

**Anderson v City of New York**

2025 NY Slip Op 34704(U)

December 3, 2025

Supreme Court, New York County

Docket Number: Index No. 164234/2025

Judge: Lyle E. Frank

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This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. LYLE E. FRANK PART 11M

Justice

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GEORGE ANDERSON, MIGDALIA ACEVEDO, SAMY MAHMOUD, RAEANN SINGLETON, ANDREA FRANCIS, CHRYSTLE BULLOCK, MONIQUE BROWN, WANDA WILLIAMS, HANDS OFF NY CARE, INC.,

Petitioner,

INDEX NO. 164234/2025

MOTION DATE 11/05/2025, 11/21/2025, 11/24/2025

MOTION SEQ. NO. 002 003 004

- v -

THE CITY OF NEW YORK, RENEE CAMPION, CITY OF NEW YORK OFFICE OF LABOR RELATIONS,

Respondent.

DECISION + ORDER ON MOTION

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The following e-filed documents, listed by NYSCEF document number (Motion 002) 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 52, 53, 54, 55, 88

were read on this motion to/for MISCELLANEOUS

The following e-filed documents, listed by NYSCEF document number (Motion 003) 64, 65, 66, 67, 68, 69, 70, 71, 72, 89, 93

were read on this motion to/for MISCELLANEOUS

The following e-filed documents, listed by NYSCEF document number (Motion 004) 74, 75, 76, 77, 78, 90, 91, 92

were read on this motion to/for MISCELLANEOUS

Upon the foregoing documents, motion sequences 002, 003, and 004 are granted.

Background

Under the NYC Admin Code § 12-126(b)(1), New York City (the "City") has been obligated to pay the entire cost of health insurance coverage for city employees, city retirees, and their dependents. The City also has various collective bargaining obligations with regards to providing healthcare. There are several fully insured plans offered by the City, with the primary plan being a comprehensive benefits plan administered through Anthem Blue Cross (the "CPB Plan"). Over the course of several years, the City negotiated a new plan with the Municipal

Labor Committee (the “MLC”). This new plan (the “ASA Plan”) is fully self-funded by the City, with EmblemHealth Plan, Inc. and a UnitedHealthcare subsidiary, UMR, Inc. (collectively, the “Administrators”) serving solely in an administrative function. The ASA Plan was approved in September of 2025 and the city employees and retirees received a variety of communications regarding the plan change. All participants covered under the previous CBP Plan are automatically transferred to the ASA Plan unless they opt-out during the open enrollment period beginning November 1, 2025. Petitioners are several city employees/retirees who seek to challenge the transfer to the ASA Plan, along with a newly formed interest group with the same goal.

### **Standard of Review**

The general rule is that intervention is to be liberally allowed, with courts “permitting persons to intervene in actions where they have a bona fide interest in an issue involved in that action.” *Yuppie Puppy Pet Prods., Inc. v. Street Smart Realty, LLC*, 77 A.D.3d 197, 201 [1st Dept. 2010]. Under CPLR § 7802(d), a court may allow “other interested persons” to intervene in a special proceeding. The standard for intervention under this provision is “more liberal than that provided in CPLR 1013.” *Greater N.Y. Health Care Facilities Ass’n v. DeBuono*, 91 N.Y.2d 716, 720 [1998]. Therefore, intervention should generally be granted “where the intervenor has a real and substantial interest in the outcome of the proceedings”, but a court is permitted to “balance the benefit to be gained by the intervention [...] against other factors, such as the degree to which the proposed intervention will delay and unduly complicate the litigation.” *Matter of Connectivity Sys., LLC v. Zoning Bd. of Appeals of the Town of Ramapo*, 227 A.D.3d 984, 985 [2nd Dept. 2024].

### **Discussion**

These three orders to show cause are all brought by proposed intervenors who seek either to be added as a Respondent or intervention as an *amicus*. Motion seq. 002 is brought by the MLC, and motion seq. 003 is brought by NYPD Retiree Emblem/Health Doctor & Dental Information Group by its founder William McMahon (a group founded to assist retired NYPD members in locating health care outside the NYC area, here the “NYPD Retirees”). Motion seq. 004 is brought by the Administrators. Petitioners oppose all three motions. For the reasons that follow, all three motions are granted.

