

From: Jacob Teitelbaum  
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To: The Honorable Loretta A. Preska  
United States District Court Chief Judge  
Southern District of New York  
500 Pearl Street  
New York, New York, 10007

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

Dear Judge Preska,

I am Jacob Teitelbaum, Plaintiff in this action.

## **Plaintiff seeking federal court protection**

### **History of events causing plaintiff to file in Federal Court**

**Plaintiff is involved in a religious campaign and has become the target of terror and intimidation.**

- Plaintiff is a resident in a Hasidic, ultra-Orthodox, closely-knit community. Plaintiff got involved in a religious campaign against forced divorces that have been taking place through the use of kidnapping within the community.
- Conspirators in the community have started intimidating and terrorizing Plaintiff to get him to step down and stop the campaign.
- While it is generally unheard of to go outside of this community for most matters, especially to report a member of the community to CPS for child abuse or neglect when both parents live together, there was an exception in this case when individuals in the community conspired with others to bring false allegations with and through Defendant CPS, this was done to further their terror campaign against the Plaintiff. Those individuals were not satisfied with taking the children away, but have continued to intimidate Plaintiff in many other ways. In addition, these individuals have harassed and intimidated Plaintiff's wife numerous times. In this manner, the community has attempted to drive her to prevent Plaintiff from participating in his religious campaign, and even going so far as to force her to have the Plaintiff removed from their home.

- The Plaintiff, after considering his financial limitations, his limited comprehension of and ability to speak English, his limited knowledge of law, and his lack of political connections, believed that ignoring the situation would be the best option.
- On about August 2011, after Plaintiff's wife resumed living in peace with Plaintiff, discontinuing any and all efforts to stop Plaintiff from his religious campaign against forced divorces. The conspirators, as a result of this, started again to terrorize Plaintiff's Wife, including through Defendant Orange County.
- After Plaintiff alerted the Family Court, stating that it was becoming obvious that Defendant DSS had conspired to terrorize Plaintiff as part of the conspiracy against the religious campaign, other than wanting the well-being of the children.
- As a result of Plaintiff alerting and reaching out, the conspirators and Defendants stopped targeting Plaintiff's wife; they instead resumed and intensified their efforts to convince her to join them in their efforts against the Plaintiff by offering to work with her (against husband) if she would agree to separate from the Plaintiff and intimidate him. This has left the Plaintiff with no other option than to seek remedy and protection in this Court, to stop the continued and conspiratorial terror and intimidation.

### **Claims and composition of complaint filed in April 2012**

- The Complaint was brought to stop the conspiracy of terrorizing, intimidating Plaintiff, taking away Plaintiff's liberty, rights, and freedom of religion, through 1983 and 1985, claims of various deprivations of Fundamental Constitutional Rights, such as the Plaintiff's right to raise his children in a manner that he sees fit.
- This action is not about overturning a Family Court case or any other case pending or adjudicated in any other court. And it was not about getting custody back, or any of the like, it was used to bring to light the conspiracy and terror of the Defendants and the scope of the unconstitutionally deprivation of Rights committed by the Defendants against this Plaintiff as well as many others in the community

### **Events transpiring since filing of complaint until after last decision**

- Plaintiff filed this Complaint April 11<sup>th</sup> 2012, since then Plaintiff has continually been threatened, intimidated, and harassed by the Defendants and conspirators, in a multitude of ways, in an attempt to force him to withdraw his Complaint.

