

RISE Delaware™ Update: LITIGATION PART 3

RISE DELAWARE LITIGATION PART 3: ACKNOWLEDGEMENT OF THOSE HELPING IN THE LITIGATION WORK

As the legal liaison for RISE and a Delaware attorney, I worked *pro bono* on the litigation and was the interface with the litigation attorneys throughout the case. To limit attorneys' fees, I ended up putting in some 1000 volunteer hours (far more than I ever expected) working closely with the litigation attorneys. That work started with the Complaint in September 2022 and carried on through the conclusion of the lawsuit in April 2024. Looking back, I would call that undertaking an act of utter insanity if it were not for so many of you unselfishly helping with the actual litigation work!

Those who worked on the litigation include:

1. Elisa Diller, County Councilwoman – who incorporated RISE Delaware in September 2022 so there would be an entity to act as a Plaintiff to advocate for all State retirees to keep their Medicfill. And who in her calm and steady way led the way and continued to keep her eye on the ball and provide helpful insight, perspective and analysis for the litigation.
2. AnRea MacDonald, a retired public school teacher and school administrator, and Elisa Diller – who identified and reached out to the phenomenal New York lawyers to take on the challenge and who achieved the grant of the Stay. And the anonymous former State trial judge who recommended our top-notch Delaware local counsel and expert navigator of the State courts, David Felice, who kept us on a good course. And to Austen Endersby who got us our phenomenal appellate lawyer, Sid Liebesman.
3. Thomas Penozza, retired Special Investigator from the AG's office – who joined the lawsuit as an individual plaintiff and who never wavered in his support and was always available to give helpful advice and support.
4. Sen. Karen Peterson (ret.), a retired Director at the Department of Labor – who joined the lawsuit as an individual plaintiff and actively worked selflessly behind the scenes on the lawsuit as a strategic thinker, helpful sounding board, reader of draft briefs, and all-around invaluable and ethical person to have on the team. I did not know Karen going into this, but when I heard so many people shout out at Goldey Beacom in September 2022 that they wanted to hear from her, I knew she had to be a good person to listen to!
5. Robert Clarkin, a retired Deputy Director at the Department of Labor – who had spent the summer of 2022 researching the mountains of State documents showing what had happened at the SEBC and other committees (and what had not happened). As we were deciding on the litigation course after the Goldey Beacom Town Hall meeting in September 2022, Bob shared with me all his meticulous research and thereafter made himself available many times for additional litigation research and consultation at all hours. His research got us going and gave us the assurance that the litigation track we decided on was 100% factually correct, even as Carney Administration officials continued throughout the litigation to obscure the truth and push alternative facts to the courts, the RHBAS and legislators.
6. Steven LePage, retiree from the Dept of Computer Technology – who was always a steady and supportive presence behind the scenes and helped with the litigation record, especially in using FOIA as an effective tool to get us important documents that the Carney Administration wanted to keep under wraps and in using technology for the litigation.

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7. Those who stepped up to provide critically important affidavits and publicly tell their personal stories in support of the Motion to Stay in October 2022 and in support of the fee petition:
 - a. Diana Brubaker
 - b. Robert Clarkin
 - c. Elisa Diller
 - d. Steven LePage
 - e. AnRea MacDonald
 - f. Patricia Maichle
 - g. Thomas Penozza
 - h. Karen Peterson
8. A former Delaware appellate judge who, unfortunately, insists on anonymity – who was extremely helpful behind the scenes, especially at the appellate level, with strategy, keen legal analysis, and brilliant editing, and who was very generous with time and expertise, all on a *pro bono* basis.
9. Denise Tuck, a retiree of the public schools who taught teachers how to use technology – who diligently kept up the litigation record on the RISE Delaware website she expertly designed.
10. All of you who attended the Superior Court and Supreme Court arguments or otherwise provided true motivational support for the work with your calls, posts and emails.

THANK YOU TO THIS AMAZING GROUP – FROM RISE AND FROM ME PERSONALLY!

Regards,

Mary Graham, Legal Liaison and Vice President, RISE Delaware

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RISE Delaware: Retirees Investing in Social Equity Delaware

Elisa Diller, President

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Our Facebook page: <https://www.facebook.com/profile.php?id=61557317635829>

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/#/>

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