

Rise Delaware Litigation Update for February 27, 2023

A message from Mary Graham:

Hi All,

There has been some confusion and misinformation generated by the news media about the status of our litigation against the State over Medicare Advantage. It has been suggested that our case might be over and our victory diminished. NOT TRUE.

The Superior Court's ruling in our favor in October that the State, to adopt Medicare Advantage, would have to follow open government laws for adopting regulations, and that the implementation of Medicare Advantage is stayed for now, are still in place. The State very much wants to take that ruling up on appeal to the Delaware Supreme Court, but has had to wait for a final judgment to be entered (which the parties agreed would be in RISE's favor). While the Superior Court denied our application for fees (on jurisdictional grounds, not on the merits), it did not enter a final judgment.

Two procedural actions have now followed. We have filed an election to transfer the case to the Chancery Court in view of the fees ruling, while the State has attempted to appeal the October Stay ruling to the Delaware Supreme Court, even though no final judgment has been entered. So, we will see what happens as the parties dispute the correct steps and the Courts sort that all out.

Meanwhile, and most importantly, the October ruling in our favor stands and we are forging full steam ahead, with your continued help, to keep MedicFill in place!

All the best,
Mary Graham
RISE Legal Liaison

RISE Delaware: Retirees Investing in Social Equity Delaware

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

Checks may be made payable to RISE Delaware, address below.

Our Website: www.risede.com