

Coakley v Global Sec. Solutions, Inc.
2026 NY Slip Op 31687(U)
April 17, 2026
Supreme Court, New York County
Docket Number: Index No. 155202/2023
Judge: Ashlee Crawford
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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: PART 38

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ARJENNA COAKLEY, individually and on behalf of all
other persons similarly situated

Plaintiff,

- v -

GLOBAL SECURITY SOLUTIONS, INC.,

Defendant.

INDEX NO. 155202/2023

MOTION DATE 06/25/2024

MOTION SEQ. NO. 001

**DECISION + ORDER ON
MOTION**

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HON. ASHLEE CRAWFORD:

The following e-filed documents, listed by NYSCEF document number (Motion 001) 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30

were read on this motion to/for MISCELLANEOUS.

In this putative class action seeking recovery for alleged wage and hour violations, named plaintiff Arjenna Coakley (“Plaintiff”) moves pursuant to CPLR 2004 for an order extending her deadline to move for class certification. Defendant Global Security Solutions, Inc. (“Defendant”) opposes the motion.

Plaintiff alleges unpaid wages, minimum wage violations, spread of hours violations, unlawful deductions from wages, and unpaid benefits under the Labor Law and in breach of contract. Plaintiff commenced this action on June 9, 2023, and Defendant was served via Secretary of State on June 13, 2023. On July 10, 2023, the parties stipulated to extend Defendant’s time to answer to August 10, 2023 (NYSCEF Doc. 15, “July 2023 Stipulation”). The July 2023 Stipulation further provided that Plaintiff’s “deadline to move for class certification is extended until a date set forth at the preliminary conference” (*id.* ¶ 3). However, the July 2023 Stipulation was not filed with the Court after Defendant’s counsel informed Plaintiff’s counsel on July 11, 2023 that an extension was unnecessary (NYSCEF Doc. 16). On

that same day, Defendants filed its Answer and Plaintiff filed a Preliminary Conference Request (NYSCEF Docs. 5-6).

This action was referred to the Court's Presumptive Early Mediation Part ("PMP") on March 15, 2024 (NYSCEF Doc. 8). The PMP conference was held on June 11, 2024; the post-conference report indicated that the case was not in the Court's ADR program and that a preliminary conference could be held before the assigned Justice (NYSCEF Doc. 9). Plaintiff filed the instant motion on June 25, 2024 (NYSCEF Doc. 25).

A Preliminary Conference was held on July 17, 2024 and a discovery order was issued in which the Court set deadlines for pre-class-certification discovery, with April 14, 2025 as the end date for all disclosure (NYSCEF Doc. 31 "Preliminary Conference Order"). The Preliminary Conference Order did not specify a deadline for moving for class certification and instead stated that the Court would resolve the present motion. The parties subsequently extended the deadlines for pre-class certification discovery in a so-ordered stipulation issued in lieu of a Compliance Conference on December 5, 2024 (NYSCEF Doc No. 38) and in a stipulation dated February 6, 2025 in which the parties agreed to set the deadline for pre-class certification depositions for April 11, 2025 and contemplated August 15, 2025 as the end date for all disclosure (NYSCEF Doc No. 39). On April 28, 2025, the parties further stipulated to stay all pre-class certification deadlines pending the determination of this motion (NYSCEF Doc. 40).

CPLR 2004 provides: "Except where otherwise expressly prescribed by law, the court may extend the time fixed by any statute, rule or order for doing any act, upon such terms as may be just and upon good cause shown, whether the application for extension is made before or after the expiration of the time fixed." Plaintiff argues that she has shown good cause for an extension of the time to move for class certification under CPLR 902, which requires a plaintiff to move within "sixty days after the time to serve a responsive pleading has expired for all persons named as defendants" in a putative class action. She claims good cause based on, *inter alia*, a lack of a

Preliminary Conference on the same day Defendant served its answer; her belief that, in signing the July 2023 Stipulation, Defendant had consented to extending the deadline to move for class certification at a future Preliminary Conference; inadvertent law office failure by one of Plaintiffs' attorneys of record caused by parental leave; Defendant's failure to object to class discovery or to an extension of time to move until June 2024; and the outstanding need to complete pre-certification discovery before moving under CPLR 902. Defendants object, contending that Plaintiff fails to demonstrate good cause because the deadline to move for class certification is not automatically stayed by class discovery, was not tolled by her filing of the Preliminary Conference Request, and her demands for class discovery were made outside the 60 day window to move.

