

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

Fidelity Brokerage Services, LLC, (Claimant) vs. Meyer M. Shifrin, (Respondent)

Case Number: 01-01210

Hearing Site: New York, New York

REPRESENTATION OF PARTIES

Claimant, Fidelity Brokerage Services, LLC, hereinafter referred to as "Claimant": Michael R. Weissmann, Esq., Bingham Dana LLP, Boston, MA.

Respondent, Meyer M. Shifrin, hereinafter referred to as "Respondent", did not make an appearance in this matter.

CASE INFORMATION

Statement of Claim filed on or about: March 9, 2001.

Claimant signed the Uniform Submission Agreement: March 5, 2001.

Respondent did not file a Statement of Answer or sign a Uniform Submission Agreement.

CASE SUMMARY

Claimant asserted the following causes of action: failure to pay debit balance in account; breach of contract; money had and received; and unjust enrichment. Claimant's claim involved the options of Dell Computer Corp.

RELIEF REQUESTED

Claimant requested that the Panel:

- a. Award Claimant compensatory damages in the amount of \$74,881.41, plus interest that has accrued on that amount;
- b. Award Claimant its reasonable attorneys' fees and costs incurred through the hearing of this case; and
- c. Award Claimant such other relief as is just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

The Panel granted Claimant's request to conduct the hearing in this matter via telephone.

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

Respondent did not file with NASD Dispute Resolution, Inc. a properly executed submission to arbitration but is required to submit to arbitration pursuant to the Code, as well as the terms of his customer account agreement, and is bound by the determination of the Panel 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 Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent be and hereby is liable for and shall pay to Claimant the sum of \$74,881.74 as compensatory damages, plus interest at the rate of 12% accruing from December 6, 1998 through October 31, 2000.
2. Respondent be and hereby is liable for and shall pay to Claimant the sum of \$7,500.00 as attorneys' fees, according to Claimant's request.
3. 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	= \$1,000.00
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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, Fidelity Brokerage Services, LLC is a party.

Member surcharge	= \$1,000.00
Pre-hearing process fee	= \$ 600.00
Hearing process fee	= \$1,500.00

Forum Fees and Assessments

The Panel assesses forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with Panel x \$750.00	= \$ 750.00
Pre-hearing conference: October 16, 2001 1 session	
One (1) Hearing session x \$750.00	= \$ 750.00
<u>Hearing Date: March 7, 2002 1 session</u>	
Total Forum Fees	= \$1,500.00

The Panel has assessed all of the forum fees against Claimant.

Fee Summary

1. Claimant be and hereby is solely liable for:	
Initial Filing Fee	= \$1,000.00
Member Fees	= \$3,100.00
<u>Forum Fees</u>	<u>= \$1,500.00</u>
Total Fees	= \$5,600.00
<u>Less payments</u>	<u>= \$2,750.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$2,850.00

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

ARBITRATION PANEL

Arthur C. Ramirez	-	Public Arbitrator, Presiding Chair
Robert L. Chase, Esq.	-	Public Arbitrator
Patrick J. O'Neil	-	Industry Arbitrator

Concurring Arbitrators' Signatures

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.



Arthur C. Ramirez
Public Arbitrator, Presiding Chair

3/21/02

Signature Date

Robert L. Chase, Esq.
Public Arbitrator

Signature Date

Patrick J. O'Neil
Industry Arbitrator

Signature Date

April 3, 2002
Date of Service (For NASD office use only)

ARBITRATION PANEL

Arthur C. Ramirez	-	Public Arbitrator, Presiding Chair
Robert L. Chase, Esq.	-	Public Arbitrator
Patrick J. O'Neil	-	Industry Arbitrator

Concurring Arbitrators' Signatures

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.

Arthur C. Ramirez
Public Arbitrator, Presiding Chair



Robert L. Chase, Esq.
Public Arbitrator

Signature Date

3/25/02
Signature Date

Patrick J. O'Neil
Industry Arbitrator

Signature Date

April 3, 2002
Date of Service (For NASD office use only)

ARBITRATION PANEL

Arthur C. Ramirez	-	Public Arbitrator, Presiding Chair
Robert L. Chase, Esq.	-	Public Arbitrator
Patrick J. O'Neil	-	Industry Arbitrator

Concurring Arbitrators' Signatures

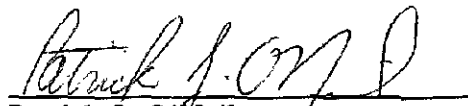
I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument which is my award.

Arthur C. Ramirez
Public Arbitrator, Presiding Chair

Signature Date

Robert L. Chase, Esq.
Public Arbitrator

Signature Date


Patrick J. O'Neil
Industry Arbitrator

March 23, 2002
Signature Date

April 3, 2002
Date of Service (For NASD office use only)