

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-

**NOTICE OF MOTION
TO DISMISS**

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.

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PLEASE TAKE NOTICE, that upon the annexed *Pro Se* Amended Complaint, the Declaration of David L. Darwin, Esq., and the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss Plaintiff's *Pro Se* Amended Complaint on behalf of defendants DEPARTMENT OF SOCIAL SERVICES OF ORANGE COUNTY; CHILD PROTECTIVE SERVICES OF ORANGE COUNTY; CHRISTINE BRUNET and STEPHANIE BAZILE s/h/a ATTY STEPHANIE BAZILEOR, 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 **November 2, 2012** at 10:00 a.m., for an order pursuant to Fed. R. Civ. P. 12(b)(1) and (6), dismissing the *Pro Se* Amended Complaint in its entirety on the grounds 1) plaintiff fails to state a claim under 42 U.S.C. § 1983 and § 1985(3) upon which relief may be granted; 2) plaintiff fails to state a claim on his state law claim upon which relief may be granted; the Court lacks subject matter jurisdiction over plaintiff's § 1983 and 1985 claims under the *Rooker-Feldman* doctrine; 4) defendants CPS and DSS are not proper parties to this action; 5) the complaint fails to state a § 1983 claim against DSS and CPS defendant in that plaintiff fails to allege the existence of an unconstitutional municipal custom or policy; and 6) the state law claim must be dismissed because plaintiff did not serve a notice of claim; and 7) together with such other and further relief as this honorable Court deems just and proper.

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: Goshen, New York
October 9, 2012

Respectfully submitted,



DAVID L. DARWIN (DD-8340)
ORANGE COUNTY ATTORNEY
Attorney for Defendants
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CHILD PROTECTIVE SERVICES
STEPHANIE BAZILE and CHRISTINE
BRUNET

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