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At Commercial Division Part 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 27th day of June, 2013.

P R E S E N T:

HON. CAROLYN E. DEMAREST,

Justice.

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In the Matter of the Application of

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.

ORDER

Index No. 9188/2011

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Upon application of Long Island College Hospital ("LICH") pursuant to Not-for-Profit Corporation Law §§ 510 and 511, on May 13, 2011, this Court entered an Order approving the transfer by LICH to SUNY-Downstate of certain non-real estate assets, and to Downstate at LICH Holding Company of real estate recited in Schedule A to that Order, on the express representation that "SUNY-Downstate will continue Petitioner's operation as a hospital." This

Court retained jurisdiction "for purposes of enforcing" the Order.

In light of the public acknowledgment by SUNY-Downstate of its intent to close LICH, and press coverage reciting continuing efforts to close LICH in disregard of injunctive relief prohibiting such closure entered by my colleague Justice Johnny Lee Baynes in the related matter before him, *New York State Nurses Association v State University of New York* (Index No. 3057/2013), upon this Court's continuing authority to oversee the enforcement of its own Order (*see generally Matter of Prospect Heights Housing Development Fund Corp.*, 38 AD3d 781 [2d Dept 2007]), this Court hereby directs petitioner LICH, SUNY-Downstate and Downstate at LICH Holding Company to account to this Court, by written report, no later than August 5, 2013, as to the present ownership of each of the real properties proposed to be conveyed from LICH and the general disposition of all other property purportedly conveyed at the closing held May 29, 2011. If any property has been transferred from ownership by Downstate at LICH Holding Company, a full accounting of the disposition of the proceeds of such conveyance shall be made. The parties are further directed to account for any income derived from the properties since the closing of May 29, 2011, and the application of such funds by Downstate at LICH Holding Company. Such accounting shall also address the application of the \$15 million authorized to be withdrawn from the LICH Liability Fund by Order of this Court dated June 13, 2012, which was "to be applied exclusively to the costs of continued operation of [LICH]."

The parties are further directed to account for the costs incurred in the operation of LICH since the closing on May 29, 2011, and the income to LICH since that date. SUNY-Downstate is further directed to supply complete lists of all personnel employed by LICH (including medical and non-medical staff) at the date of closing (May 29, 2011), on May 29, 2012, and at the present time. By affidavit, the CEO of LICH shall provide the pre-closing patient use of LICH's facilities as of May 1, 2011, and the number of patients served in 2011, 2012, and to the date of the report in 2013, indicating the specific services used by such patients, i.e. emergency room, operating facilities, gynecology and obstetrics, etc.

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HON. CAROLYN E. DEMAREST, J.S.C.

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KINGS COUNTY CLERK