

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

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LEELA MARET, MEMBER AND CANDIDATE
FOR PRESIDENT OF THE FEDERATION OF
KERALA ASSOCIATIONS IN NORTH
AMERICA, Inc. (a.k.a. FOKANA) and
JOSEPH KURIAPPURRAM, MEMBER AND
CANDIDATE FOR VICE PRESIDENT OF FOKANA

Petitioners,

ATTORNEY AFFIRMATION

Index Number:

-against-

FEDERATION OF KERALA ASSOCIATIONS IN NORTH AMERICA, INC.
PHILIPOSE PHILIP, as GENERAL SECRETARY, FOKANA,
Thampy Chacko Pres. Madhavan B Nair, Sreekumar, Unnithan, Abraham
Kalathil,
Tomy Kokkatt, Sajimon Antony, Praveen Thomas,
Sheela Joseph, Dr. Suja Jose
Viji S. Nair, Lyssy Alex
Mammen C Jacob, Ben Paul
Mathew Varghese, John Kallolickal and
Eldho Paul, as candidates

Respondents.

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Barry Traub, am an attorney at law duly licensed to practice law in
the State of New York and not a party to the above entitled action,
affirm the following to be true under the penalties of perjury
pursuant to CPLR 2106.

1. This is an action to set aside, nullify, declare null and void invalid, or confirm the election of the Federation of Kerala Associations in North America (Fokana) held on July 6, 2018. Petitioner's request that said election be deemed irregular and of no effect, pursuant to Section 618 of the Not for Profit Corporation Law of the State of New York.
2. Specifically, petitioners are requesting that the election of the President and Executive Vice President, and that of any other victorious candidate as the court deems proper, be set aside as certain irregularities occurred in the election as set forth below.
3. The petitioners, Leela Maret and Joseph Kuriapurram ran for the offices of President and Executive Vice President of Fokana in an election held on July 6, 2018 at the General Council meeting of Fokana, held at the Valley Forge Convention Center in King of Prussia, Pennsylvania.
4. The opponents were Mr. Madhavan Nair(President) and Sreekumar Unnithan (Executive Vice President).
5. The General Secretary of Fokana is Philipose Philip. His office is located in Rockland County, New York. The president of Fokana, Mr. Thampy Chacko has designated this address as the home office of Fokana, as most, if not all business is conducted from Mr. Philip's home. On May 28, 2018, Mr. Philip sent notice that the meeting of the General Council would take place," for

the purpose of elections," and invited the appropriate individuals to attend. (Ex. B)

6. Delegates to the General Council are selected by members of Kerala organizations located throughout North America.
7. The number of delegates that each organization sends to the General Council meeting and election is based on the number of members properly registered in each regional organization. For example, if an organization has over 400 members, that organization is entitled to send 7 representatives to the meeting to vote. (Ex. A, Art. V., Section 2. pg. 6)
8. Prior to the election, the petitioner, Mr. Kuriapurram, challenged the right of certain individuals right to vote and their membership and certain organizations membership in Fokana. Mr. Kuriapurram sent a challenge to the election commission. The challenge sent by email set forth the following:

The first challenge was to complain of the right of a certain organization's membership in Fokana. This group is headed by the respondent, Mr. Madhavan B. Nair. The organization is called Namam, Inc. There is a clear history with regards to this groups membership eligibility in Fokana.

In 2016, Mr. Nair attempted to run for president of Fokana. However, his candidacy was challenged, as his organization then, as now, called Namam, Inc., was determined to be a religious organization. Thus, it was ruled that Nair was personally

ineligible to be a candidate for office and his association was ineligible to be a member association of Fokana, due to the religious nature of their group.

Mr. Nair withdrew his organization's membership from Fokana and withdrew as a candidate for president. (Ex. C)

9. Moving to the challenge, Mr. Kuriapurram challenged the right of Nomam, Inc., to be re-admitted to Fokana. It is petitioner's belief that Namam, Inc., is still a religious organization, as they have not changed their purpose in their incorporation papers, but more importantly, there are specific rules in the constitution which prohibit an organization's membership and confer non-voting status until a year has passed from the date of their re-registration with the appropriate Department of State.

