

**NASD DISPUTE RESOLUTION AWARD**  
**NASD DISPUTE RESOLUTION, INC.**

CASE:01-00368

Maroun and Nassif Boumoussa, claimant vs. Sharpe Capital, Eduard Mosionzhnik a/k/a Ed Moss, Gregory R. Traina, and Kurt T. Switala respondents.

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**ATTORNEYS:**

For Claimant appeared John T. McGuire, Esq., New York, NY.

For Respondent Sharpe Capital appeared Michael C. Simon, Esq., in-house counsel, New York, NY.

Respondents Eduard Mosionzhnik ("Ed Moss"), Gregory R. Traina and Kurt T. Switala did not submit a response to the Statement of Claim.

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**DATE FILED:** January 23, 2001

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**CASE SUMMARY:** Claimant alleged that respondents churned claimant's account and made multiple unauthorized trades within said account. Claimant further alleges, breach of fiduciary duty negligence and failure to supervise.

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**Claim Data**

Claim: \$18,200.00  
Punitive: unspecified  
Attorney Fees: unspecified  
Filing Fees: \$.00  
Interest: unspecified

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**Award Data**

Award: \$8,200.00  
Punitive: \$10,000.00 against Ed Moss  
Attorney Fees: \$3,000.00  
Filing Fees: \$425.00  
Interest: 9% per annum from January 18, 2001 until date of the award

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**AWARD:** The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondents are jointly and severally liable and shall pay to the claimant \$8,200.00. 2) Respondents are jointly and severally liable and shall pay to the claimant interest at a rate of 9% per annum from January 18, 2001 until the date of this award. 3) Attorney fees are granted in the amount of \$3,000.00 as per claimant's request. 4) Punitive damages are granted against Respondent Ed Moss in the amount of \$10,000.00. 5) The \$425.00 filing fee previously deposited with NASD Dispute Resolution, Inc. by the claimant, shall be retained by NASD Dispute Resolution, Inc. 6) Respondents are jointly and severally liable and shall pay claimant \$425.00 as reimbursement of the filing fee.

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**OTHER ISSUES:** Pursuant to the By-Laws of NASD Dispute Resolution, the arbitrator determined that respondents Ed Moss, Gregory R. Traina and Kurt T. Switala were served notice of the Statement of Claim, Overdue Notice and Notification of Arbitrator by regular mail, and is therefore bound by the arbitrator's ruling and determination.

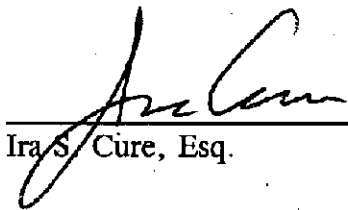
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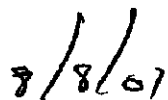
Ira S. Cure, Esq.

Sole Public Arbitrator

**AFFIRMATION**

I, Ira S. Cure, Esq., 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.

  
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Ira S. Cure, Esq.

  
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Signature Date

August 17, 2001  
Date of Service (for NASD Office Use Only)