



THE CITY OF NEW YORK
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February 1, 2022

Via NYSCEF

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:

As the Court is aware, this is a summary proceeding and Your Honor may recall Respondents have already responded to the Petition by filing a cross-motion to dismiss. *See* NYSCEF Nos. 79-82, 95. On Sunday, January 30, 2022, Petitioners served what purports to be a summary judgment motion. *See* NYSCEF Nos. 185-97. It is inappropriate for Petitioners to bring a summary judgment motion in a summary proceeding. Consequently, we will consider Petitioners' filing as an opposition to Respondents' cross motion to dismiss and respond accordingly.

We believe that it is in the best interest of the parties for the conference on February 7, 2022 to include oral argument on the merits of the Petition. Respondents respectfully reassert their strong desire for a determinative ruling as soon as possible in an effort to proceed with the Medicare Advantage Plus Plan as scheduled, assuming that the Court finds the initiatives undertaken by the City and by the Alliance pursuant to the Court's order acceptable.

Respectfully submitted,
/s/
Rachel M. DiBenedetto
Assistant Corporation Counsel

/s/

William S.J. Fraenkel
Assistant Corporation Counsel

cc: **(VIA NYSCEF)**

All counsel of record