

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between

Name of Claimant

Andrew N. Cassas

Case No. 00-05437

Hearing Site: *Boca Raton, Florida*

Name of Respondent

Andrew G. Costa

REPRESENTATION OF PARTIES

For Andrew N. Cassas ("Cassas") hereinafter referred to as "Claimant": Alan J. Foxman, Esq., Boca Raton, Florida.

For Andrew G. Costa ("Costa") hereinafter referred to as "Respondent": Wayne H. Schwartz, Esq., Fort Lauderdale, Florida.

CASE INFORMATION

Statement of Claim filed on or about: December 7, 2000.

Claimant signed the Uniform Submission Agreement: October 24, 2000.

Statement of Answer filed by Respondent on or about: February 23, 2001.

Respondent signed the Uniform Submission Agreement: January 20, 2001.

CASE SUMMARY

Claimant asserted the following causes of action: 1) breach of contract; 2) breach of fiduciary duty; 3) violation of Florida Statutes Chapter 517; 4) fraud and misrepresentation; and 5) negligence. The causes of action relate to the purchase and sale of shares of Citrix Systems, Inc. common stock.

Respondent denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimant requested rescission of the transactions and/or compensatory damages of \$17,500.00, plus interest, attorney's fees and the costs of this proceeding.

Respondent requested that all claims against him be dismissed.

OTHER ISSUES CONSIDERED AND DECIDED

The parties agreed that a handwritten, signed Award may be entered.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, and the post-hearing submissions, the undersigned Arbitrator (the "Arbitrator") has decided in full and final resolution of the issues submitted for determination as follows:

Respondent is liable and shall pay to Claimant the sum of \$250.00 as compensatory damages, \$24.95 in commission charges, plus interest at the legal rate from June 28, 2000 until the Award is paid. The Award is based upon Respondent's breach of contract, negligence, and breach of fiduciary duty.

The June 28, 2000 sale of 500 shares of Citrix Systems, Inc, common stock shall be rescinded. The rescission is based upon Respondent's violation of Florida Statutes Chapter 517, negligence, breach of fiduciary duty, and fraud and misrepresentation. The rescission is further based upon Ward v. Atlantic Sec. Bank, 777 So.2d 1144 (Fla 3d DCA 2001) and Nessim v. DeLoache, 384 So.2d 1341 (Fla. 3d DCA 1980).

Respondent is liable and shall pay to Claimant reasonable attorneys' fees in such amount as is determined by a court of competent jurisdiction. Attorneys' fees are awarded pursuant to Florida Statutes Section 517.211.

Respondent is liable and shall pay to Claimant the sum of \$125.00 representing reimbursement of the claim filing fee previously paid by Claimant to NASD Dispute Resolution, Inc.

Claimant is liable and shall pay to Respondent the reasonable cost of photocopies requested by the arbitrator on August 30, 2001. The photocopies were of Florida Statutes Chapter 517, and NASD Rules 2110, 2310 and IM-2310-2.

Any and all other requests for relief not specifically addressed herein, are denied.

FEES

Pursuant to the NASD Code of Arbitration Procedure (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 = \$125.00

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 the Respondent's employer.

Member surcharge = \$400.00

Adjournment Fees

Adjournments requested during these proceedings:

September 6 to September 7, 2001, adjournment requested by Claimant. The adjournment fee of \$450.00 was waived by the Arbitrator.

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 \$450.00	= \$ 450.00
Pre-hearing conference: May 21, 2001 1 session	
Three (3) Hearing sessions x \$450.00	= \$1,350.00
Hearing Dates: August 29, 2001 2 sessions	
August 30, 2001 1 session	

Total Forum Fees = \$1,800.00

The Arbitrator has assessed the total forum fees of \$1,800.00 to Respondent.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services including, but not limited to, additional copies of arbitrator awards beyond those provided without charge, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

No administrative costs were incurred during these proceedings.

Fee Summary

Claimant be and hereby is solely liable for:

Initial Filing Fee = \$125.00

Total Fees = \$125.00

Less payments = \$125.00

Balance Due NASD Dispute Resolution, Inc. = \$ 0.00

Wall Street Financial Group, Inc. be and hereby is solely liable for:

Member Fees = \$400.00

Total Fees = \$400.00

Less payments = \$ 0.00

Balance Due NASD Dispute Resolution, Inc. = \$400.00

Respondent be and hereby is solely liable for:

Forum Fees = \$1,800.00

Total Fees = \$1,800.00

Less payments = \$ 0.00

Balance Due NASD Dispute Resolution, Inc. = \$1,800.00

All balances are due and payable to NASD Dispute Resolution, Inc. immediately upon receipt of the Award by the parties pursuant to Rule 10330(g) of the Code.

ARBITRATOR

Todd M. Saunders, Esq.

- *Public Arbitrator, Presiding Chair*

Arbitrator's Signature

/s/

Todd M. Saunders, Esq.
Public Arbitrator, Presiding Chair

Signature Date

November 6, 2001

Date of Service (For NASD-Dispute Resolution office use only)

Less payments = \$125.00

Balance Due NASD Dispute Resolution, Inc. = \$ 0.00

Wall Street Financial Group, Inc. be and hereby is solely liable for:

Member Fees = \$400.00

Total Fees = \$400.00

Less payments = \$ 0.00

Balance Due NASD Dispute Resolution, Inc. = \$400.00

Respondent be and hereby is solely liable for:

Forum Fees = \$1,800.00

Total Fees = \$1,800.00

Less payments = \$ 0.00

Balance Due NASD Dispute Resolution, Inc. = \$1,800.00

All balances are due and payable to NASD Dispute Resolution, Inc. immediately upon receipt of the Award by the parties pursuant to Rule 10330(g) of the Code.

ARBITRATOR

Todd M. Saunders, Esq.

Public Arbitrator, Presiding Chair

Arbitrator's Signature



Todd M. Saunders, Esq.
Public Arbitrator, Presiding Chair

11/05/01
Signature Date

Date of Service (For NASD-Dispute Resolution office use only)