

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

Roth Capital Partners, LLC, Claimant v. William Prigger III, Respondent

Case Number: 01-01149

Hearing Site: Los Angeles, California

REPRESENTATION OF PARTIES

For Claimant:

Dena L. Narbaitz, Esq.
Steeffel, Levitt & Weiss
San Francisco, California

For Respondent:

H. Thomas Fehn, Esq.
Fields, Fehn & Sherwin
Los Angeles, California

CASE INFORMATION

Statement of Claim filed: March 5, 2001

Claimant's Uniform Submission Agreement signed: March 5, 2001

Statement of Answer filed by Respondent: May 1, 2001

Respondent's Uniform Submission Agreement signed: April 22, 2001

CASE SUMMARY

Claimant alleged breach of contract arising from a promissory note dispute.

Respondent denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim.

RELIEF REQUESTED

Claimant requested damages of \$85,442.55, interest, arbitration costs and attorney's fees.

Respondent requested dismissal of the Claimant's Statement of Claim in its entirety, arbitration costs and attorney's fees.

OTHER ISSUES CONSIDERED AND DECIDED

The parties 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, testimony, and evidence presented at the hearing, the Panel decided in full and final resolution of the issues submitted for determination as follows:

- 1) Respondent is liable to and shall pay Claimant \$83,766.32 in damages.
- 2) Respondent is liable to and shall pay Claimant \$5,000.00 in attorney's fees pursuant to the terms of their promissory note.
- 3) Respondent is liable to and shall pay Claimant \$1,000.00 in costs.
- 4) All other relief requested and not expressly granted is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution, Inc. received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 1,000.00
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Member Fees

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events which gave rise to the dispute, claim, or controversy. Accordingly, the member firm Roth Capital Partners, LLC is a party and the following fees are assessed:

Member Surcharge	= \$ 1,000.00
Pre-Hearing Process Fee	= \$ 600.00
<u>Hearing Process Fee</u>	<u>= \$ 1,500.00</u>
Total Member Fees	= \$ 3,100.00

Forum Fees and Assessments

The Arbitrator/Panel assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Chair/Panel. The following fees are assessed:

1 Pre-hearing conference sessions with the Panel @ \$750.00/session	= \$ 750.00
Pre-hearing conference: August 13, 2001 1 session	
2 Hearing sessions @ \$750.00/session	= \$ 1,500.00
Hearings: March 5, 2002 2 sessions	
Total Forum Fees	= \$ 2,250.00

The Panel assessed \$ 2,250.00 of the forum fees to Respondent William Prigger III.

Fee Summary

1. Claimant, Roth Capital Partners, LLC, is charged with the following fees and costs:

Initial Filing Fee	= \$ 1,000.00
Member Fees	= \$ 3,100.00
Total Fees	= \$ 4,100.00
Less payments	= \$(4,850.00)
Refund Due Claimant	= \$ (750.00)

2. Respondent, William Prigger III, is charged with the following fees and costs:

<u>Forum Fees</u>	= \$ 2,250.00
Total Fees	= \$ 2,250.00
Less payments	= \$ (0.00)
Balance Due NASD Dispute Resolution, Inc.	= \$ 2,250.00

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

ARBITRATION PANEL

Mary E. Cobb	-	Presiding Chair, Non-Public Arbitrator
Kenneth L. Rosenblum, Esq.	-	Non-Public Arbitrator
Dirk T. Metzger, Esq.	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Mary E. Cobb
Presiding Chair, Non-Public Arbitrator

Signature Date


Kenneth L. Rosenblum, Esq.
Non-Public Arbitrator

4/2/02
Signature Date

Dirk T. Metzger, Esq.
Non-Public Arbitrator

Signature Date

4/4/02
Date of Service

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Concerning Arbitrators' Signatures

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Presiding Chair, Non-Public Arbitrator

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