

At a Term, Part 32, of the Supreme Court of the State of New York, Queens County, ~~88-11 Sutphin Blvd Jamaica~~, New York on the 12 day of August 2020

25-10 Court SQ. n.l.c.

PRESENT: ~~HON. RUDOLPH E. GRECO, JR.~~ J.S.C.

for Hon. Frederic B. Simpson, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

FILED

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LEELA MARET, ALEX THOMAS, and JOSEPH KURIAPPURAM,

: Index No. 212736/20

COUNTY CLERK
QUEENS COUNTY

Petitioners,

-against-

: ORDER TO SHOW CAUSE
: WITH TRO IN CIVIL
: ACTION

MAMMEN C. JACOB, PHILIPPOSE PHILIP, BEN PAUL, KURIAN PRAKKANAM, GEORGY VARUGHESE, and FEDERATION OF KERALA ASSOCIATIONS IN NORTH AMERICA, INC.,

Respondents.
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UPON the reading and filing of the annexed Verified Petition with exhibits, Affidavit of Leela Maret sworn to on August 10, 2020, Affidavit of Alex Thomas sworn to on August 10, 2020, Affidavit of Joseph Kuriappuram sworn to on August 7, 2020, and Memorandum of Law in Support of the Motion, and the accompanying exhibits thereto, and upon all pleadings, papers and proceedings heretofore had herein,

LET, Respondents Mamman C. Jacob, Philipose Philip, Ben Paul, Kurian Prakkanam, Georgy Varughese, and Federation of Kerala Associations in North America, Inc.

("Respondents") or their counsel appear and show cause before this Court, in IAS Part 31, Room 208, ~~88-11 Sutphin Boulevard, Jamaica~~, *25-10 Court SQ. n.l.c.*, New York, on the 12 day of August 2020, at 9:30 in the forenoon of that day, or as soon thereafter as counsel may be heard.

WHY, an Order should not be issued, pursuant to CPLR § 6301:

- (1) annulling the results of the Sham Election on July 28, 2020 and declaring that no valid meeting occurred on July 28, 2020;
- (2) declaring that persons who were purportedly elected officers of the National Committee at such meeting were not elected and are not officers of the Federation of Kerala Associations in North America, Inc. ("Federation");
- (3) declaring the June 12, 2020 Resolution of the National Committee is valid and binding on the Federation and its members, including the Respondents;
- (4) invalidating any BoT notice to conduct an online General Council and election on September 9, 2020 because of the already-published June 12, 2020 Resolution of the National Committee postponing General Council and Election to July 2021;
- (5) requiring the Federation's Board of Trustees to account for any financial transactions that were carried out by officers of the National Committee purportedly elected during the Sham Election;
- (6) immediately restraining and enjoining Respondents during the pendency of this case, and permanently, from conducting and/or engaging in any business in the name of the Federation and/or for the alleged benefit of the Federation and such other and further relief as to this Court may seem just; and

SUFFICIENT CAUSE being shown, it is

ORDERED, that pending the hearing and determination of this order to show cause:

- (1) That Respondents are immediately restrained and enjoined from conducting and/or engaging in any business in the name of the Federation and/or for the alleged benefit of the Federation;

- ~~(2) That Respondents are Permanently enjoined and restrained, individually and collectively, from taking any action acting on behalf of the Federation and that any acts or determinations made by Respondents acting as a trustee Board, individually, and/or collectively be hereby nullified;~~
- ~~(3) That pursuant to Section 618 of the Not-for-Profit Corporation Law, the election of the Respondent Georgy Varughese and all other officers elected in violation of the National Committee's June 11 Resolution is hereby deemed unlawful, null and void;~~
- ~~(4) It is hereby declared that the National Committee that existed before the invalid election in July 2020 are recognized as the duly constituted and elected officers of the Federation, and that the June 11 Resolution by that National Committee remains lawful and binding;~~
- ~~(5) That Respondents are hereby ordered to turn over any and all corporate books and records relating to the business of the Federation to the National Committee including but not limited to minutes of meetings, checkbooks and registers; and~~
- ~~(6) **PENDING** the hearing and determination of the instant motion, *LET* all actions or proceedings by the Respondents, their agents and/or representatives, be **STAYED**; and it is further~~

ORDERED, that service of a copy of this Order along with the papers on which they are based, by way of overnight mail and email, upon Respondents or their counsel, on or before the 19th day of August 2020 shall be deemed good and sufficient service thereof; and it is further

ORDERED, that any submission by Respondents in opposition to Petitioners' request for the relief sought in this Order to Show Cause shall be filed with this Court and served upon Petitioners' counsel by overnight mail at Loanzon LLP, 1345 Avenue of the Americas, Fl. 2,

NY, NY 10105 and email at tristan@loanzon.com on or before August 26th,

2020; and it is further ORDERED THAT PETITIONERS & RESPONDENTS SHALL E-MAIL PART 31 at QCCPART31@NYCOURTS.GOV TO RECEIVE THE SKYPE FOR BUSINESS LINK; AND IT IS FURTHER ORDERED, that any submission by Petitioners in reply to any opposition to the request

for relief sought in this Order to Show Cause shall be filed with this Court and served upon

Respondents or their counsel by overnight mail and email on or before Sept. 1st, 2020.

ENTER: 

J.S.C. HON. RUDOLPH E. GRECO, JR.
for Hon Frederick D. Sampson, J.S.C.

FILED

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**COUNTY CLERK
QUEENS COUNTY**