

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-

**AMENDED
ATTORNEY
DECLARATION**

12 CIV 2858 (VB)

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; DEPARTMENT OF SOCIAL SERVICES OF
ORANGE COUNTY; CHRISTINE BRUNET; ATTY
STEPHANIE BAZILEOR; JOHN DOES 1 THROUGH 95;
JANE DOES 1 THROUGH 20,

Defendants.

-----X
DAVID L. DARWIN, an attorney duly admitted to practice law before the United States
District Court for the Southern District of New York, declares the following to be true under
penalties of perjury pursuant to 28 U.S.C. §1746:

1. I am the Orange County Attorney, the attorney for Defendants, CHILD
PROTECTIVE SERVICES OF ORANGE COUNTY, DEPARTMENT OF SOCIAL
SERVICES OF ORANGE COUNTY, CHRISTINE BRUNET and STEPHANIE
BAZILE, s/h/a ATTY STEPHANIE BAZILEOR. I am fully familiar with the prior

- proceedings and papers filed in this action and I submit this Amended Declaration in support of Defendants' Motion to Dismiss, pursuant to F.R.C.P. 12(b)(1) and(6).
2. In accordance with Rule 7.2 of the Rules of the United States District Courts of the Southern and Eastern Districts of New York, plaintiff has been served with copies of cases cited in the Defendants' Memorandum of Law that are unpublished or reported exclusively on computerized databases.
 3. Annexed hereto are the following exhibits submitted in support of the defendants' motion to dismiss¹:
 - A. Summons and Petition in a Child Neglect Case dated April 28, 2010.
 - B. Order Authorizing Service of Papers in a Mental Hygiene Facility
 - C. Order on Application for Temporary Removal of Child
 - D. Order of Fact-Finding and Disposition (and Permanency Hearing as to Jacob Teitlebaum.
 - E. Order (Adjournment in Contemplation of Dismissal) as to Miriam Teitlebaum
 - F. Permanency Hearing Order dated 8/2/12
 - G. Summons and Application to Restore Case Adjourned in Contemplation of Dismissal as to Miriam Teitlebaum
 - H. Order to Show Cause to find Jacob Teitlebaum in violation of Order of Disposition.
 - I. Order (Violation of Order of Disposition) as to Jacob Teitlebaum
 - J. Decision and Order dated 9/22/11 (modification of visitation)
 - K. Decision and Order dated 2/8/12
 - L. Summons and Petition to Terminate Parental Rights
 - M. Affirmation in Opposition to Petition to terminate parental rights.

¹ The Court may consider these documents in a 12(b) motion for the reasons explained in Defendants' memorandum of law.

N. Order withdrawing Petition

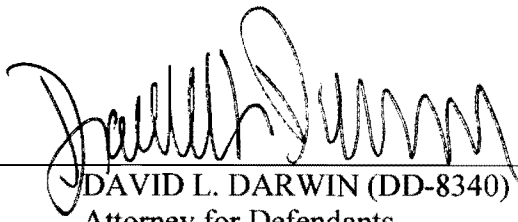
O. Orange County Local Law No. 3 of 1998

P. Summons and Amended Complaint

4. The names and dates of birth of the infant children have been redacted from the attached documents. In addition, certain information relating to mental health treatment and diagnosis has been redacted to comply with state and federal confidentiality laws. Unredacted copies are available for in camera inspection or as otherwise may be directed by the Court.

5. For the reasons set forth in Defendants' Memorandum of Law, I respectfully request that the Court issue an order granting Defendants' motion to dismiss the complaint in its entirety and granting such other and further relief deemed just and proper.

Dated: Goshen, New York
October 15, 2012



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