- On May 11<sup>th</sup> 2012, the Hon. Judge Briccetti dismissed Plaintiff's claims against Judge Bivona and the Orange County Family Court on immunity grounds, while accepting the rest of the claims and Defendants.
- On June 6<sup>th</sup> 2012, Plaintiff became the victim of false criminal charges filed in the local Justice court by Plaintiff's wife who brought these charges on the behest of the conspirators in order to terrorize Plaintiff, and to cause him to withdraw his Complaint.
- Plaintiff wrote to this Court on June 19<sup>th</sup> 2012, about the ongoing terror and false charges, and on June 25<sup>th</sup> 2012 Plaintiff wrote to this Court again in a letter to further clarify the situation the conspirators have created.
- This Court then ordered Plaintiff and Orange County Attorney to appear for a conference regarding these on July 2<sup>nd</sup> 2012, while in courtroom at the hearing on that day, Plaintiff's friend Ben Friedman handed to the Court a letter regarding this matter, which the Court docketed.
- At the same time while in Court, the Orange County Attorney stated he will file a Motion to Dismiss, and this Court then informed the parties that it was inclined to proceed to discovery anyhow.
- On July 19<sup>th</sup> 2012, Defendant Children's Rights Society and Kim Pavlovic filed a Motion to Dismiss, while on July 20<sup>th</sup> 2012, Defendant Maria Petrizio filed a Motion to Dismiss.
- On July 30<sup>th</sup> 2012, Plaintiff asked the Court for an extension of time to answer the Motions to Dismiss, it was granted.
- On September 9<sup>th</sup> 2012. Plaintiff asked the Court to extend the time to answer the Motions again, due to the religious holidays constraints and timing, it was granted.
- On September 21<sup>st</sup> 2012, Defendant Kiryas Joel Community Ambulance CRP filed their Motion to Dismiss.
- On September 24<sup>th</sup> 2012, Orange County Attorney requested the Court to allow the County more time to file its answer to the Amended Complaint, until October 8, 2012, the application was granted.
- On September 24<sup>th</sup> 2012, Plaintiff asked the Court to grant more time to file opposition papers for Defendant Kiryas Joel Comm. Ambulance Motion to Dismiss, it was granted.
- On September 28<sup>th</sup> 2012, Defendants Juda and Chaya Katz, Joel and Bluma Tennenbaum requested from the Court to allow them to join the Motion to Dismiss by Defendants Children's Rights Society and Kim Pavlovic, it was granted.
- On August 9<sup>th</sup> 2012, the County Attorney filed their Motions to Dismiss.

- On August 11<sup>th</sup> 2012, Plaintiff asked the Court to dismiss all the above pending Motions, and order all Defendant's to answer the Amended Complaint by November 15<sup>th</sup>, 2012, as discovery was necessary for the Plaintiff to be able to properly answer the Defendants Motions, application was denied.
- Plaintiff was then ordered to file and serve opposition papers to all of the pending Motion to Dismiss by November 5, 2012. With the Defendant's replies due by November 30, 2012.
- On November 5<sup>th</sup> 2012, Plaintiff filed his answer to all pending Motion to Dismiss.
- On December 18<sup>th</sup> 2012, Defendant David Rubenstein filed a Motion to Dismiss, (untimely, while claiming he was not served the Amended Complaint yet by the Marshalls).
- Plaintiff then asked the Court on December 23<sup>rd</sup> 2012, to dismiss Defendant Rubenstein's Motion to Dismiss, for untimely filing his Motion, many months after his answer was due and sometime after Plaintiff had already answered all the other motions to dismiss, while Plaintiff had proof the Marshall's did serve him by mail with the Amended Complaint, (Defendant had accepted service of the original Complaint, and service by mail was now sufficient), and Plaintiff had already answered Motions to Dismiss by the other Defendants resembling the same or similar arguments.
- The Court denied Plaintiff's application, directing Plaintiff to submit his opposition to all of the arguments raised in Rubenstein's Motion to Dismiss by January 31<sup>st</sup> 2013, and Defendant Rubenstein's to reply, by February 14<sup>th</sup> 2013.
- On December 24<sup>th</sup> 2012, Plaintiff wrote again to this Court, describing the escalation of terror within the community and also through the Family Court, including by pressuring and involving again Plaintiff's wife to terrorize Plaintiff, Plaintiff asked the court to proceed to discovery immediately.
- On January 8<sup>th</sup> 2013, Plaintiff wrote again to the Court informing that the conspirators were blocking Plaintiff from communicating and access to those who help him with this Federal action, in a bid to stop this action from proceeding.
- On January 23<sup>th</sup> 2013, Plaintiff filed his detailed opposition to Defendant Rubenstein's Motion to Dismiss, as previously directed by this court.
- On January 27<sup>th</sup> 2013, Plaintiff again wrote to the Court informing how the conspirators have now managed to terrorize Plaintiff through eviction from his home with threats to withdraw this action, as they had threatened to do in the past.
- On January 29<sup>th</sup> 2013 Plaintiff wrote to the Court again, about the scope of this conspiracy and plot to force Plaintiff to withdraw this action.

