

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 9TH 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)

AFFIDAVIT

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 before the United States District Court for the Southern District of New York, hereby states 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 (“Ms. Patrizio”), and as such am fully familiar with the facts and circumstances of this case.
2. This Affidavit is submitted in support of this motion for an Order dismissing plaintiff’s Complaint and Amended Complaint pursuant to F.R.C.P. 12(b)(6), with

prejudice.

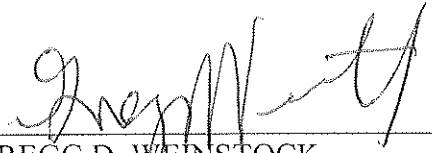
3. As more fully set forth in the accompanying Memorandum of Law, plaintiff *pro se*, JACOB TEITELBAUM, has commenced this action, alleging that the various named defendants conspired to violate plaintiff's civil rights in connection with child neglect proceedings pending in Orange County Family Court. Plaintiff alleges essentially 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 advocacy efforts on a religious issue. The moving defendant, Ms. Patrizio, is a staff attorney with the Orange County Legal Aid Society, Inc. assigned to represent plaintiff's wife in the proceeding.
4. As demonstrated in the accompanying Memorandum of Law, there are several grounds for dismissal: (1) Legal Aid attorneys are not state actors, do not act under "color of state law" and, therefore, cannot be held liable under 42 U.S.C. § 1983; (2) the Amended Complaint fails to state a valid conspiracy claim; (3) the Court lacks subject matter jurisdiction under the *Rooker-Feldman* doctrine; (4) *Younger* abstention bars plaintiff's claims; and (5) upon dismissal of plaintiff's federal civil rights claims, this Court, in its discretion, may exercise its supplemental jurisdiction under 28 U.S.C. § 1367 and dismiss any related state claims in the Complaint and Amended Complaint.
5. The following exhibits are submitted in support of the motion:

Exhibit 1 Complaint

Exhibit 2 Amended Complaint

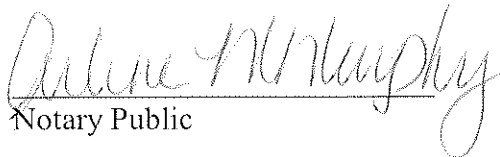
WHEREFORE, it is respectfully requested the instant motion be granted in all respects.

Dated: New York, New York
July 20, 2012



GREGG D. WEINSTOCK

Sworn to before me this
20th day of July, 2012



Notary Public

ARLENE M. MURPHY
Notary Public, State of New York
No. 015907036750
Qualified in New York County
Commission Expires November 21, 2014