

Chen v Ribbon Home, Inc.

2025 NY Slip Op 34602(U)

November 17, 2025

Supreme Court, New York County

Docket Number: Index No. 152297/2023

Judge: Leslie A. Stroth

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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. LESLIE A. STROTH PART 12M

Justice

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INDEX NO. 152297/2023

MOTION DATE 03/13/2025

MOTION SEQ. NO. 003

KENNY CHEN, SEAN HO, ZOE BUONINCONTRI, ABRAHAM HUNT, CHEUK CHAN, CHRISTOPHER DOWNING, CORE D'AMBRA, GARVIN CHEN, GERALD MASHAW, GRACE HO CHING LAU, GREGORY BARTOSCH, HUSEYIN TURCAN CICEK, JEAN CHUNG, JESSICA SWANNER, JESSICA BEAUCHAMP, JONATHAN GUZMAN, KAITLIN CARR, KENNEDY SAMMONS, KRISTOPHER STOKES, KRYSTA CAIN, LEAH BURLAND, LINETTE HSU, LUE XIONG, MAAZ MUSHTAQ, MELISSA KEENE, NATHANIEL OTIS, NISCHALA BUCHANAN, PREYA PATEL, RAEMY OSBORN, RYAN LACKIE, SARAH WALKER, SASHA PEREZ, TARA THEOHARIS, VINEET ABRAHAM, VITALY SENDER, XINGLIANG CHEN

DECISION + ORDER ON MOTION

Plaintiff,

- v -

RIBBON HOME, INC. F/K/A ACHIEVE, INC.,

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 003) 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115

were read on this motion to/for MISCELLANEOUS

This action was commenced on March 10, 2023, to recover statutory damages under the New York Worker Adjustment and Retraining Notification Act (NY WARN Act) arising from Ribbon Home, Inc.'s mass layoff on November 21, 2022. Plaintiffs allege that Defendant effected a layoff of at least 33% of its workforce and at least 25 employees without providing the 90-day advance written notice required under Labor Law § 860-b. Defendant has never appeared or answered in this action.

On December 21, 2023, Plaintiffs moved for default judgment on behalf of several employees and to amend the complaint to include additional plaintiffs. By Decision and Order dated April 1, 2024, that motion was granted by the Hon. Louis L. Nock. Further default-

judgment motions were filed on May 29, 2024, regarding additional plaintiffs, including Patel and Carr. On August 20, 2024, the Hon. Louis L. Nock granted the motion for default judgment as to all plaintiffs identified in the motion, directed the Clerk to enter judgment, and awarded damages.

However, that Order inadvertently omitted Plaintiff Preya Patel from the list of plaintiffs for whom judgment was expressly awarded. Similarly, the Order contained a typographical error as to Plaintiff Kaitlin Carr, awarding her “\$1,508.32” rather than the correct amount of \$31,508.32, as reflected in the filed damages spreadsheet.

On January 2, 2025, Justice Nock issued an amended order correcting these omissions and errors. But by Order dated February 24, 2025, the Hon. Suzanne Adams vacated that amended order upon learning that Justice Nock had been transferred out of Supreme Court Civil Term as of January 1, 2025, rendering any orders issued thereafter jurisdictionally invalid.

Plaintiffs now move to correct these inadvertent omissions and errors by seeking entry of judgment in favor of Patel and Carr, supported by their sworn affidavits and the damages spreadsheet previously submitted.

Defendant remains in default and has made no appearance in this matter.

The August 20, 2024 Decision and Order granted default judgment as to all plaintiffs included in the May 29, 2024 motion. The motion papers unquestionably included Patel among the plaintiffs for whom relief was sought. The omission of her name from the decretal paragraphs of that Order was plainly inadvertent, as subsequently confirmed by Justice Nock in his January 2, 2025 amended order.

Patel's affidavit and the damages spreadsheet demonstrate that she worked for Defendant for approximately 204 days at a yearly salary of \$244,000, resulting in WARN Act damages of \$40,666.68.

Because liability was already established by the August 20, 2024 Order, judgment must now be entered in Patel's favor.

Similarly, Plaintiff Carr was included in the May 29, 2024 default-judgment motion and was intended to receive judgment pursuant to the August 20, 2024 Order. The Order, however, contained an evident typographical error, listing her total damages as \$1,508.32 instead of \$31,508.32, which is the amount reflected in the damages spreadsheet and in her affidavit.

Carr worked for Defendant for approximately 750 days at a yearly salary of \$189,050, resulting in WARN Act damages of \$31,508.32. Because the Court previously awarded her judgment, Carr is now entitled to the remaining \$30,000.00 representing the difference between the correct award and the erroneous amount.

Defendant has never appeared, has never answered, and has never opposed any of the motions. Accordingly, it is hereby

ORDERED that Plaintiffs' motion (Motion Seq. 003) is granted in its entirety; and it is further

ORDERED that the Clerk is directed to enter judgment in favor of Plaintiff PREYA PATEL and against Defendant Ribbon Home, Inc. F/K/A Achieve, Inc. in the amount of \$40,666.68, plus prejudgment interest from March 10, 2023 at the statutory rate of 9% per annum; and it is further

ORDERED that the Clerk is directed to enter judgment in favor of Plaintiff KAITLIN CARR in the additional amount of \$30,000.00 plus prejudgment interest from March 10, 2023 at

the statutory rate of 9% per annum, representing the remaining balance of her total WARN Act damages of \$31,508.32; and it is further

ORDERED that Plaintiffs Patel and Carr shall serve a copy of this Decision and Order with Notice of Entry upon Defendant within twenty (20) days.

The foregoing constitutes the decision and order of the court.

11/17/2025

DATE


LESLIE A. STROTH, 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