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At an IAS Term, Part Comm-1 of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, at Civic Center, Brooklyn, New York, on the 4th day of September, 2013.

P R E S E N T:
HON. CAROLYN E. DEMAREST,
Justice.
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In the Matter of the Application of

Index No. 9188/11

THE LONG ISLAND COLLEGE HOSPITAL,

for an Order Approving the Sale of the Assets of the Long Island College Hospital, pursuant to Sections 510 and 511 of the Not-For-Profit Corporation Law

**DECISION
AND
ORDER**

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This court having received the report concerning the present status of operations at LICH and a report on the evaluation procedure for proposals to be submitted in response to SUNY's Request for Proposal, as directed by this Court at the conference held yesterday, September 3, 2013, SUNY's request to further extend the stay of my Order of August 20, 2013, is granted *nunc pro tunc*, from August 20 to September 11, 2013, upon condition that the ambulance service at LICH be restored by September 6, 2013, as represented by SUNY in its report of September 4, 2013.

The Court rejects the suggestion by SUNY that efforts to restore services at LICH be limited to an "urgent care center" or a "free-standing emergency department" without in-patient services. This Court directs immediate and continuing efforts to restore full acute-care hospital services as quickly as possible, including full operation of the Emergency Department, unrestricted acceptance of ambulances and re-opening of the Intensive Care Unit. Given the current devastated level of services at LICH, it will be difficult to reach the goal of full services by September 11, 2013, but a fully operational Emergency Department, ICU and ambulance service must be achieved by that date.

The Attorney General is directed to forthwith provide this court with copies of all reports filed since 2000 relating to the application of funds, "borrowed" from the Othmer Endowment Fund as directed in the orders of June 2, 2000 (*Matter of Application of The Long Island College Hospital*, Kings County, Index Number 5101/95 [Scholnick, J., Order of June 2, 2000]) and of June 15, 2006 (*Matter of Application of The Long Island College Hospital*, Kings County, Index Number 1686/98 [Seddio, J., Order of June 15, 2006]).

Both LICH and SUNY are directed to make a full accounting of the Othmer Endowment Funds in their possession from January 1, 2000 to September 1, 2013, identifying the custodian of such funds and the manner in which the funds were invested or applied to other purposes and the sums remaining at this time. Such reports shall be supplied by September 20, 2013.

Copies of all proposals received by SUNY in response to the RFP issued on July 17, 2013, shall be promptly provided to this Court. The report provided today does not identify the particular individuals who will form the two committees to review and evaluate the proposals, as directed by the Court. While the participation of Justice William Thompson would be advantageous, given the current posture of this matter, in which the charitable mission of LICH and the charitable intent of the Othmers are paramount concerns to this Court, a broader representation of those interests would appear to be appropriate. The names of the proposed committee members shall be provided to this court by September 11, 2013.

This constitutes the decision and order of the court.

A handwritten signature in black ink, appearing to read 'Carolyn E. Demarest', written over a horizontal line.

CAROLYN E. DEMAREST
JUSTICE OF THE SUPREME COURT