

**Award**  
**NASD Dispute Resolution, Inc.**

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In the Matter of the Arbitration Between:

Beulah Granger, (Claimant) vs. Carlin Equities Corp. and Joseph Doria, (Respondents)

Case Number: 00-04214

Hearing Site: New York, New York

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**REPRESENTATION OF PARTIES**

Claimant, Beulah Granger, hereinafter referred to as "Claimant": John E. Lawlor, Esq., a sole practitioner, Mineola, NY. Claimant originally appeared *pro se*.

Respondent, Carlin Equities Corp. ("Carlin"), did not appear at the hearings in this matter.

Respondent, Joseph Doria ("Doria"), appeared *pro se*.

**CASE INFORMATION**

Statement of Claim filed on or about: September 26, 2000.

Amended Statement of Claim filed on or about: April 6, 2001.

Claimant signed the Uniform Submission Agreement: September 26, 2000.

Carlin did not file a Statement of Answer or sign a Uniform Submission Agreement.

Doria did not file a Statement of Answer or sign a Uniform Submission Agreement.

**CASE SUMMARY**

Claimant asserted the following causes of action: common law fraud; conversion; negligent supervision; breach of contract; breach of fiduciary duty; and accounting. Claimant's claim did not involve a specific financial product.

**RELIEF REQUESTED**

Claimant requested compensatory damages in the amount of \$60,000.00, plus interest at the rate of 9% accruing from November 1999, an accounting of all monies invested on behalf of Claimant, and such other, further, and different relief as the Panel seems appropriate.

### **OTHER ISSUES CONSIDERED AND DECIDED**

By letter dated July 5, 2001, Claimant's counsel advised NASD Dispute Resolution, Inc. that Claimant was withdrawing her claims against Respondent Carlin without prejudice.

Carlin and Doria did not file with NASD Dispute Resolution, Inc. properly executed submissions to arbitration but are required to submit to arbitration pursuant to the NASD Code of Arbitration Procedure and are bound by the determination of the Panel on all issues submitted.

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

### **AWARD**

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

1. *Doria be and hereby is solely liable for and shall pay to Claimant the sum of \$58,318.00 as compensatory damages, plus pre-judgement interest at the rate of 9% accruing from December 1, 1999 to the date of this Award, and post-judgement interest at the same rate accruing from the date of this Award until paid.*
2. *Doria be and hereby is solely liable for and shall pay to Claimant the sum of \$250.00, to reimburse Claimant for costs incurred in obtaining a title search.*
3. *Doria be and hereby is solely liable for and shall pay to Claimant the sum of \$225.00, to reimburse Claimant for the filing fee previously paid to NASD Dispute Resolution, Inc.*
4. *All other requests for relief are hereby denied.*

### **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	= \$ 225.00
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### **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, Carlin Equities Corp. is a party.

Member surcharge	= \$1,000.00
Pre-hearing process fee	= \$ 600.00
Hearing process fee	= \$1,500.00

### **Forum Fees and Assessments**

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

One (1) Pre-hearing session with Panel x \$750.00	= \$ 750.00
Pre-hearing conference: March 26, 2001	1 session
Three (3) Hearing sessions x \$750.00	= \$2,250.00
Hearing Dates: July 31, 2001	2 sessions
August 1, 2001	1 session
Total Forum Fees	= \$3,000.00

The Panel has assessed all of the forum fees against Doria.

### **Fee Summary**

1. Claimant be and hereby is solely liable for:

<u>Initial Filing Fee</u>	= \$ 225.00
Total Fees	= \$ 225.00
<u>Less payments</u>	= \$ 975.00
Refund Due Claimant	= \$ 750.00

*As stated in the "Award" section above, Doria is liable and shall reimburse Claimant for the \$225.00 filing fee.*

2. Carlin be and hereby is solely liable for:

<u>Member Fees</u>	= \$3,100.00
<u>Total Fees</u>	= \$3,100.00
<u>Less payments</u>	= \$1,000.00
Balance Due NASD Dispute Resolution, Inc.	= \$2,100.00

3. Doria be and hereby is solely liable for:

<u>Forum Fees</u>	= \$3,000.00
<u>Total Fees</u>	= \$3,000.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution, Inc.	= \$3,000.00

All balances are due and payable to NASD Dispute Resolution, Inc.

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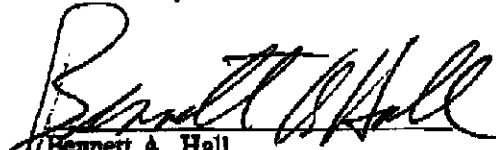
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**ARBITRATION PANEL**

Bennett A. Hall	-	Public Arbitrator, Presiding Chair
Robert L. Dennis	-	Public Arbitrator
Elizabeth Snow Stong, Esq.	-	Industry Arbitrator

**Concurring Arbitrators' Signatures**

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument which is my award.

  
Bennett A. Hall  
Public Arbitrator, Presiding Chair

8/16/01  
Signature Date

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Robert L. Dennis  
Public Arbitrator

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Elizabeth Snow Stong, Esq.  
Industry Arbitrator

\_\_\_\_\_  
Signature Date

August 28, 2001

Date of Service (For NASD office use only)

**ARBITRATION PANEL**

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Robert L. Dennis	-	Public Arbitrator
Elizabeth Snow Stong, Esq.	-	Industry Arbitrator

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Bennett A. Hall  
Public Arbitrator, Presiding Chair

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Signature Date

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Robert L. Dennis  
Public Arbitrator

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8-20-01  
Signature Date

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Elizabeth Snow Stong, Esq.  
Industry Arbitrator

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Signature Date

August 28, 2001

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Date of Service (For NASD office use only)

**ARBITRATION PANEL**

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Robert L. Dennis	-	Public Arbitrator
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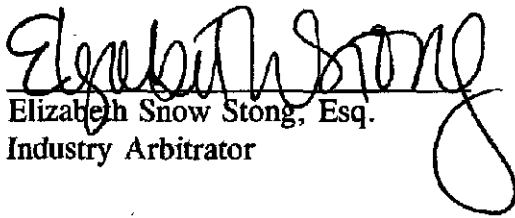
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Robert L. Dennis  
Public Arbitrator


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Signature Date



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Elizabeth Snow Stong, Esq.  
Industry Arbitrator



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August 28, 2001

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