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February 1, 2022

VIA EMAIL AND NYSCEF

Justice Lyle E. Frank
Supreme Court of the State of New York
New York, NY 10007
email: lfrank@nycourts.gov

Re: *NYC Organization of Public Service Retirees, Inc. et al v. Renee Campion et al*, Index No. 158815/2021

Dear Justice Frank:

We represent Petitioners in the above-captioned matter.

I write in response to Respondents' letter earlier this morning asking for "the conference on February 7, 2022 to include oral argument on the merits of the Petition." Petitioners respectfully ask the Court to maintain the February 23, 2022 date it has already set to hear argument on the merits.

This case involves important questions concerning the healthcare benefits of hundreds of thousands of New York City retirees. The agenda for next week's conference already includes a full slate of serious issues with the City's implementation plan. It would be highly prejudice to the retirees to force them on less than one week's notice to also present the merits of their case.

In addition, from the inception of this case, Respondents' defense strategy has been to make last-minute filings and create a false sense of urgency to implement their unlawful Medicare Advantage plan over retirees' objections. Much of this case has involved Petitioners having to correct a litany of inaccurate statements made by Respondents. If past practice is any indication, Respondents will submit additional papers on the eve of the hearing in the hopes that Petitioners will be unable to find time to identify the many flaws in their submissions. This is unfair to Petitioners and will not facilitate an orderly hearing.

In order to ensure a full and fair hearing on the merits, Petitioners respectfully request that the Court maintain the February 23, 2022 date, and set a schedule for any further submissions that ensures no last-minute filings.

Thank you for Your Honor's attention and consideration.

Justice Lyle Frank
February 1, 2022
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Sincerely,
/s/ Steve Cohen
Steve Cohen

cc (via email): Rachel DiBenedetto, Esq.
William Fraenkel, Esq.
Michael DeLarco, Esq.