

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between

Name of Claimant

Ira Zipper

Case No. 00-03391

Name of Respondents

JW Genesis Financial Services, Inc.
Stephen B. Clyde

Hearing Site: Philadelphia, PA

REPRESENTATION OF PARTIES

Claimant, Ira Zipper ("Zipper"): Daniel T. McGrory, Esq., Pizonka, McGrory, Reilley, Bello & McGrory, King of Prussia, PA.

Respondent, JW Genesis Financial Services, Inc. ("JW Genesis") was represented at the hearing by: Denis C. Dice, Esq., Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, PA.

Respondent, Stephen B. Clyde ("Clyde") was not represented at the hearing and did not appear at the hearing.

CASE INFORMATION

Statement of Claim filed on: August 3, 2000.

Claimant, Zipper, signed the Uniform Submission Agreement: July 24, 2000.

Statement of Answer filed by Respondents, JW Genesis and Clyde, on: October 23, 2000. Respondents did not sign Uniform Submission Agreements.

CASE SUMMARY

Claimants asserted the following causes of action: negligence, breach of fiduciary duty, and unauthorized trading in the sale and purchase of VIADOR stock. The causes of action relate to common stock.

Unless specifically admitted in its Answer, Respondents JW Genesis and Clyde denied the allegations made in the Statement of Claim and asserted the following defenses: failure to mitigate damages and failure to complain of wrongdoing in a timely fashion.

RELIEF REQUESTED

Claimant requested:

Compensatory Damages	\$ 10,692.87
Punitive Damages	\$ 5,000.00
Interest	amount unspecified at the rate of \$1.75 per diem
Attorneys' Fees	\$ 2,500.00
Other Costs	\$ 575.00

Respondents JW Genesis and Clyde requested that the Claim be denied in its entirety.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent JW Genesis did not file with the NASD Dispute Resolution, Inc. a properly executed submission agreement, but is required to submit to arbitration pursuant to the Code of Arbitration Procedure (the "Code") and, having answered the claim and appeared at the hearing, is bound by the determination of the Arbitrator on all issues submitted.

Respondent Clyde did not file with the NASD Dispute Resolution, Inc. a properly executed submission agreement, but is required to submit to arbitration pursuant to the Code and, having answered the claim, is bound by the determination of the Arbitrator on all issues submitted.

Upon review of the file and the representations made on behalf of the Claimant, the undersigned arbitrator (the "Arbitrator") determined that Respondent Clyde has been properly served with the Statement of Claim and received due notice of the hearing, and the arbitration of the matter would proceed without said Respondent present, in accordance with the Code.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

- 1) Respondent Clyde is liable to Claimant and shall pay to Claimant the sum of \$1,300.00, plus interest at the legal rate of interest in Pennsylvania on that amount, accruing from the date the Award is served through the date the Award is paid in full;
- 2) The parties shall bear their respective costs and expenses, including attorneys' fees, except as Fees are specifically addressed below;
- 3) Claimant's request for punitive damages is denied; and,

4) Any request for relief not specifically addressed herein is denied in its entirety.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution, Inc. will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee = \$125

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated person at the time of the events giving rise to the dispute. In this matter, the member firm is Respondent JW Genesis.

Member surcharge = \$400

Forum Fees and Assessments

The arbitrator has the authority to assess forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrator, including a pre-hearing conference with the arbitrator, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with a single arbitrator x \$450 = \$ 450

Pre-hearing conference: June 21, 2001 1 session

Two (2) Hearing sessions x \$450 = \$ 900

Hearing Date: September 11, 2001 2 sessions

Total Forum Fees = \$1,350

The arbitrator has assessed \$1,350 of the forum fees to Respondent Clyde.

Fee Summary

Claimant, Zipper, is assessed and shall pay:

Initial Filing Fee = \$ 125

Total Fees = \$ 125

Less payments = \$ 575

Refund owed to Claimant = \$ 450

Respondent, JW Genesis, is assessed and shall pay:

Member Fees	= \$ 400
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Total Fees	= \$ 400
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Less payments	= \$1,000
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Refund owed to Respondent JW Genesis	= \$ 600
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Respondent, Clyde, is assessed and shall pay:

Forum Fees	= \$1,350
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Total Fees	= \$1,350
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Less payments	= \$00
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Balance Due NASD Dispute Resolution, Inc.	= \$1,350
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All balances are due to NASD Dispute Resolution, Inc.

ARBITRATION PANEL

Cynthia H. Plishtin

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Public Arbitrator, Sole Arbitrator

Arbitrators' Signature

Cynthia H. Plishtin

Cynthia H. Plishtin
Public Arbitrator, Sole Arbitrator

9/28/01
Signature Date

October 4, 2001
Date of Service (For NASD-Dispute Resolution office use only)