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# Class Action Lawsuit filed by Pollock Cohen LLP and Walden Macht & Haran Against NYC and EmblemHealth/GHI On Behalf of 183,000 Retirees Over Illegal Co-pays

NEW YORK, Dec. 7, 2022 (GLOBE NEWSWIRE) -- On November 29, [Pollock Cohen LLP](#) and Walden Macht & Haran filed a class action lawsuit on behalf of 183,000 municipal retirees against New York City and insurance company EmblemHealth/GHI. The suit alleges that the City and the health insurer illegally charged retirees co-pays every time the retiree went to the doctor, had a diagnostic test, or received a medical procedure. The suit alleges that these senior citizens and disabled first-responders incurred more than \$55 million in actual damages, and that many have been irreparably harmed. Affidavits were filed detailing seniors' inability to see their doctors, pay for home health aides to help disabled people walk, pay for food, and keep their homes heated.

The City and insurance company conspired to implement the \$15 co-pays beginning in January 2022 in direct violation of the contract between the City and EmblemHealth. The co-pays are also a direct violation of a Court Order in a related matter, issued in March 2022 by Justice Lyle Frank of the New York Supreme Court. That case involved the City's attempt to force retired fire fighters, police officers, teachers, and other civil servants into a Medicare Advantage plan. When Justice Frank ruled on behalf of the retirees, he specifically said that "The respondent is permanently enjoined from passing along **any costs** of the New York City retirees' current plan to the retiree or to any of their dependents." Justice Frank's decision was unanimously affirmed by the Appellate Court on November 22nd.

"These co-pays are a transparent and unlawful attempt to shift onto retirees costs that the City and Emblem are responsible for," said Marianne Pizzitola, President of the NYC Organization of Public Service Retirees, one of the plaintiffs. "Retirees earned and paid for their benefits by giving up wage increases and accepting reduced earnings during their careers. To deprive them of these hard-earned benefits now, in their old age, is reprehensible."

The suit was filed in New York Supreme Court, Manhattan County. "We have asked for the case to be assigned to Justice Frank because this is a related matter to the original Medicare Advantage case," said [Steve Cohen](#), one of the lawyers leading the team. The other attorneys are Sara Haviva Mark, formerly of Pollock Cohen, and Jacob Gardener of Walden Macht & Haran.

“We have asked the Court to immediately halt these co-pays to prevent retirees from suffering any further harm while we litigate this case,” said Gardener.

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