



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 10007

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:

After additional research it has been determined that, owing to Federal Regulations, once data is transferred by the City to Alliance the latter would be compelled to then transfer the data to CMS. CMS would then begin enrolments. Therefore, the City cannot transfer any data to Alliance as it would result in a violation of Your Honor's Order dated October 21, 2021.

Moreover, if the data is not transferred by December 1st, the January 1, 2022 implementation date would not be achievable. If, however, the Court allows proceeding forward with the enrolment process by no later than December 1st, the City and the Alliance would extend the proposed "trial period" until June 30, 2022. Thus, the City hereby amends its proposed implementation plan to reflect that retirees could participate in the Plan but have until April 30th to opt out of the Plan.

Therefore, in light of the new informational plan submitted to the Court, and the ability of retirees to opt out of the Plan after a six month trial period, and all the reasons expressed in the City's prior submissions, we respectfully urge the Court to dissolve the injunction no later than December 1st and allow the City to proceed with the enrolment process for a January 1, 2022 effective date. We further request that the December 8th argument be adjourned *sine die*, and for the Court to set a date for Petitioners to respond to Respondents Cross-Motion to Dismiss.

We thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Rachel M. DiBenedetto
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s/ William S.J. Fraenkel
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cc: **(VIA NYSCEF)**

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