- On February 11<sup>th</sup> 2013, Plaintiff again wrote to the Court further detailing how the conspirators want to keep Plaintiff chained and hooked under intimidation and terror for prolonged periods, to get him to step down from this Federal action and from his religious campaign.
- On February 11<sup>th</sup> 2013, early in the day and during Plaintiff's morning prayers while in the synagogue, a acquaintance of the Defendants family approached Plaintiff in a very hasty manner, and in a threatening tone offered to Plaintiff through intimidation and threats, a last chance to withdraw this Federal action and religious campaign and get back his wife and children (if this action is withdrawn), he then proceeded to inform Plaintiff that unless Plaintiff agrees immediately to this and to withdraw this action, the Judge will dismiss this action as soon as today or tomorrow, he claimed that he had inside information from a very reliable source associated to the Defendants and conspirators, all this while purporting to help Plaintiff.
- On February 12<sup>th</sup> 2013, Plaintiff received through the mail a Memorandum and Decision from this Court signed on 11<sup>th</sup> February, and entered two days later on the docket, granting all of the Defendants Motions to Dismiss, as more detailed below.

## SUMMARY OF THE DECISION

- On page two (2), in a footnote the Decision states; “According to the docket. Chaya and Judah Katz have not been served with the amended complaint”! this a clear and stark contradiction to the actual record on docket numbers 86 and 88, the Decision then further states as a result; “they are not parties to any of the pending motions to dismiss”, (the Defendant’s themselves have asked to be part of the Motion’s, see above).
- Pages two to eight (2-8) under the heading “**Background**”, while it quotes from Plaintiff’s Complaint, it basically only quotes the pieces attempting to draw a picture as if Plaintiff is appealing the Family Court Decision!
- This is in stark contrast to Hon. Judge Briccetti’s previous two orders/decisions, from May 11<sup>th</sup> 2012, and June 19<sup>th</sup> 2012, where the Court summarized Plaintiff’s Complaint in a few short lines, stating; “Plaintiff, proceeding pro Se, brings this civil rights action asserting that defendants have conspired to remove his children in retaliation for his participation in a religious campaign”.
- Clearly the Court had read the Complaint and claims as not to overturn the Family Court rulings, but asserting a conspiracy to terrorize and take away Plaintiff’s liberty for religious activity.

- While on page eight (8) under the heading “**Decision**” it sets forth the Legal Standard for Motion to Dismiss.
- On page nine (9), the Decision states “Plaintiff’s claims against DSS and CPS are dismissed because DSS and CPS are not sueable entities”, Plaintiff indeed did not dispute this argument of County’s Motion to Dismiss.
- The decision reads further, “if the Court were to construe Plaintiff’s amended complaint liberally to assert a claim against Orange County, .... That claim would be dismissed under the Rooker-Feldman doctrine, as discussed below”.
- Page then (10) where it discussed the Rooker-Feldman argument, where it starts with a summary of Plaintiff’s claims against the County’s Defendants, it reads; “Plaintiff’s claims against Brunet, Bazile, CRS, Pavlovic, and Patrizio relate only to the alleged violation of plaintiff’s constitutional right “to raise his children in a manner that he deems proper” and to have “custody and reasonable and unfettered access to his children”, while this was a mere non conclusory statement of Plaintiff to simply illustrate the affect of the Defendants actions, the decision did not mention a word about Plaintiff’s main and central claim of conspiracy by the Defendants against Plaintiff to terrorize and limit his freedom, as this Court has indeed realized and written on two prior occasions; May 11<sup>th</sup> 2012, and June 19<sup>th</sup> 2012, hence the court then concluded that; “The Court lacks subject matter jurisdiction with respect to those claims under the Rooker-Feldman doctrine!
- The remainder of that page thereafter is basically quoting the Defendants Motions to Dismiss and their arguments, without even mentioning the tiniest trace of any of Plaintiff’s opposition and responses to those claims.
- The rest of Decision is about claims against Kiryas Joel EMS and Rubenstein, which is irrelevant for the Decision.