*The MLC Has a Real and Substantial Interest in This Proceeding*

The MLC seeks to intervene, arguing that they have a real and substantial interest in this matter because the ASA Plan was the result of a lengthy bargaining process between them and Respondents. Any changes to the healthcare coverage offered by the City impacts their members, and they point to the separate and distinct role that they play in the issue given their bargaining rights. They clearly have a real and substantial interest in the outcome of this proceeding, as any result will impact their rights as a negotiating member in the matter of the City’s healthcare coverage. Petitioners argue that that the MLC’s interests are adequately represented by Respondents. But while they do not cite to, and the Court is unaware of, any binding authority making inadequate representation a requirement for the more permissive CPLR § 7802(d) standard, the Court finds that the MLC’s interests are not adequately represented by Respondents. As Petitioners themselves state in their Petition, there is “an increasingly adversarial posture between the City and the MLC” on the matter of healthcare coverage. Such a background heavily weighs against a finding that the MLC’s interests would be adequately represented by the Respondents. Therefore, their motion to intervene is granted and the papers they have submitted will be considered.

*The NYPD Retirees Have a Real and Substantial Interest in This Proceeding*

The NYPD Retirees seeks to intervene, arguing that they have a real and substantial interest in the proceeding because they represent retirees outside the NYC Metropolitan area. A key difference between the old CPB Plan and the new ASA Plan is that the new plan creates greater opportunities to obtain healthcare for those members living outside the NYC Metropolitan area. There have been multiple affidavits from multiple parties attesting to the struggle that many out of state retirees have in finding covered healthcare providers under the CPB Plan. Given the distinct difference in the ability to obtain healthcare between the two plans, the Court finds that the NYPD Retirees has a real and substantial interest in this proceeding. While Petitioner argues that the Respondents are adequately able to represent the NYPD Retirees' interests in this matter, because the Respondents are arguing in favor of retaining the ASA Plan, the Court finds this argument unavailing. There is a divergence in interests between the two parties – while the City's interests necessarily concern the fiscal and other considerations of the party required to provide coverage to a wide group of people, the NYPD Retirees' interests as a subset of the people receiving coverage will necessarily be distinct even if they share an overlapping end goal. Given the unique position of the NYPD Retirees, the Court finds that the Respondents would not adequately represent the NYPD Retirees' interests. Therefore, their motion to intervene is granted and the papers they have submitted will be considered.

*Emblem and UMR Have a Real and Substantial Interest in This Proceeding*

The Administrators move to intervene on the grounds that their interests are deeply tied to the ASA Plan, as they hold the contract to administer the plan. They also argue that they are in a unique position, as the ASA Plan administrators and one of two insurance providers for the CBP Plan, to provide insight and clarity on the differences between the two plans and the extent

of coverage on the new plan. Petitioners argue that the Administrators are not interested parties and even if they were, their interests could be adequately represented by the Respondents. But as holders of a contract on the ASA Plan, which is at risk of being nullified by this proceeding, the Administrators are clearly parties who has rights that could be impacted. *See, e.g., McQuay Group, McQuay-Perfex, Inc. v. New York Convention Center Development Corp.*, 87 A.D.2d 507, 508 [1st Dept. 1982]. Therefore, their motion to intervene will be granted and the papers submitted will be considered. The Court has considered the balance between the benefits of intervention for the three proposed intervenors and other factors such as risk of delay and prejudice and finds that under the permissible intervention standard all three have shown a real and substantial interest in this proceeding. Accordingly, it is hereby

ADJUDGED that motion sequences 002, 003, and 004 are hereby granted; and it is further

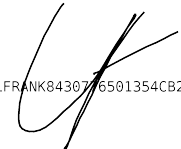
ORDERED that the Municipal Labor Committee; NYPD Retiree Emblem/Health Doctor & Dental Information Group, by its founder William McMahon; and EmblemHealth Plan, Inc. and UMR, Inc., are permitted to intervene in the above-entitled action as party respondents; and it is further

ORDERED that the petition in the above-entitled action be amended by adding Municipal Labor Committee; NYPD Retiree Emblem/Health Doctor & Dental Information Group, by its founder William McMahon; and EmblemHealth Plan, Inc. and UMR, Inc. thereto as party respondents and listing same as the last respondents in the caption; and it is further

ORDERED that counsel for the intervenors shall serve a copy of this order with notice of entry upon the Clerk of the Court (60 Centre Street, Room 141B) and the Clerk of the General

Clerk’s Office (60 Centre Street, Room 119), who are directed to amend their records to reflect such change in the caption herein; and it is further

ORDERED that such service upon the Clerk of the Court and the Clerk of the General Clerk’s Office shall be made in accordance with the procedures set forth in the *Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases* (accessible at the “E-Filing” page on the court’s website at the address [www.nycourts.gov/supctmanh](http://www.nycourts.gov/supctmanh)).

  
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12/3/2025  
DATE

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LYLE E. FRANK, J.S.C.

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED

DENIED

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE