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MEMORANDUM DECISION

**SUPREME COURT - STATE OF NEW YORK
COUNTY OF NASSAU - PART 22**

**PRESENT: HON. WILLIAM R. LaMARCA
Justice.**

**KYUNGJA K. CHOI and KYONGHO S. CHOI,
Plaintiffs,**

**Motion Sequence # 001
Submitted June 8, 2006**

-against-

INDEX NO: 8661/06

**CITIBANK, NA and SUHARNI NFN,
Defendants.**

The following papers were read on this motion:

Notice of Motion/Order to Show Cause.....1

Plaintiffs, KYUNGJA K. CHOI and KYONGHO S. CHOI, move for an order of attachment upon such property in which defendant, SUHARNI NFN, has an interest and upon such debts owing to defendant, which will satisfy the amount specified in the order of attachment, and for a temporary restraining order herein. An Affidavit of Service reflects that defendant, SUHARNI NFN, was personally served with the Summons and Complaint, Request for Judicial Intervention and the instant Order to Show Cause on May 30, 2006 at the Nassau County Correctional Facility on Carman Avenue, East Meadow, but no papers are submitted in opposition to the motion, which is determined as follows:


On this motion, plaintiffs seek to enjoin the Chase Manhattan Bank from permitting the withdrawal or release of monies contained in Account # 862613281365 in the name of SUHARNI and to attach said funds. This action contains four (4) causes of action which seek, *inter alia*, monetary relief from CITIBANK, NA, for breach of contract and breach of fiduciary duty, and against defendant SUHARNI for misappropriation, conversion and fraud. Plaintiffs allege that SUHARNI fraudulently forged plaintiff's name on checks and deposited same into her account at the Chase Manhattan Bank. Plaintiffs relate that, SUHARNI, their housekeeper for more than eleven (11) years, was arrested and admitted to police that she stole more that \$96,000.00 from plaintiffs accounts at CITIBANK, NA, and that she put the stolen money in a bank account at Chase Manhattan Bank for her own use. Plaintiffs urge that this Court issue an order of attachment against the property of SUHARNI within the State of New York, that plaintiffs post an undertaking in the sum of \$96,000.00, and that the Court issue a temporary restraining order directing that SUHARNI's bank account at Chase Manhattan Bank, Account #862613281365, be temporarily restrained until the outcome of this case, pursuant to CPLR §6214(b).

After a careful reading of the submission herein, and there being no opposition, the requested relief is granted. The Court hereby refers the proposed order to the Clerk's office for review and, if found to be in accordance with this decision, same will be signed.

All further requested relief not specifically granted is denied.

This constitutes the decision and order of the Court.

Dated: September 5, 2006



WILLIAM R. LaMARCA, J.S.C.

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