## **OBSERVATION**

- It does not take a professor, expert, or rocket scientist to realize this Memorandum and Decision was not written by the same person as the other prior Decisions!
- Hon. Judge Briccetti’s style of writing as seemingly clear from other and the prior writings in this case is; to cut through the nonsense and go straight to the point, the opposite of this Decision, showing no real substance.
- Hon. Judge Briccetti previously wrote in this case expressing his view of what the Complaint and claims were about, after having reviewed this case as early as May 11<sup>th</sup> 2012, where he is dismissing some of the Defendants and leaving the rest, he clearly did

not consider this case an appeal to overturn the Family Court Decisions and rulings, or an appeal for custody, which would of course have put this case automatically and directly under the Rooker-Feldman doctrine scrutiny, a common law, with which any layperson is also familiar with, and it would have been obvious from the get go, to be dismissed, if that was the case.

- Hon. Judge Briccetti clearly wrote in his prior two Orders, of May 11<sup>th</sup> 2012, and June 19<sup>th</sup> 2012, that this is a case of conspiracy and deprivation of rights, and not an appeal to Family Court Decision.
- Hon. Judge Briccetti moved right after Plaintiff's first letter dated June 25<sup>th</sup> 2012, which informed the Court about the intimidation and terror, and then ordered a conference, it is against common sense that suddenly only when the Court was now informed by the Plaintiff's letter dated January 27<sup>th</sup> 2013, that Defendants actually fulfilled some of their prior threats and evicted Plaintiff from his home with false criminal charges pending, that the Court should turn its back on Plaintiff, to join in with the conspirators, and leave Plaintiff without any protection.
- Hon. Judge Briccetti was patient and had all the time for all the parties since the filing of this Complaint 10 months ago, to just now issue a Decision in a hurry a mere three (3) days before Defendant Rubenstein's reply was due, did the Hon. Judge Briccetti suddenly lost patience and rendered a Decision? Rather this resembles the tactic typical to the community of Kiryas Joel to humiliate people such as the Plaintiff by illustrating there is no need even to hear what Defendant has to say in order to dismiss Plaintiff's claims!
- Hon. Judge Briccetti, since the beginning of this case, gave Plaintiff the opportunity to fix errors, where this Decision not only does it not give a chance to fix errors, it does not even explain a single word where, how and why Plaintiff is wrong! This clearly does not reflect the continued action and nature of the Hon. Judge Briccetti.
- The Hon. Judge Briccetti had directed Plaintiff to answer all Defendants Motions to Dismiss, while the Decision does not even mention a single word of Plaintiff's answers as per the Court's direction!
- The Hon, Judge Briccetti at the July 2<sup>nd</sup> 2012 conference in Court stated it will proceed to discovery, in response to Defendants County Attorney and counsel from Children's Right's Society saying they intend to bring a Motion to Dismiss and their grounds for it.
- Even if one was to assume that the Hon, Court changed its mind, the Hon. Court would surely not have delivered it in such a misinformed and rushed manner, ignoring all of Plaintiff's arguments.
- The Hon. Judge Briccetti was continually on top of this case, he would not have forgotten a blatant and open document on the record, to write; "According to the docket, Chaya and

Judah Katz have not been served with the amended complaint”, especially when the same Court had previously granted the very same Defendants to join in on the Motion to Dismiss by Defendants Children's Rights Society and Kim Pavlovic for the Amended Complaint, it would not have omitted in its Decision two other Defendants, not mentioned elsewhere in this Decision; Defendants Joel and Bluma Tennenbaum.

## CONCLUSION

- Since it is well-known that Kiryas Joel political machine is one of the strongest or the strongest political power in the region, they reach out to acting Judges in cases where they are involved, and based on all above, it is very certain that Defendant Kiryas Joel influenced someone, possibly a clerk, in the Chambers of the Honorable Judge Briccetti in order to elicit this Decision.
- The clear and obvious fact that the Defendant was the one to write this Decision rather than the Court, puts the Plaintiffs life in a very dangerous situation.

## PRAYER FOR RELIEF

Plaintiff accordingly respectfully requests this Hon. Court, that a thorough investigation and enquiry on this matter be done and insure that Plaintiff's liberty is not jeopardized so that justice be served.

Dated at Monroe, in the County of Orange and State of New York this 20<sup>th</sup> day of  
February 2013



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