

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between

Name of Claimant

Joseph B. Aquilla

Case No. 01-00878

Name of Respondent

First Union Securities, Inc.

Hearing Site: Baltimore, Maryland

REPRESENTATION OF PARTIES

Claimant, Joseph B. Aquilla, hereinafter referred to as "Claimant": R. Stewart Barroll, Esq., Cookerly & Barroll, Chestertown, Maryland.

Respondent, First Union Securities, Inc., hereinafter referred to as "Respondent": Brian A. Carlis, Esq., Stark & Stark, Princeton, New Jersey.

CASE INFORMATION

Statement of Claim filed on or about February 21, 2001.

Claimant signed the Uniform Submission Agreement on February 13, 2001 as an individual and on March 15, 2001 as Trustee for the Joseph B. Aquilla Profit Sharing Plan.

Statement of Answer filed by Respondent on August 27, 2001.

R. Stephen Camp, Esq., Assistant General Counsel of Respondent signed the Uniform Submission Agreement on November 7, 2001.

CASE SUMMARY

Claimant asserted the following causes of action: detrimental reliance; negligent misrepresentation; negligence; and, breach of contract. The causes of action relate to two timed-indexed deposits being issued by Banque Internationale Luxemb.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted the following defenses, among others: failure to state a

claim upon which relief may be granted; estoppel; Respondent's full and faithful carriage of duties; waiver; no fiduciary duty owed; actions of Respondent are not the proximate cause of Claimant's alleged damages; and, claim is barred by any applicable affirmative defenses as a matter of law.

RELIEF REQUESTED

Claimant requested:

Compensatory Damages	\$ 375,104.00
Interest	amount unspecified
Other Costs	amount unspecified

Respondents requested dismissal of the claim, with prejudice, together with an award of all reasonable costs and expenses, including reasonable attorney's fees, costs of suit and such further relief as the panel deems just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent moved for a directed verdict at the close of the Claimant's case, which was denied.

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. That Respondent is liable and shall pay to Claimant \$52,375.00 in compensatory damages;
2. That Claimant's claim for interest is denied;
3. That the parties shall bear their respective costs, including attorney's fees, except as Fees are specifically addressed below; and,
4. That any and all claims for relief not specifically addressed herein are denied in their entirety.

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	= \$ 300.00
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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, Respondent is a member of NASD.

Member Surcharge	= \$ 1,500.00
Pre-hearing Process fee	= \$ 600.00
Hearing Process fee	= \$ 2,500.00

Forum Fees and Assessments

The panel has the authority to assess forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference with the arbitrator(s), that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with Panel x \$ 1125.00	= \$ 1,125.00
Pre-hearing conferences: December 10, 2001 1 session	
Three (3) Hearing sessions x \$ 1125.00	= \$ 3,375.00
Hearing Dates: May 16, 2002 2 sessions	
August 1, 2002 1 session	
<hr/> Total Forum Fees	<hr/> = \$ 4,500.00

The panel has assessed \$2250.00 of the forum fees to Claimant.

The panel has assessed \$2250.00 of the forum fees to Respondent.

Fee Summary

Claimant is solely liable for:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 2,250.00

<hr/> Total Fees	<hr/> = \$ 2,550.00
- Less payments	= \$ 1,425.00

<hr/> Balance Due NASD Dispute Resolution, Inc.	<hr/> = \$ 1,125.00
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Respondent is solely liable for:

Member Fees = \$ 4,600.00

Forum Fees = \$ 2,250.00

Total Fees = \$ 6,850.00

Less payments = \$ 4,600.00

Balance Due NASD Dispute Resolution, Inc. = \$ 2,250.00

All balances are due to NASD Dispute Resolution, Inc.

ARBITRATION PANEL

Michael J. Henke, Esq.

Ellen S. Saltzman, Esq.

Michael D. Neft

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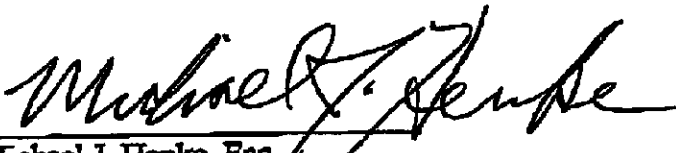
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Public Arbitrator, Chairperson

Public Arbitrator, Panelist

Non-Public Arbitrator, Panelist

Concurring Arbitrators' Signatures



Michael J. Henke, Esq.

Public Arbitrator, Chairperson

9-10-02

Signature Date

Ellen S. Saltzman, Esq.

Public Arbitrator, Panelist

Signature Date

Michael D. Neft

Non-Public Arbitrator, Panelist

Signature Date

9/11/02

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

ARBITRATION PANEL

Michael J. Henke, Esq.	-	Public Arbitrator, Chairperson
Ellen S. Saltzman, Esq.	-	Public Arbitrator, Panelist
Michael D. Neft	-	Non-Public Arbitrator, Panelist

Concurring Arbitrators' Signatures

Michael J. Henke, Esq.
Public Arbitrator, Chairwoman

Signature Date



Ellen S. Saltzman, Esq.
Public Arbitrator, Panelist

September 9, 2002
Signature Date

Michael D. Neft
Non-Public Arbitrator, Panelist

Signature Date

9/11/02
Date of Service (For NASD-Dispute Resolution office use only)

ARBITRATION PANEL

Michael J. Henke, Esq.

Ellen S. Saltzman, Esq.

Michael D. Neft

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Public Arbitrator, Chairperson

Public Arbitrator, Panelist

Non-Public Arbitrator, Panelist

Concurring Arbitrators' Signatures

Michael J. Henke, Esq.

Public Arbitrator, Chairwoman

Signature Date

Ellen S. Saltzman, Esq.

Public Arbitrator, Panelist

Signature Date


Michael D. Neft

Non-Public Arbitrator, Panelist

September 10, 2002
Signature Date

9/11/02

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