV 02858 (VB)**

**MOTION TO
APPOINT A NEXT
FRIEND**

PLAINTIFF JACOB TEITELBAUM, appearing Pro Se, does, herewith ask that this Honorable Court to appoint Benzion P. Friedman to the position of "Next Friend" enabling him to act in the Plaintiff's stead before this Court, as the Plaintiff, Jacob Teitelbaum is presently unable to competently act in his own best interests in this matter.

“The Supreme Court has established . . . two prerequisites for next-friend standing: ‘First, a ‘next friend’ must provide an adequate explanation -- such as inaccessibility, mental incompetence, or other disability -- why the real party in interest cannot appear on his own behalf to prosecute the action . . . Second, the ‘next friend’ must be truly dedicated to the best interests of the person on whose behalf he seeks to litigate.’ *Whitmore v. Arkansas*, 495 U.S. 149, 163-64, 110 S. Ct. 1717, 109 L. Ed. 2d 135 (1990).” *Fenstermaker v. Obama*, 354 Fed. Appx. 452, 455 (2nd Cir. 2009). Initially, I will address the Court’s second prong first.

- 1) Benzion Friedman Is Known To This Court Through Previous Requests and Filings, Has Been Actively Assisting the Plaintiff Through Every Stage of This Litigation and Has Only the Plaintiff’s Best Interest As His Purpose.

Benzion Friedman has been very close, personal friends with the Plaintiff, Jacob Teitelbaum for nearly 7 years and during that time has continuously been intimately familiar with the Plaintiff’s life and the complete subject matter of this litigation. Friedman has provided the Plaintiff with moral, spiritual, and physical support throughout the pendency of this Action and for some time prior as well. In fact, for the time prior to the incidents giving rise to this Motion the Plaintiff was visiting and spending much time at Mr. Friedman’s home.

There is no person other than Mr. Friedman who is more familiar with the facts of this matter and the Plaintiff’s goals in bringing this action. In fact Mr. Friedman has translated at all times for the Plaintiff and has actively assisted him in the drafting of every document filed with this Court. There can be no dispute, by any party, that Mr. Friedman is the best situated person to be appointed “Next Friend” and carry on this action during Mr. Teitelbaum’s absence.

2) Plaintiff Jacob Teitelbaum Is Currently Incapable of Effectively Moving Forward in This Matter and Cannot Represent His Own Best Interests.

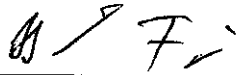
The Plaintiff is functionally illiterate in both spoken and written English and has relied on Mr. Friedman to translate any and all documents that have come to him or been generated in his interests in this matter. Additionally, the Plaintiff is under extreme duress at this time from the burdens of the forced breakup of his family, the pendency of this action, and the harassment and intimidation he has been receiving in his local community.

At this writing the Plaintiff is in the control and custody of others who motives are to compel, by whatever means necessary, the Plaintiff to cease and abandon this action. The Plaintiff is neither mentally, spiritually, or physically capable of moving ahead in this matter on his own.

FOR THESE REASONS as well as those stated in the accompanying Affidavit the Petitioner asks this Court to appoint him as Next-Friend for the Plaintiff in order to protect and preserve the Plaintiff's Rights and Interests through the pendency of this action and until such time as the Plaintiff is able to effectively defend his own interests before this Court.

Respectfully Submitted,

Dated; Monroe, New York
March 08, 2013



Ben Friedman
Jacob Teitelbaum, Plaintiff Pro Se
5 Leipnik Way, #102
Monroe, N.Y. 10950
845-782-7830

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**NOTICE OF
MOTION TO APPOINT
NEXT FRIEND**

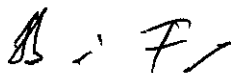
PLEASE TAKE NOTICE that, upon Plaintiffs Motion to appoint a next friend, and the affidavit in support of the Motion, Plaintiff will move this Court before the Honorable Vincent L. Briccetti United States District Court Judge for the Southern District of New York, at the United

States Courthouse, located at 300 Quarropas Street, White Plains, New York, 10601 on April 11, 2013 at 10:00 AM, for an Order appointing a Next-Friend for the Plaintiff.

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.

Respectfully Submitted,

Dated; Monroe, New York
March 8, 2013



Ben Friedman
Jacob Teitelbaum, Plaintiff Pro Se
5 Leipnik Way, #102
Monroe, N.Y. 10950
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