

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-

JUDA KATZ; CHAYA KATZ; JOEL TENNENBAUM;  
BLUMA TENNENBAUM; DAVID RUBENSTEIN;  
KIRYAS JOEL COMMUNITY AMBULANCE  
CORPORATION; ATTY. MARIA PETRIZIO;  
CHILDREN'S RIGHTS SOCIETY, INC.;  
ATTY. KIM PAVLOVIC; ATTY JOHN FRANCIS X.  
BURKE; COUNTY OF ORANGE; CHRISTINE BRUNET;  
ATTY. STEPHANIE BAZILEOR; DAVID HOLLANDER;  
MIRIAM TEITELBAUM; JOHN DOES 1 THROUGH 95;  
JANE DOES 1 THROUGH 20,

Defendants.  
-----X

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

**PLEASE TAKE NOTICE** that, upon the Attorney Affirmation of Terence S. Hannigan, Esq., and the accompanying Memorandum of Law in Support of Defendant David Rubenstein's Motion to Dismiss Plaintiff's "Modified Second 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 **June 12, 2013** at 10:00 AM, for an order pursuant to Fed. R. Civ. P. 12 (b) (6) dismissing the "Modified Second Amended Complaint" in its entirety against defendant with prejudice on the grounds that: (1) defendant is not a state actor for purposes of liability under 42 U.S.C. § 1983; (2) plaintiff has failed to state a claim of conspiracy under 42 U.S.C. § 1983 or 42 U.S.C. §

1985; (3) plaintiff has failed to state claims for negligent infliction of emotional distress, wrongful eviction, abuse of process, and cruel and inhuman treatment; and (4) Defendant is immune from suit pursuant to Public Health Law § 3013. Defendant requests that this Court grant his motion together with such other and further relief as this Court deems 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  
May 22, 2013

Respectfully submitted,

Hannigan Law Firm PLLC

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