

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,

Petitioners,

For Judgment Pursuant to CPLR Article  
78

- 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

**NOTICE OF CROSS-APPEAL**

PLEASE TAKE NOTICE that Petitioners hereby cross-appeal to the Appellate Division of the Supreme Court, First Department, from those parts of this Court's Decision and Order, dated March 3, 2022 and entered with the clerk via electronic filing the same day, which permit respondents to (i) impose a Medicare Advantage plan on petitioners unless they affirmatively opt out; (ii) impose a \$15 co-pay on petitioners as part of the existing "Senior Care" plan; (iii) diminish petitioners' vested healthcare benefits; or (iv) violate the Insurance Moratorium

Law by providing petitioners who are retired school district employees with healthcare benefits that are inferior to those provided to their active employee counterparts, and from each and every part of those parts of the judgment.

A true copy of the March 3, 2022 Decision and Order is annexed hereto as Exhibit A and a copy of the Notice of Entry is annexed hereto as Exhibit B.

Dated: March 15, 2022  
New York, NY

POLLOCK COHEN LLP

By: /s/ Steve Cohen  
Steve Cohen

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WALDEN MACHT & HARAN LLP

By: /s/ Jacob Gardener  
Jacob Gardener

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*Counsel for Petitioners*

# Supreme Court of the State of New York

## Appellate Division: FIRST Judicial Department

Informational Statement (Pursuant to 22 NYCRR 1250.3 [a]) - Civil

<b>Case Title:</b> Set forth the title of the case as it appears on the summons, notice of petition or order to show cause by which the matter was or is to be commenced, or as amended.		For Court of Original Instance	
LISA FLANZRAICH et al.  <p style="text-align: center;">- against -</p> RENEE CAMPION et al.		Date Notice of Appeal Filed	
		For Appellate Division	
<b>Case Type</b>	<input type="checkbox"/> Civil Action <input type="checkbox"/> CPLR article 75 Arbitration <input checked="" type="checkbox"/> CPLR article 78 Proceeding <input type="checkbox"/> Special Proceeding Other <input type="checkbox"/> Habeas Corpus Proceeding	<b>Filing Type</b>	
	<input checked="" type="checkbox"/> Appeal <input type="checkbox"/> Original Proceedings <input type="checkbox"/> CPLR Article 78 <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Labor Law 220 or 220-b <input type="checkbox"/> Public Officers Law § 36 <input type="checkbox"/> Real Property Tax Law § 1278	<input type="checkbox"/> Transferred Proceeding <input type="checkbox"/> CPLR Article 78 <input type="checkbox"/> Executive Law § 298 <input type="checkbox"/> CPLR 5704 Review	
<b>Nature of Suit:</b> Check up to three of the following categories which best reflect the nature of the case.			
<input checked="" type="checkbox"/> Administrative Review	<input type="checkbox"/> Business Relationships	<input type="checkbox"/> Commercial	<input type="checkbox"/> Contracts
<input type="checkbox"/> Declaratory Judgment	<input type="checkbox"/> Domestic Relations	<input type="checkbox"/> Election Law	<input type="checkbox"/> Estate Matters
<input type="checkbox"/> Family Court	<input type="checkbox"/> Mortgage Foreclosure	<input type="checkbox"/> Miscellaneous	<input type="checkbox"/> Prisoner Discipline & Parole
<input type="checkbox"/> Real Property (other than foreclosure)	<input type="checkbox"/> Statutory	<input type="checkbox"/> Taxation	<input type="checkbox"/> Torts

