

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

In the Matter of the Application of

LISA FLANZRAICH, BENAY  
WAITZMAN, LINDA WOOLVERTON, ED  
FERINGTON, MERRI TURK LASKY,  
PHYLLIS LIPMAN, on behalf of  
themselves and others similarly situated,  
and the NYC ORGANIZATION OF  
PUBLIC SERVICE RETIREES, INC., on  
behalf of former New York City public  
service employees who are now Medicare-  
eligible Retirees,

Petitioner,

For Judgment Pursuant to CPLR Article  
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- against -

RENEE CAMPION, as Commissioner of  
the City of New York Office of Labor  
Relations, CITY OF NEW YORK OFFICE  
OF LABOR RELATIONS, the CITY OF  
NEW YORK,

Respondents.

Index No.: 158815/2021

**AFFIRMATION OF STEVE  
COHEN**

STEVE COHEN, an attorney duly admitted to practice in the courts of this state,  
hereby affirms under the penalties of perjury that the following statements are true, and  
as to such statements made on information and belief, he believes them to be true:

1. I am a partner with Pollock Cohen LLP, 60 Broad Street, 24th Floor, New  
York, NY 10004, which has been engaged to serve as counsel in the above-titled matter  
for the Petitioners Lisa Flanzraich, Benay Waitzman, Linda Woolverton, Ed Ferington,

Merri Turk Lasky, Phyllis Lipman, and the NYC Organization of Public Service Retirees, Inc., (“Petitioners”).

2. I am fully familiar with the facts set forth in this affirmation and make each statement contained in this affirmation based on my own personal knowledge, upon a review of the files in my possession, or upon my knowledge of and experience with the laws and practices concerning New York City procurement.

3. Exhibit A to the First Amended Petition is the New York City Health Benefits Program Summary Program Description (“SPD”), last updated in October 2020.

4. Exhibit B to the First Amended Petition is an informational handbook provided by Respondents to retirees.

5. Exhibit C to the First Amended Petition is The City University of New York Agreement between The City University of New York and the Professional Staff Congress/CUNY for October 20, 2010, through November 30, 2017.

6. Exhibit D to the First Amended Petition is the Citywide Health Benefits Program SPD, last updated in December 2016.

7. Exhibit E to the First Amended Petition is The City University of New York University Benefits Office Spring 2020 Pre-Retirement Seminar for Instructional Staff, HEOs, ECPs, and Classified Managerial staff.

8. Exhibit F to the First Amended Petition is the 1995-2000 Municipal Coalition Memorandum of Economic Agreement.

9. Exhibit G to the First Amended Petition is the Agreement Between the Board of Education of the City School District of the City of New York and Council of

Supervisors and Administrators of the City of New York, Local 1, American Federation of School Administrators, AFL-CIO, for July 1, 2003, through March 5, 2010.

10. Exhibit H to the First Amended Petition is the Detectives' Endowment Association 2008-2012 Agreement.

11. Exhibit I to the First Amended Petition is The New York City Other Postemployment Benefits Plan Financial Statements as of and For the Years Ended June 30, 2019 and 2018, Required Supplementary Information, and Independent Auditors' Report.

12. Exhibit J to the First Amended Petition is the New York City Employees' Retirement System Handbook.

13. Exhibit K to the First Amended Petition is the Summary of Benefits and Coverage for the GHI CBP Basic Plan for the Coverage Period of July 1, 2021, through June 30, 2022.

14. Exhibit L to the First Amended Petition is the NYC Medicare Advantage Plus Enrollment Guide for January 1, 2022, through December 31, 2022.

15. Exhibit M to the First Amended Petition is an email exchange between Merri Turk Lasky and representatives from the New York City Office of Labor Relations ("OLR").

16. Exhibit N to the First Amended Petition is the Agreement between the Board of Education of the City School District of the City of New York and United Federation of Teachers local 2, American Federation of Teachers, AFL-CIO covering teachers for November 16, 2000, through May 31, 2003.

17. Exhibit O to the First Amended Petition is Petitioners' first protest to OLR, a letter from Marianne Pizzitola, the President of the NYC Organization of Public Service Retirees, Inc., to Renee Campion, OLR Commissioner.

18. Exhibit P to the First Amended Petition is Ms. Campion's first response to Petitioners, a letter to Ms. Pizzitola.

19. The Petitioners' application for preliminary relief is meritorious. For the reasons stated in the Verified First Amended Petition and the Memorandum of Law submitted in support of the Proposed Order to Show Cause, there is merit to the First Amended Petition and this application.

20. There is a need for the Court to issue a temporary restraining order and preliminary injunctive relief on an emergency basis for the reasons set forth in this First Amended Petition and the Memorandum of Law.

21. Petitioners have neither sought nor received the relief requested herein before this or any other court. While Petitioners have asked the City to voluntarily stay its implementation of the Alliance plan, the City has refused to do so.

22. Petitioners have unsuccessfully asked the City to consent to the relief sought herein. On September 13, 2021, Ms. Pizzitola sent an email to Renee Campion, OLR Commissioner, asking whether the City would agree to maintain the status quo. The email is attached as Exhibit O. The City has not consented to maintain the status quo.

23. Petitioners have informed Respondents of this application. Attached as Exhibit Q to this affirmation is e-mail correspondence that I exchanged with Rachel DiBenedetto, Assistant Corporation Counsel at the New York City Law Department,

counsel for the Respondents on October 1, 2021, informing her that Petitioners would be seeking an Order to Show Cause for a Preliminary Injunction, with Temporary Restraints, this week.

WHEREFORE, it is respectfully submitted that Petitioners' application for a temporary restraining order and preliminary injunction should be granted.

Dated: October 3, 2021  
New York, NY

POLLOCK COHEN LLP

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