"A court may in its discretion deem a late-filed class certification motion timely upon a showing of good cause" in comportment with CPLR 2004 (*Gerard v Clermont York Assoc. LLC*, 143 AD3d 478, 478 [1st Dept 2016]; *see also Façade Tech. v CNY Constr. 701 LLC*, 200 AD3d 607, 607 [1st Dept 2021] ["Plaintiff's motion for class certification should not have been denied as untimely because plaintiff demonstrated good cause under CPLR 2004 for its brief, nonprejudicial delay in moving"]). In considering a motion under CPLR 2004, the Court "may properly consider factors such as the length of the delay, whether the opposing party has been prejudiced by the delay, the reason given for the delay, whether the moving party was in default before seeking the extension, and, if so, the presence or absence of an affidavit of merit" (*Tewari v Tsoutsouras*, 75 NY2d 1, 12 [1989]). Law office failure is a recognized basis under CPLR 2004 in which trial courts may grant an extension (*id.* at 12-13; *see also Molner v Molner*, 242 AD3d 515, 516 [1st Dept 2025]), as is the "need to conduct preclass certification discovery to determine whether the prerequisites of a class action set forth in CPLR 901 (a) may be satisfied" (*Rodriguez v Metropolitan Cable Communications*, 79 AD3d 841, 842 [2d Dept 2010]).


Here, the Court finds that Plaintiff has demonstrated good cause for an extension of the time to file a CPLR 902 motion for class certification and that Defendant fails to show prejudice. The record indicates that, in executing the July 2023 Stipulation, the parties contemplated extending the time to move for class certification until such date as determined in the then-forthcoming Preliminary Conference. Plaintiff's subsequent conduct comports with the schedule proposed in the July 2023 Stipulation, as she requested a Preliminary Conference the day after the stipulation was discussed and on the same day Defendant filed its Answer. That a Preliminary Conference was not immediately scheduled, or that this matter was referred to PMP, cannot be attributed to the conduct of Plaintiff or her counsel, and in any event Plaintiff's proffered excuse of law office failure is within the ambit of CPLR 2004 (*see Tewari*, 75 NY2d at 12). The parties' subsequent subscription to discovery stipulations in which they agreed to dates for pre-class certification discovery further underlines Plaintiff's demonstration of good cause, namely her need for such discovery to establish whether she can satisfy the CPLR 901 (a) prerequisites (*cf. Rodriguez*, 79 AD3d at 842).

Accordingly, it is hereby:

ORDERED that the motion by plaintiff for an extension to move for class certification is GRANTED, and Plaintiff shall so-move within 60 days of entry of this order; and it is further

ORDERED that the Clerk of the Court shall calendar a control date of July 10, 2026 (no appearance required).

This constitutes the Decision and Order of the Court.

4/17/26 DATE	 _____ ASHLEE CRAWFORD, J.S.C.			
CHECK ONE:	<input type="checkbox"/> CASE DISPOSED	<input type="checkbox"/> DENIED	<input checked="" type="checkbox"/> NON-FINAL DISPOSITION	<input type="checkbox"/> OTHER
APPLICATION:	<input checked="" type="checkbox"/> GRANTED		<input type="checkbox"/> GRANTED IN PART	
CHECK IF APPROPRIATE:	<input type="checkbox"/> SETTLE ORDER		<input type="checkbox"/> SUBMIT ORDER	
	<input type="checkbox"/> INCLUDES TRANSFER/REASSIGN		<input type="checkbox"/> FIDUCIARY APPOINTMENT	<input type="checkbox"/> REFERENCE
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