

270 A.D.2d 399  
Supreme Court, Appellate Division,  
Second Department, New York.

Franklin MAISANO, appellant,  
v.  
Stuart I. BECKOFF, etc., et al., defendants;  
Steven J. Eichberg, nonparty-respondent.

March 20, 2000.

#### Attorneys and Law Firms

Deutsch, Coffey & Metz, LLP, New York, N.Y. ([Herbert I. Deutsch](#), Vincent R. Coffey, and [Christian V. Cangiano](#) of counsel), for appellant.

Friedman Siegelbaum, LLP, New York, N.Y. ([James B. Daniels](#) and [Tod S. Chasin](#) of counsel), for nonparty-respondent.

#### Opinion

\*399 In an action, *inter alia*, to recover damages for fraud and breach of fiduciary duty, the plaintiff appeals from an order of the Supreme Court, Nassau County (Segal,

\*\*252 J.), entered July 1, 1999, which granted the motion of Steven J. Eichberg to vacate an order of attachment insofar as it was applied to a certain account in his name with Prudential Securities, Inc.

ORDERED that the order is affirmed, with costs.

The plaintiff failed to adduce sufficient evidence that the defendant Stuart I. Beckoff had an attachable interest in the subject account (*see*, [CPLR 6223](#) [b]; *see also*, [Computer Strategies v. Commodore Business Machines](#), 105 A.D.2d 167, 483 N.Y.S.2d 716). Accordingly, the Supreme Court properly vacated the order of attachment.

The plaintiff's remaining contentions are without merit.

RITTER, J.P., S. MILLER, McGINITY, and FEUERSTEIN, JJ., concur.

#### All Citations

270 A.D.2d 399, 705 N.Y.S.2d 251 (Mem), 2000 N.Y. Slip Op. 02621