

Hsiung v Zhang Jiang Lin

2025 NY Slip Op 34306(U)

November 7, 2025

Supreme Court, New York County

Docket Number: Index No. 650855/2025

Judge: Mary V. Rosado

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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. MARY V. ROSADO PART 33M

Justice

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ANN HSIUNG, ESQ.

Interpleader Plaintiff,

INDEX NO. 650855/2025

MOTION DATE 08/19/2025

MOTION SEQ. NO. 002

- v -

ZHANG JIANG LIN, YA HONG CHEN, YANG YING ZHU,
YING JIE LI, PIN DUAN LI, CHU CHENG PENG, FRANK
ZHENG NI HAI, JIAN LI CHEN, XING PING LEE, ALIC KAI
MEI CHEN, WAI YU CHENG, YUK YAN CHEUNG,
WILLIAM TAM, JIA YI OU YANG, LI QI FENG, SING TAT
CHEN, SHU ZHEN ZHENG, CATHERINE TANG, XI HUI
WU, PEOPLE OF THE STATE OF NEW YORK

DECISION + ORDER ON MOTION

Interpleader Defendants.

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The following e-filed documents, listed by NYSCEF document number (Motion 002) 50, 51, 52, 53, 54,
55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71

were read on this motion to/for ORDER TO PAY MONIES INTO COURT

Upon the foregoing documents, and after a final submission date of September 10, 2025,
Interpleader Plaintiff Ann Hsiung, Esq.'s ("Plaintiff") motion to deposit the sum of \$90,000 with
the Clerk of the Court, discharging Plaintiff from any and all liability with respect to said funds to
any and all Interpleader Defendants, dismissing with prejudice Plaintiff from this action following
deposit of the \$90,000 with the Registry of this Court, and awarding Plaintiff reasonable attorneys'
fees, costs and disbursements incurred in this action to be paid from the \$90,000 is granted in part
and denied in part.

Interpleader Defendant the People of the State of New York (the "Attorney General") does
not oppose Plaintiff's application but asks this Court to reserve decision on the amount of
reasonable attorneys' fees until the conclusion of this action. Interpleader Defendants Zhang Jiang
Lin, Ya Hong Chen, Yangon Ying Wu erroneously sued as Yang Ying Zhu, Ying Jie Li, Peng Chu

Chan erroneously sued as Chu Cheng Peng, Frank Zheng Ni Hai, Jian Li Chen, Xing Ping Lee, Alice (Kai Mei) Cheng erroneously sued as Alic (Kai Mei) Chen, Wai Yu Cheng & Yuk Yam Cheung erroneously sued as Yuk Yan Cheung, Jia Yi Ouyang erroneously sued as Jia Yi Ou Yang, Li Qi Feng, Sing Tat Chan erroneously sued as Sing Tat Chen, Shu Zhen Zheng, Catherine Tang join the People of the State of New York's position. Interpleader Defendant Xi Hui Wu ("Wu") does not oppose depositing the sums into escrow but argues Plaintiff should not be released from liability and if Plaintiff is released, Wu opposes the amount of fees sought and argues they should be given a chance to review the bills in their totality.

The Court has considered Wu's argument in opposition to releasing Plaintiff from liability in this action and finds it unavailing. To the extent Wu alleges Plaintiff committed legal malpractice, the statute of limitations on that cause of action has long since expired.

Interpleader Plaintiff is incorrect that her dismissal requires immediate disbursement of her attorneys' fees. CPLR 1006(f) provides that once the interpleader plaintiff is dismissed from the case "[t]he court shall impose such terms relating to payment of expenses, costs and disbursements as may be just and which may be charged against the subject matter of the action." Thus, CPLR 1006(f) provides the Court with discretion to fashion the terms of the payment of the interpleader plaintiff's expenses, costs, and disbursements (*see also Fischbein, Badillo, Wagner v Tova Realty, Co.*, 193 AD2d 442, 445 [1993] [finding expenses may be assessed against interpleader defendants in Court's discretion]).

The Court finds Plaintiff's request to recoup \$19,369.35 in attorneys' fees, costs, and disbursements purportedly incurred since the filing of this action from the \$90,000 to be deposited into the Court to be excessive and unjust. First, the sum requested constitutes a significant portion (over 20%) of the funds to be deposited. These funds may ultimately be used to satisfy multiple

judgments already obtained by certain interpleader defendants against Wu, and the Court finds it would be unjust to deprive those judgment creditors of access to those funds because of Plaintiff's claimed legal bills. Second, depending on the outcome of parallel litigation (*see People of the State of New York v. Wu, et al.*, Index No. 452904/2022) the Court may find it more appropriate to assess attorneys' fees and costs against one or several of the Interpleader Defendants as opposed to assessing Plaintiff's costs against the \$90,000 to be deposited into the Court.

To be clear, the Court is not denying Plaintiff's right to costs, fees, and disbursements in this action – but it is reserving judgment on the amount of costs, fees, and disbursements to be awarded until the conclusion of this action and/or *People of the State of New York v. Wu, et al.*, Index No. 452904/2022, because depending on certain findings and determinations in this case or the ongoing action between the Attorney General and Wu, the Court may find it more appropriate to award Plaintiff her costs, fees, and expenses against certain Interpleader Defendants as opposed to assessing it against the \$90,000 in funds which may be used to satisfy judgments already held by various Interpleader Defendants against Wu. Therefore, Plaintiff's motion is granted except with respect to her request for costs, fees and expenses to be drawn from the \$90,000 in funds which are the subject of this action. That branch of the motion is denied, without prejudice, with leave to renew upon the conclusion of this action and/or *People of the State of New York v. Wu, et al.*, Index No. 452904/2022.

Accordingly, it is hereby,

ORDERED that Plaintiff's motion is granted in part and denied in part; and it is further

ORDERED that Plaintiff is granted leave to deposit the sum of \$90,000 ("Escrow Deposit") with the Clerk of the Court, to the credit of this action, within ten days of the date of entry of this Order; and it is further

ORDERED that upon the deposit of the Escrow Deposit as directed above, Plaintiff shall be and hereby is fully discharged from any and all liability, claims, demands, or actions whatsoever with respect to the Escrow Deposit to any and all Interpleader Defendants, their successors, assigns, and any other parties claiming an interest in said funds; and it is further

ORDERED that upon the deposit of the Escrow Deposit as directed above, Interpleader Plaintiff shall be and hereby is dismissed with prejudice from this action; and it is further

ORDERED that the remaining Interpleader Defendants, and any other parties claiming an interest in the Escrow Deposit, shall interplead among themselves to determine their respective rights and interests in the remaining Escrow Deposit; and it is further

ORDERED that the remaining parties shall work together in good faith to submit a proposed preliminary conference order to resolve the remaining issues amongst themselves, including their rights and interests in the remaining Escrow Deposit via e-mail to SFC-Part33-Clerk@nycourts.gov no later than November 12, 2025; and it is further

ORDERED that within ten days of entry, counsel for Interpleader Plaintiff shall serve a copy of this Order, with notice of entry, on all parties via NYSCEF.

This constitutes the Decision and Order of the Court.

11/7/2025
DATE

Mary V Rosado JSC
HON. MARY V. ROSADO, 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 type="checkbox"/>	GRANTED	<input type="checkbox"/>		<input checked="" type="checkbox"/>	GRANTED IN PART	<input type="checkbox"/>	
CHECK IF APPROPRIATE:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>		<input type="checkbox"/>	SUBMIT ORDER	<input type="checkbox"/>	REFERENCE
	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>		<input type="checkbox"/>	FIDUCIARY APPOINTMENT	<input type="checkbox"/>	