



THE CITY OF NEW YORK  
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**Via NYSECF AND EMAIL**

Justice Lyle E. Frank  
Supreme Court of the State of New York  
60 Centre Street  
New York, New York 1007

Re: *NYC Organization of Public Service Retirees, Inc. et al v. Renee  
Campion et al*  
Index No: 158815/2021  
Law Dept. No.: 2021-028140

Dear Justice Frank:

I am Assistant Corporation Counsel, Rachel M. DiBenedetto, assigned to the above-referenced matter.

Last night, October 3<sup>rd</sup>, Petitioners filed a proposed order to show cause in the matter, *NYC Organization of Public Service Retirees, Inc. et al v. Renee Champion et al*, (Index No. 158815, 2021). Shortly thereafter they filed followed by an Amended Petition and accompanying documents. That Amended Petition has not yet, to my knowledge, been served on Respondents.

As a preliminary matter, on September 29, 2021, Your Honor denied a temporary restraining order in the related matter of *Aetna Life Insurance Company v. Renee Champion et al* (Index No. 158216/2021). Although the underlying substantive claims differ, the arguments concerning irreparable harm are similar. In both matters it is argued that retired City employees must make a decision by October 31. Your Honor denied the request for a TRO and instead ordered that both parties be heard on October 20, 2021, regarding the Preliminary Injunction pending in that matter. The City believes that the same course of action is appropriate here. The TRO should be denied and the parties heard later in the month after argument on the related case of *Aetna Life Insurance Company v. Renee Champion et al* (Index No. 158216/2021), scheduled for October 20<sup>th</sup>.

Respondents respectfully submit that a temporary restraining order in the instant matter is neither necessary nor appropriate. As in the other matter, Petitioners have failed to demonstrate that they will face irreparable harm if the temporary restraining order is denied. Nor have they unambiguously demonstrated that the balance of equities is in its favor, or a likelihood to prevail on the merits. As noted in the other matter, the implementation process for the shift to new medical

healthcare coverage has already begun and therefore, there is no “status quo” to be maintained aside from the existing continuation.

With respect to irreparable harm, Petitioners will not face irreparable harm should the implementation process proceed as scheduled. To the contrary, the retired employees and the city will face harm should the process be interrupted. The complex and stringent process for approximately 250,000 retired employees must occur on an expedited timeline. Should the implementation be delayed, this will likely cause delay until April 1, 2022. Further, this would generate great confusion as retired employees have already received processing details and began to submit their paperwork. Additionally, there is sufficient time for the Petition to be heard with accompanying fully briefed and fully submitted papers prior to the October 31 deadline. Moreover, the contract itself does not take effect until January 1, 2022. As such, there is no irreparable harm to succeed on a temporary restraining order. Although Petitioners filed an Amended Petition, they did not file an Amended Notice of Petition. The original Notice sets a return date set for October 19, 2021 to a later date following the hearing scheduled for *Aetna Life Insurance Company v. Renee Campion et al* (Index No. 158216/2021), scheduled for October 20, 2021. Respondents ask that the return date in this matter be adjourned until a suitable date after October 20<sup>th</sup>.

Respondents plan to submit formal papers in opposition to the request for a preliminary injunction. However, this email is submitted solely in response to Petitioners’ impending request for a temporary restraining order. We respectfully request that the application for a temporary restraining order be denied and a reasonable schedule be set for Respondents to submit their opposition to the preliminary injunction application and answer to the Petition.

Respectfully submitted,

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Rachel M. DiBenedetto  
Assistant Corporation Counsel

**CC: (VIA NYSCEF)**  
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