

Solomon v Lifeworks Tech. Group LLC.

2025 NY Slip Op 33956(U)

October 14, 2025

Supreme Court, New York County

Docket Number: Index No. 160896/2024

Judge: Emily Morales-Minerva

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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. EMILY MORALES-MINERVA PART 42M

Justice

JEFFREY SOLOMON Plaintiff,
LIFEWORKS TECHNOLOGY GROUP LLC., Defendant.
INDEX NO. 160896/2024
MOTION DATE 07/07/2025
MOTION SEQ. NO. 001

- v -

DECISION + ORDER ON MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 001) 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18

were read on this motion to/for AMEND CAPTION/PLEADINGS

APPEARANCES:

Virginia & Ambinder, LLP, New York, NY (Kara S. Miller, Esq., of counsel), for plaintiff.

Lazarus & Lazarus, New York, NY (Harlan Mitchell Lazarus, Esq., of counsel) for defendant.

HON. EMILY MORALES-MINERVA, J.S.C.

In this action for unpaid wages pursuant to New York Labor Law, plaintiff JEFFREY SOLOMON moves, by notice of motion (sequence number 01), pursuant to CPLR § 3025 (b),¹ for leave to amend his complaint to assert an additional cause of action

¹Rule 3025 (b) of the CPLR provides, "A party may amend [his] pleading, or supplement it by setting forth additional or subsequent transactions or occurrences, at any time by leave of court or by stipulation of all parties. Leave shall be freely given upon such terms as may be just including the granting of costs and continuances. Any motion to amend or supplement pleadings shall be accompanied by the proposed amended or supplemental pleading clearly showing the changes or additions to be made to the pleading" (emphasis added).

against defendant LIFEWORKS TECHNOLOGY GROUP LLC for retaliation under New York Labor Law § 215. Defendant appears and opposes the motion.

For the reasons explained below, the motion (seq. no. 01) is granted entirely.

Leave to amend a pleading should be freely given absent a showing of substantial prejudice or surprise, unless the proposed amendment is palpably insufficient or patently devoid of merit (see CPLR § 3025 [b]; see also JP Morgan Chase Bank, N.A. v Low Cost Bearings N.Y., Inc., 107 AD3d 643, 644 [1st Dept 2013]). "On a motion for leave to amend, plaintiff need not establish the merit of its proposed new allegations, but simply show that the proffered amendment is not palpably insufficient or clearly devoid of merit" (MBIA Ins. Corp. v Greystone & Co., Inc., 74 AD3d 499, 500 [1st Dept 2010] [internal citation omitted]).

Further, the party seeking to amend is "not required to support its allegations with evidence or an affidavit of merit" (St. Nicholas W. 126 L.P. v Republic Inv. Co., LLC, 193 AD3d 488, 488-489 [1st Dept 2021]; see also Sorge v Gona Realty, LLC, 188 AD3d 474, 475 [1st Dept 2020]). Courts have repeatedly emphasized this liberal standard (see Cherebin v Empress Ambulance Serv., Inc., 43 AD3d 364, 365 [1st Dept 2007] [affirming that leave should be granted unless there is

prejudice]; see also NYAHSA Servs., Inc., Self-Ins. Tr. v People Care Inc., 156 AD3d 99, 103 [3d Dept 2017] [holding that "[l]eave to amend pleadings should be freely granted" where there is no showing of unfair surprise or legal futility]).

Here, plaintiff seeks to amend his complaint to include one additional cause of action (see New York State Court Electronic Filing System [NYSCEF] Doc. No. 15, Plaintiff's memorandum of law in support of plaintiff's motion for leave to amend the complaint, and Doc. No. 13, Proposed amended complaint). Though defendant opposes the motion, it does not allege that there exists any prejudice or surprise (see NYSCEF Doc. No. 17, Memorandum of law in opposition to plaintiff's motion). Instead, defendant argues the merits of the proposed cause of action, which, at this stage, plaintiff need not establish -- plaintiff must only show that the "proffered amendment is not palpably insufficient or clearly devoid of merit", which plaintiff has done (see Sorge, 188 AD3d at 475).

Accordingly, it is hereby

ORDERED that the motion (seq. no. 01) of plaintiff JEFFREY SOLOMON is granted; it is further

ORDERED that the Amended Complaint in the form annexed to the motion shall be deemed served upon defendant LIFEWORKS TECHNOLOGY GROUP LLC upon service of a copy of this order, with notice of entry; it is further

ORDERED that plaintiff shall serve a copy of this order with notice of entry on defendant LIFEWORKS TECHNOLOGY GROUP LLC within ten days of such entry; it is further

ORDERED that defendant shall file an answer to the amended complaint within thirty days of such service; it is further

ORDERED that the parties shall appear for a preliminary conference in Part 42M, Courtroom 574, 111 Centre Street on January 28, 2026, at 10:30 A.M.; and it is further

ORDERED that the Clerk of Court shall mark the file accordingly.

THIS CONSTITUTES THE DECISION AND ORDER OF THE COURT.

10/14/2025
DATE


EMILY MORALES-MINERVA, J.S.C.

CHECK ONE:	<input type="checkbox"/>	CASE DISPOSED	<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION
	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/>	GRANTED IN PART
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	OTHER
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	FIDUCIARY APPOINTMENT
			<input type="checkbox"/>	REFERENCE