10. It is clear that Namam, Inc. registered with the State of New Jersey on December 8, 2017 to use an alternate name, the North American Malayalees & Associated Members. This is the name registered for Fokana use. The one-year period had not elapsed as of the election date and as such, if properly admitted to Fokana, Namam, Inc. and their members should not be voting members.

11. Secondly, the challenge was when and how did the Namam, Inc. organization get approval from the other Fokana members for re-admission? As previously stated, Namam, Inc. withdrew their

membership in Fokana in October of 2016. (Ex. C) There were no hearings by the Board of Trustees, general members or the election committee and no notice to the membership that Namam, Inc. was being allowed back into Fokana. The religious purpose has not changed and the one year waiting period has they been admitted had not run as the registration of Namam, Inc. took place in December of 2017. (Ex. E)

12. The next challenge involved the underhandedness of certain members of one-member organization, the Hudson Valley Malayalee Association, who circumvented the constitution by submitting their names for election for office from another associate member organization against the rules. An organization can only submit two names for election to offices, but these individuals went behind the backs of their home organization and submitted their names for election under another organizations name, against the specific rules of the constitution. For example, Lysee Alex, the co-president of the Hudson Valley Malayalee Association, submitted her name to run for the office of Women's Forum Chairperson from the Malayalee Association of Staten Island. She was not selected to run for that office from her own organization where she is Co-President and knowingly submitted her name from a second organization. Not only does that change the number of delegates permitted to vote at the General Council meeting, but it does a disservice to the election process.

13. Thirdly, Mr. Kuriapurram challenged the overall voting list of the memberships of the associate member organizations. He asked that the list of all members of these organizations be made public so that the delegates at the General Council would be properly represented. For example, the previously mentioned Hudson Valley Malayalee Association sent 7 representatives to the General Council meeting. Based on their membership list, that would be the proper number of representatives to send. However, the number of representatives of other associate members who send delegates to the General Council of Fokana is unknown. Mr. Kuriapurram rightfully requested that the election process be totally transparent. He requested that the lists of all member associations be produced prior to the election, so a voting list would be available to allow the members and the candidates, the right to know who could vote. It would also assure that each associate member would send the proper number of delegates to the General Council meeting. This would provide an exact account of those permitted to vote. Nothing could be fairer!

14. The election committee ignored these requests and hardly considered the challenges. The committee said that they read the names of the associations out loud at a Board meeting, suggesting that the reading of the name was sufficient to allow the election to proceed. That is insufficient and improper.

15. Mr. Kuriapurram as well as other delegates made a point of order at the election regarding all of these challenges and that motion was ignored. You may not ignore a point of order pursuant to Robert's Rules of Order. The election should not be confirmed by this court. The point of order must be resolved before business is allowed to proceed. It requires no second, is not debateable. In this case, the chair didn't even recognize the motion, as the chair of the election was Mr. Nair and the president remained silent as well.
16. The petitioners are requesting that this court overturn the results of the election, not confirm the results and declare the election null and void.
17. It should be noted that there were other irregularities at the election. One such irregularity concerned the president of Fokana, Mr. Chacko.
18. Mr. Chacko has stated that he was offered a credit card for his use by Mr. Nair prior to the election. Apparently, Mr. Nair offered to pay the Fokana hotel bill which the president, Mr. Chacko was personally responsible to pay. He ignored the point of order challenge thinking Nair was going to pay a very high bill. It was intentional and reeks of voter fraud and corruption. Kuriapurram will testify as to what he was told and at the time of this writing, Chacko was to confirm the misstep. That, on its own should invalidate this election.

WHEREFORE the petitioner's respectfully request that the election be invalidated and that an order be signed restraining the respondents from transferring power to Nair and Unnithan and other victorious candidates pending a hearing in this matter.

Respectfully submitted:

Dated: Suffern, New York
August 7, 2018

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