

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D23695
Y/prt

_____AD3d_____

Submitted - May 11, 2009

PETER B. SKELOS, J.P.
FRED T. SANTUCCI
ARIEL E. BELEN
CHERYL E. CHAMBERS, JJ.

2008-06779

DECISION & ORDER

Oi Tai Chan, respondent, v Society of
Shaolin Temple, Inc., et al., defendants,
Guolin Shi, appellant.

(Index No. 10155/07)

Kenneth W. Jiang, New York, N.Y., for appellant.

Dai & Associates, P.C., Flushing, N.Y. (Dawei Gongsun of counsel), for respondent.

In an action, inter alia, to recover damages for fraudulent inducement and breach of fiduciary duty, the defendant Guolin Shi appeals, as limited by his brief, from so much an order of the Supreme Court, Nassau County (Parga, J.), dated June 23, 2008, as granted the plaintiff's motion to modify a previously-issued order of attachment by reducing the amount of the undertaking to \$1,000.

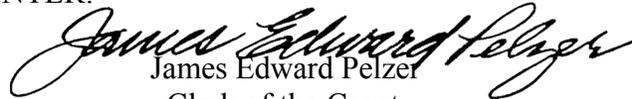
ORDERED that the order is affirmed insofar as appealed from, with costs.

Under the circumstances of this case, the Supreme Court did not improvidently exercise its discretion in modifying a previously-issued order of attachment to provide for a reduced undertaking in the amount of \$1,000 (*see* CPLR 6212; *cf.*, *Sportsplex of Middletown, Inc. v Catskill Regional Off-Track Betting Corp*, 221 AD2d 428).

The appellant's remaining contentions are either without merit or not properly before the Court on this appeal.

SKELOS, J.P., SANTUCCI, BELEN and CHAMBERS, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

June 30, 2009

OI TAI CHAN v SOCIETY OF SHAOLIN TEMPLE, INC.