

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

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In the Matter of the Arbitration Between:

The Wilt Trust DTD 01/05/90, (Claimant) vs. Mason Hill & Co., Inc. and Adam H. Kaplan, (Respondents)

Case Number: 01-00604

Hearing Site: Albany, New York

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**REPRESENTATION OF PARTIES**

Claimant, The Wilt Trust DTD 01/05/90, hereinafter referred to as "Claimant": Bernard M. Wilt and Lydia E. Wilt, Trustees, The Wilt Trust DTD 01/05/90, Glenmont, NY.

Respondent, Mason Hill & Co., Inc. ("Mason") and Adam H. Kaplan ("Kaplan"), hereinafter collectively referred to as "Respondents", did not make appearances in this matter.

**CASE INFORMATION**

Statement of Claim filed on or about: January 30, 2001.

Claimant signed the Uniform Submission Agreement: March 1, 2001.

**CASE SUMMARY**

Claimant asserted the following causes of action: unauthorized trading; negligence; omission of facts; and manipulations. Claimant's claim involved the stocks of Voyager Inc., Data Broadcasting Corp., and Interliant Inc.

**RELIEF REQUESTED**

Claimant requested compensatory damages in the amount of \$17,454.00, punitive damages in the amount of \$7,546.00, costs, and attorneys' fees.

**OTHER ISSUES CONSIDERED AND DECIDED**

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

Mason and Kaplan did not file with NASD Dispute Resolution, Inc. properly executed submissions to arbitration but are required to submit to arbitration pursuant to the Code and are bound by the determination of the Arbitrator 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 Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondents be and hereby are jointly and severally liable for and shall pay to Claimant the sum of \$17,454.00 as compensatory damages, plus interest at the rate of 9% accruing from November 15, 2001 until paid.
2. Claimant's request for punitive damages is hereby denied.
3. Respondents be and hereby are jointly and severally liable for and shall pay to Claimant the sum of \$125.00, 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	= \$ 125.00
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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, Mason Hill & Co., Inc. is a party.

Member surcharge	= \$ 400.00
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**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 \$450.00	= \$ 450.00
Pre-hearing conference: September 6, 2001 1 session	
Two (2) Hearing sessions x \$450.00	= \$ 900.00
Hearing Date: October 5, 2001 2 sessions	
Total Forum Fees	= \$1,350.00

The Arbitrator has assessed all of the forum fees jointly and severally against Respondents.

**Fee Summary**

1. Claimant be and hereby is solely liable for:

Initial Filing Fee	= \$ 125.00
Total Fees	= \$ 125.00
Less payments	= \$ 575.00
Refund Due Claimant	= \$ 450.00

*As stated in the "Award" section above, Respondents are jointly and severally liable and shall reimburse Claimant for the \$125.00 filing fee.*

2. Mason 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

3. Respondents be and hereby are jointly and severally liable for:

Forum Fees	= \$1,350.00
Total Fees	= \$1,350.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution, Inc.	= \$1,350.00

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

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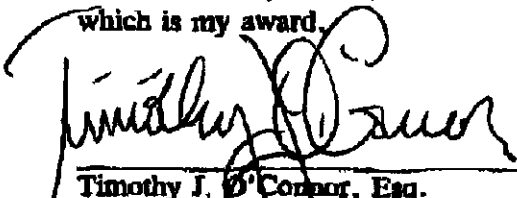
**ARBITRATION PANEL**

Timothy J. O'Connor, Esq.

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 award.

  
Timothy J. O'Connor, Esq.  
Public Arbitrator

November 16, 2001  
Signature Date

November 19, 2001

Date of Service (For NASD office use only)