

**Final Order**  
**NASD Dispute Resolution**

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In the Matter of the Arbitration Between:

Michael Weintraub, Claimant vs. National Discount Brokers, Respondent

Case Number: 00-05579

Hearing Site: New York, New York

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**REPRESENTATION OF PARTIES**

Claimant Michael Weintraub ("Weintraub"), hereinafter referred to as "Claimant" appeared *pro se*.

Respondent National Discount Brokers ("NDB"), hereinafter referred to as "Respondent":  
Kerry M. Parker, Esq., Gibbons, DelDeo, Dolan, Griffinger & Vecchion, Newark, NJ.

**CASE INFORMATION**

Statement of Claim filed on or about: December 13, 2000.

Claimant Weintraub signed the Uniform Submission Agreement: December 13, 2000.

Statement of Answer filed by Respondent NDB on or about: April 3, 2001.

Respondent NDB signed the Uniform Submission Agreement: February 2, 2001.

**CASE SUMMARY**

Claimant asserted the following causes of action: libel or slander on the Form U-5.

Unless specifically admitted in its Answer, Respondent NDB denied the allegations made in the Statement of Claim and further denies that it is liable to Claimant in any manner, including any purported causes of action set forth in the Statement of Claim.

**RELIEF REQUESTED**

Claimant requested:

Compensatory Damages	\$ 10,000.00
Other Costs	\$ 325.00

**OTHER ISSUES CONSIDERED AND DECIDED**

Claimant did not participate in the initial pre-hearing conference conducted on May 2, 2001.

By letter dated July 5, 2002 the parties were requested to advise NASD Dispute Resolution of the status of the above-referenced matter and, if Claimant intended to proceed, to provide mutually agreeable dates for scheduling the hearings. To date, neither party responded to this request.

### **DECISION**

After considering the pleadings, as well as the parties' failure to respond to NASD Dispute Resolution's request for a status of this matter, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

In accordance with Rule 10305 of the Code of Arbitration Procedure, the arbitrator determined to dismiss this proceeding and refer the parties to their remedies provided by applicable law.

### **FEES**

Pursuant to the Code, the following fees are assessed:

#### **Filing Fees**

NASD Dispute Resolution will retain or collect the non-refundable filing fees for each claim:  
Initial claim filing fee = \$ 75.00

#### **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, National Discount Brokers is a party.

Member surcharge = \$ 300.00

#### **Forum Fees and Assessments**

The Arbitrator assesses 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 \$250.00 = \$ 250.00  
Pre-hearing conference: Date: May 2, 2001 1 session

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Total Forum Fees = \$ 250.00

1. The Arbitrator has assessed \$125.00 of the forum fees against Claimant Weintraub.
2. The Arbitrator has assessed \$125.00 of the forum fees against Respondent NDB.

### **Fee Summary**

1. Claimant Weintraub is solely liable for:

Initial Filing Fee	= \$ 75.00
<u>Forum Fees</u>	<u>= \$125.00</u>
Total Fees	= \$200.00
<u>Less payments</u>	<u>= \$325.00</u>
Refund due Claimant	= \$125.00

2. Respondent NDB solely liable for:

Member Fees	= \$300.00
<u>Forum Fees</u>	<u>= \$125.00</u>
Total Fees	= \$425.00
<u>Less payments</u>	<u>= \$300.00</u>
Balance Due NASD Dispute Resolution	= \$125.00

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

**ARBITRATION PANEL**

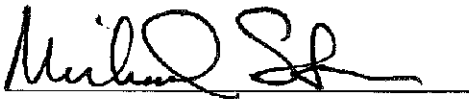
Michael Starr, Esq.

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Public Arbitrator, Presiding Chair

**Arbitrator's Signature**

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 Final Order.



Michael Starr, Esq.  
Public, Presiding Chair

December 18, 2002  
Signature Date

December 18, 2002  
Date of Service (For NASD Dispute Resolution use only)