Appeal	
Paper Appealed From (Check one only):	If an appeal has been taken from more than one order or judgment by the filing of this notice of appeal, please indicate the below information for each such order or judgment appealed from on a separate sheet of paper.
<input type="checkbox"/> Amended Decree <input type="checkbox"/> Amended Judgement <input type="checkbox"/> Amended Order <input type="checkbox"/> Decision <input type="checkbox"/> Decree	<input type="checkbox"/> Determination <input type="checkbox"/> Finding <input type="checkbox"/> Interlocutory Decree <input type="checkbox"/> Interlocutory Judgment <input type="checkbox"/> Judgment
<input checked="" type="checkbox"/> Order <input type="checkbox"/> Order & Judgment <input type="checkbox"/> Partial Decree <input type="checkbox"/> Resettled Decree <input type="checkbox"/> Resettled Judgment	<input type="checkbox"/> Resettled Order <input type="checkbox"/> Ruling <input type="checkbox"/> Other (specify):
Court: <b>Supreme Court</b>	County: <b>New York</b>
Dated: <b>03/03/2022</b>	Entered: <b>03/03/2022</b>
Judge (name in full): <b>Hon. Lyle E. Frank</b>	Index No.: <b>158115/2021</b>
Stage: <input type="checkbox"/> Interlocutory <input checked="" type="checkbox"/> Final <input type="checkbox"/> Post-Final	Trial: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <input type="checkbox"/> Jury <input type="checkbox"/> Non-Jury
Prior Unperfected Appeal and Related Case Information	
Are any appeals arising in the same action or proceeding currently pending in the court? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please set forth the Appellate Division Case Number assigned to each such appeal. <b>2022-01006</b> Where appropriate, indicate whether there is any related action or proceeding now in any court of this or any other jurisdiction, and if so, the status of the case:	
Original Proceeding	
Commenced by: <input type="checkbox"/> Order to Show Cause <input type="checkbox"/> Notice of Petition <input type="checkbox"/> Writ of Habeas Corpus	Date Filed:
Statute authorizing commencement of proceeding in the Appellate Division:	
Proceeding Transferred Pursuant to CPLR 7804(g)	
Court: <b>Choose Court</b>	County: <b>Choose County</b>
Judge (name in full):	Order of Transfer Date:
CPLR 5704 Review of Ex Parte Order:	
Court: <b>Choose Court</b>	County: <b>Choose County</b>
Judge (name in full):	Dated:
Description of Appeal, Proceeding or Application and Statement of Issues	
Description: If an appeal, briefly describe the paper appealed from. If the appeal is from an order, specify the relief requested and whether the motion was granted or denied. If an original proceeding commenced in this court or transferred pursuant to CPLR 7804(g), briefly describe the object of proceeding. If an application under CPLR 5704, briefly describe the nature of the ex parte order to be reviewed.  By order dated March 3, 2022, the Supreme Court (1) ordered that enrollment in the Medicare Advantage Plan not begin until April 1, 2022, and that retirees be permitted to opt out for three months thereafter; (2) enjoined respondents from passing along any costs of the retirees' current plan to retirees and their dependents unless those costs exceed the H.I.P.-H.M.O. threshold, as provided by New York City Administrative Code Section 12-126; and (3) ordered that respondents ensure that all retirees and their dependents pay the deductible for only one plan for the calendar year 2022.	

Informational Statement - Civil

Issues: Specify the issues proposed to be raised on the appeal, proceeding, or application for CPLR 5704 review, the grounds for reversal, or modification to be advanced and the specific relief sought on appeal.

Did the Supreme Court err by allowing respondents to:

- (i) impose a Medicare Advantage plan on petitioners unless they affirmatively opt out;
- (ii) impose a \$15 co-pay on petitioners as part of the existing "Senior Care" plan;
- (iii) diminish petitioners' vested healthcare benefits; or
- (iv) violate the Insurance Moratorium Law by providing petitioners who are retired school district employees with healthcare benefits that are inferior to those provided to their active employee counterparts?

**Party Information**

Instructions: Fill in the name of each party to the action or proceeding, one name per line. If this form is to be filed for an appeal, indicate the status of the party in the court of original instance and his, her, or its status in this court, if any. If this form is to be filed for a proceeding commenced in this court, fill in only the party's name and his, her, or its status in this court.

No.	Party Name	Original Status	Appellate Division Status
1	Lisa Flanzraich	Petitioner	Respondent-Appellant
2	Benay Waitzman	Petitioner	Respondent-Appellant
3	Linda Woolverton	Petitioner	Respondent-Appellant
4	Ed Ferington	Petitioner	Respondent-Appellant
5	Merri Turk Lasky	Petitioner	Respondent-Appellant
6	Phyllis Lipman	Petitioner	Respondent-Appellant
7	NYC Organization of Public Service Retirees, Inc.	Petitioner	Respondent-Appellant
8	Renee Campion, as Commissioner of the City of New York Office of Labor Relations	Respondent	Appellant-Respondent
9	City of New York Office of Labor Relations	Respondent	Appellant-Respondent
10	The City of New York	Respondent	Appellant-Respondent
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20			

### Attorney Information

Instructions: Fill in the names of the attorneys or firms for the respective parties. If this form is to be filed with the notice of petition or order to show cause by which a special proceeding is to be commenced in the Appellate Division, only the name of the attorney for the petitioner need be provided. In the event that a litigant represents herself or himself, the box marked "Pro Se" must be checked and the appropriate information for that litigant must be supplied in the spaces provided.

Attorney/Firm Name: Pollock Cohen LLP

Address: 60 Broad St., 24th Floor

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Telephone No: 212-337-5361

E-mail Address: steve@pollockcohen.com

Attorney Type:  Retained  Assigned  Government  Pro Se  Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above): 1-7

Attorney/Firm Name: Walden Macht & Haran LLP

Address: 250 Vesey St., 27th Floor

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Zip: 10281

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E-mail Address: jgardener@wmhllaw.com

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Party or Parties Represented (set forth party number(s) from table above): 1-7

Attorney/Firm Name: New York City Law Department

Address: 100 Church St.

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Party or Parties Represented (set forth party number(s) from table above): 8-10

Attorney/Firm Name:

Address:

City:

State:

Zip:

Telephone No:

E-mail Address:

Attorney Type:  Retained  Assigned  Government  Pro Se  Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above):

Attorney/Firm Name:

Address:

City:

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Party or Parties Represented (set forth party number(s) from table above):

Attorney/Firm Name:

Address:

City:

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Zip:

Telephone No:

E-mail Address:

Attorney Type:  Retained  Assigned  Government  Pro Se  Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above):