

*IAS Part 18*

At the Supreme Court of the State of New York, held in and for the County of New York, at the Supreme Court Building, ~~60~~<sup>310</sup> Centre Street, New York, New York on January ~~8~~<sup>8</sup>, 2021.

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PRESENT: HONORABLE ALEXANDER M. TISCH J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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In the Matter of the Application of:

JUDITH PINCUS, in her Capacity as Chapter 11 Plan Administrator for FEDERATION EMPLOYMENT AND GUIDANCE SERVICE, INC., d/b/a FEGS,

Petitioner,

For Disposition of Funds for Charitable Purposes Pursuant to Section 8-1.1 of The Estates, Powers and Trusts Law of The State of New York, and Section 555 of the New York Not-For-Profit Corporation Law.  
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*MS # 001: OTHER*

**ORDER TO SHOW CAUSE**

Index No. *158098/21*

UPON READING AND FILING the accompanying Petition of Judith Pincus, in her capacity as Chapter 11 Plan Administrator for Federation Employment and Guidance Service, Inc. d/b/a/ FEGS ("FEGS") for Cy Pres Relief Pursuant To N-PCL §555 and EPTL § 8-1.1 dated January 5, 2021 and the Exhibits annexed thereto; and upon the accompanying Affirmation of Colleen M. Tarpey, Esq., dated January 5, 2021, and the Exhibits annexed thereto; and upon all prior proceedings had herein;

LET the Honorable Letitia James, Esq., Attorney General of the State of New York, in her capacity as the statutory representative of the ultimate charitable beneficiaries of the within funds, SHOW CAUSE at this Court, before The Honorable TISCH, J.S.C., *Part 18* at the Supreme Court Building, ~~60~~<sup>311</sup> Centre Street, New York, New York, on APRIL 20

10:00  
2021, at ~~9:30~~ a.m., or as soon thereafter as the parties can be heard, why an Order should not enter pursuant to EPTL § 8-1.1 and N-PCL §555:


- a. stating that it was the intent of FECS' donors generally to benefit programs administered by not-for-profit providers and/or programs providing services in the areas of behavioral health, intellectual and developmental disabilities, housing, home care, employment/workforce training, education, youth and family services, and other similar health and social services, and that such programs are charitable in nature;
- b. stating that FECS' donors expressed a general, rather than specific charitable intent by their donations to FECS, specifically as described in the accompanying Petition for Cy Pres Relief;
- c. stating that FECS' filing for bankruptcy protection, the closure of its offices, the sale of all or substantially all of its assets, and the transfer of its programs and services to other not-for-profit organizations, has made fulfilling the intent of its donors "impracticable or impossible," in accordance with NPL §555 and EPTL §8-1.1(c)(1);
- d. directing FECS with regard to the appropriate disposition of the restricted net assets, as described in the accompanying Petition for Cy Pres Relief and in accordance NPL §555 and EPTL §8-1.1; and
- e. awarding FECS such other and further relief as this Court deems just and proper.

*Ordered that,*

^ SUFFICIENT CAUSE APPEARING THEREFOR, LET service of a copy of this Order, together with the papers upon which it is based, <sup>and Petition</sup> upon the Attorney General of the State of New York, Attn: Carl DiStefano, Esq, Section Chief, Charities Bureau, and Rebecca Gideon, Esq., Assistant Attorney General, Charities Bureau, 120 Broadway, 3<sup>rd</sup> Floor, New York, New York 10271 on or before JAN. 22, 2021 by electronic mail, or alternately, by Federal Express or other overnight courier be deemed good and sufficient service. *Notice to donors*

*by mail on or before 2/5/2021.*

ENTER :



HON. ALEXANDER M. TISCH

*JSC*