

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)

**A F F I D A V I T    I N  
O P P O S I T I O N**

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

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, hereby states the following under penalties of perjury:

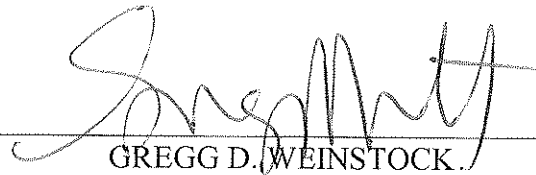
1. I am a member of the firm of GARBARINI & SCHER, P.C., attorneys for defendant MARIA A. PATRIZIO, ESQ. s/h/a ATTY. MARIA PETRIZIO (hereinafter "Ms. Patrizio"), and as such am fully familiar with the facts and circumstances of this case.
2. This Affidavit is submitted in opposition to plaintiff's motion for an Order pursuant to F.R.C.P. 15(b)(2) and (d) granting plaintiff leave to amend and supplement the

Amended Complaint and serve a Second Amended Complaint.

3. As more fully explained in the accompanying Memorandum of Law, the motion should be denied outright as futile. The proposed Second Amended Complaint and prior Amended Complaint include the exact same allegations as to Ms. Patrizio, with nothing new added. As the Court already dismissed the prior Amended Complaint as to Ms. Patrizio, the proposed Second Amended Complaint would not withstand another motion to dismiss and, therefore, by definition is futile.

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

Dated: New York, New York  
May 9, 2013



GREGG D. WEINSTOCK.