

From: Jacob Teitelbaum
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DOC #:
DATE FILED: 8/20/12

PRO SE OFFICE

To: The Honorable Vincent L. Briccetti
United States District Court Judge
Southern District of New York
300 Quarropas Street
White Plains, New York, 10601

Re: Jacob Teitelbaum Vs. Juda Katz et al. 12-cv-2858 VB

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U.S.D.C.
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Dear Hon. Judge Briccetti,

I am Jacob Teitelbaum, Plaintiff in this action.

On July 26 and subsequently on July 30, I wrote to inform the Court that Defendant Hatzala and Defendant Rubenstein are attempting to gain a stay from having to answer by claiming to wait for service of the Amended Complaint.

On July 31st, the Court reiterated its prior order of July 2nd, that the time to answer is 60 days from receipt of the Amended Complaint; the Court then directed the U.S. Marshals to serve Defendants directly, through the mail with the Amended Complaint, the Court did not direct for an acknowledgment form to be included, nor for an affidavit of service to be filed.

On August 20, Defendant Hatzala substituted current counsel with new Counsel from Siler & Ingber LLP, substituted counsel then filed on that day an acknowledgment of service for the Summons and Amended Complaint, purportedly having received the documents by August 19th, this document is ordinarily only filed by the Marshals, it appears that the Defendant intended by this to defer the 60 days to answer to start from August 19th, the date of this acknowledgment, (a copy of the acknowledgement is attached).

I was informed by the Marshals that the Amended Complaint was mailed to said Defendant's on July 31 as per the Court's direction, since the Defendants had already acknowledged service of the original complaint, an acknowledgement for the Amended Complaint as well as an affidavit of service was not necessary and was not included in the mailing by the Marshals, the common time for service by mail may be 3 days, it should accordingly be deemed received in the mail by August 3.

Wherefore, I respectfully ask the Hon. Court to clarify from when the 60 days Defendants would have to answer starts, whether it would be from the time of receipt on August 3rd, as per the Court's prior ruling, or rather from the time of receipt acknowledgement August 19.

Dated August 21, 2012, Monroe, NY.

Respectfully,

Jacob Teitelbaum, Plaintiff

APPLICATION DENIED
SO ORDERED
VINCENT L. BRICCETTI
U.S.D.J.

8/20/12

Plaintiff is referred to the Court's rulings of 7/2/12 (on the record) and 7/31/12 (Doc. # 40).

Copies Mailed Faxed 8/28/12
Chambers of Vincent L. Briccetti

CC;

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CIVIL ACTION FILE NUMBER 12 Civ. 2858

Jacob Teitelbaum vs. Juda Katz et.al.

Amended

B. ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT

I received a summons and complaint. PLEASE CHECK ONE OF THE FOLLOWING;

IF 2 IS CHECKED, COMPLETE AS INDICATED:

- 1. I am not in military service.
- 2. I am in military service, and my rank, serial number and branch of service are as follows:

Rank: _____
 Serial Number: _____
 Branch of Service: _____

TO BE COMPLETED REGARDLESS OF MILITARY STATUS:

Date: 8/19/12
 (Date this acknowledgment is executed)

I affirm the above as true under penalty of perjury

[Handwritten Signature]

 Signature

Jerry R. Siler

 Print Name

ATTORNEY

 Relationship to Entity/Authority to Receive Service of Process (i.e., self, officer, attorney, etc.)

USMS OFFICIAL: Diana Baerga