Pollock Cohen Law Firm Wins Second Major Victory on Behalf of Retirees

WILMINGTON, Oct. 20, 2022 (GLOBE NEWSWIRE) -- A Delaware judge halted the state's efforts to move of all of its 30,000 retired state employees off of their traditional Medicare supplemental plan and onto Medicare Advantage. The Court found that government officials provided inadequate and/or misleading information about the nature of Medicare Advantage, which provides materially worse benefits than traditional Medicare, and has been the subject of dozen of fraud lawsuits.

"We are relieved and thrilled that the Court halted this unwelcome change to our health insurance benefits," said Thomas Penoza, a plaintiff and retired Delaware employee. "This is justice for the retirees who worked for their existing benefits, who were promised these benefits, and who rightly believed that together, we could fight back."

The Hon. Calvin Scott, of the Delaware Superior Court issued an interim order in favor of plaintiffs in the lawsuit against State of Delaware officials brought by RISE Delaware, an advocacy group for retirees of the State of Delaware, and two individuals. The lawsuit asks to stop Delaware's implementation of its improperly adopted Highmark Medicare Advantage Plan to replace the long-standing traditional Medicare benefit earned by state retirees. Based on the record that state officials failed to follow basic open government laws, the Court has stayed implementation of the Medicare Advantage plan, pending a final trial on the merits.

"We believe that everyone should have access to affordable, high-quality health care," said Sara Haviva Mark, formerly a senior counsel at Pollock Cohen. "Health care is a human right, not a luxury that only the privileged should be able to obtain. We are proud to have represented retirees in both of these cases, who are far too often treated as expendable, and who deserve the basic right to obtain the health care that they need."

The Delaware case comes on the heels of a similar victory for 250,000 New York City retirees in March 2022. Both groups were represented by Pollock Cohen partner Steve Cohen and Jake Gardener of Walden Macht & Haran. Ms. Mark successfully argued the Delaware case and David Felice of Bailey Glasser in Wilmington, Del. Served as co-counsel.

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