

RISE Delaware Update for December 1st

RISE LITIGATION UPDATE FOR DECEMBER 1, 2023

All,

This email is to update you on the litigation.

LITIGATION STATUS

RISE filed its last brief in the Delaware Supreme Court on October 19, 2023. You can find it on the RISE website under the legal documents tab, along with the other appellate briefing.

If you recall, the State in May 2023 appealed the Superior Court's Stay Order. RISE on September 6, 2023 filed its opposition to that appeal, and in support of its cross appeal for attorneys' fees. On October 3, 2023 the State replied on its appeal and opposed RISE's cross appeal. RISE's October 19 brief is its reply in support of RISE's cross appeal.

The Stay Order issued on October 19, 2022 remains in effect.

WHAT IS NEXT IN THE LITIGATION?

The Delaware Supreme Court has set oral argument for January 31, 2024.

WHY IS THE LITIGATION STILL GOING ON?

At the SEBC meeting on October 2, 2023, SEBC member Shaun O'Brien led a coup and got the SEBC to vote, as recommended by the RHBAS, to have in the next benefits contract cycle only a Medicare Supplement plan identical to Medicfill for Medicare Retirees and not to consider a Medicare Advantage plan.

This means that, well past the end of the Carney administration next year, Medicare Advantage will remain off the table and our Medicfill benefit will be secure.

You may ask, as Dale Swain saliently did in public comment at the end of that SEBC meeting, why doesn't the Carney Administration drop its appeal of the Stay Order. The SEBC effectively retracted and nullified its improper action of February 28, 2022 in adopting Medicare Advantage in violation of the APA that was the subject of RISE's lawsuit when, on October 2, 2023, the SEBC set a new course keeping Medicfill and terminating the Highmark Medicare Advantage contract. The goal of our lawsuit has been achieved.

The State's continuation of its appeal can serve no legitimate purpose. The sensible and responsible thing would be for the State to drop its appeal and stop

RISE Delaware Update for December 1st

wasting public monies. And to stop causing RISE to have to expend for appellate proceedings Retirees' and employees' hard-earned dollars donated to Rise.

Regards,

Mary

=====

RISE Delaware: Retirees Investing in Social Equity Delaware

You received this email because you signed up for our messages.

<https://www.facebook.com/groups/1131036457767524>

<https://www.facebook.com/RiseDelaware>

<https://www.gofundme.com/f/rise-delaware-round-2-legal-and-other-costs>

Our Web site: www.risede.com

Checks may be made payable to: RISE Delaware

Address: RISE Delaware, P.O. Box 7262, Newark, DE 19714

Public Meeting Calendar: State of Delaware

<https://publicmeetings.delaware.gov/#/>

