

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
FIRST DEPARTMENT

Qi v. Famous Sichuan N.Y. Inc.

2026 NY Slip Op 03767 (N.Y. Ct. App. 2026) · No. Index No. 650984/22; Appeal No. 6900; Case No. 2024-06664 · Decided June 16, 2026

SUMMARY

The Appellate Division, First Department affirmed an order denying plaintiff's motion to renew in a wage claim action. The court held that plaintiff's claims predating March 2, 2016 were subject to the six-year statute of limitations and that the motion to renew was effectively a motion for reargument because the COVID-19 Executive Orders' tolling effect did not require further clarification.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Webber, J.P.; Kapnick, J.; Gesmer, J.; Rodriguez, J.; Rosado, J.
JURISDICTION	New York Appellate Division, First Department
DECIDED	June 16, 2026
DOCKET	Index No. 650984/22; Appeal No. 6900; Case No. 2024-06664
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order denying plaintiff's motion to renew its prior motion and opposition to defendants' cross-motion for summary judgment dismissing wage claims as time-barred.
STANDARD OF REVIEW	The court reviewed the denial of the motion to renew and whether the motion was effectively one for reargument from which no appeal lies.
PRECEDENTIAL VALUE	published
PARTIES	Xiuwen Qi v. Famous Sichuan New York Inc., doing business as Famous Sichuan, et al.

TOPICS

- wage and hour statute of limitations motion for reconsideration summary judgment appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the applicable six-year statute of limitations barred plaintiff's wage claims predating March 2, 2016.
2. Whether plaintiff's motion to renew was properly based on a clarification of law concerning the tolling effect of the COVID-19 Executive Orders.
3. Whether the denial of the motion was effectively a denial of reargument from which no appeal lies.

HOLDINGS

1. Defendants established a prima facie defense under the applicable six-year statute of limitations, shifting the burden to plaintiff to raise a factual issue concerning tolling or an exception to the limitations period.
2. Plaintiff was not entitled to renewal because the tolling issue was already apparent from the plain language of the Executive Orders and existing appellate decisions; the asserted clarification did not constitute new facts or a change in the law warranting renewal.
3. The motion was akin to a motion for reargument, and no appeal lies from the denial of reargument.

KEY QUOTATIONS

"In light of the plain language in the Executive Orders and the holdings in Brash and Matter of Roach, any further "clarification" of the law as to how the Executive Orders served to toll the applicable statute of limitations was unnecessary, as nothing further needed to be clarified on the issue." ([*1])

"Thus, the motion was akin to one for reargument, from which no appeal lies when denied." ([*1])

FACTUAL BACKGROUND

Plaintiff filed a wage claim action on March 2, 2022, asserting claims under the New York Labor Law. Defendants argued that claims predating March 2, 2016 were barred by the six-year statute of limitations. Plaintiff did not initially argue that COVID-19 Executive Orders tolled the limitations period, despite awareness of those orders and decisions from the Second and Third Departments recognizing such tolling.

PROCEDURAL HISTORY

Plaintiff commenced a wage claim action on March 2, 2022. Defendants cross-moved for summary judgment seeking dismissal of wage claims accruing before March 2, 2016 under the applicable six-year statute of limitations. Supreme Court, New York County, denied plaintiff's motion to renew, and the Appellate Division, First Department, unanimously affirmed.

DISPOSITION

affirmed

CASES CITED

- Flintlock Constr. Servs., LLC v. Rubin, Fiorella & Friedman, LLP, 188 A.D.3d 530, 531 (1st Dep't 2020)
- Brash v. Richards, 195 A.D.3d 582 (2d Dep't 2021)
- Matter of Roach v. Cornell Univ., 207 A.D.3d 931, 933 (3d Dep't 2022)
- Murphy v. Harris, 210 A.D.3d 410, 411 (1st Dep't 2022)
- Puello v. City of New York, 118 A.D.3d 492, 492 (1st Dep't 2014)
- Roundabout Theatre Co. v. Tishman Realty & Constr. Co., 302 A.D.2d 272, 272-273 (1st Dep't 2003)
- D'Alessandro v. Carro, 123 A.D.3d 1, 7 (1st Dep't 2014)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/new-york-appellate-division-first-department-supreme-court-of-the-state-of-new-york-appellate-divisi/2026/qi-v-famous-sichuan-n-y-inc-vyrctaw0>